

Commissioners' Board Meeting Minutes January 25, 2018

The Berks County Board of Commissioners met in regular session on Thursday, January 25, 2018, at 10:00 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 Vice Chair Kevin S. Barnhardt called the meeting to order with Commissioner Mark C. Scott in attendance. Commissioner Christian Y. Leinbach participated by phone and by text messaging to Solicitor Sadler. Also present were County Solicitor Christine M. Sadler, Chief Administrative Officer Ronald R. Seaman and Chief Clerk Maryjo Gibson.

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

Presentation

Melissa Adams, Muhlenberg Community Library Director, announced Muhlenberg Community Library ("Library") was selected as one of fourteen sites nationwide to host the *Explore Earth: Our Changing Planet* ("Exhibition"), a national traveling exhibition exploring a global view of our changing environment. Ms. Adams reported the Exhibition will be on display from January 13, 2018 through the middle of March 2018, and the Library has scheduled 19 public events through February 24, 2018 to bring STEM (Science, Technology, Engineering and Math) programming to the community. Ms. Adams has invited, and is hopeful all public schools in Berks County will schedule field trips to the Library to enjoy the Exhibition and participate in all the activities related to the Program.

Approval of Minutes

The minutes of January 18, 2018 Commissioners' Board Meeting were approved as presented.

Agenda Items

1. Commissioner Scott motioned to approve the Agenda as published. Said motion was seconded by Commissioner Leinbach, with a request by Commissioner Scott for a discussion on Agenda items 37.18 and 38.18. Request granted by Vice Chair Barnhardt.
Commissioner Scott expressed his concerns regarding the Ordinance for the Mt. Penn Preserve, and is not convinced the COG ("Council of Governments") is necessary in accomplishing the majority of the goals. Commissioner Scott supports the concept of municipal policing, but believes a majority of the other terms of the Agreement exposes the County to unnecessary and substantial financial risks, and adds another layer of bureaucracy. For these reasons, and

other concerns mentioned by Commissioner Scott, he will be a no vote on Item 37.18.

With respect to Item 38.18, the engagement of Stevens & Lee, Commissioner Scott commented there have been lengthy discussions at previous Budget Meetings on this matter, and there appears to be considerable diversity of opinion by the Board. Commissioner Scott recalled Commissioner Barnhardt suggesting the County consider both for profits and non-profits, agreeing that makes more sense for the County to consider both options, pointing out the process should be as fair, open and broad as possible. Commissioner Scott commented the proposal by Stevens & Lee, in his opinion represents a more expensive option by a firm with less experience by a competitor, and supports the proposal put forth by Marcus & Millichap. For these reasons and other reasons provided, he will be a no vote on Item 38.18.

Commissioner Leinbach communicated via text messaging and read by Solicitor Sadler regarding the Mt. Penn Preserve, this process has been very thorough, and Commissioner Barnhardt has provided frequent updates and comments throughout the process. Commissioner Leinbach's number one concern was that some of the major responsibilities and expenses would fall on the County, and after numerous conversations with Chris Stress, Director of Berks County Parks and Recreation, Commissioner Leinbach has reached the conclusion that everything points to cooperative and proportional responsibilities to all stakeholders, and he will continue his support of this effort while protecting the County's interests and the taxpayers.

Regarding the Berks Heim matter, Commissioner Leinbach fully supports using Stevens & Lee and believes a non-profit offers a much better opportunity in preserving the Berks Heim as we know it. Commissioner Leinbach remarked Stevens & Lee has done an excellent job for the County in the past, and sees real value of using a local firm.

Commissioner Barnhardt commented that although he hasn't change his mind about not wanting to sell the Heim, he asked Commissioner Leinbach if he would agree to separate tracks in taking bids from for-profits and separate bids from non-profits. Commissioner Leinbach responded via text message to Solicitor Sadler, for now he only wants to look at taking bids from non-profits.

Regarding the Mt. Penn COG, Commissioner Barnhardt commented while he respects Commissioner Scott's opinion and concerns, he has been part of this process for the last two years, and this is a matter of building trust with other municipalities, and offered his assurance that as a member of the group and a co-leader, he is always mindful of public funds being expended. Commissioner Barnhardt mentioned the County is one of the biggest landowners of the Park area, and he will be supporting the advertisement and passage of the Ordinance. Regarding the Berks Heim, Commissioner Barnhardt reiterated his position that he is not inclined to want to sell the Heim, but owes it to everyone involved to move the process forward to find what options are available to the County, and supports hiring Stevens & Lee/Griffin, with a request to eliminate the for-profit component.

Commissioner Leinbach agreed to this request, and Commissioner Scott asked to vote on this item separately.

Commissioner Leinbach moved to amend the Stevens & Lee engagement letter to take the scope relating to for-profits out of the letter. Said motion was seconded by Commissioner Barnhardt with Commissioner Scott voting no. Said motion passed by a 2 to 1 vote.

Concerning the balance of the Agenda items, Commissioner Barnhardt asked for a motion to approve the Agenda items as presented, noting the motion and second to eliminate the budget items for the canines for the Sheriff's Office in items 28.18, and recognizing Commissioner Scott is a no vote for items 37.18 and 38.18. All voted unanimously to approve the Agenda items listed below with the exceptions previously noted.

28.18 Adopt a resolution authorizing 2017 Budget Transfers in the amount of \$18,575; 2017 Appropriations in the amount of \$61,466; 2018 Budget Transfers in the amount of \$80,310 and 2018 Appropriations in the amount of \$(32,169) per listing dated January 22, 2018.

Commissioner Barnhardt questioned Mr. Patrizio about the purchase of three service dogs for the Sheriff's Office listed on the 2018 Budget Transfers, from the contingency fund, stating he was under the impression this matter was still under discussion. Mr. Patrizio responded he was informed by Mr. Seaman there were two votes to approve this item. Commissioner Barnhardt remarked his understanding was the County would donate \$5,000 for the purchase of service dog, and was not privy to any discussions changing this funding. Commissioner Scott stated he is willing to defer this action for further discussion at a Budget Meeting, and Commissioner Leinbach communicated via text message his agreement to defer this matter for further discussion. Commissioner Barnhardt stated when the Agenda is approved it will be minus these two items.

29.18 Adopt a resolution authorizing Robert Patrizio, Chief Financial Officer, to execute a Letter of Credit in the amount of \$65,000, and all required documents issued by Tompkins Vist Bank in favor of PMA Insurance Group for the annual worker compensation reserve requirement for the period January 14, 2018 through January 14, 2019.

30.18 Adopt a resolution authorizing Human Resources Recommendations per listing dated January 25, 2018 as follows:

1. Authorize salary increase for Donna Blatt, PC010260 Chief Registrar – Election Services, effective 1/17/2018. Rate of \$43,083/annually. Salary range Minimum \$35,323; Midpoint \$47,097; Maximum \$58,871. This request meets the criteria of the Hiring Policy. Budget 10000 – 11050.

- 31.18 Adopt a resolution authorizing Christian Y. Leinbach, Commissioner Chair, to execute all legal documents associated with permanent and temporary Right-of-Way acquisitions as it pertains to the Fisher Mill Road a/k/a Manatawny Bridge Replacement Project (County Bridge #58B, Oley Township), and further to execute the Right-of-Way Clearance Certification as drafted by the PA Department of Transportation on behalf of the Owner which confirms that all necessary Rights-of-Way have been fully and properly acquired for the Project.
- 32.18 Adopt a resolution authorizing Ryan Hunter, Director of Facilities and Operations, to execute Change Order No. EC-02 to Agreement No. 144522 with Hirneisen Electric, Inc. in the amount of \$14,064.69. This Change Order is to furnish labor and materials associated with the re-installation of snow melt system components and a light fixture that were damaged as a result of corrections to work installed by others regarding the Berks County Services Center Envelope Restoration Project, and has been reviewed and endorsed by the Project Engineer.
- 33.18 Adopt a resolution authorizing execution of the Project Modification Request signature page for Subgrant # 20162017-IP-ST-26861 to the Pennsylvania Commission on Crime and Delinquency ("PCCD") requesting an additional \$106,955 to be used for the County Intermediate Punishment Programs.
- 34.18 Adopt a resolution authorizing execution of the Certification Statement and Attestation Statement for the revised Human Services Block Grant Retained Earnings Plan for Fiscal Year 2016/2017.
- 35.18 Adopt a resolution authorizing Christian Y. Leinbach, Commissioner Chair, to execute the Management Control Agreement between the Berks County Sheriff's Department and the County of Berks, acting on behalf of the Berks County Department of Emergency Services, for the Commonwealth Law Enforcement Assistance Network ("CLEAN"); and further authorizing the Director of the Berks County Department of Emergency Services to enter into Servicing Terminal and Non-Terminal Agency agreements with various municipal and regional law enforcement agencies and other authorized users for access to CLEAN.

- 36.18 Adopt a resolution authorizing Christian Y. Leinbach, Commissioner Chair, to execute the Agreement between the County of Berks and the Animal Rescue League of Berks County, Inc., Mohnton, Pennsylvania, to provide proper animal control and to protect the health and safety of Berks County citizens for a one (1) year term ending December 31, 2018 at the contract sum of \$3,000.00.
- 37.18 Adopt a resolution authorizing the Chief Clerk to advertise enactment of proposed County Ordinance No. 01-2018, approving the creation of the Mt. Penn Preserve Partnership Council of Government (MP3 COG), to foster a cooperative effort to implement components from the Mt. Penn Master Plan and implement other regional initiatives that will improve the area, and further authorizing any member of the Berks County Board of Commissioners to execute the Articles of Agreement.
- 38.18 Adopt a resolution authorizing Christian Y. Leinbach, Commissioner Chair, to execute an engagement letter between the County of Berks ("County") and Stevens & Lee/Griffin Financial Group, LLC/Financial S&Lutions, LLC, ("Platform") Reading, Pennsylvania, to assist the County in exploring and potentially executing the sale of the Berks Heim Nursing and Rehabilitation.
- 39.18 Adopt a resolution authorizing Christian Y. Leinbach, Commissioner Chair, to execute the annual Certification of County Funds for 2018 Program Year for the appropriation of County matching funds in the amount of \$1,090,186 for the purchase of agricultural conservation easements.
Tami Hildebrand, Executive Director of the Berks County Department of Agriculture, thanked the Board for their continued support of the Program, and reported out of the \$1,090,186, the Agricultural Land Preservation Board collected \$2,250 in memoriam of Alan Peiffer, who wanted to donate to contribute to the fund.
2. Motion authorizing execution of Contract Agreements/Amendments as furnished by the Contract Coordinator per listing dated January 24, 2018.
3. Motion to authorize payments set forth on Controller's Office vouchers payable listing dated January 23, 2018 for week ending January 24, 2018 and the payment of electronic transfers and employee payroll.

Reports

1. County Treasurer A. Dennis Adams, CPA submitted a prepared weekly Treasurer's report.
2. The Controller's weekly report was presented by County Controller Sandy Graffius.

REPORT OF CHIEF FINANCIAL OFFICER

Commissioner Barnhardt reported there would not be a Budget/Operations Meeting this afternoon.

REPORT OF CHIEF ADMINISTRATIVE OFFICER

Mr. Seaman congratulated Melissa Adams and her staff for bringing the Program to Berks County, and thanked Denise Sticha for shepherding it through.

COMMISSIONERS' COMMENTS**Commissioner Barnhardt**

Commissioner Barnhardt announced there was an Executive Session yesterday, January 24, 2018 to discuss litigation, contracts negotiations, and personnel.

Commissioner Scott

No further comments.

Commissioner Leinbach

No further comments.

COMMENTS FROM THE FLOOR

Evelyn Morrison, Reading, spoke about the proposal to sell the Berks Heim. Ms. Morrison mentioned in 1977 she was the first assistant director of social services at the Berks Heim and remembers all the changes that have occurred since that time. Ms. Morrison expressed her concern with the negative impact selling the Berks Heim will have on the community.

Crystal Kowalski attended the meeting and yielded her time to Ms. Morrison to finish her comments.

Ms. Morrison spoke of her concerns at the Jail, and asked the Commissioners to look out of the box in 2018 to create a model prison system in Berks County.

There being no further business, the meeting adjourned at 10:59 A.M.

Respectfully Submitted,

Maryjo Gibson, Chief Clerk