

**Commissioners' Workshop Meeting**  
**Tuesday, February 22, 2005**

***I. CALL TO ORDER:***

The Berks County Board of Commissioners met in regular session on Tuesday, February 22, 2005 at 10:30 A.M. 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:***

Commissioner Schwank presented a proclamation on behalf of the board of Commissioners proclaiming February 20<sup>th</sup> through 26<sup>th</sup>, 2005 as Engineers Week. Karl E. Peterson, P.E. accepted the proclamation on behalf of the Reading Chapter of the PA Society of Professional Engineers.

Christopher Hartman, Esq. described a Richmond Township Zoning Hearing Board appeal that his clients Steve and Darlene Burkholder wish to file and are asking the County Commissioners, as agricultural easement holders to this property, to file a petition to intervene and join this appeal when it is filed in the Berks County Court of Common Pleas. Attorney Hartman explained that his clients and their family have operated a 57-acre hog farm since 1957. He said in order for his clients to stay financially viable they will need to expand and improve their hog operation and its related structures. The Richland Township Zoning Ordinance requires 1,500 ft set backs for "intensive" farming uses, which Attorney Hartman indicated, are more stringent than the Burkholder's approved Nutrient Management Plan. He said that those set back restrictions will prevent the property owners from making these needed improvements to their operation.

Commissioner Schwank indicated that she and Commissioner Gajewski attended the Richland Township meeting and met with Pennsylvania Agriculture Secretary Wolf to discuss this issue. She suggested that this area contains some of the county's richest farm land of which the County and State has invested more than 79 million through farmland preservation easements hoping to keep farming viable.

Commissioner Gajewski asked for an estimate of the costs involved if the County were to join this appeal and was informed by Atty. Hartman that the County's cost would be limited to the cost of filing the petition only, as he would be providing the legal argument on behalf of his clients. Commissioner Scott asked what the Township's position was and if any findings of fact or conclusions of law were written into the Zoning Hearing Board decision.

He was informed that the decision was very brief and Mr. Hartman said what he believed was the Township's reason for turning down the request was related to concern for existing residential property owners and the odors associated with this type of land use. Attorney Hartman asked if the board could make a decision within the next two weeks.

### **III. REPORTS OF COMMISSIONERS:**

#### **Commissioner Schwank**

- A. Adopt a Resolution approving the Berks County 911 Wireless Plan amendment and authorizing Daphne Dee Miller, Berks County 911 Coordinator; to file an update to such plan and transmit all required information to the Pennsylvania Emergency Management Agency. The three year 911 plan and amendments were developed in accordance with the Federal Communications Commission. Daphne Miller presented this proposed plan update and the purpose for its submittal. She indicated that Berks County is requesting Phase II to all wireless carriers in the area and that the County is hoping to implement that Phase during the next six months.
- B. Resolution appointing Kathleen Weckerle 1144 Van Reed Road, Leesport, PA 19533 to the Berks County Mental Health/Mental Retardation Advisory Board to fill an unexpired term ending 12/31/05.

#### **Commissioner Gajewski**

- A. Adopt a Resolution approving the Berks Berks County Workforce Investment Board's recommendation to award a contract to provide business services in partnership with the Pennsylvania CareerLink ~ Berks County to the following service provider: **Educational Data Systems, Inc.**, 15300 Commerce Drive North, Suite 200, Dearborn, Michigan 48120. Program operations are scheduled to begin on April 4, 2005. **The amount of the proposed contract budget is \$282,591.**
- B. Adopt a Resolution approving the On-the-Job Training Contract as per the list dated 2/11/05

#### **Commissioner Scott**

Commissioner Scott suggested to the board that the Longswamp Zoning Hearing Board appeal might involve the cost of retaining experts to provide specific testimony regarding the land use issues surrounding this appeal. It was agreed that the board would meet with the Directors of the Planning Commission and Conservation District to determine if county staff may provide the expert witness testimony.

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

- A. Adopt Resolution authorizing 2004 Budget Transfers in the total amount of \$40,371.00 2004 Budget Appropriations in the total amount of \$86,467.00 and 2005 Budget Transfers in the total amount of \$22,263.00 and 2005 Budget Appropriations in the total amount of \$1,400.00 per list dated February 17, 2005.

**Human Resources Director:**

- A. Adopt Resolution authorizing Human Resource recommendations dated February 22, 2005.

**Purchasing Department:****Contract Coordinator**

- A. Motion authorizing execution of a Contract Amendment as furnished by the Contract Coordinator, per listing dated February 17, 2005 as presented by Candace Noll. Ed Michalik, Director of MH/MR was present to explain this contract amendment with SAM Inc.

**Solicitor**

- A. Resolution authorizing of the execution of an Easement for the Union Canal Trail between the Township of Bern and the County of Berks concerning an easement along Palisades Drive, Bern Township.

**V. CITIZEN COMMENT/BUSINESS FROM THE FLOOR**

Roland Van Tongeo, citizen from District Township suggested that the County need to just say "no" to the **social service programs** to County funds.

Carlos Zayos, citizen of the City of Reading, questioned Commissioner Scott's participation on the last **Election Board** since the Commissioner has announced that his intentions to run for the office of Berks County Judge. Commissioner Scott and Solicitor Miller responded by explaining that they believe it to be the responsibility of a Commissioner to serve on the Election board until he has filed his petition for office.

Michael Kemp, former employee of Berks County asked several questions regarding COLA increases and the investment decisions made by the **Pension Board**. Commissioner Schwank said that these meetings are open to the public and encouraged him to attend. She then asked that he submit his questions regarding the specific financial discussions on the Pension Board policies in writing so a proper response can be made.

Commissioner Scott said that he continues to be disappointed with the low attendance at these public meetings. He said that despite the important discussions regarding the fund investments, the **Pension Board meetings** rarely get much attention by retirees or the media until critical decisions such as the current requirement to make contributions are needed.

John Morgan, citizen of Ruscombmanor Township took issue with recent media coverage representing **Commissioner Scott's position** regarding what was described in the newspaper as the poor citizens in the County. He suggested that many of the poor are also disabled and dependent on many of these services. Commissioner Scott responded by saying that he does not blame poor people as individuals for placing more demands and tax increases on County Government, rather he is suggesting that poverty itself has consequential impacts that should be examined. He said that this issue is about questioning analytical data not placing value judgments on those in need. He said higher demand for social services creates a need for higher taxes to pay for them and that is what we need to address.

There being no further business the meeting adjourned at 12:30 P.M.

Respectfully Submitted,

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Terry L Styer, Chief Clerk