

**CUMRU TOWNSHIP BOARD OF COMMISSIONERS  
WORKSHOP MEETING                      FEBRUARY 20, 2018**

The Regular Meeting of the Cumru Township Board of Commissioners was called to order by President Ruth O'Leary at 7:01 p.m. Other Commissioners in attendance were Vice President Edward L. Gottschall, Sheri Hoover, and William B Miller. David J. Batdorf was absent. Also attending were Solicitor Michael A. Setley, Superintendent of Public Works Robert McNichols, Jr., Assistant Superintendent of Public Works Michael L. Yost, Business/Personnel Administrator Peggy A. Carpenter, Manager Jeanne E. Johnston, Secretary Latoya Procopio, and Joseph P. Rogosky of Great Valley Consultants.

Pledge to the Flag.

**PUBLIC**

A) Kenneth Dearstyne re: waivers for Matz Tract subdivision – sidewalk and cartway width  
*(see also Administration item (E))*

Mr. Kenneth Dearstyne of 454 Kenny Drive was present for discussion. Mr. Dearstyne expressed his concern about the lack of room for bicycle and pedestrian traffic along Hampshire Road. He asked for consideration of leeway, either expanded cartway or sidewalk.

Ms. Johnston informed the Board and the public that the Planning Commission recommended a pull off area for a truck to get off of the road to deliver packages. They also recommended a waiver to the installation of curb and sidewalk, provided a pedestrian easement is constructed along lots 2, 3, 4, and 6.

Mr. George Hassler was present for discussion. He stated that the intersection at Hampshire Road is extremely bad; the sight distance is an issue with a pole at the intersection. Mr. McNichols stated the Township does have the right to ask the utility company to relocate the pole.

B) Kevin Armour re: fireworks

Mr. Kevin Armour identified himself as a resident of 33 Fawn Drive. Mr. Armour presented a statement to the Board, requesting an ordinance that would ban consumer fireworks. He noted that the State law changed in October 2017, allowing for the purchase of previously prohibited fireworks. Mr. Armour stated that he lives in a highly wooded area and is concerned about fire hazard caused by fireworks set off by someone, he believes a neighbor. The noise is a disturbance to the neighborhood. Mr. Armour asked the Board of Commissioners to pass an ordinance to ban aerial fireworks in residential areas.

Chief Winchester stated that there have been 6 total calls to that area regarding fireworks in the last year, 3 of those being in 2018. Mr. Armour said that a new ordinance would be a deterrent. Chief Winchester noted that the more stringent state law was not a deterrent prior to October 2017; a local ordinance would not be any more of a deterrent. The problem is enforcement. In order to enforce any ordinance, there has to be a direct connection to a person and the police department must be able to substantiate a charge. No one is normally around once the fireworks have been set off and the police arrive to investigate. Rather than a new ordinance, Chief Winchester recommended an education effort.

Chief Beane stated that he was not in favor of the recent change in the State Law regarding fireworks. However, he questioned whether an ordinance as requested could be enforced.

Mrs. Kayla Armour stated that they have obtained video of a resident setting off fireworks. She considers the activity as disruptive since these incidents have occurred three times recently. Mrs. Armour questioned if the Township could require residents to apply for a permit to be able to set fireworks off. She also questioned what the harm was in enacting an ordinance.

Mr. Setley described the recent changes to the fireworks law: more items are considered consumer fireworks and there are significant restrictions on their use, such as distance from an occupied structure and no intoxication. Mr. Hassler asked how the police would know if someone was intoxicated under the fireworks law. Chief Winchester replied that intoxication is not specified in the law.

Mrs. Hoover observed that someone who would be setting off fireworks would not read an ordinance. Mr. Armour said that the Township can spread the word. Chief Winchester agreed that education was a recommended approach.

#### C) Southern Berks Regional Emergency Management Service

SBREMS' Executive Director, Malcolm Cole, was present for discussion. Mr. Cole informed the Board that January was their largest call volume month. They believe it was due to the weather and flu season. He stated that a new ambulance was received and put into service. SBREMS staff have met with the auditor and a 2017 report should be available in May. Mr. Cole commended Officer Kolk for a successful administration of Narcan. Mrs. Hoover asked about two calls that required 14-15 minutes for response.

### **TREASURER**

#### A) Presentation – 2017 Budget v. Actual

Ms. Johnston presented 2017 budgeted and actual revenue and expenses for several funds. General fund revenue was approximately \$300,00 higher than expected and expenses were approximately \$340,000 under budget. The additional available funds were used for capital infrastructure projects, such as road reconstruction and storm sewer repairs. With respect to the refuse fund, the Township continued a strategy of gradually increasing the fee in order to address a funding deficit. Cumru's refuse fee remains one of the lowest in the area. Sewer fund revenue exceeded budget, partly due to enhanced collections. Sewer fund expenses were lower than anticipated, partly due to deferral of one capital project.

#### B) Monthly Report

### **TAX COLLECTOR**

#### A) January 2018 Report

##### 1) Year 2018 Real Estate

Balance collectable beginning of month – \$71,034.87

Cash collected - \$0

- Balance collectable end of month - \$71,034.87
- 2) Year 2017 Real Estate Interim
  - Balance collectable beginning of month - \$1,838.67
  - Cash collected - \$977.77
  - Balance collectable end of month - \$841.65
- 3) Year 2017 Refuse
  - Balance collectable beginning of month - \$16,342.50
  - Cash collected - \$40.42
  - Balance collectable end of the month - \$41.25
- 4) Year 2017 Per Capita
  - Balance collectable beginning of month - \$9,415.00
  - Cash collected - \$95.00
  - Balance collectable end of the month - \$1,795.00
- 5) Year 2017 SMP
  - Balance collectable beginning of month - \$1,575.00
  - Cash collected - \$0
  - Balance collectable end of the month - \$1,575.00

**APPROVE MINUTES**

**ON MOTION OF MR. MILLER, SECOND OF MRS. HOOVER, A UNANIMOUS VOTE APPROVING THE MINUTES FROM JANUARY 16, 2018 AND JANUARY 30, 2018.**

**DEPARTMENTS**

Police Department

A) Monthly Report – January 2018

Chief Winchester advised the Board that the newest police car had arrived. He also stated that Cumru Township Police Department has been offering support to the Governor Mifflin School District officers.

Fire Department

A) Monthly Report – January 2018

**B) Rescue Engine Deck Gun – quote**

**ON MOTION OF MR. GOTTSCHALL, SECOND OF MR. MILLER, A UNANIMOUS VOTE AUTHORIZING TOWNSHIP STAFF TO PURCHASE THE RESCUE ENGINE DECK GUN IN THE AMOUNT OF \$ 17,958.98.**

C) Workshop on PPE and Cancer Prevention – canceled

Chief Beane informed the Board that the workshop on PPE and Cancer Prevention had been canceled due to lack of registration.

Administration

A) Codes Report- January 2018

Building Permits Issued- 8

Use Permits Issued- 5

Zoning Permits Issued- 2

Notices of Violations- 10

Citations issued- 0

Violations complied- 12

Phone calls from contractors, realtors & public approximately- 185

Permit Inspections Done – 15

Inspections with the Fire Department – 2

**B) MS4 Education and Outreach**

1) Adopt the MS4 Education and Outreach Ordinance for the MS4 Steering Committee.

**ON MOTION OF MRS. HOOVER, SECOND OF MR. GOTTSCHALL, A UNANIMOUS VOTE ADOPTING THE MS4 STEERING COMMITTEE ORDINANCE FOR STORMWATER EDUCATION AND OUTREACH.**

**C) Sewer Rate Ordinance**

1) Adopt the revised Sewer Rate Ordinance as advertised

**D) Sewer Use Ordinance**

1) Adopt the revised Sewer Use Ordinance as advertised

**ON MOTION OF MRS. HOOVER, SECOND OF MR. MILLER, A UNANIMOUS VOTE ADOPTING THE REVISED SEWER RATE AND SEWER USE ORDINANCES, AS ADVERTISED.**

**E) Plans**

**2017-15**

**MATZ TRACT HAMPSHIRE RD/OLD LANCASTER PIKE**

**EXPIRATION DATE 03/14/2018**

(preliminary) Owner: Raymond and Rita Matz; Applicant: Brian K. Kobularcik D/B/A B5K-K48; Agent: C2C Design Group; Location: southeast corner of the intersection of Hampshire Rd. and Old Lancaster Pike; plan no. BKK-CMU-01; proposal summary: subdivide into 10 single family lots in 3 phases

a.) Letter from C2C Design Group re: waiver requests, dated 1/12/18

b.) Memorandum from Secretary re: Planning Commission recommended waivers, dated 2/19/18

c.) Memorandum from Secretary re: Planning Commission recommended preliminary approval with conditions, dated 2/19/18

Brian K. Kobularcik, the applicant, was present for discussion. Mrs. Hoover agreed with Mr. Dearstyne that Hampshire Rd. was dangerous for walking. Mr. Kobularcik offered a 4 foot wide paved shoulder along Hampshire Rd. Mrs. O'Leary stated that the pedestrian easement should have a paved or gravel area, so that it is not ignored by future lot owners. Mr. McNichols

noted that the paved shoulder would have to be coordinated with reconfiguration of an irregular stormwater pipe.

**ON MOTION OF MR. MILLER, SECOND OF MR. GOTTSCHALL, A UNANIMOUS VOTE GRANTING THE FOLLOWING WAIVERS TO THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE FOR THE MATZ TRACT SUBDIVISION PLAN:**

- 1) **PARTIAL RELIEF FROM THE REQUIRMENT OF THE STANDARD CARTWAY WIDTH, SUBJECT TO THE COMPLETE REMOVAL OF THE BUILDING FROM THE RIGHT OF WAY UP TO AND INCLUDING THE ULTIMATE RIGHT OF WAY AND PROVISION OF A 4 FOOT WIDE PAVED SHOULDER ALONG HAMPSHIRE ROAD, WITH STORMWATER CONTROLS;**
- 2) **GRANTING RELIEF FROM THE REQUIREMENT OF CURBS, SIDEWALKS, TRAILS AND GREENWAYS INSTALLATION, SUBJECT TO THE PROVISION OF A 10 FOOT PEDESTRIAN EASEMENT ALONG THE REAR BOUNDARY OF LOTS 2 THROUGH 4 AND THE SOUTHEASTERN SIDE YARD OF LOT 6, WITH A 4 FOOT "PAVED/GRAVELED" WALKWAY WITHIN THE 10 FOOT PEDESTRIAN EASEMENT;**
- 3) **GRANTING RELIEF FROM THE REQUIRMENTS OF A COMMUNITY FACILITIES IMPACT ASSESSMENT, ENVIRONMENTAL IMPACT ASSESSMENT, AND UTILITIES IMPACT ASSESSMENT.**

**ON MOTION OF MRS. HOOVER, SECOND OF MR. MILLER, A UNANIMOUS VOTE GRANTING PRELIMINARY APPROVAL TO THE MATZ TRACT SUBDIVISION, SUBJECT TO RESOLUTION OF ANY OUTSTANDING ITEMS IN THE GREAT VALLEY CONSULTANTS REVIEW LETTER DATED 01/30/2018 AND BCM ENGINEERS' REVIEW LETTER DATED 02/05/2018; REMOVAL OF THE BUILDING CURRENTLY IN THE RIGHT OF WAY UP TO THE ULTIMATE RIGHT OF WAY; PROVISION OF A 10 FOOT WIDE PEDESTRIAN EASEMENT ALONG THE REAR BOUNDARY OF LOTS 2 THROUGH 4 AND THE SOUTHEASTERN SIDE YARD OF LOT 6, WITH A 4 FOOT "PAVED/GRAVELED" WALKWAY WITHIN THE 10 FOOT PEDESTRIAN EASEMENT.**

**2018-02 KANTNER LANE TWINS SUBDIVISION PLAN**

**EXPIRATION DATE 04/06/2018**

(preliminary) Owner: Keshar Zion Cemetery Association; Applicant: Brian K. Kobularcik D/B/A B5K-K48; Agent: John W. Hoffert, PLS.; Kraft Engineering; Location: southeast side of Kantner Lane, east of Deerfield drive; plan no. BKK-CMU-01; proposal summary: construct 8 single family semi-detached dwelling units, utilizing public sewer and water facilities.

- a.) Letter from Hoffert Surveyors re: waiver requests, dated 2/5/18
- b.) Memorandum from Secretary re: Planning Commission recommended waivers, dated 2/19/18

**ON MOTION OF MR. GOTTSCHALL, SECOND OF MR. MILLER, A UNANIMOUS VOTE GRANTING WAIVERS TO THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE FOR KANTNER LANE TWINS SUBDIVISION PLAN, AS DESCRIBED IN THE MEMORANDUM FROM THE TOWNSHIP SECRETARY, DATED 02/19/2018, ACKNOWLEDGING THAT THE CURB ALONG KANTNER LANE WILL BE FLUSH CURB INSTEAD OF REVEAL CURB.**

**ON MOTION MRS. HOOVER, SECOND OF MR. GOTTSCHALL, A UNANIMOUS VOTE TO REAFFIRM PLAN APPROVAL FOR THE SHEETZ LAND DEVELOPMENT PLAN AND THE GOOD LIFE FINANCIAL LAND DEVELOPMENT PLAN.**

Public Works

A) Monthly Report – January 2018

**B) Surplus Property Sale – adopt resolution**

**ON MOTION MR. GOTTSCHALL, SECOND OF MR. MILLER, A UNANIMOUS VOTE ADOPTING A RESOLUTION FOR SURPLUS PROPERTY SALE OF A SEWER CLEANING MACHINE.**

**C) Sewer Replacement 2017 – application for payment 3**

1) Letter from BCM Engineers re: recommendation to pay \$133,066.37

**ON MOTION MR. MILLER, SECOND OF MR. GOTTSCHALL, A UNANIMOUS VOTE AUTHORIZING PAYMENT FOR APPLICATION NO. 3 TO BP PATERSON IN THE AMOUNT OF \$133, 066.37.**

D) Sewer Line Relocation Angelica – detour map

Mr. McNichols informed the Board that the sewer phase of the project would start in March and the bridge work would start in April. At that time, SR 625 would be closed and the detour would be in effect.

E) Wyomissing Rd. Bridge Replacement – detour map

Mr. McNichols stated that the Township did not recommend the detour map that has been presented by PennDOT. The construction of the bridge is scheduled to begin in June.

F) Sinkhole on Parkside Ave. – no change

Mr. McNichols reported that the sinkhole appears to be stable at this time. Paving cannot take place until the blacktop plants reopen in the spring.

G) Poplar Neck Br. over Schuylkill River – repair

1) 2<sup>nd</sup> bid advertisement 2/8/2018; pre-bid meeting 2/22/18; bids to be opened 3/8/2018

Engineer

Solicitor

**CORRESPONDENCE**

- A) Zoning Hearing Board Application for 6 Maple Grove Road – requesting an accessory apartment
- B) Zoning Hearing Board Application for 12 Greystone Lane – requesting a shed
- C) Zoning Hearing Board Application for 51 Rim View Lane – requesting a pool

**PAYMENTS OF BILLS**

**ON MOTION OF MR. GOTTSCHALL, SECOND OF MR. MILLER, A MAJORITY VOTE APPROVING THE PAYMENT OF BILLS OF: 01/18/2018, 01/25/2018 – SEWER, 01/31/2018 – IT, 01/18/2018, 02/15/2018, 02/08/2018, 01/31/2018, 02/20/2018 – POLICE CAR.**

Mrs. Hoover abstained from the vote with respect to 1/31/2018 – IT.

**COMMISSIONERS**

A) Executive Session

9:00 p.m. – The Board of Commissioners went into executive session to discuss 3 personnel matters, and 2 real estate issues.

9:35 p.m. – The meeting reconvened. Mr. Setley stated that the Board of Commissioners had discussed 3 personnel matters, 2 real estate issues.

**ADJOURNMENT**

**ON MOTION OF MR. GOTTSCHALL, SECOND OF MR. MILLER, A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 9:36 P.M.**

Respectfully submitted,



Latoya Procopio  
Secretary