

Commissioners' Workshop Meeting
Tuesday, October 19, 2004

I. CALL TO ORDER:

The Berks County Board of Commissioners met in regular session on Tuesday, October 19, 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, Solicitor, Alan Miller, Esq. and Chief Clerk Terry Styer.

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

II. PROCLAMATIONS/CERTIFICATES/PRESENTATIONS:

III. REPORTS OF COMMISSIONERS:

Commissioner Gajewski

- A. Adopt Resolution authorizing application for County Aid Application from Shoemakersville Borough in the amount of \$44,663.57 for additional funds to complete the repair of the Pigeon Creek Bridge.
- B. Adopt Resolution authorizing payment of invoices under the following Community Development Disbursement Vouchers:
 - a. No. 2194 – Community Development Block Grant Program
 - b. No. 1232 – Property Rehabilitation Program
- C. Adopt Resolution authorizing Edward McCann to sign On-The Job Training Contracts and Subsidized Employment Agreements per list attached to agenda and dated 10/15/04.

Commissioner Scott

- A. Adopt Resolution appointing Mr. Irwin Rosner, 529 Reading Ave., West Reading, PA 19611 to the RACC Board to fill the unexpired term to 6/30/07 of Ron Foy who resigned.
- B. Adopt Resolution for Guiding Principles for Children's Environmental Health. Craig Hafer, Chairman of the Berks Environmental Advisory Committee stated that this proposed resolution, if adopted by the Commissioners will make Berks the second County in the nation to do so. He then discussed the intent of the resolution and thanked the Commissioners for their advocacy for the environment.

Resolution for Children's Environmental Health continued:

Commissioner Scott stated that this county has played a leadership role in many environmental issues over the last three to four years. When asked by Dorothy Reilly why Berks County has so many landfills, Craig Hafer, Chairman of the County EAC was quick to mention how active the Commissioners have been particularly relating to the operation of the area Landfills. He then described the current Air Quality Permit application that the EAC reviewed for a Berks County Landfill and was successful in implementing changes due to the support from the Board of Commissioners.

- C. Adopt Resolution approving Berks County application for Grant-in-Aid Funds from the JCJC (Juvenile Court Judges Commissioner) for fiscal year 2004-2005 in the amount of \$508,332.

IV. OTHER REQUESTS:**Solicitor:**

- A. Resolution appointing David Balmer, Esq. as Special Counsel to the County of Berks to handle legal matters as directed by the County Solicitor and further authorizing the County Solicitor to petition the Court of Common Pleas to approve such appointment in accordance with the Third Class County Code.
- B. Resolution appointing Frederick Hatt, Esq. as Special Counsel to the County of Berks to handle legal matters as directed by the County Solicitor and further authorizing the County Solicitor to petition the Court of Common Pleas to approve such appointment in accordance with the Third Class County Code.
- C. Resolution appointing Stevens & Lee as Special Counsel to the County of Berks to handle legal matters as directed by the County Solicitor and further authorizing the County Solicitor to petition the Court of Common Pleas to approve such appointment in accordance with the Third Class County Code.
- D. Resolution appointing Rhoads & Sinon LLP as Special Counsel to the County of Berks to handle legal matters as directed by the County Solicitor and further authorizing the County Solicitor to petition the Court of Common Pleas to approve such appointment in accordance with the Third Class County Code.
- E. Resolution appointing Reed-Smith LLC as Special Counsel to the County of Berks to handle matters as directed by the County Solicitor and further authorizing the County Solicitor to petition the Court of Common Pleas to approve such appointment in accordance with the Third Class County Code.

Budget Director:

- A. Adopt Resolution authorizing 2004 budget transfers in the amount of \$168,000 per listing dated October 15, 2004.

Contract Coordinator:

- A. Motion authorizing execution of Contract Agreements/ Amendments as furnished by the Contract Coordinator, per attached listing dated, October 7, 2004.

V. MISCELLANEOUS BUSINESS

Chris Winters, Assistant Director of Elections gave a brief update and written report outlining the current status of the Elections Office in which he announced a net gain of 14,760 newly registered voters since the last primary election. He indicated that over 50,000 forms have been processed including the mailing of 6,908 absentee ballots, which he noted are currently up to date. He indicated that the registration drives accounted for 15,000 to 20,000 of the forms handled by his office and felt that the error rate on those submissions ranged about 50% and that those errors included items such as missing information, incomplete addresses and duplications of registrations already in the system. He felt that all of those errors were captured and that approximately 15 – 20 forms will need to be reviewed for possible fraudulent activity.

County Administrator, Bill Dennis expressed his thanks to the Commissioners for their support and approval for overtime of County Employees assisting after hours with the other Election's office workers. He also expressed appreciation to the Department of State for their assistance including the additional computers, a high-speed scanner and training along with additional funds to enable the county to get through this registration process successfully. He then expressed appreciation for the many employees and volunteers that have provided the help that will allow the county to be completely up to date before this weekend.

Commissioner Gajewski indicated that the State provided the Elections Office with a "super scanner" and in addition to the \$15,000 already approved the state will be providing an additional \$10,000 to Berks County Election Services to cover additional costs of this elections process. He then read a letter from Doug Hill, Executive Director of CCAP (County Commissioners Association of Pennsylvania) which was written to Secretary Cortes of the State Elections Department reporting problems experienced by many counties across the state with the inadequacies of the State's SURE system and that "its current architecture is substandard system in every respect." Commissioner Gajewski wanted to note that Berks County is not the only County experiencing these issues.

Commissioner Schwank said that she has been stopping in and volunteering her time in the Elections Office and felt proud of County employees for the spirit of cooperation shown and the progress they have been making. She then read from a prepared statement expressing confidence in the county's ability to get the registration forms processed and correcting some information published in the newspaper recently (a copy of her statement is attached to these minutes.)

Commissioner Gajewski asked if the number of questionable registrations currently amount to only 12 or 15 of the total number processed to date. Chris Winters indicated that his information was correct. Commissioner Scott then reflected on previous information provided to this board by Director Bellman who indicated that the questionable documents were in the hundreds. Chris Winters indicated that initially it appeared that the numbers of questionable forms were in the hundreds however following the certification process with the SURE system, those questionable forms were determined to be what he described as unintentional errors such as duplicate registrations, incorrect or incomplete addresses, etc. He stated that only those empowered by law should make the decision that an act of intentional fraud has occurred.

Commissioner Scott then questioned the 2 month delay for submission that occurred when some of the voter registration drives were holding many registration forms and then dropping them off at the last minute causing the backlog of work in the elections office. He questioned whether many of these groups were using the "street lists" of registered voters, which would aid in identifying citizens already registered. A long discussion took place regarding other potential acts of fraud that could occur in this and other counties throughout the state. Commissioner Gajewski noted that there was no truth to the comment that voter drive applications were segregated from the other registration forms. Chris Winters concurred and stated that all registration forms were handled similarly and entered in the order in which they arrived in the office.

Dorothy Reilly of Exeter Township thanked the Board of Commissioners for taking a pro-active stance on the registration drive issues. She stated that her hopes were for unbiased reporting in the media to help ensure a fair election. She also encouraged the board that if any investigation for potential registration fraud takes place, it does so after the election.

Valentine Rodriquez, Jr. from the City of Reading discussed the extension for a voter registration appeal process currently under review by Secy. Cortez at the State Department of Elections. He also expressed concern regarding those voting by provisional ballot that may end up in the wrong precinct.

Dorothy Reilly indicated her dissatisfaction with the Elections Office Director. Commissioner Schwank stated that personnel issues would not be discussed at this time.

Rosie Skomitz of Mount Penn said her purpose in attending the meeting was to encourage the board to make sure that the recent allegations of fraud doesn't create intimidation for the new voters of the County. She urged the board to help instill confidence in the elections system. There were some additional questions regarding the purging of voter registrations. Chris Winters reported that the purging of records no longer occurs.

Lauren Townsend representing Citizens for Consumer Justice reported that her organization registered more than 25,000 voters during this recent voter drive, 2000 of which are in Berks County. She said that we should all be excited over the increased interest in the election and mentioned that the voters who felt miss-represented in previous elections, now expressed appreciation for her group's efforts. She indicated that as part of her follow up on the voter drive, she had a list of 20 new registrants still waiting for their voter registration cards and would turn that into the Elections Office.

Stefan Kosikowski, Co-chairman of the Berks County Green Party stated that Mr. Bellman has always been very helpful and informative to him.

John Morgan, Ruscombmanor Township read a prepared statement in which he expressed concerns and took issue with statements printed in the Reading Eagle by two County officials regarding partisan involvement with certain voter drive organizations. He also suggested that the public allegations of fraud against some of the voter drive organizations was reckless. He then complained that he made a request for 2500 absentee ballot applications with the Elections Office which was never provided. It was due to these comments and others in the statement that he ended by calling for the Election's Director to resign. Chris Winters answer to not being able to fulfill the request for the 2500 applications was due to a lack of stock in the office. Chris then spoke in support of the Elections Director and stated that he knows of no one that is more passionate about seeing a fair election process in Berks County.

Commissioner Scott stated that on the subject of investigation of voter fraud, the sooner the allegations are addressed, the better. He said that people who register to vote "illegally" disenfranchise other voters. He felt that either the District Attorney or the State Attorney General's office should be looking into this matter now.

Commissioner Schwank indicated that all of these records are open and available to the public and that if any law enforcement agency wanted to review them, there was nothing prohibiting them from doing so.

Miguel Gonzalez reported that he was involved in organizations that successfully conducted voter drives and was aware that assistance on the forms was permitted but the person assisting was required to sign the registration form along with the voter. He also supported the idea that felons that have served their sentence should be permitted to vote.

Tom Herman, Robeson Township said that in an election, someone will win and someone will lose, "how contentious can it get!" He stated that he is aware of the level of scrutiny that goes on in the Elections Office and notes that it is the County's responsibility to make sure the system is fair and all citizens are permitted to vote.

Carlos Zayas of Reading, suggested that for the County to be pro-active there should be plenty of provisional ballots printed and available at the polling places. He also discussed the appeal process extension discussion at the State and ended his statements by inferring there is too much political partisanship within the County Elections Office.

There being no further business the meeting adjourned at 12:30 PM