

Commissioners' Board Meeting Minutes August 16, 2012

The Berks County Board of Commissioners met in regular session on Thursday, August 16, 2012, at 10:30 A.M. in the Boardroom on the 13th floor of the Berks County Services Center, pursuant to due notice to Board members and the public.

Commissioner Chair Christian Y. Leinbach called the meeting to order with Commissioner and Commissioner Mark C. Scott in attendance. Also present were Solicitor Alan Miller, Chief Operating Officer Carl E. Geffken and Chief Clerk Maryjo Gibson.

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

Public Comment on Agenda Items:

Michael Yarnall, President of Blue Mountain Eagle Climbing Club, attended the meeting and requested to address the Board on Resolution No. 268.12 G. Mr. Yarnall distributed and read a prepared statement to the Board regarding his objections to the eminent domain proceeding of the proposed tower site on the Appalachian Trail. Mr. Yarnall questioned the Board why they were using eminent domain. Commissioner Leinbach commented and reinforced for the group attending the meeting that this process has been going on for years, and this current Board has held numerous public meetings to keep the public informed of its actions. Commissioner Leinbach further responded that the Board is not in a position to answer any more questions due to the matter being in litigation, but deferred to the Solicitor and Special counsel. Solicitor Miller commented that in his opinion as Solicitor, Special Counsel has done a very thorough job of analyzing the legal issues involved. Also attending the meeting and requesting to speak were David Kistler, Cyndi Rohland, Linda Enders, Catherine Shade and Pamela Underhill, who identified herself as the National Park Service Manager of the northern part of the trail. All the speakers voiced their objection to the proposed proceeding and voiced their concern of the future impact of construction of a tower. Catherine Shade read a letter written by Senator Schwank to Richard Allan, Secretary of the Department of Conservation and Natural Resources. Commissioner Barnhardt commented that the Board had also received the letter and he in fact called Senator Schwank and discussed the contents of her letter with her. Commissioner Barnhardt stated that this was not an easy decision. Every single tower sight was exhaustively researched and highly studied, and the decisions were strictly based on preserving public safety. Commissioner Leinbach commented that Senator Schwank, as County Commissioner, authorized the original study of the County Radio System and was aware that the proposed tower location was needed.

Approval of Minutes

The minutes of August 14, 2012 Commissioners' Workshop and August 16, 2012 Commissioners' Board Meetings were approved as presented.

Consent Agenda Items

1. Commissioner Barnhardt commented that as there are no material changes to the Consent Agenda Items presented and discussed Tuesday including the Contract Agreements, he motioned to approve the Consent Agenda as published, including the Controller's Office vouchers, as well as the Non-Consent Agenda Item. Commissioner Scott seconded the motion and all voted unanimously to approve the items listed below:
 - 262.12 A. Adopt a resolution authorizing 2012 Budget Transfers in the amount of \$470,511.00 and 2012 Appropriations in the amount of \$12,766.00 per listing dated August 10, 2012.
 - 263.12 B. Adopt a resolution authorizing Human Resource Recommendations per listing dated August 14, 2012 as follows:
 1. Authorize the promotion of Jonn Hollenbach, PC010816 Deputy Investigator–Coroner's Office to PC010003 1st Deputy Coroner–Coroner's Office, effective 8/29/2012. Rate of \$48,383/annually. Salary budgeted \$48,148/annually. Salary range Minimum \$41,014; Midpoint \$54,686; Maximum \$68,357. Replacement for Wally Woytovich who separated. This request meets the criteria of the Hiring Policy. Budget 10000–11520.
 2. Authorize the appointment of Diane Gibson to PC011026 Employment Specialist – Human Resources, effective 8/22/2012. Rate of \$37,500/annually. Salary budgeted \$33,784/annually. Salary range Minimum \$31,108; Midpoint \$41,478; Maximum \$51,847. Replacement for Paula Lyons who separated. This request meets the criteria of the Hiring Policy. Budget 10000 - 11410.
 3. Authorize the appointment of Brett Steffy to PC012817 Fiscal Officer – Sheriff, effective 8/29/2012. Rate of \$42,000/annually. Salary range Minimum \$34,206; Midpoint \$45,609; Maximum \$57,011. New position authorized by Salary Board on 3/20/2012. This request meets the criteria of the Hiring Policy. Budget 10000 - 11510.
 - 264.12 C. Adopt a resolution authorizing the Board of Commissioners to execute the Fiscal Year 2011-2012 Human Services Development Fund Certification Statement submitted to the Pennsylvania Department of Public Welfare.
 - 265.12 D. Adopt a resolution authorizing execution of the "Working with Victims of Juvenile Offenders" (VOJO) Grant application to the Pennsylvania Commission on Crime and Delinquency and

provides funds to continue to work with victims of juvenile offenders and keep them informed of services available to them with the Juvenile Justice System. Said Grant is retroactive to July 1, 2012 and ends December 31, 2012 and is in the amount of \$43,290.00 and is State funded.

- 266.12 E. Adopt a resolution authorizing execution of the "Juvenile Probation Office Victim/Witness Unit" Grant application to the Pennsylvania Commission on Crime and Delinquency and provides funds for assistance and advocacy to victims of Juvenile offenders, and includes but is not limited to court accompaniment, restitution, escape notification, prior comment, assistance with victim claim forms and impact statements and assistance with applying for Victim's Compensation Assistance. Said Grant runs from January 2, 2013 until December 31, 2014 and is in the amount of \$27,020.00 for the two (2) year grant term.
- 267.12 F. Adopt a resolution authorizing execution of a five (5) year Grant Agreement with the Pennsylvania Juvenile Court Judges' Commission (JCJC) commencing July 1, 2012 and ending June 30, 2017, which provides funding to offset some of the juvenile probation officer salaries. A funding amount allocation has not yet been determined by the State.
- 268.12 G. Adopt a resolution authorizing the acquisition by eminent domain of a certain portion of Berks County tax parcel No. 21540600469197 (Pulpit Rock Site) located in Albany Township, and owned by the Borough of Hamburg for use as a tower site in regard to the Berks County Emergency Response Project and ratifies, confirms and approves all actions heretofore taken by Fox Rothschild LLP in preparation of said condemnation; and further authorizes Fox Rothschild LLP, in consultation with the County Solicitor, to condemn said parcel and pursue any and all actions in furtherance of this Resolution and necessary to effectuate the condemnation.
- 269.12 H. Adopt a resolution authorizing execution of the Application for Municipal Recycling Program Performance Grant for calendar year 2011 to be submitted to the Pennsylvania Department of Environmental Protection on behalf of the Berks County Solid Waste Authority. The total tons of eligible materials recycled are 2,798.41.
- 270.12 I. Adopt a resolution authorizing the County Solicitor to advertise an Ordinance of the County of Berks authorizing Berks County to enter into Intergovernmental Cooperation Agreements with

County municipalities to participate in the Berks County MS4 Steering Committee for purposes of meeting the educational requirements of the 2013-2018 MS4 NPDES Permit and other services to assist in assessing the legal and regulatory requirements and implications to properly submit applications for permits and annual reports under the new MS4 regulations.

- 271.12 J. Adopt a resolution authorizing Christian Y. Leinbach, Chair, to execute an Agreement between the County of Berks and the Pennsylvania Department of Environmental Protection (PADEP) for a license to occupy the submerged lands of the Commonwealth in the bed of the Schuylkill River in order to remove and replace the Berne Station Bridge in Perry and Tilden Townships. This Agreement is required as part of the environmental clearances necessary to commence construction and is submitted pursuant to PADEP Permit Application No. E06-677 which pertains to the same.
2. Motion authorizing Christian Y. Leinbach as Chairman of the Board, to execute Contract Agreements/ Amendments as furnished by the Contract Coordinator, per listing dated August 13, 2012.
 3. Motion to authorize payments set forth on Controller's Office vouchers listing dated August 14, 2012 for the week ending August 15, 2012.

Reports

1. In the absence of County Treasurer Nelson Long, CPA, Commissioner Leinbach presented the prepared weekly Treasurer's report.
2. The Controller's weekly report was presented by Richard L. Miller, Manager of Auditing.

Citizen Comment from the Floor

George Shollenberger addressed the Board regarding the proposed tower in Albany Township. Mr. Shollenberger commented that he felt he wasn't given all the information on the location of the tower in conjunction to his property.

There being no further business, the meeting adjourned at 11:19 A.M.

Respectfully Submitted,

Maryjo Gibson, Chief Clerk