

## **Commissioners' Board Meeting Tuesday, December 20, 2005**

The Berks County Board of Commissioners met in regular session on Thursday, December 20, 2005 at 10:30 A.M. in the Board meeting room on the thirteenth floor of the Berks County Services Center, pursuant to due notice to Board members and the public.

Commissioner Chair Judith L. Schwank called the meeting to order with Commissioner Thomas Gajewski and Commissioner Mark L. Scott in attendance. Also present were the Chief Clerk Terry L. Styer, County Solicitor Alan Miller, Esq., and County Administrator William E. Dennis. Commissioner Schwank then opened the meeting with a moment of silence and Pledge of Allegiance to the Flag.

Announcement:

Carey Kaucher, Special Projects Coordinator reminded everyone of the New Year's Eve Celebration at the Sovereign Center. He paid special notice to the new teen lounge that will be available to area youth between the ages of 13 – 18 if accompanied by an adult.

### **Approval of Minutes**

A motion approving the minutes of the December 13, 2005 Workshop Meeting and the minutes of the December 15, 2005 was made by Commissioner Scott, seconded by Commissioner Gajewski and all voted yes to approve.

### **2006 Budget**

County Administrator Bill Dennis together with Budget Director Bob Patrizio presented the final draft of the 2006 Berks County Budget. Mr. Dennis explained that they were presenting a balanced budget to the Commissioners with no tax increase, however he cautioned that we still have a long way to go as the projections for 2007 and 2008 following the current spending trends show deficit spending returning. The presentation included a list of planned initiatives he commended the Commissioners for implementing. Those initiatives included the Self-Insured Health Coverage; Short & Long Term Disability Insurance; increased library funding; capital project funding for RACC (Reading Area Community College) a commitment of funds to the Berks Economic Partnership that will be designed to leverage private contributions; continued support for Ag Land Preservation; prison expansion and community corrections projects. He also discussed future considerations for options towards future employee pension obligations; purchase of Antietam Lake; office space for County staff together with the challenges facing Berks County including assessed value growth; Federal & State budget cuts; fewer revenue options all while recognizing that more cuts in our operating expenditures will be needed.

Commissioner Gajewski read his prepared statement (attached to these minutes) in which he commended all who worked on this budget and the effort that was made to improve the budget process.

**2006 Budget comments continued:**

Commissioner Scott said in reference to the cost of providing government services, what the public needs to understand is that the affect of human behavior and human expectations upon a government with diminishing revenue becomes a simple mathematical equation. He said when human behavior worsens the cost of government (particular in the courts and public safety related departments) increases. He commended all involved in this lengthy budget process and in particular the Budget Director Bob Patrizio, County Administrator Bill Dennis, Mark Lunquist the County's financial advisor from S&Lutions as well as his colleagues for their work on this budget. He paid particular notice to Commissioner Gajewski for his interest in the process as well. He then added that the final document has resulted in what he described as a product of tolerable disagreements resulting in a balanced budget that he fully supports. In commenting on several of the initiatives he was pleased to see increased funding to the libraries and noted that he sees library funding as an economic development tool that has been underutilized in the past. He also agreed with the scaled back funding proposal to the BEP (Berks Economic Partnership), which will now require a match from private funds. He expressed his strong support for Ag. Preservation and for the prison expansion, however he did express concern for the proposed increase in expenditures for the Coroner's Office. He then suggested that the County conduct a workflow efficiency study in the Coroner's office similar to the one performed this year for the Clerk of Courts. He stated that for the County's facilities he favors moving them outside of the city to a more remote area with less traffic congestion and free parking.

Commissioner Schwank stated that she felt that the County has reached a turning point in the professional management of county government. She commended her colleagues and all the department heads and ROW Officers who were actively engaged in this process. She said, "we are changing the culture in County Government and we are not looking at a discreet one year budget, instead we are viewing the goals for Berks County in three to five year projections." She said that the very platform for what we need to do is based on economic development, if we can increase the economic fortunes everybody benefits. She cautioned that with dwindling federal and state funding, the future may hold additional county tax increases to meet the demands.

At this time Commissioner Gajewski made a motion to approve **Resolution 430.05** Authorizing the adoption of the 2006 County of Berks Budget and further setting the 2006 millage rate at 6.935 mills. Commissioner Scott seconded the motion and the Chair opened the floor to comments from the public:

Ron Rohrbach, Executive Director of the Berks County Home Builders Association read a statement expressing on behalf of his organization their extreme disappointment that so much emphasis has been placed on funding the County Ag. Preservation program. He suggested that the Commissioners rethink their support for creating additional county debt to pay for Agricultural Preservation. He then reflected on several referendums regarding open space and in particular the County's failure to support the State's Growing Greener referendum in the 2005 primary ballot suggesting that it was an indication of the county voter's opposition to the use of public funds for land preservation efforts. He suggested that prior to the issuance of additional debt to fund this program, a local referendum should be placed on the 2006 primary ballot and let the voters decide.

**2006 Budget comments continued:**

Dr. Robert Ziegenfus Chairman of the Berks County Farmland Preservation Board spoke in support for the funding of Ag. Easements and argues that the county has provided overwhelming support from its citizens via surveys and letters encouraging the Commissioners to continue the vision for Ag preservation from its inception in 1989. He said that 375 farmers "voted with their feet" and agreed to join the program to perpetually preserve their farm. His comments were followed with similar comments from Clyde Myers, Penn State Extension who reminded the argued against the Builders Association position that Ag. Preservation will be accomplished through local municipal zoning ordinances. He used several recent examples where zoning was overturned and farmland was lost to development. Lolly Leshner, Upper Tulpehocken Township dairy farmer reminded everyone that Agriculture is Berks County's largest industry employing more than 16,000 in Berks County. Chip Karasin encouraged the board to continue the plan for preservation as outlined in the County's Comprehensive Plan 20/20 and the County's Greenway plan for open space preservation. She suggested that the county should take advantage of this potentially short window of time that State and Federal Agriculture and Open Space funding dollars are available.

Commissioner Schwank stated that the proposed bond issues and line of credit on today's agenda proposes to provide \$24 million in farmland easement funds as well as \$2 million for open space preservation. She agreed that we are in a race for time and recognizes that zoning clearly is not the only answer.

Commissioner Scott stated that he is "rock solid" in support of funding the Berks County Ag. Preservation program.

Commissioner Gajewski thanked the members of the Community Corrections task force and followed his commendations for their participation with a proposed amendment to the 2006 budget that would set aside \$3 million of funds remaining from the 2002 bond issue for the construction of a Community Correction Center with construction set to begin in 2006 and operations to start July 1, 2007. Bob Patrizio stated that the capital spending plan already has those funds earmarked for the project with those projected dates, however County Administrator said that the funds were not specific to the 2002 bond proceeds and that could be done. It was decided that since this action was not part of 2006 budget, this motion to amend the budget was unnecessary.

Commissioner Gajewski then made a motion to amend the budget to provide funds for the position of an independent Purchasing Agent. Commissioner Scott indicated that he would not second the motion as he supports the restructuring of the Budget Department to have the purchasing agents report to the Budget Director. He felt this was a cheaper and more efficient alternative and has great confidence in the Budget Director's ability to handle the added responsibility. Commissioner Schwank commended the staff of the former Purchasing Department for their efforts during the recent transition of their department. She said she also agrees with the change and sees the connection between the purchase and budget departments. The motion on the table died for lack of a second.

Commissioner Gajewski made a final motion to amend the 2006 budget to remove the funding (\$85,000) for the position of a Facilities Director. He supported the current arrangement of a departmental team approach with several job description changes for

existing personnel. Commissioner Scott said while he would not second the motion he felt counter arguments could be made to have hundreds of millions of dollars of assets in county structures needs to be managed by skilled talent and that the hiring of this professional will more than pay for itself. Commissioner Schwank also supported the hiring of a Facilities Director. She indicated that decisions such as the hiring of a County Administrator and a core team of professionals will lead to a more professionally run County Government which has always been one of her goals as a County Commissioner. The motion on the table died for lack of a second.

Commissioner Gajewski then proposed to place the issue for creating debt to support the Ag. Preservation program should be place on the ballot as a binding referendum to let the votes of the County decide. Commissioner Scott stated he would not second the motion and stands strongly to endorse the Ag. Preservation program. The motion on the table died for lack of a second.

Commissioner then stated that he felt the budget document was an overall good spending plan and he would support it.

Commissioner Scott then made a motion to provide a line item in the 2006 budget for \$25,000 as financial support for Union Township's litigation to uphold their open space zone against a developer attempting to over turn it in the courts. Commissioner Gajewski suggested other County funding streams such as the Liquid Fuels allocation to Union township. The motion died for lack of a second.

**Hearing no further comments on the 2006 Budget, the Chair called for the vote with all members voted yes to adopt as proposed.**

**Resolutions and Contracts:**

1. A motion was made by Commissioner Scott, seconded by Commissioner Gajewski to unanimously approve the Resolutions and Contracts listed below except for Resolution 435.05 F where Commissioner Scott was the only no vote and for Resolution 442.05 M where Commissioner Schwank was the only no vote. All voted yes to this motion.
  - 431.05 B. Resolution authorizing 2005 Budget Transfers in the total amount of \$8,000.00 and appropriations in the total amount of \$133,943.00 per list dated December 16, 2005.
  - 432.05 C. Resolution authorizing the Human Resource recommendation as per list dated December 19, 2005.
  - 433.05 D. Resolution authorizing execution of the FY 2005 JABG (Juvenile Accountability Incentive Block Grant) Application by and between the County of Berks (Chief Public Defender) and the Pennsylvania Commission on Crime and Delinquency (PCCD), with respect to funding in the amount of \$22,756.00 (Federal Funds - \$20,480.00, Local Matching Funds - \$2,276.00) covering the project period 4/1/06 to 3/31/07.

- 434.05 E. Resolution authorizing execution of the FY 2005 JABG (Juvenile Accountability Incentive Block Grant) Application by and between the County of Berks (District Attorney) and the Pennsylvania Commission on Crime and Delinquency (PCCD), with respect to funding in the amount of \$22,756.00 (Federal Funds - \$20,480.00, Local Matching Funds - \$2,276.00) covering the project period 4/1/2006 to 3/31/2007.
- 435.05 F. Resolution authorizing the Human Resources Department to offer the Partnership Banking Program through Sovereign Bank. **Commissioner Scott wanted his vote recorded as a no vote** as no other area banks were being presented with a similar proposal at this meeting. Beth Schiepan indicated that they were contacted and that she expects most will present similar offers to county employees.
- 436.05 G. Resolution authorizing payment of invoices under the following Community Development Disbursement Vouchers:
1. No. 2176- Community Development Block Grant Program- \$15,260.35
  2. No. 1271 – Property Rehabilitation Program-\$4,442.00
  3. No. 519-Home Grant Program-\$16,315.00
- 437.05 H. Resolution authorizing three revisions to the Employee Paid Leave Policy.
- 438.05 I. Resolution authorizing the advertisement for the enactment of the proposed Ordinance authorizing the Board of Commissioners to enter into an Intergovernmental Agreement to establish the Berks County Uniform Construction Code Board of Appeals in cooperation with participating municipalities within the County.
- 439.05 J. Resolution accepting the proposal from L. Robert Kimball & Associates dated 12/9/05 to amend contract number VC-1996-04 dated 2/12/04 (resolution no. 91-04) for a continuation of professional services for the Berks County Prison Alterations and Additions for a lump sum fee of \$1,420,000.00.
- 440.05 K. Resolution accepting the proposal from Shoemaker/Burkey dated 12/12/05 to amend contract number ICA-2066-04 dated 2/26/04 (resolution no. 257-04) for a continuation of professional services for the Berks County Prison Alterations and Additions for a lump sum fee of \$1,299,000.00.
- 441.05 L. Resolution authorizing action requested by the Board for approval of a one-year contract extension to Security Guards, Inc. (SGI).

- 442.05 M. Resolution authorizing an increase to the per diem rate at Berks Heim based on comparative information as compiled by the Berks County Office of Aging. **Commissioner Schwank voted no** as she requested that more detail of other homes be provided and more discussion held at the Heim meeting prior to a vote.
- 443.05 N. Resolution authorizing the reappointment of Jean Schwenger to a five-year term with the Berks County Housing Authority Board.
- 444.05 N. Resolution authorizing the appointment of Susan P. Legros, Esq. Stevens and Lee, as special counsel to the County of Berks regarding the Cabot Industries air quality permit application as other Environmental Matters as directed by the County.
2. Motion authorizing execution of Contract Agreements/ Amendments as furnished by the Contract Coordinator, per listing dated December 16, 2005.

3. Enact Ordinance No. 4-05 summarized below:

**AN ORDINANCE AUTHORIZING THE CREATION OF A \$36 MILLION CREDIT FACILITY (LINE OF CREDIT) WITH SOVEREIGN BANK.**

4. Enact Ordinance No. 5-05 summarized below:

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF A \$36 MILLION AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES OF 2009 ON NOVEMBER 3, 2009.**

5. Enact Ordinance No. 6-05 summarized below:

**AN ORDINANCE AUTHORIZING THE UPDATED COUNTY INTEREST RATE MANAGEMENT AGREEMENT AND AUTHORIZING THE EXECUTION OF A VARIABLE TO FIXED INTEREST RATE SWAP AGREEMENT WITH WACHOVIA BANK RELATING TO THE 2009 BONDS.**

Mark Lunquist of S&Lutions, the County's Financial Advisor discussed the three ordinances listed above that are proposed to finance the County's future Agricultural Preservation program. He began explaining that the first ordinance with will authorize a \$36 million credit facility (line of credit) to be used from 2006 – 2009 and will enable the county to only pay interest on the money that is drawn from that account. During November of 2009 the county plans to issue \$36 million of General Obligation Bonds and the proceeds of which will retire the line of credit. The final ordinance will establish the interest rate agreement with Wachovia for the 2009 bonds.

**Agenda Items for Discussion**

Commissioner Gajewski read into the record and presented to the Chief Clerk a letter disclosing his participation as a voting member in the Crime Alert Berks County.

**Citizen Comment/Business From The Floor**

There being no further business, the meeting adjourned at 1:05 P.M.

Respectfully Submitted,

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Terry L. Styer, Chief Clerk