

**CUMRU TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING JULY 16, 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., 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. Asst. Superintendent of Public Works Michael Yost, Jr., was 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.

Pledge to the Flag.

PUBLIC

Attendance: Kathy Rohrbach, Sue McCoy, Dave McCoy, Gerald Potochnik, Ruth O'Leary, Robert Moyer, Joe Roland, Justin Strunk, Larry W. Mogel, Jeff Stiefel, Cynthia Stiefel, Steven Goodhart, William Clark, Perry Haas, Glenn Emery, Ben Fisher, Mike Eshbach, Tom Stutzman, and Terrence O'Brien.

A.) Cynthia & Jeffrey Stiefel re: request for "Local Delivery Trucks Only" sign on Mt. Penn Rd.

Mr. and Mrs. Stiefel addressed the Board concerning issues on Mt. Penn Rd. They reported that there are more tractor trailers on the road. The noise level has increased. They are concerned for the safety and quality of life for residents in this area. Every day between 3:30 and 5:00, a green septic tank truck travels on Mt. Penn Rd. The Stiefels requested that three "Local Truck Traffic Delivery Only" signs be placed on Mt. Penn Rd. Mr. Stiefel acknowledged that school buses and local deliveries must be allowed. He asked about the use of jake brakes.

Mr. McNichols confirmed that he had advised Mr. and Mrs. Stiefel to attend a meeting to help manage expectations. He stated that every driver believes that they are a "local delivery." He believes that a study would be needed. Mr. Rogosky agreed that a traffic study would be needed and stated that enforcement would be difficult. He reported that Act 31 increased the permitted width of trucks but did not address the width of roads. He said that PennDOT is reluctant to prohibit jake brakes because they are considered a safety feature.

Mr. Donnell asked if the new PennDOT bridge at Freemansville Rd. and SR625 was rated for truck traffic. Mr. McNichols responded that the state-owned bridge is not posted and that any truck is allowed on roads in the state unless posted.

Mr. Rogosky explained some of the factors considered for a study would be safety, visibility, and possible speed limits. Mr. McNichols explained that the Township could study Mt. Penn Rd., but not Freemansville Rd., because Freemansville Rd. is a state road. Mr. Rogosky explained that the Township could send a letter to PennDOT requesting a study for Freemansville Rd. and that PennDOT would look into its files to see if a study has been done recently to determine if one should be conducted. The Board agreed to ask PennDOT to conduct a study of Freemansville Rd. Mr. Greg Miller asked about the cost of a study for Mt. Penn Rd. Mr. Rogosky said that he could work on an estimate.

Mr. Greg Miller asked if after the study was completed and the signs are posted, the police Department could issue tickets. Chief Winchester replied that would be true in a perfect world. He said that, in reality, it is difficult to enforce unless the police officer is in the exact spot at the exact time to witness the violation. He also said that the Magisterial District Justice (MDJ) would ultimately decide who is "local." Mr. Donnell asked if the MDJ has enforcement. Mr. Rogosky explained that while the Township can post signs, the MDJ would determine if they are valid. The MDJ will want to see the study. Chief Winchester suggested placing signs in locations to alert drivers before trucks enter the road.

Mr. Rogosky said that he will prepare both a letter for Ms. Johnston to send to PennDOT and an estimate for the Mt. Penn Rd. study.

B.) Tom Stutzman re: 678 Church Rd. stormwater issue/ streambank restoration project

Mr. Stutzman addressed the Board regarding a draft that his lawyer received from the Township solicitor in reference to the proposed project on his property. He believed that the draft was full of mistruths and exaggerations. He ended by quoting a line from the movie *Caddy Shack*, "Well, we're waiting."

C.) David Waligurski re: refuse late fee complaint – not present.

D) Refuse and SMP Late Fees

Several residents requested to address the Board concerning refuse late fees and a courtesy letter that was sent to residents offering a chance to pay the overdue bill before it was sent to collections.

Kathy Rohrbach, a resident of Church Rd., stated that she had received a letter but had not received a bill. She said that she had found a reference in the Township newsletter online that the refuse would no longer appear on the tax bill in 2023. She also found her check from the previous year. She contacted other residents. She did not feel that she should have to pay the late fee. When she went on social media, she received responses from people all over the Township. She demanded to know who was pocketing the money. Ms. Rohrbach stated that this was not a postal mistake but an office mistake.

Ms. Johnston replied that she respectfully disagreed; bills for 6,292 refuse and SMP accounts were sent out in January. Undeliverable bills were returned to the Township. There is no proof that the bills were not received. The due date was April 1. A letter was sent dated 7/11/2024 to property owners who did not pay their refuse/SMP bills yet. The letter was sent to give people an additional month to pay before being sent to collections. Of the 838 letters sent out, 415 were from accounts that had paid last year and 423 were from repeated delinquent account.

Ms. Rohrbach asked how she should know when a bill is due if she doesn't get a bill. She stated that she pays her bills on time. She wanted to know where the 10% penalty money is going.

Mr. Donnell asked if this was out of the ordinary. Ms. Johnston replied that there is no history because last year was the first year that the Township sent refuse and SMP bills separate from the tax bills. She said that the 10% penalty was consistent with other late fees. Any revenue received goes into the refuse fund which is used to pay for collection and disposal of refuse, as well as manning the yard waste site and disposal of the yard waste.

Justin Strunk, a resident of Church Rd., stated that he did not receive a bill and he doesn't pay his bills late.

Steve Goodhart, a resident of Scenic Dr., said that he pays his bills in full and on time. He was upset by the letter and wanted to know how he knows that the bill was sent. Mr. Goodhart felt that a second letter should have been sent out.

Ms. Johnston replied that the bills were sent out in January. The only way to prove is to send by certified mail which would increase the refuse fee because of the difference in cost.

Mr. William Miller read from the budget sheets that approximately \$1.5 million was collected as of July 12, 2024. He pointed out that the majority of people had paid their refuse bill.

Larry Mogel, a resident of Church Rd., stated that he never had a late bill and that he did not get a bill.

Don Snyder, a resident of Harry Ave., asked what would happen if he did not pay the late fee and only paid the base rate. Ms. Johnston replied that only payment in full is accepted. The check would be sent back with a request for full payment. Mr. Snyder said that they should do what is right and not collect the late fee.

William Clark, a resident of Scenic Dr., objected to the Township waiting 4 months to send a letter.

Mr. Donnell asked if this delinquency was normal. He voiced concern about establishing a precedent.

Atty. Frankowski stated that there was no mechanism to determine the sending and receiving of bills. The concern is that if you waive the fee, everyone could say, "I didn't get a bill."

Mike Eshbach, a resident of Cameron St., asked about qualifiers. Atty. Frankowski said that a qualifier based on an anomaly could decrease the precedent but it would still set a bad precedent. Mr. Eshbach stated that he received a letter, but he did get a bill. He hadn't paid it, so he paid the late fee. He asked he felt that it should have stayed the same.

Mr. Donnell asked Ms. Johnston to explain why this changed. Ms. Johnston explained that the tax collector is an elected official whose job is to collect taxes in accordance with the 1st class township code. The tax collector would have had to be compensated for collection of fees. However, tax collector compensation is set by the 1st class township code and it does not include compensation for fee collection.

Robert Moyer, a resident of Grill Ave., stated that he retired from the postal service after 31 years. He asked why there was a problem with the refuse bills but not with the sewer bills. When he asked who processes the bills, Ms. Johnston answered that the Township prints both bills and sends them through the post office. Mr. Moyer suggested discussing this issue with the postmaster. He inquired about paying online.

Mr. Moyer also expressed his concern about the Township losing \$500,000 a year from the landfill closing. He asked if the Township was looking for alternative sources to increase revenue. Ms. Johnston gave a history of the efforts that were made previously to increase revenue for the Township. She also added that all municipalities took a hit from the increase in the common level ratio which led to lower assessed property values. There has also been an increase in tax-exempt properties. This amounted to a reduction of assessed value of approximately \$1 million for Cumru Township.

There was discussion about how to possibly grant one-time waivers or reimburse late fees without interest.

Mr. Moyer expressed some observations from the recent Community Days. There was a problem with parking on the fireworks night. He saw more trash in the neighborhoods this year but did say that he had seen a street sweeper later. Mr. Moyer stated that the Police Department did a good job.

AMBULANCE SERVICE

A.) Monthly Report – June 2024

Lt. Mark Wenrich gave the ambulance report. TowerDIRECT had 904 “911” calls in June and 6,124 year to date. There have been 1,384 “911” calls in Cumru Township year to date.

APPROVE MINUTES

ON MOTION OF MS. ROWE, SECOND OF MR. BATDORF, A UNANIMOUS VOTE APPROVING THE MINUTES OF 6/18/24 - PUBLIC HEARING FOR LIQUOR LICENSE TRANSFER.

TREASURER

A.) Monthly Report – June 2024

Mrs. Carpenter reported that Mr. Greg Miller had asked for a new report format and that there were copies at each Commissioner’s seat. Mr. Greg Miller approved of the format. Ms. Johnston pointed out that the reduced revenue from assessments could be seen in the 1st line.

Mrs. Carpenter said that she, as a resident, appreciated the purchase of 411 Mt. View Rd. as the Township moves forward with the sewer separation from Kenhorst.

B) Delinquent Accounts and Collections – consider authorization to consolidate ordinances

Ms. Johnston explained that there are currently 3 ordinances for delinquent accounts and collections. She requested that the Board consider combining the ordinances into one.

ON MOTION OF MR. DONNELL, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO AUTHORIZE DRAFTING AND ADVERTIZING A CONSOLIDATED ORDINANCE FOR DELINQUENT ACCOUNTS AND COLLECTIONS.

TAX COLLECTOR

A.) June 2024 Report

1) Year 2024 Real Estate

Balance collectable beginning of month - \$528,132.41

Cash collected - \$260,836.58

Balance collectable end of month – \$267,295.83

2) Year 2023 Interim Real Estate

Balance collectable beginning of month – \$1,037.88 (billed 1/1/24 & 4/1/24)

Additions - \$9,271.94 (billed 6/1/24)

Cash collected – \$7,206.80
Balance collectable end of month -\$3,103.02

DEPARTMENTS

Police Department

A.) Monthly Report – June 2024

There were no questions about the monthly report.

B.) GGML Community Days – June 28 - July 6, 2024 – update

Chief Winchester gave a brief wrap up saying that it was a long 9 days. He plans on talking with GGML and will be recommending more trash containers.

Fire Department

A.) Monthly Report – June 2024

There were no questions about the monthly report.

B.) Fire Station Construction – consider pay application #1 for Balton Construction, Inc.

1) Pay application #1 submitted by Balton Construction, Inc. in the amount of \$338,039.02
ON MOTION OF MR. BATDORF, SECOND OF MR. WILLIAM MILLER, A UNANIMOUS VOTE TO APPROVE PAY APPLICATION #1 FOR THE FIRE STATION, PAYABLE TO BALTON CONSTRUCTION, INC. UP TO AN AMOUNT OF \$338,039.02.

Mr. William Miller stated that anyone on the construction site must wear safety vests and hard hats. Mr. McNichols said that Public Works can provide them if needed.

Mr. Donnell asked about additional signs and fencing. Both Mr. McNichols and Chief Beane confirmed that the contractors will be providing these.

Administration

A.) Codes Department – June 2024

Building Permits Issued – 11
Use Permits Issued – 2
Zoning Permits Issued – 9
Notices of Violations – 18
Citations issued – 0
Violations complied – 14
Phone calls from contractors, realtors & public approximately – 188
Properties placarded – 0
Permit Inspections Done – 36
Inspections with the Fire Department – 3
Training Seminars attended – 0

B.) Restoring Hope – consider request for building permit fee waiver for 78 Beech Rd.

- 1) Letter from Restoring Hope dated June 2024.
- 2) Restoring Hope flyer of work done 2011-2023
- 3) state surcharge of \$4.50 still applies

Ms. Johnston explained that Restoring Hope provides assistance to those in need. She requested the Board consider waiving the building permit fees with the exception of the \$4.50 state surcharge.

ON MOTION OF MS. ROWE, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO WAIVE THE BUILDING FEES WITH THE EXCEPTION OF THE \$4.50 STATE SURCHARGE FOR THE RESTORING HOPE PROJECT AT 78 BEECH RD.

C.) Budget Store and Lock Self Storage – consider request for escrow release

1) Letter from owner requesting release of \$71,404.16, dated 6/12/2024

Ms. Johnston requested that the Board consider an escrow release for Budget Store and Lock Self Storage in an amount to be based on the recommendation of the Township engineer.

Mr. William Miller asked about the sewer problem that was caused by the blocked lateral and the manhole that was filled with cement. Ms. Johnston said that a plan to resolve the issue was determined last Friday during an on-site visit with the developers. The escrow does not cover the laterals.

ON MOTION OF MR. DONNELL, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO APPROVE AN ESCROW RELEASE FOR BUDGET STORE AND LOCK SELF STORAGE FOR AN AMOUNT TO BE BASED ON THE RECOMMENDATION OF THE TOWNSHIP ENGINEER.

D.) Records Management – consider resolution to dispose of records

Ms. Johnston requested a motion to adopt a resolution to authorize the disposal of the records on the provided list. Mr. Greg Miller asked if this involved electronic records, the G drive or emails. Ms. Johnston replied that the items on the list were paper. She explained that the information on the G drive is duplicative. The Township follows the guidelines of the PA Historical and Museum Commission with respect to document retention. The Township is not required to keep more than one copy of a record.

ON MOTION OF MR. DONNELL, SECOND OF MR. GREG MILLER, A MAJORITY VOTE ADOPTING A RESOLUTION TO DISPOSE OF THE RECORDS ON THE LIST. MR. BATDORF WAS NOT PRESENT FOR THE VOTE.

E.) Refuse Collection in Flying Hills – discussion of alternatives for a committee

Ms. Johnston inquired about which administrative mechanism should be used to discuss this.

Mr. William Miller recommended forming a committee that should include Ms. Johnston, as well as Mr. Greg Miller and Mr. Donnell since they live in Flying Hills. Mr. Greg Miller and Mr. Donnell disagreed.

Mr. Greg Miller stated that he would like to see the formation of an Environmental Advisory Committee (EAC) which would include a liaison from the Board. He found some ordinances from around the county but feels that the language needs to be vetted more. He said that he would forward them and would like Atty. Frankowski to look at the language

Mr. William Miller asked how the EAC is going to address the issue of trash collection in Flying Hills. He stated that in 2026, there will be a problem with trash collection.

Mr. Donnell said that it isn't the Board's role to be administrators.

Mr. Greg Miller stated that Flying Hills is already looking at options.

Public Works

A.) Montrose Blvd. Stormwater Project – completed; application for payment pending

Mr. McNichols reported that the paving was done yesterday and he is expecting a pay application.

B.) Sanitary Sewer Replacement Projects 2024 – update

1) Cedar Top Road – in progress

Mr. McNichols reported that this project is moving along. Shillington Borough is also doing water line work in this area.

2) Flying Hills Dr. – completed; application for payment pending

Mr. McNichols reported that he received a pay application right before the meeting. It will appear on a future agenda after it is reviewed by Atlas Engineering.

C.) 1601 Ridge Ave. – consider approval to remove “ramp” in the roadway

Mr. McNichols explained that the owners have created a blacktop ramp in the roadway when they widened their driveway. This will be a hazard during snow removal. He requested that the Board approve the removal of the ramp. Mr. Donnell asked if there was any rationale on the part of the homeowners. He was told that the Codes Department had reached out but there was no reply.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPROVE THE REMOVAL OF THE RAMP FROM THE ROADWAY AT 1601 RIDGE AVENUE.

Engineer

A.) Hunters Rd. phase 1 – update

Mr. Rogosky reported that construction started on 7/10/24. The plan is to remove existing pavement and install underdrain. The project is going well so far. He expects to have a payment application for the meeting on July 30th.

B.) Cedar Top Rd. / slope failure in 1200 block – update

1) geotechnical investigation

Mr. Rogosky stated that they have received the report and are in the process of reviewing the options to prepare cost estimates. He hopes to be able to present the information at the next meeting.

Solicitor

A.) Zoning Ordinance Text Amendment – discussion and consideration

- 1) previously authorized amendments: wind turbines regulations, retreat centers definition and permitted locations, MUGC district uses
- 2) fire access lane width under discussion (24 to 26 feet)
- 3) Planning Commission recommended additional consideration of “agritainment” language
- 4) Planning Commission recommended additional consideration of AirBNB regulations

Atty. Frankowski stated that during previous text amendment discussions, the Board had agreed that it would be better to do a comprehensive amendment to the ordinance. In regard to

#2, the Board had agreed to include this request. In regard to #3 and #4, the solicitor and administration are reviewing language in order to present recommendations to the Board. In regard to #1 and the changes to the uses for the MUGC Zoning District, the Planning Commission had recommended further discussion and the Board had tabled it. Mr. William Miller stated that he does not support the changes.

ON MOTION OF MR. GREG MILLER, SECOND OF MR. DONNELL, A MAJORITY VOTE TO CHANGE THE USES ALLOWED IN THE MUGC ZONING DISTRICT. MR. GREG MILLER, MR. DONNELL, AND MS. ROWE VOTED YES. MR. WILLIAM MILLER AND MR. BATDORF VOTED NO.

B.) LERTA Ordinance – consider draft ordinance amending time frame

1) Publication notice for 7/07/2024

Atty. Frankowski explained that this was to change the ordinance to place a time limit for the project to be substantially completed.

ON MOTION OF MR. GREG MILLER, SECOND OF MR. DONNELL, THE MOTION TO PLACE A TIME LIMIT FOR SUBSTANTIAL COMPLETION DID NOT PASS. MR. BATDORF, MR. WILLIAM MILLER AND MS. ROWE VOTED NO. MR. GREG MILLER AND MR. DONNELL VOTED YES.

C.) Hill Circle properties Repository Sale – consider authorizing consent to accept

1) Notices of Repository Sale from Berks County Tax Claim Bureau for parcels #39439620911873 and #39439620911834

Atty. Frankowski said that if the sale is successful, the property would be free and clear.

Ms. Johnston explained that these properties would be difficult to develop because the only access would be from another property's driveway. The law requires that the municipality consent to accept properties for Repository Sale. There was a question about whether there were any issues with authorizing consent. Atty. Frankowski said that there was no issue.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE CONSENT TO ACCEPT PARCELS #39439620911873 and #39439620911834 FOR REPOSITORY SALE.

D.) Dangerous Structure, 715 Philadelphia Ave – update

Ms. Johnston reported that 717 Philadelphia Avenue has been demolished.

PAYMENTS OF BILLS

ON MOTION OF MR. BATDORF, SECOND OF MS. ROWE, A UNANIMOUS VOTE APPROVING PAYMENTS OF BILLS DATED 6/21/24, 6/28/24, 6/28/24 - ADDITIONAL, 7/05/24 AND 7/12/24.

CORRESPONDENCE

A.) Magisterial District Judge 23-2-04 Audit Report FY 2023

Mr. Donnell wanted to circle back to the Flying Hills refuse issue. There have been insinuations about representation by Mr. Greg Miller and himself. They have been accused of overrepresenting Flying Hills and not acting in good faith. Now they are being asked to represent Flying Hills on an issue that affects the whole Township.

Mr. Batdorf said that Public Works should handle this issue.

Mr. Eshbach asked if they weren't running on the context about the Flying Hills warehouse. He said that he was still waiting for a conversation with Mr. Donnell.

COMMISSIONERS

A.) Executive Session

- 1) 678 Church Rd. – potential easement acquisition
- 2) Police Collective Bargaining Agreement
- 3) personnel issue

Executive session began at 9:18 p.m.- to discuss a potential easement acquisition, the Police Collective Bargaining Agreement and a personnel issue.

Executive session ended at 10:16 p.m. – a potential easement acquisition, the Police Collective Bargaining Agreement and a personnel issue were discussed.

ON MOTION OF MR. DONNELL, SECOND OF MR. GREG MILLER, A UNANIMOUS VOTE TO MAKE A CONDITIONAL OFFER OF EMPLOYMENT TO A FIRE DEPARTMENT CANDIDATE AND SUSPEND THE PROBATIONARY PERIOD THROUGH THE CANDIDATE'S MILITARY LEAVE.

B.) Reminders:

- 1) Zoning Hearing Board 07/23/2024 at 6:00 p.m.
Application No. 818 – E. Mercado 1613 Meade St. for AirBNB
Application No. 819 – Scornavacchi 1095 Welsh Rd. for in-law quarters
- 2) Board of Commissioners meetings for July and August 2024
- 07/30/2024 at 7:00 p.m. – 5th Tuesday Meeting
- 08/20/2024 at 7:00 p.m. – Regular Meeting
- 3) Planning Commission 8/05/2024 at 6:00 p.m.

Mr. Donnell wanted to circle back to the refuse fee issue and his incomplete motion about a 1-time waiver for those in the July 11 mailing who weren't previously delinquent. Mr. Donnell asked about the implications for the Township.

Mr. William Miller asked what happens to the people who have already paid a late fee?

Mr. Greg Miller asked how this compares to other bills such as sewer. What would be the cost to the Township?

Mrs. Carpenter stated that the Township can't stop sewer and refuse services. She stated that the refunds would involve overtime and would be time consuming for the staff. Those costs would be paid out of the fund.

Chief Winchester said that the Township could prove it paid the postage by auditing the postage machine. Atty. Frankowski suggested that Administration could research this. It was agreed to look into this issue for the 7/30/24 meeting.

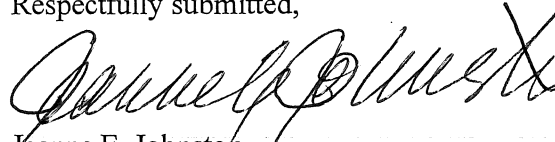
Mr. Donnell withdrew his motion.

Mrs. Ruth O'Leary stated that the person complaining from Harry Avenue has the same postal carrier that she does and she received her bill. She also informed the Board that she is still listed as the alternate member for the Berks EIT.

ADJOURNMENT

**ON MOTION OF MR. BATDORF, SECOND OF MS. ROWE, A UNANIMOUS VOTE
TO ADJOURN THE MEETING AT 10:32 P.M.**

Respectfully submitted,



Jeanne E. Johnston
Manager/Secretary