

**District Township Board of Supervisors
September 16, 2021 Public Hearing**

Chairman Ed Overberger called to order the September 16, 2021 Public Hearing held at the District Township Municipal Building, 202 Weil Road, Boyertown, PA at 7:03 p.m. Present were Chairman Ed Overberger, Vice-Chairman Leonard Robb, Supervisor John Burger, Solicitor Gene Orlando, Engineer John Weber, Planning Commission Chair Piper Sherburne, Emergency Management Coordinator Tim Adam and Secretary Elaine Schwien. Road Crew members Bob Ralston, John Musselman and Ron Leibowitz attended. Karen Winegardner, from the Brandywine Community Library attended. Fifteen residents were also present.

The Public Hearing was convened to consider adoption of Ordinance 2021-3, an Ordinance of District Township, Berks County, PA requiring the removal of diseased or dangerous trees that impact public safety or use of public roadways.

Solicitor Orlando began with the authentication of the Board exhibits:

- 1) B1. Proof of publication – notice of this public hearing was published in the Reading Eagle on September 2, 2021.
- 2) B2. Transmittal from Solicitor Orlando to the Reading Eagle on September 1, 2021, showing the full text of the proposed ordinance was sent to the Reading Eagle.
- 3) B3. Transmittal from Solicitor Orlando to the Berks County Law Library on September 1, 2021, showing an attested copy of the proposed ordinance was sent to the Berks County Law Library.
- 4) B4. Complete text of the ordinance, with stamp of the Berks County Law Library, showing receipt by the Berks County Law Library.

The hearing was then opened up for public consideration and/or comments:

Various residents (George Benjamin, Jim Eldon, Norman Burkholder, etc.) took the opportunity to ask questions and express their concerns. The main issues were the fines, placement of a property lien, timeframe for the tree removal and more clarity to the Fall Zone/Right of Way. The process of enforcement was questioned by the residents and reviewed by the Board. The residents expressed concern that this could be a financial burden to some in the Township. In general, the residents felt this ordinance would take away some of their rights as property owners. The request was made to table the ordinance, as generally, the residents were opposed to its adoption.

Mr. Overberger reminded the residents of the Board's obligation to public safety, and the need for a process to handle the removal of diseased/dangerous trees that impact public safety or the use of public roads. The Township cannot assume the cost of all such tree removal, without a significant millage increase. The ordinance would put a process in place, with measures the Township can take, if a resident refuses to address a dangerous tree concern. The ordinance follows the Second Class Township Code and has similar fines/penalties to other ordinances already in place.

At the close of Board comments, Solicitor Orlando noted the Board's intent to consider adoption of Ordinance 2021-3 at the monthly meeting following the Public Hearing. The Public Hearing was closed at 8:12 p.m. by a motion from Mr. Overberger, seconded by Mr. Robb. All in favor.

Respectfully submitted,
Elaine Schwien, District Township Secretary