

Commissioners' Workshop Meeting Tuesday, June 2, 2009

I. CALL TO ORDER:

The Berks County Board of Commissioners met in regular session on Tuesday, June 2, 2009 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 Chair Mark C. Scott, Esq. called the meeting to order with Commissioner Christian Leinbach, and Commissioner Kevin Barnhardt in attendance. Also present were 1st Assistant Solicitor Christine Sadler, Esq., and Chief Clerk Terry Styer.

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

II. PRESENTATIONS

Jane Meeks, Executive Director of the Berks County Solid Waste Authority updated the board regarding the County's numerous recycling programs and upcoming municipal recycling collections.

Tom Orth, Chairman, and John Theodossiou, Supervisor of Lower Alsace Township, attended the meeting to discuss the Earl Trust Property in the vicinity of Antietam Park. Supervisor Orth explained that the prior Board of Supervisors authorized a loan of \$1.5 million to help the County preserve the Antietam Lake property in perpetuity. He said thereafter the Earl Trust property became a point of discussion for the Supervisors and a tour was arranged by then Commissioner Judy Schwank who suggested that the Earl Trust Land may be divided between the County, the City, The Berks County Conservancy and Lower Alsace Township. Supervisor Orth said that during that tour it was suggested by Commissioner Schwank that Lower Alsace may want to assume ownership of a 70 acre parcel to use for recycling of leaves collected by the municipality. He described this as a verbal contract and was described as a "selling point" to the Lower Alsace residents to take out the 20 year loan for the \$1.5 million contribution to the County's purchase of the Antietam Lake property. He suggested that the leaf composting operation wouldn't be visible from the road or accessible to the public. Supervisor Orth then reported that as suggested by Commissioner Barnhardt, he contacted the Exeter Township Manager for inclusion into their program and was turned down due to the space limitations the township had for leaf recycling for this year. Mr. Orth also referenced that the school also has an interest in certain Earl Trust parcels.

Commissioner Barnhardt said he was confused, in that he was informed by Clarence Hamm, Exeter Township Road Manager that the township would be willing to accept Lower Alsace Township's compost for a fee to cover the Township's costs.

Lower Alsace Township /Earl Trust Land discussion continued:

Commissioner Leinbach said he wasn't aware of any alleged agreement for the Earl Trust land until recently. He said all through the court hearings and closing out the agreement with Wachovia Bank (the Earl Trust Trustee) no one ever approached him indicating that was any form of agreement between the County and Lower Alsace Township.

He reflected on Supervisor Orth's statement that the Township Supervisors made the commitment of the \$1.5 million to help the County towards the preservation of the land and noted that the Earl Trust land discussions occurred after that commitment was made indicating that no one was backing out of any agreement.

Commissioner Scott reviewed a series of letters sent in 2006 from Lower Alsace Township and the Antietam School District addressed to Commissioner Schwank or to the formal board of Commissioners, several of which Commissioner Scott indicated that he had no record of receiving. The letters expressed interest from both entities including reference to the township's interest for a tree and leaf disposal area for Lower Alsace Township. The Commissioner said there seems to be a threshold issue that goes beyond Commissioner Schwank's efforts to accommodate the township's request due to the legal issue of whether the terms of the trust would permit a recycling operation which he said would typically take place in a municipal zone or an industrial zone. He added that the obligation of the board as public officials is to uphold the intent of the trust to preserve the land as open space and wildlife propagation area. Commissioner Scott said that as he reviewed a tape of the August 29, 2006 Commissioners' meeting where he brought up Lower Alsace's interest in the Earl Trust property, he clearly stated that he would only support that interest if it didn't violate the terms of the trust. The Commissioner speculated that the trustee at the time (American Bank) may not have adequately enforced the terms of the trust with regard to the city of Reading's use of the property as a composting site.

Commissioner Barnhardt said that the County reached out to Exeter Township and will continue to look for a workable solution for Lower Alsace Township's composting issue. He then apologized for any promises that may have been provided by a prior board. He referred to an e-mail from Judy Schwank who referenced that the interest of the township and school district was being considered as a good will gesture and that no formal agreement had ever been reached.

Supervisor Orth said that the Township is only interested in facilities that are located close enough to be economically feasible. Supervisor Theodossiou said that a cost free answer for the township is their priority. Commissioner Scott encouraged them to contact their Township Solicitor for an additional legal review of the Trust Document. It was suggested that a composting operation is required to be permitted by DEP and equipment for the management of the compost will be required, therefore it may not be an inexpensive venture regardless of its location.

III. DEPARTMENTAL REPORTS / REQUESTS:**Budget Department**

- A. Adopt a resolution authorizing 2009 Budget Transfers in the amount of \$5,654, and 2009 Appropriations in the amount \$1,993 per listing dated May 29, 2009. Bob Patrizio, Budget Director, presented the report.

Community Development

- A. Adopt a Resolution to incorporate the substantial amendment to the 2008 Annual Action Plan, with funds from the CDBG-R Program authorized under the American Recovery and Reinvestment Act of 2009. The amendment allocates CDBG-R funds to administration, the Grand Street extension project in Hamburg, and the Second Street Learning Center project of Opportunity House.
- B. Adopt a Resolution authorizing a grant application between the County of Berks and Pennsylvania Department of Community and Economic Development (DCED) from the federal Homelessness Prevention and Rapid Re-housing Program (HPRP) authorized by the American Recovery and Reinvestment Act of 2009; to be used for activities of Berks Connections/Pretrial Services, and Service, Access, and Management. Minimum grant amount is \$301,318.

Commissioner Scott reflected on his concern for the proposed use of the Federal Stimulus dollars for these projects instead of applying them as requested from the Industrial Development Authority to offset the cost of engineering work for the Airport Industrial Park. He said this project been described by the Berks Economic Partnership and the Commissioners as the number one priority for economic development in Berks County noting that "if we don't invest in economic development that will create high Quality jobs we'll all be homeless." Commissioner Barnhardt said that eligibility for these Stimulus funds comes down to the immediate ability to create jobs and the status of the airport project doesn't meet the timing requirements or he would agree to commit all funds to that project as well. Ken Pick said that the intent of the stimulus money is to immediately create some construction jobs which will lead to more permanent jobs which both the Grant Street and Opportunity House projects will do. Commissioner Scott said that the long term effect of the Airport Research Park would create the long term, "knowledge based" jobs that most experts say represent the future of developed nations which is just what this County needs. Commissioner Leinbach said that this is turning out to be anything but an economic stimulus package. He made reference to Penn Dot's proposed road maintenance projects and painting bridges where they should be applying funds to bridges that need to be replaced. He said its unfortunate that the Federal govt. didn't say "look at projects that make sense for the long term." This would have allowed the State and County to allocate these funds to things like the Airport Authority Project, or upgrading Rt. #222 or 422 or use the funds towards upgrading of rail service.

Emergency Management

- A. Resolution authorizing execution of a License Agreement between County of Berks and Frosty Towers, Inc., granting use by the County of a Centre Township building, tower and related appurtenances.

Human Resources

- A. Adopt a Resolution authorizing execution of the FMLA Administrative Services Agreement with MetLife for the period from June 1, 2009 to December 31, 2011.

Human Services

- A. Adopt Resolution to approve the execution of the Human Services Development Fund (HSDF) Assurance of Compliance, and further authorizes Mary Henry-Moss, Human Services Grants Coordinator, the ability to distribute remaining HSDF Funds as needed for the fiscal year 2009/2010. Total amount of allocation is \$824,191.
- B. Adopt Resolution authorizing the allocation of the Homeless Assistance Program funding, and further authorizes the execution of the Assurance of Compliance Certificate with respect to the Homeless Assistance Program (HAP), and further authorizes Mary Henry-Moss, Human Service Grants Coordinator, and the ability to distribute the remaining HAP Funds to the prior approved agencies as needed for the fiscal year 2009/2010. Total amount of allocation is \$661,845.

III. REPORTS OF COMMISSIONERS**Commissioner Leinbach****Commissioner Barnhardt**

Larry Cohen or the Berks Veterans Task Force presented the Commissioners with a framed collage of photographs of the following Medal of Honor winners who have been nominated to the Berks County Military Hall of Fame including noting that all 5 veterans served in the Civil War.

Corporal Martin E. Scheibner 1842-1908

Corporal William L. Graul 1846-1909

First Sergeant Willam Sands 1835-1918

Brigadier General Guy Verner Henry 1839-1889

Private George J. Shopp 1834- 1924

Commissioner Scott

There being no further business the meeting adjourned at 11:34 AM.

Respectfully Submitted,

Terry L. Styer, Chief Clerk