

Commissioners' Workshop Meeting Minutes Tuesday, August 28, 2012

I. CALL TO ORDER:

The Berks County Board of Commissioners met in regular session on Tuesday, August 28, 2012 at 10:30 A.M. in the 13th floor Boardroom 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 Mark C. Scott in attendance. Commissioner Barnhardt was out of town and did not attend the meeting. Also present were County Solicitor Alan S. Miller, Carl E. Geffken, Chief Operating Officer and Maryjo Gibson, Chief Clerk.

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

II. PUBLIC COMMENT ON AGENDA ITEMS

Christopher Hartman, Bill Zollers, Paul Hartman, Oscar Manbeck, Phoebe Bitler, Carl Brown, Ron Kurtz, and Dave Wolfskill attended the meeting and addressed the Board on item A. under IV., the proposed resolution regarding Clean and Green. Christopher Hartman identified himself as an attorney in Wyomissing, and commented that three of his brothers operate a dairy farm in Berks County called Scattered Acres Farms. Mr. Hartman read a prepared statement referencing the origination of the Clean and Green program adopted July 24, 2008 establishing 2001 as the base year for Clean and Green land values. Mr. Hartman explained how the farm assessed values would increase greatly in Berks County if the Commissioners lifted the freeze imposed by the 2008 resolution on the tax assessment rates of property enrolled in the Clean and Green Program. Mr. Zollers stated he is the owner operator of Stone Mill Farms in Longswamp Township. Mr. Zollers thanked the Commissioners for all they do for the agricultural community in Berks County. Mr. Zollers commented that changing the assessment rate back to the old formula would create a financial burden on the Berks County farming community, and is unfair to the farm owners. Mr. Zollers further commented the change to the old formula would in addition to raising County and township taxes, would also raise school taxes. Mr. Paul Hartman is the brother of Christopher Hartman and one of the owners of Scattered Acres Farms. Mr. Hartman commented Scattered Acres operates 5 farms in 8 townships in Berks County. Mr. Hartman stated the most drastic change would be a sudden 62% tax increase in real estate taxes on farmland that does not have buildings on it, and is too high and too fast. Mr. Hartman further commented the agricultural community shouldn't be asked to foot the bill for so many services for which it doesn't consume in proportion to what it uses. Mr. Manbeck stated he is pork producer from Bethel Township and a School Board member. Mr. Manbeck commented while he understands the challenge of the Board of Commissioners to balance a budget, he requested the Board to keep the tax values fixed at the old rate. Ms. Bitler stated her family is owner/operator of Vista Grand Farms LLC in Richmond Township, where she is also a Township Supervisor. Ms. Bitler commented that if the Commissioners lift the freeze on the tax assessment rate,

the impact of the impending resolution is unfair and would jeopardize Berks County farmers at a bad time. Carl Brown, a member of FM Browns & Sons, and has a farm that will be impacted if the Commissioners implement the proposed resolution. Mr. Brown commented that this action will negatively impact many farm operations in Berks County. Ron Kurtz operates and owns a family farm in Richmond Township and is also a Township Supervisor. Mr. Kurtz attended today to support his fellow farmers and commented that if this resolution is adopted it would unfairly impact the number one industry in Pennsylvania, and burn them with a tax increase of up to 68% in one year. Mr. Kurtz encouraged the board to keep the future of agricultural bright for future generations. David Wolfskill agreed with all the previous speakers, and asked the Board if there is another way to get a broader tax to cover what is needed rather than lifting the freeze on agricultural properties.

Commissioner Scott complimented all the individuals who spoke today with great passion and articulation. Commissioner Scott offered a brief history of how this matter reached this point, citing the budget process where all options are discussed, and this was one of the options that were put on the list, and was one of the options that Commissioner Scott opposed. Commissioner Scott further commented that he doesn't think the Board thought of the affect on school taxes this action would have. Commissioner Scott stated he has much more of an understanding and enthusiasm of the issue now. Commissioner Scott further commented this is unfair and will vote against it, and urged Commissioner Leinbach, in consideration of all evidence, to reconsider his position, and in closing made a motion to strike this matter.

Commissioner Leinbach commented that consistently for years he believed that property tax is one of the most egregious methods of taxation in the country and more so in the Commonwealth of Pennsylvania. Commissioner Leinbach further commented that in the farming community there is no other business that is so reliant on property than farms and has so many factors out of their control relative to outcome of farming. Commissioner Leinbach commented that in 2008 he was a very strong advocate of the freeze. Commissioner Leinbach commented that after hearing all the comments today and realizing the overall impact on the farming community; and after conversations with 2 farmers, he promised that if the impact is significant on the farmers he will back off and not vote to lift the freeze. Commissioner Leinbach commented to the audience that their voices were heard and will join Commissioner Scott's motion to strike the proposed resolution lifting the freeze on the tax values of properties enrolled in the Clean and Green Program.

Therefore, Commissioner Scott moved to strike from the agenda the item listed under IV. A., the resolution rescinding Berks County Resolution No. 202-08 establishing and fixing the County's Clean and Green values at those set by the Commonwealth for 2001, and to establish and fix the County's Clean and Green schedule of values for land enrolled in the County's Clean and Green preferential assessment program to be those values established annually by the Commonwealth. Commissioner Leinbach seconded the motion and all voted unanimously to approve the motion to strike.

III. DEPARTMENTAL REPORTS / REQUESTS:**Budget Department**

- A. Adopt a resolution authorizing 2012 Budget Transfers in the amount of \$723,036.00 and 2012 Appropriations in the amount of \$95,564.00 per listing dated August 24, 2012. Commissioner Leinbach questioned Robert Patrizio, Chief Financial Officer, if there was anything out of the ordinary to the Agenda and Mr. Patrizio responded no, nothing unusual.

Human Resources

- A. Adopt a resolution authorizing Human Resource Recommendations per listing dated August 28, 2012. Commissioner Leinbach commented on the one item listed.
- B. Adopt a resolution authorizing Christian Y. Leinbach, Chair, to execute a Service Agreement between Berks County and Engle-Hambright & Davies, Inc. (EHD) for the performance by EHD of employee benefit risk management, program analysis, consultation and brokerage services for positioning Berks County benefits programs for long-term sustainability. The agreement shall be effective August 15, 2012 through December 31, 2013.
- C. Adopt a resolution authorizing Christian Y. Leinbach, Chair, to execute a letter agreement with Aspire Healthcare Search to provide an employment search for a Deputy Director of Human Resources for Berks County at a not to exceed \$5,750.00. Arnel Wetzel, Director of Human Resources, clarified that the \$5,750.00 is not the total amount due, but is the retainer fee, which represents one third of the projects total fee.

Purchasing

- A. Motion authorizing Christian Y. Leinbach, Commissioner Chair, to execute Contract Agreements/Amendments as furnished by the Contract Coordinator, per listing dated August 27, 2012. Commissioner Leinbach commented there are 13 contracts and named the departments they are associated with.

Human Services

- A. Adopt a resolution authorizing execution of the final report for the Berks County Medical Assistance Transportation Program (MATP) for fiscal year 2011-2012.

Solicitor

- A. Adopt a resolution ratifying, approving and affirming the creation of Berks County as a conservation district and creating the Berks County Conservation District previously authorized by motion of the Board of

Commissioners August 13, 1946. This action is necessary for the Conservation District to comply with requirements of a grant application for funds of the Pennsylvania Infrastructure Investment Authority ("PennVest"). Commissioner Leinbach commented that he sits on the Conservation District Board and is aware of this request and application.

Facilities

- A. Adopt a resolution authorizing the Director of Facilities and Operation to execute the Change Order as follows:

Project: Antietam Dam Rehabilitation Project

Contractor: QEI Construction Group, LLC

Agreement No.: ITB #10-16-KS; Contract No. 116616

Change Order No.: 4

Request Date: August 14, 2012

Funding Source: Parks Account 26045.16070.10718.81110

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Description: Final Change Order by which to account for additional unit price quantities for pointing, grouting rock anchor holes and Class "A" concrete; reduced unit price quantities for contingency and drilling 4" dowel holes; and new items (diving, insurance, signage, guard rail extension, trash rack installation, saddle clamp installation). Change Order also allows for an extension of the Contract period by twenty-two (22) calendar days to Substantial Completion and twelve (12) days to Final Completion. Project Engineer has reviewed and endorsed this Change Order and all included quantities.

Original Contract Amount: \$2,290,696.29

Total of Previous Change Orders: \$272,331.47

Change Order Amount: **\$34,659.18**

Amended Contract Amount: \$2,597,686.94

IV. REPORTS OF COMMISSIONERS

On motion made by Commissioner Scott and seconded by Commissioner Leinbach, it was unanimously approved to strike this item.

- A. Adopt a resolution rescinding Berks County Resolution No. 202-08 establishing and fixing the County's Clean and Green values at those set by the Commonwealth of Pennsylvania for the 2001, to establish and fix the County's Clean and Green schedule of values for classes of land enrolled in the County's Clean and Green preferential assessment program to be those values established annually by the Commonwealth of Pennsylvania.

V. REPORTS OF COMMISSIONERS

Commissioner Barnhardt

Commissioner Scott

Commissioner Scott repeated that this was a great meeting and thanked Commissioner Leinbach for working with him and striking the motion.

Commissioner Leinbach

VI. COMMENTS FROM THE FLOOR

James P. Troutman, Berks County Clerk of Courts, commended the Commissioners on their decision. Mr. Troutman commented he never heard a more compelling reason for striking an item from the agenda, and that the Board made the right decision.

There being no further business the meeting adjourned at 11:45 A.M.

Respectfully Submitted,

Maryjo Gibson, Chief Clerk