

Commissioners' Board Meeting
Thursday, December 8, 2005

The Berks County Board of Commissioners met in regular session on Thursday, December 8, 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 L. Scott in attendance. Also present were the Chief Clerk Terry L. Styer, 1st Assistant Solicitor Christine M Sadler, Esq., and County Administrator William E. Dennis. Commissioner Schwank then opened the meeting with a moment of silence and Pledge of Allegiance to the Flag.

Approval of Minutes

A motion approving the minutes of the November 29, 2005 Workshop Meeting and the minutes of the December 1, 2005 was made by Commissioner Scott, seconded by Commissioner Gajewski and all voted yes to approve.

Consent Agenda Items

1. A motion was made by Commissioner Scott, seconded by Commissioner Gajewski and all voted yes to approve the consent agenda as follows:
 - 407.05 A. Resolution authorizing 2005 Budget Transfers in the total amount of \$96,971.00 and appropriations in the total amount of \$539,000.00 per list dated December 2, 2005.
 - 408.05 B. Resolution authorizing the Human Resource recommendation as per list dated December 06, 2005.
 - 409.05 C. Resolution expressing support for improvements to Route 222 North from Reading to Interstate 78 in Lehigh County as critical to the long-term development of the Greater Reading and Berks County area.
 - 410.05 D. Resolution authorizing the re-appointment of Joan Kohl to a two-year term with the Berks County Office of Aging Advisory Council.
 - 411.05 E. Resolution authorizing the re-appointment of Catherine R. Fox to a two-year term with the Berks County Office of Aging Advisory Council.

- 412.05 F. Resolution authorizing payment of invoices under the following Community Development Disbursement Vouchers:
1. No. 518-Home Grant Program-\$29,043.00
 2. No. 2174- Community Development Block Grant Program- \$12,411.77
 3. No. 1269 – Property Rehabilitation Program-\$1,150.00
 4. No. 2173-Community Development Block Grant Program-\$18,970.92
- 413.05 G. Resolution authorizing the re-appointment of Doris Epler to a two-year term with the Berks County Office of Aging Advisory Council.
- 414.05 H. Resolution authorizing an application for the Grant-in-Aid funds from the Juvenile Court Judges' Commission for the 2005-2006 fiscal year.
- 415.05 I. Resolution authorizing an application for a Highway Safety Project Grant in the amount of \$38,560.00 effective through September 30, 2006.
2. Motion authorizing execution of Contract Agreements/ Amendments as furnished by the Contract Coordinator, per listing dated December 8, 2005.
3. Motion to approve Amendment #2 to Agreement #PC-3132-04, with Reinsel Kuntz Leshner as a result of Request for Proposal 04-11K1 for Auditing Services. This Amendment serves to extend the Agreement for an additional one-year term beginning January 1, 2006 and continuing through December 31, 2006.

Non -Consent Agenda Items

4. The following resolutions were added to the agenda and discussed prior to approval. Commissioner Scott made a motion to approve Resolutions 416.05, which was seconded by Commissioner Gajewski all voted yes to approve. Next Commissioner Gajewski made a motion that was seconded by Commissioner Scott and all voted yes to approve 417.05
- 416.05 J. Resolution authorizing the re-appointment of Piper Sherburne to a four-year term with the Berks County Conservation District.
- 417.05 K. Resolution authorizing the appointment of Jerry R. Richwine, Esquire and Roland & Schlegel, P.C., as special counsel to Berks County to provide legal advice at an hourly rate of \$250.00 per partner hour and \$150.00 per associate hour

concerning real estate acquisition and eminent domain matters.

Reports

1. County Treasurer – Nelson Long, CPA presented the Treasurer's report
2. County Controller – Sandy Graffius presented the Controllers' report for the prior two weeks.

Miscellaneous Business

Commissioner Scott stated that after further review to the Option Agreement between the City of Reading and M&B Investors, a discrepancy with the number of parcels in the agreement had been discovered. He explained that the Option Agreement from M & B contained an exhibit referencing 49 parcels of land while the County's Offer only to the City of listed only 28 parcels. He then requested Bill Kochan, the County's Mapper to draft a map that would depict each offer shows the difference of land each agreement would cover. Mr. Kochan indicated that the preliminary review suggests that some of the 49 parcels are scattered all over Mt. Penn with some in the vicinity of the Pagoda. Commissioner Scott also read the M&B's language regarding a restrictive covenant suggesting that use of the land could never be a public park or public recreation area. Commissioner Schwank said that this issue along with a presentation from the county answering the City's request to hear more details regarding the County's proposed use of the land will be further discussed at today's public meeting with City Officials at 5:00 p.m. held in the Commissioner's Board Room.

Commissioner Schwank then brought up the RiverPlace Resolution 418.05 (funding request) from the floor for discussion with 1st Asst. Solicitor Sadler explaining the answer she has obtained from the State Ethic's Commission regarding the Commissioner ability to vote on this request. She explained that as board members of the RiverPlace Development organization, the Commissioners were prohibited from voted on funding requests without oral and written disclosure of their board membership and further that the only time they, as board members of RiverPlace were permitted to vote as Commissioners is when and if their vote was the only way a request could be approved such as a tie breaker vote. Commissioner Scott announced that he has resigned his position on the RiverPlace board to further avoid this conflict. It was decided to hold this Resolution for consideration until Tuesday, December 13, 2005 meeting.

There being no further business, the meeting adjourned at 11:15 A.M.

Respectfully Submitted,

Terry L. Styer, Chief Clerk