

**TOWNSHIP OF BERN  
BERKS COUNTY, PENNSYLVANIA**

January 3, 2023

**SUPERVISORS MEETING**

**SUPERVISORS PRESENT:** Irene Reed, Chairman  
Dr. Boyd Wagner  
Brian Eveland, Supervisor  
Jeffrey Thompson, Supervisor

**STAFF PRESENT:** Brian Potts, Township Manager  
Diane DeJesus, Secretary/Treasurer  
Wesley Waugh, Chief of Police  
Keith Mooney, Esquire  
Daryl Jenkins, Engineer  
Bradley Pflum, Codes Enforcement

**CALL TO ORDER-PLEDGE OF ALLEGIANCE**

Mrs. Reed called the meeting to order at 7:00 PM and stated that an executive session was held prior to the meeting to discuss personnel matters.

**CONSENT AGENDA**

Dr. Wagner moved to approve the Consent Agenda, as presented, which included the minutes of the December 6, 2022 Supervisors Meeting and to accept the finance report, subject to audit and approve payment of bills on the list, seconded by Mr. Thompson. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. Motion carried.

**FINANCE REPORT**

Balances as of January 4, 2023: General Fund: \$2,184,932.81, State Account: \$761,721.90, PLGIT: \$67,971.36, Certificate of Deposits: \$560,645.82, Expenses: \$123,309.98. Treasurer's Report accepted subject to audit.

**PUBLIC COMMENT**

Maria Dewald from Rick Road expressed concerns, stated that there is a sign at the driveway entrance and asked questions about a possible short-term rental located at 1040 Rick Road. Mrs. Reed asked Mrs. Dewald to share any photos or videos with Mr. Pflum. Atty. Mooney stated that the Township must have hard evidence and that Facebook is just hearsay. Mr. Pflum stated he will check on the sign to see if a permit is needed. Mr. Pflum stated that there are two issues the Township is contending with the first being the short-term rental and the second being a 30-day

rental without a rental license. Another resident asked if the Township could contact Airbnb and Atty. Mooney stated that the homeowners could claim the Township interfered with their Airbnb contract, but wasn't sure how far the owners would go since it would cause them to admit to illegal action. Chief Waugh stated that Mrs. Dewald should call the non-emergency phone number when loud music is taking place. Mr. Potts stated that the Township is currently working on a short-term rental ordinance.

Mr. Jeff Thompson presented a \$250.00 donation from to Daniel Boone Coin Club to the Police Equipment Fund. Dr. Wagner made a motion to accept the donation for the Police Equipment Fund; Mr. Eveland seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. Motion carried.

### **ORDINANCES/ RESOLUTIONS**

**Discussion/ Approval to Advertise the Stormwater Ordinance-** Mr. Potts stated that Mr. Morey has prepared the ordinance. Dr. Wagner made a motion to approve advertising the Stormwater Ordinance; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of the Police Pension Resolution-** Mr. Potts stated that the resolution requires members to contribute 5% of all wages to their pension fund. Dr. Wagner made a motion to approve the Police Pension Resolution; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. Motion carried.

### **TOWNSHIP MANAGER**

Mr. Potts provided his report to the Board and informed them that the Animal Rescue League does not feel that the Township is currently paying enough per capita for the agreement. Mr. Potts stated the ARL wants it increased to \$6-\$10 per capita and also wants the people living at Berks Heim and the Berks County Prison to be included in the dollar amount. Mr. Potts informed the Board he responded to the ARL by stating that the individuals residing in these locations would never utilize the ARL's agreement services. Dr. Wagner stated that the original agreement needs to be adhered to and that the Supervisors should discuss the topic when the agreement is up for renewal at the end of the year.

### **PUBLIC SAFETY & SERVICES**

#### **Fire Company**

Mount Pleasant provided their report.

**Greenfields-** A report was received. Their annual report has not been received.

#### **Emergency Medical Services**

Northern Berks provided their report.

#### **Emergency Management**

Mr. Hinkle provided his report to the Board.

## **Police Department**

Chief Waugh provided his report to the Board.

**Discussion/ Approval to Accept Monetary Donations-** Chief Waugh requested a motion to accept a monetary donation in the amount of \$297.00 from the Senior Berners. Mr. Thompson made a motion to accept the donation for the police Equipment Fund; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. Motion carried.

## **PLANNING/ZONING/CODE ENFORCEMENT**

**Engineer-** Mr. Daryl Jenkins provided the report to the Board.

## **Planning Commission**

**Discussion/ Approval of the Stinson LLC Final Subdivision Plan-** Mr. Potts stated that the Planning Commission recommended approval of the plan subject to the December 7, 2022 SSM review letter. Dr. Wagner made a motion to approve the Stinson Drive LLC Subdivision Final Plan subject to the December 7, 2022 SSM letter; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of SunCap Escrow Release-** Mr. Potts stated that Mr. Morey completed an analysis of the SunCap Escrow and recommended a release in the amount of \$993,191.50 with a remaining balance of \$971,448.00. Dr. Wagner made a motion to approve the SunCap Escrow release; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of Section 154-19.A Plan Scale Waiver for Lords and Ladies Preliminary Land Development Plan-** Mr. Potts stated that the Planning Commission recommended approval of the waiver. Dr. Wagner made a motion to approve Section 154-19.A Plan Scale Waiver for Lords and Ladies Preliminary Land Development Plan; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of Vision Audi Improvements Agreement Termination Statement-** Atty. Mooney stated that the attorney for Vision Audi requested the Improvements Agreement Termination Statement and that Vision Audi would pay for the costs associated with recording the agreement statement and Atty. Mooney drafting the agreement statement. Dr. Wagner made a motion to approve the Improvements Agreement Termination Statement; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. Motion carried.

## **Time Extensions**

The Lords and Ladies Preliminary Land Development Plan expires February 5, 2023. Dr. Wagner moved that if an extension of time has not been granted by the applicant, prior to February 5, 2023, that the plan be rejected for the reasons set forth in the latest Engineering review letter; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. Motion carried.

## **Code Enforcement**

Mr. Pflum provided his report to the Board and mentioned that the Woodward Apartments had had an incident where a tree had gone through the roof of one of the apartment buildings and that they would be applying for a building permit for the emergency repair work.

## **STORMWATER MANAGEMENT**

### **MS4 Stormwater Report**

Mr. Potts informed the Board that Mr. Morey has finished the revised draft of the Stormwater Ordinance

## **ROAD DEPARTMENT**

Mr. Potts informed the Board that the left lane turn signal at West Leesport Road and Route 183 intersection is installed and operational.

**Discussion/ Approval to Hire Part-Time Road Crew Member-** Mr. Potts requested a motion to approve hiring Gregory Herman as a part-time road crew member contingent on passing a drug test, criminal history and child abuse check. Mr. Thompson made a motion to approve hiring Gregory Herman as a part-time road crew member contingent upon passing a drug test, criminal history and child abuse check; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. Motion carried.

## **SEWER/ WATER/ BERN TOWNSHIP MUNICIPAL AUTHORITY**

No report.

## **SOLID WASTE ADVISORY COMMISSION**

No report.

**Discussion/ Approval of Recycling Drop-Off Center Three-Year Extension Agreement with Berks County-** Mr. Thompson made a motion to approve the Recycling Drop-Off Center Three-Year Extension Agreement with Berks County; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. Motion carried.

## **ADMINISTRATION**

**Discussion/ Approval of Uniform Pension Plan COLA-** Mr. Eveland made a motion to approve the Uniform Pension Plan COLA. Motion died due to lack of a second.

**Discussion/ Approval of Real Estate Tax Refund to Reitnouer Real Estate-** Mr. Potts stated that the amount of the refund is \$12.02. Dr. Wagner made a motion to approve the real estate tax refund to Reitnouer Real Estate; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. Motion carried

**Ratify Public Safety Cooperation and Financial Assistance Agreement with Penn State Health-** Mr. Potts stated that this is for a new three-year agreement. Mr. Thompson made a motion to ratify the Public Safety Cooperation and Financial Assistance Agreement with Penn State Health; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. Motion carried. Mrs. Reed thanked Mr. Potts for his hard work on the agreement.

**Discussion of At Will Employee Salaries-** Mr. Potts requested a motion to approve at 4% salary increase for the at will employees. Dr. Wagner made a motion to approve a 4% salary increase for the at will employees; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. Motion carried.

**Next Supervisor's meeting will be held on Tuesday, February 7, 2023 at 7:00 PM.**

Dr. Wagner made a motion to adjourn the meeting at 7:40 PM; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. Motion carried.

Respectfully submitted,

Diane DeJesus,  
Secretary/Treasurer