

**CUMRU TOWNSHIP BOARD OF COMMISSIONERS  
REGULAR MEETING**

**MAY 21, 2019**

The Regular Meeting of the Cumru Township Board of Commissioners was called to order at by President Ruth O'Leary at 7:00 p.m. Other Commissioners in attendance were Vice President Edward L. Gottschall Sheri Hoover, William B Miller and David J. Batdorf. Also attending were Solicitor Michael A. Setley, Chief of Police Madison Winchester, Fire Chief James A. Beane, 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**

Attendance: Denys Allen of 11 Fawn Drive, Jose Ortiz of 845 Madison Street, Dennette Keller of 280 Pennwyn Place, Carol Davis of 304 Pennwyn Place, Michael S. Keffer, P.E. with Light-Heigel and Associates, Inc., Brent M. Erb with Nolde Forest, Jan Minnich from Ephrata, and Betty Reinoehl of Orchard Place.

A) Anne Guldin 76 Flint Ridge Drive re: parking in front of mailboxes – *Not present.*

B) Dennette Keller of 280 Pennwyn Place re: Stormwater pipe

Ms. Keller was present for discussion. She questioned what her options were for the sinkhole on her property and if the Township would participate. Mr. Setley stated the Board would need to weigh in on where they stand with respect to the GP11 Permit. Mr. Rogosky stated there was a PNDI hit for bog turtles; an environmental study would possibly need to be done, which could produce challenges on when the work could take place. He estimated \$15,000.00 for the engineering cost based on other recent permitting.

Mr. Miller stated, "I feel bad for the situation. But this is a private property improvement. I am against spending a nickel for this private property issue because there are at least 15 other property owners waiting to see how this goes."

Ms. Keller questioned the sanitary sewer pipe that runs near the storm water pipe. Ms. Johnston stated the sanitary sewer easement only gives rights to the sewer pipe. Mrs. O'Leary questioned, if the pipe was shorter, would that change the amount of permitting needed. Mr. Rogosky stated they would still be encroaching on the floodway because it is so close to the Wyomissing Creek, even to remove the pipe. This project cannot be grandfathered in as there is no record that a permit was previously obtained.

Mr. Mike Keffer, an engineer with Light Heigel and Associates, stated there should have been a permit for the sewer pipe to go under the stream. Ms. Johnston stated the records could be from the 50s or 60s and research would need to be done. Mr. Keffer questioned if the Township would object if an emergency permit was obtained. Mr. Setley stated, if the DEP gives an emergency permit, then go ahead with the project and the Township would not hold you back. Mr. Keffer said he would submit an emergency permit application to fix the hole.

C) Ms. Carol Davis of 304 Pennwyn Place was present for discussion.

Ms. Davis stated the street and yards gets flooded in the recent rains. She stated people are leaving their grass clippings and branches in the street. Ms. Johnston stated there is an ordinance

against grass clippings being placed in the street, so this can be addressed by the Codes Department, but she acknowledged that enforcement is difficult. Unfortunately, Pennwyn is at the bottom of a ridge and the backyards on the west side of the street are in the floodway. The best thing that can be done to help mitigate the stormwater is to not kill the plants in the riparian buffer. Ms. Davis asked about various changes to infrastructure. Ms. Johnston responded that, if the Township were to re-engineer the entire neighborhood, someone would be aggrieved and it is possible that property would need to be taken.

D) Jose Ortiz of 845 Madison Street re: proposed development of Tract B

Jose Ortiz of 845 Madison Street was present for discussion. Mr. Ortiz informed the Board that he would like to revisit the land development proposal from 10 years prior. He stated the proposal became stagnate when the matter of who was responsible for cost came about. The Township at the time stated he could extend the sanitary sewer line at his own cost. He questioned if the Township's stand still remains the same. The Board indicated that the Township's position has not changed.

Mr. Ortiz stated he has more details as to why a sewer line extension would be beneficial to the Township. He stated the Township had already proposed extending the line through Alpine Drive within the Act 537 Plan of 1997. He stated that his property is adjacent to Alpine Drive. He would like a denial letter from the Board, if the Board still feels that this is not their cost to bare. Mrs. O'Leary stated the Township no longer has the same intentions regarding the Act 537 Plan. The intention now is to administer the Sewage Management Plan program and not extend sanitary sewer. Mrs. O'Leary stated the Township would respond to Mr. Ortiz's letter in writing.

Mr. Setley pointed out that Mr. Ortiz was asking other Township residents to fund his project.

E) Brett Erb introduced himself to the Board as the new Manager of Nolde Forest.

F) Jan Minnich re: 121 Orchard Place

Mr. Minnich was speaking in behalf of Mrs. Betty Reinoehl, his mother-in-law, who lives at 121 Orchard Place. Mrs. Reinoehl was frustrated with a stormwater issue which has been worsening over the past three to four years, after the driveway pipe was corrected. It is evident that the stormwater pipe leading to the driveway is 60% blocked. Mr. Minnich stated the problem is upstream. He has spoken with Mr. William Frymoyer, whom he thanked for trying to help with this matter.

Mr. Minnich questioned if the Township has the ability to encourage the neighbor above them, Mrs. Impink, to help with the issue. Mrs. Impink claims that the problem is on the Reinoehl property and not hers. Ms. Johnston informed the Board that this is not in the Township right of way, this matter is on private properties. Mr. Setley encouraged Mr. Minnich to contact Berks County Conservation district with his concerns.

### SOUTHERN BERKS REGIONAL EMS

A) Monthly Report – April 2019

Mr. Malcolm Cole informed the Board that their audit was performed. They had a total of 186 calls in the month of April, 8 of which were covered by other services. Mr. Cole thanked the

Township for the financial support. Mr. Cole stated SBREMS participated in a mock DUI event and Chief Tim Musser was honored at an event for saving a life last year.

#### **TREASURER**

A) Monthly Report – April 2019

#### **TAX COLLECTOR**

A) Monthly Report – April 2019

1) Year 2019 Real Estate

Balance collectable beginning of month - \$5,076,409.79

Cash collected - \$4,428,180.14

Balance collectable end of month - \$557,857.05

2) Year 2019 Real Estate Interim

Balance collectable beginning of month - \$2,247.83

Cash collected - \$1,693.85

Balance collectable end of month - \$553.98

3) Year 2019 SMP

Balance collectable beginning of month - \$68,100.00

Cash collected - \$56,742.00

Balance collectable end of the month - \$10,200.00

4) Year 2019 Refuse

Balance collectable beginning of month - \$902,740.00

Cash collected - \$774,807.60

Balance collectable end of the month - \$112,120.00

#### **APPROVE MINUTES**

**ON MOTION OF MR. BATDORF, SECOND OF MR. MILLER, A UNANIMOUS VOTE APPROVING THE MINUTES FROM APRIL 16, 2019 – REGULAR MEETING.**

#### **CONSENT AGENDA**

**2018-01 GRANDE STORAGE LAND DEVELOPMENT PLAN**

**EXPIRATION DATE 8/04/2019**

(final) Owner: Fiorino Grande; Applicant: Grande Land, LP; Agent: Stackhouse Bensinger, Inc.; Location: southwest corner of the intersection of Ridgeway Rd. and SR 724; plan no. 2017-071; proposal summary: install storage units

A) Grande Storage Land Development Plan. Revised Final, dated 04/15/2019

B) Letter from Great Valley Consultants re: plan review, dated 05/02/2019

C) Memorandum from Secretary re: Planning Commission recommended approval with conditions, dated 5/20/19

#### **ACTION:**

**GRANTED CONDITONAL FINAL PLAN APPROVAL FOR THE GRANDE STORAGE LAND DEVELOPMENT PLAN. CONDITIONED UPON THE COMPLETION OF ANY**

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**OUTSTANDING ITEMS IN GREAT VALLEY CONSULTANTS' REVIEW LETTER,  
DATED 5/2/2019, INCLUDING PAYMENT OF TRAFFIC IMPACT FEES.**

**1 Chardonnay Circle – waiver request**

- 1) Request for waiver to the Subdivision and Land Development Ordinance to allow for a third driveway to a new accessory structure, dated 05/20/2019

**ACTION:**

**GRANTED A WAIVER TO SECTION 509.E. OF THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE TO INSTALL A THIRD DRIVEWAY CUT FOR A SINGLE LOT ONTO BORDEAUX DRIVE.**

**Surplus Property – resolution**

- 1) draft resolution to sell 2010 Ford Crown Victoria, former car 16, as surplus property

**ACTION:**

**ADOPTED A RESOLUTION AUTHORIZING THE SALE OF A 2010 FORD CROWN VICTORIA, VIN 2FABP7BV3AX138999, AS SURPLUS PROPERTY.**

**END OF CONSENT AGENDA**

**ON MOTION OF MR. GOTTSCHALL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE APPROVING THE CONSENT AGENDA.**

**DEPARTMENTS**

Police Department

A) Monthly Report – April 2019

Fire Department

A) Monthly Report – April 2019

Chief Beane stated advertisement for civil service testing for hiring two new career fire fighters was to be published tomorrow morning. Applications are due 6/21/19 and written testing is scheduled for 6/29/19.

Administration

A) Codes Report- April 2019

Building Permits Issued- 15

Use Permits Issued- 5

Zoning Permits Issued- 8

Notices of Violations- 17

Violations complied - 10

Phone calls from contractors, realtors & public approximately- 202

Permit Inspections Done – 13

Inspections with the Fire Department – 4

B) Pension Audit

Ms. Johnston congratulated Mrs. Carpenter for a job well done with the pension audit. The audit was performed on the last 4 years and was the first audit of the combined non-uniformed

plan. There was one administrative finding with the police pension. However, the Township has fulfilled all obligations in regard to payments of benefits and minimum municipal obligations.

Public Works

A) Monthly Report – April 2019

**B) Class 2 Position - Highway**

**ON MOTION OF MR. MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE AUTHORIZING TOWNSHIP STAFF TO POST THE CLASS 2 POSITION AND TO POST THE RESULTANT VACATED POSITION AS NECESSARY.**

Engineer

A) 2019 Road Work

Mr. Rogosky informed the Board that the bonds had been received from Construction Masters. He also stated the pre-construction meeting is scheduled to be held at the Township building at 10:30 a.m. on 5/22/2019. Notices to residents will be sent out for the road work.

Solicitor

**CORRESPONDENCE**

- A) Notification from Berks County Conservation District re: mosquito surveillance and West Nile virus monitoring
- B) Notice of Public Hearing and Business Meeting for Delaware River Basin Commission
- C) Downstream Notification from Sunoco, dated 5/2/2019
- D) Downstream Notification and public notice from Reading Terminals Mt Home Rd Sinking Spring, dated 4/23/2019

**PAYMENTS OF BILLS**

**ON MOTION OF MR. GOTTSCHALL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE APPROVING THE PAYMENTS OF BILLS FROM: 04/18/2019, 04/26/2019, 05/03/2019, 05/10/2019, AND 05/17/2019.**

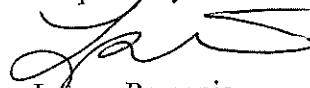
**COMMISSIONERS**

A) Executive Session

**ADJOURNMENT**

**ON MOTION OF MR. BATDORF, SECOND OF MR. MILLER, A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 8:36 P.M.**

Respectfully Submitted,



Latoya Procopio  
Secretary