CUMRU TOWNSHIP BOARD OF COMMISSIONERS REGULAR MEETING NOVEMBER 19, 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, 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. Fire Chief James Beane was absent with prior approval.

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.

Call to Order and Pledge to the Flag.

PRESENTATION

A.) Jacob Gardner of Schuylkill River Greenways re: proposed boat launch at Poplar Neck on Township owned property

Jacob Gardner, Juia Hurle and Kent Himelright represented Schuylkill River Greenways (SRG) to discuss a proposed boat launch on Township owned land at Poplar Neck Rd. Mr. Gardner explained that there had been a boat launch in the area previously. The Cumru parcel would help to close the gap between landings along the SRG.

Ms. Johnston explained that there had been 2 other owners of the landfill before Waste Management. The Township had been told that the boat landing could not be allowed within 1000 ft. of the landfill and Cumru did not own the land, so that is why it was removed.

Mr. Himelright acknowledged that while Chapter 273 Section does state that a boat launch cannot be 300 yards from a new or expanding landfill, an owner can waive this requirement. In the case of the previous boat launch, the owner – the landfill – refused to waive the requirement.

Mr. William Miller asked what kind of watercraft would use the boat launch. Mr. Himelright said that it would be kayaks and canoes because the site would not be accessible to back-in trailers.

Atty. Frankowski asked who would own the land. Mr. Himelright answered that the Township would own the land and would be responsible for maintaining the facility.

Mr. William Miller asked about parking. Mr. Himelright said that they were hoping for 20 spaces.

Mr. Donnell said that it was his understanding that the organization would look for funding and not expect the Township to fund this. Mr. Himelright responded that yes, they would be seeking grants, but the grants might require a match by the Township.

Ms. Rowe asked what would happen if the Township decides to sell the land 10-15 years down the road? She understands that sometimes grants have stipulations. Ms. Johnston noted that most grants require the site to remain as a recreational facility in perpetuity.

Mr. Greg Miller wanted to have the request clarified. What would be the cost for them to use Township land? Mr. Himelright said that it would be difficult to say a cost.

Mr. Donnell asked if this presentation was to get a sense of the wishes of the Board. Mr. Himelright answered that if the Board was agreeable, the SRG would work on proposals.

AMBULANCE SERVICE

A.) Monthly Report – October 2024

The report was on the Commissioners' tablets.

- B.) County-wide Study by Center for Excellence in Local Government (CELG)
 - 1) "Emergency Medical Provider (EMP) Initiative," October 2024
 - 2) topic: developing crisis in the delivery of EMS services in Berks County

It is the obligation of all municipalities to provide ambulance service. The CELG had formed a task force to investigate the status of ambulance service in Berks County since two EMS services have gone out of business and it has been difficult for the others to fill the gaps. Ms. Johnston had been on the task force. She stated that the document would be on the website. Everyone should encourage State Legislation to look at this crisis. Part of the problem is that the insurance check is sent to the patient, the patient cashes the check, and the bill goes unpaid. There is a cost for readiness and the ambulance services are not getting paid.

The Cumru EMS tax goes to pay for the ambulance service contract with the Township.

APPROVE MINUTES

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE APPROVING THE MINUTES OF 10/15/24 – REGULAR MEETING, 10/17/24 – BUDGET MEETING, AND 10/24/24 – BUDGET MEETING AS PRESENTED.

TREASURER

A.) Monthly Report – October 2024

Mrs. Carpenter reported that the Township received \$220,100.00 for the old vactor truck.

TAX COLLECTOR

- A.) October 2024 Report
 - 1) Year 2024 Real Estate

Balance collectable beginning of month - \$198,562.98

Cash collected - \$10,134.11

Balance collectable end of month – \$188,357.75

2) Year 2023 Interim Real Estate

Balance collectable beginning of month – \$3,083.10 (billed 1/1/24, 4/1/24,

6/1/24 & 8/1/24)

Cash collected – \$0

Balance collectable end of month - \$3,083.10

3) Year 2024 Per Capita

Balance - \$ 19,470.00 (7/1) Cash collected - \$2,965.00 Exonerations - \$640.00

Balance collectable end of month - \$15.865.00

PUBLIC

Attendance: Julia Hurle, Jacob Gardner, and Kent Himelright from SRG, Gregg Bogia, Paul Troisi, and Michael Hazlett from Old Hickory Buildings, Michael Hartman and Steven Buck from Grings Hill Business Park, Mitchell Micale, Ruth O'Leary, Joe Roland, Kathy Roland, Mike Eshbach, Ben Fisher, Barbara Nagle, Roberta Kennedy, Sue Haas, Perry Haas, Glenn Emery, Pat Hobbs, Sam Kalbach, Matthew Carl, James Seiger, Jeremy Brubacker, Mark Wenrich, Amy Groh, Roxann Miller, Amanda Rosentreter, Denise Trout, Greg Leonti, Bev Leonti, Dave McCoy, Robert and Geri Smith, JoAnn Dowling, Michael Petocz, Christine Lubic, Michael Lubic, Michael Lehane, Rachel Crabb, Daryl Minium and Julie Minium.

Roxann Miller, a resident of Hilgert Dr., reserved her right to speak later.

Amanda Rosentreter, of Spring Township, had prepared a speech but Atty. Frankowski told her that public comment was reserved for residents and taxpayers of Cumru Township.

Denise Trout, of Spring Township, was told the same thing.

Joe Roland, a resident of Kenny Dr., believes that the traffic study for Grings Hill is flawed. He talked about a weigh station that is not in Cumru Township. He wanted to know who the tenants would be and who their neighbors would be. Mr. Donnell answered that the business park could accommodate up to 5 entities. Atty. Frankowski will email the Sunshine Law statute to him.

Amy Groh, a resident of Matthew Dr., stated that she is not in favor of the traffic, damage to the environment, pollution or noise. These are quality of life issues. This is an incoming neighbor that no one wants. How can they contribute to the community, such as possible meeting space or open space? Mr. Batdorf explained that they contribute tax dollars.

Glenn Emery, a resident of Fairway Rd., asked if the taxes would be the same as NorthPoint. Mr. Batdorf answered that is not known but it will be more than we have now.

Michael Lehane, a resident of Old Lancaster Pike, said that he lives facing the area to be constructed. He was concerned about traffic and jake brakes. He wanted to know if traffic will be using old Lancaster Pike. He was also concerned about noise and light.

DEPARTMENTS

Police Department

A.) Monthly Report – October 2024

The Police Department has a member on the Berks County Emergency Response Team (BCERT) which is a tactical SWAT team. BCERT is seeking an LSA grant and is requesting a letter of support. This is a time sensitive request that was made today. Chief Winchester is seeking Board approval by nodding heads to write a letter of support and have the resolution on the agenda for the next Board of Commissioners meeting. The Board agreed.

Fire Department

A.) Monthly Report – October 2024

Ms. Johnston said the report was on the tablets along with fire prevention information. The Cumru Fire Department responded to the Neversink Mountain fire.

- B.) Fire Station Construction
 - 1) consider pay application #3 for Vision Mechanical (HVAC) in the amount of \$70,560.00
 - 2) consider quote for fob access system totaling \$59,464.00 (from donations and other revenue)

Item #1 will be paid with the bond money. Item #2 will be paid with donations and other revenue. The fob system is one of the ancillary systems that will be needed but is not included in the Fire Station Construction. This is a CoStars vendor so there is no need to bid.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO AUTHORIZE PAY APPLICATION #3 FOR VISION MECHANICAL IN THE AMOUNT OF \$70,560.00.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO AUTHORIZE THE QUOTE FOR THE FOB SYSTEM FOR THE NEW FIRE STATION IN THE AMOUNT OF \$59,464.00.

C.) Burn Ban – ongoing

Emergency Management

A.) County-wide Drought Warning – RAWA emergency meeting

Mrs. Wylezik-Pfeiffer, as the Cumru Township EMC, will be attending the RAWA emergency meeting concerning the county-wide drought warning status. She urged everyone to conserve water.

Administration

A.) Codes Department - October 2024

Building Permits Issued – 22

Use Permits Issued – 0

Zoning Permits Issued – 11

Notices of Violations – 12

Citations issued -0

Violations complied – 12

Phone calls from contractors, realtors & public approximately -212

Properties placarded – 0

Permit Inspections Done – 46

Inspections with the Fire Department -2

Training Seminars attended -0

- B.) Auditor FY 2024 consider appointment of Herbein+Co.
 - 1) engagement letter for audit of FY 2024, dated 11/18/2024

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO APPOINT HERBEIN +CO. AS THE CUMRU TOWNSHIP AUDITOR FOR FISCAL YEAR 2024.

C.) Planning

2023-11 GRINGS HILL BUSINESS PARK, LLC EXPIRATION DATE 12/31/2024

(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. Preliminary plan approval with conditions on 12/19/2023.

- 1) Revised Final Plan from Schlouch, Inc., dated 9/23/24
- 2) Schlouch Township Response letter, dated 9/23/24
- 3) PCSM Report, dated 9/12/24
- 4) GVC review letter, dated 10/04/24
- 5) GVC review letter re: traffic, dated 10/15/2024
- 6) Atlas Engineering sewer review no. 3, dated 11/18/2024
- 7) Memo from PC to BOC re: recommendation to grant conditional final approval, dated 11/06/24

Michael Hartman represented Schlouch Inc. The sewer is approved. They just need to know the tenants to determine the number of EDUs that will be used.

- Mr. Donnell asked if there were any unmet conditions. The answer was no.
- Mr. Greg Miller asked if there were any environmental issues. The answer was no.
- Mr. Rogosky from GVC said that the traffic issues were addressed and they are waiting for the PennDOT HOP.
- Mr. William Miller read a letter from a resident asking the Board to vote yes to bring new business into the Township and help to offset the possible deficit. Voting no could open the Township for litigation. The resident was concerned that Cumru Township is presenting an image that it does not want growth. Even with the hiring of the consultant group, it would be difficult if not impossible to overcome the negativity that is being presented to the public.
- Mr. Donnell said that it was patently false that the Township doesn't want growth. He said that he does automation for a living and he doesn't believe that the warehouses will provide employment due to news stories about using automation.
 - Mr. William Miller made a motion to grant conditional final approval to the plan.
- Mr. Greg Miller read his own prepared statement stating the previous Board had thrust this upon the new Board by pushing through the conditional preliminary plan approval and not respecting the election results.

Roxann Miller, a resident of Hilgert Ave., asked what the Board wanted to put in that area. Mr. Donnell answered with smart growth alternatives.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A MAJORITY VOTE TO GRANT 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.

When she voted, Ms. Rowe stated that if there are no problems with the plan then the plan must be approved. Atty. Frankowski explained that in order to deny a plan, the Board must render a decision in writing that states the reason to deny the plan. The decision must include specific details as to the deficits of the plan.

2024-01 OLD HICKORY BUILDINGS, LLC EXPIRATION DATE 12/31/2024

(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; located in both Cumru and Robeson Townships

- 1) Revised Preliminary plan submitted by Bogia Engineering, Inc., date unchanged
- 2) Environmental Impact Assessment Statement (no date)
- 3) Utility Impact Assessment Report (no date)
- 4) BEI response letter to GVC Review Letter from 2/02/24, dated 10/14/24
- 5) Revised Review Letter from GVC, dated 11/01/24
- 6) Will Serve Letter from Aqua America, dated 7/26/24
- 7) Will Serve letter from Met-Ed, dated 7/05/24
- 8) Traffic Impact Assessment by Bogia Engineering, Inc., dated September 2024
- 9) Stormwater Management Report by Bogia Engineering, Inc., dated 9/20/24
- 10) ZHB Application #820 decision, dated 10/22/24
- 11) Memo from PC to BOC re: recommendation to grant conditional preliminary plan approval, dated 11/05/24

Ms. Johnston explained the proposed plan. Gregg Bogia, engineer for the plan, was present. Atty. Frankowski explained that since an appeal was filed in Court, but not signed by the Judge, the land development process is not suspended and proceeds accordingly. A hearing has been scheduled for December 19, 2024.

Mr. Donnell stated that he is disheartened by the disingenuous language.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO GRANT PRELIMINARY PLAN APPROVAL FOR 2024-01 OLD HICKORY BUILDINGS, LLC. CONDITIONED ON COMPLIANCE WITH ALL ISSSUES AS STATED IN THE GVC REVISED REVIEW LETTER DATED 11/01/24.

2024-08 1917 CEDAR TOP ROAD LLC MINOR SUBDIVISION EXPIRATION DATE 2/02/2025

(Final Minor) Owner: 1917 Cedar Top LLC-John McRae and Janet McRae; Agent: John Hoffert Surveying; Location: 1917 Cedar Top Rd.; Parcel ID#39439519622268; Plan No. D-24-86-1; Proposed Summary: Minor 2-lot subdivision. Existing and proposed residue lot use is a single-family detached dwelling with on-lot water and newly connected public sewer. Proposed Lot 1 use is a future single-family detached dwelling with on-lot water and public sewer.

- 1) Revised Final Minor Subdivision plan from John Hoffert, dated 10/22/24
- 2) Cumru Application, received 10/15/24

- 3) BCPC review letter, dated 10/31/24
- 4) GVC review letter, dated 10/31/24
- 5) Memo from PC to BOC re: recommendation to approve the waiver requests

Mr. McNichols stated that the new owner bought the abandoned home and hooked the existing house up to public sewer before the road was reconstructed.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPROVE THE SALDO WAIVERS REQUESTED FOR 2024-08 1917 CEDAR TOP ROAD LLC AS STATED IN THE GVC REVIEW LETTER DATED 10/31/24 AND THE WAIVER REQUEST FROM JOHN HOFFERT DATED 11/04/24 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 Cedar Top Rd.;
- e. Relief from Section 507(B), not to require sidewalks along Cedar Top Rd..

Public Works

- A.) Sanitary Sewer Replacement Projects 2024
 - 1) Cedar Top Road consider application for payment #3 for Iron Eagle in the amount of \$815,068.26

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE PAYMENT #3 FOR IRON EAGLE IN THE AMOUNT OF \$815,068.26FOR THE CEDAR TOP RD. SANITARY SEWER REPLACEMENT PROJECT.

- B.) Wyomissing Creek Streambank Stabilization update
 - 1) notice of award

Mr. McNichols stated that this project is expected to begin on December 2, 2024. The Wyomissing Creek is threatening to expose the sewer lines in this area.

C.) LSA Grant for Ardmore Sewer Replacement – consider resolution authorizing application ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE A RESOLUTION FOR THE APPLICATION FOR THE LSA GRANT FOR THE ARDMORE SEWER REPLACEMENT PROJECT.

Engineer

- A.) Freemansville Rd.
 - 1) update on PennDOT study for "no trucks"
 - Mr. Rogosky stated that a request had been sent to PennDOT but no response has been received. He hopes to have this addressed by the end of the year.
 - 2) traffic signal timing
 - Mr. Rogosky said that he will recommend that CM High look into the timing for any technical issues.

Solicitor

A.) Appeals from Assessment Appeals

Atty. Frankowski wanted the Board to be aware of the barrage of tax assessment appeals due to the 2.75 common level ratio. Usually the School District handles these and the Township only gets involved when it pertains to commercial appeals.

B.) Dangerous Structures, 711-713 Philadelphia Avenue – update

The properties have not been demolished by the owners. She recommended moving forward with the demolition. There is no need to bid because there was a court order.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE THE DEMOLITION OF 711-713 PHILADELPHIA AVENUE AT A COST NOT TO EXCEED \$50,000 AND LIEN THE PROPERTIES.

Mr. McNichols will get a quote tomorrow but this is a process so it won't be done tomorrow. A lien will be filed in case the property is sold.

- C.) Zoning Ordinance Text Amendment update
 - 1) Letters sent to property owners in MUGC district re: rescheduled public hearing, dated 10/31/24

This is a work in progress with the target goal to have the Public Hearing on 1/21/25.

- D.) Subdivision and Land Development Ordinance Text Amendment update
 - 1) Rescheduled Public Hearing for 1/21/25 at 6:30 p.m. to be advertised 1/05/25 and 1/12/25. This was discussed with the above item.

PAYMENTS OF BILLS

ON MOTION OF MR. BATDORF, SECOND OF MR. DONNELL, A UNANIMOUS VOTE APPROVING PAYMENTS OF BILLS DATED 10/18/24, 10/25/24, 10/28/24, 11/01/24, 11/08/24, AND 11/15/24.

CORRESPONDENCE

A.) Extension of time to 12/31/2025 received for 1119 N. LLC, dated 11/06/24

2025 BUDGET

A) Consider revisions and authorization to advertise.

Ms. Johnston stated that the budget that was presented as being based on a 1 mil increase was actually based on a 0.6 mil increase. Nevertheless, since the Board had asked for possible budget cuts in each department, she presented a sheet detailing 3 versions of the budget and possible budget cuts.

Mr. William Miller recommended supporting the library. Mr. Greg Miller and Mr. Donnell agreed.

Mr. Greg Miller wanted to keep the consultant in the budget.

Mr. Batdorf recommended selling the property at Poplar Neck through realtors. Atty. Frankowski stated that the Township would have to bid but could reject any bid that was less than the appraised value. There was discussion about how the Township presently uses the land.

Mr. Greg Miller asked about the financing for the Public Works truck. Ms. Johnston said that 75%, or approximately \$151,000, could be paid out of Liquid Fuels and only \$50,000 would come from the General Fund.

Mr. McNichols stated that usually Liquid Fuels money is used for road maintenance.

Mr. William Miller recommended hiring a 3rd captain for the Fire Department in the 2025 budget to help provide 24/7 staffing.

Mr. William Miller stated that he is not in favor of the cuts and preferred the original budget without cuts but understood the need for compromise.

Mr. Donnell recommended retaining the $3^{\overline{1}d}$ captain and the consultant in the budget.

Mr. Greg Miller recommended using the option where the General Fund is increased by 0.3 mil, and the Ambulance is increased by 0.07 mil, but increasing the Fire by 0.9 mil instead of 0.8 mil for a total increase of 1.27 mil.

ON MOTION OF MR. DONNELL, SECOND OF GREG MILLER, A UNANIMOUS VOTE TO ACCEPT THE OPTION WHERE THE GENERAL FUND IS INCREASED BY 0.3 MIL, THE AMBULANCE IS INCREASED BY 0.07 MIL AND THE FIRE IS INCREASED BY 0.9 MIL FOR A TOTAL INCREASE OF 1.27 MIL.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO AUTHORIZE THE PROPOSED 2025 BUDGET AND REAL ESTATE TAX LEVY ORDINANCE TO BE ADVERTISED FOR ADOPTION AT THE DECEMBER MEETING.

There was discussion about putting budget items on a consent agenda for the December meeting. The Board agreed to having a consent agenda for the December meeting.

Ms. Johnston explained that traditionally the Township had links on the website and copies available in the Township office for public inspection of the advertised budget with the 2025 line items only. She wanted to make sure that this is still acceptable to the Board. The Board agreed.

COMMISSIONERS

A.) Steering Committee

1) PC memo to BOC re: recommendations/questions on appointment, dated 11/06/24 There was discussion about who should represent the Planning Commission on the Steering Committee, which is expected to meet quarterly three times next year. It was decided that both Bev Leonti and Mitchell Micale will represent the Planning Commission.

B.) Executive Session

1) personnel issue

Executive session began at 8:45 p.m.- to discuss a personnel issue.

Executive session ended at 9:36 p.m. – a personnel issue was discussed. No action was taken.

REMINDERS

- A.) Zoning Hearing Board 11/26/2024 at 6:00 p.m.
 - Application No. 825 Continuance-seeking variance in order to purchase 2.035 acres gross from Wyomissing United Church of Christ located at 2 Vermont Rd. This would leave the church with 2.132 acres.
 - Application No. 827 Seeking special exception to add modular home on the property known as 812 Cameron St.
 - Application No. 828 Seeking variance in order to place a 280-ft. shed in the front yard of the property known as 504 Summit Ave.
 - Application No. 829 Seeking variance in order to construct a single-family residence. There is an existing garage on the property known as 1601A Ridge Ave.
 - Application No. 830 Seeking variance in order to place a detached garage in the front yard on an existing driveway on the property known as 529 Pershing Blvd.
- B.) Board of Commissioners meetings for December 2024 12/17/2024 at 6:00 p.m. Regular Meeting
- C.) Planning Commission 12/02/2024 at 6:00 p.m.

The Planning Commission is expected to discuss the proposed text amendments at this meeting.

D.) Office Closings

11/28/2024 and 11/29/2024 offices closed for Thanksgiving Holiday 12/24/2024 and 12/25/2024 offices closed for Christmas Holiday 12/31/2024 and 1/1/2025 offices closed for New Year Holiday

ADJOURNMENT

ON MOTION OF MR. DONNELL, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 9:38 P.M.

Respectfully submitted,

Jeanne E. Johnston

Manager/Secretary