

**TOWNSHIP OF BERN
BERKS COUNTY, PENNSYLVANIA**

February 1, 2022

SUPERVISORS MEETING

SUPERVISORS PRESENT: Irene Reed, Chairman
Brian Eveland, Supervisor
Jeff Thompson, Supervisor
Daniel Tobias, Supervisor
Dr. Boyd Wagner III, Supervisor

STAFF PRESENT: Brian Potts, Township Manager
Diane DeJesus, Secretary/Treasurer
Brett Forry, Detective Sergeant
Keith Mooney, Esquire
Kent Morey, Engineer
Bradley Pflum, Codes Enforcement

CALL TO ORDER-PLEDGE OF ALLEGIANCE

Mrs. Reed called the meeting to order at 7:00 PM.

CONSENT AGENDA

Dr. Wagner moved to approve the Consent Agenda, as presented, which included the minutes of the January 4, 2022 Reorganization Meeting and 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. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

FINANCE REPORT

Balances as of February 1, 2022: General Fund: \$1,740,775.65, State Account: \$459,354.71, PLGIT: \$67,060.37, Certificate of Deposits: \$557,414.64, Expenses: \$87,168.40. Treasurer's Report accepted subject to audit.

PUBLIC COMMENT

None

PUBLIC HEARING

Mrs. Reed opened the public hearing at 7:02 PM to discuss the Comcast Cable Franchise Agreement Ordinance. Mr. Potts explained that the agreement extends the current Comcast Agreement, set to expire July 3, 2022, for another 10 years. Mr. Potts stated that currently the Township assesses a 5% fee which remains the same in the agreement which also ensures franchise fee accountability allowing the Township to conduct an independent audit of Comcast records to determine if the franchise fees were paid accurately to the Township. Mr. Potts also stated that the agreement sets service standards such as telephone answering time limits for their customer service reps, time limits for commencing installation, service interruption and repair work, 4-hour appointment window for service calls, requirements for notices to subscribers, requirements that bills be clear and concise and fully itemized, customer complaint procedures including not charging late fees to a subscriber who disputes a bill in good faith until the investigation is completed, requirements to be met prior to disconnecting service, credits for service interruptions of 6 or more hours upon request by a resident and standards of subscriber privacy. Mr. Potts stated this is a 10-year agreement that is an extension of the current agreement which allows Comcast to use the Township Right-of-Ways for installation of cable to carry their signal. Mr. Potts asked if the Board had questions. Mrs. Reed asked if the public had questions. There weren't any questions or comments so Mrs. Reed closed the hearing at 7:04 PM.

ORDINANCES/ RESOLUTIONS

Discussion/ Approval of the Comcast Cable Franchise Agreement Ordinance- Dr. Wagner made a motion to approve the Comcast Cable Franchise Agreement Ordinance; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of the Comcast Side Agreement- Dr. Wagner made a motion to approve the Comcast Cable Franchise Side Agreement; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval to Advertise Town Center Overlay District Ordinance Amendment- Atty. Mooney stated that motor vehicle leasing and commercial truck leasing were added to the definition of allowable uses. Dr. Wagner made a motion to advertise the Town Center Overlay District Ordinance Amendment; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. NO: Mr. Tobias. Motion carried.

TOWNSHIP MANAGER

Mr. Potts provided his report to the Board and congratulated Mrs. DeJesus for a clean audit of the 2020 Liquid Fuels Fund.

PUBLIC SAFETY & SERVICES

Fire Company

A report was received from Mt. Pleasant Fire Company.

Emergency Medical Services

Reports were received from Western Berks and Northern Berks.

Emergency Management

Mr. Hinkle provided his report to the Board. Mrs. Reed congratulated Mr. Hinkle on receiving from KEMA the Municipal Coordinator Award for Excellence in Emergency Management.

Police Department

Detective Sergeant Brett Forry provided his report to the Board.

Discussion/ Approval to Compensate Retired Police Sergeant for Court- Det. Sgt. Forry requested a motion to approve straight time compensation for a retired Police Sergeant for a court appearance in a trial in June. Dr. Wagner made a motion to approve straight time compensation for a retired Police Sgt. for trial appearance; Mr. Eveland seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval to Support Police Grant Application to Replace Special Services Unit- Det. Sgt. Forry requested a motion for grant application support from the Township for the replacement of the Special Services Unit. Dr. Wagner made a motion to approve Township grant application support; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

PLANNING/ZONING/CODE ENFORCEMENT

Engineer

Mr. Kent Morey provided the report to the Board.

Planning Commission

Discussion/ Approval of Section 149-23.E Steep Slope Waiver for Misco Land Development Plan- Mr. Potts stated the Planning Commission recommended approval of the waiver. Dr. Wagner made a motion to approve Section 149-23.E Steep Slope Waiver for Misco Land Development Plan; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of Misco Final Land Development Plan- Mr. Potts stated that the Planning Commission recommended approval contingent on the January 7, 2022 SSM review letter. Dr. Wagner made a motion to approve Misco Final Land Development Plan contingent on the January 7, 2022 SSM review letter; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of Section 154-24.A Stinson Drive & West Leesport Road Widening Waiver for Reitnouer Residential Subdivision Plan- Mr. Reitnouer spoke and asked questions pertaining to curbing and road widening and asked the Supervisors to reconsider the waivers. Atty. Mooney explained that the residue area is going to be industrial so it makes sense to the Planning Commission due to future stormwater. Mr. Morey stated that Stinson Drive is a collector street and UGI and MISCO had to comply with the requirements and the idea is to be consistent along the entire road. Mrs. Reed referred to the Reitnouer commercial plan proposing 206 trucks and 536 cars totaling 742 vehicles using a single entrance on Stinson Drive and Stinson Drive's current 22 foot Cartway and West Leesport Road's current 30 foot Cartway. Mrs. Reed also stated that Township Collector Roads are required to have a Cartway of 40 feet and a Right of Way of 60 feet. Mr. Potts explained that the only time the Township can have the roads widened by developers is when the property is being developed and the Township won't pass on the opportunity most likely to widen the roadway because of the commercial traffic that will be driving on the road and it has nothing to do with the 3 lot subdivision, but the commercial development. Mr. Reitnouer asked if the residential homes and businesses currently on Stinson Drive will be required to put in curbing and Mr. Potts stated they can't be made to do that because they are not developing their land. Mr. Tobias asked about narrow points of constriction in the road and Mr. Morey stated that there is the possibility of shifting the road one way or another. Mr. Potts stated that the Planning Commission voted not to grant the waiver. No action.

Discussion/ Approval of Section 154-32.C Stinson Drive & West Leesport Road Curbing Waiver for Reitnouer Residential Subdivision Plan- Mr. Potts stated that the Planning Commission voted not to grant the waiver. No action.

Discussion/ Approval of Section 154-32.D Stinson Drive & West Leesport Road Sidewalk Waiver for Reitnouer Residential Subdivision Plan- Dr. Wagner made a motion to approve Section 154-32.D Stinson Drive & West Leesport Road Sidewalk Waiver for the Reitnouer Residential Subdivision Plan; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of Section 154-24.A(12), 154-32.C & 154.32D Cedar Hill Drive Waivers for Reitnouer Residential Subdivision Plan- Mr. Potts stated the Planning Commission did not take any action. Dr. Wagner made a motion to approve Section 154-24.A(12), 154-32.C & 154.32D Cedar Hill Drive Waivers for Reitnouer Residential Subdivision Plan; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion of Roadway Widths, Curbs & Sidewalks for Burkey Stinson Land Development Plan- Mr. Potts stated that the Planning Commission did not take any action and Mr. Potts stated that he would be surprised if the Board did not take the opportunity to have the road widened and curbs and sidewalks put in because it is a suburban residential area and it would make the road safer for residents. No action.

Discussion/ Approval of Section 154-19.C(6) Plan Scale Waiver for Berks Parks 183 Bldg. H- Mr. Potts stated that the Planning Commission recommended approval of the waiver. Dr. Wagner made a motion to approve Section 154-19.C(6) Plan Scale Waiver for Berks Parks 183 Bldg. H; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of Section 154-30.I(2) Recreation, Fiscal, Hydrogeologic & Historic Study Waiver for Berks Parks 183 Bldg. H- Mr. Potts stated that the Planning Commission recommended approval of the waivers. Dr. Wagner asked questions about the Historic Study Waiver and Atty. Mooney clarified. Dr. Wagner made a motion to approve Section 154-30.I(2) Recreation, Fiscal, Hydrogeologic & Historic Study Waiver for Berks Parks 183 Bldg. H; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of Section 154-30.H(1)(a) Buffer / Screen Waiver for Berks Parks 183 Bldg. H- Mr. Potts stated that the developer would like a waiver to not plant trees on steep slopes near the planned truck parking area and the Planning Commission recommend approval. Atty. Mooney stated that the Planning Commission recommended a partial waiver with the requirement to plant the same number of trees instead at another location at the site. Dr. Wagner made a motion to approve the Partial Section 154-30.H(1)(a) Buffer / Screen Waiver for Berks Parks 183 with the requirement the trees be relocated on the site; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of SunCap Municipal Improvements Agreement- Mr. Potts stated that Atty. Mooney has written the agreement, SunCap made some changes, Atty. Mooney agreed with the changes and required two additional paragraphs be included in the bond. Mr. Potts stated that the security is \$6,678,122.00. Mr. Thompson made a motion to approve SunCap Municipal Improvements Agreement provided Atty. Mooney's additional paragraphs are included; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of Section 154-32.Q As-Built Plan Waiver for Berks Parks 183 Bldg. E Project- Mr. Morey stated that Township Ordinance requires As-Built Plans, but in this particular case everything is private and the plans aren't necessary. Mr. Thompson made a motion to approve Section 154-32.Q As-Built Plan Waiver for Berks Parks 183 Bldg. E Project; Mr. Eveland seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of Berks Park 183 Building E Escrow Release- Mr. Potts stated Mr. Morey analyzed the escrow and recommended that \$54,520.00 be released with a remaining balance of \$39,667.00. Mr. Thompson made a motion to approve the Berks Park 183 Building E Escrow Release; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Time Extensions

None

Code Enforcement

Mr. Pflum provided his report to the Board.

STORMWATER MANAGEMENT

MS4 Stormwater Report

No report.

ROAD DEPARTMENT

Discussion of Homestead Road Issue- Mr. Potts stated that Homestead Road had somehow become Homestead Drive on physical addresses, the tax rolls and the liquid fuels map.

Atty. Mooney will draft a resolution to change the street name to Homestead Drive for approval at next month's Supervisors Meeting.

Discussion/ Approval for Temporary Road Closing at G&T

Mr. Potts stated that Leisz's Bridge Road will need to be temporarily closed between the Route 222 bridge and Van Reed Road for approximately three days in order for G&T to connect to the main sewer at an existing manhole. Mr. Potts also stated that Quandel Construction and H&K Group have submitted a traffic detour plan and he has asked them to provide at least one week's notice. Mr. Thompson made a motion to approve the temporary three-day road closure with the required one week notice; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

SEWER/ WATER/ BERN TOWNSHIP MUNICIPAL AUTHORITY

No report.

SOLID WASTE ADVISORY COMMISSION

No report.

ADMINISTRATION

Discussion/ Approval to Appoint Supervisor to Police Building Committee- Mr. Thompson made a motion to appoint Dr. Wagner; Mr. Eveland seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of Planning Commission Panel Appointment- Mr. Eveland made a motion to appoint Mr. Michael Werley to the Planning Commission; Mr. Tobias seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of Planning Commission Alternate Member Appointment- Dr. Wagner made a motion to appoint Ms. Beth Burkovich as an alternate to the Planning Commission; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval to Send Solicitor to Zoning Hearing- Mr. Eveland made a motion to approve sending Atty. Mooney and Mr. Kent Morey to the Reitnouer Zoning Hearing; Mr. Tobias seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

EXECUTIVE SESSION

Mrs. Reed temporarily adjourned the meeting at 8:05 PM for an Executive Session to discuss personnel matters and reconvened and adjourned the meeting at 8:45 PM.

Next Supervisor's meeting will be held on Tuesday, March 1, 2022 at 7:00 PM.

ADJOURNMENT

The meeting was adjourned at 8:45 PM.

Respectfully submitted,

Diane DeJesus,
Secretary/Treasurer