

Commissioners' Board Meeting Thursday, January 19, 2006

The Berks County Board of Commissioners met in regular session on Thursday, January 19, 2006 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 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

Commissioner Scott made a motion that was seconded by Commissioner Gajewski to approve the January 10, 2006 Commissioner worksession, and the January 12, 2006 Commissioners' meeting minutes subject to the corrections in the proposal with Liberty Environmental, Inc. Resolution 38.06 requested by Solicitor Alan Miller, Esq., With those corrections noted, all voted yes to approve.

Resolutions and Contracts:

- I. A motion was made by Commissioner Scott, seconded by Commissioner Gajewski and all voted unanimously to approve the items listed below:
 - 30.06 A. Resolution authorizing 2005 Budget Transfers in the amount of \$215,523.00 and 2006 Budget Transfers in the amount of \$98,879.00. Also 2005 Appropriations in the amount \$194,008.00 and 2006 Appropriations in the amount \$533,765.00 per listing dated January 13, 2006.
 - 31.06 B. Resolution authorizing Human Resource Recommendations as list dated January 17, 2006.
 - 32.06 C. Resolution authorizing the execution of Lease Agreement between the County of Berks and Nextel Communications of the Mid-Atlantic, Inc. for certain space and land adjacent to the Water Tank located at the Berks County Fire Training Center to install, maintain and operate communication facilities for a five (5) year term.
 - 33.06 D. Resolution certifying the Historical Society of Berks County as the official County Historical Society and further, awarding a grant in the amount of \$10,000 from the 2006 General Fund budget.

- 34.06 E. Resolution authorizing the Berks County Family Court Administrator to apply for an implementation grant with respect to "Safe Havens: Supervised Visitation and Safe Exchange Grant Program."
 - 35.06 F. Amend Resolution 217.05 authorizing the execution of the Human Services Development Fund (HSDF) to include the expenditures of additional revenue including a new line item for Children and Youth protective services.
 - 36.06 G. Resolution appointing Bradley Weisman to a three-year term ending 12/31/2009 to the MH/MR Advisory Board.
 - 37.06 H. Resolution authorizing Twenty Five Thousand Dollars (\$25,000.00) from the Berks Environmental Defense Fund shall be tendered to Union Township for the restricted purpose of defraying legal expenses related to the aforementioned litigation incurred following the date of this Resolution. *See comments below.
 - 38.06 I. Resolution authorizing Judith L. Schwank, as Chair of the Board, to execute Proposal by and between the County of Berks and Liberty Environmental, Inc. for Liberty Environmental, Inc. to Provide Ambient Air Quality Monitoring and Nonattainment Planning Consulting Services for the Berks County Environmental Advisory Council (Proposal No. P050285) in an amount not to exceed twenty-five thousand dollars (25,000.00). *See comments below.
- 2. Motion authorizing execution of Contract Agreements/ Amendments as furnished by the Contract Coordinator, per listing dated January 12, 2006.
 - 3. Enact Ordinance No. 1-06 summarized below:

AN ORDINANCE AUTHORIZING THE BOARD OF COMMISSIONERS OF THE COUNTY OF BERKS TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT TO ESTABLISH THE BERKS COUNTY UNIFORM CONSTRUCTION CODE BOARD OF APPEALS IN COOPERATION WITH PARTICIPATING MUNICIPALITIES WITHIN THE COUNTY.

Jamie L. Passon, Planner II advised that through new state regulations each municipality must have a code enforcement board of appeals. Because most of the municipalities do not have enough people to staff a board of appeals, it is felt that the best approach is to establish a countywide board of appeals. To participate the township or borough would pay a yearly fee of \$200.00. Each appeal would be paid by the party initiating the request.

Ordinance No. 1-06 continued: The amount paid would be used for fees related to the appeal and funds not used will be refunded. The countywide board of appeals would consist of five (5) professionals, i.e. engineers, and five (5) alternates. As of now they have about 50% participation from the other townships and boroughs. This will not cost the county any money nor generate additional funds for the county.

- * Commissioner Gajewski stated his concerns regarding Resolution 37.06. He questioned how they as a board would handle other requests by other townships and boroughs. Commissioner Scott indicated that he shared his concern but he also mentioned that he initiated the request for Union Township. Union Township did not request the funds. He also stated that they would have to look at each request as they are submitted and make the hard decision of which request would be approved or denied. Commissioner Schwank indicated that she too shares in their concerns but after reading an article that states that Union Township has to step up to the plate to try to rectify the situation that they are in, she felt comfortable supporting Resolution 37.06.
- * Commissioner Gajewski stated his concerns with Resolution 38.06. He believes that we should look at other proposals when we are not in a state of urgency. He advised that he would not be voting against Resolution 38.06. Commissioner Gajewski also pointed out that the proposal should be sent to the Berks County Commissioners not to the EAC. Alan Miller stated that he would make the following corrections to the proposal: The proposal should be sent to the Berks County Commissioners. Also that the amount will not exceed \$20,000.00 and that additional decisions will require Commissioner's approval not approval by the EAC. Commissioner Schwank stated that Liberty Environmental is a local company and that they have served well in the past and with our current air pollution problem she would like to vote yes to Resolution 38.06.

Reports

1. County Treasurer – Nelson Long, CPA, read report.
2. County Controller – Sandy Graffius, Controller read report.

Citizen Comment/Business From The Floor

- James Troutman, Clerk of Courts commented on the Berks County nonattainment issue. He feels that the presentation given at the Commissioners work session on Tuesday, January 17, 2006 was very technical and would like to share the personal impact that the nonattainment issue had on him and others in our county. He went to get his car inspected and due to the fact that we are a nonattainment county, he had to pay additional fees. He also feels it is hard to believe that we are nonattainment since we are number one or two in the state for Ag Land Preservation. Can we tell what is contributing to this nonattainment status? Commissioner Scott said that we do not know what the cause is but that it is one of the objectives of the study.

There being no further business, the meeting adjourned at 11:00 A.M.

Respectfully Submitted,

Terry L. Styer, Chief Clerk