

Commissioners' Board Meeting
Thursday, October 21, 2004

The Berks County Board of Commissioners met in regular session on Thursday, October 21, 2004 at 10:35 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 the October 12, 2004 Commissioners' Workshop Meeting and the October 12, 2004 Commissioners' Budget Workshop Meeting as well as the October 14, 2004 Commissioners' Meeting were approved as published with a motion made by Commissioner Scott seconded by Commissioner Gajewski and all voted yes to approve.

Commissioner Gajewski made a motion that was seconded by Commissioner Scott and all voted yes to approve the following Consent Agenda with the exception of items 428.04 F; 429.04 G on which Commissioner Scott voted no for the appointment of special counsel due to his reluctance to see the need especially during this time of economic strain for the county. On Resolution 430.04 H. approving the appointment of Stevens and Lee as special counsel to the County he suggested there may be a conflict of interest in that the Stevens & Lee firm represent several parties involved in litigation with the County such as Conestoga Landfill and the New Morgan properties. Both Commissioner Schwank and Commissioner Gajewski indicated they had received conflict letters from the firm but would agree to pull the Resolution until the matter can be reviewed further. The vote for items F and G were approved with Commissioner Schwank and Gajewski voting yes and Commissioner Scott voting no, all other items on the agenda were unanimously approved

Consent Agenda

1. Authorizing consent agenda items:
 - 423.04 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.
 - 424.04 B. 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.
 - 425.04 C. 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.
 - 426.04 D. Adopt Resolution for Guiding Principles for Children's Environmental Health.

- 427.04 E. 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.
 - 428.04 F. 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.
 - 429.04 G. 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.
 - 430.04 H. 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. **Hold for future agenda**
 - 431.04 I. 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.
 - 432.04 J. 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.
 - 433.04 K. Adopt Resolution authorizing 2004 budget transfers in the amount of \$168,000 per listing dated October 15, 2004.
2. Motion 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
3. Motion authorizing execution of Contract Agreements/ Amendments as furnished by the Contract Coordinator, per attached listing dated, October 15, 2004.

Reports

Controller Graffius presented her weekly report. Administrator Dennis read the Treasurer's report for the week.

Agenda Items for Discussion

Commissioner Scott discussed the City of Reading and the recent report of a proposed diesel oil conversion plant being considered as part of the Reading Sewer Treatment Plant reconstruction. He felt this project had countywide implications both environmental and financial and made a motion to request the County's Environmental Advisory Council to get involved. There was no second to his motion but a discussion followed.

Commissioner Gajewski stated that the meeting he attended regarding this project indicated that it was only in the information stage and it could be premature to submit a request for review to the EAC until the City decides to proceed with the concept.

Michelle Kircher expressed concern for those residents that live down wind from the existing sewer plant and wants to encourage that the county keep involved by turning it over to the EAC now.

Commissioner Schwank reported a conversation she already had with EAC Chairman, Craig Hafer who has expressed a need to hire a consultant for a review of this nature. She felt this project has economic development and environmental issues but felt that until the county has had more formal contact with the city the EAC will probably look into it on an informal basis.

Citizen Comment/Business From The Floor

There being no further business, the meeting was adjourned at 11:00 A.M.