

Commissioners' Board Meeting
Thursday, February 5, 2004

The Berks County Board of Commissioners met in regular session on Thursday, February 5, 2004 at 10:30 AM 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 Judy Schwank called the meeting to order with Commissioner Tom Gajewski, Commissioner Mark Scott, Solicitor Alan S. Miller, and Acting Chief Clerk William E. Dennis in attendance.

Commissioner Schwank followed with a moment of silence and Pledge of Allegiance to the Flag.

On motion by Commissioner Gajewski, seconded by Commissioner Scott, the minutes of the January 27, 2004 and January 29, 2004 Commissioners' meeting were approved as presented.

Commissioner Schwank called upon Kurt Bellman, Director of Election Services, to discuss the security of our current voting system. Mr. Bellman explained that voting systems are all different with many criticisms being assigned to the Diebold system, a system different from ours (Shoup) for many reasons. Mr. Bellman went on to describe the differences, citing the use of seals, cartridges, the use of computer chips, access from the back of the machine, and proprietary software as examples of better security with our system.

On motion by Commissioner Scott, seconded by Commissioner Gajewski, the "Consent Agenda" was moved for approval.

1. Adopt the following Resolutions:

- 70-04 A. Authorizing the reappointment of Mark A. Wolfskill, 1501 North Church Street, Robesonia, Pennsylvania, 19551, to the Berks County Conservation District Board, for a four-year term, as Conservation District Farmer Director

- 71-04 B. Authorizing the reappointment of John G. Smith, 116 Spook Lane, Fleetwood, Pennsylvania, 19522, to the Berks County Conservation District Board, for a four-year term, as Conservation District Public Director.

- 72-04 C. Authorizing execution of the Pennsylvania Emergency Management Agency Planning and Training Grant Agreement in the amount of \$81,422.00, with a 25% advance, for planning and training activities.

- 73-04 D. Authorizing the increase in parking reimbursement for UNPAID County Interns from \$59.00/month to the prevailing monthly fee for use of the Reading Parking Authority, Penn-Court lot.
- 74-04 E. Authorizing Judith L. Schwank, as Chair of the Board, to execute Commonwealth of Pennsylvania, Department of Labor and Industry, Grant Recipient's Release and Grant Recipient's Assignment of Refunds, Rebates and Credits pursuant to the terms of WIA Grant No. 015024053 and in consideration of the sum of \$118,000.00.
- 75-04 F. Authorizing Judith L. Schwank, as Chair of the Board, to execute Commonwealth of Pennsylvania, Department of Labor and Industry, Grant Recipient's Release and Grant Recipient's Assignment of Refunds, Rebates and Credits pursuant to the terms of WIA Grant No. 015023301 and in consideration of the sum of \$706,380.00.
- 76-04 G. Authorizing Judith L. Schwank, as Chair of the Board, to execute Commonwealth of Pennsylvania, Department of Labor and Industry, Grant Recipient's Release and Grant Recipient's Assignment of Refunds, Rebates and Credits pursuant to the terms of WIA Grant No. 015023011 and in consideration of the sum of \$446,463.00.
- 77-04 H. Authorizing Judith L. Schwank, as Chair of the Board, to execute Commonwealth of Pennsylvania, Department of Labor and Industry, Grant Recipient's Release and Grant Recipient's Assignment of Refunds, Rebates and Credits pursuant to the terms of WIA Grant No. 015024011 and in consideration of the sum of \$593,209.00.
- 78-04 I. Authorizing subsidized adoption of a female child born 05/11/01 on request of BCCYS and in accordance with applicable federal regulations, at the rate of \$30.00 per day Maintenance, including physical and mental health care, and \$500.00 legal cost plus filing fees (Case Number 16293).
- 79-04 J. Authorizing subsidized adoption of a female child born 03/19/91 on request of BCCYS and in accordance with applicable federal regulations, at the rate of \$16.00 per day Maintenance, including physical and mental health care, and \$500.00 legal cost plus filing fees (Case Number 19007).

- 80-04 K. Authorizing subsidized adoption of a female child born 09/10/92 on request of BCCYS and in accordance with applicable federal regulations, at the rate of \$16.00 per day Maintenance, including physical and mental health care, and \$500.00 legal cost plus filing fees (Case Number 19007).
- 81-04 L. Authorizing subsidized adoption of a male child born 03/28/02 on request of BCCYS and in accordance with applicable federal regulations, at the rate of \$10.00 per day Maintenance, including physical and mental health care, and \$500.00 legal cost plus filing fees (Case Number 373).
- 82-04 M. Authorizing subsidized adoption of a male child born 11/11/01 on request of BCCYS and in accordance with applicable federal regulations, at the rate of \$10.00 per day Maintenance, including physical and mental health care, and \$500.00 legal cost plus filing fees (Case Number 22576).
- 83-04 N. Authorizing subsidized adoption of a female child born 03/06/03 on request of BCCYS and in accordance with applicable federal regulations, at the rate of \$10.00 per day Maintenance, including physical and mental health care, and \$500.00 legal cost plus filing fees (Case Number 373).
- 84-04 O. Authorizing Continuation of Maintenance for a female child born 2/21/86, on request of BCCYS and in accordance with applicable federal regulations, effective 2/21/04 through 6/30/04 in the form of Purchased Care from Open Door CYC, Inc.-Kindship Foster Home at the per diem rate of \$64.00 to allow for completion of high school.
- 85-04 P. Authorizing subsidized permanent legal custodianship of a male child born 4/24/89 on request of BCCYS and in accordance with applicable federal regulations, at the per diem rate of \$21.00. (Case Number 130).
- 86-04 Q. Authorizing the reappointment of Russell C. Englehart, 132 Southeast Drive, Hamburg, Pennsylvania, 19526, to the Berks County Board of Assessment Appeals, for a four-year term.
- 87-04 R. Authorizing 2003 Budget Transfers in the total aggregate amount of \$60,000.00; and 2004 Budget Transfers in the total aggregate amount of \$351,158.00 per listing dated February 2, 2004.

- 88-04 S. Authorizing execution of Contract Agreements/ Amendments as furnished by the Contract Coordinator, per attached listing dated 01/30/04.
2. Authorize payment of invoices Authorizing payment of invoices under the following Community Development Disbursement Vouchers:
 - a. No. 2062 – Community Development Block Grant Program
 - b. No. 455 – HOME Grant Program
 - c. No. 1204 – Property Rehabilitation Program
 3. Authorize refund of 2002 and 2003 County Property Taxes at the request of the Board of Assessment Appeals (attached list).

The County Treasurer and the County Controller presented their weekly reports.

Agenda Items for Discussion

Commissioner Schwank opened for discussion a proposed Resolution regarding support for the rebuilding of the Felix Dam in Muhlenberg Township. She called on those present in the audience to comment.

Robert Smith asserted that the Felix Dam Association does not have a strong enough economic base to accomplish the task. He predicted that the Commonwealth will be asked to take over. He also advised that there is no record of Muhlenberg Township agreeing to assume maintenance of the dam.

Glenn Wenrich spoke in favor of the proposal citing recreation, heritage and health and beauty as favorable factors. He added that the site is free to everyone as taxpayers, since the State has owned the dam since 1945.

Mitch Zimmer differed with the estimated costs of the improvements, believing that the costs are closer to \$10 million rather than \$1 million.

Chari Towne advised that the true costs are probably \$4 million and that the Corps of Engineers will probably not pick up the costs of the fish ladder. She stated that she did not support the Association's efforts.

Augustus Dorman spoke in favor of the Resolution, citing the economic development of boat purchases.

Katie Mahanna spoke on behalf of water skiers, believing that state tournaments and fun tournaments will be an economic benefit.

Carl Engleman, solicitor of the Felix Dam Association, asserted that the Resolution should be supported in that the river in its current state is not pristine and that there are three dams below the Felix Dam. He added that the area has a long history of coal mining and in fact, the dam is a barrier to those sediments. He concluded that the dam will insure that contaminants will not be a primary contact hazard. Mr. Engleman presented a petition of 12,000 signatures in support of the improvements and called for a hearing so as to properly address the issue.

Commissioner Schwank questioned whether it should be DEP or the Fish and Boat Commission that holds hearings on this matter. Commissioner Gajewski stated that he favored a hearing, with assistance from both sides of the issue. Commissioner Scott stated his opposition to the Resolution, voting his conscious, recognizing neighbors objections and that the returns do not justify the costs. He felt the hearing was unnecessary if there were two votes against the Resolution.

Sarah Nichols, Scenic Rivers, discouraged the Commissioners favorable vote. She advised that dams do in fact cause environmental harm.

Tim Stover spoke in support of the Resolution citing a possible economic impact. He asserted that the improvements have a lot of support and the project should move forward.

Bill Ross reminded those present that the dam and its facilities must be accessible to the handicapped. He also expressed appreciation to the Commissioners for signing the Home Modification Grant.

Commissioner Schwank remarked that this issue rivals the bi-lingual issue in terms of citizen interest. She expressed knowledge that what the Commissioners do on this issue will affect everyone and while there was no way to make everyone happy, the Commissioners must decide with the information that they have before them. She noted the lack of interest on the part of DEP, the Fish and Boat Commission and the Corps of Engineers. She agreed with everyone who lives there that the dam was poorly maintained and that something should be done.

Commissioner Gajewski stated his appreciation for comments on both sides. He believed that the recreational benefit and economic benefit exceeded the environmental harm and that the right thing to do would be support the Resolution. He reminded everyone that every regulation needed to be met before the dam could be replaced.

Commissioner Scott moved for approval of the Resolution for purposed of a definitive vote. Commissioner Schwank seconded. Commissioner Gajewski voted in favor while Commissioners Scott and Schwank voted in opposition. The motion did not carry.

Citizen Comment/Business From The Floor

No comments were received.

With no further business to come before the Board, the meeting was adjourned at 11:55 AM.

Respectfully Submitted,

William E. Dennis, Acting Chief Clerk