

**CUMRU TOWNSHIP BOARD OF COMMISSIONERS  
REGULAR MEETING**

**APRIL 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., 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.

**PUBLIC**

Attendance: Susan McCoy, Dave McCoy, Patrick Meier, Kathy Roland, Sue Haas, Perry Haas, Ruth O'Leary, Bev Leonti, Greg Leonti, Ellen Condon, Roberta Kennedy, Barbara Nagle, Glenn Emery, Sam Kalbach, Ben Fisher, Dan Reese, and Mike Eshbach.

A.) Matthew Ludy, resident of Church Rd. re: citation for burning without a permit  
No one was present.

B.) Jennifer K. Yashin re: refuse bill late fee  
No one was present.

C.) Susan McCoy, a resident of Crestview Ave., thanked Ms. Johnston and the Board for helping to change the old Giant property from an eyesore to an asset with Budget Storage moving in.

**AMBULANCE SERVICE**

A.) Monthly Report – March 2024  
No report was available.

**APPROVE MINUTES**

**ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A  
UNANIMOUS VOTE APPROVING THE MINUTES OF 3/19/24 – REGULAR MEETING  
AS SUBMITTED.**

## **TREASURER**

### **A.) Monthly Report – March 2024**

Mrs. Carpenter informed the Board that the ARPA account was closed and the money was moved to the General Fund as budgeted. She reported that CDs are rolled over when they mature and money is reinvested based on the cash flow needs of the Township.

## **TAX COLLECTOR**

### **A.) March 2024 Report**

#### **1) Year 2024 Real Estate**

Balance collectable beginning of month - \$6,699,448.76

Cash collected - \$1,209,994.16

Balance collectable end of month - \$5,489,454.60

#### **2) Year 2023 Interim Real Estate**

Balance collectable beginning of month – \$3,418.50

Additions – \$1,587.30

Cash collected – \$2,196.59

Balance collectable end of month - \$2,809.21

#### **3) Year 2023 Per Capita**

Balance collectable beginning of month – \$370.00

Cash collected – \$35.00

Balance collectable end of month - \$335.00

## **DEPARTMENTS**

### **Police Department**

#### **A.) Monthly Report – March 2024**

##### **1) Changes in reporting**

Chief Winchester explained that the reporting system has changed so the monthly reports will look different. The new reporting system requires some incidents to be classified in multiple categories. Therefore, numbers of incidents might appear to have increased in future reporting without any actual increase in calls for service or crimes.

Ms. Johnston summarized that future reports can't be directly compared to previous reports. Questions should be directed to Chief Winchester.

#### **B) Pennsylvania TRACS Sublicense Agreement – consider approval**

Chief Winchester reported that current software enables traffic citations to be printed in the police vehicles. This TRACS sublicense would allow the Police Department to print non-traffic citations too. Atty. Frankowski was agreeable to Board approval of the standard sublicense agreement.

### **ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPROVE THE PENNSYLVANIA TRACS SUBLICENSE AGREEMENT.**

#### **C) Traffic Ordinance 2024 – truck parking on half of Mifflin Blvd. in Cumru Township between Lancaster and Harding Aves. (next to Rite Aid)**

##### **1) complaint by a Shillington Borough Council member**

Chief Winchester explained that truck parking in this location does not create a hazard. The complaint is a perceived eyesore. There are current restrictions regarding truck parking such as trailers must be attached to the cabs.

Ms. Johnston explained that Rite Aid owns the commercial property at the corner of Lancaster Ave. and Mifflin Blvd.; it is separate from the rest of the strip mall. Some of the trucks might be making deliveries to the Rite Aid.

Ms. Johnston also explained that the centerline of Mifflin Blvd. is the municipal boundary between Shillington Borough and Cumru Township for most of its length. There are grass islands in Mifflin Blvd. It has been an understanding and practice for many years that Shillington maintains the two islands closest to Lancaster Ave. and Cumru Township maintains the remaining islands. The Shillington Borough Manager has stated that the Borough's public works department does not have a problem with occasional maintenance of "their" islands if a truck runs over the grass going in or out of Rite Aid.

Ms. Johnston noted said that the Board would have to decide if a no parking restriction should be enacted because it would require an ordinance. She also informed the Board that 30 Mifflin Blvd., on the south side of Rite Aid at the corner of Mifflin Blvd. and Harding Ave., is the location of a home and a doctor's office. Therefore, the area of a potential parking restriction is only half a block.

Mr. William Miller suggested taking a road trip with public works to investigate and get more information.

Mr. Emery asked about a time restriction for parking. Chief Winchester stated that enforcing a time restriction is very difficult.

It was agreed to carry this over for the May agenda.

D) "Dumpster" Ordinance – consider amendment for other commodities in right of way

Ms. Johnston explained that the so-called "dumpster" ordinance requires the dumpsters to be covered and that lighted barricades are placed in the road to alert drivers. Residents can rent the lighted barricades from the Township with a \$50 deposit that is refunded when the barricades are returned. It has become more common for contractors to leave materials in the road right of way, creating a hazard. The current ordinance is specific to dumpsters. The request is to amend the ordinance by adding language to include building materials, mulch, stone piles, etc. that are being left in the roadway.

**ON MOTION OF MR. DONNELL, SECOND OF MR. GREG MILLER, A UNANIMOUS VOTE TO AMEND THE "DUMPSTER" ORDINANCE TO INCLUDE OTHER COMMODITIES PLACED IN THE ROAD RIGHT OF WAY.**

Fire Department

A.) Monthly Report – March 2024

There were no questions about the monthly report.

Chief Beane reported about a house fire on Hain Rd. The property has been placarded because it is a public safety issue. The house is in disrepair. The electricity is shut off and there has been no water for a while.

B.) Civil Service Testing - update

Chief Beane reported that 15 applicants had passed the written test. The physical agility testing is next with CPAT practice beginning on 5/6/24. Oral interviews will be held soon.

C.) Fire Incident – 45 Harry Ave.

In the early morning on Thursday 4/11/24, a caregiver was able to evacuate the residents of 45 Harry Ave. The fire moved quickly through the new construction 1 story with basement dwelling. There was damage to the neighboring houses. The fire is currently under investigation.

Administration

A.) Codes Department – March 2024

Building Permits Issued – 16

Use Permits Issued – 6

Zoning Permits Issued – 14

Notices of Violations – 9

Citations issued – 1 for 711 Phila Ave.

Violations complied – 12

Phone calls from contractors, realtors & public approximately – 192

Properties condemned – 1 for Hain Rd. (fire)

Permit Inspections Done – 30

Inspections with the Fire Department – 4

Training Seminars attended – 1

The Hain Rd. property might be a candidate for the Blighted Property Committee.

B.) Angelica Creek Watershed Association (ACWA) – consider resolution to officially name a tributary to the Angelica Creek through Nolde Forest as Punches Run

1) Letter from ACWA, dated 3/26/2024

**ON MOTION OF MS. ROWE, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO AUTHORIZE A RESOLUTION TO SUPPORT NOLDE FOREST ENVIRONMENTAL EDUCATION CENTER (NOLDE FOREST EEC) AND ANGELICA CREEK WATERSHED ASSOCIATION (ACWA) BY ENDORSING THE APPLICATION TO NAME THE TRIBUTARY TO THE ANGELICA CREEK THROUGH THE NOLDE FOREST AS PUNCHES RUN.**

C.) Planning

**2024 – 01 OLD HICKORY BUILDINGS, LLC EXPIRATION DATE 5/04/2024**

(Preliminary Plan) Owner: OHB Properties LLC; Agent: Bogia Engineering Inc.;

Location: Along Morgantown Rd. (SR10); Parcel ID# 39-531403140411; Project No.

2022-011; Proposed Summary: Subdivide this parcel into 2 lots served by public water and on-lot sewer. This parcel is located in Cumru Township and Robeson Township so it will need review and approval by both municipalities.

a) Extension of Time form, dated 3/11/2024

Ms. Johnston explained the location of the undeveloped property and the proposed plan. The plan is set to expire on 5/04/24, so the choices are either accept the extension of time or reject the plan. She recommended accepting the extension of time.

**ON MOTION OF MR. DONNELL, SECOND OF MR. WILLIAM MILLER, A UNANIMOUS VOTE TO ACCEPT AN EXTENSION OF TIME FOR THE OLD HICKORY BUILDINGS, LLC PLAN WHICH WILL EXPIRE ON 12/31/2024.**

D.) Insurance Renewal – update

Ms. Johnston reported that EHD, the Township's insurance agent, did a great job with the insurance renewals. There was only a 3.25% cost increase for better coverage with lower deductibles. The cyber insurance was aligned to expire at the same time as the other insurances. Workers Compensation is remaining with Amtrust due to coverage for the volunteer fire personnel.

E.) Montrose Playground – request by MAYBA to place port a john

Ms. Johnston explained that the bathrooms were decommissioned years ago. The Mifflin Area Youth Baseball Association (MAYBA) has requested that it be allowed to place a port a john at the location. Vandalism is the primary concern. It was recommended that a certificate of liability insurance be required, the port o john be locked when not in use, and that a larger handicapped version would be more difficult to tip over. The Board agreed to the Township working out an arrangement with MAYBA.

F.) West Shore Bypass Reconstruction – consider letter of support for USDOT grant

1) Letter from PennDOT consultant, dated 04/11/2024

The proposed reconstruction of SR422 would be from the Warren Street Bypass to the Neversink area. Cumru Township's major concern is the lack of access for emergency personnel along this stretch of road. PennDOT has requested a letter of support to include in the grant application.

**ON MOTION OF MR. DONNELL, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO AUTHORIZE A LETTER OF SUPPORT FOR THE WARREN STREET BYPASS RECONSTRUCTION PROJECT.**

Public Works

A.) Montrose Blvd. Stormwater Project – update

Mr. McNichols reported that construction will begin soon.

B.) Sanitary Sewer Replacement Projects 2024 – update

1) Cedar Top Road

2) Flying Hills Dr.

Mr. McNichols reported that construction will begin soon.

C.) Sewer Department – update

1) advertisement for class 2 positions

Mr. McNichols reported that there are 4 class 2 positions open in the sewer department.

D.) 1786 Welsh Rd. / Evidence Building – electrical work update

1) consider payment of invoice (partial) for \$31,568.25

Mr. McNichols reported that work is continuing on the evidence building. He requested that the Board pay the first invoice for Pagoda Electric for \$31,568.25.

**ON MOTION OF MR. WILLIAM MILLER, SECOND OF MS. ROWE, A UNANIMOUS VOTE APPROVING PAYMENT NO. 1 TO PAGODA ELECTRIC FOR THE 1786 WELSH RD. ELECTRICAL UPDATE PROJECT IN THE AMOUNT OF \$31,568.25.**

E.) Primary Election

Mr. McNichols informed the Board that the voting machines would be delivered to the Township Office Building for the election on April 23, 2024.

Engineer

A.) Hunters Rd. phase 1 – consider authorization to advertise bids

Mr. Rogosky explained that phase 1 will be full depth reconstruction of 3400 ft. of Hunters Rd. Phase 2 will be overlay. He requested that the Board authorize advertising for phase 1 bids.

**ON MOTION OF MR. WILLIAM MILLER, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO AUTHORIZE THE ADVERTISEMENT FOR BIDS FOR HUNTERS RD. PHASE 1.**

Solicitor

A.) Zoning Ordinance Amendment – consider authorization for amendment of zoning map

- 1) draft ordinance amendment for wind turbines, MUGC district uses, definition of house of worship

Atty. Frankowski explained that Mr. Greg Miller had requested that the area of the zoning map that was zoned GI in 2018 be changed back to RC. While this is doable, specific steps must be followed. She said that there could be an issue from a legal perspective if the property owners file litigation due to reduced property value. It could be viewed as “de facto taking of land.” She suggested that the area could be rezoned to some type of residential.

Mr. McCoy suggested coordinating with the Governor Mifflin School District and that the Board consider the revenue that will be lost to the Township.

Mr. Donnell said that he wants a healthy tax base and economic development.

There was a lot of heated discussion about the loss of revenue and possible litigation. Mr. Batdorf stated that he is concerned about taxes. Mr. Donnell asked why the Township would be worried about litigation now when it wasn't worried about it when the area was rezoned. Mr. William Miller told him that when public hearings were held in 2018, there was little attendance and no opposition.

Mrs. O'Leary stated that the Township has to allow for all legal uses including warehouses. Ms. Johnston replied that warehouses are a use by right in the GI zoning district. Mr. Emery said that they don't want it.

Mr. Donnell said that the Board knows that they need to grow the tax base. Mr. Eshbach asked him about his ideas so they can talk about this. Mr. Greg Miller said that there will be a presentation on 4/30/24.

Mrs. Nagle asked about the apartment complex on Valley Stream Rd and if the access would be from Valley Stream Rd.

Mr. Greg Miller asked the public how the area should be zoned. Atty. Frankowski stated that Zoning Ordinance is on the website. She recommended looking at the different zoning districts.

B.) LERTA Ordinance – consider amendment to require time limit

Mr. Greg Miller requested amending the LERTA Ordinance to require a time limit for completion of a project. He wanted 1 year for some and 2 years for others. Atty. Frankowski recommended having 1 time limit for all. She did not see any legal issue with including a time limit.

Ms. Johnston explained that the LERTA area along SR222 extends from the new Budget Storage to Paolo's but doesn't include the old Kmart plaza or the Grings Hill/Gateway parcel. The Berks County LERTA resolution states 2 years, but allows for requesting extensions of time. She recommended using the phrase "substantial completion" which has a definition in the construction industry.

**ON MOTION OF MR. DONNELL, SECOND OF MR. GREG MILLER, A MAJORITY VOTE TO AUTHORIZE A DRAFT AMENDMENT TO THE SR 222 LERTA ORDINANCE AND THE SR 10 LERTA ORDINANCE. MR. GREG MILLER, MR. DONNELL, MR. BATDORF AND MS. ROWE VOTED YES. MR. WILLIAM MILLER VOTED NO.**

C.) Comcast Cable Franchise Agreement – consider authorization to draft ordinance

Ms. Johnston explained that in 1965 the cable company was Suburban Cable TV. It later became Berks Cable and is presently Comcast Cable. The request is to draft and advertise an ordinance to acknowledge the current name of the franchise.

**ON MOTION OF MR. BATDORF, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO DRAFT AND ADVERTISE AN ORDINANCE TO CHANGE THE NAME OF THE FRANCHISE.**

#### **PAYMENTS OF BILLS**

**ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE APPROVING PAYMENTS OF BILLS DATED 3/22/24, 3/28/24, 4/01/24, 4/5/24 AND 4/12/24.**

#### **CORRESPONDENCE**

A.) Act 14 notice for Beagle Club Ash Disposal Site, dated 3/13/2024.

B.) Local Municipality Involvement Process Meeting– Pioneer Crossing Landfill in Exeter Twp. on April 23, 2024, dated 3/27/2024.

C.) RATS draft Transportation Improvement Program public meetings and public comment period notice.

D.) Letter from Sen. Schwank – alley complaint, dated 4/02/24

E.) Reply to Sen. Schwank – alley complaint, dated 4/08/24

Ms. Johnston provided some history about alleys in regard to the letters above. Since 1976, it has been the Township's position that the Township does not maintain alleys. Alleys are privately owned, often referred to as paper streets. Property owners usually each own ½ of the alley and are therefore responsible for the alley. It would be an enormous financial burden on the Township to maintain alleys.

#### **COMMISSIONERS**

A.) Planning Commission- accept resignation of Jill Scharff effective 4/30/2024.

1) Consider appointing alternate member, Jesse Morey, to fill the vacancy

2) Consider appointing Richard Keffer as alternate or permanent member

**ON MOTION OF MR. WILLIAM MILLER, SECOND OF MS. ROWE, A MAJORITY VOTE TO APPOINT JESSE MOREY TO FILL THE VACANCY ON THE PLANNING COMMISSION. MR. GREG MILLER AND MR. DONNELL VOTED NO. MR. WILLIAM MILLER, MS. ROWE AND MR. BATDORF VOTED YES.**

ON MOTION OF MR. GREG MILLER, SECOND OF MR. DONNELL, THE VOTE DID NOT PASS TO APPOINT RICHARD KEFFER AS AN ALTERNATE MEMBER TO THE PLANNING COMMISSION. MR. GREG MILLER AND MR. DONNELL VOTED YES. MR. WILLIAM MILLER, MS. ROWE AND MR. BATDORF VOTED NO.

**B.) Executive Session**

- 1) 411 Mountain View Rd. – potential property acquisition

8:53 p.m. – The Board met in executive session to discuss 411 Mountain View Rd. – potential property acquisition.

9:13 p.m. – The executive session ended. The Board had discussed 411 Mountain View Rd. – potential property acquisition. No decision was made.

**C.) Reminders:**

- 1) Zoning Hearing Board April 23, 2024, at 6:00 p.m.

- Application No. 813 for additional single-family home at 1069 Church Rd.
- Application No. 814 for detached garage proposed to encroach on rear yard setback 206 Montrose Blvd.
- Application No. 815 for storage building at Bressler's Inc. 201 Love Rd.
- Application No. 816 for accessory structure without a primary structure at lot off Freemansville Rd.

*April Meeting to take place in the recreation building, GPS address 436 Church Rd., due to voting at main office building.*

- 2) Board of Commissioners meetings for April and May 2024

- 4/18/2024 at 6:30 p.m. – Hearing re: 711-717 Philadelphia Ave.
- 4/30/2024 at 7:00 p.m. – 5<sup>th</sup> Tuesday Meeting
- 5/21/2024 at 7:00 p.m. – Regular Meeting

- 3) Planning Commission 5/6/2024 at 6:00 p.m.

**ADJOURNMENT**

**ON MOTION OF MR. BATDORF, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 9:15 P.M.**

Respectfully submitted,



Jeanne E. Johnston  
Manager/Secretary