

**CUMRU TOWNSHIP BOARD OF COMMISSIONERS
PUBLIC HEARING PURSUANT TO DANGEROUS STRUCTURES ORDINANCE
FOR 711-717 PHILADELPHIA AVENUE
APRIL 18, 2024**

The Public Hearing for Dangerous Structures Ordinance for 711-717 Philadelphia Avenue was called to order by President Lisha Rowe at 6:30 p.m. Other Commissioners in attendance were Vice President Greg Miller, David J. Batdorf, and William B. Miller. Also attending were Solicitor Kelsey Frankowski, Fire Chief James Beane, Special Projects/Asst. Secretary Patricia A. Wylezik-Pfeiffer, Court Reporter Jolene N. Remus, and Codes Official William Frymoyer. Commissioner Andy Donnell and Manager/Secretary Jeanne E. Johnston were absent 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 (resolution no. 301). 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.

After the Pledge to the Flag, Ms. Rowe turned the Public Hearing over to Atty. Frankowski.

Atty. Frankowski explained that the purpose of the special meeting is to conduct a Public Hearing concerning the properties located at 711, 713, 715, and 717 Philadelphia Avenue pursuant to the Dangerous Structures Ordinance # 782. She stated the current owners of record for the properties were CK Reading Properties for 711 and 713 Philadelphia Ave.; Mouloukou S. Kaba for 715 Philadelphia Ave.; and Robert James Jankowski for 717 Philadelphia Ave. Kevin Mullen represented CK Reading Properties. None of the owners were represented by legal counsel.

Atty Frankowski explained the procedure for the hearing. She reminded everyone that the court reporter was recording the meeting and she asked that everyone speak slowly and clearly one at a time.

Atty. Frankowski entered Board exhibits (B-1 to B-5) into evidence:

- B-1 – Notice of Hearing
- B-2 - Affidavit of Service as evidence of posting of notices and photos of postings
- B-3 – Proof of Publication
- B-4 - Affidavit of Mailing of notices to property owners
- B-5 - Dangerous Structures Ordinance #782

PUBLIC

Attendance: Robert Jankowski, Mouloukou Kaba, Kevin Mullen, Ruth O'Leary, and Ben Fisher.

Atty. Frankowski called Ralph Cross as a witness for Cumru Township.

SWORN IN: Ralph Cross, GVC Building Inspector and Codes Official

Under direct examination by Atty. Frankowski, Mr. Cross stated that he is employed by Great Valley Consultants (GVC) and does Commercial Inspections for the Township. He said that he was familiar with the properties located at 711-717 Philadelphia Avenue.

Atty. Frankowski handed out exhibit packets to the property owners and Mr. Cross. She asked Mr. Cross to turn to Board Exhibit #6 which was identified as an aerial photo of the properties. Mr. Cross confirmed that all four of the properties had buildings that were attached to one another; 713 and 715 were attached on both sides while 711 and 717 were the end units and only attached on one side.

Mr. Cross stated that he was aware that a fire occurred on May 13, 2023, and that all these buildings were damaged to some degree by that fire. When asked if the Township had taken any action in regard to the buildings, Mr. Cross said that Mr. Frymoyer had inspected and posted the properties. He explained that by posted, he meant that placards were placed on the buildings stating that the buildings were unfit for habitation. He confirmed that he had seen the placards on each building. He was not aware of whether the owners had taken any actions to repair or demolish the properties.

Atty. Frankowski asked if any photos had been taken of the properties and the buildings after the fire. Mr. Cross stated that he believed that Mr. Frymoyer had taken photographs and he had seen them. Board Exhibit #7 was identified as the photos taken on the day of the fire of the four structures at the issue of this matter. Mr. Cross briefly described the different levels of damage shown in the photos.

Atty. Frankowski asked Mr. Cross if the Township had designated him to investigate and examine the buildings. He stated that the request was made in February and he went on 2/9/24. He went on to explain the damage to each property. Unit 711 was farthest from the actual fire and had limited exterior damage. He did not enter the building. Unit 713 had more damage and he did not go too far into the building due to structural concerns because the wall separating 713 and 715 was completely burned out. Units 715 and 717 had extensive damage and he only looked inside. All the roofs had extensive damage. He stated that the roofs did not have tarps and the windows had not been boarded over. He cited weather concerns due to rain and snow entering the unsecured buildings. Water damage must be considered for the basements and foundations.

Mr. Cross had created a written report of his findings. This report was entered as Board Exhibit #8. Mr. Cross said that the total damage left all the structures uninhabitable and posed potential safety hazards. It was his opinion that the owners should be given an order to seal the properties immediately. Failure of the owners to act should result in the Township doing the work and billing the owners. He attached the necessary 2021 International Property Maintenance Code sections to his report.

Ms. Rowe asked why Mr. Cross did not enter 711 and he replied that it had been locked.

Mr. Jankowski stated that 717 had been boarded and secured since January 2024.

Atty. Frankowski called William Frymoyer to testify.

SWORN IN: William Frymoyer, Cumru Township Codes Official and Building Inspector

Mr. Frymoyer stated that 717 had been secured since January and that Mr. Jankowski had obtained a demo permit. He also stated that 711 had created a big pile of debris in the yard for

which he had cited them. The owners of 711 were also inside the property without notifying the Township which violates the posted placard on the building. When asked if the owners of 711 had obtained a permit to do any work, Mr. Frymoyer replied that they had not.

Atty. Frankowski asked if the owner of 711 Philadelphia Ave., Mr. Mullen as a representative of CK Reading Properties, LLC, wanted to present evidence or testimony.

SWORN IN: Kevin Mullen, a partner in CK Reading Properties, LLC, and owner of 711 and 713 Philadelphia Ave.

Mr. Mullen explained that he is the financial partner and Christopher Napoli is the managing partner of CK Reading Properties, LLC. He requested a 30-day period of time to get a structural engineer to access the properties. He said either the property is secure enough to be renovated and rented out or if it is unrepairable, it will need to be taken down. Mr. Mullen said that they wanted to come to the hearing to make the request for the structural engineer to be able to enter the building.

Atty. Frankowski agreed that it would be a good idea to have a structural engineer evaluate the property. She reminded him that since the property is placarded, they would have to contact Mr. Frymoyer.

Mr. Frymoyer said that he just needs to know who is entering the property in case anything happens while they are inside. He requested that the owners secure the property during the 30-day extension. Mr. Mullen agreed to secure the property in an expedited time.

Atty. Frankowski concurred and stated that, pursuant to the ordinance, the Board has 30 days to issue a written decision about what they want done.

Mr. Mullen asked if the Board would vote on it tonight. The answer was they could or they could defer.

Mr. Mullen explained that part of the problem is that there are 3 different owners for the 4 properties which makes it difficult to determine what needs to be done. If it were 1 owner, it would be easier to decide. Atty. Frankowski said that the Township understands, which is why everyone is here tonight. She encouraged all the owners to have a conversation with each other.

Mr. Frymoyer asked if Mr. Mullen was aware of the citation for the debris in the yard. He recommended that it be cleaned up to avoid additional citations. Mr. Mullen took Mr. Frymoyer's name and number to contact him.

Atty. Frankowski asked if Mr. Kaba, the owner of 715 Philadelphia Ave., wanted to present evidence or testimony.

SWORN IN: Mouloukou Kaba

Mr. Mouloukou Kaba requested that his brother be able to testify because he knew more about the case. He said that his brother is his business partner.

SWORN IN: Ahmed Kaba

Mr. Ahmed Kaba explained that there has been a lot of back and forth between him and Chris to try to determine what to do. When they spoke last night, the plan was to get a structural engineer to look at the properties.

Atty. Frankowski asked if they were planning to use the same structural engineer as Mr. Mullen. The reply was yes.

Mr. Ahmad Kaba went on to explain they were originally supposed to buy both 715 and 717. There was confusion surrounding the sale. They were able to back out of buying 717 but were not able to back out of 715 because the money had already been wired. He talked about taking the people to court because he found out that the properties were not supposed to be sold like that.

Atty. Frankowski asked if they had worked with a realtor and the answer was no.

Mr. Greg Miller asked for clarity sake if the folks in the room were the owners at the time of the fire. None of the current owners were the owners when the fire occurred.

Mr. Frymoyer asked if they had looked at the property before they bought it. The answer was no. They thought that 715 wasn't as damaged as 717. Mr. Frymoyer told them that 715 is totally destroyed too. He explained that the building is balloon construction with connecting party walls. The party walls are burned through to the next building. Mr. Frymoyer said that if they had gone to the property, they would have seen the notices on the door. If they had contacted him, he could have talked to them and explained the situation.

Mr. Ahmed Kaba said that they thought that their contractor had contacted him. By the time the contractor told them that they might not be able to rehab the building, they had already wired the money.

Atty. Frankowski asked the name of the contractor. Mr. Ahmed Kaba said his name was Jose but he did not know his last name. When Atty. Frankowski asked if Jose owned a company, Mr. Ahmed Kaba did not know the name of the company.

Mr. Frymoyer stated again that the building are very unsafe. It is his opinion as a building inspector and BCO that they both need to come down. Because they share the same foundation and party wall, when 1 comes down, the others will come down.

SWORN IN: James Beane, Cumru Township Fire Chief.

Chief Beane wanted to clarify some information. In regard to Mr. Greg Miller's question, these properties have changed ownership many times since the fire. Only 717 posted a fire escrow. 711 and 713 were in an estate and the owner of 715 was unresponsive to anything that was going on. He stated that he felt sorry for the people sitting in the room tonight. This is what happens when real estate transactions go so fast and houses are flipped sight unseen. There are ramifications.

He also clarified that going east to west, the properties would be 717, 715, 713 and 711 because 717 is the most eastern property on Philadelphia Ave. He also explained the buildings are rear-furnished houses which means that the first floor entrance is in the rear of the properties. The basements are on Philadelphia Ave.

The Township has no control over the real estate transactions but these transactions delay moving forward. The Township has run into these situations before and that's why we are all here tonight to get all the players to the table. The current owners of the properties can have a full-blown discussion.

Atty. Frankowski asked if Mr. Jankowski wanted to present testimony.

SWORN IN: Robert Jankowski, owner of 717 Philadelphia Ave.

Mr. Jankowski wanted to reiterate that from the beginning his plan was to do a full demo reconstruction from the ground up. He stated that it would be hard to demo his property because of the shared wall with 715 and the balloon construction. All the buildings are semi-structurally tied together so they should be demoed at the same time. He has a demo contractor that could

demo 717 by itself. He could leave the common wall standing with 715. It is a liability due to the construction of the building.

Mr. Jankowski said that he has reached out to 715 concerning the demo.

Atty. Frankowski stated that the Board is aware that Mr. Jankowski has been working with the Township and they appreciate that.

Mr. Greg Miller asked if Mr. Jankowski was trying to buy the other properties. Mr. Jankowski said that he did offer. He had talked to 715 and asked him to tell 713 and 711 that he'd purchase them. The reality is what he would offer for the value of the vacant land is not what the owners are willing to take at the moment. He said that he had a good demo company ready to go. He said the demo price would be about \$15,000-16,000 apiece.

Mr. Mullen asked how much was offered. Mr. Jankowski said that with all the costs, he offered \$10,000. Mr. Mullen stated that his mortgage was \$60,000 one property and \$50,000 on the other. He can't afford to sell for only \$20,000. Mr. Jankowski explained that the small properties are only worth about \$30,000 so by the time you pay for demo and grading, the value is low.

Mr. Mullen said he could appreciate that but if they could structurally repair them and lease them, they would prefer that. With the mortgages, he can't afford the offer.

At this time, Atty. Frankowski asked the public if anyone wished to speak.

SWORN IN: Ruth O'Leary

Mrs. O'Leary asked when the properties were constructed and what constitutes balloon construction. Mr. Jankowski answered that he thought the buildings were constructed about 120 years ago. Mr. Batdorf and Chief Beane agreed with the approximate construction time.

Atty. Frankowski asked Mr. Jankowski if he could explain balloon construction. He explained that the walls go from the foundation plate all the way to the roof. The floors are not loadbearing. The floor joists are hangered into the ledger plates on the studs themselves. Balloon framing is a big fire hazard and doesn't meet any codes today. The biggest problem, if you can salvage them, is how to make them meet today's fire codes.

Mr. Cross said that the movie *Backdraft* showed what happens with balloon framing. It allows the air going up the wall to feed the fire. After the Chicago Fire, they switched to platform framing which is where you build one floor at a time on top of the previous floor to seal off the air flow between floors. He suggested that a shaft wall could bring the buildings up to code.

Mr. Jankowski said that he has no intention of building a townhome. He intends to build a detached single-family home because he has enough property. So the question remains, how does he demo 717 and leave 715 when the common wall is burned to a crisp all the way up? It is a huge liability for my contractor.

Atty. Frankowski announced that the Board could make a decision now or the Board can deliberate and make a decision. Either way, the ordinance requires that within 30 days from today, the Board needs to make written findings of fact from the testimony offered as to , number 1, whether or not the buildings are dangerous buildings pursuant to the ordinance and then, number 2, whether the owners need to repair, demolish, or vacate and secure any buildings found to be dangerous. She left it to the Board's discretion if they wanted to make any sort of decision or if they wanted to wait. She offered to make a recommendation.

Ms. Rowe asked for her recommendation.

Atty. Frankowski stated that based on the testimony, she would recommend that all 4 buildings are dangerous structures pursuant to the ordinance. She recommended securing the buildings in the manner indicated by Mr. Cross. She also recommended that professionals be obtained to determine whether each of the buildings can be repaired or needs to be demolished. The professionals should provide the information to the Township and then the Board should follow the recommendations of the professionals.

Mr. Batdorf suggested that a foundation wall inspection should be done.

Atty. Frankowski reminded the Board that a decision would need to be made for each structure and that they did not have to decide tonight.

Mr. Cross stated that the structural engineer's report would be the best determination of the properties and that could take up to 30 days. Atty. Frankowski said that is not part of the record tonight.

Mr. Greg Miller asked Mr. Batdorf's opinion as a realtor if the buildings were dangerous structures. Mr. Batdorf answered absolutely and added that he would not enter any of the buildings.

Chief Beane clarified that unit 715 was the origin of the fire. Units 715 and 717 had severe fire damage. Units 711 and 713 have severe roof damage. All the properties have water damage. There is concern that nothing will be left to hold up the roof.

Mr. William Miller asked Atty. Frankowski if her recommendation was for the Board to look at the definitions listed in the ordinance and classify whether each property is a dangerous structure. Atty. Frankowski replied that is correct. Then if the Board wanted to issue an order, she recommended that the properties be secured, then determine whether the properties can be repaired or need to be demolished pursuant to the professional opinion and then follow through with the recommendation of that professional.

Mr. Greg Miller asked about a timeline. Atty. Frankowski stated that pursuant to the ordinance, once the written decision is issued, they have a certain amount of time to follow through with the actions. They must commence work required within 10 days of the notice and then comply with the remainder of the work within 60 days.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO AUTHORIZE THE SOLICITOR TO DRAFT FINDINGS OF FACT PURSUANT TO HER RECOMMENDATIONS PREVIOUSLY STATED.

Atty. Frankowski stated that the record was closed and she would get a copy of the written decision out within 30 days. She encouraged all the property owners to keep talking.

ADJOURNMENT

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 7:37 P.M.

Respectfully submitted,



Patricia A. Wylezik-Pfeiffer
Assistant Secretary