

Commissioners' Board Meeting
Thursday, May 12, 2005

The Berks County Board of Commissioners met in regular session on Thursday, May 12, 2005, at 10:30 A.M. 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 Miller and County Administrator William E. Dennis.

A motion was made by Commissioner Scott seconded by Commissioner Gajewski and all voted yes to approve the minutes of the May 3, 2005 Workshop Meeting and May 5, 2005 Commissioner's Meeting.

Consent Agenda Items

1. The Commissioners unanimously agreed with a request by Commissioner Gajewski asked to pull resolution 163.05 until next week and to a request by Commissioner Scott to vote separately on Resolution 160.05. Commissioner Gajewski then made a motion to approve the remaining items on the consent agenda. The motion was seconded by Commissioner Scott and was unanimously approved.
 - 154.05 A. Resolution approving 2005 Transfers totaling to \$5,000.00, and 2005 Appropriations totaling to \$5,000.00 per list dated May 6, 2005
 - 155.05 B. Resolution authorizing the Human Resource recommendation as per list dated May 11, 2005. Beth Schiepan, Human Resource Director and District Attorney Mark Baldwin discussed the HR requests and promotions for the DA's office. District Attorney Baldwin assured the board that his department plans to be bringing this process to an end very soon. He also informed the board that these promotions are in place of the 2.5 increases for 2004. He also mentioned that with these promotions, he will remain under budget for 2005.
 - 156.05 C. Resolution approving, as a result of Invitation to Bid #05-07-RC, a contract for the supply, delivery and installation of resident room furniture (bedside cabinet, dresser, wardrobe) for the new nursing home facility. The award shall be made to Almon Co. d/b/a Claflin Contract Furnishings with an office at PO Box 7830, Warwick, Rhode Island, 02887 at their total bid price of \$448,140.00. Budget Code: 22-802-04-101-00.
 - 157.05 D. Resolution authorizing execution of a contract to Ambient Air Quality Services (AAQS), Lincoln University, PA to review the DEP (Department of Environmental Protection) Air Quality Permit application in relation to the construction of an electric generating facility using various waste products at United Corrstack in the amount not to exceed \$5,000.

- 158.05 E. Resolution ratifying, confirming and approving execution by the Board of County Commissioners of the HAVA Quarterly Working Capital Request and Performance Report to the Pennsylvania Department of State, Bureau of Commissions, and Elections & Legislation.
- 159.05 F. Resolution approving the Fire Training Center's proposed fee schedule as per attached listing.
- 161.05 H. Resolution authorizing execution of a Recycling Grant Agreement with the DEP for an "In-Vessel" food composting system for the Prison. Total cost not to exceed \$159,108.00 (DEP – Grant amount of \$143,197.00 with a County match of \$15,911.00.)
- 162.05 I. Resolution authorizing execution of a contract on behalf of the Berks County Employment & Training Office, as a result of a Request for Proposals 05-02-AF for a Web Based, "off-the-shelf" Performance Tracking/Case Management software system with LA Works, 5200 Irwindale Avenue, Irwindale, CA 91706; in an amount not to exceed \$107,600.00.
- 163.05 J. *Resolution to appoint Lillie Foster to fill an unexpired term till 12/31/05 on the Children and Youth Services Advisory Board.***
- Hold till next week***
- 164.05 K. Resolution authorizing payment of invoices under the following Community Development Disbursement Vouchers:
1. No. 2137-Community Development Block Grant funds - \$52,547.25
 2. No.1245- Property Rehabilitation Program - \$4,500.00
- 165.05 L. Resolution authorizing the allocation and expenditure of federal monies under various waiver agreements through contracts between SAM, Inc., and providers of mental retardation services (for the period 04/01/2004-06/30/2004), with allocation of funds and resulting contracts reviewed and approved by the MH/MR Administrator, ensuring appropriate oversight as recommended by legal counsel.
- 166.05 M. Resolution authorizing the allocation and expenditure of federal monies under various waiver agreements through contracts between SAM, Inc., and providers of mental retardation services (for the period 10/01/2004-03/31/2005), with allocation of funds and resulting contracts reviewed and approved by the MH/MR Administrator, ensuring appropriate oversight as recommended by legal counsel.

2. Motion authorizing execution of Contract Agreements/ Amendments as furnished by the Contract Coordinator, per listing dated May 6, 2005.

160.05 G. Resolution in support of the ACRE (Agricultural, communities and Rural Environment Initiative) program.

Commissioner Scott discussed several reservations he felt for this proposed legislation including the points he then read from the a position paper prepared by The Quality of Life and Local Control Caucus of Township Supervisors (established as an independent Caucus within the Pennsylvania State Association of Township Supervisors to work to protect local control and quality of life.) that suggests this legislation would remove local controls on land use, and give a politically appointed board the power of the courts. He felt that his legislation has merits but it has not been thought out well enough and he is not supportive of this proposal as it is written. One area of concern is that the Agri- business and sludge operation corporations could challenge local ordinances in front of this political board rather than the local officials. He added that the county should consider some type of public notice that would attach to a property record to indicate when bio-solids (sewage sludge) were applied to the farm. He described his concerns regarding the unknown factors such as a result of building up of heavy metals or the presence of pathogens that could result from that practice.

Commissioner Gajewski said that he supported the concept of the ACRE program because it provides an intermediary for the review of land use ordinances and adds an alternative to legal challenges. His impression is that this would reduce the number of conflicts between farmers and municipalities. He supports a change to the County Resolution that would include a township supervisors and a farm to be on the membership of the proposed ARB (Ag Review Board.)

Commissioner Schwank stated that she has personally experienced the cost of farming and other difficulties experienced while trying to be good stewards of the land. She said she was aware of local zoning regulations that have been written in such an overly restrictive manner, that they created additional and unreasonable difficulties for farmers that they run the risk of completely obstructing their ability to farm. In addressing the sewage sludge problem, she suggested the alternative to agricultural utilization of these bio-solids is to landfill them, which has caused odor problems at the landfills, there is no easy answer to this problem we all help to create.

Rose Skomitz and Stefan Kosikowski stated their opposition to this resolution suggesting that it gives the land use control to the State as this proposed ARB would be empowered to overturn local land use ordinances. They also suggested that it appears to be a power grab by corporate Agri businesses. Another objection expressed was that this resolution supported a proposed piece of legislation that wasn't even before the general assembly as yet.

Kathy Duffy – resident of the Brandywine Heights School District supported having local representation to this State Board if it is approved but she suggested that there decisions may present a conflict with local land use plans such as a Municipal Comprehensive Plan.

Michelle Kircher, Exeter Township Resident and Assistant to Commissioner Scott said that as a former township supervisor she would object to any legislation that would infringe on the ordinances adopted at the local level. She suggested that farming should be treaded like another other industry and not have a special regulatory group such as this legislation proposes.

Commissioner Scott recognized the points made by his colleagues for overly restrictive ordinances that have been adopted in urbanized municipalities and they have a tendency to over regulate agriculture. He understands and supports some of the merits of this proposal but not enough to support in its entirety.

Commissioner Schwank made a motion to approve Resolution 160.05, Commissioner Gajewski seconded the motion and hearing no additional comments, she called for the vote with Commissioner Schwank and Commissioner Gajewski voting yes and Commissioner Scott voting no – the motion carried.

Reports

1. Treasurer, Nelson Long, CPA presented his weekly Treasurer's report
2. Deputy Controller, Mark Hanson read the weekly Controller's report

Agenda Items for Discussion

Commissioner Schwank then commended the Lower Alsace Township Supervisors for their courage as they unanimously agreed to borrow 1.5 million dollars towards the purchase of the Antietam Lake property from the City of Reading at their township meeting last evening. The commissioner explained that \$500,000 of the funds will go towards the County's \$2.5 million offer and the other \$1 million will be added to the \$1 million the County had offered to help pay for the repairs to the Dam. Commissioner Gajewski indicated that both Mt. Penn Borough and Exeter Township are interested in helping with maintenance of the property. Commissioner Scott wanted to make it clear that the only appraisal of the property that has been presented came in at \$5,000 per acre and that did not include the liability or cost of the dam repairs. Following a long discussion regarding the various proposals, appraisals and now this new funding stream, the County Solicitor indicated that he will be in touch with the Solicitor from Lower Alsace Township to determine the details of this offer.

Citizen Comment:

There being no further business, the meeting adjourned at 11:50 A.M.

Respectfully Submitted,

Terry L. Styer, Chief Clerk