

Commissioners' Board Meeting Thursday, December 15, 2005

The Berks County Board of Commissioners met in regular session on Thursday, December 15, 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, County Solicitor Alan Miller, 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 December 6, 2005 Workshop Meeting and the minutes of the December 8, 2005 was made by Commissioner Gajewski, seconded by Commissioner Scott and all voted yes to approve.

Consent Agenda

1. A motion was made by Commissioner Gajewski, seconded by Commissioner Scott and all voted yes to approve the consent agenda as follows:
 - 419.05 A. Resolution authorizing 2005 Budget Transfers in the total amount of \$2,102,556.00 and appropriations in the total amount of \$68,122.00 per list dated December 9, 2005.
 - 420.05 B. Resolution authorizing the Human Resource recommendation as per list dated December 13, 2005.
 - 421.05 C. Resolution authorizing the obligation of the Help America Vote Act (HAVA) Grant funds received by the County of Berks as administered by the Pennsylvania Department of State.
 - 422.05 D. Resolution authorizing appointments to the new 9-1-1 Advisory Board.
 - 423.05 E. Resolution authorizing payment of invoices under the following Community Development Disbursement Vouchers:
 1. No. 2175- Community Development Block Grant Program- \$194,355.06
 2. No. 1270 – Property Rehabilitation Program-\$19,945.00
 - 424.05 F. Resolution authorizing execution of the Met-Ed Easement at the North Campus, Bern Township.

2. Motion to authorize the advertisement for an RFP for an Energy Performance Evaluation. Commissioner Gajewski stated that this would be for the Service Center, Court House, and Ag Center.

Reports

County Treasurer –William E. Dennis, County Administrator presented the Treasurer's report

County Controller – Sandy Graffius presented the Controllers' report and updated the board on the audit her office is performing on the New Morgan Landfill.

Non -Consent Agenda Items

3. Following a brief discussion on the below items, a motion was made by Commissioner Scott, seconded by Commissioner Gajewski and all voted yes to approve the non-consent agenda items as follows:
 - 425.05 J. Resolution amending a Grant Agreement with the PADEP(Pennsylvania Department of Environmental Resources) for the **Sacony Creek and Maiden Creek Watershed Stormwater Management Act 167 Plans**. Shannon Rossman Planner, Berks County Planning was present to discuss the amendments.
 - 426.05 K. Resolution authorizing the filing of a Corporate Banking Resolution for with National Penn Bank for the Hotel Tax Account.
 - 427.05 L. Resolution authorizing the use of room SB-02 on the sub-basement level of the Courthouse for use by the Probation Office as a storage area.
 - 428.05 M. Resolution authorizing the filing of a Corporate Banking Resolution for with Wachovia Bank for Self-Insurance Health & Welfare Account.
 - 429.05 N. Resolution of the County of Berks for the Condemnation of certain Real Estate situate in Alsace and Lower Alsace Townships, Berks County, Pennsylvania in accordance with the Eminent Domain Code, June 22, 1964, P.L. 84, 26 P.S. Section 1-101 ET SEQ., as amended **

**Commissioner Scott brought Resolution 429.05 to the floor for discussion and approval to adopt the resolution and authorize the chair to sign the Notice of Filing of Declaration of Taking. The motion was seconded by Commissioner Gajewski.

Resolution 429.05 discussion continued:

Commissioner Gajewski suggested that the documents prepared by counsel be amended to remove certain language that referred to "public baths" and he felt that the signature line on the Declaration document should be prepared for all three Commissioners signatures.

Commissioners Scott and Schwank felt that the language in the legal document was most likely making specific reference to language in the Eminent Domain and County Codes that probably are designed to encompass all possible examples of recreational uses but noted that because it is referenced, it doesn't imply intent. Commissioner Scott indicated that he was not inclined to second-guess the County's Special Legal counsel and in the interest of time, suggested leaving the document as prepared and moving the process forward. He stated this process will "clear the decks of all players" and assured that each party received fair compensation according to a decision rendered by a court of law. He then thanked his colleagues for agreeing to support this resolution and acknowledged that this difficult decision is not without risk.

Commissioner Schwank repeated her desire that this action could be withdrawn within 60 days, upon reaching some kind of amicable agreement with the newly seated city council in 2006.

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

Respectfully Submitted,

Terry L. Styer, Chief Clerk