

Commissioners' Board Meeting
Thursday, October 27, 2005

The Berks County Board of Commissioners met in regular session on Thursday, October 27, 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, Esq. Commissioner Schwank then opened the meeting with a moment of silence and Pledge of Allegiance to the Flag.

Approval of Minutes

A motion approving minutes of the October 18, 2005 Workshop Meeting and the October 20, 2005 Commissioner's Meeting and delaying approval of the October 13, 2005 Commissioner's Meeting minutes was made by Commissioner Scott, seconded by Commissioner Gajewski, and all voted yes.

Consent Agenda Items

A motion was made by Commissioner Scott, seconded by Commissioner Gajewski and all voted yes to approve the consent agenda including items A - F and all voted yes. Additional discussion took place with a resolution brought from the floor from Commissioner Schwank numbered 346.06 (previously held from the October 6, 2005 Commissioners meeting) Following that approval items G and H were also approved with Item I held for additional information – *see notes below:

- 363.05 A. Resolution authorizing 2005 Budget Transfers in the total amount of \$98,990.00 and Budget Appropriations in the total amount of \$11,288.00 per list dated October 21, 2005.
- 364.05 B. Resolution authorizing the Human Resource recommendation as per list dated October 25, 2005
- 341.05 C. Resolution authorizing the appropriation of \$212,020 for the express purpose of funding BARTA's eligible expenses for the period July 1, 2005 through June 30, 2006.
- 365.05 D. Resolution Authorizing the Chair to execute the Renewal of State Only Permit Application No. 06-05067 (also authorizing a permit fee in the amount of \$375) and the Compliance Review Form. This Pennsylvania Department of Environmental Protection's permit for the Berks County Complex includes the three boilers at the steam plant and the two boilers at the Agricultural Center.

- 366.05 E. Resolution authorizing payment of invoices under the following
Community Development Disbursement Vouchers:
1. No. 514-Home Grant Program-\$13,870.00
 2. No. 2168- Community Development Block Grant Program- \$4,669.80
 3. No. 2167-S-Emergency Shelter Program-\$3,173.72
 4. No. 1265-Property Rehabilitation Program-\$3,200.00
- 367.05 F. Resolution assigning Room 154 to Security and Room 155 for storage of the MDJ Wally Scott's excess records.
- 346.05 10/6 Resolution authorizing the formal establishment of a line item revenue stream to set aside funding sources for the purpose of programs involved in health related environmental issues.
Approved with amendments discussed at this meeting. *
- 368.05 G. Resolution authorizing execution of a contract with Reinsel, Kuntz Leshner to perform an audit of the host fees paid to the County by BFI between the period July 1, 2003 and June 30, 2005 under the terms of the October 12, 1989 Waste Disposal Service Agreement in an amount not to exceed \$12,000.-
Amended by a motion made by Commissioner Gajewski and 2nd by Commissioner Schwank and all voting yes to request the operators of the Conestoga Landfill to permit the County Controllers office to conduct an audit prior to or instead contracting with Reinsel, Kuntz Leshner. **see additional notes below
- 369.05 H. Resolution authorizing execution of a Settlement Agreement between the County of Berks and New Morgan Landfill Company, Inc. et al., concerning litigation instituted by the County in December 2003.Motion by Commissioner Schwank and 2nd by Commissioner Gajewski and Commissioner Scott voted no.***
- 370.05 I. Resolution authorizing a three-year commitment from the County Growing Greener Funds in the amount of 75,000.00 per year for three years, to the RiverPlace Development Corporation for their implementation of the RiverPlace Master Plan.***Held for additional information

Reports

1. County Treasurer Nelson Long, CPA presented the weekly Treasurer's report.

2. County Controller, Sandy Graffius presented the weekly Controllers' report

*Commissioner Schwank brought Resolution 346.05 (on hold from the October 6 Commissioner meeting) from the floor for additional discussion and a proposal to adopt at this meeting. The board spent considerable time drafting and updating the language on this proposal to commit a funding stream of future environmental litigation settlements and additional fines and penalties assessed against landfills by the DEP. County Treasurer Nelson Long suggested opening a new bank account to be restricted for this purpose and for the conveyance of funds currently held in reserve within the County's General Fund balance. Commissioner Scott objected to Commissioner Schwank's suggestion that this fund include language to enable the county to use these funds for more than litigation and he wanted to see these funds use to benefit citizens affected by the landfills not just for parks and land in general. He suggested that many other funds such as Ag. Preservation Funds and Growing Greener funds have been established for open space and land acquisition. Commissioner Schwank indicated that it was very important that language be added to include the use of the fund for land acquisition and other environmental related programs and not limit the use of the funds only when litigation is involved. Following a long discussion the board agreed to amend the language to permit land acquisition in the affected community surrounding a landfill.

**Following an offer from Controller Graffius for her auditing staff to conduct an audit of the Host Fees according to the terms described in the proposed consultant agreement for Reinsel, Kuntz and Leshar and with the consent by Jim Teter, from Conestoga Landfill that all records would be provided to the County, Commissioner Gajewski motioned to amend resolution 368.05 and Commissioner Scott seconded this motion and all voted yes.

***A motion was then made by Commissioner Schwank, seconded by Commissioner Gajewski to approve Resolution 369.05, a settlement agreement between the County of Berks and Conestoga Landfill. Commissioner Scott reiterated his previous objections to this agreement whereby the Chair called for a vote with Commissioners Schwank and Gajewski voted yes and Commissioner Scott voted no, the Resolution was approved.

****Commissioner Scott expressed his concerns about resolution 371.05. He would like for the County Solicitor to look into the State Ethics Act before voting on this item because all three Commissioners are members of the RiverPlace Development Corporation board and it might just be a violation of the State Ethics Act. Commissioner Schwank and Commissioner Gajewski agreed that this item should be held for further review.

Public Comment:

There being no further business, the meeting adjourned at 11:28 A.M.

Respectfully Submitted,

Terry L. Styer, Chief Clerk

