

Commissioners' Board Meeting Thursday, October 01, 2009

The Berks County Board of Commissioners met in regular session on Thursday, October 1, 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.

Approval of Minutes

The minutes of the September 22, 2009 Commissioners' Workshop and September 24, 2009 Commissioners' meetings were approved as presented.

Consent Agenda Items

1. A motion was made by Commissioner Barnhardt, seconded by Commissioner Leinbach, and all voted unanimously to approve the items listed below with the exception of Resolution 284.09, which was held until the reconvened session:
 - A. **ORDINANCE 7 OF 2009** authorizes the Board of Commissioners of the County of Berks to enter into Intergovernmental Agreement between the Pennsylvania Department Of Corrections and the County Of Berks for the purpose of transferring inmates confined in state correctional institutions to the jurisdiction of the Berks County Correctional System.
 - B. **ORDINANCE NO 8 OF 2009** will authorize the issuance of (a) 2009 Build America Bonds and (b) 2010 tax-exempt Bonds to finance (1) open space initiative, prison improvements, 911 upgrades and miscellaneous capital improvements; and (2) refunding of 2006 Note.
 - C. **ORDINANCE NO 9 OF 2009:** will amend the 2006 Note Ordinance to expand the permitted purposes for the use of the 2006 Note proceeds to include prison improvements, 911 upgrades and miscellaneous capital improvements.
 - D. **ORDINANCE NO 10 OF 2009** will amend the 2009 floating to fixed rate swap to (a) have the swap relate to the 2006 Note and (b) extend the start date on the swap to February 1, 2010.

- 280.09 A. Resolution to designate certain areas of the County as Recovery Zones in anticipation of Recovery Zone Bonds in 2010.
- 281.09 B. Resolution authorizing 2009 Budget Transfers in the amount of \$672,446 per listing dated September 25, 2009.
- 282.09 C. Resolution approving the County of Berks Hazardous Material Emergency Response Preparedness Assessment Update For Calendar Year 2008.
- 283.09 D. Resolution approving Human Resources Recommendations dated 10/1/09.
- 284.09 E. Resolution awarding the procurement of electricity. **
Commissioner Leinbach expressed concern that the discounted price would not be a discount at all based on the amount of increase that is expected. Commissioner Scott asked what the penalty would be, if any, if we chose not to be included in this procurement. Kelly Laubach, Purchasing Manager, stated that we would then be shopping alone instead of as part of a large group, and that the prices would likely be even higher. The Commissioners requested that this resolution be held until this afternoon's budget meeting to see if the consultant would be available to answer questions.
2. Motion authorizing execution of Contract Agreements/ Amendments as furnished by the Contract Coordinator, per listing dated September 28, 2009.
3. Motion to ratify and confirm payments set forth on Controller's Office vouchers listing dated October 1, 2009, as previously authorized by instructions issued October 1, 2009.
4. Motion to approve payments set forth on disbursement voucher list # 2370 for the Community Development Block Grant Program, DV# 2371-R for the Community Development Block Grant Stimulus (ARRA) Program, and DV #2372-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.

Solicitor Alan Miller reported that as a follow-up to last week's meeting attendance by Antietam School District Superintendent Dr. Lawrence Mays, and School District Solicitor Brian Boland regarding a parcel of the Earl Trust, he did further research as to the deed language and found the following: "*...subject to the restriction that the use of the property be limited to the purpose of conserving, protecting, and maintaining the scenic and historic character and the agricultural, the woodland, and the watershed resources of the real estate for park purposes.*" Solicitor Miller sent a letter to Mr. Boland regarding this language and that it is the County's opinion that athletic fields are not a permitted use on the requested parcel.

There being no further business, the meeting recessed at 11:19 AM, to be reconvened at 2 PM today.

The October 1, 2009 recessed Commissioners' meeting reconvened at 2:00 PM. This meeting was called to order by the Chair Mark C. Scott, Esq.

Scott Helm from American PowerNet attended the meeting to discuss the bid results for electrical supply generation and associated services and to explain that the price received in this electric supply request for proposals represents a proposed increase in cost of approximately 39% for Berks County from the current per kwh. It was explained that from a budgetary standpoint, if the transmission charge from Met-Ed remains consistent then this will represent a 30% increase in aggregate to the County.

Mr. Helm explained that natural gas rates are at a seven year low which drives the electric market, putting electrical rates at lows, and while competition in the market is currently minimal, a one year term was recommended for Met-Ed accounts. Following a long discussion Commissioner Leinbach made a motion to award the contract and to authorize the County Purchasing Manager to execute an agreement for electric generation supply and associated services to Dominion Retail, 120 Tredegar Street, Richmond VA 23219 as a result of Request for Proposal, LANCO-09-0701, an aggregation of public entities for a one year term, January 1, 2011-December 31, 2011 as per the pricing structure that was presented. Commissioner Barnhardt seconded the motion and all voted yes to approve.

There being no further business, the meeting adjourned at 2:45 PM

Respectfully Submitted,

Terry L. Styer, Chief Clerk