

Commissioners' Board Meeting Minutes August 13, 2015

The Berks County Board of Commissioners met in regular session on Thursday, August 13, 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 First Assistant County Solicitor Christine M. Sadler, 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 Tuesday, August 11, 2015 to discuss personnel.

Approval of Minutes

The minutes of August 6, 2015 Commissioners' Board Meeting were approved as presented.

Agenda Items

1. A motion was made by Commissioner Barnhardt to approve the items listed below, but voted No to Item 218.15, the termination of the Otis contract. Commissioner Scott seconded said motion to approve the Agenda in its entirety, respecting Commissioner Barnhardt's dissent, and all voted unanimously to approve the items listed below with the exception of Items 218.15.
 - 212.15 Adopt a resolution authorizing 2015 Budget Transfers in the amount of \$44,916,754.00 and 2015 Appropriations in the amount of \$882,175.00 per listing dated August 10, 2015.
 - 213.15 Adopt a resolution authorizing execution of the Lease Agreement between Mark Hathaway and Pam Hathaway, Reading, Pennsylvania and the County of Berks for a facility located at 136 North 8th Street, Reading, Pennsylvania for purposes of accomplishing Title IV-B, Child and Family Services Improvement and Innovation Act goals to improve the quality of monthly caseworker visits with children who are in foster care. The Lease is for a one year period beginning August 15, 2015 and ending August 14, 2016 and is subject to final review and approval by the County Solicitor's Office.
 - 214.15 Adopt a resolution authorizing execution of Report of Act 44 Tax Fund for fiscal year ending December 31, 2014 in the amount of \$1,055,153.08 and the Report of County Liquid Fuels Tax Fund

for the year 2014 with an unencumbered balance of \$979,190.01 for submission to the Pennsylvania Department of Transportation, Bureau of Municipal Services.

- 215.15 Adopt a resolution authorizing Christian Y. Leinbach, Chair, to execute the Equitable Sharing Agreement and Certification to the U.S. Department of Justice and U.S. Treasury Department of the Federal drug forfeiture money received and spent by the District Attorney's Office for fiscal year ending June 30, 2015.
 - 216.15 Adopt a resolution of the Board of County Commissioners authorizing the receipt of 911 subscriber and consumer fees for local use as provided by 35 Pa.C.S. §5306.1 of Chapter 53 (911 Emergency Communication Services) of Title 35 Health and Safety of the Pennsylvania Consolidated Statutes.
 - 217.15 Adopt a resolution authorizing the reappointment of Albert Boscov, Reading, Pennsylvania to the Berks County Convention Center Authority for a four (4) year term ending August 27, 2019.
 - 218.15 Adopt a resolution authorizing termination of Agreement #PC-1888-04 between the County of Berks and Otis Elevator Company effective immediately.
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 11, 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 August 11, 2015 for week ending August 12, 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.
2. The Controller's weekly report was presented by County Controller Sandy Graffius.

Reports of Chief Operating Office/Chief Financial Officer

1. Carl E. Geffken thanked the Commissioners for approving the Lease for life house located on N. 8th Street across from City Hall, which will engage Children & Youth clients in a more family like environment instead of those classes and visits held in the County Services Center. Mr. Geffken commented that due the

State budget impasse, the County cash flow is down at least \$15 million since July.

2. Robert J. Patrizio concurred with Carl's comments on the cash flow issue. Mr. Patrizio reported the Board will review new position requests by Children & Youth Services for 2016/2017 needs based budget; an update from Bond Counsel, Michael Vind on bond compliance and SWAP update; an update on the UGI Contract extension for natural gas and a Benefit update.

Commissioners' Comments

Commissioner Barnhardt reported on the very tragic accident that occurred in Lancaster County last week, where a Red Rose Transit bus driver suffered a fatal heart attack while driving her bus. Fortunately there were no serious injuries to the passengers as a result of that accident, and today and tomorrow the Red Rose buses will have black ribbons and a picture of the driver on them. Commissioner Barnhardt commented that Dave Kilmer is searching for 2 of the passengers who aided both the driver and passengers so they can be publicly honored for their heroic actions.

Commissioner Barnhardt announced that this Sunday, August 16, 2015 will be the annual Run-for-Sam Race at Gring's Mill, and honors the memory of Sam Reed, who was tragically killed and who loved to run at Gring's Mill. The event is organized by Sam Reed's mother and the proceeds are donated to the County to be used for the Parks. This Sunday the Pavilion at Gring's Mill will dedicated in Sam's honor.

Commissioner Scott commented on the termination of the Otis Contract and expressed his frustration with how long it takes to accomplish tasks that used to be accomplished in lesser time, and that maintaining this building and entering into contracts and the procurement process has become so protracted and cumbersome. Commissioner Scott referenced the large and thorough analysis of the elevators which was completed in 2013 and expressed his disappointment in the behavior of Otis. Commissioner Scott commented this process should not have been neglected, and the County is finally taking aggressive action and holding Otis Elevator accountable.

Commissioner Scott also spoke of the long protracted effort to procure a new operator for the sewer plant project that began in January 2014. Commissioner Scott commented he is ready to act today on this project, and is frustrated with the entire process.

Commissioner Scott stated he has asked for the opportunity to have Executive Sessions to discuss to the extent it is involved, the performance of individuals of the various departments who have responsibility for these tasks, and to date has been denied this opportunity.

Commissioner Leinbach commented he does feel it is important to have Executive Sessions to address appropriate issues and that it is important to hear what his colleagues and staff think on various issues. Commissioner Leinbach agreed with Commissioner Scott on how long the procurement process takes and also wonders why, and will keep pressing on these concerns until they are resolved.

Commissioner Barnhardt explained his reason for voting No to the Otis Elevator termination letter is he felt Otis timely responded to our request for a schedule to repair the elevator ropes, but the County's outside counsel determined that schedule wasn't

aggressive enough. Commissioner Barnhardt thought we should have gone back to give them another chance and thought they were operating in good faith.

Commissioner Leinbach remarked that tomorrow August 14th is the anniversary of the end of World War II where Japan had accepted the terms of surrender, and is the date the famous kiss by a U.S. soldier happened in Time Square.

Comments from the Floor

Berks County Recorder of Deeds Frederick Sheeler mentioned about a year ago he was approached by attorneys from the law firm Obermayer, Rebmann, Maxwell & Hippel to join a lawsuit against MERS Corporation that was set up about 20 years ago by big banks to record certain mortgage documents. Mr. Sheeler said at that time we decided not to join the lawsuit as it didn't benefit the County in any way, but now there is a new agreement which seems better suited for the County, and as there is no cost to the County to join the suit, Mr. Sheeler thinks is worth County participation at this time. Mr. Sheeler will give a copy of the Agreement to the Commissioners for review.

Evelyn Morrison, Reverend of New Hope Baptist Church, Reading, Pennsylvania, addressed the Board with an update since the last time she was in. Ms. Morrison commented on the current level of taxpayer funding of Berks County Children & Youth Services (BCCYS) and how that relates to the level of minority contracts and representation of multi-cultural providers.

There being no further business, the meeting adjourned at 10:40 A.M.

Respectfully Submitted,

Maryjo Gibson, Chief Clerk