

**TOWNSHIP OF BERN
BERKS COUNTY, PENNSYLVANIA**

May 2, 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.

PUBLIC COMMENT

Schuylkill River Greenway Association gave a presentation on their Schuylkill River Trail project.

CONSENT AGENDA

Mr. Thompson moved to approve the Consent Agenda, as presented, which included the minutes of the April 4, 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 May 2, 2023: General Fund: \$2,702,460.88, State Account: \$1,073,841.04, PLGIT: \$69,260.98, Certificate of Deposits: \$560,654.82, Expenses: \$67,287.72. Treasurer's Report accepted subject to audit.

PUBLIC HEARING

Mrs. Reed temporarily adjourned the meeting for a public hearing. Atty. Dietrich stated that the public hearing is to take public comment on two ordinances. The Short-Term Rental District Ordinance proposes a zoning change to Chapter 184 of the Township Code to create a definition of a short-term rental and to permit the establishment of short-term rentals in the Light Commercial, Light Industrial and Highway Commercial Zoning Districts in the Township. Atty. Dietrich stated there is proof of publication showing the ordinances were advertised in the Reading Eagle on April 7 and April 14, 2023. In addition, the Short-Term Rental Registration Ordinance creates Chapter 165 of the Township Code consisting of 16 sections to establish regulations and registration for and the means of obtaining an operating license for short-term rental occupancies in the permitted LC, LI and HC zoning districts. Mrs. Reed opened the floor for public comment.

Maria Dewald from 1054 Rick Road asked about the definition of a bedroom pertaining to square footage and if that should be stated in the ordinance. Mr. Potts stated this would be covered by the Uniform Construction Code. Mr. Pflum stated it is also covered by Township Property Maintenance Code. Dr. Wagner asked about bedrooms in preexisting structures. Mr. Pflum stated that would need to be addressed by the Township.

Ms. Dewald asked if there should be an age restriction in order to rent a unit? Atty. Dietrich stated that would be a private matter up to a property owner and government cannot discriminate.

Ms. Dewald asked if there should be restrictions in the ordinance pertaining to fireworks or events such as weddings. Mr. Potts stated the ordinance limits the occupancy load for a structure. Atty. Dietrich stated that fireworks usage can be enforced by state laws. Chief Waugh stated there are rules for fireworks whether it is a short-term rental or owner occupied property. Ms. Dewald recommended that owners provide a list of house rules for guests utilizing points from the ordinance.

Beth Burkovitch from 1076 West Leesport Road asked if the definition of the short-term rental online platforms should be listed. Atty. Dietrich stated that the ordinance could be amended if needed, but it was determined that a unit could be rented in other ways than just through a website. Mr. Potts stated that the ordinance is generic because new online platforms and agencies could be created in the future.

Ms. Burkovitch expressed concerns referring to the subleasing or subletting of units for short-term rental being prohibited if the zoning district in which the dwelling unit is located does not permit such use and asks if all other zoning districts needed to be amended to say the use is not allowed. Atty. Dietrich stated that by stating which zoning districts short-term rentals are allowed in automatically excludes all other zoning districts. Ms. Burkovitch then asked if Section 165-7A.5 should specifically include restrictions on hot tubs. Atty. Dietrich stated that since the ordinance has been advertised and this change wouldn't be a clerical change, but rather a substance correction the ordinance could be passed and amended later. Mr. Potts stated he would rather see the ordinance passed and amended later. Mr. Pflum stated hot tubs could also be addressed on the application.

Mrs. Reed closed the public hearing and reconvened the Supervisors meeting at 7:45 PM.

ORDINANCES/RESOLUTIONS

Discussion/ Approval of the Short-Term Rental Registration Ordinance- Mr. Thompson made a motion to approve the Short-Term Rental Registration Ordinance; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of the Short-Term Rental District Ordinance- Mr. Thompson made a motion to approve the Short-Term Rental District Ordinance; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of the Short-Term Rental Fee Resolution- Mr. Thompson made a motion to approve the Short-Term Rental Fee Resolution; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval to Advertise Building Debt Ordinance- Mr. Potts requested a motion to advertise the Building Debt Ordinance. Dr. Wagner made a motion to advertise the Building Debt Ordinance; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

TOWNSHIP MANAGER

Mr. Potts provided his report to the Board.

PUBLIC SAFETY & SERVICES

Fire Company

Mount Pleasant and Union provided their reports.

Greenfields- No report.

Emergency Medical Services

Northern Berks and Western Berks provided their reports.

Emergency Management

Mr. Hinkle provided his report to the Board. Mr. Hinkle also informed the Board that he spoke with the manager at the County Fields. A large gathering permit has been filled out and proof of insurance has been provided. Mr. Hinkle also developed an emergency plan for the facility.

Tony Tucci from Western Berks provided an update on their building and different incidents they provided emergency services for.

Police Department

Chief Waugh provided his report to the Board.

Discussion/ Approval to Accept PCCD Grant Award- Chief Waugh requested a motion to accept the PCCD Grant Award for \$142,990.00. This grant award will fund the purchase of body-worn and in-car cameras, desktop workstation upgrade and a server upgrade. Mr. Thompson made a motion to accept the PCCD Grant Award; 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 his report to the Board.

Planning Commission

Discussion/ Approval of the Bern Township Preliminary Land Development Plan- Mr. Potts stated that the Planning Commission recommended approval of the Bern Township Preliminary Land Development Plan subject to the April 5, 2023 SSM review letter. Mr. Thompson made a motion to approve the Bern Township Preliminary Land Development Plan subject on the April 5, 2023 SSM review letter; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of Section 154-18.A(7) Plan Scale Waiver for the Andrew Roberts Sketch Plan for Record- Mr. Potts stated that the Planning Commission recommended approval of the waiver. Dr. Wagner made a motion to approve the Section 154-1.A(7) Plan Scale Waiver for the Andrew Roberts Sketch Plan for Record; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Time Extensions

None required.

Code Enforcement

Mr. Pflum provided his report to the Board.

Discussion/ Approval to Release the Building Permit Residue to Trinity Solar- Mr. Potts stated that Trinity Solar has requested a partial refund of a building permit for a cancelled solar panel installation. The remaining building permit residue after the LTL Consultants fees were deducted is \$176.31. Dr. Wagner made a motion to release the building permit residue to Trinity Solar in the amount of \$176.31; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval to Release the Stormwater Permit Residue to 1003 Hilltop Court- Mr. Potts stated that the resident at 1003 Hilltop Court has requested a refund of their remaining stormwater permit escrow for a pole barn they did not erect. The remaining stormwater permit residue is \$202.12 after the necessary fees were deducted. Dr. Wagner made a motion to release the stormwater permit residue of \$202.12 to 1003 Hilltop Court; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

STORMWATER MANAGEMENT

MS4 Stormwater Report

No report.

Mr. Steve Tricarico was presented the “In Honor of Outstanding Community Service” award for creating a data base for the Township’s stormwater facilities. Mr. Tricarico mentioned that he is a member of the Tulpehocken Creek Watershed Association and that they are always in need of volunteers.

Discussion of a Plant Donation for the Mayo Drive Stormwater Facility- Mr. Potts stated that many years ago Mr. Charles Bernard offered to donate the plants that were waived for an Eagle Brass land development plan to the Township. Mr. Potts asked the Supervisors if he should contact Mr. Bernard to see if the offer still stands and ask for a donation for the value of the plants for the Mayo Drive Stormwater Facility. The Supervisors agreed Mr. Potts should contact Mr. Bernard.

ROAD DEPARTMENT

Mr. Potts provided his monthly report to the Board and presented a brief synopsis on the 2022-2023 Winter Season.

Discussion/ Approval to Close Fairview Drive and Seifrit Lane- Mr. Potts stated that Texas Eastern needs to perform maintenance and repairs to some pipes. They want to temporarily reduce Fairview Drive starting 5/22/23 until 6/6/23 and Seifrit Lane starting 5/17/23 until 6/6/23 to one lane for these repairs. Texas Eastern has provided a traffic plan to the Township and Mr. Mark Stabolepszy reviewed the plans and provided comments to Texas Eastern. Dr. Wagner made a motion to allow the temporary road closings on Fairview Drive and Seifrit Lane; Mr. Thompson seconded. Mr. Tobias asked if the school buses would still be able to get through and Mr. Potts stated they will be able to pass through. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

SEWER/ WATER/ BERN TOWNSHIP MUNICIPAL AUTHORITY

Mrs. Reed stated there was nothing new to report.

Discussion/ Approval of Sewage Enforcement Officer Transition- Mr. Potts stated that due to the Township’s current SEO starting to cease operations, a temporary SEO will need to be approved to start 6/1/23 and a permanent SEO will need to be approved to start 8/1/23. Mr. Potts stated that LTL Consultants has put in an offer. He also informed the Board that Berks Envirotech has sent a letter requiring payment of fees in order to get back the Township records. Atty. Dietrich will be checking to see if they can do that. The Supervisors expressed the need to obtain quotes before approving a permanent SEO. Mr. Thompson made a motion to approve LTL Consultants as the Bern Township temporary SEO starting 6/1/23 and for quotes to be

obtained for the permanent SEO position starting 8/1/23. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

SOLID WASTE ADVISORY COMMISSION

No report.

Discussion/ Approval of License Agreement for Leaf Waste Composting with Tulpehocken Nursery- Mr. Potts stated that Barley Snyder has prepared the agreement and the Mineharts have reviewed and accepted the agreement. Dr. Wagner made a motion to approve the license agreement for leaf waste composting with Tulpehocken Nursery; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion of Assessing Penalties for Delayed Recycling Collection on 4/27/23- Mr. Potts informed the Board that the Township received an email from A.J. Blosenski on 4/27/23 that collection would not be taking place that day as contracted. An email was sent inquiring why the collection was being delayed with a reminder that per the contract a \$1000.00 penalty for not collecting on the scheduled day and a \$50.00 penalty for not providing a 24-hour notice was a possibility. A.J. Blosenski informed the Township there was a medical emergency that left them without a driver for the route. The Supervisors decided against imposing penalties at this time and suggested a letter be sent that the hauler will be fined if it occurs again.

ADMINISTRATION

Discussion/ Approval of Teamsters Health Care Renewal Rates- Mr. Potts stated that there is approximately a 3% increase for the Teamsters health care renewal rate. Dr. Wagner made a motion to approve the Teamster health care renewal rate; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of Tax Relief Request from 1012 Hilltop Court- Mr. Potts state the Township received a letter from the resident at 1012 Hilltop Court requesting tax relief for a delinquent notice they received for interim taxes. The resident stated they did not realize their mortgage company didn't pay it. The Supervisors did not take action.

Discussion of CD Maturing on May 28, 2023- Mr. Potts stated that the \$535,000.00 CD will mature on 5/28/23 and requested a motion to approve obtaining rates and to select the best rate. Mr. Thompson made a motion to obtain rates and seek approval after selecting the best rate; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion of Bern Township Building Project Construction Timing- Mr. Potts stated that since the Board approved advertising the Building Addition Debt Ordinance it will be on the June agenda for their approval. The document will then be sent to DCED for their review. The availability of documents for prospective bidders will be advertised 7/6, 7/10 and 7/17/23. A pre-bid meeting will take place on 7/20/23 at 9:00 AM and the building will be available for bidders to inspect after the meeting as well as on 7/21/23 between 1:00 PM and 3:30 PM. Mr. Potts went

on to say that all bids must be in by 1:30 PM on 7/25/23 with the public opening immediately to follow. The Supervisors will be able to award the winning contractor at the meeting on 8/1/23 and letters of intent to the successful bidder can be sent on 8/2/23. The week of 8/21/23 notice to proceed can be issued and start submittals if all bonds and proper paperwork has been received. A preconstruction meeting will take place in Fall 2023 and work will commence in March 2024 with completion expected in September or October 2024.

Next Supervisor's meeting will be held on Tuesday, June 6, 2023 at 7:00 PM.

EXECUTIVE SESSION

Mrs. Reed adjourned the meeting at 8:27 PM for an executive session to discuss personnel and litigation issues. No action will be taken on the issues.

Respectfully submitted,

Diane DeJesus,
Secretary/Treasurer