

CUMRU TOWNSHIP BOARD OF COMMISSIONERS
5TH TUESDAY MEETING JANUARY 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 Codes Enforcement Officer William Frymoyer. Joseph P. Rogosky of Great Valley Consultants was excused with prior notification.

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: Ruth O'Leary, Dave McCoy, Sue McCoy, Greg Leonti, Bev Leonti, Guiseppe Farina, Roberta Kennedy, Barbara Nagle, Benvel Fisher, Glenn Emery, and Sam Kalbach.

A.) Guiseppe and Nicolina Farina, 456 Main St. – request for winter maintenance on an undedicated roadway.

Guiseppe Farina addressed the Board with assistance from Sue McCoy who read his prepared statement. He requested winter maintenance for Main St. because an ambulance would not be able to get to his driveway and his granddaughter missed nursing school. He claimed he had service for 23 years and Township workers park there to get to the water tank. Mr. Farina said that he plows his own driveway.

Mr. McNichols stated that he had met with Mr. Farina and his son on June 12, 2003, to discuss the requirements for dedicating the road to the Township. The Farinas decided not to install curbing and dedicate the road. Mr. McNichols pointed out that his residence is at the end of Main St. which is located mostly in Mohnton. The water tank is owned by Shillington; it is their workers, not Cumru Township workers, who are parking to access the water tank. This is the 5th time that Mr. Farina requested winter service. Cumru Township has never taken care of this undedicated road. It is considered to be a very long private driveway. The Township cannot maintain private driveways with Township funds.

Ms. Johnston reported that she and Mr. Davis, President of Mohnton Borough Council, met with Mr. Farina after the recent storm. Apparently a new Mohnton employee must have cleared the road and a Shillington water employee must have salted the road. The Mohnton employee has been instructed otherwise. Mr. Farina was told again that his undedicated road would not receive any maintenance service.

Mr. Donnell asked if this was a communication issue. Ms. Johnston said that she will communicate about this issue with Mr. Davis and with Mr. Brossman, Manager of Shillington Borough.

DEPARTMENTS

Police Department

Chief Winchester did not have any issues to report.

Fire Department

A.) Fire Station Phase 2 – bids

- 1) bids opened 1/29/2024

Note: bid documentation is under review. No award at this meeting.

The bids were opened at 10:00 a.m. on 1/29/24. There is a 60-day evaluation period before the bids will come to the Board with recommendations from the architect and engineer.

B.) Fire Station Phase 2 – builders risk insurance

Ms. Johnston reported that the bids were forwarded to EHD to work on a quote for builders risk insurance for the building phase of the project.

C.) Fire Station Phase 1 – approve Change Order # 5

- 1) Letter from Atlas recommending approval of Change Order # 5 for \$24,008.50 to Ankiewicz Enterprises, Inc. to adjust for actual quantities and costs of work constructed on project from the original quantities, dated 01/15/2024

ON MOTION OF MS. ROWE, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO ACCEPT CHANGE ORDER #5 FROM ANKIEWICZ ENTERPRISES, INC. FOR THE FIRE STATION PHASE 1.

D.) 711-717 Philadelphia Ave.

- 1) Request from Codes Dept. to initiate procedures under Dangerous Structures Ordinance, dated 1/26/2024

Cumru Township Codes Enforcement Officer, William Frymoyer, addressed the Board and voiced his concern about the safety hazard associated with these buildings and requested to initiate the procedures under the Dangerous Structures Ordinance. The structures have been vacant and uninhabitable since the fatal fire in May 2023. Ownership has changed several times since then. There have been reports of people entering the buildings. The buildings are connected due to the way they were constructed. The roof has become further compromised from the recent snow and rain. The owners of 711 Philadelphia Ave. were trying to clean out the property and remove debris in the yard. The owner of 717 Philadelphia Ave. came into the Township office to get permits to demolish the property and cap the sewer lateral. The contractor believes that he can demolish 717 without 715 coming down too. Mr. Frymoyer acknowledged that it would be more cost effective to take all the buildings down but the owners will not cooperate.

Mr. William Miller asked what would happen if all the dwellings come down when 717 is demolished. Atty. Frankowski stated that the liability would be with the contractor; that if the contractor causes damage to the other buildings, the contractor would be responsible.

Mr. Frymoyer planned to make a note on the permit that the Township is not responsible for any damage. He stated that all the properties are placarded at this time and no one should be entering them without permission. There have been reports of squatters going into these buildings.

Mr. Donnell said that private matters should be private and he questioned if this was an imminent public safety issue.

Atty. Frankowski stated that the Township could follow the procedure without immediately demolishing buildings. The first step would be to designate an official to investigate and write an official report. The report would be sent to the property owners. The property owners would then appear before the Board at a Public Hearing. Atty. Frankowski reminded everyone that if this gets resolved, that the Township can stop the process. She also stated that if there was imminent danger, the Township could go before the Court of Common Pleas and get a court order.

Mr. Batdorf and Mr. Donnell suggested that Mr. Frymoyer do the written report. Mr. Frymoyer recommended using a 3rd party to investigate and create the report.

Mr. Greg Miller wanted to know if the end game was to demolish the buildings. He voiced his concern about using the ordinance.

Chief Beane said that only 717 Philadelphia Ave. has a fire escrow. In the past, properties have been let go for years. These properties have become public nuisances and eyesores. The ordinance is a tool to get this problem addressed. It is a mechanism to bring the owners to the table and address this issue in a timely fashion.

Ms. Johnston stated that, before the ordinance was adopted, the Township had tried to get a court order for the demolition of a property only once in all the years that she has been employed by the Township. The court order was not granted, and the Township had to use the blighted properties procedure, which took a couple of years. The County blighted property committee agreed with the Township and the property was finally demolished last year.

ON MOTION OF MR. BATDORF, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO BEGIN THE PROCESS BY AUTHORIZING A 3RD PARTY TO INVESTIGATE THE PROPERTIES OF 711-717 PHILADELPHIA AVE. AND CREATE A REPORT.

E.) Civil Service Testing – update

Chief Beane announced that Civil Service testing will be held on March 9, 2024, at the Fire Training Site. The advertisement will be published soon.

Administration

A.) 2023 Budget to Actual Summary

Ms. Johnston gave a presentation for the 2023 Budget to Actual Summary. She stated that the scope of the presentation can be changed if the Board wants. She gave an overview of the major funds and encouraged the commissioners to formulate questions.

GENERAL FUND – For the increased revenue, Ms. Johnston gave credit to Mrs. Carpenter's aggressive investment strategies while the interest rates were higher. Expenses were decreased across all the departments. The proposed budget showed greater expenses versus revenue due to additional fund balance from the ARPA funds that were received during COVID.

FIRE FUND - There was an increase in projected revenue. Expenses increased due to increased wages and associated costs for qualifications, 12-hour shifts and payouts for 2 employees who resigned.

REFUSE FUND – The projected revenue decreased due to delayed payments, and an equipment grant that is still pending. Expenses also decreased due to hauler penalty deductions.

SEWER FUND – In the 803 sewer fund, revenue and expenses both decreased because less consumption led to reduced billing and reduced treatment payments to the City of Reading.

B.) EMC – Municipal Hazard Mitigation Plan re: Resolution Adoption

- 1) Email reminder from Berks County Department of Emergency Services, dated 1/23/24
- 2) Municipal Hazard Mitigation Plan (HMP) Update Adoption Resolution

Mrs. Wylezik-Pfeiffer explained that the County Commissioners have adopted the County's Hazard Mitigation Plan (HMP) which was accepted by FEMA in October 2023. When the municipalities adopt the County HMP, they are eligible to participate in FEMA grant funding. She requested that the Board adopt a resolution to adopt the Municipal Hazard Mitigation Plan Update.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO ADOPT A RESOLUTION TO ADOPT THE MUNICIPAL HAZARD MITIGATION PLAN UPDATE.

C.) Recreation and Open Space Plan

Ms. Johnston informed the Board that a request to be appointed to the Park and Recreation Board was sent to the tax collector. She explained that a Recreation and Open Space Plan has not been done since 1999. A plan is needed to apply for grants. The Montrose playground will cost approximately \$200,000 to upgrade.

Mr. Donnell asked why there is no playground program in Cumru Township. Ms. Johnston explained that the recreation building was the primary site of the playground program and it is now being used as the fire station construction job trailer. Mr. McNichols added that Cumru Township used to have 3 playgrounds. Since the Township is so spread out, people need to drive to utilize the playgrounds.

Ms. Johnston recommended forming a committee to study open space and recreation. One of the committee's considerations could be what a playground program should look like in the current environment when kids all have smart phones.

Dave McCoy, a long-time resident of Cumru Township, reminded everyone that there are regulations for maintenance of open space which takes funding. Mr. Batdorf agreed that the Township needs a long-range plan.

Public Works

A.) Winter Storms – update

Mr. McNichols reported that 700 tons of salt was used for the 3 storms this year. The Township needs to purchase 720 tons of salt per year per the COSTARS purchasing contract.

B.) Montrose Blvd. Stormwater Project – bids due 2/16/2024

- 1) Advertisement on PennBid 1/23/2024.

Mr. McNichols stated that the bids will be opened on 2/16/2024.

- C.) Sanitary Sewer Replacement Projects 2024 – bids due 2/16/2024
- 1) bids advertised for Cedar Top Road sewer replacement 1/2/2024
 - 2) bids advertised for Flying Hills Drive sewer replacement 1/2/2024
- Mr. McNichols stated that the bids will be opened on 2/16/2024.

D.) Soil Deposit Site

Mr. McNichols reported that the soil deposit site off of Cedar Top Rd. will take spoils from the Fire Station construction and the Cedar Top Rd. sewer replacement project. The Township saved approximately \$1 million in dumping fees by using the soil deposit site for the Fire station Phase 1- Utility Project.

Solicitor

A.) Comcast Cable Franchise Agreement – renewal

1) Draft Agreement

Atty. Frankowski explained that an agreement is not ready at this time. She is still communicating with Comcast. She will forward the draft agreement to the Board as soon as it is finished.

There was discussion about the agreement. Mr. Donnell is concerned that it is monopolistic. Mr. Greg Miller is concerned about Section 12 which deals with Video Service Providers (VSPs). Ms. Johnston said that the entities do not notify the Township unless there is new infrastructure. FastBridge Fiber is a PUC regulated company for infrastructure. She commented that the word franchise is misleading.

Atty. Frankowski invited the commissioners to email any changes to her.

B.) Solicitor Firm Name Change

Atty. Frankowski announced the law firm change. With Atty. Michael Setley's passing and Atty. Socrates Georgeadis's retirement, Atty. Nicole Plank and Atty. Frankowski have decided to form the Plank Frankowski, LLC law firm. The Board acknowledged the change.

CORRESPONDENCE

- A.) Downstream notification from Carpenter Technology 2024 re: aboveground storage tanks
This is a routine notification from an entity upstream from the Township.

COMMISSIONERS

A.) **Vacancy Board – nominations and appointment**

- 1) **Recommendation to appoint Ruth A. O'Leary – Commissioner W. Miller**
- 2) **Recommendation to appoint Don Snyder – Commissioner G. Miller**

Mr. William Miller nominated Ruth A. O'Leary for the Vacancy Board. Mr. Batdorf seconded the nomination. Mr. Greg Miller nominated Don Snyder for the Vacancy Board. Mr. Donnell nominated Glenn Emery for the Vacancy Board.

A majority ballot was recorded for Ruth A. O’Leary to be appointed to the Vacancy Board. Mr. William Miller -Yes, Mr. Batdorf -Yes, Ms. Rowe – Yes, Mr. Greg Miller – No, and Mr. Donnell – No.

B.) Service Level Agreements for Access to Township Documents – Commissioner A. Donnell

- 1) minimum response times for various document requests
- 2) minimum publishing timelines for meeting minutes, agendas, and non-sensitive reports

There was discussion about what is being requested. Mr. Donnell talked about marketing the information and how to get the information. Ms. Johnston stated that specifics would be helpful. Are requests for documents not being fulfilled? What are non-sensitive reports?

Ms. Johnston explained that The Sunshine Law requires agendas to be posted 24 hours ahead of the meeting. Responses to Open Records or Right-to-Know requests are 5 business days or a 30 day extension can be invoked. The Commissioners had requested that their own proposed agenda submissions should be submitted for approval 1 week before the meeting. The agenda items appear on the G drive for the Commissioners to review before the meetings in order to be prepared. Ms. Johnston said that the Administration would need feedback from the Board of Commissioners.

Mr. Greg Miller said we don’t want to surprise the public.

Mr. Batdorf replied that we don’t want to spoon-feed people.

C.) Executive Session

- 1) Zoning Hearing Board Case No. 794 – litigation
- 2) Personnel Matter – Tax Collector
- 3) Personnel Matter – Teamster position

8:47 p.m. – The Board met in executive session to discuss: Zoning Hearing Board Case No. 794 – litigation, Personnel Matter – Tax Collector, and Personnel Matter – Teamster position.

10:19 p.m. – The executive session ended. The Board had discussed: Zoning Hearing Board Case No. 794 – litigation, Personnel Matter – Tax Collector, and Personnel Matter – Teamster position.

ON MOTION OF MR. GREG MILLER, SECOND OF MS. ROWE, A MAJORITY VOTE TO WITHDRAW TOWNSHIP INTERVENTION IN ZONING HEARING BOARD CASE NO. 794. MR. GREG MILLER- YES, MS. ROWE – YES, MR. DONNELL – YES, MR. WILLIAM MILLER - NO, MR. BATDORF – NO.

ON MOTION OF MS. ROWE, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO AUTHORIZE THE SOLICITOR TO DRAFT AN UPDATED TAX CERTIFICATION ORDINANCE.

ON MOTION OF MR. BATDORF, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO AUTHORIZE THE SOLICITOR TO DRAFT AN ORDINANCE TO MODIFY THE TAX COLLECTOR COMPENSATION.

No action will be taken on the Personnel Matter – Teamster position.

D.) Reminders:

1) Board of Commissioners meetings for February and March 2024

- 2/20/2024 at 7:00 p.m. – Regular Meeting

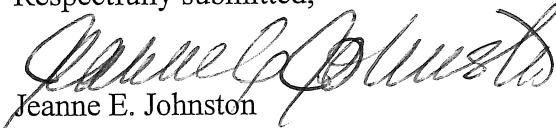
- 3/19/2024 at 7:00 p.m. – Regular Meeting

2) Planning Commission 2/05/2024 at 6:00 p.m.

ADJOURNMENT

**ON MOTION OF MR. BATDORF, SECOND OF MR. DONNELL, A UNANIMOUS
VOTE TO ADJOURN THE MEETING AT 10:22 P.M.**

Respectfully submitted,



Jeanne E. Johnston
Manager/Secretary