

**Commissioners' Workshop Meeting
Tuesday, December 18, 2007**

I. CALL TO ORDER:

The Berks County Board of Commissioners met in regular session on Tuesday, December 18, 2007 at 10:30 A.M. in the thirteenth floor Board Room of the Berks County Services Center, pursuant to due notice to Board members and the public.

Commissioner Thomas W. Gajewski, Sr., called the meeting to order with Commissioner Mark C. Scott in attendance. Also present were County Administrator, William E. Dennis, Solicitor Alan Miller Esq., and Chief Clerk Terry Styer. Commissioner Judith L. Schwank was not present, but participated via telephone.

Commissioner Gajewski opened the meeting with a moment of silence and the Pledge of Allegiance to the Flag.

II. PROCLAMATIONS/CERTIFICATE OF RECOGNITION

State Representative Tom Caltagirone presented a check for \$5,000 for the New Year's Eve Celebration to Special Events Coordinator Carey Kaucher.

Commissioner Gajewski presented a Proclamation to the State Champion Central Catholic Girls Volleyball team.

Commissioner Gajewski presented a Certificate of Recognition to Elizabeth Briseno in celebration of her receiving the 2007 Citizen of the Year award from Latino newspaper La Voz.

III. 2008 BUDGET

County Administrator Bill Dennis and Budget Director Bob Patrizio presented the 2008 proposed budget discussing the changes they described as minor in nature that have been added since the budget was placed on the table in November.

Following the budget update, Christine Sadler, Esq. First Assistant County Solicitor, was asked to explain the Pennsylvania Public Official and Employee Ethics Act requirements for disclosure prior to the Commissioners' vote on the 2008 Budget. She explained that each Commissioner who serves as a member (even in a volunteer capacity) on various boards such as the BEP (Berks Economic Partnership), RiverPlace Development Corporation and Crime Alert Berks County and the fact that each organization receives or may receive funding as part of the proposed 2008 budget, is required to disclose verbally and in writing the potential conflict of interest and abstain from discussion and or voting on those line items in the budget involving the funding of the organizations. She explained that the only exception to this requirement exists when a vote is needed to break a tie.

In the case of a tie vote, she said that the Commissioner (s) will need to disclose the conflict and present a letter that discloses the potential conflict to the Chief Clerk and will only then be permitted to vote on the matter. Following that explanation, each Commissioner presented their letters of conflict with Commissioners Scott and Schwank noting that they each serve only the Berks Economic Partnership and Commissioner Gajewski noting that he serves on the Berks Economic Partnership, Crime Alert Berks County and the RiverPlace Development Corporation all of which receive or are proposed to receive funding from the County.

When asked if the proposed 2008 budget contains a requested \$625,000 for the Amphitheater project of RiverPlace Corporation, the budget director replied that it did not as the budget is currently presented. Commissioner Schwank asked about the balance in the County's Growing Greener account and was told that the current \$750,000 balance was earmarked for any additional development costs associated with the Antietam Park and Hay Creek Trail projects. He added that if the board approved the funding of the Amphitheater project for \$625,000 he would suggest looking to the funds currently earmarked for other projects within the line item marked contingency funds.

Commissioner Scott reminded the board of the existing park facilities in need of additional operational and maintenance improvements and that on this point, he believed that the Commissioners Elect agreed with him that more information on the entire River Front project, especially the decisions regarding future ownership and maintenance responsibilities, need to be decided before further funding by the County is committed.

Prior to the adoption of the 2008 budget, Commissioner Gajewski made a motion to approve the proposed 2008 budget, noting his abstention from voting on the line items for which he is conflicted, and as part of his motion he requested that the real estate tax millage rate be reduced by one mill for 2008. Commissioner Schwank seconded the motion for discussion purposes. Administrator Bill Dennis explained that 1 mill tax reduction would equal approximately \$16 million in reduced revenue, creating a budget deficit forcing the county to utilize fund balance to balance the budget for 2008. Budget Director Patrizio suggested that with a tax cut now, the projections would indicate that the county will be out of cash by 2010. Commissioner Scott reminded the board that utilizing a fund balance to balance the budget will hasten need for tax anticipation borrowing, which is what the board was faced with in 2004 due to the need to use fund balance to balance that year's budget deficit. Administrator Dennis also reminded the board of the importance for a cash flow due to the reimbursement position the county faces by many of the federal and state funding streams and the fact that the county often has to front the money to fund mandated programs and wait for federal and state reimbursements. Commissioner Schwank reflected on this board's recent decisions to fund the construction and operational costs for the new community corrections center and to combine and move the 9-1-1 Communications Center and Emergency Management operations.

She also mentioned that with the unknowns of the HAVA (Help America to Vote Act) requirements and an upcoming presidential election, the county may face many unpredictable expenses. She ended by stating that she does not wish her legacy to be one of handing off a deficit budget to this county and the new board of Commissioners and called for the vote to the motion on the floor to approve the budget with a 1 mill tax reduction. Commissioner Gajewski voted yes, while Commissioners Schwank and Scott voted no, the motion failed.

Commissioner Schwank then made a motion, seconded by Commissioner Scott, with Commissioners Schwank and Scott voting yes and Commissioner Gajewski voting no to approve the following:

- 347.07 A. Resolution authorizing adoption of the 2008 County of Berks Budget and further establish that the 2008 Real Estate Tax millage will remain at 6.935 mills.

IV. PRESENTATION:

Presentation of the Berks County Greenway, Park and Open Space Plan by Glenn Knoblauch, Executive Director and Shannon Rossman, Intergovernmental Planner of the Berks County Planning Commission and Bill Semmel Director of Berks County Parks and Recreation. Commissioner Schwank complimented all involved on what she described as cutting edge. She said this plan is much more than an amendment to the Comprehensive Plan, it is a vision. Commissioner Scott noted that the inventory of existing parks and recreation locations contained in this plan is phenomenal.

V. DEPARTMENTAL REPORTS / REQUESTS:

County Administrator

Commissioner Scott made a motion, seconded by Commissioner Schwank and all voted yes to approve the following resolution:

- 348.07 B. Ratify and Confirm Declaration of Disaster Emergency of December 16, 2007.

County Ag. Coordinator

Following her monthly report, Sheila Miller presented a Proclamation on behalf of the County to Nettie Kauffman in recognition of her "Friends of the Grange Youth Award."

Budget Department:

- A. Adopt Resolution authorizing 2007 Budget Transfers in the amount of \$131,899.00 and 2007 Appropriations in the amount \$374,704.00 per listing dated December 14, 2007.

Budget Department continued:

- B. Motion authorizing Judith L. Schwank, as Chairman of the Board, to execute Contract Agreements/ Amendments as furnished by the Contract Coordinator, per attached listing dated December 14, 2007.
- C. Recommendation to award and execute, as a result of Invitation to Bid #07-09-AO, a contract for the supply and installation of street light poles on an as-needed basis. The contract shall be utilized for the emergency replacement of light poles on sections of the West Shore Bypass (Route 422) and Route 12 (Warren Street Bypass). The award shall be made to the following vendor; Telco, Inc. 1224 Cross Keys Road, Reading, PA 19605 \$50,260.00

Court Administration

Commissioner Schwank made a motion, seconded by Commissioner Gajewski, and all voted yes to approve the following resolutions:

- 349.07 C. Resolution authorizing execution of a Lease Agreement between Kotsakis Family Limited Partnership, 602 Lambda Circle, Wernersville, PA 19565, and the County of Berks for offices space located at the Westgate Shoppes, Suite 5, 600 East Penn Avenue, Wernersville, PA, for Magisterial District Court 23-1-01 for a five (5) year term beginning May 1, 2008 and ending April 30, 2013.
- 350.07 D. Resolution authorizing execution of an extension of a Lease Agreement between Victor and Keldia Cabrera, 1819 Reading Blvd, Wyomissing, PA, and the County of Berks for offices located at 101 North 9th Street, Reading, PA for Magisterial District Court 23-1-03 for a three month period beginning February 1, 2008 until April 30, 2008, and renewing automatically for successive one month terms as needed.

Human Resource Director:

- A. Human Resource Recommendations per list dated December 18, 2007.

Office of Aging

- A. Adopt a resolution authorizing the execution of a grant agreement with the PA Department of Aging for the Senior Employment program which seeks to place low income individuals age 55 and older in private non-profit agencies in the community. Grant is for program year 2008 – 2009 for \$79,730. No County match is required.

Solicitor

Commissioner Scott made a motion, seconded by Commissioner Gajewski and all voted yes to approve the following resolutions:

- 351.07 E. Resolution authorizing execution by the Berks County Board of Commissioners of a Lease Agreement for Farmland between the County of Berks and Michael D. Braucher for approximately 197 acres at the Berks County Welfare Tract, Bern Township, for a five (5) year term beginning January 1, 2008 and ending December 30, 2012.
- 352.07 F. Resolution authorizing execution of the Settlement Agreement between the County of Berks and AFSCME concerning a union grievance.
- 353.07 G. Resolution authorizing execution of a Settlement Agreement between the County of Berks and Teamsters Local 429 concerning a union grievance.

VI. REPORTS OF COMMISSIONERS:

- A. Adopt Resolution authorizing, effective February 1, 2008, the Berks Heim private pay per diem rate increase from \$230. per day to \$235 per day plus an additional \$5 per day for ancillary services (Laundry, barber/beauty shop services [except color and permanents], medical supplies and therapies) Pharmaceutical drug costs that are not covered by private insurance will be billed separately.

Commissioner Gajewski

Commissioner Gajewski made a motion, seconded by Commissioner Schwank to approve the following resolution.

- 354.07 H. Resolution authorizing the payment of \$625,000 for the purchase of land and the building of an amphitheater under certain conditions. Commissioner Scott restated his previous position that while this seems a worthy project he could not support it at this time due to the reasons he previously stated. Upon calling for the vote Commissioner Gajewski and Commissioner Schwank voted yes and Commissioner Scott voted no. The motion carried and the resolution approved.

There being no further business the meeting adjourned at 12:45 PM.

Respectfully Submitted,

Terry L Styer, Chief Clerk