

**CUMRU TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING NOVEMBER 21, 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, 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. 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: Glenn Emory, Greg Miller, and Andrew Donnell.

A.) Steven Bilansky re: alley complaint

No one was present to discuss this issue.

B.) David Lugo re: 501 Governor Dr.

David Lugo asked the Board to acquire the fire escrow held by the Township for 501 Governor Drive. Ms. Johnston stated that the fire escrow will be released when the structure is safe. This can be done through demolition or renovation to comply with current building codes relating to safety of the structure. She reported that the current owner filed a building permit on Monday. There is confusion over who should be the beneficiary since it is believed that the fire escrow was assigned to an LLC.

Atty. Frankowski stated that the escrow will remain with the Township until the Township determines that the building is safe. The Ordinance states that the Township has discretion to decide whether the building is safe and habitable. She will need to see the agreement of sale to determine the beneficiary. Atty. Frankowski offered to speak with Mr. Lugo’s lawyer directly.

AMBULANCE SERVICE

A.) Monthly Report – October 2023

The Board had no questions on the information provided electronically.

B.) Service Agreement 2024-2026

As discussed at the 10/19/2023 meeting, the ambulance contract will be \$35/household for 2024 and \$45/household for 2025 and 2026.

ON MOTION OF MR. KALBACH, SECOND OF MR. BATDORF, A MAJORITY VOTE TO ACCEPT THE SERVICE AGREEMENT 2024-2026 BETWEEN TOWERDIRECT AND CUMRU TOWNSHIP. MS. ROWE CAST A “NO” VOTE. THE OTHER COMMISSIONERS ALL CAST A “YES” VOTE.

APPROVE MINUTES

Minutes will be approved at the next meeting.

TREASURER

A.) Monthly Report – October 2023

TAX COLLECTOR

A) October 2023 Report

1) Year 2023 Real Estate

Balance collectable beginning of month – \$183,798.55

Cash collected – \$21,053.62

Balance collectable end of month – \$162,744.93

2) Year 2023 Interim Real Estate

Balance collectable beginning of month – \$1,693.54

Cash collected – \$16.42

Balance collectable end of month - \$1,677.12

3) Year 2022 Interim Real Estate

Balance collectable beginning of month – \$439.80

Cash collected - \$391.76

Balance collectable end of month - \$48.04

4) Year 2023 Per Capita

Balance collectable beginning of month – \$19,385.00

Cash collected – \$2,890.00

Exonerations - \$1,115.00

Balance collectable end of month - \$15,380.00

CONSENT AGENDA

PLANS

**2023 – 08 LANDS OF PETER M. CARLINO AND MARSHIA W. CARLINO
EXPIRATION DATE – 2/04/2024**

(Sketch Plan for Record) Owners: Peter M. Carlino and Marshia W. Carlino; Agent: McCarthy Engineering Associates, Inc.; Location: between Open Hearth Dr. and High

Blvd.; Parcel ID# 39-530514442631, 39-530514443379, 39-530514446643, 39-530514448805, & 39-530514444704; Plan No. 230096-2-SI-01; Proposal Summary: Reconfigure 5 existing lots into 2 lots and annex the former right-of-way of High Blvd. that abuts the property to the property along the opposite side of High Blvd.

- a) Revised Sketch Plan from McCarthy Engineering Assoc., Inc., dated 10/27/23
- b) Cumru Twp. Subdivision and Land Development Plan Application, dated 10/11/23
- c) BCPC Review Application, dated 10/11/23
- d) Review Letter from GVC, dated 10/25/23
- e) List of Waiver Requests, dated 10/30/23
- f) Response Letter from McCarthy Engineering Associates, Inc., dated 10/30/23

ACTION:

APPROVED THE SALDO WAIVERS FOR THE LANDS OF PETER M. CARLINO & MARSHIA W. CARLINO PLAN AS STATED IN THE REVIEW LETTER FROM GVC, DATED 10/25/23, AND THE WAIVER REQUEST LETTER FROM NICK PERILLI, E.I.T., DATED 10/30/23 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 low-volume private streets of Open Hearth Drive and High Blvd;
- e) Relief from Section 507(B), not to require sidewalks along the portions of the low-volume private streets of Open Hearth Drive and High Blvd.

ACTION:

GRANTED APPROVAL FOR SKETCH PLAN FOR RECORD OF THE LANDS OF PETER M. CARLINO & MARSHIA W. CARLINO CONDITIONED ON COMPLIANCE WITH ALL THE ISSUES AS STATED IN THE GVC REVIEW LETTER DATED 10/25/23.

2023 – 09 WEISE SUBDIVISION

EXPIRATION DATE – 2/04/2024

(Final Minor Plan) Owners: Bryan E. Weise & Heather C. Weise; Agent: John Hoffert Surveying, Inc.; Location: 878 Freemansville Rd.; Parcel ID# 39-530504617460; Plan No. D-23-87-1; Proposal Summary: Subdivide 1 lot into 2 (existing residue and Lot1).

- a) Final Minor Subdivision Plan from John Hoffert Surveying, dated 10/04/23
- b) Cumru Twp. Subdivision and Land Development Plan Application, dated 10/10/23
- c) BCPC Review Application, dated 10/11/23
- d) Review Letter from GVC, dated 10/30/23
- e) Waiver Request Letter, dated 10/09/23

ACTION:

APPROVED THE SALDO WAIVERS FOR THE WEISE SUBDIVISION PLAN AS STATED IN THE REVIEW LETTER FROM GVC, DATED 10/30/23, AND THE WAIVER REQUEST LETTER FROM JOHN W. HOFFERT, P.L.S., DATED 10/09/23 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 Freemansville Rd.;
- e) Relief from Section 507(B), not to require sidewalks along the portions of the parcel that abut Freemansville Rd.;

Emergency Management – Berks County Hazard Mitigation Plan

ACTION:

ADOPTED A RESOLUTION TO ADOPT THE UPDATED BERKS COUNTY HAZARD MITIGATION PLAN.

END OF CONSENT AGENDA

ON MOTION OF MR. KALBACH, SECOND OF MR. MILLER, A UNANIMOUS VOTE TO APPROVE THE CONSENT AGENDA.

DEPARTMENTS

Police Department

A.) Monthly Report – October 2023

There were no questions about the monthly report.

B.) MCT Charges – refund

This is an agreement with Berks County for the mobile computers in the Police vehicles that has a monthly contribution. The refund of \$12,200.95 was for the current and prior year.

C.) Police Civil Service

1) advertisement for testing 12/15/2023

2) deadline to apply 12/14/2023

The dates listed above were corrected to reflect the actual dates for testing and the deadline. Chief Winchester reported that the application was reduced from 12 pages to 1 ½ and the fee was reduced from \$35 to \$20. The officers are promoting recruitment for the Police Department at colleges and universities.

Fire Department

A.) Monthly Report – October 2023

Chief Beane reported that the Fire Department responded to 90 calls in October and that it is on track to reach 1000 calls for this year.

B.) Fire Station

1.) bids to be advertised 11/30/2023

Chief Beane reported that the contract bids will be advertised on PennBid beginning 11/30/23 until January 29, 2024.

Atty. Frankowski stated that she had sent the documents back to the engineers with her comments.

Administration

A.) Codes Department – October 2023

Building Permits Issued- 24

Use Permits Issued - 3

Zoning Permits Issued- 9

Notices of Violations- 41

Citations issued- 0

Zoning Hearing Board Hearings – 2 hearings

Violations complied- 46

Phone calls from contractors, realtors & public approximately-183

Permit Inspections Done – 32

Inspections with the Fire Department – 2

B.) Consolidated Appropriations Act of 2021 “Gag Clause” Attestation

1.) Authorize delegation to Blue Cross

Ms. Johnston explained that there is a Federal regulation dealing with public disclosure between health providers and health carriers. Cumru Township is involved with a consortium called Benecon. She requested that the Board authorize Blue Cross through Benecon to complete the appropriate paperwork on behalf of the Township.

ON MOTION OF MS. ROWE, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE THE DELEGATION OF THE CONSOLIDATION APPROPRIATIONS ACT OF 2021 “GAG CLAUSE” ATTESTATION TO BLUE CROSS THROUGH BENECON.

C.) 678 Church Rd. Storm Sewer – revised grant

1.) authorize bidding for stream bank restoration

Ms. Johnston explained that a storm sewer pipe needs to be replaced at 678 Church Rd. This project has been ongoing and delayed due to the property owner refusing to accept several proposed designs. The property owner has agreed to allow the stream bank restoration part of the project to move forward. The Township had received a grant for the last design which had included pipe replacement and stream restoration. The grant had to be revised due to the property owner only agreeing to a lesser scope of the proposed project. The pipe replacement will hopefully occur at a later date. The request is for the Board to authorize bidding for the stream bank restoration at 678 Church Rd.

ON MOTION OF MR. KALBACH, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE BIDDING FOR THE STREAM BANK RESTORATION AT 678 CHURCH RD.

Public Works

A.) 2023 Road Work – Cedar Top Rd. phase 1 – change order and application for payment

1) Change order no. 1 in the amount of \$3,472.30

Mr. McNichols explained that the change order was due to soft and yielding conditions.

ON MOTION OF MR. BATDORF, SECOND OF MR. MILLER, A UNANIMOUS VOTE TO APPROVE CHANGE ORDER NO. 1 IN THE AMOUNT OF \$3,472.30 FOR CEDAR TOP RD. PHASE 1.

B.) Reed St. Storm Sewer – application for payment #3 (final) for \$10,594.78

ON MOTION OF MR. KALBACH, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO AUTHORIZE PAYMENT #3 (FINAL) FOR \$10,594.78 TO CONSTRUCTION MASTERS SERVICES, LLC (CMS) FOR THE REED STREET STORM SEWER REPAIR.

Engineer

A.) 2023 Road Work – South 9th St. – application for payment

Mr. Rogosky explained that a grant award for \$117,988.00 was used to help finance this project. He requested approval for payment in the amount of \$127,089.46 for H&K for the work on South 9th St.

ON MOTION OF MR. BATDORF, SECOND OF MR. MILLER, A UNANIMOUS VOTE TO AUTHORIZE PAYMENT TO H&K FOR ROADWORK ON SOUTH 9TH ST. IN THE AMOUNT OF \$127,089.46.

B.) Forest Drive – guiderail evaluation

Mr. Rogosky reported that the evaluation is ongoing and he will report back at a later date.

Solicitor

A.) Dangerous Structures Ordinance – draft

Atty. Frankowski reported that she had been asked to review the Dangerous Structures Ordinance due to having unsafe structures in the Township that were destroyed by fire. These fires also involved fatalities. The addresses are 711,713, 715 &717 Philadelphia Avenue and 501 Governor Drive. She asked if the Board had any specific concerns about the draft ordinance.

ON MOTION OF MR. KALBACH, SECOND OF MR. MILLER, A MAJORITY VOTE TO AUTHORIZE THE ADVERTISEMENT OF THE DRAFT DANGEROUS STRUCTURES ORDINANCE. MS. ROWE CAST A “NO” VOTE. THE OTHER COMMISSIONERS ALL CAST A “YES” VOTE.

B.) Traffic Impact Fee Ordinance

Atty. Frankowski was asked to look at the current ordinance with regard to the wording in the section about refunds.

PAYMENTS OF BILLS

ON MOTION OF MR. MILLER, SECOND OF MS. ROWE, A MAJORITY VOTE APPROVING PAYMENTS OF BILLS DATED 10/20/23, 10/27/23, 11/01/23, 11/01/23 – PLGIT, 11/01/23- BERKS MONOGRAMMING, 11/03/23, 11/10/23, 11/13/23 – ACH, AND 11/17/23. MRS. O’LEARY ABSTAINED FROM VOTING ON PAYMENT OF BILLS FOR 11/01/23 – BERKS MONOGRAMMING.

CORRESPONDENCE

A.) BARTA public meeting re; route changes 12/05/23 at Double tree at 5:30 p.m.

COMMISSIONERS

A.) 2024 Budget

Ms. Johnston showed a downward trend for assessed property value in Cumru Township due to a recent wave of reassessments. There has also been a slow, steady increase in tax exempt properties.

She explained that the budget for the next year is created in October and November for adoption before the end of the current year. The proposed budget has to be advertised 20 days before adoption by the Board. This is usually done at the regular 3rd Tuesday Board of Commissioners meeting in December.

General Fund

It was noted that the percentage of collection for the 3rd quarter of 2023 was down from the 3rd quarter of 2022.

The ARPA funds of approximately \$1.6 million in two tranches were used to replace revenue lost during COVID. The money is part of the general fund as required by the Federal regulations. No tax increase is proposed for the general Fund in 2024 because of the reserves provided by the second tranche of ARPA funds.

The projected expenses for the 1st quarter of 2024 are approximately \$2.5 million. The \$3 million balance at the end of the year is necessary because the General Fund will not be replenished until most of the property taxes are paid in May of the following year after the discount period.

Fire Fund

The Fire Fund is funded almost exclusively by the fire real estate tax. An increase from 1.3 mil to 1.4 mil is proposed for this fund in 2024.

Ambulance

There is no increase proposed for the Ambulance Fund in 2024.

Debt Service Fund

There is no increase proposed for the Debt Service Fund for 2024, but it will need to be evaluated for the 2025 budget.

Refuse Fund

The refuse fee will increase from \$255 to \$300 for a 1 adult household and \$275 to \$330 for a 2 adult household, due to increased costs for hauling and dumping. The Township will be generating the refuse bills in house and sending them out in January 2024.

Collection in Flying Hills will need to be addressed for the next contract. The haulers are moving toward automated collection using toters. Two major haulers did not submit bids on 10/31/23 because the Township does not mandate automated collection. The main obstacle to doing so is the fact that many properties in Flying Hills cannot accommodate automated collection. Single-family homes are not a problem. The trash rooms, stairs, closets, and lack of alleys contribute to the trash collection problem in Flying Hills.

Mr. Emory asked about the problems with the trash hauling this year. Ms. Johnston explained how Eagle and A.J. Blosenski were bought out and merged by a larger management company called Waste Connections. The Township fined the trash hauler for how badly the merger was handled and the trash service improved. That same entity was the low bidder for the hauling contract. A.J. Blosenski will be the name going forward.

SMP

The SMP fee for on-lot sewage systems will decrease from \$65 to \$55 for 2024. The fee had previously been higher to help pay for the expenses associated with an Act 537 Plan. The DEP has not reinstated the need for a revised Act 537 Plan at this time. The township does not want to deplete the fund for money to be available when the DEP again requires a new Act 537 Plan.

Liquid Fuels Fund

This money has restricted uses and is audited twice a year. The Township has the ability to do "technically proficient patching" for the roadways for approximately 1/3 of the cost of contracted services. Some roads will be treated in that way to extend their lifespan. The PIB loan has been deferred since the interest rate has risen significantly and the paperwork from the state has not been received. A liquid fuels funds will be used for a section of Hunters Road.

Sewer Fund

For sewer effluent to the City of Reading after 4/1/2024, the treatment and transportation rate will increase by 12.5%. Almost all (98%) of the sanitary sewer in Cumru Township goes to the City of Reading. The sewer fund will be monitored for the first half of 2024 to see if Cumru's sewer rate will need to be increased when the City's rate increase becomes effective. The purpose of a rate increase would be to replenish the sewer capital fund for replacement and maintenance of the sewer mains. At the same time, there needs to be a substantial balance in the operating fund for emergencies.

Capital Fund

This fund is used for major projects and purchases using general fund revenue.

ON MOTION OF MR. BATDORF, SECOND OF MRS. O'LEARY, A UNANIMOUS VOTE TO AUTHORIZE THE ADVERTISEMENT OF THE PROPOSED 2024 BUDGET.

B.) Special meeting 11/28/2023 – schedule

The Board agreed to schedule a special meeting on November 29, 2023, at 7:00 p.m.

C.) Reminders:

1) Zoning Hearing Board Regular Meetings

- November 28, 2023, at 6:00 p.m. – *Canceled*
- December 19, 2023, at 6:00 p.m. – upper level

Application #810- Missionary Sisters of the Precious Blood re: New Retreat Building with on-lot sewer and on-lot water.

ON MOTION OF MR. MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE MR. McNICHOLS TO TESTIFY AT THE ZONING HEARING BOARD ON BEHALF OF THE TOWNSHIP ABOUT APPLICATION #810, SPECIFICALLY THAT THE PARCEL ALREADY HAS PUBLIC WATER AND SEWER FOR EXISTING BUILDINGS AND FIRE SAFETY CONCERNS.

2) Board of Commissioners meetings for December 2023 and January 2024

- 12/19/2023 at 7:00 p.m. – Regular Meeting
- 1/02/2024 at 7:00 p.m. – Reorganization Meeting

3) Planning Commission – December 4, 2023, at 6:00 p.m.

Please note: The Cumru Township Office Building will be closed November 23 & 24, December 22, 25, & 29, and January 1, 2024, for the holidays.

C.) Executive Session

8:43 p.m. – The Board met in executive session to discuss 1 matter of litigation, several personnel issues and 1 matter of real estate.


9:43 p.m. – Executive session ended. The Board had discussed 1 matter of litigation, several personnel issues and 1 matter of real estate.

ON MOTION OF MR. BATDORF, SECOND OF MR. KALBACH, A UNANIMOUS VOTE TO ISSUE DISCIPLINE RECOMMENDED BY THE CHIEF OF POLICE TO THE OFFICER IDENTIFIED IN THE EXECUTIVE SESSION.

ADJOURNMENT

ON MOTION OF MR. BATDORF, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 9:44 P.M.

Respectfully submitted,


Jeanne E. Johnston
Manager/Secretary