

Commissioners' Board Meeting
Thursday, July 15, 2004

The Berks County Board of Commissioners met in regular session on Thursday, July 15, 2004 at 10:30 AM in the Board meeting room on the thirteenth floor 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 Scott in attendance. Also present were the Chief Clerk Terry L. Styer, Solicitor Alan S. Miller and County Administrator, William E. Dennis.

The Commissioners' Meeting Minutes for July 6, 2004 and July 8, 2004 were approved as published with a motion made by Commissioner Scott, seconded by Commissioner Gajewski and all voting yes.

On motion by Commissioner Scott, seconded by Commissioner Gajewski and all voting yes, the consent agenda was approved.

Consent Agenda

1. Resolutions:

- 340.04 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.

- 341.04 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. The Pine Creek Valley Watershed Association with assistance of the Pike Oley District Preservation Coalition will raise the 50% matching funds.

- 342.04 C. Adopt Resolution authorizing the use of the Acquisition Demolition and Disposition (ADD) Program to provide \$15,000 to each of the owners of the 1000 block of Benner's Court with an estimated allocation of \$105,000 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 Schwank explained that the amount for proposed to be used per unit from the ADD program funds was cut in half from \$30,000 to \$15,000 thereby reserving these funds for other worthy projects. Both Commissioners then commended Commissioner Gajewski for "red flagging" this issue.

- 343.04 D. 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.
 - 344.04 E. 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)
 - 345.04 F. 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.
 - 346.04 G. Adopt Resolution authorizing 2004 Budget transfers in the amount of \$6,000 per listing dated July 9, 2004.
2. Motion to authorize payment of invoices under the following Community Development Disbursement Vouchers:
- a. No. 2088-S - Emergency Shelter Program
 - b. No. 2089 - Community Development Block Grant Program
 - c. No. 466 – Home Grant Program
 - d. No. 1222 – Property Rehabilitation Program
3. Motion to 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.
4. Motion to approve advertising of cancellation of Commissioners' Board meetings and Salary Board meeting for August 3, and August 5, 2004 and August 24, 2004 and advertise evening meeting for Sinking Spring Borough for August 24, 2004.

Reports

The County Controller and County Treasurer presented their weekly reports.

Agenda Items for Discussion

Commissioner Scott responded to an editorial regarding the West Reading Borough's Penn Avenue Development project objecting to the comparison to the Penn Street project that took place 30 years ago in Reading. He said this project is building on a successful 5.9 million dollar reinvestment project for the Borough of West Reading already underway. Once again, he commended Tom McKeon and Ken Pick for working to get this project identified.

Following that, Commissioner Scott reported on the Pottstown Landfill Post Closure Committee activities. He informed the Commissioners that the committee has selected an engineering firm to serve as a peer review to represent the Committee for this Post Closure review process. He indicated that the County may be asked to provide funds to support this independent review project and suggested that if approached, the County could consider the use of the Waste Management settlement funds towards this project.

Commissioner Gajewski agreed that the County wants to assure that the facility is closed properly. He also took issue with today's editorial in the Reading Eagle and agreed with Commissioner Scott's comments.

Commissioner Schwank suggested that Montgomery County should be on board for the peer review project with this Post Closure Committee before Berks County commits any funds. She then reported to the board that an RFP has been issued for the stability study for the Antietam Dam and a contract should be awarded by September 23, 2004. In addition, the Commissioner updated the board on the Southern Berks Regional Comprehensive plan in which she indicated the current concern seems to be the lack of inclusion with New Morgan Borough, but she indicated "a sense" that the borough plans to participate in the future.

The Commissioner then discussed the State Budget and suggested that George Kovarie, Director of Children and Youth attend a future Commissioners' meeting to discuss the impact the State budget had on the services provided by our Children and Youth. She indicated that with the loss of IGT (Intergovernmental Transfer Funds) our Nursing home assessment will undoubtedly suffer significant losses in funding. She expressed disappointment that the Growing Greener program was not approved.

Commissioner Schwank announced the passing of Patee Miller and Grace Asbury Jones who she described as two significant members of the African American Community that contributed a great deal of time and energy towards the betterment of the community.

Commissioner Gajewski announced that the Regional Police meeting scheduled with municipal officials had to be postponed due to the severity of the weather.

Citizen Comment/Business From The Floor

Attorney William Fox, Staff Counsel for the Pioneer Crossing Landfill, asked to address the board regarding Commissioner Scott's comments reported in the Reading Eagle about the recent award of contract to the landfill from several Berks County Municipalities. After describing his professional credentials, Mr. Fox stated that he sincerely and firmly believes Commissioner Scott to be wrong and he was disappointed that this came to the attention of the public in the way that it was handled. He described Pioneer Landfill as a facility located in Exeter Township that receive approximately 1500 Tons of waste per day and provides waste disposal for 25 Berks County Municipalities. He cited numerous legislative acts that permit municipalities to contract for landfill space as well as specific language in the law that applies to leasing air space. He said he worked with the municipal officials and performed due diligence prior to the contract issuance and reiterated his disappointment that the Commissioner spoke with the press prior to the municipal officials involved in the contract.

Commissioner Scott questioned whether these meetings referring to the discussion of due diligence were attended by other landfill representatives. He then informed Mr. Fox that his comments to the press were intended to be preliminary as he began discussions with West Reading Borough Solicitor Heidi Masano where he first obtained a copy of the landfill lease agreement. He did not promote the publication prior to his completion of the investigation. He then provided argument on the cases and legislative acts cited by Mr. Fox and asked why the “deafening silence” exists surrounding any legitimate response on the procurement requirements that he believes were violated. He stated further that Act 101 (The Solid Waste Management Act) grants the right to contract for landfill space, but it does not relieve municipalities from the municipal statute governing bidding requirements.

Mr. Fox ended by saying that it would have been preferable to communicate the concerns to the municipalities and work on a resolution.

There being no further business, the meeting was adjourned at 11:10 AM.