

**TOWNSHIP OF BERN  
BERKS COUNTY, PENNSYLVANIA**

July 5, 2022

**SUPERVISORS MEETING**

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

**STAFF PRESENT:** Brian Potts, Township Manager  
Diane DeJesus, Secretary/Treasurer  
Wesley Waugh, Chief of Police  
Timothy Dietrich, Esquire  
Daryl Jenkins, Engineer  
Bradley Pflum, Codes Enforcement

**CALL TO ORDER-PLEDGE OF ALLEGIANCE**

Mrs. Reed called the meeting to order at 7:00 PM.

**PUBLIC COMMENT**

**CONSENT AGENDA**

Dr. Wagner moved to approve the Consent Agenda, as presented, which included the minutes of the June 7, 2022 Supervisors Meeting and to accept the finance report, subject to audit and approve payment of bills on the list, seconded by Mr. Tobias. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**FINANCE REPORT**

Balances as of July 5, 2022: General Fund: \$2,874,020.04, State Account: \$761,242.90, PLGIT: \$67,146.48, Certificate of Deposits: \$560,486.74, Expenses: \$56,855.26. Treasurer's Report accepted subject to audit.

## **PUBLIC HEARING**

Mrs. Reed temporarily adjourned the meeting at 7:01 PM to hold a public hearing for the Solar Electric Energy System Amendment Ordinance. Atty. Dietrich stated that the ordinance has been properly advertised and publically summarized. Atty. Dietrich stated that the amendment is to rearrange the solar electric requirements in the zoning ordinance. Mrs. Reed opened the floor for public comments to which there were none and reconvened the meeting at 7:03 PM.

## **ORDINANCES/ RESOLUTIONS**

**Discussion/ Approval of the Solar Electric Energy System Amendment Ordinance-**Dr. Wagner made a motion to approve the Solar Electric Energy System Amendment Ordinance; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of the North Tulpehocken Road Yield Sign Ordinance-** Dr. Wagner made a motion to approve the North Tulpehocken Road Yield Sign Ordinance; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

## **TOWNSHIP MANAGER**

Mr. Potts provided his report to the Board and asked the Supervisors to check their schedules on August 22<sup>nd</sup> and 23<sup>rd</sup> for an executive session to discuss potential litigation matters with the fire company.

Mr. Potts also informed the Board he and Mr. Pflum are meeting with the Big Show Sports director and the County Parks director on July 12<sup>th</sup> at 9:00 PM to walk the property and discuss the light issue at the County fields.

Mr. Potts also stated that the roundabout issue with RAWA and Warful Construction at Route 183 and the Reading Behavioral Health is being worked on and went over the issues.

## **PUBLIC SAFETY & SERVICES**

### **Fire Company**

Mount Pleasant provided their report.

### **Emergency Medical Services**

Northern Berks and 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 Ratify Police Officer Hiring Date-** Chief Waugh requested a motion to ratify the starting date of June 27, 2022 for Officer Brett Boyer. Dr. Wagner made a motion to ratify the starting date of June 27, 2022 for Officer Brett Boyer; Mr. Tobias seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval to Purchase a Patrol Rifle-** Chief Waugh stated that previously the Police Department had enough patrol rifles to issue one to each patrol member and the Detective Sergeant, but one patrol rifle was a BCERT weapon assigned to Sergeant Wiley while he was a tactical unit member and he has now resigned from BCERT leaving the department short one rifle. Chief Waugh explained that the rifles need to be sighted in before use and it is not practical to sight in a rifle for each shift. Chief Waugh requested a motion to approve purchasing a Colt Model LE6933-EPR patrol rifle for \$1,200.00 from the Police Equipment Fund. Mr. Thompson made a motion to approve the purchase of the Colt Model LE6933-EPR patrol rifle for \$1,200.00 from the Police Equipment Fund; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of Police Supervisor Training -** Chief Waugh requested approval to send Sergeant Steven Seidel to Police Supervisor In-Service Training at Penn State Justice and Safety Institute and Allentown Police Academy on December 5 through 9, 2022. Chief Waugh stated that the training is normally provided to department members upon promotion to a supervisory position. The cost is \$824.00 total which includes tuition and sustenance and travel will be by Township vehicle. Mr. Thompson asked if there were funds available in the budget and Mr. Potts stated that the funds were available in training. Dr. Wagner made a motion to approve sending Sergeant Steven Seidel to Police Supervisor Training; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval to Assign Fire Police to the Berks Fair July 10-15, 2022-** Chief Waugh requested a motion to approve assigning Fire Police to the Berks Fair July 10-15, 2022. Mr. Thompson made a motion to assign Fire Police to the Berks Fair July 10-15, 2022; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval to Assign Fire Police to the Memorial Bike Ride July 16, 2022-** Chief Waugh requested a motion on behalf of Terry Royce to approve assigning Fire Police to the Memorial Bike Ride July 16, 2022. Dr. Wagner made a motion to assign Fire Police to the Memorial Bike Ride July 16, 2022; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval to Assign Fire Police to the First Responder Festival and Bike Ride July 31, 2022-** Chief Waugh requested a motion on behalf of Terry Royce to approve assigning Fire Police to the First Responder Festival and Bike Ride July 31, 2022. Dr. Wagner made a motion to assign Fire Police to the First Responder Festival and Bike Ride July 31, 2022; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

## **PLANNING/ZONING/CODE ENFORCEMENT**

### **Engineer**

Mr. Daryl Jenkins was present in place of Mr. Morey and a copy of the report was provided to the Board.

### **Planning Commission**

**Discussion/ Approval of the Circadia Land Development Waiver Request for Shed-** Mr. Potts stated that Chuck Hess from Systems Design Engineering and David Mease from Circadia were present to answer any questions. Mr. Potts stated that the Planning Commission recommended approval of the waiver for the shed to be placed in the parking lot and the shed will not have exterior lights or utilities and will be used to store yard equipment. Dr. Wagner asked what the size of the shed will be. Mr. Potts stated 504 square feet. Atty. Dietrich stated that Circadia presented a letter at the Planning Commission meeting that detailed what the shed would and would not be used for and that the letter could be appended to the permit and that they would agree by those terms. Dr. Wagner made a motion to approve the Circadia Land Development Waiver conditioned on the SSM review and the conditions set forth in the letter from Circadia presented to the Planning Commission; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of Section 154-32.I Monument Waiver for Herbine Sketch Plan for Record-** Mr. Potts stated that Mr. Herbine was present to answer any questions and that this waiver is requested due to tree roots in the way of where the concrete monument needed to be placed. Mr. Herbine stated that a hammered in metal pin was placed at the location. Dr. Wagner made a motion to approve the Section 154-32.I Monument Waiver for Herbine Sketch Plan for Record; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of the Herbine Sketch Plan for Record-** Mr. Potts stated that the Planning Commission recommended approval of the Herbine Sketch Plan for Record conditioned on the June 9, 2022 SSM review letter. Dr. Wagner made a motion to approve the Herbine Sketch Plan for Record conditioned on the June 9, 2022 SSM review letter; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of Section 149-22.A(4)(b) Basin Slope Waiver for Berks Park 183 Building H –** Mr. Potts stated the Mr. Ludgate was present to answer any questions and informed the Board that this waiver is for a 2:1 slope on the exterior side of basin BMP#1 because the existing grading and location prevent it. Mrs. Reed inquired about the Ernst seed mix and Mr. Ludgate explained it is Steep Slope Seed Mix by Ernst and it is designed to be low maintenance and requires less mowing. Dr. Wagner made a motion to approve the Berks Park 183 Building H; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/Approval of the Berks Park 183 Building H Preliminary Plan-** Mr. Potts stated that the Planning Commission recommended conditional approval of the plan subject to the June 11, 2022 SSM review letter. Dr. Wagner made a motion to approve the Berks Park 183 Building H Preliminary Plan subject to June 11, 2022 SSM review letter; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of the DiStefano Stormwater Agreement-** Mr. Potts stated that Atty. Mooney prepared the agreement and Mr. Morey recommended approval of the agreement contingent on the SSM June 30, 2022 review letter. Mr. Thompson made a motion to approve the DiStefano Stormwater Agreement contingent on the SSM June 30, 2022 review letter; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

### **Time Extensions**

None required.

### **Code Enforcement**

Mr. Pflum provided his report to the Board.

## **STORMWATER MANAGEMENT**

### **MS4 Stormwater Report**

Mr. Potts informed the Board that the annual report draft is done and with Mr. Morey for review.

## **ROAD DEPARTMENT**

**Discussion/ Approval of Teamster Union Side Letter of Agreement-** Mr. Potts informed the Board that the agreement allows one of the road department members to take his mother to doctor appointments if needed. Mr. Thompson made a motion to approve the Teamster Union Side Letter of Agreement Side Dr. Wagner seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval to Purchase Utility Trucks-** Mr. Potts informed the Board that the equipment purchase plan had to be amended due to the tie-rod snapping on one of the current utility trucks. Mr. Potts also stated that one of the current utility trucks is a 2001 with 167,000 miles and increasing mechanical issues and the other is a 2004 with 114,000. The new plan would be to purchase two utility trucks instead of one and instead of purchasing a 10-ton dump truck, just replace the rusted body since it is used for snowplowing and only has 30,000 miles on it, but the body is rusted through and can't be welded anymore. Mr. Potts stated that the new purchase plan is for a 2500 aluminum utility truck at a cost of \$70,144.60, a 2500 steel utility truck at a cost of \$67,551.60 and a dump truck body at a cost of \$30,000 utilizing a combination of ARP funds, equipment grant funds and the equipment escrow. Mr. Thompson made a motion to approve the purchase of the two utility trucks; Mr. Tobias seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Mr. Thompson made a motion to approve the purchase of a dump truck body for a maximum amount of \$35,000.00; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

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

No report.

## **SOLID WASTE ADVISORY COMMISSION**

Mr. Potts stated that the 2021 Performance Grant has been submitted to DEP.

### **ADMINISTRATION**

**Discussion/ Approval to Send the Solicitor to Zoning Hearing Meeting-** Mr. Potts stated that this would be for a use variance for a gym on Leisch's Bridge Road. Atty. Dietrich brought up the issues of lighting and the residential area close by, road access and driveway entrance points that need to be discussed and stated that a gym would be a less intense use than an industrial building. Mr. Pflum stated that he will be present at the hearing and would be able to testify about the one-foot candle compliance with the lighting so that it will be on record. After Supervisor discussion no motion was made.

**Discussion/ Approval to Purchase Rubber Mulch for the Playground-** Mr. Potts stated that the cost to purchase rubber mulch for the playground is \$1,098.00. Mr. Thompson asked how it will be paid for and Mr. Potts stated that the recreation escrow fund account has an approximately \$38,000 balance. Mr. Thompson made a motion to approve the purchase of rubber mulch for the playground; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of the 2021 Pension Plan Financial Statements-** Mr. Thompson made a motion to approve the 2021 pension plan financial statement; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Tobias. Mr. Thompson and Mrs. Reed. Motion carried.

**Discussion/ Approval of Police Officer entering DROP Program-** Mr. Potts stated that Officer Larry Kutz has requested a DROP date of July 29, 2022. Mr. Tobias asked Mr. Potts to explain what DROP is. Mr. Thompson made a motion to approve Officer Larry Kutz entering the DROP Program on July 29, 2022; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Tobias, Mr. Thompson and Mrs. Reed. Motion carried.

Mrs. Reed asked if the next meeting date should be changed due to the National Night Out being held on Tuesday August 2, 2022. After discussion the Supervisors agreed to change the meeting date.

**Next Supervisor's meeting will be held on Tuesday, August 10, 2022 at 7:00 PM.**

### **EXECUTIVE SESSION**

Mrs. Reed adjourned the meeting at 7:58 PM for an executive session that did not have action taken afterwards.

Respectfully submitted,

Diane DeJesus,  
Secretary/Treasurer