

Upper Bern Township Board of Supervisors

Meeting Agenda for May 14, 2026

- A. Commencement of the Public Meeting of May 14, 2026 for the Regular Meeting
- B. Approval of the Meeting Minutes from April 9, 2026.
- C. Public Comments for Agenda Items
- D. Executive Session: Executive session to discuss potential litigation: To discuss potential intervention in Environmental Hearing Board appeal. Possible action.
- E. Payment of Bills: Action to pay and ratify bills from April 10 to May 14, 2026.
- F. Solicitor's Report
 - 1. Amendment of Resolution Regarding Public Comment at Public Meetings: Discussion and possible action on Resolution 8 of 2026.
 - 2. Consideration of Adoption of International Building Code of 2021-Ordinance 171-2026: Discussion and possible action.
 - 3. Consideration of Adoption of International Fire Code of 2021-Ordinance 172-2026: Discussion and possible action.
 - 4. GACSD – Transwestern, 3501 Mountain Road, Land Development Improvement Agreement (Expires May 15, 2026) and Termination Agreement. Discussion and possible action.
 - 5. Review of Sewer Payment Collection Efforts: Discussion and possible action.
 - 6. On-Lot Delinquencies: Action to authorize the Solicitor to act.
 - 7. Vision -Shartlesville Land Development Plan and Conditional Use Application expires June 30, 2026. possible action.
- G. Planning and Engineering Report
 - 1. Deturk Land Development Plan; 574 Saint Michaels Road (GRADING ONLY w/in Upper Bern): Consider the Revised Plans, Acceptance of Conditions and Resolution 10 of 2026 possible action

2. Mainland and Marine Land Development Plan: 109 Roadside Drive Consider (possible action on) the following:
 - a. *Modification of Section 508 pertaining to setting of Concrete monuments.
 - b. *Conditional Plan Approval per the Vision Engineering review comments of 4/27/26.
3. Suncrest Phase 2 Preliminary Plans (Wolf Creek Rd.) Consider Possible action on) time extension to 12/20/26 for Final Plan submittal. (*PC recommended approval).
4. Scheduling of Enforcement Action Involving Terry and Tina Shaner for the Property Located at 109 Roadside Drive: Discussion and possible action.

H. Business

1. Agent 99 for 4th of July Music Community Event at Shartlesville Park: Afternoon \$1,000.00 fee. Possible action.
2. Appointment of Representative to the Berks County Cooperative Purchasing Council-Possible action on Resolution 9 of 2026.
3. Approval to Participate in the 2026-2027 Berks County Cooperative Purchasing Council Road Salt Bid: Possible action.
4. 4th of July Community Event: Up to \$500 budget at 4th of July community event. Shartlesville Fire company will be selling food.
5. Request for Fire Police from Bernville Borough: Discussion, about approval to allow the Upper Bern Township Fire police to participate in the Bernville Memorial Day Parade on May 25, 2025 from 1PM-3 PM.
6. Data Center and Solar Farm Discussion, possible action to look into.

I. Public Comments on Non-Agenda Items

J. Adjournment

**TOWNSHIP OF UPPER BERN
COUNTY OF BERKS
COMMONWEALTH OF PENNSYLVANIA**

RESOLUTION NO. 8 OF 2026

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF UPPER BERN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA TO AMEND PREVIOUS RESOLUTION NO. 6 OF
2026 REGARDING THE REGULATION OF PUBLIC COMMENT AT PUBLIC
MEETINGS**

WHEREAS the Board of Supervisors of Upper Bern Township (the “Board”) enacted Resolution No. 6 of 2026 regarding the regulation of public comment at public meetings (the “Existing Public Comment Resolution”); and

WHEREAS, upon further consideration, the Board desires to amend certain aspects of the Existing Public Comment Resolution;

NOW THEREFORE BE IT RESOLVED, by the Board of Supervisors of Upper Bern Township, in lawful session duly assembled, that Subsection 1.j of the Existing Public Comment Resolution is hereby deleted in its entirety and is restated as follows:

j. Anyone wishing to use audio, video, or stenographic recorders to record a meeting may announce their intention to the Chairperson of the Board prior to the start of the meeting. The Chairperson of the Board may mention to those in attendance that the meeting may be recorded.

k. Anyone using audio, video, or stenographic recorders to record a meeting shall abide by the following restrictions:

- i. All video recording equipment shall be stationed in the rear of the meeting room or along the wall or other such location designated by the chair of the meeting so as not to obstruct the view of any audience member.*
- ii. Supplementary lighting devices shall not be used.*
- iii. Audio and stenographic recording devices shall be operated in the general public seating area and may not be placed on the Supervisors’ table without prior consent of the chair of the meeting.*
- iv. Those using recording equipment must refrain from moving about the room with the equipment during the meeting.*

BE IT FURTHER RESOLVED, that except as modified by the above, all other Sections and Subsections of the Existing Public Comment Resolution shall remain in effect.

DULY ADOPTED by the Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania, in lawful session duly assembled, the ___ day of May, 2026, by a vote of _____ to _____.

ATTEST:

UPPER BERN TOWNSHIP BOARD OF SUPERVISORS

Secretary

By: _____
Gloria Grim, Chairperson

By: _____
Arthur Lambert, Vice Chairperson

By: _____
Lisabeth A. Lynn, Supervisor

**TOWNSHIP OF UPPER BERN
COUNTY OF BERKS
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO.: 171 of 2026

AN ORDINANCE OF THE TOWNSHIP OF UPPER BERN, BERKS COUNTY, PENNSYLVANIA, ADOPTING THE 2021 EDITION OF THE INTERNATIONAL BUILDING CODE REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND THE CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE, AND THE DEMOLITION OF SUCH STRUCTURES IN TOWNSHIP OF UPPER BERN; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; AND REPEALING OR OTHERWISE AMENDING ORDINANCE NO. 31 OF 1992 AND ALL OTHER ORDINANCES INsofar AS MAY BE FOUND TO CONFLICT THEREWITH.

WHEREAS, the Board of Supervisors of the Township of Upper Bern is desirous of adopting certain regulations governing the conditions and maintenance of all property, buildings and structures within the Township, and to provide standards for utilities, facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use, and to provide practical safeguards and procedures regulating the condemnation, demolition, occupancy and use of such structures within the Township as well as providing for the issuance of permits and collection of fees therefor; and

WHEREAS, the Board of Supervisors has determined it is in the best interest of the health, safety and general welfare of the Township and its residents to adopt the International Building Code of 2021 for the purposes above-stated, subject to the amendments stated herein, which may be amended by majority vote of the Board, from time to time.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, that the Board of Supervisors of the Township of Upper Bern does hereby approve and adopt the 2021 edition of the International Building Code, subject to certain amendments, as follows:

Section 1. That a certain document, three (3) copies of which are on file in the Municipal office of the Township Secretary of Upper Bern Township, being marked and designated as the International Building Code, 2021 edition, including Appendix Chapters C-J and Chapters L-N (see International Building Code Section 101.2.1, 2021 edition), as published by the International Code Council, be and is hereby adopted as the Building Code of the Township of Upper Bern, County of Berks and Commonwealth of Pennsylvania for regulating and governing the conditions and

maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the Secretary of Upper Bern Township are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert: Upper Bern Township as [NAME OF JURISDICTION]

Section 103.1. Insert: Office of the Building Inspector as [NAME OF DEPARTMENT]

Section 1612.3. is hereby deleted in its entirety and restated as follows:

1612.3. Establishment of Flood Hazard Areas.

To establish *flood hazard areas*, the Board of Supervisors of the Township of Upper Bern hereby adopts the current *National Flood Hazard Layer* (NFHL) together with any and all subsequent amendments; including those amendments to the federally recognized *Flood Insurance Rate Map* (FIRM) and *Flood Boundary and Floodway Maps* (FBFM) as produced, revised and amended by the Federal Emergency Management Agency (FEMA), as the Township's official flood hazard map. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

Section 3. That Upper Bern Township Ordinance No. 31 of 1992 entitled "AN ORDINANCE ESTABLISHING MINIMUM REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, DEMOLITION, REMOVAL, MAINTENANCE AND USE OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR THE ISSUANCE OF FEES, MAKING OF INSPECTIONS; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF BY ADOPTING "THE BOCA NATIONAL BUILDING CODE/1990", TOGETHER WITH CERTAIN AMENDMENTS CONSISTING OF ADDITIONS AND DELETIONS THERETO", and all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 4. If any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of Upper Bern Township hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this legislation or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 6. That the Secretary of Upper Bern Township is hereby ordered and directed to cause this legislation to be published.

Section 7. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from and after the date of its final passage and adoption.

Section 8. That Upper Bern Township acknowledges and agrees that the International Code Council, Inc. (“ICC”) owns registered copyrights in the 2021 edition of the ICC International Building Code. ICC makes the 2021 edition of the International Building Code and numerous other International Codes (I-Codes) available to view for free on its website at: codes.iccsafe.org. Without advance written permission from the copyright owner, no part of the 2021 edition of the International Building Code may be reproduced, distributed or transmitted in any form or by any means, including without limitation, electronic, optical or mechanical means (by way of example, and not limitation, photocopying, or recording by or in an information retrieval system).

ORDAINED AND ENACTED by the Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania, in lawful session duly assembled, this _____ day of May 2026, by a vote of _____ to _____.

Attest:

**UPPER BERN TOWNSHIP
BOARD OF SUPERVISORS**

Secretary

By: _____
Gloria Grim, Chairperson

By: _____
Arthur Lambert, Vice Chairperson

By: _____
Lisabeth A. Lynn, Supervisor

**TOWNSHIP OF UPPER BERN
COUNTY OF BERKS
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO.: 172 of 2026

AN ORDINANCE OF THE TOWNSHIP OF UPPER BERN, BERKS COUNTY, PENNSYLVANIA, ADOPTING THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE TOWNSHIP OF UPPER BERN; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.

WHEREAS, the Board of Supervisors of the Township of Upper Bern is desirous of adopting certain regulations governing the conditions and maintenance of all property, buildings and structures within the Township, and safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Township of Upper Bern; and providing for the issuance of permits and collection of fees therefor; and

WHEREAS, the Board of Supervisors has determined it is in the best interest of the health, safety and general welfare of the Township and its residents to adopt the International Fire Code of 2021 for the purposes above-stated, subject to the amendments stated herein, which may be amended by majority vote of the Board, from time to time.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, that the Board of Supervisors of the Township of Upper Bern does hereby approve and adopt the 2021 edition of the International Fire Code, subject to certain amendments, as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the Township Secretary of Upper Bern Township, being marked and designated as the International Fire Code, 2021 edition, including Appendix Chapters B-I, Chapter K and Chapter N (see International Fire Code Section 101.2.1, 2021 edition), as published by the International Code Council, be and is hereby adopted as the Fire Code of the Township of Upper Bern, in the County of Berks and Commonwealth of Pennsylvania, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions

and terms of said Fire Code on file in the office of Upper Bern Township are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert Upper Bern Township to replace [NAME OF JURISDICTION].

Section 110.4. is hereby deleted in its entirety and restated as follows:

110.4. Violations and Penalties

Any person who shall violate any of the provisions of this Ordinance or the Codes hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or fail to pay a fee or fine set by this Ordinance or the Codes hereby adopted, or who shall erect, install, alter, repair or do work in violation of any detailed statement of specifications or plans submitted and approved thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed therein, shall severally for each and every such violation and noncompliance respectively, be punishable by a fine of not less than Fifty (\$50.00) Dollars nor more than One Thousand Five Hundred (\$1,500.00) Dollars, plus all legal fees and all costs caused by enforcement. Any such violation shall also be required to be corrected or remedied by all such persons as soon possible. Each day that prohibited conditions are maintained shall constitute a separate offense.

Section 112.4. is hereby deleted in its entirety and restated as follows:

110.4. Failure to Comply

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine in an amount of not less than Fifty (\$50.00) Dollars nor more than One Thousand Five Hundred (\$1,500.00) Dollars, plus all legal fees and all costs caused by enforcement. Each day that prohibited conditions are maintained shall constitute a separate offense.

Section 1103.5.3. Insert May ___, 2027 to replace [DATE BY WHICH SPRINKLER SYSTEM MUST BE INSTALLED].

Section 3. That the geographic limits referred to in certain sections of the 2021 *International Fire Code* are hereby established as follows:

Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): Insert "Limits and Locations under this Section shall be determined by the Fire Code Official." to replace [JURISDICTION TO SPECIFY].

Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): Insert “Limits and Locations under this Section shall be determined by the Fire Code Official.” to replace [JURISDICTION TO SPECIFY].

Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): Insert “Limits and Locations under this Section shall be determined by the Fire Code Official.” to replace [JURISDICTION TO SPECIFY].

Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): Insert “Limits and Locations under this Section shall be determined by the Fire Code Official.” to replace [JURISDICTION TO SPECIFY].

Section 4. That Upper Bern Township Ordinance No. 31 of 1992 entitled “AN ORDINANCE ESTABLISHING MINIMUM REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, DEMOLITION, REMOVAL, MAINTENANCE AND USE OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR THE ISSUANCE OF FEES, MAKING OF INSPECTIONS; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF BY ADOPTING “THE BOCA NATIONAL BUILDING CODE/1990”, TOGETHER WITH CERTAIN AMENDMENTS CONSISTING OF ADDITIONS AND DELETIONS THERETO”, and all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 5. If any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of Upper Bern Township hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6. That nothing in this legislation or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 7. That the Secretary of Upper Bern Township is hereby ordered and directed to cause this legislation to be published as required by operation of law.

Section 8. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from and after the date of its final passage and adoption.

Section 8. That Upper Bern Township acknowledges and agrees that the International Code Council, Inc. (“ICC”) owns registered copyrights in the 2021 edition of the ICC International Fire

Code. ICC makes the 2021 edition of the International Fire Code and numerous other International Codes (I-Codes) available to view for free on its website at: codes.iccsafe.org. Without advance written permission from the copyright owner, no part of the 2021 edition of the International Fire Code may be reproduced, distributed or transmitted in any form or by any means, including without limitation, electronic, optical or mechanical means (by way of example, and not limitation, photocopying, or recording by or in an information retrieval system).

ORDAINED AND ENACTED by the Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania, in lawful session duly assembled, this _____ day of May, 2026, by a vote of _____ to _____.

Attest:

**UPPER BERN TOWNSHIP
BOARD OF SUPERVISORS**

Secretary

By: _____
Gloria Grim, Chairperson

By: _____
Arthur Lambert, Vice Chairperson

By: _____
Lisabeth A. Lynn, Supervisor

Prepared by:
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610.820.5450

PIN NO. 28-4453-00-99-1065 (3501 Mountain Road)
Upper Bern Township

TERMINATION OF
LAND DEVELOPMENT IMPROVEMENT AGREEMENT

THIS TERMINATION OF LAND DEVELOPMENT IMPROVEMENT AGREEMENT (the “Termination Agreement”) is made and entered into this ___ day of _____, 2026 (the “Effective Date”), by and between **GACSD INDUSTRIAL DEVELOPMENT, LLC**, a Pennsylvania limited liability company (“Developer” or “GACSD”) and **UPPER BERN TOWNSHIP**, a Second Class Township organized and existing under the laws of the Commonwealth of Pennsylvania (“Township”).

RECITALS:

- A. Developer and Township are parties to a certain *Land Development Improvement Agreement* dated September 10, 2020, and recorded with the Recorder of Deeds of Berks County at Instrument No. 2020033446, as amended by that certain *First Amendment to Land Development Agreement* dated October 13, 2023, and recorded with the Recorder of Deeds of Berks County at Instrument No. 2023031682, and as further amended by that certain *Second Amendment to Land Development Agreement* dated June 20th, 2024 (the “Second Amendment”), and recorded with the Recorder of Deeds of Berks County at Instrument No. 2024019170, and as and as further amended by that certain *Third Amendment to Land Development Agreement* dated August 15th, 2024 (the “Third Amendment”), and recorded with the Recorder of Deeds of Berks County at Instrument No. 2024025190, with time extensions for Developer’s performance periodically extended by agreement of the parties (collectively, the “Agreement”) concerning the development

of a warehouse distribution facility, as set forth in the *GACSD Warehouse Preliminary/Final Land Development Plan & Mountain Road Improvement Plan* prepared by Dynamic Engineering Consultants, P.C., dated June 13, 2019, last revised September 4, 2020, and recorded with the Recorder of Deeds of Berks County at Instrument No. 2020032275 (the "Plan").

- B. Developer has since sold the property that is the subject of the Agreement and the Plan.
- C. The Township Engineer prepared a punch list regarding unfinished or incomplete work by the Developer ("Punch List").
- D. Developer has represented to Township that Developer has no ability to enter the property to complete any Punch List work on the property.
- E. Developer and Township have discussed ways for Developer to resolve the Punch List at Developer's sole cost and expense.
- F. Based on the sale of the property, the Punch List, and the discussions between the Parties, Developer and Township desire to resolve open items in the Agreement as provided in this Termination Agreement.

NOW, THEREFORE, in consideration of the mutual promises contained herein and intending to be legally bound, the Parties agree as follows:

1. The foregoing Recitals are hereby incorporated by reference. Capitalized terms used herein but not defined shall have the meaning given to such term in the Agreement.
2. Developer represents and warrants to Township that possible replacement of recently planted trees as noted in the Punch List cannot be completed on the property because neither Developer nor Township can gain access to the property for that purpose. Berks County Conservation District ("BCCD"), furthermore, has determined that those trees and all other required improvements associated with the site's NPDES permit have been completed as required and terminated that permit.
3. Developer has provided an easement on the property to enable cleaning of the culvert under Schoolhouse Road by Township. This work requires survey, environmental studies, and permitting. Once the required permits have been obtained, the work can be publicly bid and performed. Some uncertainty exists in the work scope until the permits have been issued, thereby necessitating contingencies to address them.
4. Developer acknowledges that the BCCD and the Pennsylvania Department of Environmental Protection have not yet accepted the Notice of Termination submitted in connection with the NPDES permit for improvements to Mountain Road. Items

determined by BCCD to be incomplete must be completed before that permit can be terminated.

5. Developer has not located the sanitary sewer line situated in Mountain Road and therefore did not include that information in the as built plans for the project. Locating that line will involve hiring a contractor to assist with the location of the buried sewer line using traffic control and a survey crew.
6. In lieu of GACSD completion of the remaining Developer's obligations set forth in the Agreement, GACSD shall pay **Eighty-Two Thousand Three Hundred Ninety Dollars (\$82,390.00)** (the "Fee-In-Lieu") as a fee-in-lieu to the Township. The Fee-in-Lieu consists of the following components:
 - a. Sixty-Two Thousand Dollars (\$62,000.00) for expenses related to the Schoolhouse Road Culvert maintenance and restoration, as set forth in Exhibit A, attached hereto and incorporated herein.
 - b. Ten Thousand Three Hundred Ninety Dollars (\$10,390.00) for location of the sanitary sewer line installed by Developer in Mountain Road, as set forth in Exhibit B, attached hereto and incorporated herein.
 - c. Ten Thousand Dollars (\$10,000.00) for closeout of the Mountain Road improvements NPDES permit.
7. The Fee-In-Lieu shall be paid to the Township within five (5) business days of the Effective Date with immediately available federal funds.
8. Within five (5) business days after the Township's receipt of the Fee-In-Lieu, the following shall occur:
 - a. The Township shall authorize the release of any and all construction security posted by Developer related to the Plan.
 - b. The Township may apply any remaining balance held in cash escrow to cover Township expenses related to the Agreement, or any other proper municipal purpose.
 - c. Developer will be deemed to have completed and satisfied all of its obligations under the Agreement.
9. The parties shall use their best efforts to record this Termination Agreement with the Recorder of Deeds of Berks County, Pennsylvania. Failure of the Recorder of Deeds of Berks County to accept this Termination Agreement shall not affect the validity of the Agreement.

[Remainder of Page Blank – Signatures Follow]

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first set forth above.

Attest:

GACSD INDUSTRIAL DEVELOPMENT,
LLC, a Pennsylvania limited liability
company

By: QR TDC Hamburg, L.P., a Delaware
limited liability company, its member

By: TDC Hamburg GP, L.L.C., a Delaware
limited liability company, its general
partner

By: _____
Name: _____
Title: _____

UPPER BERN TOWNSHIP

Township Secretary

By: _____
Name: _____
Title: _____

Exhibit A: Culvert Expenses
Exhibit B: Sewer Line Location Expenses

STATE OF

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) SS

COUNTY OF

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On this, the ___ day of _____, 2026, before me, a Notary Public, the undersigned officer, personally appeared _____, the _____ of TDC Hamburg GP, L.L.C., a Delaware limited liability company, a general partner of QR TDC Hamburg, L.P., a Delaware limited liability company, the member of GACSD Industrial Development, LLC, a Pennsylvania limited liability company, known to me, (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission Expires:

_____ (SEAL)

Engineering Inc Schoolhouse Road - Culvert Cleaning Project
Upper Bern Township Berks County PA

| Item No. | Item Description | Quantity | Unit | Unit Price | Cost |
|----------|---|----------|------|------------|------------|
| 1 | Mobilization | 1.00 | LS | \$2,000.00 | \$2,000.00 |
| 2 | Bonds & Insurance | 1.00 | LS | \$2,000.00 | \$2,000.00 |
| 3 | Clearing & Grubbing | 1.00 | LS | \$2,400.00 | \$2,400.00 |
| 4 | Traffic Control | 1.00 | LS | \$2,000.00 | \$2,000.00 |
| 5 | F & I Stream By-Passing (pump), C.I.P. | 1.00 | LS | \$8,000.00 | \$8,000.00 |
| 6 | Rock Excavation in Trench (If & Where Directed) | 25.00 | CY | \$100.00 | \$2,500.00 |
| 7 | Re-Grading of Stream, Complete in Place | 100.00 | LF | \$50.00 | \$5,000.00 |
| 8 | F & I Stone Filters (If & Where Directed) | 20.00 | EA | \$75.00 | \$1,500.00 |
| 9 | Compost Filter Sock (12") (If & Where) | 150.00 | LF | \$20.00 | \$3,000.00 |
| 10 | F & I Rock Rip Rap Apron (R4), C.I.P. | 60.00 | CY | \$60.00 | \$3,600.00 |
| 11 | F&I Slope Lining, NAG SC250, C.I.P. | 100.00 | SY | \$20.00 | \$2,000.00 |
| 12 | Seeding, Fertilizing & Straw Mulching | 1.00 | L.S. | \$1,000.00 | \$1,000.00 |

| | |
|---|--------------------|
| Total Anticipated Construction | \$35,000.00 |
| Contingencies at 20% ROUNDED | \$7,000.00 |
| Total Anticipated Construction Costs | \$42,000.00 |

Note: Full work scope is unknown (permits not issued)

| | | |
|----------------------------|-----------|------------------|
| Environmental & Permitting | \$ | 12,000.00 |
| Survey & Mapping Costs | \$ | 5,000.00 |
| Bidding & Administration | \$ | 1,500.00 |
| Inspections & closeout | \$ | 1,500.00 |
| TOTAL Soft Costs | \$ | 20,000.00 |

Grand Total (Construction & Soft costs) \$ 62,000.00

Mountain Road - Sewer Line Location (As-Built survey) Costs
Upper Bern Township Berks County PA

| Item No. | Item Description | Quantity | Unit | Unit Price | Cost |
|----------|--|----------|------|------------|------------|
| | Ditchcreek Services | | | | |
| 1 | Locating & Marking (tracer wires) | 1.00 | LS | \$1,400.00 | \$1,400.00 |
| 2 | Traffic Control (2 person flagging crew) | 1.00 | LS | \$1,500.00 | \$1,500.00 |
| | Vision Engineering Services | | | | |
| 1 | Survey work w/Ditchcreek | 10.00 | Hrs | \$135.00 | \$1,350.00 |
| 2 | Additional Survey work (Field Survey & Drone Flight) | 10.00 | Hrs | \$135.00 | \$1,350.00 |
| 3 | Survey Processing & Base Map prep | 12.00 | Hrs | \$125.00 | \$1,500.00 |
| 4 | Final CAD mapping CAD Tech | 24.00 | Hrs | \$85.00 | \$2,040.00 |
| 5 | Final CAD Review Principal | 2.00 | Hrs | \$125.00 | \$250.00 |
| | | | | | |
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|--|--------------------|
| Total Anticipated Costs Above | \$9,390.00 |
| Contingencies at 10% ROUNDED | \$1,000.00 |
| Total Anticipated Costs for Budgeting | \$10,390.00 |

**TOWNSHIP OF UPPER BERN
COUNTY OF BERKS
COMMONWEALTH OF PENNSYLVANIA**

RESOLUTION NO. 10 OF 2026

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF UPPER BERN TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA TO GRANT A DEFERRAL OF LAND
DEVELOPMENT REVIEW FOR 574 SAINT MICHAELS ROAD, HAMBURG, UPPER
BERN TOWNSHIP, PA 19526 KNOWN AS THE LUCAS DeTURK AG OPERATION TO
TILDEN TOWNSHIP**

WHEREAS, Lucas DeTurk (“**Applicant**”) intends to expand the Lucas DeTurk Ag Operation located in Tilden Township, Berks County, PA (“**Tilden Township**”); and

WHEREAS, Applicant has decided to limit the expansion to land located only in Tilden Township and not expand operations into Upper Bern Township, Berks County (“**Township**”); and

WHEREAS, on or about April 8, 2026, Applicant amended its pending land development application for 574 Saint Michaels Road, Hamburg, Upper Bern Township, PA 19526 (“**Property**”) by filing Land Development Plans entitled “Lucas DeTurk Ag Operation,” dated July 5, 2025, last revised March 25, 2026, prepared by Nye Consulting Services, Inc. (“**Plans**”) and a Deferral Request, dated February 3, 2026, revised April 7, 2026, seeking deferral of land development review to Tilden Township (“**Deferral Request**”); and

WHEREAS, the Plans removed all construction of buildings, structures, and other improvements (collectively, “**Improvements**”) on the Property, leaving only grading to occur within the Township; and

WHEREAS, the Township’s Planning Commission reviewed the Plans at its meeting on April 28, 2026, and, based upon the absence of Improvements within the Township, recommended to the Township’s Board of Supervisors that it grant the Deferral Request; and

WHEREAS, the Board of Supervisors of Upper Bern Township (“**Board**”) has reviewed the Deferral Request and has determined that it is willing, subject to certain conditions, to grant the Deferral Request.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Upper Bern Township, in lawful session duly assembled, hereby grants the Deferral Request subject to strict compliance with the following conditions:

1. Applicant shall have paid all appropriate fees applicable to Applicant’s application and the Plans.
2. No Improvements of any kind shall be installed in Upper Bern Township anywhere on the Property.

3. The only work performed in Upper Bern Township anywhere on the Property shall be the grading work shown on the Plans.

4. Applicant shall, at Applicant's sole expense, obtain all applicable federal, state, county, and township permits and approvals for such grading work on the Property prior to the commencement of that work, and shall strictly comply with all such permits and approvals.

5. Any modification of the Plans or new plans for development in Upper Bern Township on the Property which include Improvements of any kind shall be submitted to Upper Bern Township for review in accordance with Upper Bern Township's Subdivision and Land Development Ordinance. The grant of the Deferral Request shall not apply to such modified or new plans.

The conditions of approval have been made known to the Applicant, and approval is to be deemed expressly contingent upon the Applicant's affirmative written acceptance on or before May ____, 2026, of the said conditions on a form prescribed by the Township. If an unconditional acceptance of the conditions is not received in writing by that date, the Deferral Request shall be deemed denied based upon the Applicant's failure to fulfill the said conditions or agree thereto.

DULY ADOPTED by the Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania, in lawful session duly assembled, the ____ day of May, 2026.

ATTEST:

UPPER BERN TOWNSHIP BOARD OF SUPERVISORS

Secretary

By: _____
Gloria Grim, Chairperson

By: _____
Arthur Lambert, Vice Chairperson

By: _____
Lisabeth A. Lynn, Supervisor

**APPOINTMENT OF REPRESENTATIVE TO THE
BERKS COUNTY COOPERATIVE PURCHASING COUNCIL
Resolution 9 of 2026**

WHEREAS, the Upper Bern Township Board of Supervisors have authorized the Township of Upper Bern to be part of the Berks County Cooperative Purchasing Council, an unincorporated association of public entities organized and existing under the applicable provisions of P.L. 526 of April 29, 1937 (53 P.S. Section 5431 et seq.), as amended, and Act 57 of May 15, 1998, as amended, (Title 62 Pa C.S. 1902) known as the Commonwealth Procurement Code for the purpose of joint purchases of materials, equipment, supplies, services, and/or construction; and,

WHEREAS, said Berks County Cooperative Purchasing Council calls for each participating entity to designate a representative to serve on the Council;

NOW THEREFORE BE IT RESOLVED, that be and is hereby appointed to serve as the representative for Upper Bern Township on the Berks County Cooperative Purchasing Council for the purpose of meeting periodically with representatives of the Council to authorize joint purchases, to discuss public procurement problems, and to exchange purchasing ideas; and

BE IT FURTHER RESOLVED, that Arthur Lambert be and is hereby appointed to serve as the alternate representative for Upper Bern Township when the above appointed representative is unable to participate in a meeting of the Council.

(THE APPOINTMENT OF AN ALTERNATE IS OPTIONAL AND NOT REQUIRED)

Upper Bern Township

Gloria Grim - Chairman of the Board

May 14, 2026