

## **Commissioners' Board Meeting Minutes October 27, 2016**

The Berks County Board of Commissioners met in regular session on Thursday, November 3, 2016, 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 Office 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.

### **PRESENTATION**

Dale Derr, Director of Berks County Veterans Affairs, and members of the Wilson High School JROTC attended the meeting to present information on the annual Berks County Veterans Appreciation Dinner Dance to be held November 12, 2016 at Wilson High School. Mr. Derr also was present to introduce for nomination into the Berks County Military Hall of Fame the following distinguished veterans; Brigadier General Edwin Kelley, Jr., Major General Richard Posey, 2<sup>nd</sup> Lieutenant Alvin Hyman, Sergeant First Class Edward Rakowiecki, Staff Sergeant James Kline and Sergeant Jackie Seltzer. Mr. Derr read the citations describing the heroic actions and honors of the nominees. At the conclusion, Commissioner Barnhardt remarked it is with great honor that he motions to recommend the nominations of the six veterans to the Berks County Military Hall of Fame. Commissioner Scott gladly seconded the motion, and all voted unanimously to accept the nominations.

Commissioner Leinbach reported these individuals will be formally inducted at the Veterans Appreciation Dinner Dance.

Mr. Derr next introduced Colonel Michael Dietrich, U.S. Army (Retired) and Advisor of the JROTC program at Wilson High School, and the following four members of the Wilson High School JROTC who presented information and a PowerPoint on the Annual Veterans Appreciation Dinner Dance; Cadet Lieutenant Colonel Kayleigh Lanphar, Cadet Sergeant Major Amanda Milus, Cadet Major John Conlen and Cadet Major Hector Torres. Col. Dietrich mentioned there are 120 Junior cadets at Wilson High School and this the 9<sup>th</sup> year of the program being held at the High School. Cadet Milus reported it takes over 4,000 man hours in planning and executing the event.

### **Approval of Minutes**

The minutes of October 20, 2016 Commissioners' Board Meeting were approved as presented.

Agenda Items

## 1. Enactment of County Ordinance:

**05-2016 AN ORDINANCE IMPLEMENTING A LOCAL USE FEE FOR NONEXEMPT VEHICLES REGISTERED TO AN ADDRESS IN BERKS COUNTY.**

This Ordinance will implement a \$5 Local Use Fee for non-exempt vehicles registered to an address in Berks County for use by Berks County for the construction, reconstruction, maintenance, safety improvements and repairs to County roads and bridges, and can be allocated to Berks County municipalities.

Commissioner Leinbach reported that over the past few months, this Ordinance has been presented at four public meetings, has been talked about on WEEU and written about in the Reading Eagle; and we are now at the point on whether or not this Ordinance will be implemented.

Commissioner Barnhardt motioned to enact Ordinance No. 05-2016 implementing a local \$5 Use Fee. Commissioner Scott seconded the motion with a request for discussion. Commissioner Leinbach commented discussion is in place.

Commissioner Scott commented he has reviewed the ordinance and the legislation allowing implementation of the fee, and it is fair to say that there is a great need to upgrade a number of County owned bridges and other transportation assets, but it is his belief the County must take care of its own assets first, as we are behind schedule in bringing our bridge assets up to reasonable condition. Commissioner Scott stated he would prefer to make it clear in the Ordinance that the County intends to use these monies exclusively to bring our bridges and transportation assets up to such a condition that our engineer can tell us that the annual depreciation of those bridges are up to the annual amount expended on their maintenance.

Commissioner Barnhardt believes the Ordinance is well crafted as written, keeping in mind that with the amount of work that has to be done, it could take 15 to 20 years to accomplish the equilibrium Commissioner Scott referenced, and recommended enacting the Ordinance.

Commissioner Leinbach remarked he understands that the law clearing allows for the money to be used for roads and bridges, and can be distributed back to municipalities, but does not support distributing the money back to municipalities.

Commissioner Leinbach has been very clear when he has commented on this matter, that he would support the \$5 fee if it would be used exclusively for bridges in Berks County, and he would support an amendment that makes it clear the money be

used exclusively on County bridges.

Commissioner Barnhardt agreed to amend the Ordinance to specifically use the money for use on County owned bridges. A discussion took place to determine the proper language and where to insert it into the Ordinance.

Commissioner Leinbach noted the maker of the motion to enact the Ordinance accepted the changes, and a motion to amend the Ordinance has been made and seconded, and all voted unanimously to enact the Ordinance in effect, limiting the use of funds from the \$5 fee exclusively to County bridges, assets and transportation. The motion carried.

1. A motion was made by Commissioner Barnhardt to approve the Agenda as presented below. Said motion was seconded by Commissioner Scott, with the exception of Item No. 319.16 pertaining to the LERTA, to which Commissioner Scott asked to be recorded as a No vote. Commissioner Leinbach commented let the record reflect Commissioner Scott's No vote, and all voted unanimously to approve the items listed below:

301.16 Adopt a resolution authorizing 2016 Budget Transfers in the amount of \$80,000.00 and 2016 Appropriations in the amount of \$30,225.00 per listing dated October 24, 2016.

302.16 Adopt a resolution authorizing Human Resources Recommendations per listing dated October 27, 2016 as follows:

1. Authorize the appointment of Linda Bloom to PC011721 Office Support II – Berks Heim Administration, effective 11/2/2016. Rate of \$16.00/hour. Replacement for Bobbi Jo Kramlich who transferred. This request meets the criteria of the Hiring Policy. Budget 53000 – 33030.
2. Authorize the transfer of Robert Latshaw, PC013037 Shelter Care Counselor to PC012631 Residential Center Supervisor – Berks County Residential Center, effective 10/26/2016. Rate of \$51,000/annually. Salary range Minimum \$44,957; Midpoint \$59,943; Maximum \$74,929. Replacement for Ashley Huntzinger who separated. This request meets the criteria of the Hiring Policy. Budget 52013 – 32200.

303.16 Adopt a resolution authorizing Christian Y. Leinbach, Commissioner Chair, to execute the Commercial Insurance Application for Partners in Parenting (PIP) for Berks County Children and Youth Services for the period commencing January 8, 2017.

- 304.16 Adopt a resolution authorizing execution of Engineering Services Agreement #EA-184219-16 between the County of Berks and Schnabel Engineering, LLC, West Chester, Pennsylvania, to provide inspection services for Antietam Dam, Lower Alsace Township for years 2016, 2017 and 2018 at the not to exceed amount of \$9,550.00.
- 305.16 Adopt a resolution authorizing execution of the Engineering Services Agreement between the County of Berks and RPA Engineering, Wyomissing, Pennsylvania to provide engineering/design services to support the replacement of the main distribution switch gear and multiple sub-distribution gear at the Berks County Residential Center and Berks County Library Headquarters Building (“North Campus Project”) at a not to exceed amount of \$45,900.00.
- 306.16 Adopt a resolution authorizing execution of Amendment No. 9 to the HealthChoices Behavioral Health Agreement between the Commonwealth of Pennsylvania and the County of Berks effective January 1, 2017.  
This Amendment is a result of the issuance by the Centers for Medicare and Medicaid Services of the Final Rule for Medicaid and CHIP Managed Care, and amends the Program Standards and Requirements to comply with the issuance by the Centers for Medicare and Medicaid Services.
- 307.16 Adopt a resolution authorizing execution of Amendment #6 to the HealthChoices Behavioral Health Agreement between the County of Berks and Community Care Behavioral Health Organization effective July 1, 2016 through June 30, 2017. This Amendment includes the revised Program Standards and Requirement and outlines the County’s participation requirements, terms and conditions of the HealthChoices Program and affirms the County’s compliance with DHS (“Department of Human Services”) Solvency Requirements.
- 308.16 Adopt a resolution authorizing the reappointment of Peter Schuchman, Sinking Spring, Pennsylvania, to the Berks County Public Libraries Board for a three (3) year term beginning January 1, 2017 and expiring December 31, 2019.
- 309.16 Adopt a resolution authorizing the reappointment of Charles Jones, Reading, Pennsylvania, to the Berks County Public Libraries Board for a three (3) year term beginning January 1, 2017 and expiring December 31, 2019.

- 310.16 Adopt a resolution authorizing the reappointment of Mark Braun, Reading, Pennsylvania, to the Berks County Children and Youth Services Advisory Board for a two (2) year term beginning January 1, 2017 and ending December 31, 2018.
- 311.16 Adopt a resolution authorizing the reappointment of Zacharian Milch, Reading, Pennsylvania, to the Berks County Children and Youth Services Advisory Board for a two (2) year term beginning January 1, 2017 and ending December 31, 2018.
- 312.16 Adopt a resolution authorizing the reappointment of Sharon Cameron, Mohrsville, Pennsylvania, to the Berks County Children and Youth Services Advisory Board for a two (2) year term beginning January 1, 2017 and ending December 31, 2018.
- 313.16 Adopt a resolution authorizing the reappointment of Robert B. Ludgate, Reading, Pennsylvania to the Berks County Agricultural Land Preservation Board for a three (3) year term expiring on December 31, 2019.
- 314.16 Adopt a resolution authorizing the reappointment of David Phillips, Mohrsville, Pennsylvania to the Berks County Agricultural Land Preservation Board for a three (3) year term expiring on December 31, 2019.
- 315.16 Adopt a resolution authorizing the reappointment of Barbara L. Werner, Reading, Pennsylvania to the Berks County Children & Youth Services Advisory Board for a three (3) year term expiring on December 31, 2019.
- 316.16 Adopt a resolution authorizing the reappointment of Lynn Millar, Fleetwood, Pennsylvania to the Berks County Children & Youth Services Advisory Board for a three (3) year term expiring on December 31, 2019.
- 317.16 Adopt a resolution authorizing the reappointment of James Mason, Wyomissing, Pennsylvania to the Berks County Planning Commission for a four (4) year term expiring on December 31, 2020.
- 318.16 Adopt a resolution authorizing the reappointment of Michael J. Gombar, Jr, Wyomissing, Pennsylvania to the Berks County Solid Waste Authority for a four (4) year term expiring on December 31, 2020.

- 319.16 Adopt a resolution authorizing an amendment to Berks County Resolution No. 189-15, paragraph 5, Exemption Amount, subparagraph (b), to add language clarifying the wording in subparagraph (b) to indicate that a land development approval is only necessary if required by applicable law.  
Berks County Resolution No. 189-15, adopted July 16, 2015, recognized and approved 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.)
- 320.16 Adopt a resolution authorizing the Board of Commissioners to execute a letter terminating the agreement between the County of Berks and the Department of Human Services (DHS) for the Medical Assistance Transportation Program (MATP) effective May 1, 2017. The County of Berks has administered this grant as a pass-through to the South Central Transportation Authority (SCTA) and this letter recommends that DHS contract directly with SCTA who is the provider of the MATP service.
3. Motion authorizing Christian Y. Leinbach as Chairman of the Board, to execute Contract Agreements/Amendments as furnished by the Contract Coordinator, per listing dated October 24, 2016. Commissioner Leinbach reported there are 14 contracts and referenced the departments.
4. Motion to authorize payments set forth on Controller's Office vouchers payable listing dated October 25, 2016 for week ending October 26, 2016 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 Leinbach reported there is no budget meeting this afternoon.

### **REPORT OF CHIEF ADMINISTRATIVE OFFICER**

Ronald R. Seaman had no comments at this time.

**COMMISSIONERS' COMMENTS**

Commissioner Barnhardt reported the Berks County Police Heroes Fund is holding a fundraiser this year that provides funds to police officers who are injured or killed in the line of duty, as well as providing funds to a police memorial at the Berks County Heritage Center, and are selling calendars this year for \$18.00. The calendar is available at his office, the Exeter Police Department or the Fraternal Order of Police Office. Commissioner Barnhardt commented that the Mt. Penn Preserve committee had a meeting in May to bring together municipalities interested in the future of Mt. Penn, and has received successful commitments and contributions from all five municipalities. The goal is to come up with a strategic plan for the Preserve, and there will be meetings and tours held over the next few weeks for public comment and input.

Commissioner Scott had no further comments.

Commissioner Leinbach commented the last two issues of NACo's County News had very interesting articles. One article dealt with counties putting telephone companies on the hook for under-billed 911 fees, and about how this was initially uncovered. Commissioner Leinbach stated Berks County is currently involved in a law suit against the telecoms regarding the withholding of 911 fees. The other article talked about the concerns of the integrity of elections. Commissioner Leinbach assured the public that because of the integrity in the way counties run elections, the chances of actually hacking voting machines is very, very small. County Solicitor Sadler commented that County voting machines are sealed before they are delivered to the polling places, and on Election Day, poll workers verify that the seals are intact and haven't been broken.

**COMMENTS FROM THE FLOOR**

Adrianna Zambrano, a law student, legal intern and legal advocate for individuals at the Residential Center attended the meeting to comment about statements made at last week's meeting by Commissioner Barnhardt about the pro-bono work being provided by Attorneys Donohoe, Kline and Cambria at the Residential Center. Ms. Zambrano commented Commissioner Barnhardt's claim that the attorneys were being paid is false and the attorneys are not getting any compensation for their work. Ms. Zambrano also stated Commissioner Barnhardt's claim that the staff cares about the residents is false, providing a few examples.

Commissioner Barnhardt replied he had a few additional items to secure his comments from last week. Commissioner Barnhardt reported just last week a civil rights and civil liberties organization completed a 2 day inspection and had no violations; and this week on Monday, the Department of Human Services held their monthly inspection and had no findings to report.

Commissioner Barnhardt also read a letter from a member of a church group who frequently attends some of the Commissioners' Meetings concerning the Residential Center, and stated she does not agree with many of the groups' claims and accusations.

There being no further business, the meeting adjourned at 11:07 A.M.

Respectfully Submitted,

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Maryjo Gibson, Chief Clerk