

CUMRU TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING **FEBRUARY 18, 2025**

The Regular Meeting of the Cumru Township Board of Commissioners was called to order at 7:00 p.m. by President Lisha L. Rowe. 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, 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 made at the discretion of the Commissioners.

Call to Order and Pledge to the Flag.

CITATION PRESENTATION

A.) Civilian Service Award – Alexander Morales

Chief Winchester recognized Alexander Morales for his exceptional and selfless behavior by presenting him with the Civilian Service Award. Chief Winchester explained while Mr. Morales did not take an oath to protect people like the police, he did not hesitate to help an individual he did not know without regard for his personal safety. On 1/20/25, Mr. Morales stopped an assault at the Giant on Lancaster Avenue. He pulled the perpetrator off the young woman and retained him until the police arrived. Actions like this lift the spirit of humanity.

AMBULANCE SERVICE

A.) Monthly Report – January 2025

The report was on the Commissioners' tablets. There were no questions.

Ms. Johnston reported that the response time was reflective of the winter weather and providing mutual aid to farther locations.

APPROVE MINUTES

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE APPROVING THE MINUTES OF 1/21/25 - REGULAR MEETING AS PRESENTED.

TAX COLLECTOR

A.) January 2025 Report

1) Year 2024 Real Estate

Balance collectable beginning of month - \$86,245.07

Referred to Tax Claim/Collection - \$86,245.07

Balance collectable end of month – \$0

2) Year 2023/2024 Interim Real Estate

Balance collectable beginning of month – \$2,007.83

(billed 1/1/24, 4/1/24, 6/1/24 & 8/1/24)

Referred to Tax Claim/Collection - \$2,007.83

Additions (billed 1/1/25) - \$5,262.91

Cash collected – \$4,001.54

Balance collectable end of month - \$1,261.37

3) Year 2024 Per Capita

Balance – \$10,080.00 (7/1 & 11/1)

Additions – \$0

Cash collected - \$325.00

Exonerations - \$5.00

Balance collectable end of month – \$9,750.00

It is the normal process for the previous year Real Estate and older Interim Real Estate collectable balances to be referred to tax claim/collections at the end of January. These amounts are reflected above.

PUBLIC

Attendance: Ruth O’Leary, Ben Fisher, Susan McCoy, Dave McCoy, Mary Cameron, Bev Leonti, Greg Leonti, Gerald Potochnik, Marv Zimmerman, Geoffrey M. Litwin, Joe Roland, Kathy Roland, Levi S. Lapp, Mark Ferrero and Mike Eshbach.

No one from the public wished to speak.

DEPARTMENTS

Police Department

A.) Monthly Report – January 2025

There were no questions about the monthly report.

Chief Winchester reported that the Police Department has received emails from the public recognizing good service by the officers.

B.) Resignation – consider accepting resignation of Officer Bethany Ruoss effective 1/24/25

Chief Winchester explained that Officer Ruoss made a difficult decision, and she decided not to have a career in law enforcement.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO REGRETFULLY ACCEPT THE RESIGNATION OF OFFICER BETHANY RUOSS EFFECTIVE 1/24/25.

Chief Winchester requested to set up a meeting with the liaisons to create a current Civil Service Commission approved list.

Mr. William Miller made a public announcement about fraud being on the rise. He said that he has personally been targeted on 2 separate occasions.

Chief Winchester explained that if you place the curser over the sender, it will show the real email sender. You can use this method to check if the email is legitimate.

Fire Department

A.) Monthly Report – January 2025

There were no questions about the monthly report.

B.) Fire Station Construction – consider pay applications totaling \$750,832.05

CONTRACTOR	APPLICATION	AMOUNT
BALTON, INC.	PAY APP 8	\$506,244.18
HB FRAZER	PAY APP 7	\$ 13,319.37
VISION MECHANICAL	PAY APP 6	\$ 22,828.50
AIR MANAGEMENT	PAY APP 4	\$208,440.00
	TOTAL	\$750,832.05

ON MOTION OF MR. DONNELL, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO AUTHORIZE THE PAY APPLICATIONS AS STATED IN THE TABLE ABOVE FOR A TOTAL AMOUNT OF \$750,832.05.

C.) Prescribed Burn - Green Hills Preserve

- 1) Letter from Natural Lands Trust re: prescribed burn to occur 1Q2025 conditions permitting, dated 2/3/2025

This is for informational purposes since prescribed burning was mentioned last month as a method of land management and fire prevention. This area is part of the William Penn Forest which is located on the eastern side of Cumru Township along the border with Robeson Township.

D.) Resignation – consider accepting resignation of Firefighter Seth Etchberger effective 2/26/25
ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO REGRETFULLY ACCEPT THE RESIGNATION OF FIREFIGHTER SETH ETCHBERGER EFFECTIVE 2/26/25.

Administration

A.) Codes Department – January 2025

Building Permits Issued – 13

Use Permits Issued – 2

Zoning Permits Issued – 5

Notices of Violations – 10
Citations issued – 0
Violations complied – 7
Phone calls from contractors, realtors & public approximately – 187
Properties placarded – 0
Permit Inspections Done – 35
Inspections with the Fire Department – 1 (Sencit Towne Houses- elevators)
Training Seminars attended – 1

Ms. Johnston explained that the Fire Department, Codes Department and Engineer have been making a joint effort to correct the issues with the elevators at the Sencit Towne House 200-unit apartment complex.

B.) Planning

2023-11 GRINGS HILL BUSINESS PARK, LLC -reaffirm approval

(Final) Equitable Owner: Grings Hill Business Park, LLC; Agent: Schlouch Inc. – Michael Hartman; Location: Grings Hill Rd. at SR222; Parcel ID# 39-438515525856, 39-438515523932, and 39-438519612834; Plan No.880001; Proposal Summary: Annexation and resubdivision for proposed land development of 2 industrial buildings with public water and public sewer. Final plan approval with conditions on 11/19/2024.

Ms. Johnston explained that it is a rule of the Berks County Recorder of Deeds office that the approval date in the signature block must be within 90 days of recording the plan. The governing body usually reaffirms approval every 90 days until the plan is recorded.

Mr. Donnell stated that the Board does not have to reaffirm approval of this plan. He said that he understood the ramifications of not approving the plan.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A MAJORITY VOTE TO REAFFIRM FINAL APPROVAL TO THE 2023-11 GRINGS HILL BUSINESS PARK PLAN CONDITIONED ON RESOLVING ANY ISSUES AS STATED IN THE GVC REVIEW LETTER DATED 10/04/24, OBTAINING SIGNATURES, AND PAYMENT OF FEES. MR. WILLIAM MILLER, MR. BATDORF, AND MS. ROWE VOTED YES. MR. GREG MILLER AND MR. DONNELL VOTED NO.

2024-10 CONAWAY MINOR SUBDIVISION

EXPIRATION DATE – 3/20/25

(Final Minor Plan) Owners: Lisa Hirneisen Conaway and Michael D. Conaway; Agent: John Hoffert Surveying; Location: 1820 Old Lancaster Pike; Plan No. D-24-108-1; Parcel ID #39438410266847; Proposal Summary: Subdivide the property into 2 lots utilizing on-lot water and public sewer facilities. Lot 1 has an existing semi-detached dwelling. Lot 2 has an existing single-family detached dwelling.

1. Final Minor Subdivision Plan from John Hoffert, dated 12/18/24
2. Cumru Application, dated 12/19/24
3. BCPC Application, dated 12/19/24
4. GVC review letter, dated 1/30/25
5. Waiver request letter from John Hoffert, dated 1/30/25

Ms. Johnston explained that this plan is taking existing non-conformity and making it conform. There is no new construction proposed. It is an administrative subdivision only.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO APPROVE THE SALDO WAIVERS REQUESTED FOR 2024-10 CONAWAY MINOR SUBDIVISION AS STATED IN THE GVC REVIEW LETTER DATED 1/30/25 AND THE WAIVER REQUEST FROM JOHN HOFFERT P.L.S. DATED 1/30/25 AS FOLLOWS:

- a. Relief from Section 405, not to perform an Environmental Impact Assessment;**
- b. Relief from Section 406, not to perform a Community Facilities Impact Assessment;**
- c. Relief from Section 408, not to perform a Utility Impact Assessment;**
- d. Relief from Section 507 (A), not to require curbs along Old Lancaster Pike;**
- e. Relief from Section 507(B), not to require sidewalks along Old Lancaster Pike.**

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO GRANT FINAL APPROVAL TO THE 2024-10 CONAWAY MINOR SUBDIVISION PLAN CONDITIONED ON RESOLVING ANY ISSUES AS STATED IN THE GVC REVIEW LETTER DATED 1/30/25, OBTAINING SIGNATURES, AND PAYMENT OF FEES.

2025-01 RUS/WYOMISSING UCC MINOR SUBDIVISION

EXPIRATION DATE – 5/05/25

(Final Minor Plan) Owners: Dumitru A. Rus and Wyomissing UCC; Agent: John Hoffert Surveying; Location: 2 Vermont Rd.; Plan No. D-24-98; Parcel ID #39438410371482; Proposal Summary: Subdivide the property into 2 lots utilizing on-lot water and public sewer facilities. Proposed Lot 1 use – construct a single-family detached dwelling. Existing and Proposed Residue use – Place of Worship. Zoning relief granted 1/07/25.

- 1. Final Minor Subdivision Plan from John Hoffert, dated 12/18/24 (rec. 1/20/25)
- 2. Cumru Application, dated 1/17/25
- 3. BCPC review letter, dated 1/31/25
- 4. GVC review letter, dated 1/30/25
- 5. ZHB App. No 825 Decision, dated 1/07/25
- 6. Waiver request letter from John Hoffert, dated 2/03/25

Ms. Johnston explained that the property is located on Vermont Road across from the Montessori school near the intersection with Gouglersville Road. Vermont Road is a state road. There is public sewer but no public water in that area. This is another simple subdivision.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPROVE THE SALDO WAIVERS REQUESTED FOR 2025-01 RUS/WYOMISSING UCC MINOR SUBDIVISION AS STATED IN THE GVC REVIEW LETTER DATED 1/30/25 AND THE WAIVER REQUEST FROM JOHN HOFFERT P.L.S. DATED 1/30/25 AS FOLLOWS:

- a. Relief from Section 405, not to perform an Environmental Impact Assessment;**
- b. Relief from Section 406, not to perform a Community Facilities Impact Assessment;**
- c. Relief from Section 408, not to perform a Utility Impact Assessment;**
- d. Relief from Section 507 (A), not to require curbs along Vermont Road;**
- e. Relief from Section 507(B), not to require sidewalks along Vermont Road.**

Public Works

A.) Winter Weather – update

Mr. McNichols reported that Public Works has been responding to the extra cold weather. The Township salt supply is good. He has talked to American Salt and we will be able to get our deliveries. He told the Board that we have already entered into contracts for 2026.

Mr. Batdorf brought up the fact that the new salt shed helps to provide for adequate salt storage. Mr. McNichols confirmed that the new larger salt shed does provide for better storage and allows the Township to be prepared.

Ms. Johnston reported that many municipalities might have been lulled into not expecting winter weather and were not prepared.

Mr. Donnell commended Public Works for providing excellent service.

B.) Wyomissing Creek streambank restoration – consider pay app #1 for \$93,256.59

- 1) Pay App #1 for J. Phillips Excavating & Hauling, LLC

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO AUTHORIZE PAYMENT APPLICATION #1 FOR \$93,256.59 FOR J. PHILLIPS EXCAVATING & HAULING, LLC FOR THE WYOMISSING CREEK STREAMBANK RESTORATION.

C.) Cedar Top Rd. – consider pay app #4 for \$2,835.00

- 1) Recommendation letter from Atlas for pay app #4 for Iron Eagle Excavating in the amount of \$2,835.00, dated 2/14/25

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE PAYMENT APPLICATION #4 FOR \$2,835.00 FOR IRON EAGLE EXCAVATING FOR THE CEDAR TOP ROAD PROJECT.

D.) Beverly Avenue Sewer Main Replacement – declare an emergency project

Mr. McNichols explained that on 1/28/25, a sinkhole opened up along the Beverly Avenue sewer main. It was related to a water main break and was initially identified through sewer meter readings. An outside excavator responded the next day to address the issue. Flowable fill and tons of stone were used to fill the hole. The road will be paved when the weather is warmer. The request was made for the Board to ratify this as an emergency project.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO DECLARE THE BEVERLY AVENUE SEWER MAIN REPLACEMENT TO BE AN EMERGENCY PROJECT.

Engineer

A.) Elkins Ave. Water Main Break

Mr. Rogosky reported that there had been several water main breaks along Elkins Avenue. The area affected is located in Cumru Township but the water mains are owned

by Shillington Borough. Cold patch repairs were done for now to make the road passable. Shillington Borough talked about possible replacement of the infrastructure in the future.

Mr. McNichols stated that the municipalities all work together. The cold patch held up to the recent plowing. Mr. Rogosky reminded everyone that hot patch is not readily available at this time of year. Ms. Johnston recommended coordinating with the school district when and if the repairs are completed.

Solicitor

A.) Zoning Ordinance Text Amendment – update

Atty. Frankowski stated that after holding the Public Hearing earlier this evening, the Board could approve the Zoning Ordinance Text Amendment. She requested to be able to make the recommended change in number of unrelated full-time employees from 4 to 10 in the Agritourism section and make sure that the numbering format is correct throughout the document. These changes would be de minimus in nature.

ON MOTION OF MR. DONNELL, SECOND OF MR. GREG MILLER, A MAJORITY VOTE TO APPROVE THE ZONING ORDINANCE TEXT AMENDMENT WITH THE DE MINIMUS CHANGES. MR. GREG MILLER, MR. DONNELL AND MS. ROWE VOTED YES. MR. WILLIAM MILLER AND MR. BATDORF VOTED NO.

B.) Subdivision and Land Development Ordinance (SALDO) Text Amendment – update

Atty. Frankowski stated that after holding the Public Hearing earlier this evening, the Board could approve the Subdivision and Land Development Ordinance (SALDO) Text Amendment as presented.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPROVE THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE TEXT AMENDMENT AS PRESENTED.

C.) Walkways Not in Public Rights of Way

Atty. Frankowski explained that there had been questions about snow removal in the walkways of Flying Hills. The current ordinance references clearing traditional sidewalks within 24 hours after a snowfall. The walkways in question are not in the public right-of-way and are on private property. There are 5 different developments, each with a different HOA, in the Township with these walkways. There is a lack of formal documentation readily available.

Mr. Batdorf asked how this would work with the HOAs. Atty. Frankowski replied that is why all the documentation must be researched.

Mr. Donnell asked if there was a mechanism to control HOAs. Atty. Frankowski said that the Township can't enforce for private properties.

Mr. Donnell asked if the Township needed to amend the SALDO. Ms. Johnston replied that enforceability would be an issue. We would need an army of code enforcement officials because there are miles of walkways. The other issue is that the walkways are not in the public right-of-way.

Atty. Frankowski stated that this is not something that a Township usually does because the Township does not provide service for non-traditional walkways.

PAYMENTS OF BILLS
ON MOTION OF MR. BATDORF, SECOND OF MR. DONNELL, A UNANIMOUS VOTE APPROVING PAYMENTS OF BILLS DATED 1/24/25, 1/31/25, 2/07/25, AND 2/14/25.

CORRESPONDENCE
A.) 2024 Annual Consolidated Report - Berks County Redevelopment Authority

COMMISSIONERS

A.) Committee Vacancies and Terms

1) Planning Commission – consider replacement for Bill Meek, resignation effective 12/31/24

There has been no response from the alternates or the person that had been suggested previously. Mr. Donnell said that he was not comfortable appointing alternates to permanent positions if they were not responding.

Ms. Johnston stated that there is not a crisis at this time and that the Board could think about this.

2) Vacancy Board

Ms. Johnston explained that this is a 1 year term. This position only comes into play if a Board member, auditor, controller, or tax collector resigns or is unable to serve and the remaining Board members are tied in their vote to appoint a replacement.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A MAJORITY VOTE TO APPOINT RUTH O’LEARY TO THE VACANCY BOARD. MR. WILLIAM MILLER, MR. BATDORF, AND MS. ROWE VOTED YES. MR. GREG MILLER AND MR. DONNELL VOTED NO.

Mr. Donnell questioned whether Mrs. O’Leary could appoint herself.

Mr. William Miller said that she could not vote for herself.

Atty. Frankowski stated that the position is for a neutral 3rd party chairperson that could not elect herself/himself.

There was additional discussion which began with Mr. Donnell reading from the 1st Class Township Code on his tablet. The discussion ended with Atty. Frankowski telling Mr. Donnell that she would provide him with current information about the vacancy board position.

B.) PSATC 2025 Legislative Priorities – Commissioner William Miller

Mr. William Miller stated that he had recently attended a PSATC conference because he is the 2nd Vice-president of the Central Region. He reported that the PSATC is advocating for the use of local radar, and solutions to the local Fire/EMS issues. Better ways to advertise to the public are being investigated due to the decrease in local newspapers.

He had forwarded a survey to the other Board members and encouraged them to fill it out.

Mr. Batdorf thanked him for attending.

Mr. William Miller said that attending PSATC events is a great way to learn from other Commissioners from all over the state.

C.) Executive Session

- 1) IAFF collective bargaining – update
- 2) litigation – 212 Pershing Blvd. – update
- 3) personnel issue – police department

Executive session began at 7:59 p.m. – to discuss IAFF collective bargaining, litigation, and a police department personnel issue

Executive session ended at 8:30 p.m. – IAFF collective bargaining, litigation, and a police department personnel issue were discussed.

No actions were taken at this time.

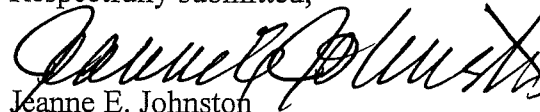
REMINDERS

- A.) Zoning Hearing Board 2/25/2025 at 6:00 p.m. *CANCELED*
Application No. 827 – Continuance - Seeking special exception to add modular home on the property known as 812 Cameron St.
- B.) Board of Commissioners meetings for March and April 2025
- 1) 3/18/2025 at 7:00 p.m. – Regular Meeting
 - 2) 4/15/2025 at 7:00 p.m. – Regular Meeting
 - 3) 4/29/2025 at 7:00 p.m. – 5th Tuesday Meeting
- C.) Planning Commission 3/03/2025 at 6:00 p.m.

ADJOURNMENT

ON MOTION OF MR. BATDORF, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 8:32 P.M.

Respectfully submitted,


Jeanne E. Johnston
Manager/Secretary