

**CUMRU TOWNSHIP BOARD OF COMMISSIONERS
SPECIAL MEETING**

OCTOBER 28, 2015

The Special Meeting of the Cumru Township Board of Commissioners was called to order by President Tony J. Sacco at 5:30 p.m. Other Commissioners in attendance were Treasurer Ruth A. O'Learym, Sheri Hoover, Lorri K. Swan. Vice President Edward L. Gottschall was absent with prior notification to the Board of Commissioners. Also attending were Solicitors Michael A. Setley, Superintendent of Public Works Robert McNichols, Jr., Assistant Superintendent of Public Works James A. Beane, Business/Personnel Administrator Peggy Carpenter, Recreation Director Samson Gausch, Manager Jeanne E. Johnston, and Secretary Latoya Procopio.

Pledge to the Flag.

POPLAR NECK BRIDGE OVER NORFOLK SOUTHERN RAILROAD

- A) Bridge Problem Report - draft
 - 1) bridge closed 10/23/2015
 - 2) stabilization required in 7 days, bridge to be removed by November
- B) Letter from Allegheny Towing & Salvage Company re: request for permanent solution to access problem caused by bridge closure, dated 10/27/2015

Mr. Sacco informed the public that, in the last year and a half, PennDOT reduced the weight limit of the Poplar Neck Bridge over Norfolk Southern railroad from 10 tons to 5 tons. PennDOT also mandated certain repairs to the bridge. The Township hired STV Engineering, a firm that was familiar with the bridge, to develop specifications for the mandated repairs. An estimate for the mandate repairs was included in the 2015 capital budget.

Ms. Johnston reported that, before putting the specifications for repairs out for quotes, STV inspected the bridge as a safety precaution, which brought a significant, immediate safety concern to the Township's attention. An emergency meeting was held with PennDOT. The PennDOT preliminary bridge problem report generated as a result of that meeting mandated closure of the bridge and stated that closure of the bridge is not mitigation for the safety concern. The concern involves a beam on the underside of the bridge; vibration from a vehicle crossing the bridge could cause the beam to fall on to the railroad tracks below, possibly causing a derailment. PennDOT gave the Township seven days to completely remove the bridge, or seven days to stabilize the beam and have the bridge completely removed within the next two months.

Ms. Johnston gave a brief history of the area in question. Prior to the West Shore Bypass of SR 422 being constructed in the 1960s, Poplar Neck Rd. was a continuation of South 9th St. in the City of Reading and was known by several different names. After the bypass was constructed, the State turned over responsibility of the road, now bisected by SR 422, to the Township. In the 1980s, the Township vacated the east and west sides of the road north of Allegheny Scrapyard and south of Empire Wrecking on Neversink Mountain. The part of the road south of SR 422 has three bridges and the vacated area includes the third bridge, a concrete bridge over a rail line. From Allegheny Scrapyard south to SR 724, the road is now known as Poplar Neck Rd., and includes the bridge over the Schuylkill River and the wood deck railroad bridge which is now closed.

Ms. Johnston reiterated that the bridge in question was the only public access point to the northern Poplar Neck area, including Allegheny scrapyard, the residence of Mr. James Strunk, a Met Ed substation, the Township's pistol range used by 6 different police departments, two billboards along SR 422, and an area of the Thun trail. She discussed the potential for ingress and egress through the former Titus Station power plant, now owned by NRG Energy, which

would make the closed bridge unnecessary. Ms. Johnston explained that the existing bridge is non-conforming with respect to clearance over the railroad and, in order for a new bridge to be reconstructed, the bridge would have to meet the current standards. This would make reconstruction of the bridge extremely costly, in the millions of dollars. Mr. Sacco responded that the bridge will most likely not be reconstructed.

Mr. Setley informed the Board that he is in the process of negotiating a temporary access agreement with NRG through their driveway. NRG is concerned with security measures and insurance issues by allowing public access on their property. Mr. Setley reported that, as of now, NRG has been very cooperative and the Township will meet with NRG on October 29 to finalize the temporary arrangements.

PUBLIC

A) Larry Soloman of 475 Poplar Neck Road, co-owner of Allegheny Towing

Mr. Soloman spoke about his concerns for his failing business due to the bridge being closed on October 23. He stated the hardship started when PennDOT mandated in 2014 to lower the tonnage from 10 tons to 5 tons. Since then, his business has been unable to make any profit.

Although NRG gave Allegheny Towing a verbal agreement to allow anyone who was over the 5 ton limit to use their private driveway, so much business has been lost because vehicles over the weight limit have to wait to get in and out of the NRG gate. He stated that sometimes the security guard is not at the gate, so the person waiting has to call to be let in or out, a process that can take up to an hour. The waiting time has effectively killed his customer base. In addition, the verbal agreement can be revoked at any time.

Since the weight limit change, Mr. Soloman has laid off two employees; now there is discussion of laying off four more employees due to the bridge closure. He stated that he cannot run his business with one employee, that it is impossible. He had three customers this past weekend state that they will never come back to Allegheny Towing because of the access problem. Mr. Soloman informed the Board that NRG has been great with him thus far, but he needs a permanent solution. Mr. Soloman requested the gates be open 24 hours a day. As it stands, NRG would like to have the gates closed at 5:00 p.m. Due to his type of business, Mr. Soloman claimed the closing time of 5:00 p.m. will not work for nightly drop offs.

Mr. Soloman claimed that the guard wrote down all the vehicles that drove through NRG this past weekend. According to Mr. Soloman, the total was 115 vehicles a day on average and this is the slow season. In the busy season, he estimated the count would be closer to 200 vehicles a day on average. Mr. Soloman questioned if the Township could place employees at night to monitor the gate along with barricades to allow for 24 hour access. He requested that a Township official drive out to NRG and request access as if they were one of Mr. Soloman's customers. That person would eventually have to call Allegheny Towing to get out of the gate.

Mr. Sacco assured Mr. Soloman that the Township understands his dilemma. He reiterated to Mr. Soloman that the Township closed the bridge by order of PennDOT. He pointed out that NRG is privately owned and holds all the cards when it comes to granting access through their property. Mr. Setley thanked Mr. Soloman for speaking because it allows for the Township to better understand his needs.

B) James Strunk, resident on Poplar Neck Road

Mr. Strunk said he has resided there since the 1960s. He listed a number of people who need access to the Poplar Neck area: the railroad, UGI, Cumru Township, police officers from

various departments, Met Ed, Allegheny Towing, the billboard company, the cable company, Verizon, emergency services, the Thun Trail people, contractors, and himself. With urgency, he expressed the absolute need to have access now, and that the Township must add pressure on everyone involved to gain access.

ON MOTION OF MRS. HOOVER, SECOND OF MRS. SWAN, A UNANIMOUS VOTE AUTHORIZING THE PRESIDENT OF THE BOARD OF COMMISSIONERS TO EXECUTE THE TEMPORARY ACCESS AGREEMENT WITH NRG ENERGY, WHEN THE DOCUMENT IS FINALIZED BY THE SOLICITOR.

ON MOTION OF MRS. O'LEARY, SECOND OF MRS. SWAN, A UNANIMOUS VOTE DECLARING COMPLIANCE WITH THE STATE'S DIRECTIVE WITH RESPECT TO CLOSURE OF THE POPLAR NECK BRIDGE OVER NORFOLK SOUTHERN TO BE AN EMERGENCY PROJECT, AND AUTHORIZING TOWNSHIP MANGEMENT, IN CONSULTATION WITH THE ENGINEERS AND SOLICITOR, TO TAKE NECESSARY STEPS TO SECURE AND REMOVE THE POPLAR NECK BRIDGE OVER NORFOLK SOUTHERN RAILROAD IN THE INTEREST OF PUBLIC SAFETY.

With respect to securing the beam and removing the bridge, Mr. Sacco requested that administration and public works keep the Liaisons apprised of information and cost. The Liaisons may then inform the Board of Commissioners.

CORRESPONDENCE

A) Meeting Advertised in the Reading Eagle 10/27/2015

COMMISSIONERS

A) Executive Session

5:40 p.m. - The Board of Commissioners went into executive session to discuss real estate acquisition.

6: 57 p.m. - The meeting reconvened, the Board having discussed real estate acquisition in executive session.

ADJOURNMENT

ON MOTION OF MRS. HOOVER, SECOND OF MRS SWAN, A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 7:00 P.M.

Respectfully submitted,



Latoya Procopio
Secretary