

## **Commissioners' Board Meeting December 13, 2007**

The Berks County Board of Commissioners met in regular session on Thursday, December 13, 2007, 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 Thomas Gajewski called the meeting to order with Commissioner Mark C. Scott in attendance. Also present were the Chief Clerk Terry L. Styer, County Solicitor Alan Miller, Esq., and County Administrator William E. Dennis. Commissioner Judith Schwank did not attend the meeting.

Commissioner Gajewski 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 December 4, 2007 Commissioner workshop minutes and the December 6, 2007 Commissioners meeting minutes, all voted yes to approve.

### **Enact Ordinance 5-07 as follows:**

A motion was made by Commissioner Scott, seconded by Commissioner Gajewski and all voted unanimously to enact the following ordinance:

AN ORDINANCE OF THE COMMISSIONERS OF THE COUNTY OF BERKS, PENNSYLVANIA, AUTHORIZING AND DIRECTING THE INCURRENCE OF LEASE RENTAL DEBT, PURSUANT TO THE ACT OF THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF PENNSYLVANIA, APPROVED DECEMBER 19, 1996, ACT NO. 177, AS AMENDED, KNOWN AS THE LOCAL GOVERNMENT UNIT DEBT ACT; DETERMINING THAT SUCH DEBT SHALL BE INCURRED UNDER THE DEBT ACT AS LEASE RENTAL DEBT TO BE EVIDENCED BY A CERTAIN GUARANTY AGREEMENT OF THE COUNTY SECURING A GUARANTEED LINE OF CREDIT NOTE TO BE EXECUTED BY THE BERKS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY (THE "AUTHORITY") TO FINANCE A PROJECT FOR THE AUTHORITY CONSISTING OF (1) THE ACQUISITION OF REAL PROPERTY AND THE RENOVATION AND IMPROVEMENT OF SUCH REAL PROPERTY FOR USE AS INDUSTRIAL PARKS; (2) THE ACQUISITION AND INSTALLATION OF INFRASTRUCTURE IMPROVEMENTS; AND (3) THE PAYMENT OF THE COSTS OF FINANCING SUCH A PROJECT; BRIEFLY DESCRIBING SUCH PROJECTS FOR WHICH DEBT IS TO BE INCURRED; AUTHORIZING AND DIRECTING THE PROPER OFFICERS OF THIS

COUNTY: (A) TO PREPARE, TO CERTIFY AND TO FILE THE DEBT STATEMENT AND BORROWING BASE CERTIFICATE REQUIRED BY SECTION 8110 OF THE DEBT ACT; (B) TO CAUSE TO BE PREPARED AND FILED, STATEMENTS REQUIRED BY SECTION 8026 OF THE DEBT ACT WHICH ARE NECESSARY TO QUALIFY ALL OF SUCH LEASE RENTAL DEBT FOR EXCLUSION FROM THE APPROPRIATE DEBT LIMITS AS SELF-LIQUIDATING DEBT, IF NECESSARY OR DESIREABLE; AND (C) TO EXECUTE, TO ATTEST, TO SEAL AND TO DELIVER A GUARANTY AGREEMENT, AMONG THIS COUNTY, THE AUTHORITY AND THE PURCHASER OF THE NOTE; SPECIFYING THE AMOUNT OF THE GUARANTY OBLIGATION OF THIS COUNTY PURSUANT TO SUCH GUARANTY AGREEMENT AND THE SOURCES OF PAYMENT OF SUCH GUARANTY OBLIGATION; AUTHORIZING THE PROPER OFFICERS OF THIS COUNTY TO TAKE ALL OTHER REQUIRED, NECESSARY OR DESIRABLE RELATED ACTION IN CONNECTION WITH SUCH PROJECT AND THE EXECUTION AND DELIVERY OF SUCH GUARANTY AGREEMENT; PROVIDING FOR THE EFFECTIVENESS OF THIS ORDINANCE; PROVIDING FOR THE SEVERABILITY OF PROVISIONS OF THIS ORDINANCE; AND PROVIDING FOR THE REPEAL OF ALL INCONSISTENT ORDINANCES OR RESOLUTIONS OR PARTS OF ORDINANCES.

**Consent Agenda Items**

- I. A motion was made by Commissioner Scott, seconded by Commissioner Gajewski and all voted unanimously to approve the items listed below:
  - 340.07 A. Adopt Resolution authorizing 2007 Budget Transfers in the amount of \$280,231.04 and 2007 Appropriations in the amount \$ 1,898,582 per listing dated December 7, 2007.
  - 341.07 B. Human Resource Recommendations per list dated December 11, 2007.
  - 342.07 C. Adopt resolution to approve two new policies: Employment Process Policy and Tuition Assistance Program (M/C).  
\*\*Commissioner Gajewski made a motion, seconded by Commissioner Scott, and approved by all, to amend the Employment Process Policy to accept all applications regardless of whether there is a job opening or not.
  - 343.07 D. Resolution authorizing tax forgiveness for 2007 County taxes for Parcel ID No. 73-5334-20-90-7057 owned by Robeson Township in the amount of \$86.69 including all penalties and interest.

- 344.07 E. Resolution authorizing the Berks Heim Volunteer Services Board to enter into an agreement with Telecommunications of West Reading to provide a fund raising advertising book.
- 345.07 G. Resolution to appoint Nelson Simonson, Wernersville, PA to a vacant 2 year term on the Berks County Office of Aging Advisory Council. Mr. Simonson's term will end 12/31/2009.
- 346.07 H. Resolution to appoint Janice Fetrow-Stewart, Reading, PA to a vacant 2 year term on the Berks County Office of Aging Advisory Council. Ms. Fetrow-Stewart's term will end 12/31/2009.
2. Motion authorizing execution of Contract Agreements/ Amendments as furnished by the Contract Coordinator, per listing dated December 7, 2007.

### **Reports**

1. County Treasurer – County Administrator Bill Dennis presented the Treasurer's report for Nelson Long, CPA
2. County Controller – Sandy Graffius, Controller, read her report.

### **Citizen Comment/Business from the Floor**

Commissioner-Elect Christian Leinbach expressed concern regarding the Riverplace Amphitheatre project and requested that the Board not vote on the project next Tuesday. He noted that there are currently two other similar venues available that may not be being used to their full potential, and that the project is not part of the park and recreation plan for 2008. Commissioner Scott also noted concerns about the project, most notably that there is no long term operation and maintenance plan. He understands that the grant may only be available for a limited time, but is also concerned that leverage would be lost with other bargaining entities if we too freely give money to projects that are not fully thought out. He also noted that the City itself seems to be more in favor of refurbishing and using the City Park Bandshell to its fullest extent. He also asked if a demand study was done to justify building the amphitheatre. He is interested in seeing it.

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

Respectfully Submitted,

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Terry L. Styer, Chief Clerk