

CUMRU TOWNSHIP BOARD OF COMMISSIONERS
5th TUESDAY MEETING **APRIL 29, 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, Special Counsel Dan Becker, 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. Joseph P. Rogosky of Great Valley Consultants was excused.

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.

PUBLIC

Attendance: Gerald Potochnik, Ruth O'Leary, Gregg Adelman, Mike Nowotarski, Sue McCoy, Dave McCoy, Don & Jan Lebo, Erica Fair, Pat Hobbs, Todd Woodworth, Ben Fisher, Sue Haas, Perry Haas, Glenn Emery, Barbara Nagle, Mark Ferrero, Betty Volk, Scott Horner, Greg Leonti and Bev Leonti.

A.) Greater Governor Mifflin League 50th Anniversary Celebration 2026

Sue McCoy, a resident of Crestview Avenue, addressed the Board as a member of the Greater Governor Mifflin League 50th Anniversary Celebration 2026 Committee.

The Greater Governor Mifflin League (GGML) started Community Days in 1976. Over the years, the dedicated volunteers have donated countless hours toward making the event a success. GGML provided over \$600,000 to community organizations. GGML represents all 5 municipalities in the Governor Mifflin School District.

For the 50th Anniversary, the committee would like to have an area to display the history and the accomplishments of the municipalities. A parade is being planned for Saturday, June 28, 2026. She invited Cumru Township to have any available Township vehicles participate in the parade.

Mrs. McCoy thanked Cumru Township for its support over the years.

B.) Glenn Emery, a resident of Fairway Rd., said that it was an exciting time with all the elections signs being displayed. He questioned the wording on some of the Commissioner signs. Mr. Donnell said that he found some of the signs to be disingenuous.

C.) Sue Haas, a resident of Pine Tree Ct., declined to speak.

ADMINISTRATION

A.) Hawthorne Land Development Plan

(Note: Settlement plan approved by Township 11/29/23. Settlement approved by Court 9/30/2024.)

- 1.) authorization to sign drawing
- 2.) adopt sanitary sewer planning module resolution for forwarding to PaDEP
- 3.) authorization to execute sewer treatment agreement with City of Reading
- 4.) authorization to execute developer improvements agreement
- 5.) stormwater operations and maintenance agreement (stormwater facilities other than those in PennDOT ROW)

Atty. Frankowski recused herself and turned the meeting over to Atty. Dan Becker of Kozloff/Stoudt who is special counsel for Cumru Township for this plan. Atty. Becker stated that he had taken over as special counsel after Atty. Kit Fegley. He introduced his associate Adrienne Delaere from Kozloff/Stoudt.

Atty. Becker explained that this land development plan was first proposed back in 2008. After many meeting and revisions, the plan was denied in 2016 and the developer filed a land use appeal. The settlement plan was approved by Cumru Township on 11/29/23 and approved by the Court on 9/30/24. The plan is for 200 apartment units. The Township is not responsible for the roads, sewer, or water. All departments and parties involved have reviewed the plans. The developer will be responsible to pay any applicable fees such as Traffic Impact, Sewer tap ins, and recreation. Atty. Becker recommended reaffirming the plan approval per the court settlement and signing the plans.

John Rathfon, a representative of Metropolitan, stated that they would like to start site construction in Fall 2025. It should take approximately 18-24 months to build with a projected move in for the first residents in Fall 2027.

When asked about the fiscal impact, Mr. Rathfon answered that the development should net approximately \$284,000 to the Township and the school district as a recurring tax base.

Mr. Donnell asked Ms. Johnston about the original denial. The first plan was for 500+ age-restricted units that were spread across the whole parcel. The next plan was for 380 townhomes. The denial cited the steep slopes and number of units. The present plan has compacted development to one area of the parcel and the 200 units is the maximum allowed by the fire code for a development with only 1 entry/exit.

Pat Hobbs, a resident of Valley Stream Rd., asked about the location of the entrance/exit. She stated concern about the traffic. She asked if a traffic study had been done and if a traffic light was to be installed. The entrance/exit will be on SR724 across from Poplar Neck Rd. A traffic study was done and PennDOT is not requiring a traffic signal.

Ms. Johnston recommended retaining Atty. Dan Becker as special counsel for this development.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO REAFFIRM APPROVAL AND SIGN THE PLANS CONDITIONED ON SOLICITOR REVIEW OF ALL AGREEMENTS, DEP APPROVAL OF THE PLANNING MODULES AND PAYMENT OF ALL FEES.

B.) Berks County MS4 Steering Committee – consider resolution for updated cost sharing agreement

Ms. Johnston explained that the Township is mandated under MS4 regulations to provide stormwater education. The DEP determines the “urbanized areas” that are included in MS4. The Berks County MS4 Steering Committee consists of over 50 municipalities and is administered by the Berks County Planning Commission (BCPC). Ms. Johnston is the current Vice-Chairperson. The Berks County MS4 Steering Committee provides educational programs through schools and environmental centers like Berks Nature. Participation, at a cost of \$800/year, gives the Township credit toward the mandatory MS4 regulations. Ms. Johnston requested that the Board consider adopting a resolution for the updated cost sharing agreement.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO ADOPT A RESOLUTION FOR THE UPDATED COST SHARING AGREEMENT WITH THE BERKS COUNTY MS4 STEERING COMMITTEE.

C.) Tax Collector ACH remittances for County/Twp – request to reconsider banking resolution including authorization of dual control

Ms. Johnston explained that the Tax Collector currently sends checks with only 1 signature. She recommended authorizing a waiver of dual control subject to the understanding that the ACH remittances are for paying tax entities. The County audits annually. The Tax Collector is an independent entity. Governor Mifflin School District does not accept electronic payments at this time. Ms. Johnston cautioned that the Board might need to address this issue again if the school district adopts electronic payments.

Mr. Greg Miller had questions. He was told that the Tax Collector has accounts at a different bank and does not have access to Township accounts. There was a \$500,000 limit for County ACH remittances.

Atty. Frankowski said that the Tax Collector is bonded and has been operating under the single control system for years.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE THE TAX COLLECTOR TO USE ACH REMITTANCES FOR TAX PAYMENTS TO THE COUNTY AND GRANT A WAIVER OF DUAL CONTROL FOR THE CURRENT TAX COLLECTOR’S TERM THAT WILL EXPIRE UPON DEPARTURE FROM OFFICE.

Mike Nowotarski, a resident of Freemansville Rd., asked what would happen if the Tax Collector could not perform the duties. He was told that the Deputy Tax Collector would take over temporarily. Atty. Frankowski stated that in the event that an elected Tax Collector could not finish the term, the Vacancy Board would help select a new Tax Collector to finish the term.

D.) Cops and Kids Fishing Derby May 3

Mrs. Wylezik-Pfeiffer gave a public announcement about the upcoming Cops and Kids Fishing Derby on Saturday May 3, 2025, from 9 a.m. to noon. The Police Department holds this event for youth aged 12 and under.

COMMISSIONERS

A.) Zoning Hearing Board

1.) resignations

- 2 members and 2 alternates, dated 4/22/2025
- resignation of 1 member, dated 4/24/2025

2.) vacancies

- Zoning Hearing Board – vacancies for 3 members and 2 alternates
- Civil Service Commission – vacancies for 2 alternates

Atty. Frankowski stated that only 1 alternate member remained from the previous ZHB. She informed everyone that the ZHB selects its own solicitor. Mr. William Miller suggested using a ballot form to vote to make the process easier. Ms. Rowe asked if any of the candidates that were present wished to speak.

Ben Fisher, a resident of Holly Lane, stated that he has served on the ZHB as an alternate member for the last 6 months or so. He would be willing to be a full-time member.

ON MOTION OF MS. ROWE, SECOND OF MR. WILLIAM MILLER, A UNANIMOUS VOTE TO APPOINT BEN FISHER TO THE ZONING HEARING BOARD AS A PERMANENT MEMBER.

Atty. Frankowski reminded everyone that this means that there will now be 2 permanent positions and 3 alternate positions to fill.

Scott Horner, a resident of Medinah Dr., stated that he IS a local urologist and will be retiring in September. He is a Navy veteran and has been a Cumru resident for 31 years. He has attended ZHB meetings.

Donald Lebo, a resident of Muirfield Dr., had years of service in Birdsboro as Council President and Chairman of the Planning Commission. He has been a resident of Cumru Township since 2021.

Mike Nowotarski, a resident of Freemansville Rd., is on the ASME board. He had worked at Carpenter for 18 years. As an excavator, he knows his way around construction.

Todd Woodworth, a resident of Fairmont Ave., has been a Cumru resident since 2001. He worked 28 ½ years as an engineer at Carpenter and he is currently a Vice-President at a local engineering firm. He is willing to lend a hand.

Andy Yetter, a resident of Hunters Rd., has worked for the H&K Group and CMS Construction. He has been a Cumru resident for 13 years and is interested in zoning.

Betty Volk, a resident of Doral Dr., stated that as a real estate agent, she has worked with many homeowners that needed zoning relief. She has some knowledge and is willing to learn.

Erica Fair, a resident of Aspen Lane, is a full-time real estate agent.

Ms. Johnston said that there are also 2 open alternate positions for the Civil Service Commission (CSC). The Police Department and the Fire Department must use the Civil Service process because Cumru Township is a 1st class township. This process includes a written test, a physical test and an oral interview. There is a ranking system for the candidates. A certified list by the CSC is in effect for 1 year and the time can be extended if needed. The CSC only meets as needed so there is no set schedule for meetings.

It was agreed that the 2 candidates with the most votes would become the permanent members and the next 3 candidates would become the alternate members. Ms. Johnston

explained the staggered term expiration dates and how the process allows for normal continuity of the Board. The Board voted and then revoted to resolve a tie.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPOINT TODD WOODWORTH AND SCOTT HORNER TO THE ZONING HEARING BOARD AS PERMANENT MEMBERS AND TO APPOINT DON LEBO, BETTY VOLK, AND MIKE NOWOTARSKI TO THE ZONING HEARING BOARD AS ALTERNATE MEMBERS.

The Zoning Hearing Board members and their term expirations are as follows:

Permanent Members – Ben Fisher exp. 1/1/28
Todd Woodworth exp. 1/1/27
Scott Horner exp. 1/1/26
Alternate Members – Don Lebo exp. 1/1/28
Betty Volk exp. 1/1/27
Mike Nowotarski exp. 1/1/26

The 2 remaining candidates, Erica Fair and Andrew Yetter, agreed to be considered as alternates for the Civil Service Commission.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPOINT ERICA FAIR AND ANDREW YETTER TO THE CIVIL SERVICE COMMISSION AS ALTERNATE MEMBERS.

Ms. Johnston explained that all the members of the ZHB and the CSC need to be sworn in. The ZHB will need to hold an organization meeting to elect a Chair and Vice-Chair and appoint a solicitor. Ideally this should be done sooner than later. There is an application that was received that was originally scheduled to be heard on May 27, 2025. We have not received a waiver for the 60 day hearing requirement.

FIRE DEPARTMENT

A.) Burn Ban – extended through May 22, 2025

Chief Beane announced that the Cumru Township burn ban will continue through May 22, 2025, due to the ongoing conditions. Mr. Donnell asked if the burn ban was for the County or just Cumru Township. Chief Beane replied that it is for Cumru Township.

PUBLIC WORKS

A.) Cedar Top Rd Sewer Replacement

- 1.) consider compensating change order no. 1 for reduction of (\$13,628.00)
- 2.) consider application for payment 5 (retainage) in the amount of \$153,191.00

Mr. McNichols reported that the Township received a change order for a reduction of \$13,628.00 which was applied against the retainage. Payment #5 would be for \$153,191.00.

ON MOTION Of MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO ACCEPT THE CHANGE ORDER REDUCTION FOR \$13,628.00 AND AUTHORIZE PAYMENT #5 IN THE AMOUNT OF \$153,191.00 TO IRON EAGLE EXCAVATING LLC FOR THE CEDAR TOP ROAD SEWER REPLACEMENT PROJECT.

CORRESPONDENCE

A.) Letter from Titus Power LLC re: application for renewal of air quality permit, dated 4/16/25

Ms. Johnston explained that there are 2 electrical substations. Titus Power LLC has gas turbines that would be the backup needed to power the grid if needed. The Township has not received a land development plan for the old Titus Station which was a coal-fired plant.

B.) Rescheduled May 2025 meeting (to 5/22/2025) advertised in the Reading Eagle on 4/23/2025

C.) Western Berks Landfill – DEP permit for Interim Operations Plan during temporary closure

Ms. Johnston explained that a temporary closure permit indicates that they must be considering expansion in the future. This is of interest to the Township because Cumru receives a host fee for every ton collected.

REMINDERS

A.) Zoning Hearing Board 5/27/2025 at 6:00 p.m.

Application No. 832 – Budget Storage phase 2 for expansion of non-conforming use

B.) Board of Commissioners meetings for May and June 2025

1) 5/22/2025 at 7:00 p.m. – Regular Meeting (rescheduled due to primary election)

2) 6/17/2025 at 7:00 p.m. – Regular Meeting

C.) Planning Commission 05/05/2025 at 6:00 p.m.

EXECUTIVE SESSION

A.) Litigation – Old Hickory Buildings

There was no need for an executive session because this is public record. Old Hickory Buildings LLC withdrew from the appeal. A revised plan has been submitted that removes all development from Cumru Township. The new plan has 1 building in Robeson Township.

ADJOURNMENT

ON MOTION OF MR. DONNELL, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 8:30 P.M.

Respectfully submitted,



Jeanne E. Johnston
Manager/Secretary