

Commissioners' Workshop Meeting Tuesday, February 24, 2009

I. CALL TO ORDER:

The Berks County Board of Commissioners met in regular session on Tuesday, February 24, 2009, at 10:30 A.M. in the thirteenth floor Board Room of the Berks County Services Center, pursuant to due notice to Board members and the public.

Commissioner Chair Mark C. Scott, Esq. called the meeting to order with Commissioner Christian Leinbach in attendance. Also present were County Administrator William E. Dennis, Solicitor Alan Miller Esq., and Chief Clerk Terry Styer. Commissioner Kevin Barnhardt did not attend the meeting.

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

Mike Vind of Financial S&Lutions, and Peter Edelman of Stevens and Lee presented the following for approval today. They explained that by refunding the 1999 Bonds and terminating the swap agreements the County will be able to take advantage of favorable market conditions by lowering the interest rate and lowering the County's long term debt while maintain the County's AA and AA2 bond rating. Commissioner Leinbach made a motion, seconded by Commissioner Scott and all voted yes to approve the following Ordinances.

ORDINANCE NO. 4 OF 2009

An Ordinance that authorizes the County to issue General Obligation Bonds for the purposes of (i) currently refunding the County's outstanding General Obligation Bonds, Series of 1999, (ii) pay a portion of the payment due in connection with the 1999 swap termination and (iii) pay the costs associate with issuing the 2009 A Bonds.

ORDINANCE NO. 5 OF 2009

An Ordinance that authorizes the County to associate the interest rate swap agreement currently associated with the County's General Obligation Bonds, Series of 1999 to the County's anticipated General Obligation Bonds, Series A of 2009.

II. DEPARTMENTAL REPORTS/REQUESTS:

1. A motion was made by Commissioner Leinbach, seconded by Commissioner Scott, and all voted unanimously to approve the items listed below:
 - 36.09 A. Adopt Resolution authorizing Mark C. Scott, Esq., as Chairman of the Board, to execute Continuation of Subgrant No. 20058 by and between the County of Berks (Adult Probation) and the Pennsylvania Commission of Crime and Delinquency, with respect to funding in the amount of \$557,880.00 for "Phase I – RIP – Level 2 & 3 Offenders," covering the period 7/1/09 – 06/30/12.
 - 37.09 B. Adopt Resolution authorizing Mark C. Scott, Esq., as Chairman of the Board to execute an agreement between the County and Berks Connections/Pretrial Services for \$39,000 as part of the PCCD Sub grant No. 20058 for a term beginning July 1, 2009 through July 1, 2012.
 - 38.09 C. Adopt a resolution authorizing the execution and the submission of an Intermediate Punishment plan in accordance with Act 200-41 to the Pennsylvania Commission on Crime and Delinquency pursuant to the 2009-2010 grant funding cycle.
 - 39.09 D. Adopt Resolution authorizing 2008 Appropriations in the amount of \$1,588. and 2009 Appropriations in the amount \$175,000. per listing dated February 20, 2009.
 - 40.09 E. Adopt a resolution to approve the Mailroom/Print Shop Policy including a new procedure for color copy charges to departments.
 - 41.09 F. Adopt a resolution authorizing the execution of the Pennsylvania Emergency Management Agency Performance Grant (EMPG) Agreement in the amount of \$59,807.00 to cover the expenses for the Emergency Management Coordinator office for the period of October 1, 2008 to September 30, 2009.
 - 42.09 G. Human Resource Recommendations per list dated February 24, 2009.
 - 43.09 H. Adopt a Resolution to approve the revised FY 07/08 Mental Health Income and Expenditure Report and the revised FY 07/08 Mental Retardation Income and Expenditure Report (July 1, 1007-June 30, 2008)
 - 44.09 I. Adopt a resolution to appoint Barbara L. Werner, Hamburg, PA, to the Children and Youth Services Advisory Board for a three year term ending December 31, 2010.

- 45.09 J. Adopt a resolution approving an the execution of an agreement; Addendum A-10 to Blanket Consulting Agreement No.CA-2539-05 between the County of Berks and Liberty Environmental Inc. in an amount not to exceed \$2,300 regarding continued reviews and meetings for the DEP permit application of Lehigh Cement Company Evansville Plant.
- B. Motion authorizing Mark C. Scott, Esq. as Chairman of the Board, to execute Contract Agreements/ Amendments as furnished by the Contract Coordinator Candace Noll, per attached listing dated February 23, 2009.

III. REPORT OF THE COUNTY ADMINISTRATOR

County Administrator Bill Dennis presented his weekly report (attached.)

Reports

1. County Treasurer Nelson Long, CPA presented the weekly Treasurer's report.
2. County Controller Sandy Graffius presented the weekly Controller's report.

IV. REPORTS OF COMMISSIONERS

Commissioner Leinbach

Commissioner Leinbach said he was pleased that the majority of the board of Reading City Council voted in favor of ending the appeal of the Reading Airport lawsuit. He then said that he met early last year with Reading City Clerk Linda Kelleher and Council President Vaughn Spencer to discuss the Airport issue and reported that the city was unable to present any viable evidence that the City rather than the Airport Authority still owned the property, an issue that apparently the courts agreed with, as the city was turned down due to having a "lack of standing" in the case. He said he was frustrated that members of city council were still interested in pursuing what he described as a waste of money when the city was facing an "economic black hole." The Commissioner reported that he wasn't going to ignore the fact that three members of City Council still voted to continue to appeal despite the judges ruling. He said that people need to understand that while politics should not be personal, it is really about people and leadership and about standing up for the people who pay for government, and those are the taxpayers; he said that three people on City Council (Vaughn Spencer, Jeff Waltman and Maria Baez) "chose to stand against the taxpayers" and voted to appeal and continue this lawsuit.

He explained that the cost of the appeal would hit the city residents twice – one because those paying for this appeal pay city taxes and the second time because those same residents pay county taxes.

He then reported that Council President Spencer with the Mayor of Reading recently took the time to meet with individual Commissioners (avoiding Sunshine Law violations) to discuss what the county might do to help with the City Libraries. Commissioner Leinbach said that he told them he felt it was disingenuous to ask the county for this assistance while continuing to fight this legal battle on the airport. The Commissioner said that he verified that in each of the Commissioner meetings, Vaughn Spencer and the Mayor both indicated that they were opposed to continuing the appeal. He said he found it very disappointing when an elected public official looks another elected public official in the eye and lies. He then said that "there isn't much you can control in life, but we can control ourselves," he then said that "Mr. Spencer is a liar." He said these actions hurt the trust that the public has in any elected official and we should demand better from our elected officials.

Commissioner Scott

Commissioner Scott said that Commissioner Leinbach's points were well taken and that he was given the same assurances from Mr. Spencer. He said that in these particularly difficult financial times, why would one want to hold up a beneficial economic development project such as this one at such a prime location as the Reading Airport with availability of public water public sewer, Rt. #222 and an operating airport. He reflected on a Reading Eagle editorial that portrayed several City Council members as "obstructionists" for the same reasons.

Commissioner Scott then discussed the Lehigh Cement application under review by the DEP and by the County through Liberty Environmental, and requested approval to extend the current contract with Liberty to continue this review (see Resolution 45.09.) He then spoke at length on the particulate matter being released into the atmosphere and contributing to the County's non-attainment status and then commended Lehigh Cement (who's Evansville plant is the largest single source of NOx emissions in Berks County, noting that NOx emissions contribute to the formation of fine particles PM 2.5, one of the largest contributors of the County's PM 2.5 particulate matter) for taking on this project to reduce the emissions as part of their permit application to DEP.

Commissioner Scott reported on the study pertaining to the improvement of #422 and the abandoned rail service proposal between Reading and Norristown with ultimate connection to Center City Philadelphia. He said that a commitment for further studies will be made with Berks, Montgomery and Chester. Berks County's financial contribution will be supplied by BARTA and the Chamber of Commerce and the BEP (Berks Economic Partnership) for phase II of this study.

Commissioner Scott then reviewed the Opinion of Counsel received from the State Ethics Commission answering whether the County Commissioners could continue to participate as "honorary" board members of the BEP. He summarized the response by saying that there is no mention in the statute for "honorary" board membership and therefore as any type of member of this agency, the Commissioners will need to abstain from discussions and or decisions regarding the funding of this economic development agency. He reflected on the exception in the law which allows that these discussions and or decisions to fund the BEP may continue but cautioned that each board member will be required to submit a written letter of conflict to the Chief Clerk at each meeting that these discussions and or decisions take place.

There being no further business the meeting adjourned at 11:40 AM.

Respectfully Submitted,

Terry L Styer, Chief Clerk