

Commissioners' Board Meeting Minutes May 11, 2017

The Berks County Board of Commissioners met in regular session on Thursday, May 11, 2017, 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 Chair Christian Y. Leinbach called the meeting to order with Commissioner Kevin S. Barnhardt and Commissioner Mark C. Scott in attendance. Also present were County Solicitor Christine M. Sadler, Chief Administrative Officer Ronald R. Seaman and Chief Clerk Maryjo Gibson.

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

Commissioner Leinbach announced there was an Executive Session held yesterday, May 10, 2017 to discuss personnel and performance issues, litigation regarding the Residential Center and litigation regarding a Right-to-Know appeal with MH/DD and BCCYS.

Approval of Minutes

The minutes of May 4, 2017 Commissioners' Board Meeting were approved as presented.

Agenda Items

1. A motion was made by Commissioner Barnhardt to approve the Agenda as presented. Said motion was seconded by Commissioner Scott, with a request to comment before final vote. Request to comment granted by Commissioner Leinbach.

Commissioner Scott commented he is not comfortable with signing the letter and will not be signing it. Commissioner Scott understands the motives and agrees they are honorable, but the drugs that are the subject in this letter, are legal products that have been approved by the FDA and they have acknowledged benefits, but like many other drugs, these drugs have found their way into the hands of children and adults who abuse them. Commissioner Scott commented there is a combination of responsibility including with physicians who often over prescribe opioids; but the primary responsibility does not lie with the manufacturer.

Commissioner Barnhardt commented he is reluctant being a co-signor of the letter, and recognizes there is a real addiction problem and it is an issue that needs to be attacked on all fronts. Commissioner Barnhardt sees the benefits of proper management and use of opioids but we must look at this holistically. The key phrases in the letter for him are, to pursue an investigation, and if warranted.

Commissioner Barnhardt urged the Attorney General to look at this very carefully before pursuing a civil action.

Commissioner Leinbach commented this is a very controversial issue, and there has been a dramatic increase in opioid abuse leading to heroin, not in cancer patients, but more individuals being treated after surgery and for pain. The challenge is between individual responsibility and the manufacturer.

Commissioner Leinbach feels we need to have an investigation to determine if there is liability on the part of big pharma, and if there is, then they should be held civilly liable.

After a final motion made by Commissioner Barnhardt, and seconded by Commissioner Scott with the exception of his No vote to Item 147.17, all voted unanimously to approve the items listed below:

- 139.17 Adopt a resolution authorizing 2016 Appropriations in the amount of \$37,582; 2017 Budget Transfers in the amount of \$9,303 and 2017 Appropriations in the amount of \$75,285 per listing dated May 8, 2017.
- 140.17 Adopt a resolution authorizing Christian Y. Leinbach, Chair, to execute the 2017-2018 Renewal Quotation to PCoRP (Pennsylvania Counties Risk Pool, a program of the County Commissioners Association of Pennsylvania), the Special Risk Accident Coverage for County and County-Related Entity Volunteers.
Mike Malinowski, EH&D, reported he met with Bob Patrizio on Monday to discuss the proposal for renewal, and this program has been extremely successful. Mr. Malinowski reported there aren't any major changes, except there is a new surcharge for law enforcement and the premiums are up a little.
- 141.17 Adopt a resolution authorizing Human Resources Recommendations per listing dated May 11, 2017 as follows:
1. Authorize the promotion of Amanda Marshall from PC010533 Correctional Officer to PC012256 Sergeant – Jail System, effective 5/17/2017. Rate of \$61,796/annually. Salary range Minimum \$46,146; Midpoint \$61,528; Maximum \$76,910. Replacement for George Gilmour who retired. This request meets the criteria of the Hiring Policy. Budget 10000 – 12090.
- 142.17 Adopt a resolution authorizing the award and Director of Contracts and Procurement to execute two (2) contracts as a result of Request for Proposal (RFP) #17-06-CN, one contract for the PA CareerLink Berks County Operator for a three (3) year term, and a second for the Provider of Workforce Innovation and Opportunity Act (WIOA) Title I Adult & Dislocated Worker

Services for a two (2) year terms as follows:

Educational Data Systems Inc.

15300 Commerce Drive North, Suite 200
Dearborn, MI 48120

Task	7/1/17 – 6/30/18	7/1/18 – 6/30/19	7/1/19 – 6/30/20
One Stop	\$33,285	\$26,429	\$155,548

Operator

Educational Data Systems Inc.

15300 Commerce Drive North, Suite 200
Dearborn, MI 48120

Task	7/1/17 – 6/30/18	7/1/18 – 6/30/19
WIOA Title I Services	\$732,901	\$726,930

Adult & Dislocate Worker Services

- 143.17 Adopt a resolution authorizing the award and Director of Contracts and Procurement to execute as a result of Invitation to Bid #17-11-PB, a one (1) year contract for Light Poles, Repair and Replacement. This contract shall be utilized for the emergency replacement of light poles on sections of the West Shore Bypass (Route 422), Penn Avenue, the Warren Street Bypass (Route 12), as well as any other pole that may be identified as property of the County of Berks, as follows:

Telco, Inc.

1224 Cross Keys Road
Reading, PA 19605

Estimated Annual Expenditure: \$26,930.00

Items	Unit Price
Pole and Lamp Arm	\$1,137.00
Base	\$ 400.00
Labor per pole	\$1,156.00

The County reserves the right to extend the contract for two additional one-year terms provided the respective vendor agrees to hold the bid pricing fixed and firm.

- 144.17 Adopt a resolution authorizing execution of Engineering Services Agreement No. EA-192203-17 between the County of Berks and McCormick Taylor, Inc., Exton, Pennsylvania, to provide engineering design, construction consultation and construction inspection services for the removal of Berks County Bridge 40C carrying Schlegel Road over Swamp Creek, Colebrookdale Township, Berks County at a not to exceed amount of \$82,794. Commissioner Leinbach reported after removal of this Bridge there will be 57 County bridges remaining.

- 145.17 Adopt a resolution authorizing execution of Amendment #10 – HealthChoices Behavioral Health Agreement between Berks County and the Commonwealth of Pennsylvania, providing an overview of the genesis and structure of the HealthChoices Program effective July 1, 2017, as well as amends the Program Standards and Requirements to further comply with the Final Rule for Medicaid & CHIP Managed Care; adds Appendix 6 establishing requirements for the Primary Contractor's responsibility to calculate and report medical loss ratio to the Department of Human Services and adds Appendix A, pertaining to Certified Community Behavioral Health Clinics. Dr. Edward Michalik, MH/DD Administrator, commented this Amendment revises some federal regulations and passes them onto the sub-contractors.
- 146.17 Adopt a resolution authorizing execution of a Supplemental Agreement to the Management Services Agreement between the County of Berks and Complete HealthCare Resources-Eastern, Inc. ("CHR"), the management consultant for the Berks Heim Nursing and Rehabilitation facility. As set forth in the Management Services Agreement dated November 15, 2013, this Supplemental Agreement permits CHR to subcontract its duty to perform monthly exclusion check on employees of the Berks Heim as required by State and Federal law to Provider Trust, Inc.
- 147.17 Adopt a resolution authorizing execution of a letter from the Berks County Board of Commissioners, the Berks County District Attorney and the Council on Chemical Abuse to Pennsylvania Attorney General Josh Shapiro urging the Attorney General to pursue an investigation, and if warranted, to file a civil complaint against Purdue Pharma and other Big Pharma companies that the County believes knew the dangers of opiate pain medications ("OxyContin") but promoted them without warning the medical community or the public as to the inherent dangers of these drugs. Berks County District Attorney John Adams commented we are in the midst of an opioid epidemic, and there are many reasons that it is happening, but most prominent is that years ago some pharmaceutical companies in the United States invented and started marketing drugs like OxyContin, which have been over-prescribed by the medical community. District Attorney Adams stated his detectives have interviewed many individuals and have determined that many of the heroin addicts started their addiction by being over prescribed the opioid pills. Mr. Adams commented this letter is asking the Attorney General to investigate if there is evidence to bring a civil action against the pharmaceutical companies to recover and reimburse counties and local

government budgets for costs for treatment, corrections, law enforcement and prevention programs.

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 May 9, 2017. Commissioner Leinbach reported there are 7 contracts and referenced the departments.
3. Motion to authorize payments set forth on Controller's Office vouchers payable listing dated May 9, 2017 for week ending May 10, 2017 and the payment of electronic transfers and employee payroll and the voucher payable listing dated May 16, 2016 for week ending May 17, 2017.

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 Leinbach reported there will not be a Budget/Operations Meeting today.

REPORT OF CHIEF ADMINISTRATIVE OFFICER

Mr. Seaman urged all Republicans and Democrats to get out and cast their vote next Tuesday, May 16, 2017 in the Primary Election, as it is probably the one election that affects our lives the most.

COMMISSIONERS' COMMENTS

Commissioner Barnhardt also encouraged everyone to exercise their right to vote as this election is more critical because we vote for our local elected officials. Commissioner Barnhardt mentioned Election Services is always looking for Poll Workers to the work the Polling Places on Election Day.

Commissioner Scott commented on a recent Consent Decree by the Department of Environmental Protection ("DEP") involving the Delaware County Solid Waste Authority and the Rolling Hills Landfill located in the Boyertown area. Commissioner Scott reported Rolling Hills was cited by DEP for failing to abide by DEP regulations and agreed to pay \$500,000 to a DEP approved environmental project, which it shared with the Reading School District and to rehabilitate a stream bank in a neighboring municipality. Commissioner Scott believes the \$500,000 award should have been spent within the local communities affected by the presence of the Landfill and truck traffic associated with it, and should benefit the area impacted by the Landfill activities.

Commissioner Leinbach encouraged everyone to get out and vote; it is important your voice is heard.

Commissioner Leinbach reported that the EPA and Army Corps of Engineers are requesting comments on Waters of the U.S. (WOTUS), and hopefully we will soon have new rules that are better than the old rules.

Commissioner Leinbach reported Saturday, May 20, 2017 is the Armed Forces Day Parade and will take place in West Reading and Wyomissing. The National Guard will be honored this year.

Commissioner Leinbach reported he and Commissioner Barnhardt and their Executive Assistants attended the Red Cross Heroes Breakfast this morning, where among others, two Berks County employees were recognized and congratulated Taylor Waligorski, a 911 Dispatcher, who received the 911 Hero award, and Deputy Sheriff Terry Ely, who received the Law Enforcement Hero.

Commissioner Leinbach wished all mothers Happy Mother's Day.

COMMENTS FROM THE FLOOR

Berks County Recorder of Deeds Fred Sheeler and Controller Sandy Graffius commented on the OxyContin topic and shared their experiences with people they know who have been prescribed OxyContin.

There being no further business, the meeting adjourned at 11:10 A.M.

Respectfully Submitted,

Maryjo Gibson, Chief Clerk