

**TOWNSHIP OF BERN
BERKS COUNTY, PENNSYLVANIA**

April 4, 2023

SUPERVISORS MEETING

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

STAFF PRESENT: Brian Potts, Township Manager
Diane DeJesus, Secretary/Treasurer
Wesley Waugh, Chief of Police
Timothy Dietrich, 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

Mr. Thompson moved to approve the Consent Agenda, as presented, which included the minutes of the March 7, 2023 Supervisors Meeting and to accept the finance report, subject to audit and approve payment of bills on the list, seconded by Dr. Wagner. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

FINANCE REPORT

Balances as of April 4, 2023: General Fund: \$1,950,566.77, State Account: \$1,071,163.69, PLGIT: \$68,732.24, Certificate of Deposits: \$560,654.82, Expenses: \$115,329.81. Treasurer's Report accepted subject to audit.

PUBLIC COMMENT

None.

TOWNSHIP MANAGER

Mr. Potts provided his report to the Board. Mr. Potts stated that the Township has received a letter from a resident requesting a change in code allowing chickens to be kept on properties with

less than five acres. Mr. Potts explained the reasons for the current code and asked the Board if they were inclined to change the code to let him know.

Mr. Potts informed the Board that the Schuylkill Greenways Association contacted him about land that they own off of Rickenbach Road and Stoudt's Lane. Mr. Potts stated that they would like to allow their partner organization "Take It Outdoors" to use the land as an overnight camping site for educational groups and river based group trips May-September. Mr. Potts expressed concern about the neighboring property owners. After the Board discussed Atty. Dietrich stated that this is different than personal use and suggested that a variance be applied for and that process will notify the neighbors.

Mr. Potts informed the Board that Mr. Hinkle inquired as to whether or not the County Fields should be obtaining large gathering permits for the events that are being held there. Mr. Hinkle stated that he is looking at it from a public safety point of view. Atty. Dietrich suggested that zoning requirements and Land Development be looked at pertaining to concerns over parking. The Township could approach them about providing us with a plan at the start of each season to cover the public safety concerns. Mr. Potts will contact them and refer them to Mr. Hinkle.

PUBLIC SAFETY & SERVICES

Fire Company

Mount Pleasant provided their report.

Greenfields- A report was received.

Emergency Medical Services

Western 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 Send Sergeant to Homicide Training- Chief Waugh requested a motion to approve sending Detective Sergeant Brett Forry to the Advanced Homicide Symposium sponsored by the Criminal Investigation Assessment Unit of the Pennsylvania State Police for training June 5, 2023 through June 9, 2023 at the Penn State Harrisburg Campus. Chief Waugh stated the only cost will be for the contractually incurred subsistence expenses for five lunches at \$12.00 each for a total of \$60.00. Mr. Thompson made a motion to approve sending Det. Sgt. Brett Forry to the homicide training; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval to Send Officer to School Resource Officer Training- Chief Waugh requested a motion to approve sending Officer Christian Lengel to Basic School Resource Training at the Lancaster County Public Safety Training Center from May 1, 2023 through May

5, 2023. Chief Waugh informed the Board that BCTC applied for and received grant funding to send Officer Lengel to the Basic SRO training because he is one of the primary department contacts with the Berks County Career and Technology Center West Campus in Bern Township. Chief Waugh stated that the only cost to the Township will be for the contractually incurred subsistence expenses for five lunches at \$12.00 each for a total of \$60.00. Mr. Thompson made a motion to approve sending Officer Christian Lengel to the Basic SRO training; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of Hiring/ Separation Policy- Chief Waugh explained that the policy is meant to crack down on excessive use of force and civil rights violations by police officers by not allowing a police officer to simply move on to another department without declaration of previous infractions. Chief Waugh requested a motion for the Board to ratify the hiring/ separation policy. Chief Waugh also stated that this policy is not a RTKL protected document and is considered public information. Mr. Thompson made a motion to ratify the hiring/ separation policy; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval to Purchase Mobile Computer Terminals- Chief Waugh informed the Board that 2023 is the year to replace the mobile computer terminals(MCTs) in police patrol vehicles per the countywide program the Township Police Department participates in. Chief Waugh requested a motion to approve purchasing six Panasonic MCTs and the necessary components for \$30,332.00 with funding available in the Police Equipment Fund. Mr. Thompson made a motion to approve the purchase of the MCTs; Dr. Wagner 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 154-30.I(1)(a)[4] Traffic Impact Study Waiver for the Lords & Ladies Preliminary Land Development Plan- Mr. Potts stated that the Planning Commission recommended approval of the waiver. Dr. Wagner made a motion to approve the Section 154-30.I(1)(a)[4] Traffic Impact Study Waiver for the Lords & Ladies Preliminary Land Development Plan; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of Section 152-8.L Curbing & Sidewalk Waiver for the Lords & Ladies Preliminary Land Development Plan- Mr. Potts stated that the Planning Commission recommended approval of the waiver. Dr. Wagner made a motion to approve the Section 152-8.L Curbing & Sidewalk Waiver for the Lords & Ladies Preliminary Land Development Plan; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of the Lords & Ladies Preliminary Land Development Plan- Mr. Potts stated that the Planning Commission recommended approval of the Lords & Ladies Preliminary Land Development Plan contingent on the 3/10/2023 SSM review letter. Dr. Wagner made a motion to approve the Lords & Ladies Preliminary Land Development Plan contingent on the 3/10/2023 SSM review letter; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of the Alternate Landscaping Plan for the S&L Mechanical Land Development Plan- Ms. Karen Krater, registered landscape architect from John Hoffert Surveying, stated that the alternate landscaping plan consists of five feet tall evergreens planted with a maximum fifteen feet on center spacing to allow for sunlight and no crowding and therefore less needle loss. Ms. Krater also stated that there will be native shade trees. Mr. Potts stated that the Planning Commission recommended approval of the alternate landscaping plan for the S&L Mechanical Preliminary Land Development Plan. Dr. Wagner made a motion to approve the alternate landscaping plan for the S&L Mechanical Preliminary Land Development Plan; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

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

Discussion/ Approval of Section 152-8.L Sidewalk Waiver for the S&L Mechanical Preliminary Land Development Plan- Mr. Potts stated that the Planning Commission recommended approval of the waiver. Dr. Wagner made a motion to approve the Section 152-8.L Sidewalk Waiver for the S&L Mechanical Preliminary Land Development Plan; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of the Alternate Landscaping Plan for the for the Bern Township Preliminary Land Development Plan- Mr. Potts stated that the Planning Commission recommended approval of the alternate landscaping plan for the Bern Township Preliminary Land Development Plan. Mr. Potts informed the Board that the alternate landscaping plan is to plant nothing new with the existing screening remaining the same. Dr. Wagner made a motion to approve the alternate landscaping plan for the Bern Township Preliminary Land Development Plan; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of the G&T Industries Escrow Release- Mr. Potts stated that Mr. Morey reviewed the request and recommended a release in the amount of \$1,500,855.00 which leaves a balance of \$478,253.00 in the account. Dr. Wagner made a motion to approve the G&T Industries Escrow Release; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of the Holiday Village Escrow Release- Mr. Potts stated that Mr. Morey reviewed the request and recommended a release in the amount of \$9,606.00 which leaves a balance of \$286,474.85 in the account. Dr. Wagner made a motion to approve the Holiday Village Escrow Release; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Time Extensions

The Penske Rental/ Leasing Facility Preliminary Land Development Plan expires April 12, 2023. Dr. Wagner moved that if an extension of time has not been granted by the applicant, prior to April 12, 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. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Code Enforcement

Mr. Pflum provided his report to the Board and gave a brief update on the 117 Marina Lane judgement.

STORMWATER MANAGEMENT

MS4 Stormwater Report

No report.

ROAD DEPARTMENT

Discussion/ Approval to Award the Road Contract- Mr. Potts stated that H&K Group is the apparent low bidder with their bid of \$766,078.99. Mr. Potts also stated that Atty. Mooney has reviewed their bid package and concurs. Mr. Potts informed the Board that he asked H&K Group to provide the additional cost if the price of liquid asphalt increases. H&K Group provided a price of \$44,420.00. Mr. Potts also informed the Board that there are sufficient funds available even though the winning bid is over his budgeted amount because the road projects have consistently come in under budget in the past and a road project wasn't done last year. Dr. Wagner made a motion to accept the H&K Group bid for the 2023 Road Project; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

SEWER/ WATER/ BERN TOWNSHIP MUNICIPAL AUTHORITY

Mrs. Reed stated a grant was received for a new pumping station.

SOLID WASTE ADVISORY COMMISSION

No report.

ADMINISTRATION

Discussion/ Approval of Alternate Zoning Hearing Board Appointment- Mr. Potts stated that Evan Jack has accepted the offer of the 3-year Alternate Zoning Hearing Board Member which actually ends at the end of 2024 because the position was vacant for part of the term. Mr. Thompson made a motion to appoint Evan Jack as the Alternate 3-year Zoning Hearing Board Member; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion of Bern Township Building Addition Project and Financing- Mr. Potts informed the Board that BTMA has approved lending the \$800,000.00 to the Township with a monthly repayment of \$5,575.00 for a 20-year term at a 6% fixed interest rate to which either party can re-negotiate. Mr. Potts stated there will be a call back provision if the BTMA should need funds to pay for a project. After discussion Dr. Wagner made a motion to approve borrowing the money for the building addition project from BTMA with a 20-year term at a 6% fixed interest rate with the addition of a clause stating that there will be a no call provision of 3-5 years; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson. ABSTAIN: Mrs. Reed. Motion carried.

Next Supervisor's meeting will be held on Tuesday, May 2, 2023 at 7:00 PM.

Mrs. Reed adjourned the meeting at 8:00 PM.

Respectfully submitted,

Diane DeJesus,
Secretary/Treasurer