

**CUMRU TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING JUNE 18, 2024**

The Regular Meeting of the Cumru Township Board of Commissioners was called to order by Vice President Greg Miller at 7:00 p.m. Other Commissioners in attendance were 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, and Joseph P. Rogosky of Great Valley Consultants. President Lisha Rowe and Special Projects/Asst. Secretary Patricia A. Wylezik-Pfeiffer were absent with prior notification.

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: Nan Reinert – Flying Hills Trust; Mary Cameron; Michell Micale; Dave and Sue McCoy; Kathy and Joe Roland; Perry and Sue Haas; Ben Fisher; Mike Eshbach; Glenn Emery; and Pat Hobbs.

A.) Robert Hackney re: Township-owned fence securing wetland on Township property –
not present

B.) Mike Eshbach of 807 Cameron St.

Mr. Eshbach reported that the Governor Mifflin High School baseball team won the state championship. He thanked the Fire and Police Chiefs for the escort of the baseball team as they arrived back in Cumru Township. He asked the Board to recognize the team. The Board concurred that Ms. Johnston should produce certificates of recognition for team and, if possible, present them at Governor Mifflin Community Days. Arrangements would have to be made with the Greater Governor Mifflin League, the organization that runs Community Days.

Mr. Eshbach complained of a lack of recreation in the Township.

AMBULANCE SERVICE

A.) Monthly Report – May 2024

Lt. Mark Wenrich reported that 911 EMS calls occurred in May, 826 of which were in Cumru Township. Ms. Johnston noted that Mr. Wenrich was also a Cumru Township firefighter.

B.) Civil Service Testing and Proposed Hiring

- 1) Civil Service Commission certified list for hiring of probationary firefighters 6/13/2024
- 2) Consider authorization for conditional offers of employment to 6 firefighter candidates, as budgeted

Chief Beane requested that the Board authorize 6 hires as budgeted. Four positions are new and 2 are replacements. The goal is to get to 24 hour coverage for the Township. Presently, there is no guarantee about getting an engine out at night because of the lack of volunteers. That type of shift is also attractive to candidates. The first candidate accepted a position at another department that already has 24 hour shifts.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE AUTHORIZING CONDITIONAL OFFERS OF EMPLOYMENT TO CANDIDATES 2 THROUGH 7 ON THE CERTIFIED CIVIL SERVICE LIST.

Mr. William Miller expressed frustration at not being able to send candidates to the Reading fire academy. Chief Beane stated that there was a need to integrate City procedures with those of other departments. Ms. Johnston stated that she would attempt to meet with a representative of the City about this issue.

C.) Fire Station Construction - update

Chief Beane stated that erosion controls were to be installed on 6/21/24.

Administration

A.) Codes Department – May 2024

Building Permits Issued – 17

Use Permits Issued – 2

Zoning Permits Issued – 10

Notices of Violations – 38

Citations issued – 0

Violations complied – 24

Phone calls from contractors, realtors & public approximately – 197

Properties placarded – 0

Permit Inspections Done – 38

Inspections with the Fire Department – 0

Training Seminars attended – 1

Ms. Frankowski asked the Board if they wanted her to pursue a court order to demolish 715 Philadelphia Ave. as a follow up to the public hearing on dangerous structures held 4/18/24. The owner of 717 intends to demolish and rebuild; he has a permit for the demolition. The owners of 711 and 713 intend to repair and they have a report from a structural engineer that states they can do so. The owner of 715 states he is filing litigation against the seller. The concern is that 715 will remain derelict between 713 and 717, with no room to demolish it after the adjacent units are rebuilt.

Mr. Donnell asked if the owner was cooperating. Mr. Frymoyer stated that the property is still not secured. Ms. Frankowski stated that the property would be liened for the cost of demolition.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE AUTHORIZING THE SOLICITOR TO PETITION THE COURT FOR AN ORDER TO DEMOLISH 715 PHILADELPHIA AVE.

B) Municipal Separate Storm Sewer System (MS4)

- 1) Letter from PaDEP approving 2022-2023 MS4 report and requiring update to stormwater ordinance using the 2022 PaDEP model ordinance
- 2) consider authorizing draft of updated to stormwater ordinance to incorporate 2022 PaDEP model ordinance

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE AUTHORIZING THE SOLICITOR AND ENGINEER TO DRAFT AN UPDATED STORMWATER ORDINANCE.

C.) Refuse and Recycling Pickup for the Week of June 17

- 1) one hour earlier start due to excessive heat warning

D.) Planning

2024-02 LOTS 15 & 16 SEVEN SPRINGS SUBDIVISION/ ANNEXATION

EXPIRATION DATE 9/01/2024

(Final Minor) Owner: James Van Dyck Fear Jr.; Agent: Berks Surveying & Engineering, Inc.- Daniel A. Graybill Jr.; Location: 3,5,&7 Seven Springs Dr.; Parcel ID# 39-530402877007, 39-530402865862, and 39-530402866777; Plan No. 2021-17-24; Proposal Summary: To subdivide the parcel located between 3 Seven Springs and 7 Seven Springs in order to annex 0.5072 acres to 3 Seven Springs and 0.7383 acres to 7 Seven Springs. **No new improvements are proposed.**

- 1) Final Minor Plan from Berks Surveying & Engineering, Inc., dated 4/25/24
- 2) BCPC Review letter, dated 6/03/24
- 3) GVC review letter, dated 5/13/24
- 4) Updated Waiver Request Letter, dated 5/14/24

ON MOTION OF MR. BATDORF, SECOND OF MR. DONNELL, A UNANIMOUS VOTE APPROVING THE SALDO WAIVERS FOR THE 2024-02 LOTS 15 & 16 SEVEN SPRINGS SUBDIVISION/ANNEXATION PLAN AS STATED IN THE GVC REVIEW LETTER DATED 5/13/24, AND THE WAIVER REQUEST LETTER FROM DANIEL A. GRAYBILL, JR., DATED 5/14/24 AS FOLLOWS:

- a. Relief from Section 403(E)(6), not to require depicting steep slopes on the plan;
- b. Relief from Section 405(A), not to perform an Environmental Impact Assessment;
- c. Relief from Section 406(A), not to perform a Community Facilities Impact Assessment;
- d. Relief from Section 408(A), not to perform a Utility Impact Assessment;
- e. Relief from Section 506(B)(2), not to require lot lines to be radial to curves in street;
- f. Relief from Section 507(A), not to require curbing along Seven Springs Dr.;
- g. Relief from Section 507(B), not to require sidewalks along Seven Springs Dr.;

h. Relief from Section 508 (A), not to require monuments, rebar is proposed to be set at the new lot corner.

ON MOTION OF MR. BATDORF, SECOND OF MR. WILLIAM MILLER, A MAJORITY VOTE GRANTING FINAL MINOR APPROVAL TO THE 2024-02 LOTS 15 & 16 SEVEN SPRINGS SUBDIVISION/ANNEXATION PLAN CONDITIONED ON COMPLIANCE WITH COMMENTS AS STATED IN THE GVC REVIEW LETTER DATED 5/13/24, PAYMENT OF ANY OUTSTANDING INVOICES, AND SEALS/SIGNATURES ON THE DRAWING. MR. WILLIAM MILLER – YES; MR. BATDORF – YES; MR. GREG MILLER – YES; MR. DONNELL – ABSTAIN.

2024-03 NEW CASTLE LAWN AND LANDSCAPING/ East Pointe Lot 1– consider request for waiver of land development planning for phase 1

(Concept Plan) Owner: Navy Yard Enterprises LLC; Agent: C2C Design Group- Brian Focht; Location: 1 East Pointe Dr.; Parcel ID# 39-531502768404; Plan No. NCL-CMU-01; Proposal Summary: Multi-phased development.

- 1) Phase 1 to consist of constructing an access driveway through the property to connect East Pointe Dr. to the rear of 3 East Pointe Dr. and create at least 8 crew parking spaces. This will include 1 stormwater management area.
- 2) Phase 2 to consist of additional parking spaces, a shop building, an office building, a hoop building and various storage areas.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE APPROVING A WAIVER OF LAND DEVELOPMENT FOR 2024-03 NEW CASTLE LAWN AND LANDSCAPING PHASE I TO CONSIST OF:

- 1) **CONSTRUCT AN ACCESS DRIVEWAY THROUGH THE PROPERTY TO CONNECT EAST POINTE DR. TO THE REAR OF 3 EAST POINTE DR.,**
- 2) **CREATE AT LEAST 8 CREW PARKING SPACES, AND**
- 3) **INCLUDE A STORMWATER MANAGEMENT AREA FOR THE ACCESS DRIVEWAY.**

THIS APPROVAL IS SUBJECT TO THE UNDERSTANDING THAT A FULL LAND DEVELOPMENT PLAN WILL BE REQUIRED FOR PHASE 2.

SKETCH PLAN – PENSKE CUSTOMER EXPERIENCE CENTER- consider request for waiver of land development planning

Location: 2675 Morgantown Rd.- Penske Campus in Green Hills Corporate Center on the north side of Pheasant Rd.; Agent: Integrated Consulting-Zane Geist, PE; Vocon Job Number 210073-00; Proposed Summary: Minor internal traffic improvements and relocation of the existing private sanitary sewer pump station.

- 1) Existing Conditions Plan from Integrated Consulting, received 4/12/24
- 2) Penske Customer Experience Center from Vocon, received 4/12/24
- 3) GVC Review letter, dated 5/31/24

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE NOT TO APPROVE A WAIVER OF LAND DEVELOPMENT FOR THE PENSKE CUSTOMER EXPERIENCE CENTER.

2023 – 13 IMPERIAL VIEW II SUBDIVISION-2023

(Preliminary/Final) Owner: William B. Whitman; Agent: John Hoffert Surveying, Inc.; Location: Imperial Dr.; Parcel ID# 39-530403219328; Plan No. D-23-95-01; Proposed Summary: Subdivide the parcel into 3 lots for single-family detached dwellings utilizing on-lot sewer and on-lot water facilities. Granted conditional approval on 3/19/24.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE REAFFIRMING THE PRELIMINARY/FINAL APPROVAL GRANTED ON 3/19/24 TO THE IMPERIAL VIEW II-2023 SUBDIVISION PLAN CONDITIONED ON RECEIVING DEP APPROVAL OF THE SEWAGE PLANNING MODULES, COMPLIANCE WITH COMMENTS AS STATED IN THE GVC REVIEW LETTER DATED 2/28/24, FINAL REVIEW OF REVISED PLANS BY GVC, PAYMENT OF A FEE IN LIEU OF OPEN SPACE, PAYMENT OF ANY OUTSTANDING INVOICES, AND SEALS/SIGNATURES ON THE DRAWING.

2023 – 07 BERKS COUNTY WASTE TRANSFER FACILITY

(Preliminary/Final) Owners: 25 Service Caster Owner, LLC/ Manz Properties LLC; Agent: Martin & Martin, Inc.; Location: 25 Service Caster Way; Parcel ID# 39-531502664589; Project no. 1795; Proposal Summary: Develop a Municipal Solid Waste Transfer Station on an existing lot known as East Pointe Business Center Lot #8. Preliminary/Final approval granted 10/17/2023, reaffirmed approval on 3/19/24.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE REAFFIRMING PRELIMINARY/FINAL APPROVAL GRANTED ON 10/17/23, REAFFIRMED ON 3/19/24, FOR THE BERKS COUNTY WASTE TRANSFER FACILITY PLAN CONDITIONED ON COMPLIANCE WITH ALL ISSUES AS STATED IN THE REVIEW LETTER FROM GVC, DATED 9/29/23, AND OBTAINING DEP APPROVAL.

E.) GGML Community Days – June 28-July 6, 2024

- 1) Letters sent to residents re: temporary traffic regulations
- 2) Flyer for shuttle bus route and times

Public Works

A.) Montrose Blvd. Stormwater Project – update

B.) Sanitary Sewer Replacement Projects 2024 – updates

- 1) Cedar Top Road – preconstruction meeting held 6/12/24; tentative start 6/24/2024
- 2) Flying Hills Dr. – paving tentatively scheduled for 06/17/2024

C.) Security Cameras for Flying Hills Pump Station – consider purchase not to exceed \$8,800

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE APPROVING THE PURCHASE OF SECURITY CAMERAS FOR THE FLYING HILLS PUMP STATION NOT TO EXCEED \$8,800.

D.) Sewer Meters / SCADA Update – consider approval of application for payment 1

1) Optimum Controls in the amount of \$30,350.30

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE AUTHORIZING PAYMENT NO. 1 TO OPTIMUM CONTROLS IN THE AMOUNT OF \$30,350.30 FOR THE SEWER METER SCADA UPDATE.

E.) 1786 Welsh Rd. – consider approval of applications for payment

1) electrical work pay app 2 – \$ 52,726.75 to Pagoda Electric
(electrical work \$5,900 under budget)

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE AUTHORIZING PAYMENT NO. 2 TO PAGODA ELECTRIC IN THE AMOUNT OF \$ 52,726.75 FOR 1786 WELSH RD.

2) HVAC work pay app 1 – \$12,750.00 to Landis Bonfitto

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE AUTHORIZING PAYMENT NO. 1 TO LANDIS BONFITTO IN THE AMOUNT OF \$12,750.00 FOR 1786 WELSH RD.

Engineer

A.) Hunters Rd. phase 1 – consider awarding bid

- 1) bid opening 6/11/2024
- 2) GVC recommendation of award, dated 6/11/2024

BIDDER	Total Amount of Base Bid
Barwis Construction	\$683,043.02
H&K	\$745,384.50
Construction Masters Services	\$775,194.70

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AWARD THE BID FOR HUNTERS ROAD PHASE 1 TO BARWIS CONSTRUCTION FOR \$683,043.02.

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

- 1) geotechnical report – pending

Solicitor

A.) Zoning Ordinance Text Amendment – discussion and consideration

1) previously authorized amendments: wind turbines, retreat centers, MUGC district uses
Ms. Frankowski suggested retreat centers be included in the Agricultural and Rural Conservation zones. She asked the Board if they wished retreat centers to be subject to conditional use or special exception. Mr. Donnell and Mr. Greg Miller requested conditional use.

- 2) fire access lane width under discussion (24 to 26 feet)
- 3) Planning Commission recommended additional consideration of “agritainment” language
- 4) AirBNB

Ms. Johnston noted that a ZHB application had just been received for a two unit AirBNB. She questioned if the Board would like any regulations with respect to that use.

- B.) Zoning Map Changes – discussion and consideration
- 1) previously proposed: amendment to zoning map for area amended in 2018
 - 2) previous discussion of which zoning district to assign
- The Board postponed further discussion on this issue.

- C.) LERTA Ordinance – consider draft ordinance amending time frame
- Mr. Donnell motioned for adoption of the ordinance amending time frames for LERTAs. Mr. Greg Miller seconded the motion. Mr. William Miller and Mr. Batdorf voted “no.” Mr. Donnell and Mr. Greg Miller voted “yes.” The motion did not carry.
- Ms. Frankowski will readvertise for the July meeting.

PAYMENTS OF BILLS

ON MOTION OF MR. BATDORF, SECOND OF MR. WILLIAM MILLER, A UNANIMOUS VOTE APPROVING PAYMENTS OF BILLS DATED 5/24/24, 5/31/24, 6/07/24, AND 6/14/24.

CORRESPONDENCE

- A.) Solid Waste Authority 2023 Annual Report

COMMISSIONERS

- A.) PC alternate or ZHB alternate Candidate – consider appointing Mitchell Micale
- Mr. Micale stated he preferred an appointment to the Planning Commission as an alternate. Mr. Donnell stated that another qualified person submitted his name previously. Mr. Batdorf stated that zoning would be a better fit for a more experienced person. Mr. William Miller agreed.

Ms. Johnston noted that there are 3 planning alternate positions available and 2 zoning alternate positions available.

Mr. Donnell asked Mr. William Miller why he did not want Mr. Keffer. Mr. William Miller declined to explain.

Mr. Donnell motioned for appointment of Richard Keffer as an alternate on the Planning Commission. Mr. Greg Miller seconded the motion. Mr. William Miller and Mr. Batdorf voted “no.” Mr. Donnell and Mr. Greg Miller voted “yes.” The motion did not carry.

ON MOTION OF MR. DONNELL, SECOND OF MR. WILLIAM MILLER, A UNANIMOUS APPOINTING MITCHELL MICALE AS AN ALTERNATE TO THE PLANNING COMMISSION.

- B.) Board of Commissioners Meetings on YouTube
- 1) Draft disclaimer (Commissioner Donnell)
- Mr. Donnell explained that he, the staff, and the solicitor had developed a disclaimer for the YouTube channel.

C.) Refuse Collection in Flying Hills – discussion (Commissioner W. Miller)

Mr. William Miller expressed concern that the Township needs to talk with Flying Hills about refuse collection with toters, which will be required for the next trash contract. Ms. Reinert of Flying Hills agreed to a discussion with the Township.

Ms. Johnston informed the Board about the current trash contract. Two of the major trash haulers refused to bid on Cumru's trash specifications in 2023 because there was no allowance for automated collection. The current hauler, who won the bid, stated that this would be the last time they would bid on a Cumru contract if automated collection was not required in the next contract. Therefore, if the Township does not go to automated collection for the next contract, the Township will not get competitive bids. For example, then next bidder for the current contract would have resulted in a 2024 refuse fee of approximately \$500.

The next specifications need to be advertised by the summer of 2026. Although that seems like a long time from now, there are decisions to be made, including ordinances to be adopted, and notifications to be published for a change to automated collection.

The primary impediment to automated collection in Cumru Twp is the design of a large portion of Flying Hills. The townhomes and condominiums have several different types of collection with no room for the toters or carts and/or no room for the automated collection arm. For example, some units have kitchen gardens, some units have trash closets, some units use trash rooms. There are alternatives for addressing this, such as Flying Hills becoming its own trash district or allowing Flying Hills to not be on the Township's hauling contract, but those alternatives need to be discussed with Flying Hills.

Ms. Johnston asked the Board to consider the administrative mechanism for looking at alternatives, such as a committee or Commissioner liaisons assigned to this topic.

D.) Executive Session

- 1) 678 Church Rd. – potential easement acquisition

The Board did not go into executive session.

E.) Reminders:

- 1) Zoning Hearing Board 06/25/2024 at 6:00 p.m.
Application No. 817 – Chestnut Restaurants / Taco Bell
- 2) Board of Commissioners meetings for July 2024
- 07/16/2024 at 7:00 p.m. – Regular Meeting
- 07/30/2024 at 7:00 p.m. – 5th Tuesday Meeting
- 3) Planning Commission 7/8/2024 at 6:00 p.m.

ADJOURNMENT

ON MOTION OF MR. BATDORF, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 9:48 P.M.

Respectfully submitted,



Jeanne E. Johnston
Manager/Secretary