

**CUMRU TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING NOVEMBER 15, 2022**

The Regular Meeting of the Cumru Township Board of Commissioners was called to order by President Ruth A. O’Leary at 7:02 p.m. Other Commissioners in attendance were Vice President David J. Batdorf, William B. Miller and Lisha Rowe. Also attending were Solicitor Michael A. Setley, Chief of Police Madison Winchester, Superintendent of Public Works Robert McNichols, Jr., Asst. Superintendent of Public Works Michael Yost, Jr., Business/Personnel Administrator Peggy A. Carpenter, Manager/Secretary Jeanne E. Johnston, Special Projects/Asst. Secretary Patricia A. Wylezik-Pfeiffer, and Joseph P. Rogosky of Great Valley Consultants. Fire Chief James A. Beane was excused with prior notification. Commissioner Sam Kalbach 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.

PUBLIC

Attendance: Perry Haas, Kami Long, Joe Pietrowski, Doris Pietrowski, Jerry Concoran, David Kline, Samantha Kiebach, Sheldon Meyer, Joe Spica, Kathy Hilbert. And Wayne R. Rubendall.

A.) Joseph Spica re: Angelica Creek Trail Extension on Gov. Mifflin School District property

Joseph Spica, a resident of John Glenn Avenue, addressed the Board about the proposed Angelica Creek Trail Extension that would be located on Governor Mifflin School District land south of his property. He was concerned about potential trespassing on his property, trail maintenance, and trash in the area. Mr. McNichols explained to the audience that this proposed trail would start behind the Ken-Grill pool, travel west along Rabbit Run, a tributary to the Angelica Creek, and continue behind the Governor Mifflin School District transportation center.

Ms. Johnston confirmed that this area is not owned by Cumru Township. The Township has a sewer right-of-way that is proposed as part of the trail path across school district land on the south side of Mr. Spica’s property. The trail is not designed to be in people’s backyards. The Municipal Authority did not have an objection to pedestrians and bicyclists traversing the sewer right-of-way, as long as the property owner, which is the school district, did not object. Berks Nature or their affiliates would maintain the trail.

Mr. Spica suggested other routes for the proposed trail. Ms. Johnston explained that Berks Nature as the developer and the Governor Mifflin School District as the property owner would need to be addressed about these concerns.

Mrs. O’Leary told Mr. Spica that the Board heard his concerns, but this issue should be taken to the school district. Mr. Setley agreed. The Township would look into the sewer easements for this area.

Kami Long, a resident of John Glenn Avenue, stated concern about privacy, trash and public safety, if the proposed trail is built.

Doris Petrowski, a resident of John Glenn Avenue, stated that she and her husband have the same concerns about the trail.

Kathy Hilbert, a resident of John Glenn Avenue, stated that her house has been robbed in the past. She is concerned about the safety of younger children in the neighborhood and at sporting events, with strangers using the trail. She said that people use a bridge she installed across the creek as a short cut. She understands that they need to take their concerns to the School Board.

B.) David Kline re: standing at Zoning Hearing Board

David Kline, a resident of South Mountain Dr. in Spring Township, stated that he lives less than a half mile from the proposed warehouse at Grings Hill. He claimed that tractor trailers use Grings Hill Rd. as a short cut between SR 422 and SR 222. Mr. Kline voiced his concerns about traffic and noise that would result from the proposed warehouse. He addressed the Board to inform them that he was not allowed to give sworn testimony at the Zoning Hearing Board on October 25, 2022, because he doesn't live in Cumru Township. He feels that this is illegal.

Mr. Setley explained that people who are closest to the development and would be aggrieved have standing to testify during the Zoning Hearing Board (ZHB). Mrs. O'Leary stated that Atty. Price has been the ZHB lawyer for a long time and he understands the law. Mr. Kline did not have standing because he lives in Spring Township.

AMBULANCE SERVICE

A.) Monthly Report – October 2022

Anthony Martin reported that did not have the October report data but he would get it to the Township by the end of the week. He informed the Board that the updated website should be available in the first or second week of December.

Mrs. O'Leary asked what information would be on the website. Mr. Martin said that there would be information about membership and services.

APPROVE MINUTES

ON MOTION OF MR. KALBACH, SECOND OF MR. BATDORF, A MAJORITY VOTE APPROVING THE MINUTES OF 10/13/22- BUDGET MEETING, 10/18/22 - REGULAR MEETING, 10/20//22 – BUDGET MEETING, AND 10/27/22 – BUDGET MEETING AS SUBMITTED. MS. ROWE ABSTAINED FROM THE 10/27/22 MINUTES BECAUSE SHE WAS ABSENT.

TREASURER

A.) Monthly Report – October 2022

TAX COLLECTOR

A.) Monthly Report – October 2022

1) Year 2022 Real Estate

Balance collectable beginning of month – \$155,726.81

Cash collected – \$6,781.86

Balance collectable end of month - \$149,561.50

2) Year 2022 Interim Real Estate

Balance collectable beginning of month – \$2,691.27

Cash collected – \$63.66

Balance collectable end of month - \$2,627.61

3) Year 2020 and 2021 Interim Real Estate

Balance collectable beginning of month – \$3,453.60

Cash collected – \$0

Balance collectable end of month - \$3,453.60

4) Year 2022 Refuse

Balance collectable beginning of month - \$34,245.00

Cash collected - \$1,963.50

Balance collectable end of the month - \$32,460.00

5) Year 2022 SMP

Balance collectable beginning of month - \$2,275.00

Cash collected - \$143.00

Balance collectable end of the month - \$2,145.00

6) Year 2022 Per Capita

Balance collectable beginning of month - \$16,815.00

Cash collected - \$2,710.00

Balance collectable end of the month - \$12,675.00

DEPARTMENTS

Police Department

A.) K-9 Therapy Dog Unit

Chief Winchester introduced Oliver, the therapy dog. “Ollie” is a 5-month-old Bernese mountain dog and poodle mix. Once a handler is identified, Ollie will reside with the handler full-time. Pet Supplies Plus in the Shillington Shopping Center, located in Cumru Twp, has offered to donate a year’s worth of food. Atlas Engineering, the Township’s sewer engineer, has donated money for Ollie’s therapy dog training. Rep. Manny Guzman has obtained a \$15,000 grant for the vehicle that is expected to arrive in January 2023.

B.) Monthly Report – October 2022

C.) Police Car

Chief Winchester reported about a recent accident when another car hit a police car. The officer avoided serious injury when 8 of the 9 airbags were deployed during the accident. It is anticipated that the car will be declared a total loss.

Chief Winchester requested that the Board consider buying a vehicle to replace this vehicle. Being down a vehicle impacts operations of the department. Chief Winchester stated that two 2022 vehicles have been ordered. A 2023 vehicle might not arrive until December of 2023 due to supply chain delays.

ON MOTION OF MR. KALBACH, SECOND OF MR. MILLER, A UNANIMOUS VOTE AUTHORIZING CHIEF WINCHESTER TO ORDER A VEHICLE TO REPLACE THE DAMAGED VEHICLE WHEN IT IS DECLARED A TOTAL LOSS.

Mr. Miller asked if one of the two new 2022 vehicles previously ordered would be for the therapy dog. Chief Winchester informed the Board that a different vehicle had been ordered for the K-9 unit, but the factory canceled the order. Another vehicle was ordered but it is not expected to arrive until 2023.

Fire Department

A.) Monthly Report – October 2022

Ms. Johnston reported that there had been 7 fire incidents in October.

B.) Fire Station Phase 1 – application for payment # 12, \$436,007.72

ON MOTION OF MR. MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE APPROVING PAYMENT #12 FOR ANKIEWICZ ENTERPRISES, INC. FOR \$436,007.72.

C.) Hiring

Ms. Johnston announced that 4 probationary fire fighters will be graduating from the HACC fire academy on Friday, November 18, 2022. She invited any interested Board members to attend.

Administration

A.) Codes Department – October 2022

- Building Permits Issued – 9
- Use Permits Issued – 0
- Zoning Permits Issued – 6
- Notices of Violations – 8
- Citations issued – 0
- Violations complied – 10
- Phone calls from contractors, realtors & public approximately – 167
- Properties Condemned – 0
- Permit Inspections Done – 30
- Inspections with the Fire Department – 2
- Training Seminars Attended – 0

B.) Sewer Management Program (SMP) – update

1) Result of first 3 years: 3 citations issued

Ms. Johnston explained that the on-lot septic system program requires pumping and inspection every 3 years. The Township is divided into 3 districts, with each district getting inspected each year to complete a three-year cycle. Cumru Township started this program 6 years ago and has completed 2 full cycles. Only 3 citations have been necessary thus far, out of approximately 1,033 properties with septic systems.

C.) Municipal Separate Storm Sewer System (MS4) Program

1) Letter from PaDEP re: acceptance of annual report, dated 10/31/2022

Ms. Johnston reported that GVC and Johnson Environmental Engineering assisted the Township with filing an annual report for the MS4 program. Some aspects of the MS4 program includes outfall inspections and sediment reduction for the Wyomissing Creek Watershed. The Cumru Township report was adequate and accepted by PADEP.

D.) 2022-07 WILSON/LETSCHÉ ANNEXATION – reaffirm plan approval subject to payment of invoice

(Preliminary/Final Plan) Owners: Martina L. Baer, Michael Letsche, Randalf Letsche/Shannon B. Wilson and Christina L. Wilson; Agent: Snyder Surveying, LLC, Christopher W. Snyder, PLS; Location: 1878 Old Lancaster Pike; plan no. 1054-002; Proposal summary: annexation

1) Plan approved 07/18/2022

ON MOTION OF MR. KALBACH, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO REAFFIRM PLAN APPROVAL FOR THE WILSON/LETSCHÉ ANNEXATION, SUBJECT TO PAYMENT OF AN OUTSTANDING INVOICE.

E.) Conditional Use Hearing for 2251 Lancaster Pike – schedule hearing

Ms. Johnston explained that zoning changes created for the Mixed Use/General Commercial (MUGC) zoning district require a Conditional Use Hearing for adaptive re-use. A Conditional Use hearing is similar to a Zoning Hearing Board procedure, but is held by the Board of Commissioners. The Board scheduled the hearing for 6:30 p.m. on December 20, 2022, prior to the Board of Commissioners meeting.

F.) Western Berks Landfill – update

Ms. Johnston reported that a meeting was held with representatives of Western Berks Landfill earlier today. At that meeting, the Township was told that 2023 would be the last year for landfill operations.

Host fee revenue in 2022 from the landfill was approximately \$521,000.00 into the general fund. This equates to roughly ½ mil of real estate tax revenue. Similar landfill revenue has been received for the past several years and has helped to fund capital projects, including road work. Even if the landfill applies for an expansion permit in the near future, it would still have to close for some time. It would be several years until the landfill would be ready to operate again because of the regulations required for permit review, permit approval, and construction. Since Waste Management, owner of the landfill, has not identified any expansion opportunities, it is anticipated that the landfill will close permanently.

Public Works

A.) Flying Hills Pumping Station – application for payment 1, \$131,422.05

Mr. McNichols reported that the work on the pumping station is complete. He requested that the Board approve payment to Zimmerman Environmental, LLC.

ON MOTION OF MR. MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE APPROVING PAYMENT #1 TO ZIMMERMAN ENVIRONMENTAL, LLC. IN THE AMOUNT OF \$131,422.05 FOR THE FLYING HILLS PUMPING STATION REPAIR.

B.) Traffic Signals

- 1) SR 10 and SR 724 – controllers being replaced (routine maintenance)
- 2) SR 10 and SR 724 – PennDOT discussion for service time adjustment

Mr. McNichols reported about the completed traffic signal repairs. Mr. Rogosky explained the timing issues that have caused traffic backups. CM High has recommended timing changes to PennDOT on behalf of the Township. PennDOT seems to be in favor of the timing changes. Mr. Rogosky has offered to help Ms. Johnston write a letter to PennDOT. He requested that the Board approve writing a letter to PennDOT.

ON MOTION OF MR. KALBACH, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO AUTHORIZE MR. ROGOSKY AND MS. JOHNSTON TO WRITE A LETTER TO PENNDOT TO REQUEST THAT THE TIMING ISSUES BE INVESTIGATED FOR CURRENT CONDITIONS.

- 3) School crossing signal on SR 724 – request from Gov. Mifflin School District for retiming

Mr. Yost explained the time changes the Governor Mifflin School District is requesting. Chief Winchester added that there is a permit in place and that it costs money to change the permit. Mr. Miller stated that this is the third time in a very short period of time that the school district has requested changing the timing of the school crossing signal on SR724. He believes that the school district should pay for any needed changes to the permit and the equipment.

Mrs. O’Leary asked what the changes and upgrades could cost. Mr. Rogosky replied that the cost could be approximately \$60,000 for fully up-to-date signs, signals, and equipment, including a flashing signal on New Castle Dr. Mr. McNichols noted that the New Castle Dr. location would have to have electric service installed. Mrs. O’Leary stated that the Board had previously decided that the Township should not solely incur costs associated with this request.

C.) Sewer Position – hire

Mr. McNichols reported that they have interviewed an applicant for the sewer position. He requested that the Board approve the hiring the applicant for the sewer position conditioned on passing all background checks and testing.

ON MOTION OF MR. KALBACH, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO HIRE THE APPLICANT FOR THE SEWER POSTION CONDITIONED ON PASSING ALL BACKGROUND CHECKS AND TESTING.

Mr. McNichols announced that the new paver had arrived. He also reported that leaf picking is ongoing.

Engineer

A.) 2022 Road Work

1) March St. (Shillington lead agency) – application for payment #1 (final), \$30,154.08

Mr. Rogosky recommended payment to Shillington for \$30,154.08.

ON MOTION OF MR. BATDORF, SECOND OF MR. KALBACH, A UNANIMOUS VOTE TO AUTHORIZE PAYMENT #1(FINAL) TO SHILLINGTON BOROUGH IN THE AMOUNT OF \$30,154.08 FOR CUMRU TOWNSHIP’S PORTION OF THE MARCH STREET ROAD WORK.

B.) Rim View Lane – storm sewer and ramp repair update

Mr. Rogosky explained that this work is to correct the shallow storm sewer which is collapsing and undermining an ADA ramp. Hopefully, these repairs will be completed in the beginning of December 2022.

Solicitor

A.) Zoning Hearing 11/16/2022 – update

Mr. Setley explained that an objection was received for the posting for the zoning map appeal. The hearing on 11/16/2022 will convene to schedule a continuance and allow for a re-posting.

PAYMENTS OF BILLS

ON MOTION OF MR. BATDORF, SECOND OF MR. KALBACH, A UNANIMOUS VOTE APPROVING THE PAYMENT OF BILLS DATED 9/30/22 - ADDITIONAL, 10/21/22, 10/28/22, 10/31/22, 11/03/22 - PLGIT, 11/04/22 AND 11/10/22.

CORRESPONDENCE

A.) Zoning Hearing Board notice for 11/16/2022

B.) Zoning Hearing Board notice for 11/22/2022

COMMISSIONERS

A.) Executive Session

8:40 p.m. – The Board met in executive session to discuss 2 personnel matters.

9:08 p.m. – The executive session ended. Mr. Setley stated that the Board had discussed 2 personnel matters that are still pending.

B.) 2023 Budget

Ms. Johnston directed the Board’s attention to the capital project list. She expressed concern about the proposed budget based on the information about the landfill closing. The 2023 general and capital fund budgets would have to be reviewed in light of this revenue loss. The 2024

budget would also have to be considered. She recommended not entertaining a motion to advertise the 2023 budget until the Board's meeting on 11/29/2022. The Board concurred.

C.) Reminders:

- 1) Board of Commissioners meetings for November and December 2022:
 - 11/29/2022 at 7:00 p.m. – 5th Tuesday Meeting
 - 12/20/2022 at 6:30 p.m. – Conditional Use Hearing on Budget Storage
 - 12/20/2022 at 7:00 p.m. – Regular Meeting

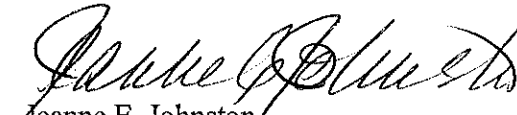
- 2) Planning Commission meeting – December 5, 2022, at 6:00 p.m.

- 3) Zoning Hearing Board:
 - November 16, 2022, at 6:00 p.m. at the Gov. Mifflin Intermediate School Cafeteria
 - November 22, 2022, at 6:00 p.m. at 1775 Welsh Rd.

ADJOURNMENT

**ON MOTION OF MR. BATDORF, SECOND OF MR. KALBACH A UNANIMOUS
VOTE TO ADJOURN THE MEETING AT 9:11 P.M.**

Respectfully submitted,


Jeanne E. Johnston
Manager/Secretary