

Berks County Operations Minutes

March 15, 2022

The Berks County Board of Commissioners met in regular session on Thursday, March 15, 2022, at 10:00 A.M. in the Commissioners' Boardroom, 13th floor of the Berks County Services Center and via Microsoft Teams Live, pursuant to due notice to Board members and the public.

Commissioner Chair Christian Y. Leinbach called the meeting to order with Commissioner Kevin S. Barnhardt in attendance. Also present were Christine M. Sadler, County Solicitor, Ronald R. Seaman, Chief Administrative Officer, and Carmen Torres, Chief Clerk.

Approval of Minutes

The meeting minutes of March 8, 2022 were approved as presented.

9:30am – 9:45am

Approval of cooperation agreement between the County of Berks and the Berks County Industrial Development Authority related to a Redevelopment Assistance Capital Program (RACP) grant for a rehabilitation project of Medical Arts Development, LP. - Jeremy Zaborowski Executive Director Berks County Industrial Development Authority

Jeremy Zaborowski imparted that this project is to rehab the exterior of the medical arts building. This RCAP request comes at a very small risk to the county. If the application is approved, funds are not dispersed until the sub-applicant is in complete compliance. This is deemed to be an appropriate project that is good for the community and the county, as it will create job opportunities and increase the taxable body. RCAPS were not previously properly vetted, but there are now better procedures in place.

Commissioner Barnhardt motioned to approve the cooperation agreement between the County of Berks and Berks County Industrial Redevelopment Authority related to the Redevelopment Assistance Capital Program for the rehabilitation project of the Medical Arts Development, LP. Commissioner Leinbach seconded the motion. There being no further discussion, the motion carried.

9:45am – 10:00am

Discussion about potential funding for Reading Area Water Authority (RAWA) outside of ARP funding. –Bill Murray, Executive Director, Reading Area Water Authority

Bill Murray described the Ontelaunee Dam as a 100-year-old piece of infrastructure that has served the community very well. Improvements have been needed and are now exacerbated. The last tropical storm caused the dam to swell 3.9' above the dam breast, and at 4', the Department of Emergency Services is required to notify of potential dam failure, which, if would occur, would be catastrophic. To apply for large grants, it is imperative to begin the application process with as many supporters as possible, including local, city, county, state, and federal officials who provide their support from the onset. Money that comes directly to Reading is vital for this project as well as enables opportunity for other projects. The goal is to secure and utilize state or federal money, not local money. RAWA serves just as many customers within the city as they do outside of the city and Lake Ontelaunee is one of the largest servicing lakes. Residents, as well as major companies, rely on this supply of water.

10:00am – 10:15am

Discussion about the future plans of the RACC bridge. – Alan Piper, Transportation Planner III Berks County Planning Commission, Elaine Schaefer, Executive Director Schuylkill River

Alan Piper expressed that the RACC bridge has been in question since the county established ownership of it. In 2016 a study and detailed inspection was completed by engineering consultants, and the bridge was identified as being in poor condition, including its underwater components, which resulted in several recommendations being made at that time. No follow-up occurred likely because the future [use] of the bridge remained in question due to ongoing discussions regarding the construction of the bypass that exists beneath the bridge. PennDOT ultimately decided that their most viable option would not interfere with the bridge. The bridge has contributed to increased backwater and flooding into the city on a few occasions.

Elaine Schaefer explained that the reason this has become ripe for discussion is that Schuylkill River Greenways is beginning to focus on the trail gap between Reading and Hamburg. The Reading trail is being improved in two phases beginning this spring. Because this bridge essentially serves as the gateway to Reading when using the trail, the outstanding engineering question for stage one is what exactly will we do to improve it: only make it safe, or safe as well as beautify it and fashion a grander entrance creating a point of destination on the trail? One suggestion of the engineers to effectuate the latter was to open the second lane/bay of the bridge.

Commissioner Barnhardt countered with an entirely different suggestion citing concerns of powerlines and the notion that the bridge is beyond feasible repair and offered to remove the current bridge and replace it with a composite pedestrian bridge without any legs in the river, which may be a more appropriate and long-term solution.

Commissioner Leinbach stated he supports endorsing the effort to restore and renovate the bridge. Elaine followed up to say that holding off another year to see what transpires is okay, but that in the interim, minor improvements for safety must be made regardless of a pending final decision being made.

Commissioner Barnhardt motioned to obtain a study to determine what the future bridge should become to be cost-effective and long-term and allow Schuylkill River Greenways to make safety improvements in the meantime. Commissioner Leinbach seconded the motion. There being no further discussion, the motion was carried.

About the issue of a name for the bridge, Commissioner Leinbach suggested a name of James Wilson Memorial Bridge, to memorialize a local attorney who signed the Declaration of Independence and died at the age of fifty-five in North Carolina in 1788, penniless, due to fleeing creditors. Commissioner Barnhardt noted his objection to that proposed name and provided some reasoning, at which time Ashley Showers of the Planning Department followed up to remind that discussions aimed towards recognizing members of the Latino community were held and naming the bridge accordingly may be an appropriate start to the discussions that remain ongoing.

10:15am - 10:30am

Resolution of the Berks County Commissioners Supporting a Montgomery County Request for a Statewide Local Share Assessment Grant from the Commonwealth Financing Authority. This grant would potentially fund a passenger rail Capacity Study. - David Hunter, Executive Director, BCPC.

David Hunter requested a resolution, like the one just approved by Chester County, supporting a statewide local share assessment grant. This funding would enable a capacity study to be completed for the restoration of passenger rail. A recent Federal Omnibus Spending Bill sponsored by State Representatives Houlahan, Meuser, and Senator Casey, allocates funds totaling \$750,000.00. The request would be for the Berks County resolution to reflect an amount not to exceed one million dollars.

Commissioner Barnhardt motioned to support Chester County at the state level up to one million dollars. Commissioner Leinbach seconded the motion. There being no further discussion, the motion carried.

10:30am – 10:45am

Approval of cooperation agreement between the County of Berks and the Redevelopment Authority of the County of Berks related to a Redevelopment Assistance Capital Program (RACP) grant for an expansion project of ByHeart, Inc. - Ken Pick, Executive Director Berks County Redevelopment Authority

Ken Pick assured that there is very little risk to the county with cooperation agreements. He went on to explain that the consultant's primary purpose is to ensure that whatever is submitted to the budget office is correct and accurate and the documentation contains what is expected to fulfill these grant applications. An Exeter based company has created a grass-fed whole milk formula for infants. This project will expand the product line and produce a dry blending formula and is expected to be a 6.8-million-dollar project in total. Fifty more jobs will be created upon completion, making this the type of project that adds to the proposed goals of county-wide economic development and IMAGINE Berks and is a good community project overall. The full application must be submitted by June 1, 2022.

County Solicitor Christine Sadler noted no decision should be made today because Commissioner Rivera has some follow-up questions to ask, and he wasn't present at the meeting to have the opportunity to do so.

Commissioner Barnhardt motioned to defer a decision on ByHeart, Inc. Commissioner Leinbach seconded the motion. There being no further discussion, the motion carried.

10:45am – 11:00am

Update on the National Opioid Settlements - A discussion of the current status of the national opioid settlements and next steps needed from the County, which include the selection of a regional trustee and how settlement funds will be administered. - Cody L. Kauffman, Esq. First Assistant County Solicitor

Cody Kauffman reminded that the Board had previously approved the county's participation in the settlement. The county as a whole was responsible for ensuring that all eligible municipalities in Berks County participated or were apprised of the settlement so they could participate, which resulted in 100% participation of eligible municipalities. Settlements have been approved by defendants, so the next two steps are to nominate a regional trustee and designate a point of contact to send in the nominee as well as participate in an upcoming CCAP call on March 25, 2022. Each county will then have one vote as to who the capital region trustee of the nominees will be.

Commissioner Leinbach indicated he has various good reasons to endorse Commissioner Barnhardt as our nominee for the capital region trustee position.

Commissioner Leinbach motioned to submit the name of Commissioner Kevin Barnhardt as the capital region trustee. Commissioner Leinbach seconded the motion. There being no further discussion, the motion carried.

Commissioner Leinbach motioned for him to be the point of contact and be on the CCAP call on March 25, 2022. Commissioner Barnhardt seconded the motion. There being no further discussion, the motion carried.

Cody Kauffman continued by informing that once a consent decree is finalized and a trust is setup, disbursements will begin to be made. The question is how will these grant funds be administered in Berks County? The Council on Chemical Abuse (COCA) is being considered to be the one chosen to administer the funds. Exhibit E of the settlement document outlines the specific permissible uses the funds may be used for: opiate abatement uses. Mr. Kauffman then asked the Board what they feel the best way to administer the funds in Berks County is?

Commissioner Leinbach responded that he is supportive of COCA playing this role for the county and would like the opportunity to have time to review this possibility with the Executive Director of COCA, Stanley Papademetriou, and then have him appear at an upcoming Ops meeting to provide understanding as to what the money will be used for here in Berks County as well as introduce himself and his team. The timing of this is appropriate since we'll know who the trustee is at that point. This also provides an opening to amend, approve or deal with anything outstanding that may need to be finalized on March 29, 2022.

Public Comments

No comments.

There being no further business, Commissioner Leinbach adjourned the meeting at 10:48 a.m.

Respectfully submitted,



Carmen Torres, Chief Clerk