



## BERNHART'S PARK COMMUNITY MEETING

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Wednesday, May 31, 2023

6:00 pm

Chabad Center

**Attending:** M. Goodman-Hinnershitz, B. Ayers-Fisher, C. Curran-Myers, D. Anspach, S. Smith, K. Lerch, D. Beane, D. Reed, C. Miller, J. Kelly, W. Vitale, K. Zeiber, V. Pagan, A. Showers, J. Bobeck, T. Gombar, J. Mench, A. Kopicz, M. Lynch

Members of the Public - 20

### Introductions of Elected Officials and Staff

Ms. Goodman-Hinnershitz called the meeting to order at 6:04 pm. She thanked Rabbi Lipsker for allowing the use of the Chabad Center.

Rabbi Lipsker made a few remarks regarding the importance of water and its relationship to nature.

Ms. Goodman-Hinnershitz stated that the work at Bernhart's is a journey and that additional meetings will be held as the City moves forward through the improvement process.

Ms. Reed thanked all for attending. She recognized the officials in attendance.

Ms. Reed stated that the City will continue working with Muhlenberg and Laureldale. She stated that Bernhart's Park has been marred by pollution and was a problem handed to all officials. She noted the need to work together to make Bernhart's Park beautiful in a new way.

Ms. Goodman-Hinnershitz stated that the City has had to make difficult decisions about this park. She recognized City staff in attendance and noted that there is a strong team in place. She stated that Reading also has an Environmental Advisory Council (EAC) that looks at environmental issues.

## **History of the Park's Dewatering and Lead Remediation**

Ms. Curran-Myers, the EAC chair, provided background on environmental health and safety issues at the Park. She stated that PA has the most miles of surface water in the US but is also the most flood prone. She stated that there were three floods at Johnstown. After the third flood at this location, PA DEP began its Dam Safety Program.

Ms. Curran-Myers stated that DEP has categorized Bernhart's Dam as a "high hazard dam" defined as "a dam so located as to endanger populated areas downstream by its failure" because of potential loss of life and property that would occur downstream if the dam failed. She explained that Bernhart's Dam could fail because it cannot let storm water drain out fast enough which can cause it to overflow and damage the structure. She stated that the region is experiencing more storms with a higher intensity. She stated that the area has continued to be developed and those developments drain their stormwater in the creek further exacerbating conditions.

Ms. Curran-Myers stated that the City received an order from DEP in 2016 to rebuild the dam or to dewater the lake. She stated that the City took many steps, including adding an emergency spillway outlet, to try to avoid removing the dam. Those steps were unsuccessful and the lake was dewatered in compliance with the order in 2022.

Ms. Curran-Myers stated that the old lakebed is recovering and the creek is finding its way. She stated that plants and animals have come back to the area and that the small pond will probably remain due to the terrain.

Ms. Curran-Myers stated that the City considered rebuilding the dam but PA policy favors removal over creation of new dam, creating additional hazards. According to the Dam Safety Program engineering division, there are over 700 high hazard dams in PA. She stated that the cost to rebuild the dam to current safety standards would be \$4 - \$7 million with little benefit besides the aesthetic of the lake. She stated that, unfortunately, due to the lead contamination the Park was closed for some time and that usage has not increased significantly since it has been reopened.

Ms. Curran-Myers stated that if the dam is rebuilt there are future maintenance costs and eventually the dam would likely require major maintenance or removal for safety reasons again and the same situation would occur. She noted the future costs and liabilities.

Ms. Curran-Myers stated that the EAC believes there are more community benefits if the dam is removed. She stated that there are many possibilities for the park including a natural education center similar to Angelica Park. She stated that boardwalks can be installed through the marshy areas and fishing piers are also being considered. She stated

that by removing the dam both people and the environment will get more benefits. She noted the need for the community to recommend future opportunities.

Ms. Curran-Myers stated that there will be before and after drone footage of the conditions of the park. She stated that the EAC toured the area last summer and that it is very impressive how nature is mending itself.

A resident stated that the lead remediation is incomplete. Ms. Curran-Myers stated that the EAC considered the remaining lead contamination when it drafted its position. She stated that the Exide cleanup removed lead contaminated soils from the park except for the former island area and the steep slope near the new housing development, which were considered inaccessible at that time. She stated that no lead has been found in the water. She stated that there is some lead contamination near the lakebed but that it does not seem to be washing off and moving downstream.

Ms. Curran-Myers stated that capping the soil and planting appropriate vegetation is the preferred method to handle the remaining lead. She suggested planting vegetation near the contaminated areas that would discourage people from entering that area. She explained that removal of the soil would result in dust clouds and increased exposure. She stated that experts will study the conditions before restoring the park, but that the City needs design ideas from the public to begin that work.

Ms. Curran-Myers stated that Reading is an environmental justice community. She reiterated that EPA has found those areas with higher lead levels are safe for recreational purposes, but that the EAC wants continued monitoring and assessment to assure safety. She noted the need to ensure that the lead is not getting into the ecosystem and that this is best done with a natural approach. She stated that Reading is encouraging US EPA to reopen their work at Bernhart's and to use funding from Exide's bankruptcy to perform further assessments of the park. She noted the need for the community to also voice that they want the park further remediated.

### **Work Done to Date at the Park and the Recovery of the Environment**

Ms. Ayers-Fisher reviewed a Power Point presentation including drone footage taken before the lake was dewatered and again recently.

Mr. Anspach noted the need to build a future vision for the park. He stated that he has many years' experience in water and wastewater and he works to honor the history of the area when he proposes projects. He agreed with the need for the community to work with elected officials to have EPA return to the project. He agreed that the unremediated locations in the park are safe if a person does not visit more than 80 times per year.

Mr. Anspach stated that the City is looking for the community's vision for the park. He stated that he does plan to remove the remainder of the dam and use the existing soil to smooth out the terrain. He stated that he would like to install new paths. He stated that the remaining pond is two acres but that it may silt in over time.

Mr. Anspach stated that the City is also addressing four other dams, two of which – Willow Creek and Bushong – will also be removed. He stated that Egelman's Dam is currently under review.

### **Public Comment / Questions**

In response to a resident question, Mr. Anspach stated that Reading owns and maintains the Park. Ms. Goodman-Hinnershitz agreed and stated that the City will continue to work with Muhlenberg Township.

In response to a resident question, Ms. Goodman-Hinnershitz stated that the County will be engaged. She stated that, unfortunately, none of the Commissioners could attend the meeting this evening due to schedule conflicts. Ms. Showers from the Berks County Planning Department stated that the County will remain engaged in this project.

Ms. Goodman-Hinnershitz stated that strong partnerships have been formed. She noted that removing the dam was a painful, but wise, decision. She questioned the next step. Mr. Anspach stated that he will need Council action to remove the dam.

In response to a resident question, Mr. Anspach stated that the gaps in the dam were discovered as parts of the spillway were removed. He stated that there were multiple layers of clay, red brick and cobblestone which made the spillway taller and thicker. He stated that the gap was discovered between layers. He stated that the only plan that the City had for the spillway was hand-drawn from 1905.

A resident suggested installing a pathway around the park. Mr. Anspach stated that he does intend to install pathways. He stated that the existing pathway was at lake level and will be relocated. He stated that the terrain will be recontoured to remove the fall danger.

A resident noted the beauty of the stones that were around the lake and that were used to build the tower.

Mr. Kelly questioned if it was safe to fish at Bernhart's. Ms. Ayers-Fisher stated that the fish that have been tested are healthy and there is no detectable lead. She noted the need to continue testing to ensure that those conditions remain.

Mr. Anspach stated that the City worked closely with the PA Fish and Boat Commission during the dewatering process. He stated that the Commission would not allow the fish in the lake to move downstream. He stated that the fish were culled out.

Ms. Goodman-Hinnershitz expressed the belief that people will use the steep slope area especially with the housing development behind it. Mr. Anspach agreed and stated that the area is part of a walking trail. He stated that he discussed his concerns with EPA and they feel that not enough people will use it to justify remediating the area. He stated that EPA also has no significant concerns with the former island area. Ms. Ayers-Fisher suggested that both areas be addressed with appropriate plantings.

A resident questioned if the City gifted the park to Muhlenberg. Another resident stated that the sale was noted in the real estate transactions at a sale price of \$1. City officials stated that Reading continues to own the park.

Jaime, a representative from Rep. Cepeda-Freytiz's office stated that she is willing to assist in whatever way is needed.

A resident questioned if a private citizen could purchase the park. Mr. Kelly stated that the City would entertain an offer.

A resident questioned the work timeline. Mr. Anspach noted the need for community input into the park plan. He suggested holding another meeting with all stakeholders. He stated that once there is a plan in place he can put the work out to bid and construction can begin.

Ms. Goodman-Hinnershitz stated that the City will apply for grant funding for the project and noted the need for community support.

A resident questioned the terms of the Earl Trust and what the land can be used for. Ms. Goodman-Hinnershitz stated that this is a legal question that will need review. She suggested that the Trust be placed on the City's website.

A resident questioned if the City is committed to maintain the park in the future. Ms. Goodman-Hinnershitz stated that the response to Angelica was during a crisis. She stated that the City partners with Berks Nature to manage Angelica. She stated that the County stepped forward to manage Antietam due to the public outcry. She expressed the belief that Bernhart's can be beautiful and it is important to hear what the public wants or doesn't want.

A resident questioned the effect on flood insurance for residents who live downstream. Mr. Anspach stated that FEMA would need to redraw the floodplain maps. He stated that the City has no control over insurance premiums but he expressed the belief that the removal of the dam should reduce the risk to downstream property owners.

In response to a question from a resident, Ms. Ayers-Fisher stated that the stream and wetland will be in the former lakebed and will be filled in with native plants and trees that will get more robust over time.

A resident who lives nearby stated that the City has not properly maintained this park for the past 30 years. Ms. Ayers-Fisher stated that even though the area is in a drought, the park is too wet to mow. She stated that marshy areas are not mown on purpose. She stated that she will be planting wildflower seeds and trees in those areas in the fall. Mr. Anspach stated that the City intends to continue to maintain the park. He stated that the park will be designed for easy maintenance.

Ms. Goodman-Hinnershitz stated that there is a similar situation at Egelman's. She stated that many trees have been planted in that park. She stated that the City is learning from experience.

In response to a resident question, Ms. Ayers-Fisher stated that the trees will be planted near where the creek enters the park. She stated that 800 trees were planted at Bernhart's in 2022 and noted her hope to plant an additional 200 this year. She stated that all 800 of the trees have rooted and expressed the belief that 50% will survive.

Ms. Lynch, a reporter for the Reading Eagle, stated that an August 17, 1985 newspaper article indicates that there was work done to the spillway and that the City was hoping to sell the park to Muhlenberg Township. She stated that the article also indicates that the lake served as a storm sewer retention area. She questioned if the park continues to serve as a storm sewer retention area. Ms. Curran-Myers stated that it does continue to serve in this capacity. She stated that the storm sewers from the nearby housing development empty into the former lake area. Ms. Ayers-Fisher stated that there are approximately eight areas where storm water enters the park.

A resident requested an explanation of the opportunities and benefits of moving forward with a storm water restoration area. Ms. Ayers-Fisher stated that there are many benefits to restoration including allowing a place for the creek to overflow as necessary during rain events and then move back to normal flow slowly. She stated that the City will be applying for grants to perform some of this work. She stated that the required financial match can be either in funding or in-kind work. She stated that the City owns the property but it is

located in Muhlenberg Township. She stated that Muhlenberg's support of the grant will be very beneficial.

Ms. Goodman-Hinnershitz encouraged all to review the large maps showing how the park could look in the future.

In response to a resident who questioned keeping the tower intact, Mr. Anspach stated that the brownstones are very heavy. He stated that he is surprised that the tower has not fallen on its own. He stated that the stones in the stonework could be reused. He explained how he plans to reuse the original stones from the former Mineral Spring Hotel to create a new landscape in that park.

Mr. Lerch, a Muhlenberg Township Commissioner, questioned what the City would need from the Township. Ms. Ayers-Fisher stated that the City would request a letter of support for the grant funding and to be involved in the park planning.

Mr. Lerch questioned if Muhlenberg would need to provide financial assistance. Ms. Ayers-Fisher stated that this is unknown at this time.

Ms. Goodman-Hinnershitz stated that she and Council President Reed are ready to introduce an ordinance to move the park project forward.

Mr. Anspach requested that Muhlenberg Township assist by contacting EPA to get them involved in the park again.

Ms. Goodman-Hinnershitz suggested forming a group with members from the City, Muhlenberg Township and the EAC to work on the park project.

Ms. Curran-Myers expressed the belief that financial support from Muhlenberg will be affected by what the Township wants the park to become and how it would be used by residents.

Mr. Lerch questioned if the plan would be in phases or be able to be scaled back based on funding or cooperation. Mr. Anspach stated that he has \$400,000 (ARPA and Capital Budget) available to remove the dam and smooth out the terrain. He stated that once that is complete additional studies will be needed and the park plan can be drafted.

Ms. Goodman-Hinnershitz suggested that the ordinance be introduced at the next Council meeting and a presentation be scheduled before action is taken. She noted the need for additional public meetings.

Ms. Ayers-Fisher stated that Berks Nature hosts several watershed associations and they are interested in assisting at Bernhart's. She stated that the watershed association would act similarly to an EAC to assist with decisions that need to be made about Bernhart's. She stated that members could also be trained to test the stream quality and to provide education.

Mr. Beane stated that the Earl Trust requires the City to hold the land in perpetuity. He suggested that the language be reviewed by the City's legal team.

In response to a question from a resident, Mr. Anspach explained that the City lost its flood insurance at Bernhart's but does have general liability insurance for the park.

Ms. Goodman-Hinnershitz thanked all for attending and stated that additional meetings will be held.

Ms. Smith encouraged all in attendance to provide their email addresses so that she can contact them in the future.

The meeting adjourned at 7:39 pm.

*Respectfully submitted by  
Shelly Smith, Deputy City Clerk*