

**TOWNSHIP OF BERN**  
**BERKS COUNTY, PENNSYLVANIA**

October 1, 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  
Bobby Turner  
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.

**CONSENT AGENDA**

Dr. Wagner moved to approve the consent agenda, seconded by Mr. Thompson. **YES:** Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**FINANCE REPORT**

Balances as of October 1, 2024 General Fund: \$3,375,878.39, State Account: \$453,816.14, PLGIT: \$74,485.84, Certificate of Deposits: \$595,929.45, Expenses: \$54,352.52. Treasurer's Report accepted subject to audit.

**PUBLIC COMMENT**

Teresa Stork, 2984 Bernville Rd, stated that she purchased the property at 613 Prison Road and would like to make it a short-term rental. Ms. Stork just wanted to know how the Board felt about this. Mrs. Reed stated that in the past there were problems with short-term rentals.

Mr. Pflum stated that he suggested that Ms. Stork come to the meeting to see how the Board felt about this, before going to the Zoning Hearing Board.

Mr. Potts suggested looking at what is being proposed, look at the area, then the Supervisors can make an informal decision and get back to Ms. Stork.

### **ORDINANCES/RESOLUTIONS**

**Discussion/Approval of Statewide Local Grant Assessment Resolution** - Dr. Wagner moved to approve the Statewide Local Grant Assessment Resolution for a motor grader, seconded by Mr. Thompson. **YES:** Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/Approval to Advertise Organic Yard Waste Collection Facility Ordinance** – Mr. Potts stated that this ordinance in conjunction with the making the facility secure, so that there is no illegal dumping. It also lets the residents know how the property is to be managed and the regulations. Dr. Wagner moved to approve the advertising of the Organic Yard Waste Collection Facility Ordinance, seconded by Mr. Thompson.

Mr. Tobias asked what other townships are charging and is there a discount for seniors. Mr. Potts stated that they are either not charging a fee, or charging a \$20.00 fee and no renewal fee, or charging a renewal fee of \$10.00. Mr. Potts stated that the fees are not in the ordinance; that will be by resolution.

Mr. Tobias stated that he supports the idea, but there are elderly people that this is just another fee for them to pay. Mr. Tobias also expressed his concerns if a person owns a home and a small landscaping business, that they would be denied the chance to take the waste to the facility, even if it is from their own home.

There is an appeal process through the Board of Supervisors.

Resident, Beth Burkovitch, 1076 West Leesport Road verified that only residents will be able to use the facility.

After discussion, the Chairman called for the vote: **YES:** Dr. Wagner, Mr. Eveland, Mr. Thompson, and Mrs. Reed. **NO:** Mr. Tobias, .Motion carried.

### **TOWNSHIP MANAGER**

Mr. Potts reported that the construction project is ending. Substantial completion is this Friday. The township will also be receiving a credit in the amount of \$1800.00, from the Architect which show as an additional change order to the contract. The Architect and Engineer will be paying for a different water heater, since the original that was ordered would not fit through the door to the room. The new heater will be the same tank size, but a different type of tank.

Mr. Potts reported that he met with Alan Piper and the Engineer from PennDOT stating that someday they want to expand between 183 and 222 interchange and West Leesport Road, making it a four-lane roadway. Two lanes on each side way and a center turn lane. The earliest construction would start would be 2029.

Mr. Potts stated that the budget is prepared. A Budget Meeting date will be set, and everyone will be notified of the date.

## **PUBLIC SAFETY & SERVICES**

### **Fire Company**

Greenfields Fire Company – Brent Wisniewski gave the report.

Mt. Pleasant – Supervisors have their report.

Union Fire Company – Supervisors have their report.

### **Emergency Medical Services**

Supervisors have everyone except Northern Berks.

### **Emergency Management**

Nothing to add.

### **Police Department**

#### **Discussion/Approval to Assign Fire Police for the Kris Kringle Event on December 29, 2024**

Dr. AZ Wagner moved to approve Fire Police assistance at the Kris Kringle Event, seconded by Mr. Thompson. **YES:** Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Recognized National Night Out** - Mrs. Reed commended everyone involved. Chief Forry stated that it was a team effort, and it will be held again next year on the First Tuesday of the month at the Fairgrounds.

It was also noted that Trick or Treat Night will be October 31<sup>st</sup> from 6:00PM until 9:00PM.

### **Engineer**

The Supervisors have a copy of the report.

## **Planning/Zoning/Code Enforcement**

### **Planning Commission**

**Discussion/Approval of the Lookout Final Subdivision Plan on Rickenbach Road** – The Planning Commission recommended that the Supervisors approve the Lookout Final Plan subject to the SSM, September 5, 2024, review letter. Dr. Wagner moved that the Supervisors approve

the Lookout Final Subdivision Plan, seconded by Mr. Thompson. **YES:** Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/Approval of the Hydro Geological Impact Study Waiver Section 154-30.I(2)(f) for the Penske Truck Collision Repair Land Development Plan** – Planning Commission recommended approval of the waiver. Mr. Thompson moved that the Supervisors approve the waiver, seconded by Dr. Wagner. **YES:** Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/Approval of the Steep Slope Waiver 154-30.I(2)(g) for the Penske Truck Collision Land Development Plan** - Planning Commission recommended approval of the waiver. Dr. Wagner moved that the Supervisors approved the waiver, seconded by Mr. Eveland. **YES:** Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/Approval of the Becker Residence Stormwater Agreement** – The property is located on Center Road and the agreement was prepared by Atty. Mooney. Mr. Thompson moved that the Supervisors approve the Becker Stormwater Agreement, seconded by Dr. Wagner. **YES:** Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/Approval of 6 Tully Lane Stormwater Agreement** – This is located in Greenfields and Atty. Mooney prepared the agreement. Dr. Wagner moved that the Supervisors approve the 6 Tully Lane Stormwater Agreement, seconded by Mr. Thompson. **YES:** Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

#### **Time Extensions**

None

#### **Code Enforcement**

The Supervisors have a copy of the report.

**Discussion/Approval of Bodden Construction Building Permit Escrow Release** – Mr. Potts requested a motion to approve the Bodden Construction Permit Building Escrow release. This is for the Enersys cafeteria renovations. The amount left in the escrow account is \$7,921.84. Dr. Wagner moved that the Supervisors approve releasing \$7,921.84 to Bodden Construction, seconded by Mr. Thompson. **YES:** Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion of Property Use at 1947 Bernville Road** – Mr. Potts introduced Brian Jines, who is interested in the property at 1947 Bernville Road. Mr. Jines explained what type of business he has and what they would be selling and most of the items that would be sold are purchased on-line. It would be used as a warehouse and a small retail store. There would be no impact to the property. The only trucks that would be going in and out would be UPS and USPS once a day for pickups and one or two outgoing trucks a month. At one time the zoning was Highway Commercial and then it was changed to Limited Commercial. Mr. Jines stated that if the Supervisors are not in favor of this type of business going in, he would not purchase the

building. Mrs. Reed questioned the number of counter sales and Mr. Jines stated very little and 98% of his business is Amazon.

Mr. Pflum explained the difference between wholesale and resale.

There was also the concern with truck traffic.

Mr. Jines stated he was willing to go before the Zoning Hearing Board if the Supervisors were warm to what he wanted to put there. It was also noted that the Supervisors have no say as to how the Zoning Hearing Board vote.

John Marchiano, Realtor also spoke and stated that the property has been on the market for some time because of the use that is allowed in the Limited Commercial Zoning.

Mr. Potts suggested that the Supervisors take into consideration what they heard regarding this property at 1947 Bernville Road to use as a warehouse and Ms. Storcks at 613 Prison Road as a short-term rental and to let him know their feelings and he will get back to the both parties and then they, Mr. Jines and Ms. Stork can decide if they want to apply for a variance for their properties.

### **Stormwater Management**

**MS4 Stormwater Report** – Mr. Potts stated that RAWA came to inspect the pipes in the Arnold Road area where water was coming out. RAWA did testing and sound investigation and they are convinced that it is groundwater. A camera inspection was also conducted. The owner of the property was told to keep an eye on the area for any type of settlement.

### **Roads**

Supervisors have a copy of the Road Report.

The Road Foreman reported that the post for the fence were put in today at the Yard Waste Facility on Hilltop Road and the project is moving along.

### **Sewer/Water/Bern Township Municipal Authority**

Nothing to add to the report.

**Discussion/Approval to assign Penske Truck Collision Repair Center Project to BTMA** – Dr. Wagner moved to assign the Penske Truck Collision Repair Center Project to BTMA, seconded by Mr. Thompson. **YES:** Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/Approval of the C&B Warehouse Sewer Exemption Mailer** – SSM has reviewed the Sewer Exemption Mailer.

Dr. Wagner moved to approve the C&B Warehouse Sewer Exemption Mailer to be sent to DEP, seconded by Mr. Thompson. **YES:** Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

### **Solid Waste Advisory Commission**

Mr. Potts reported that as a follow up to what Bobby Turner, Road Foreman reported on the Yard Waste Facility, Pro Max was supposed to start on September 11<sup>th</sup> and they only started today, but they stated that they can complete it faster than they said. The security person is on vacation until October 8, 2024

**Discussion of A. J. Blosenski Class Action Settlement** – Mr. Potts stated that a Class Action Settlement has been filed against A. J. Blosenski for failure to collect trash and recycling as scheduled. If the Board would like to be part of this, we have until December 2, 2024, to submit a claim form. The Board could authorize Mr. Potts to do this subject to conquering with Atty. Mooney before sending it in.

### **Administration**

**Discussion/Approval of Purcell Change Order Request #11** – This is for the replacement of the flooring in the Township Building. It would be the meeting room, Manager’s Office, the Secretary’s Office, Break Room, and the outside of the Secretary’s Office. Laminated Vinyl Tile flooring would be in the vestibule at the entrance to the meeting and in the front entrance to the Township Building. The cost would be \$30,542.00. Dr. Wagner moved to accept Change Order Request #11 for the flooring, seconded by Mr. Thompson. **YES:** Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/Approval of License and Hold Harmless Agreement with the County of Berks** – Mr. Potts stated that last month this agreement stated planting nursery plants in the woods. This one does not have that in the agreement. The County is going to take care of this. Mr. Potts recommended that the Supervisors approve the agreement. Mr. Thompson moved that the Supervisors approve the agreement with the County of Berks, seconded by Dr. Wagner. **YES:** Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Discussion/Approval to Accept Letter of Resignation** – Stacey Goss, our Part-Time help, last day of employment will be Friday, October 4, 2024. Mr. Thompson moved that the Supervisors accept the Letter of Resignation from Stacey Goss, seconded by Dr. Wagner. **YES:** Dr. Wagner, Mr. Eveland, Mr. Tobias, Mr. Thompson, and Mrs. Reed. Motion carried.

**Next Meeting** – The next meeting will be Monday, November 4, 2024 at 7:00 PM at the Bern Evangelical Lutheran Church located at 820 West Leesport Road.

### **ADJOURNMENT**

Mrs. Reed adjourned the meeting at 7:50 PM.

### **Executive Session:**

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

Respectfully submitted,

Diane DeJesus, Secretary/Treasurer