

Commissioners' Workshop Meeting
Tuesday, July 13, 2004

I. CALL TO ORDER:

The Berks County Board of Commissioners met in regular session on Tuesday, July 13, 2004, at 10:30 AM, in the thirteenth floor Board Room of the Berks County Services Center, pursuant to due notice to Board members and the public.

Commissioner Chair Judith L. Schwank called the meeting to order with Commissioner Thomas Gajewski and Commissioner Mark L. Scott in attendance. Also present were County Administrator, William E. Dennis and Solicitor Alan Miller and Chief Clerk Terry Styer.

Commissioner Schwank followed with a moment of silence and Pledge of Allegiance to the Flag.

II. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS:

Commissioner Gajewski presented a Certificate of Recognition on behalf of the Board of Commissioners to Jan Wariscalk for being named Pennsylvania's Elementary School Nurse of the Year. Jan has been a school nurse for 17 years devoting 15 of those years to the Fleetwood School District. She has been responsible for efforts in providing preventative education to students as part of a pro-active health program. This award is especially significant because Jan was nominated by her peers. The Berks County Commissioners applauded Jan for her dedication to her profession as an elementary school nurse and for being named Pennsylvania's Elementary School Nurse of the Year. Ms. Wariscalk thanked the Commissioners for the recognition and challenged the County to consider using the area schools as part of the County's emergency planning tools. She said many schools are staffed with nurses and have adequate facilities to aid in times of crisis and need for evacuation locations.

III. REPORTS OF COMMISSIONERS:

Commissioner Schwank

- A. Adopt Resolution appointing Joan M. Kohl, 1151 North 11th Street, Reading PA 19604 to the Office of Aging Advisory Council for a term ending 12/31/05 filling the vacancy of Edwina Speidel, whose two year term expired 12/31/01.

- B. Adopt Resolution authorizing execution of a Grant Agreement by and between The Pine Creek Valley Watershed Association, Inc. and the Commonwealth of Pennsylvania, Department of Conservation and Natural Resources (DCNR) under the Community Conservation Partnership Program for a matching grant for a 23 acre Natural and Critical Habitat area located in the Pine Creek Watershed and listed in the Pennsylvania Natural Diversity Inventory.

Commissioner Schwank Continued:

- A. The Pine Creek Valley Watershed Association with assistance of the Pike Oley District Preservation Coalition will raise the 50% matching funds. Commissioner Schwank commended the Pike and District Township officials for their ongoing efforts in environmental stewardship.

Commissioner Gajewski

- A. Adopt Resolution authorizing the use of the Acquisition Demolition and Disposition (ADD) Program to provide \$35,000 to each of the owners of the 1000 block of Benner's Court with an estimated allocation of \$245,000 from the County's Affordable Housing Trust Fund to accomplish this phase of the project which will enable additional parking for the Reading School District. Commissioner Gajewski indicated that he would be voting no on this project due to the intended use of funds for the purpose of a parking lot. Ken Pick, Community Development Director discussed the history of this project. Commissioner Schwank suggested that her understanding of the benefits for this project is that student's playground area will no longer be needed to provide parking. She also indicated that this would be a good connector project for "Our City Program."
- B. Adopt Resolution authorizing the use of \$750,000 of CDBG (Community Development Block Grant) funds to assist the Borough of West Reading with financing the elimination of slums and blight in the Penn Avenue Redevelopment Area of the Borough.
- C. Authorize payment of invoices under the following Community Development Disbursement Vouchers:
1. No. 2088-S - Emergency Shelter Program
 2. No. 2089 - Community Development Block Grant Program
 3. No. 466 - Home Grant Program
 4. No. 1222 - Property Rehabilitation Program

Commissioner Scott

- A. Resolution re-appointing Leigh Tallas, c/o Berks Leisure Park, 1901 Tulpehocken Road, Wyomissing, PA 19610 to the Berks County Municipal Authority to another 5 year term (to 1/04/09)

IV. OTHER REQUESTS:***Budget Director:***

- A. Adopt Resolution authorizing 2004 Budget transfers in the amount of \$187,674 per listing dated July 1, 2004.

Solicitor:

- A. Adopt Resolution authorizing the Berks County Commissioners to execute Articles of Incorporation and all other necessary documents in order to establish a 501(3)(c) corporation named "Friends of Berks Heim" and further authorize the Solicitor's Office to advertise and take any and all necessary actions to effectuate the filing of this application.

Human Resources:

- A. Authorize utilization of a temporary agency effective 7/16/04 until approximately 8/6/04. Rate not to exceed \$16.50. New authorization needed for office support during bid process for the Conservation Department. Budget 01 - 623

Budget Director:

- A. Commissioner Schwank introduced Robert Patrizio, Budget Director for the County of Berks and asked him to discuss his background and prior professional experience which included a mix of private and public Financial Management services.
- B. Resolution authorizing 2004 Budget transfers in the amount of \$6,000 per listing dated July 9, 2004. Administrator Dennis presented the budget request.

Chief Clerk:

- A. Motion to approve advertising of cancellation of Commissioners' Board Meetings and Salary Board Meetings for August 3rd and 5th 2004 and the morning meeting of August 24, 2004 and advertise an evening meeting for Sinking Spring Borough for August 24, 2004.

V. MISCELLANEOUS BUSINESS

Commissioner Schwank then commented on what she described as a very significant weather event that occurred in Berks County yesterday. She indicated that approximately 4 inches of rain fell in Eastern Berks County with numerous reports of flooding, road closures and rescues of stranded motorists. She said her point in bringing this up was to commend those who serve the County in volunteer capacities such as the many Emergency Management Coordinators who work with the rescue personnel as they respond to these situations and the numerous fire fighters, rescue units and police personnel who were called to the scene all throughout this rain event.

Commissioner Scott continued:

Commissioner Scott presented a description of recent events that occurred with the member municipalities for the Western Berks Refuse Authority. He stated that the operation of this small landfill that accepts approximately 700 tons of waste per day has announced plans to close later this year. Apparently the member municipalities in what appears to be a violation of the public procurement process have entered into new contracts for another area landfill. He said he had no objection to the municipalities exploring other waste disposal options, particularly if the end result was to save taxpayer dollars, however, the public procurement laws still apply. He presented several publications and case law identifying this requirement and read the specific paragraph that states that the purchase of landfill space for waste disposal purposes is not exempted from the bid process. He said he also reviewed one of the lease documents provided to him from one of the participating boroughs and took issue with what he described as inappropriate use of lease terms to disguise a disposal agreement. He suggested that the County intervene in the matter comparing this to the recent investigations undertaken by the County, with the previous County Coroner, Prison Society and the Airport Authority.

Commissioner Gajewski reflected on a conversation he had with one of the municipal solicitors who assured him that they were on solid legal ground for the decision they reached. He also felt that the County has no responsibility to oversee the legal actions of the municipalities. It was his belief that the decision to contract with the current landfill was based on an evaluation of per ton cost as well as travel and personnel cost related to a landfill's location. Commissioner Gajewski ended by saying he felt taking legal action against the municipalities is counterproductive to the County's desire to continue the effort of regional cooperation.

Commissioner Schwank stated that she spoke with most of the municipalities involved in this issue and received the same response, that they felt their decisions were legally sound. She then commended Commissioner Scott thanking him for the time he has invested in this as well expressing her respect for his expertise in the matter. While she did agree that the County should look for a response from the municipalities, she objected to the idea of immediate litigation and suggested that the County Solicitor meet with the municipal legal officials to discuss this further rather than create the bad feeling that would result from litigating this now.

Commissioner Scott responded by saying that he wasn't suggesting immediate litigation and would agree to a meeting. He said there is a higher priority to keep in mind beyond the relationships with local elected officials; this should be an effort to correct a wrong for the taxpayers. He said, preserving municipal relationships should not come at any price. He restated his intention to be that of seeing that the municipalities follow the law and that they go back and engage in competitive bids. At this time, Commissioner Scott made a motion that was seconded and all voted yes to authorize the Solicitor to arrange a meeting for the purpose of discussing and seeking an explanation from the Municipalities who entered into this trash disposal contract outside of the competitive bidding process.

VI. CITIZEN COMMENT/BUSINESS FROM THE FLOOR