

Commissioners' Workshop Meeting
Tuesday, March 15, 2005

I. CALL TO ORDER:

The Berks County Board of Commissioners met in regular session on Tuesday, March 15, 2005 at 10:40 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. PRESENTATIONS:

Commissioner Schwank introduced Craig Hafer, Chairman of the Berks EAC (Environmental Advisory Counsel) and asked him to discuss several issues including the **County's Recycling program**, DEP application reviews and the Rt. #82 corridor in Birdsboro. Following Craig's comments, the Commissioners agreed that the responsibility for the County's recycling program clearly remains with the Solid Waste Authority; however, the EAC's recycling committee, on which both Commissioners Schwank and Scott serve, would be able to assist with the development of a recycling plan and an educational program.

Craig discussed the **Rt#82 corridor** surrounding the Borough of Birdsboro and presented a Resolution adopted by the EAC suggesting that this roadway be developed into a greenway and the surrounding open space be considered for preservation.

Craig Hafer, Shannon Rossman from the Berks County Planning Commission together with Gavin L. Biebuyck, of Liberty Environmental consultants discussed suggested changes in the law that governs the public review of "environmental related" permit applications that are submitted to the PA DEP. They suggested that applicants should be required by the DEP to provide either hard or electronic copies of their applications to the host county or their designee (such as the EAC) when requested rather than causing volunteers or paid consultants to drive to the regional offices of DEP (in Harrisburg or Norristown) to review documents pertaining to new or expanded facilities in Berks County.

PROCLAMATIONS/CERTIFICATES:

- A. Commissioner Gajewski presented a proclamation to Kristy Hinnershitz, Media Development Director for Camp Fire USA - Adahi Council Proclaiming Thursday, March 17, 2005, ADAHI COUNCIL DAY.

III. DEPARTMENTAL REPORTS / REQUESTS:**Budget Director:**

- A. Adopt Resolution authorizing 2004 Budget Transfers in the total amount of \$501,492.00, also 2005 Appropriations in the total amount of \$66,768.00 per list dated March 17, 2005. Bob Patrizio, Budget Director was present to discuss the budget report.

Human Resources Director:

Jennifer Biehn presented the following items to the commissioners:

- A. Adopt Resolution authorizing the Director of Human Resources to sign a Mandatory Distribution Amendment (Code Section 401(a) (31) (B) for the AIG VALIC 457B Plan indicating that the County of Berks does not, and will not implement a mandatory cash-out provision.
- B. Adopt Resolution authorizing the Human Resource recommendation as per list dated March 15, 2005.
- C. Human Resources Department Policy recommendations
- a. Liberal Leave Policy
 - b. Sick Time Donation Policy-Revised
 - c. Personal Use of County Telephones and Office Equipment Policy

Purchasing Department**Contract Coordinator**

- A. Motion authorizing execution of Contract Agreements/ Amendments as furnished by the Contract Coordinator, per listing dated March 10, 2005.

IV. REPORTS OF COMMISSIONERS:**Commissioner Schwank**

- A. Commissioner Schwank reported on her meetings in Harrisburg during a CCAP convention yesterday. She reported that the Tax Fairness discussions for statewide tax reform were of the highest priority and most frequently discussed issue.

Commissioner Gajewski

- A. Adopt Resolution authorizing execution of amendment # 5 to a grant agreement, between the Berks SCA (Single County Authority) and the Department of Health, Bureau of Drug and Alcohol Programs (BDAP) for an increase in Substance Abuse Prevention and Treatment. George Vogel, Director for Berks County Counsel on Chemical Abuse presented this grant amendment and explained the proposed changes for this fiscal period.
- B. Adopt Resolution supporting the Community Development Block Grant Program and Urging Congress to Restore it's Funding.
- C. Adopt Resolution authorizing payment of invoices under the following Community Development Disbursement Vouchers:
 - 1. No. 2126-Community Development Block Grant funds - \$ 74,913.28
 - 2. No. 2125-S Emergency Shelter Program - \$ 8,968.99
 - 3. No. 487-Home Grant Program - \$ 7,000.00
 - 4. No. 488-Home Grant Program - \$ 5,520.00
 - 5. No. 1238-Property Rehabilitation Program - \$ 7,493.85
- D. Accept the proposal from L. Robert Kimball dated 2/14/05 for a feasibility study of the renovation of the existing Berks Heim nursing home Main building and Annex building into a Correctional-Type facility at a cost of \$96,652.00 (Bond funds to finance this project.) and authorize the Facilities and Operations Dept. to take the necessary steps to have a contract drafted. Commissioner Gajewski explained that the County's financial advisor assured him that bond funds could be utilized for this expense. There was a long discussion over the fact that the current prison improvements are intended to deal with the present population and not intended to deal with or propose improvements to the overpopulation issues.
- E. Adopt Resolution authorizing On-The-Job Training contracts and subsidized employment agreements as per list dated 3/11/05.

Commissioner Scott

- A. Adopt Resolution amending the Intermunicipal Environmental Funding Agreement (approved August 12, 2004 –Resolution 373.04) with Montgomery County to provide for an increase of \$12,000.00 for the completion of the Closure Committee of Peer Review report provided by consultants Henry S. Cole & Associated Inc. It is noted for these minutes that Berks County is committing half or \$6,000 to this agreement amendment.

Commissioner Scott continued:

- B. Commissioner Scott made a motion that was seconded by Commissioner Schwank to retain Paul A. DeBarry, P.E., P.H. and Borton Lawson Engineering for an hourly rate not to exceed \$175 for Mr. DeBarry and \$100 per hour for an associate to identify and evaluate storm water, erosion, sedimentation and water quality issues and ramifications of the December 2004 re-zoning of the Tercha and Radcliffe/Rohrbach tracts by Longswamp Township, and further to prepare and provide testimony on behalf of Berks County and aggrieved parties before the Longswamp Township Zoning Hearing Board. The Solicitor is hereby authorized to prepare an engagement letter incorporating the foregoing provisions including an expenditure cap, subject to revision, of \$5,000.

A call for the vote by the chair resulted in Commissioner Scott and Commissioner Schwank voting yes and Commissioner Gajewski voting no.

V. MISCELLANEOUS BUSINESS

Commissioner Scott noted for the record that the Commissioners met in executive session this morning March 15, 2005 to discuss the pending litigation with Longswamp Township (re-zoning appeal).

VI. CITIZEN COMMENT/BUSINESS FROM THE FLOOR

Elaine Falcone and Kathy Duffy from the Brandywine Heights School District thanked the board for their commitment to the Longswamp zoning issue and reminded everyone of the pending appeal hearing scheduled for March 23, 2005 at 7 P.M. in the Longswamp Elementary School.

Joan Jeffries, citizen from Earl Township, requested a copy of the report being prepared on behalf of the Pottstown Landfill closure review committee. She expressed concern over the additional funds approved for this agreement. Commissioner Scott indicated that she could obtain a copy of the final report when it is completed and it was agreed by the board that this kind of expenditure is really an investment in the environmental protection of the land surrounding the landfill. The board agreed that it is money well spent.

John Morgan of Ruscombmanor Township questioned the board as to a policy preventing the circulation of candidate petitions during the workday. He was referring specifically to an alleged report of Commissioner Scott collecting signatures at the Youth Center and suggested that County employees could perceive it as intimidation. The board responded by saying that the county does not prohibit the process of obtaining signatures on political petitions and whether it is appropriate for a Commissioner to do so with employees is a matter of judgment and opinion. Solicitor Miller stated that a previous board adopted a solicitation policy and ultimately decided that prohibiting this kind of democratic process would not be appropriate nor enforceable.

Maryann Reinhart and Rosie Skomitz spoke their objections to the issue of privatization of County operations such as the private management of the Heim. They felt that the Government should remain in control of county operations. They also objected to the county's involvement in the Richmond Township ZHB decision for the expansion of a Hog Operation.

Solicitor Miller suggested that there are successful examples of privatization of government services such as the County's use of SAM Inc. to deliver its MH/MR program. He said it saves dollars, yet the County remains in an oversight position.

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

Respectfully Submitted,

Terry L. Styer, Chief Clerk