

**TOWNSHIP OF BERN  
BERKS COUNTY, PENNSYLVANIA**

July 3, 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  
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**

Mr. Thompson moved to approve the Consent Agenda, as presented, which included the minutes of the June 6, 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 July 3, 2023: General Fund: \$3,067,347.47, State Account: \$1,082,522.77, PLGIT: \$69,594.24, Certificate of Deposits: \$568,756.38, Expenses: \$98,083.81. Treasurer's Report accepted subject to audit.

**PUBLIC COMMENT**

John Goodman asked the Board to provide an update about what was being done about the Greenfields Fire Company issues. Mr. Potts and Mrs. Reed stated that it is actively being worked on.

Stephanie Schreiber, President of the Schuylkill Valley Community Library Board of Trustees, thanked the Township for their funding and provided a brief update on the library.

## **ORDINANCES/RESOLUTIONS**

**Discussion/ Approval of the Fire Assignment Card Resolution-** Dr. Wagner made a motion to approve the Fire Assignment Card Resolution; 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**

Western Berks provided their report.

### **Emergency Management**

Mr. Hinkle provided his report to the Board.

### **Police Department**

Chief Forry provided his report to the Board.

**Discussion/ Approval to Assign Fire Police to the National Night Out Event on August 1, 2023-** Dr. Wagner made a motion to assign fire police to the National Night Out Event on August 1, 2023; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of Side Letter of Agreement with Police Association to Create Detective Position-** Mr. Potts stated that the agreement creates the position of Detective for the BTPD with a 2% pay increase. Atty. Mooney stated that he has a minor detail to change per Chief Forry. Dr. Wagner made a motion to approve the Side Letter of Agreement with the Police Association to create the detective position; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval to Promote Patrol Officer to Detective Position-** Mr. Potts stated one application was received, which was from Officer Joshua Santos. Mr. Thompson made a motion to promote Patrol Officer Joshua Santos to the Detective Position; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of Investigation Information Release Policy-**Mr. Potts stated that the law has changed and this revision will comply with the law. The revision will allow a crime victim, a defendant in a civil action where a crime victim is party, or a legal representative in an actual or potential civil action to request police investigative reports. Mr. Thompson made a

motion to approve the Investigation Information Release Policy; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval to Release Patrol officer from Probation-** Mr. Potts stated that Patrolman Brett Boyer was hired on June 27, 2022, has completed his probationary period and Chief Forry recommends releasing Patrolman Brett Boyer from probationary status. Dr. Wagner made a motion to approve releasing Patrolman Brett Boyer from probationary status; Mr. Tobias seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of the Memorandum of Understanding with the Schuylkill Valley School District-** Mr. Potts stated that this MOU establishes the policies and procedures to be followed in certain incidences by setting parameters for the police department and school district. Atty. Mooney stated this is an update of the current MOU. Mr. Hinkle asked about the County taking over the immigration facility and the possibility of Schuylkill Valley providing education at the facility. Atty. Mooney stated that the MOU is inclusive and covers all school facilities regardless of what type of facility. Dr. Wagner made a motion to approve the Memorandum of Understanding with the Schuylkill Valley School District; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval to Accept Bids for Police Unit 54-10-** Dr. Wagner made a motion to accept the \$8,400.00 winning bid from the Butler County Fire Police Association for the old Special Services Unit 54-10 on Municibid; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval to Sell 2017 Charger Police Patrol Car 54-1-** Dr. Wagner made a motion to sell the 2017 Charger Police Patrol Car 54-1 on Municibid; 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 his report to the Board.

### **Planning Commission**

**Discussion/ Approval of Section 154-30.I(2) Impact Study Waiver for the S&L Mechanical Land Development Plan-** Mr. Potts stated that the Planning Commission recommended approval of the waiver. Dr. Wagner made a motion to approve Section 154-30.I(2) Impact Study Waiver for the S&L Mechanical Land Development Plan; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of Section 149-22.C.(2) Utility Trench Backfill Waiver for the S&L Mechanical Land Development Plan-** Mr. Potts stated that the Planning Commission recommended approval of the waiver. Dr. Wagner made a motion to approve Section 149-22.C.(2) Utility Trench Backfill Waiver for the S&L Mechanical Land Development Plan; Mr.

Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of the S&L Mechanical Preliminary Land Development Plan-** Mr. Potts stated that the Planning Commission recommended approval of the S&L Mechanical Preliminary Land Development Plan subject to the June 8, 2023 SSM review letter. Also, a note must be placed on the plan stating that an additional Traffic Impact Fee will be paid and a study or count will be provided to SSM when a tenant is secured for the second half of the building. Dr. Wagner made a motion to approve the S&L Mechanical Preliminary Land Development Plan subject to the June 8, 2023 SSM review letter and the note placed on the plan; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of the Penske District Service Facility Preliminary Land Development Plan-** Mr. Potts stated that the Planning Commission recommended approval of the Penske District Service Facility Preliminary Land Development Plan subject to the June 12, 2023 SSM review letter. Dr. Wagner made a motion to approve the Penske District Services Facility Preliminary Land Development Plan subject to the June 12, 2023 SSM review letter; Mr. Thompson seconded. Mr. Tobias stated he is against the plan due to truck traffic, noise/ light pollution and the driveway location. Mr. Thompson asked if these concerns were raised previously. Atty. Mooney stated these concerns were never brought up at a Planning Commission Meeting. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. NO: Mr. Tobias. Motion carried.

**Discussion/ Approval of Section 149-22.A(4)(c) Detention Basin Bottom Slope Waiver for the Garage Strength Sports Land Development Plan-** Mr. Potts stated that the Planning Commission recommended the waiver. Dr. Wagner made a motion to approve Section 149-22.A(4)(c) Detention Basin Bottom Slope Waiver for the Garage Strength Sports Land Development Plan; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of Section 154-32.D Sidewalk Waiver for the Garage Strength Sports Land Development Plan-** Mr. Potts stated that the Planning Commission recommended the waiver. Dr. Wagner made a motion to approve Section 154-32.D Sidewalk Waiver for the Garage Strength Sports Land Development Plan; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval to Close Penske Leisz's Bridge Road Escrow Account & Transfer Assets to Stinson Drive Escrow Account-**Mr. Potts stated Penske has requested the funds from the Penske Body Shop at Leisz's Bridge Road land development escrow account be transferred to the Penske Body Shop at Stinson Drive land development escrow account because Penske is not pursuing the project at the Leisz's Bridge Road location. Dr. Wagner made a motion to transfer the escrow from the Penske Leisz's Bridge Road escrow account to the Penske Stinson Drive account closing the Penske Leisz's Bridge Road escrow account; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson and Mrs. Reed. NO: Mr. Tobias. Motion carried.

**Discussion/ Approval of the Lords & Ladies Municipal Improvement Agreement-** Mr. Potts stated that Mr. Morey did an analysis and Atty. Mooney has prepared the Lords & Ladies Municipal Improvement Agreement in connection with their land development plan. The amount is \$574,618.00. Dr. Wagner made a motion to approve the Lords & Ladies Municipal Improvement Agreement; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of the Building H Municipal Improvement Agreement-** Mr. Potts stated that Mr. Morey did an analysis and Atty. Mooney has prepared the Building H Municipal Improvement Agreement in connection with their land development plan. The amount is \$2,362,030.00. Dr. Wagner made a motion to approve the Building H Improvement Agreement; 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 Refund Zoning Application Fee to Penske Truck Leasing-**Mr. Potts stated that the refund is for the overpayment of the application fee versus the amount of the actual permit. The refund amount is \$10.00. Dr. Wagner made a motion to approve the refund to Penske Truck Leasing in the amount of \$10.00; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

## **STORMWATER MANAGEMENT**

### **MS4 Stormwater Report**

No report.

## **ROAD DEPARTMENT**

**Discussion/ Approval to Accept Road Department Resignation-** Mr. Potts stated Kevin Cogan resigned from the Road Crew effective June 26, 2023. Mr. Thompson made a motion to accept Kevin Cogan's resignation; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval to Award Weed Spraying Proposal-** Mr. Potts stated that the lowest weed spraying proposal is from Swavely's Lawn and Turf in the amount of \$4,000.00. The amount will include two sprayings. Dr. Wagner made a motion to accept the \$4,000.00 weed spraying proposal from Swavely's Lawn and Turf; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

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

No report.

**Discussion/ Approval to Accept Proposal for Sewage Enforcement Officer-** Mr. Potts and Mrs. DeJesus have met with Systems Design Engineering and have found them to operate similar to Berks Envirotech. Mr. Potts recommended approving Systems Design Engineering for Township Sewage Enforcement Officer. Dr. Wagner made a motion to accept the proposal from Systems Design engineering for Township Sewage Enforcement Officer; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

## **SOLID WASTE ADVISORY COMMISSION**

No report.

Mr. Potts stated the grant has been awarded for the fence and resident access card program for the leaf and yard waste site in the amount of \$311,057.00, which is more than the anticipated amount. Mr. Potts will inquire about the difference in the grant amount and have the Board ratify accepting the grant funds if necessary.

## **ADMINISTRATION**

**Discussion/ Approval to Accept Planning Commission Member Resignation-** Mr. Potts stated Mr. Glenn Sweigert has resigned from the Planning Commission effective July 11, 2023. Mr. Thompson made a motion to accept Mr. Sweigert' s resignation; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried. Mr. Potts will send a thank you letter.

**Discussion/ Approval of Civil Engineering Cost Addition for Building Project-** Mr. Potts stated there is an additional \$1,700.00 civil engineering cost for the building addition project for work requested. Dr. Wagner made a motion to approve the \$1,700.00 additional civil engineering costs for the building addition; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Mrs. Reed temporarily adjourned the meeting at 7:40 PM for an executive session.

## **EXECUTIVE SESSION**

Mrs. Reed reconvened the meeting at 8:31 PM.

**Discussion/ Approval of Benefit Pay for Resigned Road Crew Member-** Atty. Mooney asked if there is a motion to make a payment to the resigned road crew member for his military service upon the execution of the appropriate agreements between the Township and said road crew member. Dr. Wagner made a motion to approve the military benefit pay for the resigned road crew member upon execution of the appropriate agreements; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Next Supervisor's meeting will be held on Tuesday August 1, 2023 at 7:00 PM.**

**ADJOURNMENT**

Mrs. Reed adjourned the meeting at 8:32 PM.

Respectfully submitted,

Diane DeJesus,  
Secretary/Treasurer