

Commissioners' Board Meeting January 7, 2010

The Berks County Board of Commissioners met in regular session on Thursday, January 7, 2010 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. He then announced that the Commissioners met in Executive Session in the afternoon of January 6, and the morning of January 7, 2010 for personnel purposes.

Presentation:

Maxatawny Township, Maxatawny Municipal Authority, Kutztown Borough and Kutztown Borough Municipal Authority along with their Solicitors attended the meeting to request that the Commissioners reconsider participation in the Saucony Creek Regional Authority, which was described as a Joint Municipal Sewer Authority formed to serve both Maxatawny Township and Kutztown Borough. Solicitors Tim Dietrich and Jill Nagy described a 2006 Intermunicipal Agreement that provides for the participation of the County to appoint the seventh member of the Authority Board. They also indicated that they were aware that this agreement was based on comments from former County Commissioners Judy Schwank and Tom Gajewski, which occurred several years ago at several joint planning meetings. County Solicitor Alan Miller explained that he was contacted by Solicitor Dietrich several months ago regarding the County's involvement in this Intermunicipal Agreement and responded on behalf of the County that this Board of Commissioners was being advised against entering into an Intermunicipal Agreement for participation despite the offer for indemnification to the County by the Joint Authority for the potential liability and future debt.

Commissioner Leinbach noted for the record that while the County supports and commends these municipalities for coming together to find a regional solution to a regional issue, there remains no County Agreement, nor any indication from this Board of Commissioners that the County was even interested in participating on this regional sewer authority. He said that the County Solicitor has advised against County participation in this and suggested that by doing so could set a precedent for other municipal authorities wherein the county could become an "easy fix".

Commissioner Scott said that he was not prepared to see the county become an incorporator of this Authority. He said that his concern rests with the dissolving of the entity and the risk that the County could be held responsible for the Authority's debt.

Commissioner Barnhardt indicated that he was opposed to involvement by the county previously but through this discussion felt that he would consider some type temporary arrangement that the County could provide an appointee to the Authority with all the indemnification assurances from the participating municipalities and further that this County participation would cease when the Municipal Authority is joined by another municipal partner.

Approval of Minutes

The minutes of the December 29, 2009 Commissioners meeting were approved as published.

Consent Agenda Items

- I. A motion was made by Commissioner Barnhardt, seconded by Commissioner Leinbach, and all voted unanimously to approve the items listed below:
 - 03.10 A. Resolution authorizing 2009 Budget Transfers in the amount of \$1,056,230 and 2009 Appropriations in the amount \$266,340 per listing dated December 31, 2009
 - 04.10 B. Resolution authorizing 2009 Transfers in the amount of \$334,189,017 to establish budgetary control at the account level within Oracle.
 - 05.10 C. Resolution approving the execution of the Assurance of Compliance for the Department of Public Welfare Medical Assistance Transportation Program (MATP) assigning Berks Area Reading Transportation Authority (BARTA) to submit yearly reports on behalf of the County for FY 2009/2010.
 - 06.10 D. Resolution approving amendment #3 to the HealthChoices Behavioral Health agreement between the Commonwealth of PA acting through the Department of Public Welfare and the County of Berks.
 - 07.10 E. Resolution appointing Scott Landis of Landis Plumbing and Heating Ltd. to the Berks County Uniform Construction Code Board of Appeals to fill an unexpired four year term to 1/15/2011.
 - 08.10 F. Resolution appointing Andy Lacey from Lacey Electric, Inc. to the Berks County Uniform Construction Code Board of Appeals to fill an unexpired four year term to 1/15/2011.
 - 09.10 G. Resolution authorizing the Treasurer to make 12 monthly Retirement Fund (ARC) contributions to the Berks County Retirement Fund totaling the budgeted amount of \$12,702,223 to the end of December 2010.

- 10.10 H. Resolution to reappoint Elaine Swavely to the Children & Youth Advisory Board for a three year term ending December 31, 2012.
2. Motion authorizing Mark C. Scott, as Chairman of the Board, to execute Contract Agreements/Amendments as furnished by the Contract Coordinator, per attached listing dated January 4, 2010.
 3. Motion to ratify and confirm payments set forth on Controller's Office vouchers listing dated January 7, 2010, as previously authorized by instructions issued January 7, 2010.
 4. Motion to approve payments set forth on disbursement voucher list # 2393 for the Community Development Block Grant Program, DV #1379 for the Property Rehabilitation Program, DV #2392-S for the Emergency Shelter Grant Program, and DV #630 for the HOME Grant Program as administered by the Berks County Community Development Office.

Reports

1. County Treasurer – submitted by Nelson H. Long, CPA, Treasurer
2. County Controller – submitted by Sandy Graffius, Controller

There being no further business, the meeting adjourned at 11:38 A.M.

Respectfully Submitted,

Terry L. Styer, Chief Clerk