

Commissioners' Board Meeting August 20, 2009

The Berks County Board of Commissioners met in regular session on Thursday, August 20, 2009, 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 Mark C. Scott called the meeting to order with Commissioner Christian Leinbach and Commissioner Kevin Barnhardt in attendance. Also present were the Chief Clerk Terry L. Styer, and County Solicitor Alan Miller, Esq.

Commissioner Scott opened the meeting with a moment of silence and Pledge of Allegiance to the Flag. The Commissioner also announced that an Executive Session was held on August 19th for personnel matters.

Approval of Minutes

The minutes of the August 11, 2009 Commissioners' Workshop and August 13, 2009 Commissioners' meetings were approved as presented.

Consent Agenda Items

1. A motion was made by Commissioner Leinbach, seconded by Commissioner Barnhardt, and all voted unanimously to approve the items listed below:
 - 232.09 A. Resolution authorizing the Board of Commissioners to allocate \$3,250,000 of the County's Recovery Zone Facility Bond allocation to the Industrial Development Authority on behalf of the Lyons Borough Municipal Authority, for the purpose of undertaking a project consisting of the improvement and expansion of the sewage wastewater treatment facility for the benefit of East Penn Manufacturing.
 - 233.09 B. Recommendation to award and for the Purchasing Manager to execute as a result of Invitation to Bid #09-09R-KS, a one year contract for the supply and delivery of Institutional Linens for County of Berks Facilities at the unit prices as follows: ATD American Co., 135 Greenwood Ave., Wyncote, PA. 19095. The contracts shall contain two additional one year options to renew.
 - 234.09 C. Resolution authorizing the execution of an application to the Pennsylvania Emergency Management Agency for a federal Emergency Management Performance Grant (EMPG) in the amount of \$78,886 for partial reimbursement of the salaries of the county emergency management coordinator and a clerical staff person for the period of October 1, 2009 to September 30, 2010.
 - 235.09 D. Resolution to execute a Supplemental General Reimbursement Agreement for Federal Aid Projects (No. 050350-C) for the Berne Station Bridge Project. This supplement increases the estimated cost of preliminary design by \$15,000.

- 236.09 E. Resolution approving the execution of a feasibility study by Synergetics, West Reading, PA, for the Vestibule Extension Project for the Berks County Services Center. Cost of the study is not to exceed \$9,500.
2. Motion to ratify and confirm payments set forth on Controller's Office vouchers listing dated August 20, 2009, as previously authorized by instructions issued August 20, 2009.
 3. Motion to approve payments set forth on disbursement voucher list # 2366 for the Community Development Block Grant Program, DV #622 for the HOME Grant Program, DV #1371 for the Property Rehabilitation Program and DV #2365-S for the Emergency Shelter Grant Program as administered by the Berks County Community Development Office.

Reports

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

Non Consent Agenda

A motion was made by Commissioner Barnhardt, seconded by Commissioner Leinbach and all voted unanimously to approve the **Human Resources List of recommendations** including the proposed performance management guidelines developed by Human Resources. Prior to the vote a discussion was held regarding annual salary increase scale for all Management/Confidential employees of the county.

Commissioner Barnhardt said he believes this process provides a superior and a more subjective assessment capability for departmental supervisors together with a more streamlined personnel assessment process. He said that the process will enable supervisors to reward the best of the best while allowing improvement plans for those who need staff development. He said we are only asking the Judges to hold their employees accountable in the same manner as other County employees.

Commissioner Scott commended the County HR department for this and other performance measures they have initiated for County staff during his tenure as Commissioner. He then discussed some potential for tension with the courts due to some recent "push back" from certain Judges who didn't agree to the Commissioners involvement in their performance evaluation system thus implying that the Court employees should be held to a different standard of performance than the rest of the County employees.

Commissioner Leinbach discussed the issues caused when the Commonwealth regulates the Courts but the fails to fund them. He said that while the Judges and some of the executive staff in the Courts Administration Office are Commonwealth Employees the remaining - thousand are County Employees provided to the courts through County Funds due to the fact that the Commonwealth has been violating a Supreme Court Order to fund the County Court system for years. He said that he finds it highly offensive that the county should be expected to hold the

court employees to a standard that is different from other county employees who are expected to comply with annual performance reviews.

- 237.09 F. Human Resources Recommendations per list dated August 20, 2009.

A motion was made by Commissioner Barnhardt, seconded by Commissioner Leinbach, with Commissioners Barnhardt and Scott voting yes and Commissioner Leinbach voting no to authorize the additional funds to reimburse Union Township's costs to uphold their zoning ordinance. Commissioner Barnhardt said that supporting municipal zoning ordinances that are in compliance with the County's Comprehensive plan is an appropriate use of the Environmental Defense Funds. Commissioner Leinbach said that he opposes the county's involvement, including and financial support in any legal issue that doesn't directly involve the County. Commissioner Scott disagreed in saying that the County has no direct enforcement power in township zoning matters yet the townships are at a financial disadvantage in large legal battles and this process allows the County to work with the Township as a team to support both the County Comprehensive Plan and the Township Zoning Ordinance.

- 238.09 G. Resolution authorizing payment to Union Township of twenty-thousand dollars (\$20,000) from the County's Environmental Defense Fund to reimburse the Township for legal fees incurred in opposing Ethan Michael, Inc.'s proposed racetrack and campground development.

Public Comment:

Berks County Clerk of Courts Jim Troutman added his comments regarding the differences with the Judicial Branch verses the Executive and Legislative branches. Commissioner Leinbach disagreed and stated that the Commissioners role is never to "run the courts" but to be the fiduciary agent for them since the State has failed to fund the courts. He ended by saying that the Commissioners have the obligation to treat all Management Confidential employees (including the courts) the same.

There being no further business, the meeting adjourned at 11:10 A.M.

Respectfully Submitted,

Terry L. Styer, Chief Clerk