

**CUMRU TOWNSHIP BOARD OF COMMISSIONERS  
REGULAR MEETING                      DECEMBER 19, 2023**

The Regular Meeting of the Cumru Township Board of Commissioners was called to order by President Ruth A. O’Leary at 7:00 p.m. Other Commissioners in attendance were Vice President David J. Batdorf, Sam Kalbach, William B. Miller and Lisha Rowe. 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, and Joseph P. Rogosky of Great Valley Consultants. Special Projects/Asst. Secretary Patricia A. Wylezik-Pfeiffer arrived at 7:09 p.m.

**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. 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: Nan Reinert of Flying Hills Trust, Brandon Perrone, Zack Moore and Crystal Quintin for Berks Waste Transfer Station, Susan Heflin, Loie Readdy, Ken Dearstyne, Bev Leonti, Mark Buniski, Greg Miller, Andrew Donnell, Perry Haas, Dave Kline, Don Kennedy, Glenn Emory, Ben Fisher, and Dave McCoy.

**A.) Zack Moore re: RACP grant application for Berks Waste Transfer Facility**

- 1) request support to use line item 10574 with Berks County Industrial Development Authority as Grantee

Zack Moore and his co-partner Crystal Quintin addressed the Board about their Redevelopment Assistance Capital Program (RACP) grant application for the Berks Waste Transfer Facility. Ms. Quintin is a grant specialist and has worked with RACP for over 20 years. RACP is an economic development program run by the state that has very challenging regulations. The funding requires a 50% match. The application window closes on January 12, 2024, for this round of funding. The Township would not have any financial obligation for this project. The Grantee working with the applicants would be the Berks County Industrial Development Authority (BCIDA).

Ms. Johnston stated that the Township has line item 10574 for \$20 million on the RACP approved list. Mr. Moore requested to be able to use this line item to apply for grant money to be used for site work and a building.

**ON MOTION OF MR. KALBACH, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO SUPPORT BERKS WASTE TRANSFER FACILITY TO USE LINE ITEM 10574 WITH THE BERKS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY AS THE GRANTEE.**

Several members of the public indicated a desire to speak on the attendance sheet.

Susan Heflin, a resident of Stewart Ave., expressed concerns about the proposed development along SR 222. She wanted to know about the stream below her property and the wildlife, including purported bog turtles. She said that this was a peaceful area and the bypass makes it sound like the Schuylkill Expressway.

Ken Dearstyne, a resident of Kenny Drive, said that he does not want this in his backyard. He had attended the recent Planning Commission meeting. He stated that the proposed warehouse is approximately 1/3 of a mile away from his residence. He complained that the traffic along SR 222 is already crazy loud. He believed the developers were asking for crazy waivers.

Greg Miller, a resident of Brassie Circle, wanted to add to Mr. Dearstyne's comments. He stated that he had also attended the Planning Commission meeting. He noted that there had been a laundry list of comments and the Planning Commission did not recommend preliminary approval. He wanted to know how this item got on the agenda for the Board of Commissioners meeting.

Ms. Johnston explained that, under the Municipalities Planning Code, the developer has the right to go from the Planning Commission, which is a recommending body, to the Board of Commissioners, which is the governing body. The developer had notified the Township about appearing before the Board to request a decision so the item was put on the agenda per the Sunshine Act. Developers have the right to ask but that does not mean that is what they will get.

Andrew Donnell, a resident of Nassau Circle, noted that the Township's website states that the Board of Commissioners maintains a Planning Commission. He believed the public was here because the Board had shown a disregard for public interest. He stated the public made a decision on November 7 so it is wrong for the lame duck session to force a decision.

David Kline, a resident of Spring Township, attempted to speak loudly against the Grings Hill Business Park item on the agenda. He was asked to leave the meeting. Mr. Donnell argued that Mr. Kline had standing. Atty. Frankowski informed everyone that under the Sunshine Law, taxpayers and residents of the municipality have standing and can participate in public comment. Mr. Kline was escorted out by Chief of Police Madison Winchester.

David McCoy, a resident of Crestview Ave., informed the Board that he had nothing contentious to say. He thanked Ruth O'Leary and Sam Kalbach for their service. He wanted to remind everyone, especially the new Commissioners, that the Township is losing \$500,000 due to the landfill closing. The refuse bill is going up 20%. The Township cannot pass on a 20% increase every time. It is time to start thinking about ways to increase revenue and make the Township grow.

Bev Leonti, a resident of Crestview Ave., thanked the Board and the Fire Department for continuing the Santa Run tradition. She also expressed her thanks to Ruth O'Leary and Sam Kalbach for their service to all the residents of Cumru Township during their time as Cumru Township Commissioners.

## **AMBULANCE SERVICE**

### **A.) Monthly Report – November 2023**

The information was provided electronically. Mr. Cosgrove was not present. Mr. Kalbach informed everyone that there had been a resident complaint about a billing issue and it is being addressed.

**APPROVE MINUTES**  
**ON MOTION OF MR. MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE**  
**TO APPROVE THE MINUTES FOR NOVEMBER 21, 2023, - REGULAR MEETING**  
**AND NOVEMBER 29, 2023, - SPECIAL MEETING AS PRESENTED.**

**TREASURER**

A.) Monthly Report – November 2023

There were no questions for Mrs. Carpenter about the monthly report.

Mrs. Carpenter told the Board that reminders were sent out for the unpaid 2023 refuse bills. Property owners have until January 15, 2024, to pay the bills before they will be sent to collections. She reminded everyone that the 2024 bills will be sent out the first two weeks in January.

There had been a request by a resident to extend the due dates for the 2023 bills. The Board did not change the due dates for the 2023 refuse and SMP bills.

**TAX COLLECTOR**

A) November 2023 Report

- 1) Year 2023 Real Estate
  - Balance collectable beginning of month – \$162,744.93
  - Cash collected – \$21,753.08
  - Balance collectable end of month – \$140,991.85
- 2) Year 2023 Interim Real Estate
  - Balance collectable beginning of month – \$1,677.12
  - Cash collected – \$0
  - Balance collectable end of month - \$1,677.12
- 3) Year 2022 Interim Real Estate
  - Balance collectable beginning of month – \$48.04
  - Cash collected - \$0
  - Balance collectable end of month - \$48.04
- 4) Year 2023 Per Capita
  - Balance collectable beginning of month – \$15,380.00
  - Additions - \$775.00
  - Cash collected – \$2,320.00
  - Exonerations - \$160.00
  - Balance collectable end of month - \$13,675.00

## CONSENT AGENDA

### 2024 TAX BILLS

#### **ACTION:**

**AUTHORIZED EXECUTION OF AN AGREEMENT WITH BERKS COUNTY FOR THE PRINTING OF 2024 REAL ESTATE TAX BILLS AND REIMBURSEMENT TO BERKS COUNTY FOR THE APPROPRIATE PORTION OF THE COST.**

### 2024 BUDGET

#### ADOPT THE 2024 BUDGET

1) budget advertised 11/29/2023

#### **ACTION:**

**ADOPTED THE 2024 BUDGET, AS ADVERTISED.**

#### ADOPT THE 2024 REAL ESTATE TAX LEVY

1) 2024 real estate tax levy ordinance advertised 12/9/2023

#### **ACTION:**

**ADOPTED THE 2024 REAL ESTATE TAX LEVY BY ORDINANCE AS ADVERTISED ON DECEMBER 9, 2023, INCLUDING 5.045 MILS FOR GENERAL PURPOSES, .85 MIL FOR DEBT SERVICE, 1.40 MIL FOR FIRE SERVICES, AND .27 MIL FOR AMBULANCE SERVICE.**

#### *2023 rates:*

- *General 5.045 mils*
- *Fire 1.30 mils*
- *Debt service 0.85 mil*
- *Ambulance 0.27 mil*

#### ADOPT THE 2024 REFUSE FEE

#### **ACTION:**

**ADOPTED A RESOLUTION ESTABLISHING THE 2024 REFUSE COLLECTION FEE SCHEDULE, INCLUDING \$330.00 FOR A DWELLING WITH 2 OR MORE ADULT OCCUPANTS AND \$300.00 FOR A DWELLING WITH A SINGLE ADULT OCCUPANT.**

*2023 rate schedule: \$275 two adults and \$255 for one adult*

#### ADOPT THE 2024 SEWAGE MANAGEMENT PROGRAM AND FEE

##### **A) Fee Administration**

1) draft resolution for rate schedule

#### **ACTION:**

**ADOPTED A RESOLUTION ESTABLISHING THE 2024 SEWER MANAGEMENT PROGRAM FEE AT AN AMOUNT OF \$55.00 PER PARCEL WITH AN ON-LOT SEWAGE SYSTEM.**

2023 rate: \$65

**2024 PAYMENTS OF BILLS – GENERAL**

**ACTION:**

**AUTHORIZED THE STAFF TO SATISFY THE ORDINARY AND ROUTINE OBLIGATIONS INCURRED BY THE TOWNSHIP IN ORDER TO TAKE ADVANTAGE OF DISCOUNTS AND ALLOWANCES, AND TO AVOID DELINQUENT PENALTIES AND CARRYING CHARGES.**

**TRANSFERS – GENERAL**

**ACTION:**

**AUTHORIZED THE TREASURER TO TRANSFER FUNDS AS NECESSARY IN ACCORDANCE WITH THE 2024 ADOPTED BUDGET.**

**INVESTMENTS – GENERAL**

**ACTION:**

**AUTHORIZED THE TREASURER TO INVEST FUNDS AS SHE DEEMS APPROPRIATE, IN CONSULTATION WITH THE MANAGER.**

**POLICE PENSION EMPLOYEE CONTRIBUTION**

**ACTION:**

**ADOPTED A RESOLUTION ESTABLISHING THE 2024 POLICE PENSION EMPLOYEE CONTRIBUTION AS 5%, IN ACCORDANCE WITH THE AGREEMENT BETWEEN CUMRU TOWNSHIP AND THE CUMRU TOWNSHIP POLICE OFFICERS ASSOCIATION.**

**AUDITOR**

**Appointed Auditor – appoint auditor for FY 2023**

**ACTION:**

**APPOINTED HERBEIN+CO. AS AUDITOR FOR FY 2023.**

**PUBLIC WORKS**

**ACTION:**

- 1) AUTHORIZED ADVERTISEMENT OF BIDS FOR SEWER MAIN REPAIR ALONG FLYING HILLS DRIVE NEAR TANGLEWOOD;**
- 2) AUTHORIZED ADVERTISEMENT OF BIDS FOR CEDAR TOP ROAD SEWER MAIN REPLACEMENT AND RECONSTRUCTION PHASE 2;**
- 3) AUTHORIZED ADVERTISEMENT OF BIDS FOR HUNTERS ROAD RECONSTRUCTION PHASE 1 (Reed St. to 332 Hunters Rd.);**
- 4) AUTHORIZED ORDERING OF A FORD F-150 (50% HIGHWAY/50% SEWER) UNDER STATE CONTRACT, AS BUDGETED, AT A COST NOT TO EXCEED \$48,000.00;**
- 5) AUTHORIZED DEMOLITION OF 800 HIGH BLVD. UNDER STATE CONTRACT, AS BUDGETED, AT A COST NOT TO EXCEED \$18,604.00;**
- 6) AUTHORIZED REPLACEMENT OF SEWER METER SCADA FACILITIES UNDER STATE CONTRACT AT A COST NOT TO EXCEED \$60,000;**

- 7) **AUTHORIZED REPLACEMENT OF ELECTRICAL AND HVAC FACILITIES AT 1786 WELSH ROAD AT A COST NOT TO EXCEED \$150,000;**
- 8) **AUTHORIZED INSTALLATION OF AN AUTOMATED GATE AT THE FLYING HILLS PUMP STATION UNDER STATE CONTRACT, AS BUDGETED, AT A COST NOT TO EXCEED \$12,000;**
- 9) **AUTHORIZED POSTING AND ADVERTISING OF TWO VACANT SEWER POSITIONS;**
- 10) **AUTHORIZED POSTING AND ADVERTISING OF ONE VACANT HIGHWAY POSITION.**

## PLANS

### 2023 – 09 WEISE SUBDIVISION

**EXPIRATION DATE – 2/04/2024**

(Final Minor Plan) Owners: Bryan E. Weise & Heather C. Weise; Agent: John Hoffert Surveying, Inc.; Location: 878 Freemansville Rd.; Parcel ID# 39-530504617460; Plan No. D-23-87-1; Proposal Summary: Subdivide 1 lot into 2 (existing residue and Lot 1).  
 a) Revised Final Minor Subdivision Plan from John Hoffert Surveying, dated 11/07/23  
 b) 2<sup>nd</sup> Review Letter from GVC, dated 11/28/23  
 c) Final Minor Approval Memo from Planning Secretary, dated 12/05/23

**ACTION:**

**GRANTED FINAL APPROVAL FOR THE WEISE SUBDIVISION PLAN CONDITIONED ON PAYMENT OF ALL FEES INCLUDING FEE-IN-LIEU OF OPEN SPACE AND TRAFFIC IMPACT FEE; OBTAINING SIGNATURES AND SEALS ON THE DRAWINGS; AND OBTAINING DEP APPROVAL FOR THE ON-LOT SEWAGE PLANNING MODULES.**

**ACTION:**

**ADOPTED THE RESOLUTION AUTHORIZING SUBMISSION OF THE ON LOT SEWAGE PLANNING MODULES TO THE PA DEPARTMENT OF ENVIRONMENTAL PROTECTION.**

### 2023 – 10 MATZ TRACT LOT 5 SUBDIVISION

**EXPIRATION DATE – 3/03/2024**

(Preliminary/Final) Owner: B5K-K48, L.P.; Agent: C2C Design Group- Charles Frantz, P.E.; Location: Frontage on Hampshire Rd. and Old Lancaster Pike; Parcel ID# 39-438406388683; Plan No. BKK-CMU-01; Proposal Summary: Subdivide existing Matz Tract Lot 5 into Proposed Lot 5A and Residue Lot 5 with on-lot water and public sewer. Lot 5A is not a future building lot.  
 a) Preliminary/Final Subdivision Plan from C2C Design Group, dated 11/02/23  
 b) Review Letter from GVC, dated 11/28/23  
 c) Final Approval Memo from Planning Secretary, dated 12/05/23

**ACTION:**

**GRANTED FINAL APPROVAL FOR THE MATZ TRACT LOT 5 SUBDIVISION PLAN CONDITIONED ON PAYMENT OF ALL FEES, OBTAINING SIGNATURES AND SEALS ON THE DRAWINGS, AND ADDING THE WAIVER NOTES FROM THE PREVIOUSLY APPROVED AND RECORDED PARENT TRACT SUBDIVISION TO THIS PLAN AS STATED IN THE GVC REVIEW LETTER DATED 11/28/23.**

**2023 – 05 MITNICK SUBDIVISION- Reaffirm Approval**

(Final Minor) Owners: Paul David & Ellen Marie Mitnick; Agent: John W. Hoffert, P.L.S.,LTD.; Location: 47 Maple Grove Rd; Parcel ID# 39-439302998417; Plan no. D-23-27-1; Proposal Summary: Subdivision of parcel into 2 lots: Existing and Proposed Lot 1 use– single family dwelling with on-lot water and sewer; Residue use – passive recreation; approved 07/18/2023, reaffirmed approval 09/19/2023

**ACTION:**

**REAFFIRMED CONDITIONAL APPROVAL, AS APPROVED ON 7/18/23, FOR THE MITNICK SUBDIVISION PLAN SUBJECT TO RESOLUTION OF THE ISSUES STATED IN THE GREAT VALLEY CONSULTANTS REVIEW LETTER DATED 6/30/23.**

**2023 – 01 KRAMER SUBDIVISION -CEDAR TOP RD.**

**EXPIRATION DATE – 5/07/2023**

(Final Minor) Owners: Donna L. & Jon G. Kramer; Agent: John W. Hoffert, P.L.S.,LTD.; Location: 1166 Cedar Top Rd; Parcel ID# 39-530513148778; Plan no. D-23-04; Proposal Summary: Subdivision of parcel into 2 lots: Existing and proposed residue use – single family dwelling with on-lot water and sewer; Proposed Lot 1 use - single family dwelling with public water and sewer.

**ACTION:**

**ADOPTED THE RESOLUTION AUTHORIZING SUBMISSION OF THE SANITARY SEWER PLANNING MODULES TO THE PA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE KRAMER SUBDIVISION PLAN.**

**END OF CONSENT AGENDA**

**ON MOTION OF MR. MILLER, SECOND OF MR. KALBACH, A UNANIMOUS VOTE APPROVING THE CONSENT AGENDA.**

**DEPARTMENTS**

Police Department

A.) Monthly Report – November 2023

There were no questions about the monthly report.

**B.) Animal Control – approve proposed Safety Net Sanctuary 2024 Agreement**

Chief Winchester explained that he was able to get the initial quote decreased to \$10,000 after discussing realistic expectations with the owner of Safety Net Sanctuary. The Township only needs animal control services for approximately 15-17 dogs per year. This number is low due the ability of a particular social media site to get the information out to the public very quickly.

**ON MOTION OF MR. BATDORF, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO APPROVE THE PROPOSED 2024 AGREEMENT WITH SAFETY NET SANCTUARY FOR ANIMAL CONTROL AT A COST OF \$10,000.**

**C.) Civil Service**

- 1) certify list for probationary police officer**
- 2) authorize conditional offers of employment**

Chief Winchester reported that oral boards were held on Monday and the Civil Service Commission held a meeting early today to certify the list. There are 15 individuals on the current list. He requested that the Board consider, when the time comes, after all the background checks, to make conditional offers of employment to 3 individuals. One officer is in the drop period and another officer is preparing to join the F.B.I. In the 2023 Budget, 4 hires had been authorized and only 3 had been hired.

**ON MOTION OF MR. MILLER, SECOND OF MR. KALBACH, A UNANIMOUS VOTE TO AUTHORIZE 3 OFFERS OF EMPLOYMENT CONDITIONED ON BACKGROUND CHECKS AND PRE-EMPLOYMENT PROCEDURES.**

Fire Department

A.) Monthly Report – November 2023

Chief Beane reported that the Fire Department will pass 1000 calls in 2023.

B.) Fire Station

- 1.) Contract Bids advertised in the Reading Eagle on 11/30/2023
- 2.) Pre-bid Meeting held on 12/14/23

Chief Beane reported that approximately 40 contractors across all the disciplines attended the Pre-bid meeting on 12/14/23. The bids are due by 10:00 a.m. on January 29, 2024.

**C.) Civil Service**

- 1) authorize change in Civil Service Rules and Regulations for firefighters**

The request is to change the wording in the current promotional section of the Civil Service Rules and Regulations for firefighters. This would allow for Technician and Captain positions at the discretion of the Township.

**ON MOTION OF MR. MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO CHANGE THE WORDING IN THE CURRENT CIVIL SERVICE RULES AND REGULATIONS FOR FIREFIGHTERS BY DELETING SECTIONS 1.6 AND 2.2.**

D.) Employee Status – off probation

Chief Beane reported that the most recently hired career firefighter will be off probation as of 12/29/23.

E.) Santa Run 2023

Chief Beane reported that the Santa Run was a success. The Fire Department was able to hold a shift over to provide coverage during the event.



Administration

A.) Codes Department – November 2023

- Building Permits Issued – 15
- Use Permits Issued – 1
- Zoning Permits Issued – 8
- Notices of Violations – 9
- Citations issued – 0
- Zoning Hearing Board Hearings – 0
- Violations complied – 14
- Phone calls from contractors, realtors & public approximately – 176
- Permit Inspections Done – 26
- Inspections with the Fire Department – 2

**B.) Governor Mifflin Community Days**

- 1) Letter from Greater Governor Mifflin League to Governor Mifflin School District re: placement of shed for electrical equipment, dated 12/1/2023

This item deals with the Berks Nature hiking trail behind the Governor Mifflin Intermediate School. The Governor Mifflin Community Days moved to the GMIS in 2023 due to the construction at the High School. The Greater Governor Mifflin League (GGML), as the sponsor of Governor Mifflin Community Days, would like to place a shed in the area to be used for electrical equipment. There was discussion about the possibility of putting a sign on the building to promote the Berks Nature hiking trail. The School District is the property owner. Ms. Johnston recommended that the Township support this endeavor since it is a win/win situation. She requested that the Board authorize her to discuss this item with Berks Nature and the Governor Mifflin School District.

**ON MOTION OF MR. MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE JEANNE JOHNSTON TO DISCUSS THE SHED PLACEMENT WITH BERKS NATURE AND THE GOVERNOR MIFFLIN SCHOOL DISTRICT.**

Public Works

A.) Flying Hills – removal of concrete domes

- 1) Nan Reinert, Flying Hills Community Manager

The Board had previously decided that the domes were a hazard and should be removed.

Nan Reinert requested that the domes would not have to be removed. She said that on any given day, lots of people walk these paths. She claimed that the domes protect people.

Ms. Johnston asked why the structures couldn't be "breakaway" instead of concrete. Ms. Reinert said that they do have snow sticks too. She said that the domes also prevent parking along the roads.

Mr. McNichols stated that since there are no signs restricting parking, that parking is allowed on the roads. Atty. Frankowski said that the parking ordinance can be amended.

Mr. Rogosky stated that newer developments require curb and sidewalk.

Mr. Batdorf is also a resident of Flying Hills and he recommended using breakaway structures as a compromise.

Mr. Miller, a former 10-year resident of Flying Hills, stated that the domes used to be removed in winter because they are a hazard during snow plowing.

Mrs. O’Leary asked why the domes are no longer put away for the winter. Ms. Reinert did not know. Mrs. O’Leary asked what else can be used instead of the concrete domes.

Mr. McNichols said that snow sticks are great and signs can be breakaway also.

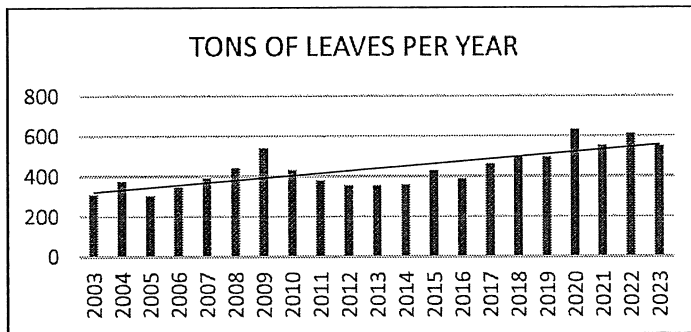
Ms. Reinert would like to talk about other solutions and she requested that the domes be allowed to remain for now.

Atty. Frankowski said that this issue creates a liability for the Township. She recommended forming a liaison committee to address this.

Mr. Kalbach suggested that Greg Miller and Andy Donnell could be the liaisons since they live in Flying Hills.

Mr. McNichols said currently that the domes are back from the road and snow sticks are in place. He is willing to have additional discussion, if directed by the Board.

#### B.) Leaf collection 2023



Mr. McNichols reported that over 553 tons of leaves were collected this year. Public Works will begin collecting again on October 15, 2024.

#### C.) Montrose Blvd. Storm Sewer Replacement

- 1) CFA ARPA PA H2O grant update – potential award and authorization of agreement
- 2) authorize advertisement of bids

Today the Township was awarded a grant that was submitted over a year ago. Rep. Manny Guzman assisted this effort. Just over \$350,000 was awarded for the Montrose Blvd. storm sewer replacement project. This is a major piece of infrastructure for the Wyomissing Creek watershed. This is a reimbursement grant so the project is paid for and then the grant reimburses the Township after the work is completed. Ms. Johnston requested that the Board authorize Administration to sign the documents and advertise for bids.

**ON MOTION OF MR. KALBACH, SECOND OF MR. MILLER, A UNANIMOUS VOTE TO AUTHORIZE ADMINISTRATION TO SIGN THE GRANT DOCUMENTS AND ADVERTISE FOR BIDS FOR THE MONTROSE BLVD. STORM SEWER REPLACEMENT PROJECT.**

#### D.) PIB Loan – update

Ms. Johnston explained that the prime rate is higher since originally applying for the PIB loan. There is also no guarantee that the requested amount will be covered under a PIB loan. The Board agreed not to use the PIB loan program at this time.

Mr. Rogosky said that there was no penalty for not accepting the PIB loan. It was recommended that the representative be contacted to inform him that we are not interested at this time but would like to be considered in the future if the rates decrease again. The Board agreed.

Engineer

**A.) Chestnut Hill Farms re: possible road dedication – update**

Mr. Rogosky reported that he had been contacted by a representative from Chestnut Hill Farms about the possible dedication of the roads to the Township. Mr. Rogosky produced a letter on October 13, 2023, offering considerations to the HOA outlining what would be needed to bring the roads up to the current standards for dedication. This letter was provided to the representative. The representative wants further confirmation. Mr. Rogosky requested that the Board authorize GVC to send a letter stating that the roads do not meet current Township standards.

**ON MOTION OF MR. KALBACH, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE GVC TO SEND A LETTER TO CHESTNUT HILL FARMS STATING THAT THE ROADS DO NOT MEET CURRENT CUMRU TOWNSHIP STANDARDS.**

Solicitor

**A.) Dangerous Structures Ordinance – adopt**

1) advertised in the Reading Eagle on 11/30/2023

**ON MOTION OF MR. KALBACH, SECOND OF MR. MILLER, A MOJORITY VOTE TO ADOPT THE DANGEROUS STRUCTURE ORDINANCE. MS. ROWE VOTED “NO.” MR. BATDORF, MR. KALBACH, MR. MILLER AND MRS. O’LEARY VOTED “YES.”**

**B.) Non-Uniformed Pension Plan Ordinance – adopt**

1) advertised in the Reading Eagle on 12/12/2023

**ON MOTION OF MR. MILLER, SECOND OF MRS. O’LEARY, A UNANIMOUS VOTE TO ADOPT THE NON-UNIFORMED PENSION PLAN ORDINANCE.**

**PAYMENTS OF BILLS**

**ON MOTION OF MS. ROWE, SECOND OF MR. MILLER, A MAJORITY VOTE APPROVING PAYMENTS OF BILLS DATED 11/22/23, 11/29/23, 11/30/23 – PLGIT, 12/01/23, 12/08/23, 12/15/23, AND 12/15/23 - ADDITIONAL. MRS. O’LEARY ABSTAINED FROM VOTING ON PAYMENT OF BILLS FOR 12/15/23 – ADDITIONAL.**

**CORRESPONDENCE**

**A.) PA Broadband Development Authority (PBDA) Statewide Digital Equity Plan re: public comment for the plan is open from 11/27/23 to 1/08/24.**

- B.) 3 Seven Springs Dr.- Notice that Remedial Investigation Report Cleanup Plan and Act 2 Final report was submitted to the DEP, dated 11/27/23
- C.) Letter from Mifflin Community Library re: policy on materials, received 12/18/23

## COMMISSIONERS

### A.) Grings Hill Business Park, LLC

#### **2023-11 GRINGS HILL BUSINESS PARK, LLC EXPIRATION DATE – 3/03/2024**

(Preliminary) Equitable Owner: Grings Hill Business Park, LLC; Agent: Benchmark Civil Engineering Services, Inc.- Paul A. Szewczak; 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.

- 1) Highway occupancy permit application
- 2) Waiver Request Memo from Planning Secretary, dated 12/05/23
  - Relief from SALDO Section 404(C)(1), not to require plans to be drawn at a scale of 1"=50';
  - Relief from SALDO Section 404(D)(3), not to require the location map to be drawn at a scale of 1"=800';
  - Relief from SALDO Section 408(A), not to require a Utility Impact Assessment;
  - Relief from SALDO Section 507(B), not to require sidewalks along Grings Hill Rd;
  - Relief from Stormwater Management Ordinance Section 303(P), to allow graded slopes steeper than 33% (proposed 2:1);
  - Relief from Stormwater Management Ordinance Section 310(B)(7), to allow exterior and interior side slopes of detention basins steeper than 33% (proposed 2:1).
- 3) Revised preliminary plan submitted 12/15/2023 – seeking preliminary plan approval

Andy Barto introduced himself as a partner in the project with Rich and Matt Close.

Property owner Tod Auman gave a history of the milestones of the last 24 years that were achieved with support of the Township, County Commissioners, and the School District. He believed this is a good example of how private/public partnership can succeed. He reported that the area lost over 300,000 square feet of commercial land and the land became blighted when the highway was detoured. This area was designated for future growth in the Berks County 2020 comprehensive plan. They successfully got a break in the limited access highway, brought water to the area and built the medical facility. This is an opportunity to return more commercial space.

Engineer Paul Szewczak presented the plan for 2 warehouse buildings on a 60-acre parcel. This would be a Class A industrial property designed for single or multiple tenants for flexibility. There is direct highway access. The buildings will have public sewer and water as well as a fire suppression system. Several proposed surface detention ponds and underground detention will address stormwater. There is a proposed 50 ft. buffer zone for the wetlands.

Mrs. O'Leary asked about the stormwater and grading issues.

Mr. Szewczak stated that the plan is in the preliminary stage and they are working with outside agencies to comply with the review comments.

Ms. Johnston said that revised drawings were submitted on Friday. Not all of the deficiencies were addressed but GVC issued a review letter for the revised plan. Mr. Rogosky confirmed that hard copies of the revised GVC review letter were provided to the Board. The review letter addresses issues that have been resolved and issues that remain unresolved.

Mr. Baldo agreed that there are still issues that need to be resolved. He is requesting conditional preliminary approval, not final approval or complete preliminary approval. He is working with the Berks County Industrial Development Authority to apply for the RACP grant.

Atty. Frankowski explained that the Planning Commission is only the recommending body and that the Board of Commissioners is the deciding body.

Atty. Steven Buck, on behalf of the developer, explained the waivers requested and recommended by the Planning Commission as stated in the memo to the Board.

**ON MOTION OF MR. MILLER, SECOND OF MR. KALBACH, A MAJORITY VOTE TO APPROVE THE WAIVERS REQUESTED FOR GRINGS HILL BUSINESS PARK AS STATED:**

- **Relief from SALDO Section 404(C)(1), not to require plans to be drawn at a scale of 1"=50';**
- **Relief from SALDO Section 404(D)(3), not to require the location map to be drawn at a scale of 1"=800';**
- **Relief from SALDO Section 408(A), not to require a Utility Impact Assessment;**
- **Relief from SALDO Section 507(B), not to require sidewalks along Grings Hill Rd;**
- **Relief from Stormwater Management Ordinance Section 303(P), to allow graded slopes steeper than 33% (proposed 2:1);**
- **Relief from Stormwater Management Ordinance Section 310(B)(7), to allow exterior and interior side slopes of detention basins steeper than 33% (proposed 2:1).**

**MR. BATDORF, MR. KALBACH, MR. MILLER AND MRS. O'LEARY VOTED "YES."  
MS. ROWE VOTED "NO."**

Atty. Frankowski reminded everyone that the Planning Commission did not take any action when the developer asked for conditional preliminary approval. She recommended that specific conditions be agreed to by the developer and clearly spelled out in a resolution to be signed pursuant to the MPC. She read a list of recommended conditions, as follows:

1. *Compliance with any and all waivers granted, which are currently as follows:*
  - A. *Relief from SALDO Section 404(c)(1), not to require plans to be drawn at a scale of 1" = 50';*
  - B. *Relief from SALDO Section 404(d)(3), not to require the location map to be drawn at a scale of 1" = 800';*
  - C. *Relief from SALDO Section 408(a), not to require a Utility Impact Assessment;*
  - D. *Relief from SALDO Section 507(b), not to require sidewalks along GRINGS HILL RD;*
  - E. *Relief from Stormwater Management Ordinance Section 303(p), to allow graded slopes steeper than 33% (proposed 2:1); and*

*F. Relief from Stormwater Management Ordinance Section 310(b)(7), to allow exterior and interior side slopes of detention basins steeper than 33% (proposed 2:1).*

*2. Compliance with all of Great Valley Consultants review letters, the last review being dated December 4, 2023, including future review letters (which shall be substantially consistent with comments made in prior review letters unless based on plan revisions), and all conditions therein, including but not limited to compliance with the Zoning Ordinance, SALDO, and all general comments, including any and all impact fees.*

*3. Compliance with any reviews of the Berks County Planning Commission.*

*4. Compliance with any reviews of the Township Fire Chief.*

*5. Applicant shall fund and execute land development and financial security agreements in a form satisfactory to the Township Solicitor.*

*6. Applicant shall fund and secure any and all additional permits and approvals from any required outside permit issuing agencies and/or authorities at local, state or federal levels, in which processes the Township reserves the right to participate.*

*7. If required, Applicant shall provide any appropriate agreements from the appropriate authorities confirming the availability of public water and public sewer to the project.*

*8. Applicant shall comply with the Township Engineer's recommendations as to stormwater management and BMPs. If required, Applicant shall execute a stormwater management agreement in a form acceptable to the Township and pay all appropriate fees.*

*9. Applicant shall pay all review and professional fees in connection with all prior reviews and the reviews and construction observation in connection with this approval as required by the Township's Subdivision and Land Development Ordinance and its applicable rate structure.*

*10. Applicant shall pay any and all impact fees and/or fee in lieu of fees.*

*11. Applicant shall comply in all respects with the Township's Ordinances (except for waivers, variances, and relief expressly given by the Boards that have the power to give them), the ordinances, laws, statutes, and regulations of the County of Berks, the Commonwealth of Pennsylvania, and the United States.*

Atty. Buck agreed to the recommended conditions and requested conditional preliminary plan approval. He said that NPDES and PennDOT will be addressed for the Final approval.

**ON MOTION OF MR. KALBACH, SECOND OF MR. MILLER, A MAJORITY VOTE TO ADOPT A RESOLUTION TO GRANT CONDITIONAL PRELIMINARY PLAN TO GRINGS HILL BUSINESS PARK AS FOLLOWS:**

**The Board of Commissioners of Cumru Township, hereby grants conditional preliminary approval to Applicant's Plans for Grings Hill Business Park, subject to the following conditions:**

**1. Compliance with any and all waivers granted, which are currently as follows:**

**A. Relief from SALDO Section 404(c)(1), not to require plans to be drawn at a scale of 1" = 50';**

**B. Relief from SALDO Section 404(d)(3), not to require the location map to be drawn at a scale of 1" = 800';**

**C. Relief from SALDO Section 408(a), not to require a Utility Impact Assessment;**

**D. Relief from SALDO Section 507(b), not to require sidewalks along GRINGS HILL RD;**

- E. Relief from Stormwater Management Ordinance Section 303(p), to allow graded slopes steeper than 33% (proposed 2:1); and
  - F. Relief from Stormwater Management Ordinance Section 310(b)(7), to allow exterior and interior side slopes of detention basins steeper than 33% (proposed 2:1).
2. Compliance with all of Great Valley Consultants review letters, the last review being dated December 18, 2023, including future review letters, and all conditions therein, including but not limited to compliance with the Zoning Ordinance, SALDO, and all general comments, including any and all impact fees.
  3. Compliance with any reviews of the Berks County Planning Commission.
  4. Compliance with any reviews of the Township Fire Chief.
  5. Applicant shall fund and execute land development and financial security agreements in a form satisfactory to the Township Solicitor.
  6. Applicant shall fund and secure any and all additional permits and approvals from any required outside permit issuing agencies and/or authorities at local, state or federal levels, in which processes the Township reserves the right to participate.
  7. If required, Applicant shall provide any appropriate agreements from the appropriate authorities confirming the availability of public water and public sewer to the project.
  8. Applicant shall comply with the Township Engineer's recommendations as to stormwater management and BMPs. If required, Applicant shall execute a stormwater management agreement in a form acceptable to the Township and pay all appropriate fees.
  9. Applicant shall pay all review and professional fees in connection with all prior reviews and the reviews and construction observation in connection with this approval as required by the Township's Subdivision and Land Development Ordinance and its applicable rate structure.
  10. Applicant shall pay any and all impact fees and/or fee in lieu of fees.
  11. Applicant shall comply in all respects with the Township's Ordinances (except for waivers, variances, and relief expressly given by the Boards that have the power to give them), the ordinances, laws, statutes, and regulations of the County of Berks, the Commonwealth of Pennsylvania, and the United States.

**MR. BATDORF, MR. KALBACH, MR. MILLER AND MRS. O'LEARY VOTED "YES."  
MS. ROWE VOTED "NO."**

Ms. Johnston explained the Highway Occupancy Permit (HOP) application. The Township as the landowner of the right of way would sign the application but the developer would pay all associated costs.

**ON MOTION OF MR. MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE THE SIGNING OF THE HIGHWAY OCCUPANCY PERMIT (HOP) APPLICATION WITH THE UNDERSTANDING THAT THE DEVELOPER WILL PAY ALL ASSOCIATED COSTS.**

**B.) Vacancies/Expirations of Terms**

Ms. Johnston informed the Board of several committee positions that expire on 1/1/2024. She also informed the Board that, although the Planning Commissioners continue to serve until resignation or replacement, they technically have terms and the previous Boards of Commissioners have not kept up with those appointments except for the most recent appointments. She recommended rectifying the older appointments. The Board agreed.

**ON MOTION OF MR. BATDORF, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO RATIFY APPOINTMENTS, AS FOLLOWS:**

- ZONING HEARING BOARD – MATT KEPERLING, TERM TO EXPIRE 1/1/2027
- CIVIL SERVICE COMMISSION – MIKE FIX, TERM TO EXPIRE 1/1/2030
- CIVIL SERVICE COMMISSION ALTERNATE – TODD DIETRICH, TERM TO EXPIRE 1/1/2030
- MUNICIPAL AUTHORITY – GARY BRADY, TERM TO EXPIRE 1/1/2029
- PLANNING COMMISSION –
  - ALAN GIBSON, TERM TO EXPIRE 7/1/2026
  - TERRY HAND, TERM TO EXPIRE 7/1/2025
  - TOM KLAHR, TERM TO EXPIRE 7/1/2027
  - WILLIAM MEEK, TERM TO EXPIRE 7/1/2024
  - JILL SCHARFF, TERM TO EXPIRE 7/1/2027

**C.) Transition of Board Members**

Mr. Miller thanked Ruth O’Leary for her dedication and over 20 years of service to Cumru Township. He thanked Sam Kalbach for his dedication to the community and his 4 years of service as a Cumru Township Commissioner.

Mrs. O’Leary read a prepared statement and expressed her gratitude to the staff.

Mr. Kalbach stated, “I have said many times, I never knew how much I didn’t know, that I didn’t know. Being a Commissioner is an eye-opening experience.”

**D.) Reminders:**

- 1) Zoning Hearing Board Regular Meetings
  - 1/23/2024 at 6:00 p.m. (note: will be canceled if no hearing applications received)
- 2) Board of Commissioners meetings for January 2024
  - 1/02/2024 at 7:00 p.m. – Organization Meeting
- 2) Planning Commission – January 8, 2024, at 6:00 p.m. (note: 2<sup>nd</sup> Monday)
- 3) Municipal Authority – January 25, 2024, at 8:30 a.m.

*Please note: The Cumru Township Office Building will be closed December 22, 25, & 29, and January 1, 2024, for the holidays.*

**E.) Executive Session**

Executive session began at 9:04 p.m. to discuss a matter of real estate and personnel issues.



Executive session ended at 9:24 p.m., the Board having discussed a matter of real estate and personnel issues.

**ON MOTION OF MR. KALBACH, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPROVE MANAGEMENT SALARIES AS DISCUSSED IN EXECUTIVE SESSION.**

Ms. Johnston expressed her gratitude to the commissioners by stating that she appreciates anyone that serves in Public Office.

**ADJOURNMENT**

**ON MOTION OF MR. BATDORF, SECOND OF MR. MILLER, A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 9:29 P.M.**

Respectfully submitted,



Jeanne E. Johnston  
Manager/Secretary