

Commissioners' Board Meeting
Thursday, February 26, 2004

The Berks County Board of Commissioners met in regular session on Thursday, February 26, 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 Judith L. Schwank called the meeting to order with Commissioner Tom Gajewski, Commissioner Mark Scott, and Solicitor Alan S. Miller in attendance. Acting Chief Clerk William E. Dennis was not present.

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

On motion by Commissioner Scott, seconded by Commissioner Gajewski, the minutes of the February 17, 2004 Pre-Commissioners' meeting and February 19, 2004 Commissioners' meeting were approved as presented.

Commissioner Gajewski presented and read a proclamation regarding *Purchasing Month*, March 2004. Commissioners Gajewski and Schwank both recognized the yearlong efforts of the Purchasing Department staff. Renee Carpenter, Director of Purchasing, thanked the Board for their acknowledgment and reiterated staff's commitment to obtaining the best value of county tax dollars.

Commissioner Gajewski presented and read a proclamation regarding *Reiffton Fire Company Day*, February 28, 2004. It was explained that the Reiffton Fire Company has been in existence since 1913 and that February 28th marked the 3rd annual recognition of volunteer service to the community.

Commissioner Schwank presented and read a proclamation regarding *A Good Thyme for Life Day*, March 2nd, 2004. It was explained that additional efforts are now underway to provide support for addressing issues beyond HIV. These include elderly related diseases and hepatitis.

Commissioner Schwank announced that BCTV would begin broadcasting the Tuesday pre-commissioners meetings rather than the Thursday meetings. This is being done to allow more time for agenda discussion, participation and interaction.

Commissioner Schwank asked if there were any consent agenda items that the Commissioners would like to discuss. Commissioner Gajewski provided an overview of the efforts of the Workforce Development Board, citing their success in integrating services and economic development. He encouraged support for immediate passage of state legislation continuing Workforce Development, so as no opportunities are lost.

Commissioner Schwank invited Judith Kraines, former County Controller, to address the Board regarding her request for reimbursement of legal fees incurred from

defending Ethics Commission charges against her. Ms. Kraines recounted the sequence of events of the 2-year investigation involving charges from 19 individuals, which ended in a Commonwealth Court decision in her favor. The only finding against Ms. Kraines was one of signing checks made out to her husband. Ms. Kraines explained that a county ordinance requires her signature, as well as others, so she ran the risk of violating county requirements. Ms. Kraines explained that since she was found innocent of charges, she was asking for county reimbursement of her legal fees.

Commissioner Scott expressed his support for reimbursement, citing the need to protect public officials and the necessity of challenging the authority and processes of the Ethics Commission. He reminded those present that regardless if one is innocent or not, significant legal fees can be incurred, and in this case reimbursement is appropriate. Commissioner Scott commended Ms. Kraines for her tenacity and her attorney for his successful defense and the economy in which he did so.

Commissioner Schwank added that the entire series of events puts a damper on public service and is a situation in which elected officials and public employees may find themselves. She believed it to be especially compelling that the Supreme Court refused to hear the appeal of the Ethics Commission. For these reasons, Commissioner Schwank stated her support for reimbursement, calling it the right thing to do.

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

1. Adopt the following Resolutions:

- 128-04 A. Authorizing the appointment of Modesto Fiume, Executive Director, Opportunity House, 430 N. 2nd Street, Reading, Pennsylvania, 19601, to the Berks County Workforce Investment Board, to fill the unexpired term of Kendall TeSelle, said term to expire June 20, 2006.
- 129-04 B. Authorizing the appointment of M. Catherine Shearer, Acting Vice President Workforce Development, Goodwill Industries, 501 Crescent Avenue, Reading, Pennsylvania, 19605, to the Berks County Workforce Investment Board, to fill the unexpired term of Robert Howe, said term to expire June 20, 2006.
- 130-04 C. Authorizing execution of a grant agreement between the County of Berks (Berks County Intermediate Unit) and the Pennsylvania Department of Welfare, regarding child care services in the amount of \$7,761,982.00.
- 131-04 D. Authorizing execution of standard contract between the County of Berks (Berks County Employment & Training Office) and Junior Achievement of Berks County, Inc. to operate a TANF MODEL

YOUTH program during the period February 1, 2004 through December 31, 2004.

- 132-04 E. Authorizing legislation of the Work Force Investment Board.
- 133-04 F. Authorizing subsidized adoption of a male child born 05/30/86 on request of BCCYS and in accordance with applicable federal regulations, at the rate of \$21.50 per day Maintenance, including physical and mental health care, and \$500.00 legal cost plus filing fees (Case Number 281).
- 134-04 G. Authorizing subsidized adoption of a male child born 01/02/02 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 817).
- 135-04 H. Authorizing subsidized adoption of a female child born 03/26/02 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 15715).
- 136-04 I. Authorizing 2003 Budget Transfers in the total aggregate amount of \$516,940.00; 2003 Budget Appropriations in the total aggregate amount of \$7,897.00; 2004 Budget Transfers in the total aggregate amount of \$31,795.00; and 2004 Budget Appropriations in the total aggregate amount of \$140,810.00 per listing dated February 20,2004.
- 137-04 J. Authorizing execution of Contract Agreements/ Amendments as furnished by the Contract Coordinator, per attached listing dated 02/20/04.
- 138-04 K. Authorizing execution of a letter agreement by the County of Berks to Reinsel and Company LLP, concerning audit of the Hazardous Materials Emergency Response Account.
- 139-04 L. Approving the written election by Mr. And Mrs. Cyril Ganter, 1994 Highland Avenue, to designate such property as being located in Cumru Township beginning with the 2003 tax year.
- 140-04 M. Authorizing payment to Judith Kraines of legal fees incurred as a result of an investigation by the Pennsylvania State Ethics Commission.

2. Authorize payment of invoices under the following Community Development Disbursement Vouchers:
 - a. No. 2065 – Community Development Block Grant Program
 - b. No. 456 – HOME Grant Program
 - c. No. 1206 – Property Rehabilitation Program
 - d. No. 2064-S – Emergency Shelter Program

3. Authorize utilization of temporary service for the Human Resources Department, Office Support position, from 2/25/04 until a replacement can be found. Rate not to exceed \$16.50/hour.

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

Agenda Items for Discussion

Commissioner Scott advised that he had had questions from the public regarding his drinking tomato juice at the meetings. He explained that tomato juice is good for the prostate and encouraged all males to consider it for their diets.

Commissioner Scott also commented on a newspaper article concerning prosecution of an individual who committed assault. The conclusion reached by Commissioner Scott is that law enforcement is too fragmented and that bickering over jurisdiction and authorities needs to be resolved. He added that consolidation is long overdue.

Citizen Comment/Business From The Floor

No comments were received.

With no further business to come before the Board, the meeting was adjourned at 11:45 AM.

Respectfully Submitted,

Lori A. Schneider, Executive Assistant