

CUMRU TOWNSHIP BOARD OF COMMISSIONERS
5TH TUESDAY MEETING **JULY 30, 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.

SWEARING IN – POLICE OFFICERS

Chief Winchester introduced the officers before Ms. Johnston conducted the swearing in.

- Callen Cress has 4 years of experience and is a Field Training Officer (FTO).
- Leon Grim has 28 years of service with other municipalities including as a Chief.
- Eric Foster is a recent graduate from the Academy with 1 month of service to Cumru Township.
- Christopher Fallara is a recent graduate from the Academy with 1 month of service to Cumru Township.
- Michael D'Annunzio has graduated the Academy and is newly hired by Cumru Township.

PRESENTATION

A.) 2023 Audit – Nick Bieber, Herbein + Co.

Christopher Turtell and Nicholas Bieber from Herbein + Co. presented the 2023 Audit.

Mr. Turtell explained the process and stated that the audit was conducted under Generally Accepted Auditing Standards. The Township of Cumru received an unmodified opinion which is a clean audit opinion from an independent auditor.

Mr. Bieber went over some highlights from the audit. Revenue was 2.4% over budget and expenditures were 2.6% under budget for the General Fund. The end of year General Fund balance was \$4.7 million. Herbein recommends carry over of 20%-30% of operating expenses in the general fund at end of year. For all the major funds, the end of the year balance is needed for cash flow for the first 3 months of the next calendar year.

The Sewer Fund expenses were under budget due to project delays in 2023. The ending net position included \$3.3 million which is designated for capital purposes.

There were no procedural recommendations at this time.

Mr. Donnell asked how Cumru Township compared to the other municipalities. The Herbein representatives replied that the Township is in a strong financial position. The Township has been able to afford spending down fund balances.

Ms. Johnston explained that the auditors combine the fire accounts and the sewer accounts while the Township keeps them separate. This might make the figures look different from the monthly budget reports. Ms. Johnston stated that Cumru Township cannot impose a mercantile tax like some municipalities. While the EIT is strong, the assessment appeals have also been significant.

B.) Financial Overview and Economic Development Opportunity – Commissioner Greg Miller

Mr. Greg Miller gave a power point presentation of a financial overview of the Township and proposed an economic development opportunity. He said that the General Fund balance helps determine the health of the Township. He stated that the tax rate has gone up 22% since 2018. US inflation has increased 25% from 2018 to 2024. The real estate taxable value in Cumru Township has decreased 2.5 % over the last 5 years. He explained that the taxable valuation is different from the sellable valuation. The presentation included a peer comparison between Cumru Township and the neighboring municipalities of Spring Township, Exeter Township, Muhlenberg Township and Wyomissing Borough.

He stated that water is possible on SR 222. He believed Shillington could extend water lines if a developer would redevelop the area.

As a solution to how to increase the livability and desirability of Cumru Township, Mr. Greg Miller proposed hiring the Delta Development Group to be part of a joint development team. The proposed team would consist of The Berks County Community & Economic Development Department, the Greater Reading Chamber of Commerce and the Delta Development Group. The scope of services would be divided into 2 parts. Part 1 would be the background analysis. Mr. Greg Miller stated that the County Commissioners approved the Redevelopment Authority to conduct a demographic, socioeconomic, and market demand/ industry analysis. The Delta Development Group would develop a plan based on the analysis. Part 2 would be the public funding and would involve the Greater Reading Chamber of Commerce. Mr. Greg Miller stated that doing nothing is not an option. He proposed hiring the Delta Development Group at a cost of \$63,000.00 for 9 months.

Mike Eshbach, a resident of Cameron St., stated that the SR 222 revitalization should have happened and would have been fantastic 40 years ago. He said that Wyomissing was able to build up its area. He wanted to know how Cumru Township is going to convince owners to sell, convince a flagship store to come onboard, and convince people to come to this area.

Mr. Greg Miller said this is what the Chamber of Commerce is for and they are experts. If we bring in a large developer with a plan, things will fall into place to develop the area. Mr. Eshbach replied that there is no place to expand out. Mr. Greg Miller said that others would plan this. He stated that the worst case scenario would be to spend \$63,000.00 and nothing happens.

Mr. William Miller voiced concern about the unbudgeted expense of \$63,000.00 when Mr. Greg Miller keeps talking about a budget deficit. He suggested entering this expense into the 2025 budget and taking action during the next budget. Mr. Greg Miller stated that there would be no expense this year.

Mr. Batdorf asked how Mr. Greg Miller knows that others are not trying to develop the area.

Robert Moyer, a resident of Grill Ave., asked about the lost revenue from the landfill and challenged that the Township had zero projects to replace the revenue. Mr. William Miller stated that he had personally reached out to large developers such as Trader Joe's, Costco and Wegman's without success. We have to look at the demographics.

Mr. Greg Miller said that cold calling doesn't work. That we have to develop a vision and give people a reason to come here.

Mr. Emery said that he has heard a lot of negativity and this is positivity. He had a verbal exchange with Mr. Batdorf about whether or not Mr. Batdorf had made a comment about planning.

Roxann Miller, a resident of Hilgert Ave., asked about the status of the warehouse projects. Atty. Frankowski answered that the SR 10 warehouse is still in litigation and that the Township has received a final plan for the Grings Hill warehouse. Mrs. Miller asked how much land was available for development at this time. Ms. Johnston answered that availability was based on the willingness to sell. Mr. Donnell said that water infrastructure is needed to develop the SR 222 corridor. This would increase the property value by 30-40% so then people might be given an incentive to sell. He thinks that the Township needs professional help.

Sue McCoy, a resident of Crestview Ave., asked about the Grings Hill development. She said that Colonial Hills had been a big business back then. Ms. Johnston replied that in 1999, when PennDOT was asked about a limited access break in the highway to be constructed, the state responded a ramp would be considered if there was an interested developer. In approximately 2006, a developer was onboard with a proposed shopping center and other buildings. After the recession occurred in 2009-2010, the developer was unable to secure a large store. Since then, the retail industry has become the logistics industry.

Dave McCoy, a resident of Crestview Ave., stated that he has lived in the SR 222 area for 78 years. There was discussion about the conduit under SR 222 which is owned by PA American. He said that the Gateway area was all planned out before the recession. He suggested that there needs to be coordination with the school district.

Mr. Greg Miller said that there is no risk-free plan. He stated that the \$63,000.00 would be a one time expense. He said that a successful plan would be perpetual. GMSD taxes and county taxes would also be increased.

Mr. Donnell wanted to revisit the warehouses. He said that if they increase the revenue by \$500,000.00, with a \$1.7 million deficit, that would still leave \$1.2 million in debt. He stated that there would be zero benefit in the first 2 years of a LERTA. Mr. Donnell said that a few options are to raise taxes or develop revenue with smart commercial development.

Mrs. Carpenter asked for an explanation of how LERTA works. Atty. Frankowski explained that LERTA is a tax abatement program over 10 years on improvements not the land. The original property taxes are still paid. The taxes on improvements would be zero the first year and increase by 10% every year until 100%. The SR10 warehouse has a LERTA. The Grings Hill development does not have one.

Richard Keffer, a resident of Mt. Penn Rd., stated that if you build water, development will come. Large development needs fire suppression. Mr. Rogosky noted that this is reviewed with a building permit.

Bev Leonti, a resident of Crestview Ave., asked why the Township should pay a consultant instead of using the Berks County Planning Commission. Mr. Greg Miller said they could do the data analysis. Mrs. Leonti also admonished against the bad form displayed when other Board members are publicly disparaged.

Caryn Friedlander, a 21-year resident of Forest Rd., reported that she is an owner of Classic Harley on SR 183 and a member of the Governor Mifflin School Board. She appreciated that a plan was proposed. She would like to see a second plan. How do we not support this?

Mr. Batdorf said that this is the same cycle all the time. We can't look back. We need to look forward and continue to work on a plan.

Dr. Muvdi, a resident of Fawn Dr., believes that the Township has to do something new. He supports Mr. Greg Miller's plan.

Mr. Donnell stated that this is an example of the vortex cycle. Raising taxes and then people leaving because of higher taxes bears fleshing out.

ON MOTION OF MR. GREG MILLER, SECOND OF MR. DONNELL, A MAJORITY VOTE TO AUTHORIZE THE SOLICITOR TO NEGOTIATE A CONTRACT WITH DELTA DEVELOPMENT GROUP. MR. WILLIAM MILLER AND MR. BATDORF VOTED NO. MS. ROWE, MR. GREG MILLER, AND MR. DONNELL VOTED YES.

PUBLIC

Attendance: Gerald Potochnik, Roxann Miller, Sue McCoy, Dave McCoy, Robert Moyer, Sue Haas, Perry Haas, Glenn Emery, Mary Cameron, Mike Eshbach, Barbara Nagle, Roberta Kennedy, JoAnn Dowling, Bob Matt, Bev Leonti, Greg Leonti, Pat Hobbs, Lil Myers, Gail Porrazzo, Karen Hazel, Caryn Friedlander, Joe Roland, Jerry Zechmann, Sam Kalbach, William D'Annunzio, Wendy D'Annunzio, Joseph D'Annunzio, and Martha D'Annunzio.

A.) Lil Myers, a resident of John Glenn Ave., complained about the refuse letter that she received. She found out that others did not get a bill. She suggested that the Township look at her individually and look up her record. She questioned why a letter was sent out after the bill was 101 days late and not on April 1st.

B.) Gail Perazzo, a resident of Harry Ave., thanked the Police Department and the Fire Department. On April 11, 2024, when her neighbors' house burned down, Officer Callen Cress was 1st on the scene. Fortunately, the Fire Department was able to save her house. She stated that her backyard backs up to the dumping area used by the Township. She said that materials such as piping are being dumped in addition to the dirt. She wanted to know what is going on.

Mr. McNichols answered that the materials are separated into dumpsters on the site and waste removed. The slope has been softened and is a work in progress. The plan is to use soil to plant grass seed and trees when the projects are completed. The Township has saved over \$1 million in tipping fees by using the site. The Township is preparing another soil deposit site.

C.) Mike Eshbach, a resident of Cameron St., apologized to the Board and especially Mr. Donnell for his actions a few weeks ago. He doesn't apologize for his beliefs, just how he spoke.

D.) Robert Moyer, a resident of Grill Ave., stated that while he received a refuse bill, he did not receive a sewer bill. He had worked for the postal service for 31 years. He suggested talking to the Postmaster since the Township paid for a service.

Ms. Johnston reported that 6,292 accounts were involved. There is one account for each refuse bill and one account for each SMP bill. Refuse and SMP accounts for the same property were consolidated onto one bill. Therefore, 5224 bills were sent. Over 6,095 pieces were posted

from the Refuse Fund in January according to the mail meter. The metered mail was then hand carried to the Mohnton Post Office since metered must go from the post office associated with the Township's mailing address.

Mr. Moyer asked about penalties and expenses. Ms. Johnston said that the Refuse Fund is a specialized fund and that all money goes in and out of that fund. Ms. Johnston explained all the expenses including trash and recycling pick up, dumping fees, leaf collection, and expenses associated with the yard waste site come out of the refuse fund. When people don't pay, the Township has to place a lien against the property and the money is not realized until the property is sold. Certain services like sewer and refuse are not discontinued because discontinuing such services causes public health problems. The service is provided and it is understood that you must pay for the service.

Mr. Donnell said that in regard to future issues, he advised against blaming Administration. He is concerned with how to better communicate with the residents.

Perry Haas, a resident of Pine Tree Court, suggested putting a list of bills on the calendar that is sent out. Ms. Johnston noted that an area of the refuse calendar currently used for stormwater information can be used for a description of billing, but additional general fund money would need to be used for a separate required stormwater publication.

Pat Hobbs, A resident of Valley Stream Rd., said that she had worked for the post office and that the Township will not get a response from the post office. She thought that it was simpler to leave on the tax bill and asked why it was changed. As stated at the 7/16/24 meeting, Ms. Johnston reported that fees on the tax bills was not in accordance with the 1st Class Township Code because the code dictates the duties and compensation for the Tax Collector. Atty. Frankowski stated that the Tax Collector is an elected official.

Mrs. Carpenter stated that as the Township treasurer and a resident she is concerned about how we deal with a potential refund of late fees. What about the compound interest that was lost by the people who paid on time? Mr. Donnell said that was a legitimate question and to tell people to come to a Board of Commissioner meeting.

Ms. Myers asked what happens if you don't get a bill. One year doesn't make a precedent.

Mr. Greg Miller asked about how the sewer bills are handled. Ms. Johnston said that after 30 days there is a late fee of 2.5 % added to the next bill. . The bills are sent quarterly, so this translates into 10% penalty over the year. Mr. Greg Miller said that we can't determine the problem but we need a fair solution.

Mr. Batdorf stated that it is still the responsibility of the resident to pay the bill. It is the Township's responsibility to get it out.

Ms. Johnston noted that credit card payments involve fees. Putting the refuse accounts online would incur costs that would be incorporated into the refuse rate and would be paid by all customers. Right now, only those customers who choose to pay by credit card pay such fees. Ms. Johnston explained that paying online involves increased fees for each entity that the payment goes through. There is also an increase in cyber insurance. The Township offers the option to call in and pay now using the Square app. There is a small fee charged which is disclosed to the residents prior to using the Square payment method.

Madelyn Johnston, a resident of Calyn Dr., suggested that we move the meeting along since the meeting was over 2 hours already and only ½ way through the 1st page of the agenda.

ON MOTION OF MR. GREG MILLER, SECOND OF MS. ROWE, A MAJORITY VOTE TO WAIVE REFUSE AND SMP LATE FEES FOR THE PEOPLE WHO RECEIVED THE JULY 11TH LETTER, IF THEY PAY BY THE CLOSE OF BUSINESS ON SEPTEMBER 30, 2024. A REFUND WILL BE ISSUED FOR REFUSE AND SMP LATE FEES ALREADY PAID BY THE PEOPLE WHO RECEIVED THE JULY 11TH LETTER. MR. WILLIAM MILLER AND MR. BATDORF VOTED NO. MS. ROWE, MR. GREG MILLER, AND MR. DONNELL VOTED YES.

APPROVE MINUTES

ON MOTION OF MR. BATDORF , SECOND OF MR. DONNELL, A UNANIMOUS VOTE APPROVING THE MINUTES OF 6/18/24 – REGULAR MEETING AS PRESENTED.

DEPARTMENTS

Police Department

A.) National Night Out on August 6, 2024 – update

Chief Winchester announced that the Cumru Fire Department and TowerDirect will have vehicles at the event. Governor Mifflin School Board has been extremely helpful. The Police Departments have many supporting partners including Diamond Credit Union and Giant.

Fire Department

A.) Hiring – update

Chief Beane reported that the hiring process is moving along. The background checks are being done. The next Fire Academy starts August 17, 2024.

Administration

A.) July 2024 Refuse late notices

This was discussed during the Public comment section of the meeting.

B.) Planning

2024-04 PERFECTION'S LAWN AND PROPERTY MAINTENANCE

EXPIRATION DATE 09/01/2024 - Release planning escrow balance

(Sketch) Equitable Owners: Justin Brannen/ Twiford Electrical Services Inc.; Agent: John W. Hoffert, P.L.S., LTD; Location: 1186 Old Lancaster Pike; Property ID:39-438514423774 and 39-438518420267; Proposed Summary: Commercial use consisting of a pole building, display area, and storage bins.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO AUTHORIZE RELEASE OF A PLANNING ESCROW BALANCE OF \$2002.59 FOR PERFECTION'S LAWN AND PROPERTY MAINTENANCE 2024- 04 SUBJECT TO PAYMENT OF ANY OUTSTANDING INVOICES.

C. Berks County Blighted Property Committee – consider authorization for application

1) 63 Hemlock Rd.

Ms. Johnston reported that this is a hoarding situation with numerous codes violations. She explained the Blighted Property process where the committee holds hearings to discuss the problems and solutions with the property owners.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE THE APPLICATION FOR 63 HEMLOCK RD. TO THE BERKS COUNTY BLIGHTED PROPERTY COMMITTEE.

Public Works

A.) Montrose Blvd. Stormwater Project – consider application for payment #1

1) Atlas recommendation for payment for Mason Dixon Contractors, LLC for \$270,064.80

Mr. McNichols requested that the Board approve the pay application for Mason Dixon Contractors, LLC.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE THE APPLICATION FOR PAYMENT FOR MASON DIXON CONTRACTORS, LLC IN THE AMOUNT OF \$270,064.80 FOR THE MONTROSE BLVD. STORMWATER PROJECT.

B.) Sanitary Sewer Replacement Projects 2024 – update

1) Cedar Top Road - in progress

Mr. McNichols reported that this phase 2 is in progress. Shillington Borough is working on its infrastructure in the same area.

2) Flying Hills Dr. – consider application for payment #1

a) Letter from Atlas recommending payment for Kinsley Construction, LLC for \$98,767.11

Mr. McNichols requested that the Board approve the pay application for Kinsley Construction, LLC.

ON MOTION OF MR. BATDORF, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO AUTHORIZE THE APPLICATION FOR PAYMENT FOR KINSLEY CONSTRUCTION, LLC IN THE AMOUNT OF \$98,767.11 FOR THE FLYING HILLS DR. SANITARY SEWER REPLACEMENT.

Engineer

A.) Hunters Rd. phase 1 – consider application for payment #1

1) GVC letter recommending payment for application #1 for \$124,666.06, dated 7/24/24

Mr. Rogosky requested that the Board approve the payment application for Barwis Construction, LLC. Ms. Johnston stated that this project is being paid out of the Liquid Fuels money.

ON MOTION OF MS. ROWE, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO AUTHORIZE THE APPLICATION FOR PAYMENT FOR BARWIS CONSTRUCTION, LLC IN THE AMOUNT OF \$124,666.06 FOR HUNTERS RD. PHASE 1 STREET IMPROVEMENTS.

B.) Freemansville Rd. – update

1) Letter to PennDOT from Manager re: request for traffic study on SR 3003, dated 7/25/24

Mr. Rogosky reported that a letter was sent to PennDOT requesting a traffic study for SR 3003, which is also known as Freemansville Rd.

C.) Mt. Penn Rd. – consider authorization for traffic study

1) GVC estimate for traffic study for \$9,500.00, dated 7/26/24

Mr. Rogosky had presented an estimate to the Township for an engineering and traffic study to prohibit or restrict size, kind or class of truck traffic along Mt. Penn Rd. from SR10 to Freemansville Rd. He said that they would coordinate with the Police Department to obtain accident history and traffic data. They will use lidar mapping and truck templates.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE GVC TO PERFORM A TRAFFIC STUDY FOR MT. PENN RD. FROM SR 10 TO FREEMANSVILLE RD. FOR \$9,500.00.

D.) Cedar Top Rd. / slope failure in 1200 block

1) geotechnical report – analysis in progress

Mr. Rogosky said that GVC is looking at alternatives and will be preparing solutions to be presented at the August meeting.

Solicitor

A.) Zoning Ordinance Text Amendment – discussion and consideration

1) previously authorized amendments: wind turbines regulations, retreat centers definition and permitted locations, MUGC district uses

2) fire access lane width under discussion (24 to 26 feet)

3) Planning Commission recommended additional consideration of “agritainment” language

4) Planning Commission recommended additional consideration of AirBNB regulations

Atty. Frankowski stated that they are still working on this.

B.) Dangerous Structure, 715 Philadelphia Ave – update

Atty. Frankowski reported that a petition had been filed with the Court of Common Pleas. A hearing was held at the courthouse on July 24, 2024, and an order to demolish the property was granted.

Mr. Donnell asked about the status of 717 Philadelphia Ave. Atty. Frankowski replied that 717 was already demolished. She stated the fact that it would be difficult to demolish 715 once 717 is rebuilt created the urgency for the petition that was filed.

CORRESPONDENCE

A.) Downstream Notification from Heritage Power re: Titus Turbine received 7/15/24

B.) Berks County Municipal Waste Management Plan -July 2024

C.) DEP notification of Nolde Dam Removal, dated 7/24/24

COMMISSIONERS

A.) Executive Session

1) 678 Church Rd. – potential easement acquisition

2) Police Collective Bargaining Agreement

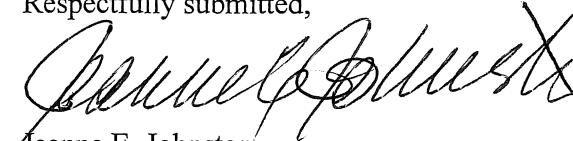
3) personnel issue
There was no need for an executive session at this time.

B.) Reminders:

- 1) Board of Commissioners meetings for August and September 2024
 - 08/20/2024 at 7:00 p.m. – Regular Meeting
 - 09/17/2024 at 7:00 p.m. – Regular Meeting
- 2) Planning Commission 8/05/2024 at 6:00 p.m.
- 3) Zoning Hearing Board – August 27, 2024, at 6:00 p.m.
 - Application No. 820 – Old Hickory Buildings

ADJOURNMENT
ON MOTION OF MR. BATDORF, SECOND OF MR. DONNELL, A UNANIMOUS
VOTE TO ADJOURN THE MEETING AT 9:37 P.M.

Respectfully submitted,


Jeanne E. Johnston
Manager/Secretary