

**CUMRU TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING AUGUST 20, 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 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 (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.

Ms. Rowe explained that the meeting format has been altered by placing Public comment at the end of the meeting so that the Board can conduct the Township business in a timely manner. The meetings have been lasting until very late.

Mr. Donnell added that there has been a lot of public comment. He encouraged the public comment to be shorter.

AMBULANCE SERVICE

A.) Monthly Report – July 2024

Asst. Chief David High gave the ambulance report. TowerDIRECT had 212 "911" calls in Cumru in July and 1,644 year to date. He reported that TowerDIRECT has added a 2nd blood cooler so they have the ability to give blood in the field.

APPROVE MINUTES

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE APPROVING THE MINUTES OF 7/16/24 – REGULAR MEETING AND 7/30/24 – 5TH TUESDAY MEETING AS PRESENTED.

TREASURER

A.) Monthly Report – July 2024

There were no questions about the monthly reports.

B.) Sewer Billing – 5,026 bills sent for 2Q2024

C.) Refuse/SMP Late Fee – refunds and letters mailed

Ms. Johnston reported that every addressee was sent a letter stating the Board action regarding the late fees. The letters were mailed today.

TAX COLLECTOR

A.) July 2024 Report

1) Year 2024 Real Estate

Balance collectable beginning of month - \$267,295.83

Cash collected - \$14,145.89

Balance collectable end of month – \$253,149.94

2) Year 2023 Interim Real Estate

Balance collectable beginning of month – \$3,103.02 (billed 1/1/24, 4/1/24 & 6/1/24)

Cash collected – \$1,153.99

Balance collectable end of month - \$1,949.03

3) Year 2024 Per Capita

Balance – \$54,525.00 (7/1)

Cash collected - \$17,225.00

Balance collectable end of month – \$36,935.00

Ms. Johnston explained that the interim billing dates are listed due to the assessments that changed throughout the year.

DEPARTMENTS

Police Department

A.) Monthly Report – July 2024

Chief Winchester reported that there have been an increase in theft of packages from doorsteps. He recommended selecting the option to require a signature at delivery so the package isn't just dropped off. It is a minor inconvenience but worth it. He also recommended taking the packages inside right away.

Mr. Donnell asked what people could do. Chief Winchester replied that people should call the police right away, even if it is only a suspicion. He said that Ring doorbells and security cameras can help catch the thieves.

Mr. Batdorf asked if this was happening all over. Chief Winchester replied that it seems to be widespread. He cautioned everyone to be aware.

B.) October Event – in place of National Night Out canceled due to weather

Chief Winchester reported that the event had to be canceled due to inclement weather. He talked to the Police Chiefs from Shillington and Brecknock about doing a “Trunk or Treat” event in October to promote public engagement. They will continue to plan for next year’s national Night Out.

Mr. William Miller asked about people soliciting without permits. Chief Winchester replied that salespeople must display a copy of their permit; residents should not confront them but report them. Call the non-emergency number at 610-777-9595 or call 911 but tell them immediately that it is not an emergency. He recommended talking to anyone unknown through

the door. Ms. Johnston said that some salespersons have a permit for Mohnton Borough. While Cumru Township has some addresses with a Mohnton zip code, sellers in Cumru need a Township permit.

Fire Department

A.) Monthly Report – July 2024

B.) Fire Station Construction – consider pay applications totaling \$348,557.52

- 1) Pay application #2 for Balton Construction, Inc. (building and site work) in the amount of \$264,857.52

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE PAY APPLICATION #2 PAYABLE TO BALTON CONSTRUCTION, INC. IN THE AMOUNT OF \$264,857.52 FOR THE FIRE STATION.

- 2) Pay application #1 for HB Frazer Co. (electrical) in the amount of \$83,700.00

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPROVE PAY APPLICATION #1 PAYABLE TO HB FRAZER CO. IN THE AMOUNT OF \$83,700.00 FOR THE FIRE STATION.

C.) Hiring – update

Chief Beane reported that 7 career firefighters are onboard. Six people started the Fire Academy in Harrisburg on Monday morning and are expected to graduate in November. The 7th person is on deployment in the military.

D.) Fire Escrow for 717 Philadelphia Ave. – authorize release

- 1) Structure has been demolished.

ON MOTION OF MS. ROWE, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO RELEASE THE FIRE ESCROW FOR 717 PHILADELPHIA AVENUE IN AN AMOUNT TO BE DETERMINED BY THE PRINCIPAL, INTEREST ACCRUED, AND LESS EXPENSES INCURRED BY THE TOWNSHIP.

Administration

A.) Codes Department – July 2024

Building Permits Issued – 16

Use Permits Issued – 3

Zoning Permits Issued – 13

Notices of Violations – 14

Citations issued – 0

Violations complied – 10

Phone calls from contractors, realtors & public approximately – 212

Properties placarded – 1 (512 Mifflin Blvd. – hoarding condition)

Permit Inspections Done – 51

Inspections with the Fire Department – 3

Training Seminars attended – 0

B.) Planning

**2024- 05 PENSKE CUSTOMER EXPERIENCE CENTER (HQ DAVIS BUILDING)
EXPIRATION DATE – 11/03/2024**

(Final Plan) Location:2675 Morgantown Rd.- Penske Campus in Green Hills Corporate Center on the north side of Pheasant Rd.; Agent: Integrated Consulting-Zane Geist, PE; Vocon Job Number 210073-00; Proposed Summary: Minor internal traffic improvements

- 1) Final Plan from Integrated Consulting, dated 7/22/24
- 2) Waiver request letter, dated 7/22/24
- 3) GVC Review letter, dated 7/31/24
- 4) Memo from PC to BOC re: recommend waiver request, dated 8/08/24

Zane Geist from Integrated Consulting and Terri Cremia from Penske presented the plan for the Penske Customer Experience Center at 2675 Morgantown Rd.

Mr. Donnell asked what had changed from the last plan. Ms. Johnston replied that the plan changed because the sewer pumping station will no longer be relocated.

Mr. Geist presented the plan as a “facelift” which includes improvement for the traffic circulation and an update to the exterior entrance of the building. The sub-surface utilities are documented and there is a stormwater plan. An NPDES permit will be needed for the earth disturbance which is over 1 acre. It is not a building addition and there is no change in use.

Mr. Donnell asked for the waivers to be explained. Mr. Geist explained the relief requested as follows: Section 403(A) is because this is the final plan; and Section 405(A), Section 406(A), and Section 408(A) are because there is no new development or change in use.

Chief Beane asked Ms. Cremia when Penske would be considering updating the fire suppression plan. He asked about installing standpipes and a sprinkler system as safety improvements. Ms. Cremia stated that they will work with the property owner as they upgrade the interior.

Mr. Donnell asked if the Township can mandate the upgrades. Chief Beane said that he would defer to the Codes Department. Atty. Frankowski stated that changes in use could require that the building be brought up to the current fire code. William Frymoyer, Sr. answered on behalf of the Cumru Codes Department. He stated Level 1 and Level 2 alterations do not require updating to current codes. Level 3, which would be the whole building, would require updating. Pennsylvania adopts the code standards. Fire damage greater than 50% would require updating to the current codes. Mr. Donnell asked if multiple Level 1 alterations would add up to a Level 3. Mr. Frymoyer stated that the UCC regulates this.

**ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A
UNANIMOUS VOTE TO APPROVE THE SALDO WAIVERS FOR THE
PENSKE CUSTOMER EXPERIENCE CENTER PLAN AS STATED IN THE
REVIEW LETTER FROM GVC, DATED 7/31/24, AND THE WAIVER
REQUEST LETTER FROM INTEGRATED CONSULTING, DATED 7/22/24
AS FOLLOWS:**

- a. Relief from Section 403(A), not to submit a separate Preliminary plan**
- b. Relief from Section 405(A), not to perform an Environmental Impact Assessment;**
- c. Relief from Section 406(A), not to perform a Community Facilities Impact Assessment;**
- d. Relief from Section 408(A), not to perform a Utility Impact Assessment;**

C.) 2024 Minimum Municipal Obligation (MMO) for Non-Uniformed Pension – consider revised resolution

1) Memorandum from Manager re: actuary recommendation, dated 8/16/2024

Ms. Johnston explained that every September the Township is required to adopt a resolution for funding for each pension. Therefore the resolution for 2024 was adopted in September 2023. before the Contract Bargaining Agreement (CBA) was negotiated. During negotiations, the actuary did a study on consolidating the two parts of the non-uniformed pension plan. The actuary recommended that the MMO be revised to \$425,000. The 2024 budget reflects this expense. Ms. Johnston said that this amount was still recommended by the actuary. She requested a motion to revise the resolution for the non-uniformed MMO as budgeted.

Mr. Donnell stated that he must abstain from any voting on pension plans or institutional investments.

ON MOTION MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A MAJORITY VOTE TO ADOPT A REVISED RESOLUTION FOR THE 2024 NON-UNIFORMED PENSION MMO TO REFLECT THE BUDGETED EXPENSE OF \$425,000.00. MR. DONNELL ABSTAINED. MR. WILLIAM MILLER, MR. GREG MILLER, MR. BATDORF AND MS. ROWE VOTED YES.

D.) Repository Sale for 5 Russell Dr. – consider authorizing consent to accept

1) Notice of Repository Sale from Berks County Tax Claim Bureau for parcel
39438512853553T13

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO AUTHORIZE CONSENT TO ACCEPT 5 RUSSELL DR. (PARCEL #39438512853553T13) FOR REPOSITORY SALE.

Public Works

A.) Sanitary Sewer Replacement Projects 2024

1) Flying Hills Drive – consider application for payment no. 2 (final)

Ms. Johnston explained that there is a change order for a reduction included with the application for payment which is reflected in the final payment amount for Kinsley Construction. The change order is -\$2,838.77. The total payment due is \$10,974.12.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A MAJORITY VOTE TO ACCEPT THE CHANGE ORDER FOR REDUCTION OF \$2,838.77 AND APPROVE TOTAL PAYMENT #2 (FINAL) IN THE AMOUNT OF \$10,974.12 TO KINSLEY CONSTRUCTION FOR THE FLYING HILLS DRIVE SANITARY SEWER REPLACEMENT PROJECT. MR. WILLIAM MILLER, MR. DONNELL AND MS. ROWE VOTED YES. MR. GREG MILLER AND MR. BATDORF WERE ABSENT FOR THE VOTE.

2) Cedar Top Road phase 2– in progress

B.) Montrose Blvd. Storm Sewer – consider application for payment no. 2

No payment application was received at this time.

C.) Wyomissing Creek Streambank Stabilization – consider authorizing bid advertisement

1) work must be done between October 1 and February 15

- 2) advertisement of bids
- 3) estimate of \$385,720

It was explained that the streambank stabilization can only be done at certain times due to the wildlife in the creek area.

ON MOTION MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE BID ADVERTISEMENT FOR THE WYOMISSING CREEK STREAMBANK STABILIZATION PROJECT.

Ms. Johnston reported that PennDOT is unexpectedly working on a Wyomissing Creek bank restoration project near Pennwyn Place which involves closing the Pennwyn Bridge. There is concern with the proposed detour plan due to all the construction in that area. The recommendation is to follow the posted signs and not GPS.

Mr. Rogosky informed the Board that notification was received today. There are safety concerns with traffic and many challenges with local delivery traffic. He has reached out to PennDOT to try to discuss the detour plan. Cumru Township has communicated with Shillington Borough and Mohnton Borough since the detour involves all 3 municipalities.

Engineer

A.) Hunters Rd. phase 1 – consider application for payment no. 2

- 1) Letter from Great Valley Consultants re: recommendation to pay \$196,137.98 to Barwis Construction, dated 8/15/2024

Mr. Rogosky reported that the wearing course will be completed this week. He recommended payment no. 2 for Barwis Construction.

ON MOTION OF MR. DONNELL, SECOND OF MR. WILLIAM MILLER, A UNANIMOUS VOTE TO APPROVE PAY APPLICATION #2 FOR BARWIS CONSTRUCTION, LLC. IN THE AMOUNT OF \$196,137.98 FOR THE HUNTERS ROAD PHASE 1 PROJECT.

Solicitor

A.) Zoning Ordinance Text Amendment – discussion and consideration of separate Public Hearings

- 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. Mr. Greg Miller had proposed that the Township move forward with the changes that are ready now and hold a second public hearing later for the last two items which will take some time to complete. The downside to 2 separate public hearings is time required, advertisement costs, and procedural costs such as court reporter and additional legal fees. The cost would be approximately \$1200 for each.

Mr. Donnell asked about the timeline. Once the text amendment draft is approved, it must be reviewed by the Township Planning Commission and the Berks County Planning Commission (BCPC). The BCPC must have time to respond. Then it must be advertised as a public hearing.

Ms. Johnston stated that the earliest the first public hearing could be held is October. The second public hearing could possibly be January or February. The fire access changes would require a change to the Subdivision and Land Development Ordinance (SALDO). This would require another public hearing but could be done on the same day as a zoning public hearing.

Mr. William Miller stated that his opinion is to wait until everything is finalized to hold one zoning hearing.

Atty. Frankowski stated that in regard to #3 and #4, the solicitor and administration are reviewing language in order to present recommendations to the Board. The draft could possibly be ready for the September meeting.

The Board agreed to wait for the final draft to include all the changes.

PAYMENTS OF BILLS

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE APPROVING PAYMENTS OF BILLS DATED 7/19/24, 7/26/24, 8/02/24, 8/09/24, 8/16/24 AND 8/20/24 – REFUSE/SMP LATE FEE REFUNDS .

COMMISSIONERS

A.) Cumru Twp. Real Estate Development Overview Presentation – Commissioner Batdorf

Mr. Batdorf began his presentation with some history and thoughts for development of the SR222 Corridor. He then segued to possible recreational and/or commercial development for the Township owned property near the old Titus Station. This 7.8-acre parcel located along Poplar Neck Rd. is zoned General Industrial (GI). Mr. Batdorf provided photos which showed past recreational uses and current conditions. The 5-acre Poplar Neck Park was used for picnics and recreation until the early 2000's when the landfill expanded. While there is electricity in this area, public sewer and water connections would need to be negotiated. Mr. Batdorf ended by requested that the parcel be appraised to establish the potential for development.

Ms. Johnston reminded everyone that no recreation is allowed within 1000 ft. of a landfill.

Mr. Donnell asked about the landfill applying for an expansion. Ms. Johnston stated that it is believed that it might have vertical expansion if Met-Ed moves the electrical poles. She said that it would be at least a 5-year process before the landfill could expand. There is a process to close and a process to expand. The Board would know if the landfill plans to expand because a public hearing would need to be held by the DEP in the host municipality.

Mr. Donnell asked about possible horizontal expansion. Mr. McNichols replied that the landfill is boxed in at this point.

There was discussion about why move on this now and looking at the big strategic picture. Mr. William Miller said that Mr. Batdorf was seeking approval for appraisal of the property. When asked, Township Treasurer Mrs. Carpenter stated that it would be a good idea to know the value of Township property.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPROVE THE APPRAISAL OF THE TOWNSHIP OWNED POPLAR NECK PROPERTY.

B.) Executive Session

- 1) 678 Church Rd. – potential easement acquisition
- 2) Potential land sale – consider authorizing appraisal
- 2) collective bargaining issue
- 3) personnel issue

Executive session began at 8:26 p.m.- to discuss real estate matters, a collective bargaining issue and a personnel issue.

Executive session ended at 9:10 p.m. – real estate matters, a collective bargaining issue and a personnel issue were discussed.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE FOR VOLUNTARY RECOGNITION OF THE CUMRU FIRE DEPARTMENT (CTFD) AS MEMBERS IN THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) TO BE KNOWN AS CUMRU TOWNSHIP PROFESSIONAL FIREFIGHTERS LOCAL 5506.

PUBLIC

Attendance: David High for TowerDIRECT, Zane Geist and Terri Cremia for Penske, Mary Cameron, Kevin Amour, Roxann Miller, Sheldon Meyer, Sue McCoy, Dave McCoy, Ruth O’Leary, Robert Moyer, Joe Roland, Perry Haas, Glenn Emery, Mike Eshbach, and Donald Spittler.

Mr. Greg Miller reminded everyone of the 3 minute time limit to speak. He requested that the speakers self-regulate themselves.

A.) Glenn Emery, a resident of Fairway Rd., asked about the location of the Township parcel, referenced in Mr. Batdorf’s presentation, to the plastics refinery. He was told that the parcel is adjacent to the property owned by Recycle the World. Mr. Emery was corrected when he said that the Recycle the World property was a superfund.

Mr. Emery read a prepared statement about truck traffic on the roads due to warehouses. He talked about pollution and various problems.

B.) Kevin Amour, a resident of Fawn Dr., questioned Chief Winchester if higher levels of crime were associated with distribution centers. Chief Winchester answered no.

Mr. Amour thanked the Board for putting the meetings on YouTube.

Mr. Amour stated that he liked the fact that the Board had approved hiring the consulting firm. He has been in consulting and strategic planning for Fortune 500 companies. He advocated for community planning and joint development. He asked that the public be part of the decision making. Mr. Donnell said that the Board is committed to involving the community.

C.) Robert Moyer, a resident of Grill Ave., asked if salespeople are required to have a copy of the soliciting permit. Chief Winchester answered yes, they should have a copy of the permit. Mr. Moyer asked if posting his property for no solicitation would carry any weight. Chief Winchester informed him that it would be good for a visual reference. Mr. Moyer also asked what he should do if the solicitors won’t leave his property. The answer was to call the Police Department if he is feeling threatened.

Mr. Moyer asked about a rumor that a Taco Bell is coming to the Township. Ms. Johnston informed him that it isn't a rumor. Taco Bell has received zoning relief from the Zoning Hearing Board. They have submitted a land development plan to build in the front parking lot of the Ollies shopping center.

REMINDERS

A.) Zoning Hearing Board 09/24/2024 at 6:00 p.m.

August hearings were canceled due to lack of a quorum. Please call or check website for confirmation of date of September hearings.

- Application No. 820 – OHB Properties, LLC; seeking variance for light industrial use in Local Commercial zoning district
- Application No. 821 – seeking dimensional relief for garage at 4 Forest Rd.
- Application No. 822 – seeking dimensional relief for reconstruction of 717 Philadelphia Ave.
- Application No. 823 – seeking general agricultural use (2 sheep) in Medium Density zoning district at 500 N. Church St.

Ms. Johnston stated that the Zoning Hearing Board (ZHB) will meet on September 24, 2024, if there is a quorum. When asked about lack of a quorum, Ms. Johnston answered that while this is usually not a problem, the ZHB only has 1 alternate member at this time. Alternate members are sometimes needed to provide a quorum and 2 more are allowed.

B.) Board of Commissioners meetings for September and October 2024

- 09/17/2024 at 7:00 p.m. – Regular Meeting
- 10/15/2024 at 7:00 p.m. – Regular Meeting
- 10/17/2024 at 6:00 p.m. – Budget Meeting
- 10/24/2024 at 6:00 p.m. – Budget Meeting
- 10/29/2024 at 7:00 p.m. – 5th Tuesday Meeting

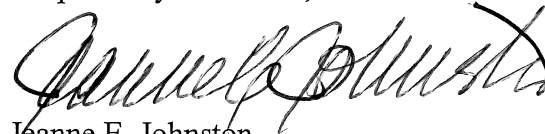
C.) Planning Commission 9/09/2024 at 6:00 p.m.

Changed to 2nd Monday due to Labor Day Holiday

ADJOURNMENT

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 9:31 P.M.

Respectfully submitted,



Jeanne E. Johnston
Manager/Secretary