

**CUMRU TOWNSHIP BOARD OF COMMISSIONERS  
REGULAR MEETING                      SEPTEMBER 19, 2023**

The Regular Meeting of the Cumru Township Board of Commissioners was called to order by President Ruth A. O’Leary at 7:00 p.m. Other Commissioners in attendance were Vice President David J. Batdorf, Sam Kalbach, William B. Miller and Lisha Rowe. Also attending were Solicitor Kelsey Frankowski, Chief of Police Madison Winchester, 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. Fire Chief James Beane was on a call and arrived at 7:19 p.m.

**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. 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**

**A.) Fire Police**

Chief Winchester stated that Fire Police are administratively part of the Fire Department and operationally part of the Police Department. Fire Police are relied upon to assist the Police Department and assist with community events. Jaye E. Kotschessa and Nathan William McKeever were sworn in as Fire Police by Jeanne E. Johnston.

**PUBLIC**

Attendance: Anthony Martin, Chris Worley, Keith Worley, Joseph Sustello, Sue McCoy, Dave McCoy, and Greg Miller.

**A.) Igor Maidansky re: Overgrown vegetation on Seven Springs Dr.**

Igor Maidansky stated that he has lived on Seven Springs Dr. for 28 years. For approximately the last 7 years, he has communicated annually with Mr. Frymoyer in the Codes Department concerning the overgrown vegetation on 2 nearby lots. He requested that these properties be included in the Township mowing.

Mr. McNichols informed him that this is a residential neighborhood and the Township does not mow in residential neighborhoods.

Ms. Johnston reported that the landowners have been notified twice this year. Each notice stated a timeframe to comply with the maintenance code. The first letter was a friendly reminder. The second letter was a letter stating if the landowner does not comply, a contractor would cut the vegetation and the landowner would be billed. If the landowner does not pay, then a lien could be placed on the property. It is the Township’s understanding that the owners complied with the second letter. Mr. Kalbach suggested that a letter of the second type could be mailed in the spring to hopefully stop the problem before it starts.

Ms. Johnston stated that the Township does mow areas with public safety concerns. She believes that it would be a bad precedent for the Township to mow all unkempt lots.

B.) Joseph Sustello, a resident of Harry Avenue, addressed the Board. He complimented the Township. He explained that he had heard a rumor about the Township spending taxpayer money to put in Electric Vehicle (EV) charging stations and wanted to know if this was true. Mr. Sustello does not believe that this should be a service provided by the Township. It would only benefit a small percentage of the taxpayers and the Township would not be able to charge to make any money. He opined that EV stations should require a referendum and the taxpayers should be able to vote to give approval or not. Mr. Miller replied that he totally agreed with Mr. Sustello.

### **AMBULANCE SERVICE**

#### **A.) Monthly Report – August 2023**

Anthony Martin reported 237 EMS calls in August with an average response time of 7 minutes and 41 seconds. He stated that the increased response time is due to the renovation of the Grill station which requires housing vehicles in different stations. The response time is expected to return to previous times after the renovation is complete.

#### **B.) 2024 Ambulance Rate Proposal**

##### **1) Letter from TowerDIRECT re: 2024 Ambulance Membership Price Change, dated 8/24/23**

Mr. Martin explained that the ambulance service must collect enough money to offset the write-offs due to less insurance and Medicare payments. Write-offs average \$70,000 to \$80,000 per month. The proposed increase for 2024 is \$45 per household, up from \$25 per household.

Ms. Johnston noted that Southern Berks EMS was \$30/household and TowerDirect has charged \$25/household since taking over from SBREMS.

Mrs. O'Leary asked if it would be possible to increase fees in steps. An example would be to pay \$35/household the first year and \$45/household the next year. After some discussion, Mr. Anthony said that he would forward a proposal to TowerDirect showing a phased-in pricing option.

### **APPROVE MINUTES**

**ON MOTION OF MR. BATDORF, SECOND OF MS. ROWE, A UNANIMOUS VOTE APPROVING THE MINUTES OF 8/15/23 – REGULAR MEETING, 8/17/23 – SPECIAL MEETING, AND 8/29/23 – 5<sup>TH</sup> TUESDAY MEETING AS SUBMITTED.**

### **TREASURER**

#### **A.) Monthly Report – August 2023**

Mrs. Carpenter reported that the Township continues to reinvest money to get a higher interest rate. The 1<sup>st</sup> time collection letters for delinquent accounts were due last week.

## TAX COLLECTOR

### A) August 2023 Report

#### 1) Year 2023 Real Estate

Balance collectable beginning of month – \$233,136.42

Cash collected – \$30,891.92

Balance collectable end of month – \$202,324.50

#### 2) Year 2023 Interim Real Estate

Balance collectable beginning of month – \$3,407.50

Additions - \$6,750.67

Cash collected – \$8,464.63

Balance collectable end of month - \$1,693.54

#### 3) Year 2022 Interim Real Estate

Balance collectable beginning of month – \$886.39

Cash collected – \$0

Balance collectable end of month - \$886.39

#### 4) Year 2023 Per Capita

Balance collectable beginning of month – \$37,480.00

Cash collected – \$15,270.00

Balance collectable end of month - \$22,065.00

## DEPARTMENTS

### Police Department

#### A.) Monthly Report – August 2023

Chief Winchester reported that there was a burglary at the Love Rd. convenience store. There has been an arrest for the tobacco shop burglary. The Police Department assisted with the apprehension of the escapees from the Abraxas Academy. The Police Department also assisted today with the Vice President's visit to Berks County. Fraud and theft investigations continue.

#### B.) 2024 Animal Rescue League Contract

##### 1) ARL 2024 Animal Control Service Summary – cost doubled, dated 9/7/2023

There was discussion about the increased rates being charged by the ARL for 2024 and beyond. The current rate is \$1.25/capita. The 2024 rate would be \$2.50/capita. The rate would be \$7.00/capita for 2025 and onward. The staff recommended against signing a contract after 2024.

Chief Winchester checked how often the Township uses these services. He reported that the Police Department receives approximately 60-65 calls for loose animals in 1 year. Since they usually find the owners, only approximately 14 animals are dropped off at the ARL. Chief Winchester is researching alternatives to the ARL. The Board agreed that it is time to discuss exploring other options.

### Fire Department

#### A.) Monthly Report – August 2023

Chief Beane reported that the Fire Department responded to 100 calls in July.

Administration

A.) Codes Department – August 2023

- Building Permits Issued- 16
- Use Permits Issued - 1
- Zoning Permits Issued- 15
- Notices of Violations- 30
- Citations issued- 5
- Zoning Hearing Board Hearings – 1
- Violations complied- 15
- Phone calls from contractors, realtors & public approximately- 191
- Properties condemned – 0
- Permit Inspections Done – 47
- Inspections with the Fire Department – 1
- Training Seminars attended – 0

B.) Building Code Effectiveness Grading Classification

- 1) Letter from BCEGS Notification Team, dated 9/7/2023

Ms. Johnston explained that the Insurance Services Office (ISO) conducts a report. The Township received a grade that is above average for Building Code Effectiveness. She stated that the Fire Department also had a meeting with ISO.

C.) Pension Plan Minimum Municipal Obligations (MMO) for Budget Year 2024

- 1) draft resolution for 2024 police pension MMO
- 2) draft resolution for 2024 non uniformed MMO

Ms. Johnston reminded everyone that the non-uniformed collective bargaining is still ongoing and that the non-uniformed MMO could be amended in the future, if required as a result of the negotiations.

**ON MOTION OF MR. KALBACH, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO ADOPT A RESOLUTION FOR THE POLICE PENSION 2024 MMO IN THE AMOUNT OF \$963,031.00.**

**ON MOTION OF MR. KALBACH, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO ADOPT A RESOLUTION FOR THE NON-UNIFORMED PENSION 2024 MMO AS FOLLOWS: DEFINED BENEFIT PORTION EQUALS \$0 AND DEFINED CONTRIBUTION PORTION EQUALS \$126,000.00.**

D.) Kershner Subdivision/Annexation re: Waiver Request and Final Plan Approval  
2023 – 06 KERSHNER II SUBDIVISION/ANNEXATION

**EXPIRATION DATE – 11/07/2023**

(Final) Owner: Judith A. Kershner; Agent: John W. Hoffert, P.L.S.,LTD.; Location: 324 Ashley Dr.; Parcel ID# 39-439514438351; Plan no. D-23-69; Proposal Summary: Subdivision of parcel into 2 lots: residue and Parcel A. Parcel A is to be annexed onto the adjoining land (Parcel ID# 39-439514437451) and joined in a common deed.

- a) Waiver Request Memo from Planning Secretary, dated 9/12/23

**ON MOTION OF MS. ROWE, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPROVE THE SALDO WAIVERS FOR THE KERSHNER II SUBDIVISION/ANNEXATION PLAN AS STATED IN THE REVIEW LETTER FROM GVC, DATED 9/08/23, AND THE WAIVER REQUEST LETTER FROM KAREN M. KRATER RLA, DATED 9/11/23 AS FOLLOWS:**

- a) Relief from Section 405(A), not to perform an Environmental Impact Assessment;
- b) Relief from Section 406(A), not to perform a Community Facilities Impact Assessment;
- c) Relief from Section 408(A), not to perform a Utility Impact Assessment;
- d) Relief from Section 507(A), not to require curbing along the portions of the parcel that abut the dead-end streets of Ashley Drive and Castleton Drive;
- e) Relief from Section 507(B), not to require sidewalks along the portions of the parcel that abut the dead-end streets of Ashley Drive and Castleton Drive.

b) Final Approval Memo from Planning Secretary, dated 9/12/23

**ON MOTION OF MR. KALBACH, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO GRANT FINAL PLAN APPROVAL FOR THE KERSHNER II SUBDIVISION/ANNEXATION PLAN SUBJECT TO THE RESOLUTION OF THE ISSUES STATED IN THE REVIEW LETTER FROM GVC, DATED 9/08/23.**

**E.) Mitnick Subdivision – Reaffirm Approval  
2023 – 05 MITNICK SUBDIVISION**

(Final Minor) Owners: Paul David & Ellen Marie Mitnick; Agent: John W. Hoffert, P.L.S.,LTD.; Location: 47 Maple Grove Rd; Parcel ID# 39-439302998417; Plan no. D-23-27-1; Proposal Summary: Subdivision of parcel into 2 lots: Existing and Proposed Lot 1 use– single family dwelling with on-lot water and sewer; Residue use – passive recreation; approved 07/18/2023

**ON MOTION OF MS. ROWE, SECOND OF MR. MILLER, A UNANIMOUS VOTE TO REAFFIRM CONDITIONAL APPROVAL, AS APPROVED ON 7/18/23, FOR THE MITNICK SUBDIVISION PLAN SUBJECT TO RESOLUTION OF THE ISSUES STATED IN THE GREAT VALLEY CONSULTANTS REVIEW LETTER DATED 6/30/23.**

**F.) 2020 Bond Arbitrage**

There was discussion about the bonds for the Fire Station project. It is usually expected that 85% of the funds would be paid out in the first 36 months. At the 36-month point, there is an arbitrage for the bond money. After 36 months, the money can only earn up to 1.99% interest in standard accounts. An alternative is to use State and Local Government Series securities, special purpose securities that the US Treasury issues to state and local governments to assist with compliance of yield restriction or arbitrage rebate provisions. Ms. Johnston requested Board approval to explore using SLGS. A motion would be required at a future date to actually approve this type of account. The Board agreed for Administration to explore using SLGS for the bond money.

G.) Refuse/Recycling Bid Specifications

Ms. Johnston reported that the liaisons agree with the specifications. The Township has not received a large percentage of the refuse/recycling fees for this year. Non-payments will be sent to collections in January 2024 if the accounts are not paid after delinquent letters are sent out.

H.) Plastic Bags

1) Letter from Michael Caterina re: requests ordinance banning plastic bags, dated 09/18/2023

Ms. Johnston explained that the Township received a letter requesting that the Township pass an ordinance banning single-use plastic bags. Because of the limited number of retail businesses in Cumru Township, there are not many businesses where this would apply. The Board took no action.

Public Works

**A.) Flying Hills Pumping Station Upgrade 2022 – application for payment # 2 (final)**

1) Change Order #1, dated 6/16/2023 = (-\$261.00)

2) Letter from Atlas Engineering recommending payment # 2 (Final) for Zimmerman Environmental LLC, = \$6,916.95, dated 9/06/2023.

Mr. McNichols explained that the Flying Hills Pumping Station Upgrade has been complete for a few months. We received a change order for a reduction of \$261.00 and the final bill for \$6,916.95.

**ON MOTION OF MR. MILLER, SECOND OF MR. KALBACH, A UNANIMOUS VOTE TO APPROVE THE CHANGE ORDER FOR REDUCTION OF \$261.00 AND THE PAYMENT APPLICATION #2 (FINAL) OF \$6,916.95 FOR ZIMMERMAN ENVIRONMENTAL LLC. FOR THE FLYING HILLS PUMPING STATION UPGRADE.**

**B.) Reed St. Storm Sewer – application for payment #1**

1) Letter from Atlas Engineering recommending payment #1 for Construction Masters Services, LLC (CMS) for \$161,643.26, dated 9/15/2023.

**ON MOTION OF MR. MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPROVE PAYMENT APPLICATION #1 FOR \$161,643.26 TO CONSTRUCTION MASTERS SERVICES, LLC. (CMS) FOR THE REED STREET STORM SEWER PROJECT.**

C.) 2023 Road Work – Cedar Top Rd. phase 1 update

1) Letter to residents, dated 08/15/2023

Mr. McNichols reported that a pre-construction meeting was held and letters were sent to the area residents. Work is expected to begin in late October and continue for 2-3 weeks.

**D.) Crack Sealing Machine – replacement**

1) Super Shot 125 Diesel One-Axle Melter – quote for \$45,745.57.

Mr. McNichols explained that this unit, also known as a “tar buggy,” is critical to maintaining the macadam roads in the Township. The current crack sealing machine was purchased in 1998 and parts are no longer available. Since this machine dispenses extremely hot tar, purchasing a modern machine is good risk management.

**ON MOTION OF MR. KALBACH, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO PURCHASE THE SUPER SHOT 125 DIESEL ONE-AXLE MELTER FOR THE QUOTE OF \$45,745.57.**

Mr. McNichols reported that leaf collection will begin in a few weeks. He also reported that the proficient patching of Fawn Dr. is going well and is expected to be finished next week weather permitting.

Engineer

A.) 2023 Road Work – South 9<sup>th</sup> St.

1) Notice to Proceed for H&K Group

Mr. Rogosky reported that a pre-construction meeting is scheduled for 10/2/2023 at 10:00 a.m. A start date for the project will be given at this meeting. The project is expected to take 2 days.

B.) Chestnut Hill Farms Property Owners Assoc. re: possible road dedication

Mr. Rogosky reported that the Township held a meeting with the President of Chestnut Hill Farms POA to discuss the request for possible road dedication. The POA had made a previous request in 2014. Mr. Rogosky will prepare a list of requirements for the streets to be dedicated per Township and Liquid Fuel standards.

There was discussion about the fact that there is no expectation that the Township has to accept the dedication of private roads. The Hidden Pond development was cited as an example. Hidden Pond HOA had to make over \$200,000 in improvements and receive waivers before the roads were dedicated to the Township.

Mr. Rogosky recommended getting core samples of the existing roads to determine what reconstruction would be needed and the costs involved.

Solicitor

A.) Use of Township Building for Non-Profit Meetings

Ms. Frankowski researched the 1<sup>st</sup> Class Township Code in regard to the request to use the Township building for non-profit meetings. Since the 1st Class Township Code states that Township buildings should be used for Township purposes, Ms. Frankowski advised that non-profit meetings do not fit into this category.

There was discussion about the ability to rent the recreation building after the new Fire Station construction is completed.

Ms. Johnston stated that some other meetings are held in the Township building, but the meetings have a Township nexus.

## **PAYMENTS OF BILLS**

**ON MOTION OF MR. MILLER, SECOND OF MR. KALBACH, A UNANIMOUS VOTE APPROVING PAYMENTS OF BILLS DATED 8/18/23, 8/25/23, 8/30/23 – PLGIT, 9/01/23, 9/08/23, AND 9/15/23.**

## **CORRESPONDENCE**

- A.) Berks County Waste Transfer Facility-25 Service Caster Way- Notification of DEP Application for Waste Transfer Station, dated 8/25/23
- B.) Magisterial District Judge Annual Audit Report for 2022
- C.) BARTA Feedback Survey- open until September 30, 2023

## **COMMISSIONERS**

### **A.) Vacancies**

- 1) **Municipal Authority** - Letter of Resignation for Chad Johnson, dated 9/8/23

**ON MOTION OF MR. KALBACH, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO ACCEPT THE RESIGNATION OF CHAD JOHNSON FROM THE MUNICIPAL AUTHORITY EFFECTIVE 9/8/2023.**

- B.) Electric Vehicle Chargers – update from Commissioner Batdorf  
Mr. Batdorf stated that they are moving forward and hoped to have a presentation for the public at the next meeting.

### **C.) Reminders:**

- 1) Zoning Hearing Board Regular Meeting – September 26, 2023, at 6:00 p.m.
  - a) Application No. 806-garage at 539 Pershing Blvd
  - b) Application No. 807- garage at 331 Scenic Dr.
- 2) Board of Commissioners meetings for October 2023
  - 10/17/2023 at 7:00 p.m. – Regular Meeting
  - 10/19/2023 at 3:30 p.m. – Budget meeting
  - 10/26/2023 at 3:30 p.m. – Budget Meeting
  - 10/31/2023 at 7:00 p.m. – 5<sup>th</sup> Tuesday Meeting
- 3) Planning Commission – October 2, 2023, at 6:00 p.m.

### **D.) Executive Session**

8:27 p.m. – The Board met in executive session to discuss 2 issues of possible litigation, 1 personnel issue, and 2 real estate issues.

9:12 p.m. – The executive session ended; 2 possible litigation issues, 1 personnel issue and 2 real estate issues were discussed.

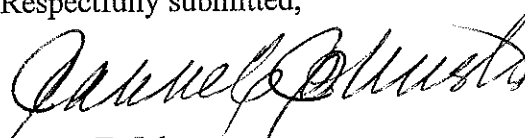


ON MOTION OF MR. KALBACH, SECOND OF MR. MILLER, A UNANIMOUS VOTE TO REIMBURSE OFFICER HEATLEY AND THE DEPARTMENT OF DEFENSE AN AMOUNT NOT TO EXCEED \$5,000 FOR REPAYMENT OF HIS ARMY BONUS ISSUED PRIOR TO COVID SUBJECT TO RECEIPT OF A MEMORANDUM OF UNDERSTANDING FROM THE CUMRU TOWNSHIP POLICE OFFICERS ASSOC. THAT THIS DOES NOT SET A PRECEDENT WITH RESPECT TO FUTURE REQUESTS FOR REIMBURSEMENTS OF THIS TYPE.

ADJOURNMENT

ON MOTION OF MR. BATDORF, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 9:15 P.M.

Respectfully submitted,



Jeanne E. Johnston  
Manager/Secretary