

CUMRU TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING **MAY 21, 2024**

The Regular Meeting of the Cumru Township Board of Commissioners was called to order by President Lisha Rowe at 7:00 p.m. Other Commissioners in attendance were Vice President Greg Miller, David J. Batdorf, Andy Donnell, and William B. Miller. Also attending were Solicitor Kelsey Frankowski, Chief of Police Madison Winchester, Fire Chief James Beane, Superintendent of Public Works Robert McNichols, Jr., Asst. Superintendent of Public Works Michael Yost, Jr., Manager/Secretary Jeanne E. Johnston, Business/Personnel Administrator Peggy A. Carpenter, Special Projects/Asst. Secretary Patricia A. Wylezik-Pfeiffer, and Joseph P. Rogosky of Great Valley Consultants.

NOTICE:

Public comment will be accepted in person. Please include your first name, last name and address for all comments. Any comments without a name or address will not be considered. To accommodate as many people as possible, we request that each person's comments be limited to 3 minutes (resolution no. 301). The meeting comment period is limited to a total of 60 minutes. This time period may be extended at the discretion of the Commissioners. While public comments will be given due consideration, immediate responses will be done at the discretion of the Commissioners.

Pledge to the Flag.

PUBLIC

Attendance: Nick Johnson, Dave McCoy, Perry Haas, Bev Leonti, Greg Leonti, Roberta Kennedy, Barbara Nagle, Glenn Emery, Ben Fisher, Mike Eshbach, Rich Keffer, Bob Matt, Kim Artz, Patty Adams, Nan Reinert, Priscilla Degler, Janet I. Brinker, Dave P. Terefenko, Missy Hassler, JoAnn Dowling, Patricia Hobbs, Mary Cameron, Peter Mullenberg and Julie Mullenberg.

A.) Tom Stutzman – *Not present.*

B.) Rich Keffer, a resident of Mt. Penn Rd., talked about the Berks County Comprehensive Plan and gave copies to the Commissioners. He stated that the warehouse project is not consistent with the Berks County Comprehensive Plan which is only meant to be a guideline for development. He cited sections of the Municipalities Planning Code. He stated that the traffic light at Freemansville Rd. and SR10 does not meet warrants from PennDOT. Mr. Keffer respectfully asked that the light be removed.

C.) Bob Matt, a resident of Freemansville Rd., said that he sees personality conflicts among the Board when he attends the meetings. He urged the Board to work together. Mr. Matt stated that he is concerned about Municipal spending. He asked if each police officer has their own car. He asked why radios were so expensive.

Ms. Johnston replied that not every officer has their own car. There is a replacement plan which is budgeted every year. Police radios are expensive pieces of equipment. Only certain

radios can be used because they must be compatible with the Berks County 911 system frequencies specific to police.

Chief Winchester welcomed anyone to come in and he would explain the Police budget.

D.) Mike Eshbach, a resident of Cameron St., voiced his concern about potential revenue that is not being realized by the Township. He said that the water upgrade along SR222 should have been done 30 years ago. He wants the Township to look for alternative avenues to bring revenue to the Township. He believes the proposed warehouses would bring in immediate revenue and are in great locations close to interstates. Mr. Eshbach said that the Board should take care of the little guy. He is a little guy and doesn't own a \$500,000 home. He does not want his taxes to go up. Mr. Eshbach stated that he did not agree with bringing in the \$140,000 per year consulting firm.

Mr. Donnell thanked Mr. Eshbach for speaking, whether they agree or disagree. People need to work together.

E.) JoAnn Dowling, a resident of Pine tree Ct., reserved her time to speak.

F.) Patricia Hobbs, a resident of Valley Stream Rd., said she would be directly affected by the warehouse. She saw plans for the Valley Stream Apartments. She had attended the meeting in 2018 and did not want the rezoning. Mrs. Hobbs wasn't worried about the area when she moved here in 1987. It was zoned Rural Conservation (RC) and was owned by Reading Rehab.

Ms. Johnston explained that the apartment plan was for 72 units. The developer has acknowledged that zoning relief would be needed regardless of zoning. She explained that no Zoning Hearing Board application or formal plans have been submitted for the proposed apartment plan. She offered that the Township could notify her when something was submitted.

There was a lot of discussion among the Board, staff and the public concerning development and lack of water along SR222.

Mr. Donnell suggested that whether we are for or against warehouses, we should work constructively together for a 10-year plan. Mr. Greg Miller concurred.

Mr. Keffer said that we need water and sufficient water pressure to develop SR222. Ms. Johnston stated that Grings Hill has a 12-inch water main. Mr. William Miller replied that Cumru Township doesn't own the water system, that Shillington owns the water system.

Chief Beane added that water is there. Western Berks Water Authority has a 36-inch line that fills the tanks at Sugar Loaf. Once you bring water and sewer, development will happen. Chief Beane said that it took 30-35 years to get potable water to this campus.

Mr. McNichols confirmed Chief Beane's statement. The Township was able to get public water to the campus because the Township paid for it.

Mr. Eshbach asked how we get the property owners to sell.

Mr. Batdorf noted that this is not a business, this is a government.

AMBULANCE SERVICE

A.) Monthly Report – April 2024

Ms. Johnston informed the Board about a recent news article reporting TowerDirect's ability to have whole blood in the emergency vehicles.

APPROVE MINUTES
ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS
VOTE APPROVING THE MINUTES OF 4/16/24 – REGULAR MEETING AND 4/18/24 –
PUBLIC HEARING FOR 711-717 PHILADELPHIA AVE. AS SUBMITTED.

TREASURER

A.) Monthly Report –April 2024

Mrs. Carpenter reported that delinquent sewer notices are being sent. There are approximately \$630,000 in delinquencies. New and updated liens will be placed.

Mr. Greg Miller asked about the investments. Mrs. Carpenter explained investing in PLGIT and the ability to move money as needed. Both Mrs. Carpenter and Ms. Johnston confirmed that cash flow is examined on a monthly basis.

Mrs. Carpenter invited Mr. Greg Miller to come into the office to see her procedures.

TAX COLLECTOR

A.) April 2024 Report

1) Year 2024 Real Estate

Balance collectable beginning of month - \$5,489,454.60

Cash collected - \$4,869,816.39

Balance collectable end of month – \$618,782.58

2) Year 2023 Interim Real Estate

Balance collectable beginning of month – \$2,809.21

Cash collected – \$1,296.38

Balance collectable end of month -\$1,512.83

3) Year 2023 Per Capita

Balance collectable beginning of month – \$335.00

Cash collected – \$55.00

Balance collectable end of month - \$280.00

The tax collections have been slow but are expected to return to historical average in June.

DEPARTMENTS

Police Department

A.) Monthly Report – April 2024

There were no questions about the monthly report.

B.) Traffic Ordinance 2024 – truck parking on half of Mifflin Blvd. in Cumru Township
between Lancaster and Harding Aves. (next to Rite Aid)

1) complaint by a Shillington Borough resident

Mr. William Miller stated that he went to the location. The tractor trailers were 80 feet away from the intersection and that there was plenty of sight distance. The refrigerated truck was not running and he did not think the truck owners were doing anything wrong. Mr.

William Miller stated that he does not think that the Traffic ordinance needed to be changed.

The Board agreed that the Traffic Ordinance did not need to be changed.

C) National Night Out with CTPD

1) 8/6/2024 at Governor Mifflin Intermediate School parking lot, 6:00 p.m. – 9:00 p.m.

Chief Winchester said that this will be a Mifflin area event and that he had contacted Brecknock Twp. and Shillington Borough. We received approval from the school district to use the Governor Mifflin Intermediate School parking lot. He urged everyone to look up National Night Out. He will continue to meet with the other Police Chiefs to develop the program. Greater Governor Mifflin League (GGML) will also be involved.

Fire Department

A.) Monthly Report – April 2024

There were no questions about the monthly report.

B.) Civil Service Testing - update

Chief Beane reported that 7 of the 15 applicants had passed the physical agility testing (CPAT) so far. Oral interviews will be held next week.

C.) Width of Access Roads – discussion

Chief Beane would like to have the language in the ordinances agree with the current Fire Code. The ordinances require 24 feet for the width of access drives and he requests 26 feet minimum for access drives. This issue comes up in planning concerning access by fire vehicles, especially the aerial trucks. Delivery trucks are also an issue.

Mr. William Miller asked which ordinances are affected. Ms. Johnston answered both the SALDO with reference to access drives and Zoning with reference to parking lots and aisles between rows of parked vehicles.

Atty. Frankowski suggested that this could be run by the Planning Commission for feedback. She could work with Ms. Johnston to determine which sections need to be revised.

Administration

A.) Codes Department – April 2024

Building Permits Issued – 14

Use Permits Issued – 4

Zoning Permits Issued – 17

Notices of Violations – 17

Citations issued – 0

Violations complied – 12

Phone calls from contractors, realtors & public approximately – 201

Properties placarded – 0

Permit Inspections Done – 41

Inspections with the Fire Department – 1 Wing Stop

Training Seminars attended – 0

Mr. Frymoyer stated that when the Codes Department receives a complaint, they respond. If anyone has any issues, please contact him. Regarding the mice in the Flying Hills apartments, the property maintenance code states that the tenants are responsible for inside the apartment and the owners are responsible for outside the apartment. Mr. Frymoyer had contacted Flying Hills after he received a complaint. Mr. Batdorf wanted to know if Codes had to wait for a complaint before enforcing the ordinance.

Amid some loud conversation, Nan Reinert of Flying Hills tried to explain that there had been 10 complaints since January and that all the complaints had been addressed. A lady in the audience said that she did not get an exterminator. Ms. Reinert said that she would contact her.

B.) Planning

2024 – 01 OLD HICKORY BUILDINGS, LLC EXPIRATION DATE 5/04/2024

(Preliminary Plan) Owner: OHB Properties LLC; Agent: Bogia Engineering Inc.; Location: Along Morgantown Rd. (SR10); Parcel ID# 39-531403140411; Project No. 2022-011; Proposed Summary: Subdivide this parcel into 2 lots served by public water and on-lot sewer. This parcel is located in Cumru Township and Robeson Township so it will need review and approval by both municipalities.

1) Letter from Sewage Enforcement Officer (SEO) re: proposed one septic system for 2 parcels – one parcel in Cumru and second parcel in Robeson Township with septic system

Ms. Johnston explained the plan for the property, which is split between Cumru Township and Robeson Township, proposes to put 1 building in each municipality. The issue before the Board is the proposed 1 septic system for both buildings in 2 municipalities. What happens if the properties are sold separately? If this plan goes forward, who is responsible for what? An intermunicipal agreement would be needed. The Cumru Township SEO is against this idea.

The Board agreed with the SEO review letter. A letter will be sent to the developer.

2023 – 14 201 HUNTERS RD. ANNEXATION/FINAL SUBDIVISION – Release planning escrow balance

(Final Plan) Owner: Susan E. Morey; Agent: Bradford R. Grauel PLS, OTM, LLC; Location: 201 Hunters Rd.; Parcel ID# 39-439402580556; Project No. 23-086; Proposed Summary: Subdivide the parcel into 2 lots. Lot 2 to be annexed to adjoining lands of Susan E. Morey, not to be considered a separate nor individual building lot and to be joined in common deed.

ON MOTION OF MS. ROWE, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO AUTHORIZE RELEASE OF PLANNING ESCROW BALANCE OF \$430.42 FOR THE 201 HUNTERS ROAD ANNEXATION/FINAL SUBDIVISION 2023-14.

1069 Church Road – waiver of LDP

1) Memo from Planning Commission, dated 5/16/24

Ms. Johnston explained the history of the 30-acre property. The main buildings had been converted into apartment units. The owner wants to build a single-family dwelling in the higher elevation to the rear of the property. The Zoning Hearing Board granted zoning relief to build a single-family dwelling on the property. The owner is requesting a waiver of land development.

Mr. Greg Miller asked if the Township does this. Ms. Johnston stated that since this is not a subdivision, the Township doesn't gain anything from a land development plan because a sanitary sewer plan and a stormwater plan will provide details about the construction.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO APPROVE WAIVER OF LAND DEVELOPMENT FOR 1069 CHURCH RD. BUT REQUIRE SANITARY SEWER AND STORMWATER PLANS TO CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE.

C.) Records Management – consider resolution to dispose of records

Ms. Johnston requested a motion to allow Administration to dispose of records on the provided list. Mr. Donnell asked about archiving records. Ms. Johnston replied that some records are prohibited from being destroyed, some records are beneficial to keep and some records do not need to be kept. The Township follows the guidelines of the Municipal Records Manual.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPROVE A RESOLUTION TO DISPOSE OF RECORDS.

D.) Anti-abuse Policy – consider adopting updated policy

1) Draft Sexual Abuse and Physical Abuse Policy

Ms. Johnston reported that the insurance company suggested updating the policy.

Mr. Donnell, as the Liaison Commissioner, agreed.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO ADOPT THE UPDATED SEXUAL ABUSE AND PHYSICAL ABUSE POLICY.

E.) 31 Hickory Rd. – consider request for Public Hearing re: Intermunicipal Liquor License

Transfer from Shillington to Cumru Township

1) Request from property owner, dated 5/13/24

Ms. Johnston explained that that a Public Hearing is required for an intermunicipal liquor license transfer. The owner requested the Board to schedule a Public Hearing for the transfer of the liquor license from Shillington Borough to Cumru Township.

The Board agreed to hold a Public Hearing on June 18, 2024, at 6:30 p.m.

Atty. Frankowski will advertise the Public hearing.

F.) Yard Waste Site – update

1) DEP authorization for alternate Poplar Neck Rd. site, dated 5/3/24

Ms. Johnston explained that the current yard waste site is on land owned by Waste Management. With the landfill closing, the yard waste site has to be relocated. The DEP has authorized the new site, which is close to the old one on Township owned land. Ms. Johnston thanked Mike Yost, Asst. Public Works Supervisor, for undertaking this project.

Public Works

A.) Montrose Blvd. Stormwater Project – update

Mr. McNichols reported that test holes are expected to be done tomorrow and work should start May 28, 2024.

B.) Sanitary Sewer Replacement Projects 2024 – update

1) Cedar Top Road

2) Flying Hills Dr.

Mr. McNichols reported that the Flying Hills Dr. project is progressing quickly.

C.) Sewer Department – consider authorizing offers of employment for 3 candidates

1) interviews for class 2 positions held 05/2024

Mr. McNichols reported that 8 applications were received and 7 applicants were interviewed. He requested that the Board authorize offers of employment conditioned on background checks and pre-employment requirements for 3 candidates. One of the candidates will be graduating from Berks VoTech.

ON MOTION OF MR. DONNELL, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO AUTHORIZE OFFERS OF EMPLOYMENT FOR THE CLASS 2 SEWER POSITIONS TO 3 CANDIDATES.

- D.) 1786 Welsh Rd. / Evidence Building – consider approval of application for payment
1) HVAC invoice in the amount of \$42,000 (CoStars; as quoted)

Mr. McNichols reported that work is continuing on the evidence building. He requested that the Board pay the invoice for Bonfitto/Landis for \$42,000 for the lower level HVAC system.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE APPROVING PAYMENT TO BONFITTO/LANDIS FOR THE 1786 WELSH RD. LOWER LEVEL HVAC SYSTEM IN THE AMOUNT OF \$42,000.

Engineer

- A.) Hunters Rd. phase 1 – update

- 1) bids advertised
- 2) pre-bid meeting 5/16/2024
- 3) bid opening 6/11/2024

Mr. Rogosky reported that phase 1 is for approximately 3200 feet of road. A pre-bid meeting was held on 5/16/24. The bids are due by 9:30 a.m. and will be opened at 10:00 a.m. on 6/11/24. He hopes to present the bid at the meeting on June 18, 2024.

- B.) Cedar Top Rd. / slope failure in 1200 block – update

- 1) geotechnical investigation 5/16/2024 – awaiting analysis

Mr. Rogosky reported that the core borings were completed on 5/16/24. He hopes to have the full report with recommendations by the Board meeting on June 18, 2024.

Solicitor

- A.) Zoning Ordinance Text Amendment – discussion of previously authorized amendments

- 1) draft ordinance amendment for wind turbines, MUGC district uses, definition of house of worship
- 2) memo from Planning Commission to encourage further discussion, dated 5/16/24

The Planning Commission (PC) encouraged further discussion about the proposed Zoning Ordinance text amendment. The PC was ok with the wind turbine changes, but they had concern about exclusionary zoning if retreat centers were totally removed. It was suggested that retreat centers be defined and allowed in certain locations, possibly by special exception before the Zoning Hearing Board (ZHB) which is a use by right with conditions. We could research and borrow language from other municipalities. The Board agreed.

The PC recommended further discussion about removing uses from the MUGC district. There was concern about partial or total exclusion which could open the door for litigation. Atty. Frankowski suggested that the Board could consider making uses permitted by special

exception before the Zoning Hearing Board or conditional use before the Board of Commissioners. This would allow for greater control and the ability to place reasonable conditions upon development.

Mr. William Miller, Ms. Rowe, and Mr. Batdorf wanted to think about this.

Mr. Donnell made a motion to remove warehouses in the MUGC district.

Mr. Keffer said that the Berks County Comprehensive plan could help decide. Mr. McCoy suggested coordinating with the school district because there are things that could be developed there. He gave a brief history of the area. The Township had to move the sewer at a cost of \$1.2 million when the road was updated. There had been a plan for a hotel and businesses at the Grings Hill location before the housing crash of 2008. The pandemic came along and everyone is ordering from Amazon and warehouses.

Mr. Donnell said that he and Mr. Greg Miller had met with the Superintendent and the Business Manager of the school district.

Mr. Donnell withdrew his motion.

B). Zoning Map Changes– consider authorization for amendment to zoning map

- 1) memo from Planning Commission on recommendation to table zoning map changes until current litigation is settled, dated 5/16/24

The PC recommended that the Board table this until the current litigation was settled.

Atty. Frankowski reported that a court order had been issued in the litigation which remanded the appeal back to the ZHB. She was not there herself so she will need to contact the other lawyers for more information. The Board agreed to table this until at least the June meeting.

C.) LERTA Ordinance – consider draft ordinance amending time frame

There are 2 ordinances: 1 for SR222 and 1 for SR10. There would be 1 amendment for both areas with a 24 month substantial completion time frame.

Mr. William Miller reminded everyone that the School Board must approve a LERTA. Ms. Johnston confirmed that the Board of Commissioners can identify an area for a LERTA, but the School Board must agree in order for the developer to receive abatement of school taxes.

ON MOTION OF MR. GREG MILLER, SECOND OF MR. BATDORF, A MAJORITY VOTE TO AUTHORIZE THE SOLICITOR TO ADVERTISE THE LERTA ORDINANCE AMENDMENT FOR ADOPTION AT THE JUNE MEETING. MR. GREG MILLER, MR. DONNELL, MR. BATDORF AND MS. ROWE VOTED YES. MR. WILLIAM MILLER VOTED NO.

D.) Comcast Cable Franchise Agreement – consider adopting ordinance

- 1) ordinance advertised 05/07/2024

ON MOTION OF MR. DONNELL, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO ADOPT THE COMCAST CABLE FRANCHISE AGREEMENT ORDINANCE.

E.) Responsible Contractor Ordinance – consider versions and disposition

There was discussion about the 2 versions of the Responsible Contractor Ordinance that were drafted.

ON MOTION OF MS. ROWE, SECOND OF MR. BATDORF, A MAJORITY VOTE TO STRIKE BOTH VERSIONS OF THE RESPONSIBLE CONTRACTOR ORDINANCE . MR. GREG MILLER AND MR. DONNELL VOTED NO. MR. WILLIAM MILLER, MS. ROWE, AND MR. BATDORF VOTED YES.

F.) Township-owned fence securing wetland on Township property – report on research
Atty. Frankowski reported that she had contacted Mrs. Smith. No easement exists on the Township property.

PAYMENTS OF BILLS

ON MOTION OF MR. BATDORF, SECOND OF MR. DONNELL, A UNANIMOUS VOTE APPROVING PAYMENTS OF BILLS DATED 4/19/24, 4/26/24, 5/03/24, 5/10/24 AND 5/17/24.

CORRESPONDENCE

- A.) 3 Seven Springs Dr. – Act 2 Clearance, dated 5/6/2024
- B.) Downstream notification from Buckeye Terminals, dated 3/28/2024

COMMISSIONERS

A.) Board of Commissioners Meetings

1) Consider authorization for meeting video on YouTube (Commissioner Batdorf)
Mr. Batdorf gave a presentation advocating posting the Board of Commissioners meeting on YouTube, not live-streaming but recording and posting after the meeting.

Ms. Johnston reminded everyone that minutes are not verbatim. She listed the requirements for minutes as: who attended, start/end times, subjects discussed, and motions made. She recommended having a disclaimer that the YouTube videos are not the official minutes for the Township.

Mr. McNichols stated people would have to use a microphone to be heard on the video.

It was suggested that the video be uploaded within 48 hours of the meeting. There would be a link on the Township website. A disclaimer would be drafted and it was anticipated that the next meeting would be recorded and posted.

B.) Executive Session

1) 411 Mt. View Rd. – potential property acquisition – consider Agreement of Sale and Lease

2) 678 Church Rd. – potential easement acquisition

Executive session began at 10:00 p.m.- to discuss 2 matters of real estate.

Executive session ended at 10:39 p.m. – 2 matters of real estate were discussed.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO ENTER INTO AN AGREEMENT OF SALE AND LEASE WITH 411 MT. VIEW RD.

C.) Reminders:

- 1) Zoning Hearing Board 05/28/2024 at 6:00 p.m. – canceled due to lack of applications
Written decisions will be mailed.

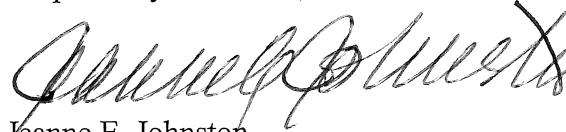
- 2) Board of Commissioners meetings for June and July 2024
 - 06/18/2024 at 6:30 p.m. – public hearing on liquor license transfer
(see Administration item (E)).
 - 06/18/2024 at 7:00 p.m. – Regular Meeting
 - 07/16/2024 at 7:00 p.m. – Regular Meeting

- 3) Planning Commission 6/3/2024 at 6:00 p.m.

ADJOURNMENT

**ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A
UNANIMOUS VOTE TO ADJOURN THE MEETING AT 10:41 P.M.**

Respectfully submitted,



Jeanne E. Johnston
Manager/Secretary