

## **Commissioners' Board Meeting Thursday, March 15, 2007**

The Berks County Board of Commissioners met in regular session on Thursday, March 15, 2007, at 10:30 A.M. 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 Thomas Gajewski and Commissioner Mark C. Scott in attendance. Also present were the Chief Clerk Terry L. Styer, County Solicitor Alan Miller, Esq., and County Administrator William E. Dennis.

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

### **Approval of Minutes**

Commissioner Gajewski made a motion that was seconded by Commissioner Scott to approve the March 6, 2007 Commissioner workshop minutes and the March 8, 2007 Commissioners meeting minutes, all voted yes to approve.

### **Consent Agenda Items**

- I. A motion was made by Commissioner Gajewski, seconded by Commissioner Scott and all voted unanimously to approve the items listed below:
  - 58.07 A. Human Resource Recommendations per list dated March 6, 2007. **(Held from last meeting)**
  - 61.07 B. Adopt Resolution authorizing 2007 Budget Transfers in the amount of \$43,425.00, and 2007 Appropriations in the amount \$36,380.00, per listing dated March 9, 2007.
  - 62.07 C. Adopt resolution authorizing the execution of an Emergency Management Performance Grant (EMPG) Agreement for the partial reimbursement of salary and benefits for the County's Emergency Management Coordinator and Clerical Assistant positions in the amount of \$68,901.00 for fiscal year 2007 (10/01/06 – 9/30/07).
  - 63.07 D. Human Resource Recommendations per list dated March 13, 2007.
  - 64.07 E. Resolution authorizing execution of a Settlement Agreement between the County of Berks and Granger Electric of Morgantown, LLC concerning a project at the Conestoga Landfill.

- 65.07 F Adopt Resolution to adopt Cell Phone Policy effective March 30, 2007.
- 66.07 G. Adopt Resolution re-appointing David K. Esser to a 4 year term (expiring 3/10/2010) on the Berks County Parks & Recreation Board.
- 67.07 H. Adopt Resolution re-appointing Dr. Kelley Kenney, Sinking Spring PA to a three year term (expiring on 12/31/09) on the Berks County Mental Health/ Mental Retardation Advisory Board.
- 68.07 I. Adopt Resolution re-appointing Fred Stubbs, Reading PA - to a three year term (expiring on 12/31/09) on the Berks County Mental Health/ Mental Retardation Advisory Board.
- 69.07 J. Adopt Resolution re-appointing Dr. Brian G. Wlazelek,, Blandon, PA to a three year term (expiring on 12/31/09) on the Berks County Mental Health/ Mental Retardation Advisory Board.
- 70.07 K. Adopt Resolution appointing David C. Naugle, Wyomissing, PA to a three year term (expiring on 2/1/2010) on the Council on Chemical Abuse Advisory Board, replacing Tom Xavios whose term has expired.
2. Motion authorizing execution of Contract Agreements/ Amendments as furnished by the Contract Coordinator, per listing dated March 12, 2007.

### Reports

1. County Treasurer – Nelson Long, CPA, read report.
2. County Controller – Sandy Graffius, Controller, read report.

Charles Warren, property owner in Albany Township, along with the Chairman of the Albany Township Supervisors, Larry Schrawder, were in attendance to discuss the Act 319 Clean and Green “Roll Back penalty” provisions generally and the impact this provision of state law had on a particular parcel (owned by the Warrens.) Mr. Warren explained that the result of his land development plan in which changes were made to comply with an Albany Township’s conservation zoning efforts preserving the Hawk Mountain Viewscape, caused him to “breach” his contract for Act 319 preferred assessment which requires the return of real estate taxes this property avoided being assess for due to the preferred assessment. The penalty of approximately \$9,000.00 represents 7 years of this preferred assessment as required by Act 319.

Mr. Warren explained that he approached this land development project knowing his action would breach the contract he signed allowing him to receive the preferred assessment and reduced tax levy, but he felt that the newer land development plan complying with the Township's desire to preserve the Hawk Mountain Viewscape was the right thing to do. He also indicated that advice received from the Board of Assessment Appeals caused him to believe that the Commissioners had the ability to forgive the penalty. Following a lengthy discussion, the Commissioners informed Mr. Warren that they appreciated his efforts to comply with the Township's conservation requirements, but the Act (Act 319) is a State Law with specific exceptions for forgiveness of roll back taxes and his property did not qualify for any of them. The Commissioners then asked the County Solicitor to research further to determine if the Commissioners had the authority under the law to provide any remedy to the Warrens in this matter. The board also assured Mr. Schrawder that they would support appropriate changes in the Clean and Green Law that might address this or similar conflicts in the law if Albany Township was proposing a draft.

There being no further business, the meeting adjourned at 12:05 P.M.

Respectfully Submitted,

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Terry L. Styer, Chief Clerk