

**TOWNSHIP OF BERN
BERKS COUNTY, PENNSYLVANIA**

October 4, 2022

SUPERVISORS MEETING

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

STAFF PRESENT: Brian Potts, Township Manager
Diane DeJesus, Secretary/Treasurer
Brett Forry, Det. Sgt.
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 and stated that an executive session was held last week to discuss litigation and personnel matters.

CONSENT AGENDA

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

FINANCE REPORT

Balances as of October 4, 2022: General Fund: \$2,214,427.32, State Account: \$761,464.00, PLGIT: \$67,430.91, Certificate of Deposits: \$560,645.82, Expenses: \$600,876.82. Treasurer's Report accepted subject to audit.

PUBLIC COMMENT

None.

TOWNSHIP MANAGER

Mr. Potts provided his report to the Board and informed them that the newsletter is at the printers. Mr. Potts also stated that the Bern Township Reading Behavioral Health Commission will be participating in the Reading Behavioral Health Trunk or Treat Night on October 20, 2022 and a Bern Township banner with a cost of \$30.00 has been purchased for the event and future events. Mr. Potts also informed the Board that a copy of the feasibility study for the Schuylkill River Trail has been received and the majority of the trail is on the Bern Township side coming across the river from Muhlenberg where the old Leisch's Bridge was and connecting to the portion of trail installed in 2012.

PUBLIC SAFETY & SERVICES

Fire Company

Mount Pleasant provided their report.

Greenfields- A report was received.

Swearing in of Fire Police- Chad Roeder- Mrs. Reed swore in Chad Roeder, fire police for Greenfield's Fire Company.

Discussion/ Approval to Assign Fire Police to the King Frost Parade- Dr. Wagner made a motion to approve fire police for the King Frost Parade on October 29, 2022; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Emergency Medical Services

Western Berks provided their report and Mr. Hinkle stated that they are having an open house on Thursday October 27, 2022 at 2 PM.

Emergency Management

Mr. Hinkle provided his report to the Board.

Police Department

Det. Sgt. Forry provided Chief Waugh's report to the Board.

Ratification of Police Officer Training-- Det. Sgt. Forry informed the Board that Officer Vincent Mazza did attend training and requested a motion to ratify the officer training. Mr. Thompson made a motion to ratify the police officer training for Officer Mazza; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Ratification of Grant Application- Det. Sgt. Forry stated that the grant application has been submitted to PCCD and requested a motion for ratification of the grant application. Mr. Thompson made a motion to ratify the grant application to PCCD; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Det. Sgt. Forry also informed the Board that he will be at WAWA for Coffee with a Cop on October 5, 2022 from 7:30 AM- 9:30 AM.

PLANNING/ZONING/CODE ENFORCEMENT

Engineer - Mr. Morey provided his report to the Board and stated that he will be investigating a stormwater complaint on Seidel's Run.

Planning Commission

Discussion/Approval of the Leisz's Bridge Road 2 Lot Subdivision Final Plan- Mr. Potts stated that Mr. Gregg Bogia is in attendance for any questions. Mr. Potts also stated that the Planning Commission recommended conditional approval of the plan subject to the September 9, 2022 SSM review letter. Dr. Wagner made a motion to approve the Leisz's Bridge Road 2 Lot Subdivision Final Plan subject to September 9, 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 154-20.D(3) Plan Scale Waiver for UGI Data Center Land Development Plan- Mr. Potts stated that the engineers from ELA Group were present to answer any questions. Mr. Potts informed the Board that the waiver request pertains to the plan that shows the utility lines. Dr. Wagner made a motion to approve the Section 154-20.D(3) Plan Scale Waiver for UGI Data Center Land Development Plan; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of the UGI Data Center Land Development Final Plan- Mr. Potts stated that the Township has received the estimate of new trips generated by the development and the Planning Commission recommended approving the UGI Data Center Land Development Preliminary Plan contingent on the SSM September 9, 2022 review letter. Dr. Wagner made a motion to approve the UGI Data Center Land Development Final Plan subject to September, 2022 SSM review letter; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of Wagner Subdivision Final Plan-Mr. Potts stated that the Planning Commission recommended approval of the Wagner Subdivision Final Plan subject to the September 19, 2022 SSM review letter. Mr. Thompson made a motion to approve the Wagner Subdivision Final Plan subject to the September 19, 2022 SSM review letter; Mr. Eveland seconded. YES: Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. ABSTAIN: Dr. Wagner. Motion carried.

Time Extensions

Mr. Potts stated that an extension until February 5, 2023 has been received for the Lords & Ladies Land Development Plan.

Code Enforcement

Mr. Pflum provided his report to the Board.

STORMWATER MANAGEMENT

MS4 Stormwater Report

Mr. Potts stated that the annual report has been sent to DEP and was on time.

Discussion/ Approval of Mayo Drive Easement- Mr. Potts stated this is for the last stormwater project on Mayo Drive where several trees will be cut down and three rain gardens connected by stone check dams as well as concrete curbing will be installed. Mr. Potts also stated that the two homeowners asked for funds in return for granting the easement to the Township and proposed \$500.00 be paid to each of them. Dr. Wagner asked why this was being done and Mr. Morey stated that it is part of the pollution reduction plan for MS4. Mrs. Reed asked Mr. Morey if this \$500.00 is a reasonable fee and Mr. Morey stated yes. Mr. Thompson asked if the homeowners understood what they can and cannot do with regards to the easement and Mr. Potts stated yes. Mr. Eveland asked if the Township has done this before and Mr. Potts stated that the resident for the second facility easement requested \$2,000.00. Dr. Wagner made a motion to approve the Mayo Drive Easement; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed.

ROAD DEPARTMENT

Mr. Potts stated it has been discussed that the road crew will work 6:30 AM to 2:30 AM until the clocks change and then the shift will be 7:00 AM to 3:00 AM until the clocks change again.

Mr. Potts informed the Board that he has sent the letter to PennDOT requesting a traffic study at West Leesport Road and Route 183.

Mr. Potts also informed the Board that the Washington Road Project is complete and the punch list has been sent to the Berks County Conservation District for review.

Discussion/ Approval to Accept Bids for 2001 Utility Truck- Mr. Potts informed the Board that the winning bid on Municibid was made by Keith Salone in the amount of \$7, 501.00. Dr. Wagner made a motion to accept the bid of \$7,501.00 from Keith Salone for the 2001 utility truck; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed.

Discussion/ Approval to Accept Bids for 2004 Utility Truck- Mr. Potts informed the Board that the winning bid on Municibid was made by Nicolson Township in the amount of \$14, 500.00. Dr. Wagner made a motion to accept the bid of \$14,500.00 from Nicolson Township for the 2004 utility truck; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed.

SEWER/ WATER/ BERN TOWNSHIP MUNICIPAL AUTHORITY

No report.

SOLID WASTE ADVISORY COMMISSION

Discussion/ Approval to Submit DEP Equipment Grant- Mr. Potts informed the Board that the DEP Equipment Grant Application is almost complete and if the grant is given to the Township the ARP Funds used to purchase the loader will be rescinded and the loader will go on the DEP Grant. Mr. Potts stated that he did check with Atty. Mooney that the ARP Funds could be rescinded for this purpose. Mr. Potts stated that larger equipment will be needed to manage the changes to the Township yard waste facility and went over the concepts for the Board. Mr. Potts also stated that hopefully the changes will cut down on cost associated from contractors utilizing the facility as well as illegal dumping. Dr. Wagner made a motion to authorize Mr. Potts to submit the DEP Equipment Grant; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

ADMINISTRATION

Discussion/ Approval of Trick or Treat Night- Mr. Thompson made a motion to approve Trick or Treat Night on October 31, 2022 from 5:00 PM to 8:30 PM; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval to Accept Alternate Planning Member Resignation- Mr. Potts stated that Craig Priebe has resigned from the Planning Commission. Mr. Thompson made a motion to accept the resignation; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried. Mr. Potts stated he will send a thank you letter.

Discussion/ Approval to Sign PA Chief of Police Association Agreement- Mr. Potts stated that the Board will need to establish the criteria for education and experience for qualifications to apply for the position. Dr. Wagner made a motion to approve signing the PA Chief of Police Association Agreement; Mr. Thompson seconded. Mr. Thompson asked if they will look at previous specifications from last hire and Mr. Potts stated yes for conversation purposes.

Discussion of Police Association Grievance- Mr. Potts recommended that the Board consider awarding the five days of holiday pay and deny all other matters raised in the grievance. Dr. Wagner made a motion to award the five days of holiday pay and deny all other matters raised in the Police Association Grievance; 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. Potts stated that a zoning variance has been applied for to establish a short-term rental on Rick Road. Mr. Potts also informed the Board that a Supreme Court ruling states that short-term rentals do not fit in residential zoning districts because the short-term renters are not stakeholders in the community like long-term renters and owners are. Dr. Wagner asked what constitutes a short-term rental and Atty. Mooney described it is an Airbnb or hotel. Atty. Mooney also stated that the property has already been advertised and rented out as an Airbnb without proper zoning and there have been complaints in the neighborhood about loud groups. Mr. Pflum stated that the police have responded on multiple occasions. Mr. Potts recommended the Supervisors send the solicitor to the zoning hearing on November 3, 2022. Dr. Wagner made a motion to send the solicitor to the

zoning hearing on November 3, 2022; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion/ Approval of CD Reinvestment- Mr. Potts stated the small CD worth approximately \$25,500.00 matured the last week of September and VIST Bank offered the best rate at 2.9% for a one-year term. Dr. Wagner made a motion to approve the CD reinvestment with VIST Bank; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Discussion of Budget Workshop Meetings- The Supervisors decided to meet on October 21, 2022 at 6:30 PM to discuss the budget.

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

Mrs. Reed adjourned the meeting at 7:30 PM.

Respectfully submitted,

Diane DeJesus,
Secretary/Treasurer