

**TOWNSHIP OF BERN  
BERKS COUNTY, PENNSYLVANIA**

September 3, 2024

**SUPERVISORS MEETING**

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

**STAFF PRESENT:** Brian Potts, Township Manager  
Diane DeJesus, Secretary/Treasurer  
Chief Brett Forry, Police  
Timothy Dietrich, Esquire  
Kent Morey, Engineer  
Bobby Turner, Road Foreman

**CALL TO ORDER-PLEDGE OF ALLEGIANCE**

Mr. Thompson called the meeting to order at 7:00 p.m. Mrs. Reed attended the meeting via telephone.

**CONSENT AGENDA**

Mr. Tobias moved to approve the Consent Agenda, as presented, which included the minutes of the August 5, 2024, Supervisors Meeting, and to accept the finance report, subject to audit and approval of payment of bills on the list, seconded by Dr. Wagner. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

**FINANCE REPORT**

Balances as of September 3, 2024: General Fund: \$3,452,063.32, State Account: \$449,952.25, PLGIT: \$73,810.21, Certificate of Deposits: \$595,929.45, Expenses: \$132,057.19. Treasurer's Report accepted subject to audit.

## **PUBLIC COMMENT**

Kurt Lowther, 2502 Ventnor Avenue, asked questions pertaining to the GBDF Stormwater Management taking place on Leisz's Bridge Road. Mr. Lowther also expressed concerns on road improvements on Leisz's Bridge Road, trucks and traffic coming and going at the G&T Facility and the access road on the C&B Development Plan. He also asked why draft minutes aren't posted on the Township website. Mr. Potts explained that minutes must be approved before they are made public and that the Board needs time to review them. Mr. Lowther then expressed concerns over the traffic light at Van Reed Road and Route 183. Chief Forry will reach out to PennDOT.

Marissa Loeb and Stephanie Jacobs from the Schuylkill Valley Community Library thanked the Supervisors for their support, provided an update on the activities at the library and ask the Supervisors for their continued support.

Kathy LaRue, 1158 Stinson Drive, expressed concerns over the yard waste facility.

## **ORDINANCES/RESOLUTIONS**

### **Discussion/Approval of Local Share Account Category 4 Facility Program Grant**

**Resolution-** Mr. Potts explained that the resolution is needed for the grader grant application. Mr. Eveland made a motion to approve the Grant Resolution; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

## **TOWNSHIP MANAGER**

Mr. Potts provided an update on the building construction progress and the Met-Ed transmission line project.

## **PUBLIC SAFETY & SERVICES**

### **Fire Company**

A report was received from Greenfields Fire Company. Mr. Brent Wisniewski from Greenfields Fire Company also provided a verbal report to the Board. A report was also received from Mt. Pleasant and Leesport.

### **Emergency Medical Services**

Northern Berks and Western Berks provided their reports.

### **Emergency Management**

Mr. Hinkle provided his report to the Board.

**Discussion/Approval of Run Card Changes-** Dr. Wagner made a motion to approve the run card changes; Mr. Tobias seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

## **Police Department**

Chief Forry provided his report to the Board.

**Discussion / Approval to Send Two Sergeants to Cody Connect Conference-** Chief Forry requested a motion to approve sending two Sergeants to the Cody Connect Conference in 2025. Dr. Wagner made a motion to approve sending two Sergeants to the Cody Connect Conference; Mr. Tobias seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

**Discussion/Approval to Hire Jordan Heckman as Police Officer-** Chief Forry requested a motion to approve hiring Jordan Heckman as a police officer with a twelve-month probationary period. Mr. Eveland made a motion to approve hiring Jordan Heckman as a police officer with a twelve month probationary period; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

**Discussion/Approval to Send Officer to Field Training School-** Chief Forry requested a motion to approve sending Officer Archutowski to Field Training School. Dr. Wagner made a motion to approve sending a police officer to Field Training School; Mr. Eveland seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

**Discussion/Approval to Accept Monetary Donation-** Chief Forry requested a motion to approve accepting a monetary donation. Dr. Wagner made a motion to approve accepting a monetary donation; Mrs. Reed seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

**Recognize Civilian Dennis Garl and Officer Hector Santiago for River Rescue-** Chief Forry commended Officer Hector Santiago and civilian Dennis Garl for their heroic efforts in rescuing a youth with a head injury from the river.

## **Engineer**

Mr. Kent Morey provided his report to the Board.

## **Planning Commission**

Atty. Josele Cleary presented three prepared proposed motions relating to the Preliminary Land Development Plan for C&B Development, LLC Proposed Warehouse Development.

**Discussion/Approval of Berm Width Waiver, Section 149-22.A(5)(a), for the C&B Development Preliminary Plan-** Mrs. Reed moved that the Board of Supervisors grant waivers for the Preliminary Land Development Plan for C&B Development, LLC Proposed Warehouse Development prepared by Dynamic Engineering Consultants, P.C. from the requirements of Storm Water Management Ordinance Section 149.22.A(5)(a) to allow for a five foot top berm width for Basin No. 6 and Section 149-23.E to permit 2:1 graded slopes in lieu of the maximum permitted 3:1 slopes conditioned on adjacent vehicular areas containing appropriate guide rail

measures and calculations are provided for reinforcement matting demonstrating that these slopes will be stable as designed; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

**Discussion/Approval of Discussion/Approval of Sidewalk Waiver, Section 152-8.K for the C&B Development Preliminary Land Development Plan** - Dr. Wagner moved that the Board of Supervisors grant waivers for the Preliminary Land Development Plan for C&B Development, LLC Proposed Warehouse Development prepared by Dynamic Engineering Consultants, P.C. from the requirements of Chapter 152 Code of Ordinances, Streets and Sidewalks, Section 152-8.K to not provide sidewalk along Leisz's Bridge Road; Mrs. Reed seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

**Discussion/Approval of Sidewalk Waiver, Section 154-32.D; and Hydrology Impact Study, Section 154-30.I(2)(f); and Historic & Archeological Resources Impact Study, Section 154-30.I(2)(h), for the C&B Development Preliminary Land Development Plan**- Dr. Wagner moved that the Board of Supervisors grant waivers for the Preliminary Land Development Plan for C&B Development, LLC Proposed Warehouse Development prepared by Dynamic Engineering Consultants, P.C. from the requirements of Subdivision and Land Development Ordinance Section 154-32.D to not provide sidewalk along Leisz's Bridge Road, Section 154-30.I(2)(f) to permit a professional engineer to prepare the hydrology impact study and Section 154-30.I(2)(h) to eliminate the requirement to provide an historic and archeological resources impact study conditioned upon including the note set forth in the Township Engineer's review letter dated August 9, 2024; Mrs. Reed seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

**Discussion / Approval of the C&B Development Preliminary Land Development Plan**- Dr. Wagner moved that that the Board of Supervisors approve the Preliminary Land Development Plan for C&B Development, LLC Proposed Warehouse Development prepared by Dynamic Engineering Consultants, P.C., Project No. 448823-02230, dated October 20, 2023, last revised June 10, 2024, subject to the following conditions:

1. Applicant shall address all the comments in the Township Engineer's review letter dated August 9, 2024, except as modified by conditions in this Motion.
2. Applicant shall comply with all the conditions imposed on waivers from requirements of Township Ordinances.
3. Applicant shall submit a final plan which indicates compliance with Condition 12 of the conditional use decision dated June 4, 2024. Applicant shall either include the removal of all underbrush in the area to the east of the access drive from Leisz's Bridge Road to the Buckeye Pipeline Company easement containing the existing mature tree, and planting additional evergreens and understory plantings throughout such area to provide screening for the residential properties to the east on the final plan, or Applicant shall add the Note in Condition 12 and include signature blocks for landowner Greater Berks Development Fund to indicate its agreement with the terms of the Note.
4. Applicant and the Township shall enter into an Agreement, which shall be recorded, relating to the payment of impact fees. Such Agreement shall require that Applicant pay impact fees in the amount of \$117,289 based on trip generation data of 53 p.m. peak hour

trips and, if the traffic impact study performed six months after full occupancy of the warehouse required by Condition 3 of the conditional use decision dated June 4, 2024, demonstrates that the actual traffic is greater than 53 p.m. peak hour trips, Applicant shall pay the impact fee of \$2,213 for each p.m. peak hour trip in excess of 53 p.m. peak hour trips within 60 days after the Township Engineer has reviewed and approved the traffic study.

5. Applicant shall comply with all conditions in the conditional use decision dated June 4, 2024.
6. Applicant shall reimburse the Township for the reasonable costs of reviews by the Township Engineer and Township Special Counsel relating to the Preliminary Plan including, but not limited to, attendance at public meetings relating to the Preliminary Plan within 30 days after receipt of an invoice for such fees.
7. Applicant shall satisfy all conditions of approval of the Preliminary Plan and submit a final plan with all necessary supplementary data within 12 months from the date of this conditional approval.

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

**Discussion / Approval of Monument Waiver, Section 154-32.I, for the Reitnauer 3 Lot**

**Minor Final Subdivision Plan-** Mr. Potts stated the Planning Commission recommended approval of the Monument Waiver, Section 154-32.I, for the Reitnauer 3 Lot Minor Final Subdivision Plan to install rebar instead of concrete monuments. Mr. Morey stated that the reason for the waiver request is due to some monuments being located on steep slopes or within the stream bank. Mr. Morey also stated the Planning Commission supports the request subject to the utilization of 24"x5/8" rebar and a note on the plan. Dr. Wagner made a motion to approve the Monument Waiver, Section 154-32.I, for the Reitnauer 3 Lot Minor Final Subdivision Plan; Mrs. Reed seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

**Discussion / Approval of the Reitnauer 3 Lot Minor Final Subdivision Plan-** Mr. Potts stated the Planning Commission recommended approval of the plan subject to the August 8, 2024, SSM review letter. Dr. Wagner made a motion to approve the Reitnauer 3 Lot Minor Final Subdivision Plan subject to the conditions in the August 8, 2024, SSM review letter; Mrs. Reed seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

**Discussion / Approval of Penske District Services Facility(Hartman Farm) Municipal Improvements Agreement-** Tabled until further notice.

**Discussion / Approval of Suncap Escrow Release-** Mr. Potts stated Mr. Morey's analysis recommends \$75,852.00 be released leaving a balance of \$0.00. Mrs. Reed made a motion to approve the Suncap Escrow Release; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

### **Time Extensions**

None.

### **Code Enforcement**

Mr. Pflum provided his report to the Board. A representative from LTL Consultants was in attendance.

**Discussion/Approval of S&L Mechanical Building Permit Escrow Release-** Mr. Potts requested a motion to approve the S&L Mechanical building permit escrow release in the amount of \$21,887.11. Mrs. Reed made a motion to approve the S&L Mechanical Building Permit Escrow Release; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

### **STORMWATER MANAGEMENT**

#### **MS4 Stormwater Report**

Mr. Potts provided an update on the Watershed Protection Grant application.

### **ROAD DEPARTMENT**

Mr. Turner provided his report to the Board and gave a brief update on the yard waste facility.

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

Mrs. Reed stated that there was nothing to report.

### **SOLID WASTE ADVISORY COMMISSION**

Mr. Potts stated that there is nothing to report.

### **ADMINISTRATION**

**Discussion/Approval of the 2025 Uniform Minimum Municipal Obligation-**Mr. Potts stated that Girard has approved the calculated amount of \$589,952.00 for the 2025 Uniform Minimum Municipal Obligation. Mr. Eveland made a motion to approve the calculated amount of \$589,952.00 for the 2025 Uniform Minimum Municipal Obligation; Mr. Tobias seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

**Discussion/Approval of the 2025 Non-Uniform Minimum Municipal Obligation-** Mr. Potts stated that Girard has approved the calculated amount of \$129,536.00 for the 2025 Non-Uniform Minimum Municipal Obligation. Mr. Eveland made a motion to approve the calculated amount of \$129,536.00 for the 2025 Non-Uniform Minimum Municipal Obligation; Dr. Wagner seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

**Discussion/Approval of Purcell Construction Change Order Request #9-** Mr. Potts stated the \$5,782.00 change order request is an additional cost for removing existing drywall and replacing with new drywall for the squad room. Dr. Wagner made a motion to approve the Purcell Construction Change Order Request #9; Mrs. Reed seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

**Discussion/Approval of Purcell Construction Change Order Request #10-** Mr. Potts stated the \$585.00 change order request is an additional cost for floor prep VCT installation. The mechanical room hallway. Dr. Wagner made a motion to approve the Purcell Construction Change Order Request #10; Mrs. Reed seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

**Discussion/Approval of Hirneisen Change Order Request #4-** Mr. Potts stated the \$8,917.00 change order request is due to changing to VOIP and needing data outlets and cabling. Mrs. Reed made a motion to approve the Hirneisen Change Order Request #4; Mr. Eveland seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

**Discussion/Approval of MIT Antenna Re-Installation Proposal-** Mr. Potts stated the cost to re-install the MIT antenna is \$1,855.49. Mrs. Reed made a motion to approve the MIT antenna re-installation proposal; Mr. Eveland seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

**Discussion/Approval for Chairperson to Sign Cath Lab Grant-** Mrs. Reed made a motion to approve signing the Cath Lab Grant; Mr. Eveland seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

**Discussion/Approval to Accept IT Bid for Computer & Monitor-** Mr. Potts requested a motion to accept a \$3,127.12 IT bid for a computer and monitor for the yard waste facility. Dr. Wagner made a motion to accept the bid from Hirneisen Electric; Mr. Thompson seconded. YES: Dr. Wagner, Mr. Eveland, Mr. Tobias, Mrs. Reed, and Mr. Thompson. Motion carried.

**Discussion/Approval of License and Hold Harmless Agreement with County of Berks-** Mr. Potts explained that a failing pipe which drains Jeffrey Road on to County land needs to be replaced, but the County wants an agreement with the Township that states the Township will be responsible to purchase and plant native shrubs to take the place of invasive plants removed from the location. Mr. Potts expressed concerns about who would water the plants and possible theft. The Board requested the planting requirement be removed from the agreement in anticipation that invasive plants will overtake newly planted native shrubs.

**Acknowledgement of Ag Security Applications-** None were submitted.

**Next Meeting: Tuesday, October 1, 2024, at 7:00 p.m. at Bern Evangelical Lutheran Church located at 820 W. Leesport Road.**

**ADJOURNMENT**

Mr. Thompson adjourned the meeting at 8:20 p.m.

**EXECUTIVE SESSION**

An executive session was held after the meeting to discuss a personnel matter. No action was taken.

Respectfully submitted,

Diane DeJesus  
Secretary/ Treasurer