

## **Commissioners' Board Meeting Minutes July 16, 2015**

The Berks County Board of Commissioners met in regular session on Thursday, July 16, 2015, 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 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. Commissioner Leinbach announced there was an Executive Session held yesterday, July 15, 2015 dealing with personnel matters.

### **Special Presentation**

Commissioner Leinbach introduced Doug Hill, Executive Director of CCAP (County Commissioners Association of Pennsylvania) who attended today to present a special award. Mr. Hill explained CCAP is a non-profit, non-partisan association based in Harrisburg and provides legal, educational, research, technical, insurance and other services on behalf of all 67 Pennsylvania counties. Mr. Hill commented each year CCAP presents awards to those who provide exemplary service to County government, and among those are top Commissioner, top Chief Clerk and top Solicitor. Mr. Hill called Solicitor Alan Miller to the podium and presented Mr. Miller with the Outstanding Solicitor of the Year Award for 2015 and Certificate of Recognition, for his outstanding service to Berks County. Alan Miller started with the County in 1996 and has been County Solicitor since 1999. Alan expressed his thanks adding he would never have expected this award, and it has been a wonderful almost 20 years and never thought he would find the rewards in County government that he has. Alan commented the Solicitor position sees diversity on a daily basis and appreciates Mr. Hill taking time today to present his award. Commissioner Leinbach announced the Board will accept comments and began with Commissioner Barnhardt.

Commissioner Barnhardt stated it is a tremendous honor for CCAP to bestow this award upon Alan as Solicitor of the Year. Commissioner Barnhardt remarked he has known Alan for the 8 years he has been Commissioner and respects Alan's opinion. Commissioner Barnhardt commented Alan has done tremendous work for the County over the years including some multi-million dollar projects including the Jail Project, the County Services and Courthouse renovation projects and the Radio Project. Commissioner Barnhardt commented there are often times when he needed counseling in dealing with his colleagues and the general public and Alan was always there and he truly appreciates it. Commissioner Barnhardt summed it up by commenting the mug in Alan's office says it all, 'Trust Me I'm a Lawyer' and in this case he does.

Commissioner Scott commented this Award is well deserved and Alan has been a distinguished attorney for quite some time, not just as Solicitor but in his past private practice, and it is a long time coming. Commissioner Scott noted he met Alan at the suggestion of another attorney when he was looking to fill an Assistant County Solicitor position and it was one the best decisions he has made. Commissioner Scott reminisced about the Pottstown Landfill/Waste Management case, a big case they worked on together, and what a pleasure it was working with Alan on that case. Commissioner Scott congratulated Alan sincerely and looks forward to many years to come.

Commissioner Leinbach remarked this is an exciting day and agrees with Commissioner Scott it is a long time coming. Commissioner Leinbach feels blessed to work with people like Alan, and mentioned many of Alan's accomplishments starting with his tremendous involvement in the Radio Project and many Park Projects, especially Antietam Lake Park. Commissioner Leinbach commented what he appreciates most is Alan's willingness to always have an open door, or noting how Alan would stick his head in his office to see if he was available to talk. Commissioner Leinbach presented Alan with three magazines dealing with Ronald Reagan, a President they both admired and discussed from time to time.

Federal Judge Jeffrey Schmehl commented that he was County Solicitor when Alan was hired as an Assistant County Solicitor, and offered his heartfelt congratulations and echoed the comments of the Commissioners. Judge Schmehl commented the most important qualities of a County Solicitor, is to have a cool demeanor, a good temperament and a great sense of humor to keep things even when things get heated as they often do, and is so important to have someone steady at the helm and that chair and that is Alan.

Heidi B. Masano, Esq., was a County Solicitor for one year after Judge Schmehl was elected to the Berks County Court of Common Pleas, and remarked she and Alan have been friends for a long time. Heidi congratulated Alan as a friend and her boss, and it has been an honor and privilege to work for Alan and with him.

Ronald L. Williams, Esq., thanked Alan for so many years of wonderful service, noting his excellent judgment, and is incredibly hard working. Mr. Williams commented Alan is always valued driven and always does the right thing for the residents of Berks County and the Commissioners. Mr. Williams commented it's been a pleasure working with Alan and wished him all the best.

Judge Timothy Rowley, Berks County Court of Common Pleas, echoed everyone's comments today and commented he was here today as more of a friend and knows no one else with a better combination of personality and skills and offered sincere congratulations to Alan.

Jennifer Grimes, Assistant County Solicitor, offered congratulations to Alan, and on behalf of the entire Solicitor staff present added it is an honor and privilege to work for Alan.

Ronald R. Seaman, former Berks County Chief Clerk, congratulated Alan adding it has been a pleasure working with him and he is a genuinely nice guy. Mr. Seaman mentioned as the saying goes *nice guys finish last* it is great to see Alan has reversed that trend and has finished first.

### Approval of Minutes

The minutes of July 9, 2015 Commissioners' Board Meeting were approved as presented.

### Agenda Items

1. A motion was made by Commissioner Barnhardt, seconded by Commissioner Scott and all voted unanimously to approve the items listed below. Commissioner Scott requested permission to comment and was granted permission by Commissioner Leinbach. Commissioner Scott commented he would be a respectful No Vote on Item 189-15 and briefly summarized his concerns. Commissioner Scott commented he believes the so called Countywide LERTA is motivated by a sincere and well intentioned effort to stimulate economic growth in the County and to enhance its tax base over a number of years, but what the LERTA will do however to those properties that enroll will be an extenuated receipt of taxes instead of an immediate receipt of taxes. Commissioner Scott put forth his theory why he will be a No vote. Commissioner Scott concluded he understands and appreciates the intentions for those who support the LERTA and hopes that it will pan out to the benefit of the County as proponents think it will. Commissioner Leinbach commented he is on record and has previously explained why the LERTA is a good thing for the County. Commissioner Leinbach remarked he has provided Power Point presentations to numerous County school districts and municipalities. Commissioner Leinbach does not believe this takes money from any taxpayers and is good for the County, and especially important when you consider the recent planning commission study that compared Berks County combined property taxes to all of surrounding counties, Berks County has the highest overall tax impact. Commissioner Barnhardt commented he initially wasn't in favor of the LERTA, but came to the realization that it makes sense as Berks County is in competition with neighboring counties, states and countries. Commissioner Barnhardt noted what really sold him was the inclusion of paragraph 4 of the LERTA that includes areas designated by the County Comprehensive Plan, and is encouraged by the possibility of more industrial growth. Commissioner Barnhardt mentioned the LERTA could certainly be amended or even done away with if it doesn't work out. For the benefit of the audience, Commissioner Barnhardt provided a simple explanation of a LERTA.  
  
182.15 Adopt a resolution authorizing 2015 Budget Transfers in the amount of \$290,987.00 and 2015 Appropriations in the amount of \$211,164.00 per listing dated July 14, 2015.

183.15 Adopt a resolution authorizing Human Resources Recommendations per listing dated July 16, 2015 as follows:

1. Authorize the utilization of a temporary agency for Clerical Support – Public Defender’s Office, effective 7/17/2015. Rate not to exceed \$16.50/hr. This request meets the criteria of the Hiring Policy. Budget 10000 – 11570.

184.15 Adopt a resolution authorizing the award and Director of Contracts and Procurement to execute as a result of Invitation to Bid # 15-12-KS, a one year contract for Microfilming Services to be utilized by the Clerk of Courts department as follows:

**Court Record & Data Management Services, Inc.**  
 717 S. Columbus Blvd., Suite 813  
 Philadelphia, PA 19147  
 Total Estimated Annual Expenditure: \$33,352.00

| Item Description   | Estimated Bid Qty. | Unit Price | Extended Price |
|--|--------------------|------------|----------------|
| Collection, Preparation, and Microfilming, Paper Documents | 700,000            | \$0.044    | \$30,800.00    |
| Image Verification, Paper Documents                        | 319                | \$0.00     | \$0.00         |
| Microfilm Roll Duplicate for Paper Documents               | 319                | \$8.00     | \$2,552.00     |
| Return of Paper Documents to be Destroyed                  | 200                | \$0.00     | \$0.00         |

The County of Berks reserves the right to extend for two additional one year terms at the unit prices herein, upon mutual agreement of both parties.

185.15 Adopt a resolution authorizing the award and the Director of Contracts & Procurement to execute as a result of Invitation to Bid #15-08-MB a contract for the Wyomissing Bridge Maintenance Project as identified herein:

**Bi-State Construction Co., Inc.**  
**1500 Uhler Road, Suite 102**  
**Easton, PA 18040**  
**General Construction Base Bid Total: \$215,610.00\***

\*Included in the General Construction Base Bid Total: \$21,000 for the Painting of the existing structural steel using surface tolerant Coating systems, Modified

186.15 Adopt a resolution authorizing Christian Y. Leinbach, Commissioner Chair, to execute the Grant-in-Aid and Grant-in-

Aid Agreement for the Improvement of Adult Probation Services FY 2015-2016 Continuing Program between the County of Berks and Pennsylvania Board of Probation and Parole in the amount of \$3,843,646.

- 187.15 Adopt a resolution authorizing Christian Y. Leinbach, Commissioner Chair, to execute two CWEL Agreements between the County of Berks, University of Pittsburgh – Of the Commonwealth System of Higher Education, and Zachary Thomas DeMara, Oley, Pennsylvania and Sara M. Golden, Reading, Pennsylvania, Berks County Children & Youth Service employees (students) to participate in a graduate level social work program as outlined in Title IV-B, Part 1 of the Commonwealth's Child and Family Services Plan.
  - 188.15 Adopt a resolution authorizing the appointment of Michael Haney, Wyomissing Hills, Pennsylvania to the Reading Area Community College Board of Trustees for a six (6) year term expiring June 30, 2021.
  - 189.15 Adopt a resolution recognizing and approving any LERTA of any municipality located within the boundaries of the County of Berks that has established a standard LERTA in compliance with Act No. 76 of 1977 (72 P.S. §4722 et seq.) known as the Local Economic Revitalization Tax Assistance Act; and setting a maximum exemption amount and a schedule.
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 July 16, 2015. Commissioner Leinbach reported there are 6 contracts and referenced the departments.
  3. Motion to authorize payments set forth on Controller's Office vouchers payable listing dated July 14, 2015 for week ending July 15, 2015 and the payment of electronic transfers and employee payroll.

### **Reports**

1. County Treasurer A. Dennis Adams, CPA submitted a prepared weekly Treasurer's report. Mr. Adams congratulated Alan and thanked him for all his support since he's been elected Treasurer.
2. The Controller's weekly report was presented by Oliver Arthur, Manager of Auditing in the Controller's Office. Mr. Arthur congratulated Alan and thanked him for his years of service.

**REPORTS OF CHIEF OPERATING OFFICE/CHIEF FINANCIAL OFFICER**

1. Carl E. Geffken thanked Alan for his guidance, for keeping him in check every morning and providing guidance and direction, and looks forward to having that continue.
2. Robert J. Patrizio reported the Commissioners will go over a proposal by Planning Department on Open Space Funding, and the financial impact of the proposed Federal change in FSLA standards. Mr. Patrizio congratulated Alan, and he really deserves it.

**COMMISSIONERS' COMMENTS**

Commissioner Barnhardt reminded everyone of the Buttonwood Street closure next Tuesday, and strongly recommended using other alternatives to get into and out of the City. Commissioner Barnhardt reported last night BARTA approved the start-up of new Sunday service and next week he and Dave Kilmer, Executive Director of BARTA and SCTA, are going to Harrisburg to meet with 7 county representatives as part of the PennDOT Phase II Regionalization Study.

Commissioner Scott reported this past Monday he had an opportunity to go to Harrisburg to meet with Special Counsel that is litigating on behalf of the County for the State Implementation Plan for lead non-attainment in Berks County. Commissioner Scott commented it is required that the State, within a certain time frame, come up with a plan to assure that the level of lead in the air in Berks County is below the level of concern. Commissioner Scott reported there will be a public hearing July 22, 2015 at the Muhlenberg Township Recreation Center regarding this matter. Commissioner Scott reassured the residents of Berks County, but especially those living in the Laureldale area, the County is working very hard to make sure the air in Laureldale is safe to breathe.

Commissioner Leinbach commented he will save his report from his attendance at the NACo conference until next week, but one component will be a discussion of new Ozone regulations and the direct impact on Berks County.

There being no further business, the meeting adjourned at 10:54 A.M.

Respectfully Submitted,

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Maryjo Gibson, Chief Clerk