

**TOWNSHIP OF BERN  
BERKS COUNTY, PENNSYLVANIA**

October 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  
Brett Forry, Chief of Police  
Timothy Dietrich, Esquire  
Kent Morey, Engineer  
Bradley Pflum, Code Enforcement

**CALL TO ORDER-PLEDGE OF ALLEGIANCE**

Mrs. Reed called the meeting to order at 7:00 p.m. and stated an executive session to discuss a personnel matter was held prior to the meeting.

**CONSENT AGENDA**

Dr. Wagner moved to approve the Consent Agenda, as presented, which included the minutes of the September 5, 2023 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 3, 2023: General Fund: \$2,568,789.82, State Account: \$295,648.74, PLGIT: \$70,531.85, Certificate of Deposits: \$568,756.38, Expenses: \$610,520.68. Treasurer's Report accepted subject to audit.

## **PUBLIC COMMENT**

Mr. Steve Tricarico, Bern Township resident and member of the Tulpehocken Creek Watershed Association (TCWA) presented a film on Harmful Algae Bloom (HAB) and asked the Supervisors to let him know if they would like to see the remaining four videos and provide further updates on the subject.

## **ORDINANCES/ RESOLUTIONS**

**Discussion/ Approval of Blue Marsh Emergency Management Agency Resolution-** Mr. Potts stated this is the Supervisors' endorsement of the agreement between Bern Township, Jefferson Township, Bernville Borough, and North Heidelberg to join the Blue Marsh EMA. Dr. Wagner made a motion to approve the Blue Marsh Management Agency Resolution; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/ Approval to Sign Inter-Municipal Agreement for Blue Marsh Emergency Management Agency-** Mr. Potts stated this is the agreement to be part of the EMA Group. Dr. Wagner made a motion to sign the Inter-Municipal Agreement for the Blue Marsh Emergency Management Agency; 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 and informed them that a resident reached out to the Township because he was in need of a kidney donor. The resident asked if the Township could put an ad in the next Township newsletter that would include his name. Mr. Potts asked the Supervisors if this is something they would like to do or if they would rather see a generic ad on how a potential donor can reach out to the Township for information on how to donate. Since the next newsletter does not go out until February the Supervisors have time to consider this. Atty. Dietrich stated if the Township decides to publicize the private medical information in the newsletter the resident should sign a consent agreement.

The BCIDA director has contacted the Township to see if the road crew can cut weeds on the north side of Aviation Road, sweep the road and weed spray the guide rails as a maintenance program in exchange for payment. Mr. Potts stated he feels that the road crew is too short-staffed and that the subject should be revisited in the spring. Mr. Thompson and Ms. Reed suggested providing the director with some business names for the weed spraying.

Lastly, Mr. Potts informed the Board that the small CD matures on October 11, 2023, and he will have a committee obtain rates for ratification at the November Supervisors' Meeting.

## **PUBLIC SAFETY & SERVICES**

### **Fire Company**

Mount Pleasant, Union, and Greenfields provided their reports.

## **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 any residents who experienced damage from the July 9, 2023 flooding can reach out to the Small Business Association (SBA) since FEMA isn't providing any assistance. The SBA is providing loans for residents at a 2% interest rate and a 7% interest rate for businesses.

## **Police Department**

Chief Forry provided his report to the Board and updated them on a grant received from the Wyncote Foundation. This will be used in purchasing Tasers.

**Discussion/ Approval to Assign Fire Police to Reading Airport Aviation Festival on October 21, 2023-** This is only if needed. Mr. Thompson made a motion to assign fire police to the Reading Airport Aviation Festival on October 21, 2023; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/ Approval to Hire Police Officer-** Chief Forry requested a motion to approve a conditional employment offer to Officer Hector Santiago as Patrolman Class I with a 12-month probationary period. Dr. Wagner made a motion to conditionally hire Officer Hector Santiago as Patrolman Class I with a 12-month probation period; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/ Approval to Recycle Old PowerEdge T300 Server-** Chief Forry requested to recycle the old PowerEdge T300 computer server. Mr. Thompson made a motion to approve recycling the old PowerEdge T300 computer server; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/ Approval to Purchase Computer Server-** Chief Forry requested a motion to approve utilizing PCCD Grant monies to purchase a new computer server. Mr. Thompson made a motion to purchase the new computer server; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/ Approval to Purchase Desktop Computers-** Chief Forry requested a motion to approve utilizing PCCD Grant monies to purchase new desktop computers for the police department. Mr. Thompson made a motion to approve the purchase of new desktop computers for the police department; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/ Approval of 2023 Trick or Treat Night-** Chief Forry requested a motion to approve the 2023 Trick or Treat Night on October 31, 2023, from 6:00 p.m. until 10:00 p.m. Mr. Thompson made a motion to approve the 2023 Trick or Treat Night; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/ Approval to Send Police Officer to Active Shooter Instructor Certification Training-** Chief Forry requested a motion to approve sending Officer Michael Archutowski to Active Shooter Instructor Certification Training. There is no charge. Dr. Wagner made a motion to approve sending Officer Michael Archutowski to Active Shooter Instructor Certification Training; 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 the Berkshire Country Club Land Development Waiver Request-** Mr. Potts stated the Planning Commission recommended approval of the waiver because there is no new impervious surface being created. Dr. Wagner made a motion to approve the Berkshire Country Club Land Development waiver request; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/ Approval of the Penske District Services Facility Final Land Development Plan-** Mr. Potts stated the Planning Commission recommended approval of the plan subject to the September 7, 2023 SSM review letter. Dr. Wagner made a motion to approve the Penske District Services Facility Final Land Development Plan subject to the September 7, 2023, SSM review letter; Mr. Thompson seconded. Mr. Tobias asked if there have been any changes made to the plan in reference to the driveway location. Mr. Aristides Otero from Stackhouse and Bensinger stated no changes to the driveway location have been made. Mr. Tobias stated he is still concerned about the proximity of the driveway to the residential property next to the site. YES: Dr. Wagner, Mr. Eveland, Mr. Thompson, and Mrs. Reed. NO: Mr. Tobias. Motion carried. Mr. Otero asked about the possibility of changes to the landscape screening. Atty. Dietrich stated the Supervisors approved the plan contingent on the September 7, 2023 review letter.

**Discussion/ Approval of Section 154-32. I (4) Monument Waiver for Salamone Subdivision Plan-** Mr. Potts stated the Planning Commission recommended approval of the monument waiver because the monument would need to be placed in a tree. Mr. Thompson asked what would happen if the tree fell down. Mr. Morey stated the location is pinpointed online. Dr. Wagner made a motion to approve the Section 154-32. I (4) Monument Waiver for the Salamone Subdivision Plan; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/ Approval of the Salamone Sketch Plan for Record-** Mr. Potts stated the Planning Commission recommended approval of the plan subject to the September 8, 2023 SSM review letter. Dr. Wagner made a motion to approve the Salamone Sketch Plan for Record subject to the September 8, 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 Enersys Stormwater Agreement for a Solar Panel Project-** Mr. Potts stated that Atty. Mooney has prepared the Enersys Stormwater Agreement and Mr. Morey has reviewed the plan and recommends approval of the plan subject to the September 29, 2023, SSM review letter. There will be an escrow for the project in the amount of \$136, 708.00. Dr. Wagner made a motion to approve the Enersys Solar Panel Project Stormwater Agreement contingent on the September 30, 2023, SSM review letter; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

### **Time Extensions**

None.

### **Code Enforcement**

Mr. Pflum submitted his report to the Board.

## **STORMWATER MANAGEMENT**

### **MS4 Stormwater Report**

Mr. Potts stated the annual report is finished and has been submitted to DEP.

Mr. Potts also informed the Board about a situation where a resident is refusing to pay a stormwater bill pertaining to the construction of a new home. The homeowner did not establish a yard by planting grass seed and there is significant runoff onto a neighboring property, causing the owner to complain. Mr. Tobias questioned how the project got to that point and Mr. Thompson wanted to know why the Berks County Conservation District hasn't gotten involved. Dr. Wagner expressed concerns because it was a neighbor complaining and not something the landowner asked for. Mr. Potts feels that the bill is justified because the homeowner never completed the project. Atty. Dietrich asked if the problem had been rectified. Mr. Morey was not sure. Mrs. Reed stated the subject should be tabled in order to see if the owner has established a lawn.

## **ROAD DEPARTMENT**

Mr. Potts provided his report to the Board.

**Discussion/ Approval to Accept Bid for 1981 Miller Trailer-** Mr. Potts stated no bids were made so he will relist it at a lower \$1,000.00 minimum bid on Municibid.

**Discussion/ Approval to Ratify Settlement Agreement with the Teamsters Union-** Mr. Potts stated that Atty. Mooney prepared the agreement for a personnel issue. Dr. Wagner made a motion to ratify the settlement agreement with the Teamsters Union; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/ Approval to Ratify the Holding for a New Backhoe-** Mr. Potts requested a motion to ratify the holding for the purchase of a new backhoe. The vendor required a signed quote to place the backhoe on hold for the Township. Mr. Thompson made a motion to ratify the holding

of the backhoe; Dr. Wagner seconded. 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 to report.

### **SOLID WASTE ADVISORY COMMISSION**

Mr. Thompson stated there was nothing to report.

**Discussion/ Approval to Ratify Change in Scope of Work on DEP Recycling Equipment Grant-** Mr. Potts requested a motion to ratify a change made to the scope of work utilizing monies from the DEP Recycling Equipment Grant. The DEP grant requires a 50% reimbursement for the sale of the 2008 backhoe previously purchased with a DEP grant against the purchase of the loader. This would put the Township in a position of having to sell the backhoe in order to pay back the ARP funds for the loader and have those funds available to buy the new backhoe. A request was sent to DEP asking to reword the credit of the backhoe to the cost of the grapple bucket, which will be purchased later. Mr. Thompson made a motion to ratify the letter of mutual consent for the change in the scope of work; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

### **ADMINISTRATION**

**Discussion/ Approval of 2024 Animal Rescue League Agreement-** Mr. Potts informed the Board that the ARL is doubling their service costs for 2024. The 2024 agreement will cost \$13,515.00 A discussion was held on alternatives. Mr. Thompson made a motion to approve the 2024 Animal Rescue League Agreement; Mr. Tobias seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/Approval to Ratify Requests for Audit Services Proposals-** Mr. Potts informed the Board that the Township's current audit service contact is retiring and that he recommended the Township go out for bids for audit services. Mr. Potts sent letters to six Certified Public Accountants requesting proposals for the next three years of audits. Mr. Thompson made a motion to ratify the letters sent requesting audit proposals; Mr. Tobias seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/ Approval to Accept Zoning Hearing Board Member Resignation-** Mr. Potts informed the Board that Mr. Todd Cameron is moving out of the Township and therefore needs to resign from the Zoning Hearing Board. Mr. Thompson made a motion to approve Mr. Cameron'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 and reach out to the alternate.

Mrs. Reed temporarily adjourned the meeting at 8:00 p.m. for an executive session.

### **EXECUTIVE SESSION**

Mrs. Reed reconvened the meeting at 9:10 p.m.

**Discussion/ Approval to Hire HR Consultant for Staffing Needs-** Mr. Thompson made a motion to authorize Mr. Potts to hire an HR Consultant with a total cost of \$1,600.00; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**The Next Supervisor's meeting will be held on Monday, November 6, 2023 at 7:00 p.m.**

**ADJOURNMENT**

Mrs. Reed made a motion to adjourn the meeting at 9:11 p.m. Seconded by Mr. Thompson.

Respectfully submitted,

Diane DeJesus,  
Secretary/Treasurer