

**CUMRU TOWNSHIP BOARD OF COMMISSIONERS
REGULAR MEETING SEPTEMBER 17, 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.

Pledge to the Flag.

AMBULANCE SERVICE

- A.) Monthly Report – August 2024
No report was available.

APPROVE MINUTES

**ON MOTION OF MR. BATDORF, SECOND OF MR. DONNELL, A UNANIMOUS
VOTE APPROVING THE MINUTES OF 8/20/24 – REGULAR MEETING AS
PRESENTED.**

TREASURER

- A.) Monthly Report – August 2024

There were no questions about the monthly reports.

Ms. Johnston reported that the City of Reading sewer treatment year runs from August through July. There was a 12.5% increase in the Reading sewer charges beginning in August 2024. This will probably necessitate an increase in the Cumru sewer rate.

- B.) 2025 Minimum Municipal Obligations for Non-Uniformed Pension and Uniformed Pension – consider adopting resolutions
- 1) Draft Resolution for Uniformed Pension
 - 2) Draft Resolution for Non-Uniformed Pension

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A MAJORITY VOTE TO ADOPT THE RESOLUTIONS FOR THE 2025 MINIMUM MUNICIPAL OBLIGATION (MMO) FOR THE NON-UNIFORMED PENSION AND THE UNIFORMED PENSION AS PROPOSED BY THE CHIEF ADMINISTRATIVE OFFICER. MR. DONNELL ABSTAINED. MR. WILLIAM MILLER, MR. BATDORF, MR. GREG MILLER, AND MS. ROWE VOTED YES.

TAX COLLECTOR

A.) August 2024 Report

1) Year 2024 Real Estate

Balance collectable beginning of month - \$253,149.94

Cash collected - \$23,321.46

Balance collectable end of month – \$229,828.48

2) Year 2023 Interim Real Estate

Balance collectable beginning of month – \$1,949.03 (billed 1/1/24, 4/1/24,& 6/1/24)

Additions - \$2,097.54 (8/1/24)

Cash collected – \$681.15

Balance collectable end of month - \$3,365.42

3) Year 2024 Per Capita

Balance – \$39,935.00 (7/1)

Additions - \$5.00

Cash collected - \$14,810.00

Balance collectable end of month – \$21,920.00

DEPARTMENTS

Police Department

A.) Monthly Report – August 2024

Chief Winchester reported that people are still experiencing package thefts. The suspects seem to be targeting high-priced items such as cell phones. He recommended being home for deliveries. Protect yourself and choose to sign for the merchandise. Chief Winchester said that it is possible that Fed-Ex is being targeted. He urged everyone to report anything out of the ordinary in your neighborhood.

B.) Police Car – consider authorization to order replacement car, subject to insurance total

Chief Winchester reported that an officer's vehicle was hit by another vehicle during a stop for a previous accident. Tragedy was averted when the officer jumped over the guide rail. The driver of the third vehicle was charged in the incident. Chief Winchester requested that the Board authorize ordering a replacement vehicle conditioned on the insurance company totaling the car.

ON MOTION OF MS. ROWE, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE ORDERING A REPLACEMENT CAR CONDITIONED ON THE INSURANCE COMPANY TOTALING THE CAR.

C.) Body Worn Cameras

1) Quote from Axon Enterprise, Inc.

- 2025 to be paid for by the District Attorney's office, \$40,817.88
- 2026-2029 to be paid for by general funds, \$37,918.13 per year

Chief Winchester explained that the intent is to upfit all of the patrol officers with body cameras, a total of 26 cameras. The DA's office will pay for the equipment and the 1st year of the software commitment. Based on the Axon quote, the body cameras will be replaced every 2 ½ years. Chief Winchester requested that the Board enter into the agreement with Axon for 26 body cameras.

ON MOTION OF MR. BATDORF, SECOND OF MR. WILLIAM MILLER, A UNANIMOUS VOTE TO ENTER INTO THE 5-YEAR CONTRACT WITH AXON FOR 26 POLICE BODY CAMERAS, WITH THE DISTRICT ATTORNEY'S OFFICE PAYING FOR THE EQUIPMENT AND THE 1ST YEAR.

D.) Fawn Drive

Chief Winchester reported about ATV complaints along Fawn Dr. about ATVs on the roads and an ATV track on private property. Noise as a nuisance complaint is subjective. The Police Department could act as a mediator, but it must rely on the residents to come to court to testify if a formal complaint is pursued. The Police Department can act on the ATVs in the roadway but this must be observed by an officer. The ATV operator must be identified on the scene. Videos have to be corroborated in court which would require the cooperation of the neighbors who took the video.

The neighbors can file private complaints with the court system. Atty. Frankowski stated that she has had conversations with some neighbors and has viewed the videos. She has contacted GVC about possible zoning violations and an engineer about possible stormwater violations.

Mr. Donnell questioned the ambiguity of what is "excessive or unreasonable". Atty. Frankowski said that the judge or district justice would decide. Chief Winchester agreed.

Mr. William Miller asked where the people were parking. Chief Winchester replied that they are parking on their own private property so they are not creating a road hazard. Atty. Frankowski stated that since this is private entertainment, it is difficult to restrict.

Mr. Donnell asked about riding ten ATVs at 4 a.m. Atty. Frankowski replied that the private citizens would have to band together for a public nuisance claim.

Fire Department

A.) Monthly Report – August 2024

B.) Fire Station Construction – consider pay applications totaling \$878,922.53

- 1) Pay application #3 for Balton Construction, Inc. (building and site work) in the amount of \$492,422.21
- 2) Pay application #2 for HB Frazer Co. (electrical) in the amount of \$240,300.00
- 3) Pay application #1 for Vision Mechanical (plumbing) in the amount of \$146,200.32

Ms. Johnston explained that since the 3 applications will be combined to make 1 withdrawal from the account, this can be 1 motion.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE PAY APPLICATION #3 PAYABLE TO BALTON CONSTRUCTION, INC. IN THE AMOUNT OF \$492,422.21; PAY APPLICATION #2 TO HB FRAZER CO. IN THE AMOUNT OF \$240, 300.00; AND PAY APPLICATION #1 TO VISION MECHANICAL IN THE AMOUNT OF \$146,200.32 FOR A TOTAL OF \$878,922.53.

C.) Fire Escrow for 45 Harry Ave. – authorize release

1) Structure has been demolished.

Ms. Johnston explained that the fire escrow is posted to make the structure “safe”. The structure has been demolished and is considered “safe”.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO RELEASE THE FIRE ESCROW FOR 45 HARRY AVENUE IN AN AMOUNT TO BE DETERMINED BY THE PRINCIPAL AND INTEREST ACCRUED.

Administration

A.) Codes Department – August 2024

Building Permits Issued – 17

Use Permits Issued – 1

Zoning Permits Issued – 9

Notices of Violations – 17

Citations issued – 0

Violations complied – 16

Phone calls from contractors, realtors & public approximately – 217

Properties placarded – 0

Permit Inspections Done – 50

Inspections with the Fire Department – 2

Training Seminars attended – 0

B.) Planning

2023 – 07 BERKS COUNTY WASTE TRANSFER FACILITY-reaffirm approval

(Preliminary/Final) Owners: 25 Service Caster Owner, LLC/ Manz Properties LLC;

Agent: Martin & Martin, Inc.; Location: 25 Service Caster Way; Parcel ID# 39-

531502664589; Project no. 1795; Proposal Summary: Develop a Municipal Solid Waste

Transfer Station on an existing lot known as East Pointe Business Center Lot #8.

Preliminary/Final approval granted 10/17/2023, reaffirmed approval on 6/18/24.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO REAFFIRM PRELIMINARY/FINAL APPROVAL GRANTED ON 10/17/23, REAFFIRMED ON 3/19/24 AND 6/18/24, FOR THE BERKS COUNTY WASTE TRANSFER FACILITY PLAN CONDITIONED ON COMPLIANCE WITH ALL ISSUES AS STATED IN THE REVIEW LETTER FROM GVC, DATED 9/29/23, AND OBTAINING DEP APPROVAL.

2024-02 LOTS 15 & 16 SEVEN SPRINGS SUBDIVISION-reaffirm approval

(Final Minor) Owner: James Van Dyck Fear Jr.; Agent: Berks Surveying & Engineering, Inc.- Daniel A. Graybill Jr.; Location: 3,5,&7 Seven Springs Dr.; Parcel ID# 39-530402877007, 39-530402865862, and 39-530402866777; Plan No. 2021-17-24; Proposal Summary: To subdivide the parcel located between 3 Seven Springs and 7 Seven Springs in order to annex 0.5072 acres to 3 Seven Springs and 0.7383 acres to 7 Seven Springs. No new improvements are proposed. Plan approval was granted 6/18/24.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO REAFFIRM FINAL MINOR APPROVAL GRANTED ON 6/18/24, FOR THE 2024-02 LOTS 15 & 16 SEVEN SPRINGS SUBDIVISION/ANNEXATION PLAN CONDITIONED ON COMPLIANCE WITH COMMENTS AS STATED IN THE GVC REVIEW LETTER DATED 5/13/24, PAYMENT OF ANY OUTSTANDING INVOICES, AND SEALS/SIGNATURES ON THE DRAWING.

2024- 05 PENSKE CUSTOMER EXPERIENCE CENTER (HQ DAVIS BUILDING) EXPIRATION DATE – 11/03/2024

(Preliminary/Final Plan) Location:2675 Morgantown Rd.- Penske Campus in Green Hills Corporate Center on the north side of Pheasant Rd.; Agent: Integrated Consulting-Zane Geist, PE; Vocon Job Number 210073-00; Proposed Summary: Minor internal traffic improvements

- 1) Final Plan from Integrated Consulting, dated 7/22/24
- 2) Memo from PC to BOC re: recommend final plan approval , dated 9/13/24

Zane Geist presented the plan to the Board. He stated that due to the increased impervious surface, a stormwater plan and a NPDES permit have been submitted. There was an on-site meeting with Township staff to discuss the crosswalks on Kachel Blvd. The plan will show crosswalks on the ends and landscaping in the medians to encourage pedestrians to use the crosswalks.

ON MOTION OF MR. DONNELL, SECOND OF MS. ROWE, A UNANIMOUS VOTE TO APPROVE THE PRELIMINARY/FINAL PLAN FOR THE 2024-05 PENSKE CUSTOMER EXPERIENCE CENTER PLAN CONDITIONED ON COMPLIANCE WITH ALL ITEMS AS STATED IN THE REVIEW LETTER FROM GVC, DATED 7/31/24, GVC REVIEW OF THE UPDATED FINAL PLAN, OBTAINING SIGNATURES, AND PAYMENT OF ALL FEES.

2024-06 TACO BELL (CHESTNUT RESTAURANTS, LLC)

EXPIRATION DATE – 12/08/2024

(Preliminary/Final) Owners: Equivest, LLC/ Chestnut Restaurants, LLC; Agent: The Pettit Group, LLC -Brian W. Cleary, PE; Location: 2255 Lancaster Pike; Parcel ID# 39439506386873; Job No. 1061-235 (Pettit Group) and Project No. 22009770C (Colliers); Proposed Summary: Subdivide and lease with option to buy a portion of the property for the construction of a Taco Bell restaurant with double drive-through lanes and associated site improvements. Received ZHB written approval on 7/23/24.

- 1) Preliminary/Final plans from The Pettit Group, LLC, dated 8/01/24
- 2) Minor subdivision plan from Colliers Engineering & Design, dated 7/26/24

- 3) Cumru Application, received 8/02/24
- 4) BCPC Review Letter, received 9/03/24
- 5) GVC Review letter, dated 8/30/24
- 6) Memo from PC to BOC re: recommend waiver request, dated 9/13/24
- 7) Memo from PC to BOC re: recommend conditional preliminary/final plan approval, dated 9/13/24

Ms. Johnston explained the plan and the requested waivers. The proposed development will improve the impervious surface and will tie into the existing stormwater features. The parent parcel has always had high volume use so the storage units and Taco Bell would result in less traffic than the current driveway permit. The utilities are already there. The waiver for sidewalk is due to typography preventing safe access for pedestrians, lack of sidewalk elsewhere on Lancaster Pike, and Lancaster Pike as an arterial road.

Mr. Donnell questioned the waiver for the traffic study. He understands that Taco Bell would not exceed the allowable traffic but what happens if a high volume store moves into the shopping center. The answer was that future development might require a traffic study.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPROVE THE SALDO WAIVERS FOR THE 2024-06 TACO BELL PLAN AS STATED IN THE GVC REVIEW LETTER, DATED 8/30/24, AND THE WAIVER REQUEST LETTER FROM THE PETTIT GROUP, LLC, DATED 9/10/24 AS FOLLOWS:

- a. Relief from Section 403(A), not to submit a separate Preliminary Plan;**
- b. Relief from Section 405(A), not to perform an Environmental Impact Assessment;**
- c. Relief from Section 406(A), not to perform a Community Facilities Impact Assessment;**
- d. Relief from Section 407(A), not to provide a Traffic Impact Study;**
- e. Relief from Section 408(A), not to perform a Utility Impact Assessment;**
- f. Relief from Section 507(B), not to provide sidewalks along Lancaster Pike.**

Ms. Johnston explained that written reviews need to be made by the Fire Department, the Cumru Township sewer engineer, and the Shillington Municipal Authority engineer.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPROVE THE PRELIMINARY/FINAL PLAN FOR THE 2024-06 TACO BELL PLAN CONDITIONED ON COMPLIANCE WITH ALL ITEMS AS STATED IN THE REVIEW LETTER FROM GVC, DATED 8/30/24, REVIEW BY THE FIRE DEPARTMENT, REVIEW BY THE SEWER ENGINEER, REVIEW BY THE SHILLINGTON MUNICIPAL AUTHORITY ENGINEER, OBTAINING SIGNATURES, AND PAYMENT OF ALL FEES.

C.) Class 3 Administrative Assistant Position – consider posting and advertising

Ms. Johnston reported that future planning for the administration staff was discussed at a liaison meeting. It was recommended that a Class 3 Administrative Assistant position should be posted internally and then advertised. This would allow time to train a new person in anticipation of staff retirement.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO POST AND ADVERTISE A CLASS 3 ADMINISTRATIVE ASSISTANT POSITION.

Public Works

A.) Sanitary Sewer Replacement Projects 2024

1) Cedar Top Road – consider application for payment #1

a) Atlas letter for recommendation of payment #1 for \$293,965.74 to Iron Eagle Excavating, dated 9/13/24.

Mr. McNichols reported that a good portion of the sanitary sewer has been installed.

Ms. Johnston stated that the Township realizes that this is a long, inconvenient project especially with PennDOT doing a project in the same area at the same time. She thanked the public for their cooperation.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO APPROVE PAYMENT #1 FOR IRON EAGLE EXCAVATING IN THE AMOUNT OF \$293,965.74 FOR THE CEDAR TOP RD. SANITARY SEWER PROJECT.

B.) Montrose Blvd. Storm Sewer – consider application for change order #1, payment #2 (final)

1) Atlas letter for recommendation of change order #1 for \$4,706.00 and payment #2 (final) for \$30,007.20 which includes the change order amount, dated 9/16/24

Mr. McNichols explained that the change order is due to the extra quantity of black top that was required.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPROVE CHANGE ORDER #1 FOR \$4,706.00 AND PAYMENT #2 (FINAL) FOR \$30,007.20, WHICH INCLUDES THE CHANGE ORDER AMOUNT, TO MASON DIXON CONTRACTORS, LLC. FOR THE MONTROSE BLVD. STORM SEWER PROJECT.

C.) Wyomissing Creek Streambank Stabilization – update

1) work must be done between October 1 and February 1

2) advertisement of bids on PennBid

3) pre-bid meeting scheduled for 9/25/24

4) bid opening 10/04/24 at 10:00 a.m.

This project is for an area along the Wyomissing Creek that is located behind the old Wixon's Bakery. Erosion is causing exposure of the sewer pipe.

D.) PennDOT request for signage on Freemansville Rd. – consider approval

1) PennDOT letter dated 8/14/24

When the Township sent a letter to PennDOT requesting a traffic study, PennDOT replied with a letter requesting that 10 speed limit signs be installed in specific locations before a traffic study can be conducted. This will cost approximately \$1,200.00 and 2 days of work by Public Works. Mr. William Miller asked if this was excessive. Mr. Rogosky stated that PennDOT denied the request to lower the speed limit from 35 mph and that they will not do a traffic study without the signs being installed. The Board agreed to install the speed limit signs.

E.) Sewer Department

1) CDL training for Class 2 – Kulish III Enterprises provided Entry-Level Driver training

2) Sewer Foreman Class 1 position – advertisement (previously authorized)

Mr. McNichols reported that, when the Township hired 3 people for the Class 2 sewer positions, only 1 had a CDL license. The other two have passed their CDL training. Mr. McNichols thanked Kulish III Enterprises and the sewer department crew for assistance with training the new employees.

Mr. Donnell stated that discussion at previous meetings addressed the importance of training people to give them the skills needed for the job. He congratulated Public Works.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO POST AND ADVERTISE FOR THE SEWER FOREMAN CLASS 1 POSITION.

Engineer

A.) Hunters Rd. phase 1 – consider applications for payment

1) application for payment #3 \$218,958.50

2) application for payment #4 (final) \$59,974.73

Mr. Rogosky reported that phase 1 has been completed. He recommended both applications for payment. He reported that payment #4 was the retainage release since all the work has been completed satisfactorily. The project came in approximately \$83,000.00 under budget which was based on worst case scenario and quantities of materials not needed.

ON MOTION OF MS. ROWE, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPROVE PAYMENT APPLICATION #3 IN THE AMOUNT OF \$218,958.50 AND APPLICATION #4 (FINAL) IN THE AMOUNT OF \$59,974.73 FOR BARWIS CONSTRUCTION, LLC. FOR THE HUNTERS ROAD PHASE 1 PROJECT.

B.) Mount Penn Rd. Study – update

Mr. Rogosky explained that the study looks at factors such as stopping distances, turning, and horizontal alignment. He will be preparing a final report containing a summary and recommendations. Mr. Donnell asked what can be done if this road is not safe for trucks. Mr. Rogosky stated that, while it might be possible to post signage to prohibit certain size and type of trucks, we cannot restrict school buses, trash trucks, and local deliveries. Chief Winchester said that it is difficult to enforce.

Solicitor

A.) Zoning Ordinance Text Amendment – discussion and consideration of draft amendment, schedule public hearing

- 1) previously authorized amendments: wind turbines regulations, retreat centers definition and permitted locations, MUGC district uses
- 2) fire access lane width under discussion (24 to 26 feet)
- 3) Planning Commission recommended additional consideration of “agritainment” language
- 4) Planning Commission recommended additional consideration of AirBNB regulations

B.) Subdivision and Land Development Ordinance Text Amendment – consideration of draft amendment and schedule for public hearing

Atty. Frankowski addressed both text amendments together. Copies of both drafts were forwarded to the Board after review by the Zoning Officer. She explained that the Township Planning Commission and the Berks County Planning Commission must be given 30 days to review the drafts and make comments. The earliest Public Hearings could be scheduled is November 19. Mr. Batdorf asked if the Flying Hills Barn would be included under the agritainment section. Ms. Johnston said that agritainment pertains to agricultural use, not to style of architecture. The Board agreed to schedule and advertise the Public Hearings for November 19, 2024, at 6:00 p.m. and 6:30 p.m., with the regular meeting to convene after both hearings.

ON MOTION OF MS. ROWE, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO ADVERTISE THE PUBLIC HEARINGS FOR NOVEMBER 19, 2024. THE PUBLIC HEARING FOR THE ZONING ORDINANCE TEXT AMENDMENTS WILL BE 6:00 P.M. AND THE PUBLIC HEARING FOR THE SALDO TEXT AMENDMENT WILL BE 6:30 P.M.

C.) Consolidated Delinquent Accounts Ordinance – consider draft and authorizing advertisement

Ms. Johnston explained that there are currently three ordinances that pertain to delinquent accounts. The Board had authorized the three ordinances to be combined into one ordinance. There was discussion about the fees and the collection process in the draft ordinance. The threshold is \$1,000 owed or 4 months in arrears. A letter is sent to avoid being sent to collections. The collection agency charges fees of 25%. This money goes to the collection agency; the principal goes to the Township. If the account is still not paid, liens are filed against the property. The lawyer’s office drafts and files the liens, so there are legal fees charged that are paid to the lawyer’s office.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO AUTHORIZE THE CONSOLIDATED DELINQUENT ACCOUNTS ORDINANCE TO BE ADVERTISED.

D.) Dangerous Structures, 711-713 Philadelphia Avenue – consider filing a petition to demolish

- 1) Atlas Site Visit and Structural Assessment dated 9/06/24

There was discussion about all the buildings that were damaged by the fire. 717 Philadelphia Ave. was voluntarily demolished by the owner, 715 Philadelphia Ave. was demolished after a petition was filed by the Township and a court order was granted. The owners of 711 and 713 Philadelphia Ave. have not secured the buildings or moved forward

with repairing them. Mr. McNichols stated that 713 is completely down to the studs. A structural analysis conducted by Atlas has deemed the buildings unsafe.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO FILE A PETITION TO DEMOLISH 711 AND 713 PHILADELPHIA AVE.

PAYMENTS OF BILLS

ON MOTION OF MR. BATDORF, SECOND OF MR. DONNELL, A UNANIMOUS VOTE APPROVING PAYMENTS OF BILLS DATED 8/23/24, 8/30/24, 8/30/24 - ADDITIONAL, 9/06/24, AND 9/13/24.

COMMISSIONERS

A.) Executive Session

- 1) collective bargaining issue
- 2) personnel issue

Executive session began at 8:19 p.m.- to discuss a collective bargaining issue and a personnel issue.

Executive session ended at 8:33 p.m. – a collective bargaining issue and a personnel issue were discussed. There was no action at this time.

B.) Delta Development Group – consider approval of negotiated contract

- 1) Negotiated Contract to go into effect on 1/1/25
- 2) Execution invoice

There was discussion about the contract.

Mr. William Miller had questions about fees for miscellaneous services and compensation. He requested that these charges be specified. He wanted to know what the Township was getting for \$7000.00 a month. Ms. Rowe agreed with Mr. William Miller.

Mr. Greg Miller suggested that these items were baked into the fees. Atty. Frankowski said that they were not baked into the monthly fee. She offered to go back to the development group to negotiate better language and tell them no additional fees. The Board agreed to have Atty. Frankowski talk to the development group about no additional fees or at least a cap to be placed on the fees.

Mr. Greg Miller was concerned about the County being able to get its part done before January if the contract was delayed. He suggested that he talk to the County about moving forward because its part would take 2-3 months.

Mr. William Miller suggested that the Board authorize Atty. Frankowski to negotiate with the development group, have the County move forward, and not approve the contract tonight.

Mr. Donnell suggested that the Board move forward with the contract and authorize approval of the contract with no additional fees.

ON MOTION OF MR. DONNELL, SECOND OF MR. GREG MILLER, THE VOTE FAILED TO PASS TO AUTHORIZE APPROVAL OF THE CONTRACT CONTINGENT UPON NO MISCELLANEOUS FEES. MR. WILLIAM MILLER AND MR. BATDORF VOTED NO. MR. GREG MILLER AND MR. DONNELL VOTED YES. MS. ROWE ABSTAINED.

Since the vote did not pass, Ms. Johnston requested permission to carry this item over to next month. Ms. Johnston encouraged the Board to move forward with the County even without a contract. She stated that the information that the County can provide has value.

Mr. Donnell questioned Mr. William Miller about his vote since the motion was made to address his concern.

The Board agreed to have Atty. Frankowski negotiate with the development group.

C.) Project Steering Committee – consider establishing committee by resolution
(Commissioner Greg Miller)

1) Proposed committee composition:

- 2 Cumru Township Commissioners,
- 1 Cumru Planning Commission Member,
- 2 Shillington Borough Council Members,
- 2 Governor Mifflin School Board Representatives,
- 1 Greater Reading Chamber of Commerce Member and
- 1 member of the Berks County Economic Development team

2) Select Cumru representatives for this committee.

Mr. Greg Miller stated that Delta Development wants this committee. This is not a decision-making body, it is a recommending body. There was discussion about the composition of the group. Mr. Batdorf wanted to know who determined who was on the committee. Mr. Donnell said that this would be a team effort of the stakeholders.

Ms. Johnston reported that the Shillington manager recommended that the Shillington Municipal Authority and not Shillington Borough Council Members should be represented because the authority is a separate entity. Mrs. Carpenter stated that as a resident she takes offense that Cumru Township is paying the bill but doesn't have 50% of the committee membership.

Mr. Greg Miller asked if the members should be identified by name. Mr. Greg Miller suggested himself and Mr. Donnell to represent the Board. Mr. Batdorf, Ms. Rowe, and Mr. William Miller were not interested.

ON MOTION OF MR. DONNELL, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPROVE THE PROJECT STEERING COMMITTEE CONTINGENT ON THE DELTA DEVELOPMENT GROUP CONTRACT BEING APPROVED.

D.) Zoning Hearing Board – consider appointing alternate members

1) Ben Fisher – letter of intent dated 9/12/24

2) Thomas Wolesslagle (tentative)

Ms. Johnston introduced Ben Fisher, who was sitting in the audience. She suggested that he was available to answer any questions. Ms. Rowe spoke up on behalf of Mr. Fisher saying that he has been attending many Township meetings and that he would be a good candidate.

Ms. Johnston recommended waiting to appoint Mr. Wolesslagle because he has not confirmed his intention.

ON MOTION OF MR. WILLIAM MILLER, SECOND OF MR. BATDORF, A UNANIMOUS VOTE TO APPOINT BEN FISHER AS AN ALTERNATE MEMBER TO THE ZONING HEARING BOARD.

There was discussion about the inability of the Zoning Hearing Board (ZHB) to hold a hearing within the required 60 days case no. 820.

Mr. Donnell voiced his concerns stating that the ZHB had a fundamental responsibility and questioning why they could not establish a quorum for 2 months. Mr. Greg Miller stated that this was very concerning to him.

Mr. William Miller reminded everyone that Ms. Johnston had brought the need for alternates up at several meetings and she had attempted to get a quorum to hold hearing.

Mr. Donnell said that the ZHB not hearing an application is detrimental. A deemed approval means the Township doesn't have a voice. Maybe the ZHB needs to be changed. The ZHB needs to be accountable.

Mr. Batdorf said that the Board needs to get more volunteers.

Mr. Donnell stated that he wants to hear an explanation for why 3 out of 4 people could not meet for 60 days. He doesn't want another lawsuit.

Mr. Greg Miller said this is too big of a mistake.

Atty. Frankowski explained that the applicant must advertise the deemed approval and post a notice on the property. Neighboring property owners could appeal. The developer has agreed to attend the ZHB on 9/24/24 to talk about reasonable conditions. The Board can discuss litigation matters in executive session.

Mr. Donnell referred to the MPC section regarding the removal of the President of the ZHB for non-feasance due to his failure to perform the duties of the position.

ON MOTION OF MR. DONNELL, SECOND OF MR. GREG MILLER, THE VOTE DID NOT PASS TO NOTIFY THE PRESIDENT OF THE ZONING HEARING BOARD OF INTENT TO REMOVE AND THAT A VOTE WILL BE HELD. MR. WILLIAM MILLER, MS. ROWE, AND MR. BATDORF VOTED NO. MR. GREG MILLER AND MR. DONNELL VOTED YES.

PUBLIC

Attendance: Zane Geist and Terri Crema for Penske, Mary Cameron, Kevin Amour, Sheldon Meyer, Ruth O'Leary, Kathy Roland, Mike Eshbach, Ben Fisher, Greg Leonti, Bev Leonti, Barbara Nagle, Roberta Kennedy, James w. Johnson, Charles Muvdi, Chris Muvdi, Perry Haas, Kim Artz, Patty Adams, Sam Kalbach, Todd Dietrich, Barb Dietrich, Glenn Emery, Ron Freyberger, and Mike Krumholz.

A.) Barb Dietrich, a resident of Hilgert Ave., did not wish to speak.

B.) Kevin Amour, a resident of Fawn Dr., stated that the Board needs to know what a steering committee does. They need to get the County involved. He is ashamed of roadblock after roadblock. He wanted to know how to put a stop to this without litigation.

C.) Glenn Emery, a resident of Fairway Rd., read from Section 407 of the Zoning Ordinance about the Local Commercial zoning district being a "village setting". He read the 20 uses by right. He quoted song lyrics.

Atty. Frankowski recommended waiting until the deemed approval is advertised. The Township or the property owner would have to appeal. This can be discussed in executive session after the property is posted and the 30-day clock starts.

REMINDERS

A.) Zoning Hearing Board 09/24/2024 at 6:00 p.m.

- Application No. 820 – OHB Properties, LLC; consider conditions for light industrial use in Local Commercial zoning district – deemed approval
- Application No. 821 – seeking dimensional relief for garage at 4 Forest Rd.
- Application No. 822 – seeking dimensional relief for reconstruction of 717 Philadelphia Ave.
- Application No. 823 – seeking general agricultural use (2 sheep) in Medium Density zoning district at 500 N. Church St.
- Application No. 824 – Prospectus Associates, Inc., seeking relief to allow 2 people to live in a 2 bedroom apartment with minimal staff support.

B.) Board of Commissioners meetings for October and November 2024

- 10/15/2024 at 7:00 p.m. – Regular Meeting
- 10/17/2024 at 6:00 p.m. – Budget Meeting
- 10/24/2024 at 6:00 p.m. – Budget Meeting
- 10/29/2024 at 7:00 p.m. – 5th Tuesday Meeting
- 11/07/2024 at 6:00 p.m. – Budget Meeting

C.) Municipal Authority 10/3/2024 at 11:00 a.m.

D.) Planning Commission 10/07/2024 at 6:00 p.m.

ADJOURNMENT

ON MOTION OF MR. BATDORF , SECOND OF MR. DONNELL, A UNANIMOUS VOTE TO ADJOURN THE MEETING AT 9:24 P.M.

Respectfully submitted,



Jeanne E. Johnston
Manager/Secretary