

## **Commissioners' Board Meeting Minutes October 21, 2021**

The Berks County Board of Commissioners met in regular session on Thursday, October 21, 2021, at 10:00 A.M. via Microsoft Teams Live, pursuant to due notice to Board members and the public.

Commissioner Chair Christian Y. Leinbach called the meeting to order with Commissioner Kevin S. Barnhardt and Commissioner Michael S. Rivera in attendance. Also present were Christine M. Sadler, County Solicitor, Ronald R. Seaman, Chief Administrative Officer and Carmen Torres, Chief Clerk.

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

### **Presentation**

Ken Lebron, Director of Berks County Veterans Affairs, presented the following names to the Board for consideration for induction into the 2021 Berks County Military Hall of Fame at the 19<sup>th</sup> Annual Veterans Appreciation Dinner Dance scheduled for Saturday, November 6, 2021 at Wilson High School: US Army Sgt. Kenneth L. Baus, Vietnam Veteran, US Marine Sgt. Raymond E. Schmieder, deceased, Vietnam Veteran, US Army Pfc. Max R. Weller, deceased, (KIA) WWII Veteran, US Army Tech Sgt. Mary Jane Painter Thompson, deceased, WWII Veteran, and US Marine 1<sup>st</sup> Sgt. Philip D. Ciofalo, deceased, WWII Veteran. Mr. Lebron shared a brief history of service and recognitions for each nominee.

Attending to present information about the Veterans Appreciation Dinner Dance were Major Gerald New, Senior Commanding Army Instructor with the Wilson Junior ROTC program and Cadets from the Wilson High School and Muhlenberg High School Junior ROTC program. The Cadets reported they are involved in all functions of the Dinner Dance and spoke about their individual roles in preparing for the event.

Commissioner Rivera motioned to approve and accept each nomination into the Military Hall of Fame. Said motion was seconded by Commissioner Barnhardt, and the motion carried to approve the nominations.

### **Berks County COVID-19 Data Report-**

Cases appear to have peaked over and we have been on a steady down swing. Pediatric case counts do show a dip from week prior. Hospitals are pretty much the same as previous week, but deaths are still on an upward climb. Vaccinations are fairly static; we have exceeded our 70% goal vaccination in the state, and we are fairly close to our 70% goal in Berks County. Please visit Do Your Part Berks at [doyourpartberks.com](http://doyourpartberks.com) for the most up to date information.

### **Approval of Minutes**

The minutes of October 14, 2021 Commissioners' Board Meeting were approved as presented.

Commissioner Leinbach announced there was an Executive Session held October 20, 2021 dealing with personnel and litigation.

Public Comment on Agenda Items

See Q&A attached.

Agenda Items

1. A motion was made by Commissioner Barnhardt, seconded by Commissioner Rivera and all voted unanimously to approve the items listed below:

355.2021 Adopt a resolution authorizing 2021 Budget Transfers in the amount of \$60,675 and 2021 Appropriations in the negative amount of \$(4,257,324) per listing dated October 14, 2021.

356.2021 Adopt a resolution authorizing Human Resources Recommendations dated October 21, 2021 as follows:

1. Authorize the appointment of James Carroll to PC012627 Residential Center Supervisor – Residential Center, effective 11/03/2021. Rate of 61,545/annually. Salary range Minimum \$44,957; Midpoint \$59,943; Maximum \$74,929. Replacement for Jason Corby who separated. This request meets the criteria of the Hiring Policy. Budget 10000 – 32200.
2. Authorize the promotion of Douglas Bodden from PC011076 Facilities Manager to PC010806 Deputy Director of Facilities & Operations – Facilities & Operations, effective 10/27/2021. Rate of \$85,000/annually. Salary range Minimum \$55,682; Midpoint \$74,243; Maximum \$92,804. Replacement for Rex Levensgood who was promoted. This request meets the criteria of the Hiring Policy. Budget 10000 – 11030.
3. Authorize to remove a stipend in the amount of \$70.50 per pay period for Amy Rothermel, PC011260 Law Clerk I – Court Administration, effective 10/22/2021. The stipend is for additional responsibilities associated with video arraignments. This request is due to Amy Rothermel temporarily concluding her arraignment duties and in turn will not be receiving the stipend for a temporary period. Budget 10000 – 11600.
4. Authorize to add a stipend in the amount of \$70.50 per pay period for Abby Rigdon, PC011266 Law Clerk I – Court Administration, effective 10/22/2021. The stipend is for additional responsibilities associated with video arraignments. This request is due to Amy Rothermel temporarily concluding her arraignment duties and in turn Ms. Rigdon will be receiving the stipend for a temporary period. Budget 10000 – 11600.

- 357.2021 Adopt a resolution authorizing Christian Y. Leinbach, Chair to execute an agreement between County of Berks and AFSCME Local 462 to modify Section 5.9 of the CBA to change the hours of work and schedule for residential Care Counselors and Resident Care Counselor/kitchen.
- 358.2021 Adopt a resolution authorizing the establishment of a micro-purchase threshold higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) in accordance with Code of Federal Regulations §200.320. This resolution shall serve as the County's self-certification to establish a micro-purchase threshold of Fifty Thousand (\$50,000.00) Dollars. This threshold shall only be applicable in such cases that procurement of the required goods and/or services under the County Code, 16 P.S. §§1800, et seq., (hereafter "Code") for third class counties has a higher purchase threshold than that amount identified under 45 CFR Part 75 and 2 CFR Part 200, or has no threshold, i.e. those purchases of goods or services considered to be exempt under Code. This self-certification is being established for a one-year term and shall be effective upon execution by the Berks County Board of Commissioners. Property, goods and/or services purchased utilizing federal funds shall continue to follow the greater/more stringent of the following requirements, the Code or 45 CFR Part 75 and 2 CFR Part 200, referenced as "Uniform Guidance."
- 359.2021 Adopt a resolution authorizing the award and the Director of Contracts & Procurement to execute as a result of Invitation to Bid #21-16-GR a contract for the Pinnacle View Bridge (32D) Superstructure Replacement and Demolition of the Kempton Rod and Gun Club Bridge Project as identified herein:
- Richard E. Pierson Construction Co., Inc.  
426 Swedesboro Road  
Pilesgrove, NJ 08098  
Total Bid Amount Not to Exceed: \$815,575.80
- 360.2021 Adopt a resolution authorizing the appointment of Brian Smith, Chester Springs, Pennsylvania, to the Berks County Local Emergency Planning Committee effective October 21, 2021.
- 361.2021 Adopt a resolution authorizing the appointment of Justin Schlottman, Reading, Pennsylvania, to the Berks County Local Emergency Planning Committee effective October 21, 2021.
- 362.2021 Adopt a resolution authorizing the appointment of Nicholas Lesagonicz, Mohton, Pennsylvania, to the Berks County Local Emergency Planning Committee effective October 21, 2021.

- 363.2021 Adopt a resolution authorizing the appointment of Alex Melendez, Temple, Pennsylvania, to the Berks County Local Emergency Planning Committee effective October 21, 2021.
- 364.2021 Adopt a resolution authorizing the participation in and execution of an Intergovernmental Transfer Agreement between the Pennsylvania Department of Human Services, Office of Long-Term Living (“DHS-OLTL”) and Berks County for intergovernmental transfers of funds to DHS-OLTL to provide the non-federal share of Medical Assistance payment to County Nursing Facilities for Fiscal Year 2021-2022.
- 365.2021 Adopt a resolution authorizing Christian Y. Leinbach, Chair to execute Agreement for the County Nursing Facility Capitation Component between Pennsylvania Coalition of Affiliated Healthcare & Living Communities (“PACAH”) and Berks County, Pennsylvania for services provided to individuals enrolled in the Pennsylvania’s Community Health Choices program through various Managed Care Organizations (“MCOs”) for the period of July 1, 2021 through June 30, 2022.
- 366.2021 Adopt a resolution authorizing Christie Kennedy, Berks Heim Administrator, to execute the agreement by and between the County of Berks and Walgreens Immunization Clinic for the provision of staff and resident COVID Vaccinations.
- 367.2021 Adopt a resolution authorizing Christian Y. Leinbach, Chair to execute agreement between County of Berks, Pennsylvania, and Penn State Health, Hershey, Pennsylvania, to include any of its affiliates and operating units to provide professional medical personnel to staff and operate a Covid-19 vaccination clinic in Muhlenberg Township, Pennsylvania and administer Covid-19 vaccinations to Berks County residents at the facility.

Agenda item added from the floor: Christine Sadler, Solicitor, announced to the Board that during the meeting, she was informed by Christie Kennedy, Berks Heim Administrator, that the Pennsylvania National Guard announced they are willing to assist with our staffing levels at the Berks Heim. Mrs. Sadler asked the Board to authorize and adopt execution of the agreement between the County of Berks and Pennsylvania National Guard, subject to Solicitor’s review and approval for staffing assistance starting Friday, October 22, 2021.

2. Motion to authorize execution of Contract Agreements/Amendments as set forth on attached listing dated October 18, 2021.
3. Motion to authorize execution of the payments and electronic transfers as set forth on Controller's Office vouchers listing dated October 21, 2021.
4. Motion to authorize execution of employee payroll disbursements dated October 26, 2021.

### **Reports**

1. A. Dennis Adams, County Treasurer, prepared and submitted a weekly Treasurer's report.
2. The Controller's weekly report was presented by Andrew Noll, Manager of Financial Reporting & Accounting, Controller's Office.

### **Report of Chief Administrative Officer** - Ronald R. Seaman

Mr. Seaman shared some important dates to be aware of, the deadline to request a civilian absentee ballot is October 26, 2021. We have various poll workers positions that are still available, and we are looking for volunteers. Although we currently have sufficient Interpreters for Election Day, we are looking for a few more to be on call should we need additional Interpreters. If interested, don't hesitate to get in touch with the Election Services office.

### **Commissioners' Comments**

#### **Commissioner Rivera**

October is Domestic Violence Awareness Month. Commissioner Rivera recalled his visit to the 20<sup>th</sup> Annual Safe Berks Silent Witness March and Dedication and reminded everyone if you know someone or see someone being abused, please speak up. Congratulated volunteers from the Berks Book Bonanza who raised a record-breaking amount in sells exceeding \$100,000. The proceeds from the sell benefit two Berks County nonprofits and thanked all the volunteers and all those who supported the efforts. Announced that he attended the first Halloween on Penn event and thanked both Adult Probation and Juvenile Probation officers for attending. Indicated that he has been speaking with some of the candidates who are running for different positions throughout the County in the upcoming Election, and they expressed their concerns with hate mail they receive. Commissioner Rivera stated that there is no need for hate mail and coming out to vote is how you affect change.

Commissioner Barnhardt

Commissioner Barnhardt reported that Southcentral Mass Transit Authority met, and they transferred a van to Olivet's Boys/Girls Club to use when transporting children to different activities. Later today, he and some of his colleagues will be attending the dedication of the "Hope Blossoms" mural on Franklin Street sponsored by Berks County Suicide Prevention Task Force as part of its ruOK Berks. Also happening later today at the Oley Fairgrounds is the 110th Annual County Convention of Berks County Association of Townships. Commissioner Barnhardt announced that during the Budget/Operations Meeting on Tuesday, October 26th starting at 9:30 AM, we plan to discuss more details and give out more information regarding the upcoming election on November 2nd.

Commissioner Leinbach

Commissioner Leinbach shared the story of Chad Hymas who was the keynote speaker at the NACo conference he attended. Mr. Hymas spoke of an accident he had on his farm that shattered his neck, leaving him a quadriplegic. Commissioner Leinbach indicated Mr. Hymas is an amazing individual to listen to and he was challenging in the things he shared.

Row Officers' Comments

No Comments

Public Comment

See Q&A attached

Commissioner Leinbach stated that he is not happy with the mistakes made by us. We are not making excuses; we are responsible, and we will investigate what happened. We are committed to making sure we send letters out to all 17,000 individuals who received the erroneous information, and we have been publicizing the information through various means. Again, it is unacceptable, and we are taking the steps necessary to make sure it does not happen again.

Commissioner Barnhardt clarified that it was not 17,000 Spanish voter applications; it was 17,000 voter applications. Indicated that he and his Executive Assistant did visit, virtually, Chester County, and gave a breakdown of what they discovered during their meeting and the financial cost. The notes taken during the Chester County virtual visit can be available to anyone interested by contacting his office.

Commissioner Rivera stated that he has reached out to most of the Spanish-speaking radio stations for the opportunity to get the word out and let everyone know of the error on the voter application and share the correct information. He reiterated that we take ownership of what happened, and we are looking into why and ensuring it does not happen again. Expressed that the error was not made to discriminate, and it was not done to get Spanish-speaking voters to drop ballots after the election. He said this was simply a mistake and not an attempt to discriminate against the Latino community.

Adjournment

There being no further business, the meeting adjourned at 11:07 a.m.

Respectfully Submitted,

  
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Carmen Torres, Chief Clerk

| Source    | Type         | Identity                                    | Timestamp        | Conversation Id                       | Comment  |
|-----------|--------------|---|------------------|---------------------------------------|--|
| Moderator | Announcement | Berger, Heather (HBerger@countyofberks.com) | 10/14/2021 23:28 | 110ab02a-8383-4ee0-af2f-a22acce8dbe2  | Public comment will be accepted in person and through the Q&A function. Please include your first name, last name and municipality for all comments. Any comments without name and municipality will not be considered. Each citizen can submit one comment. Comment length is dictated by limitations of the platform being used (Teams Q&A, Facebook, YouTube). In person comments will be accepted first, followed by comments submitted virtually. The meeting comment period is limited to a total of 30 minutes including both in person and virtual comments. This time period may be extended at the discretion of the Board. Please be concise. Comments that are germane to County business will be read during the meeting and should not be considered to be interactive dialog with the Commissioners. The County Solicitor shall be the final arbiter of whether a comment is germane and should be read. Any Commissioner response to public comment will be done at the discretion of the Commissioners.   |
| Attendee  | Question     | Crystal Kowalski - Wyomissing (Unverified)  | 10/21/2021 14:10 | ad7091b2-40ce-42b0-46ba-1c334e07b339  | Good Morning Commissioners,<br><br>After reading the article in this morning's Reading Eagle, Wrong date in Spanish letter-Berks sent incorrect mail-in date on ballots, it was not clear to me if the County will be mailing those 17,000 people a postcard or letter with the correct mail-in election deadline. In order for this election to have fair and accurate results, there needs to be direct follow-up with those who received the incorrect instructions.<br><br>Thank you for the hard work you and election services put in to running our elections, Crystal Kowalski<br>Wyomissing   |
| Attendee  | Question     | Jane Palmer, Wyomissing (Unverified)        | 10/21/2021 14:14 | 4c59cd13-a164-4031-8f70-ca986616d92c  | Today's news that you have bungled yet again on providing free and fair elections in Berks is even more appalling than the postage situation. Berks has a history of discrimination as recently as 2003 against those who speak Spanish, and your continuing unforced errors are unforgivable.<br><a href="https://law.justia.com/cases/federal/district-courts/FSupp2/250/525/2381256/">https://law.justia.com/cases/federal/district-courts/FSupp2/250/525/2381256/</a><br>What to do about this in the long term is an open question. But you must take real steps to rectify the immediate situation, and apologies will not do. You must reach out directly to every one of those 17,000 people by multiple means — letters, email, text, and phone. In addition you must put up signs in every neighborhood, every bodega and gathering spot, and billboards on all major roads — and run repeated PSAs on WXAC and WEEU. and don't even think about making this a mail-in ballot issue. This is about incompetence and understaffing, and it's your responsibility. |
| Moderator | Announcement | Berger, Heather (HBerger@countyofberks.com) | 10/21/2021 14:14 | ff7e5d00-d750-4109-9d7c-d9d786b53eee  | Berks County Veterans Appreciation Dinner Dance Saturday, November 6, 2021 4-10 PM. Tickets sold at all Boscov's Stores.   |
| Moderator | Announcement | Berger, Heather (HBerger@countyofberks.com) | 10/21/2021 14:19 | 0224b8c0-d0ab-4677-b643-2abc2136edec  | For more details about the Veterans Dinner Dance, Military Hall of Fame or Berks Veterans Affairs, please go to <a href="https://www.co.berks.pa.us/Dept/VA/Pages/default.aspx">https://www.co.berks.pa.us/Dept/VA/Pages/default.aspx</a>  |
| Attendee  | Question     | IS from Facebook (Unverified)               | 10/21/2021 14:24 | d7c3d30c-f2d5-4ec5-9599-82b0073aa75e  | Ceime Schrier, centre park - Reading Eagle reported that mail-in ballot information went out to 17,000 Spanish voters incorrectly listing the election date as November 18th. With recent history showing that voter discrimination is a seriously issue, what will you do to ensure these voters are reached with the correct information before November? I believe it is the responsibility of the government to ensure there is a massive phone, text, email, and letters to all 17000 people affected plus bodega signs & billboards & PSAs on WXAC, WEEU, and other local radio stations.  |
| Moderator | Announcement | Berger, Heather (HBerger@countyofberks.com) | 10/21/2021 14:36 | ebd66c587-70ff-4c4d-a26f-45586dc506ef | For more information about COVID and vaccines in Berks County, please go to <a href="https://www.doyourpartberks.com/">https://www.doyourpartberks.com/</a>  |



| Source    | Type         | Identity                                    | Timestamp        | Conversation Id                       | Content   |
|-----------|--------------|---|------------------|---------------------------------------|---|
| Attendee  | Question     | Louise Grim Wyomissing (Unverified)         | 10/21/2021 14:38 | 6b73b867-1900-4bed-a310-172d64d2c3fdf | Good morning Commissioners Could you please explain to us why we only have 2 drop off boxes in the whole county to mail in our ballots. Chester county has 13 drop off boxes at various locations including at libraries throughout the county. I am sure other counties are also encouraging their residents to vote by having multiple drop box locations. Why not Berks??  |
| Moderator | Announcement | Berger, Heather (HBerger@countyofberks.com) | 10/21/2021 14:52 | 1317770f-11aa-4070-910d-41e43f6d8067  | For information about the upcoming Elections please go to the website at <a href="https://www.co.berks.pa.us/Dept/Elections/Pages/default.aspx">https://www.co.berks.pa.us/Dept/Elections/Pages/default.aspx</a><br>Berks County Election Services<br>Berks County Services Center<br>633 Court Street, 1st Floor<br>Reading, PA 19601  |
| Moderator | Announcement | Berger, Heather (HBerger@countyofberks.com) | 10/21/2021 14:52 | 960fd727-c504-4a18-9e4e-8b286bd4b75d  | Phone: 610-478-6490<br>Fax: 610-478-6218  |
| Moderator | Announcement | Berger, Heather (HBerger@countyofberks.com) | 10/21/2021 14:53 | d8150a17-18d2-4cf4-b7e8-296c3315b77e  | Email: <a href="mailto:elections@countyofberks.com">elections@countyofberks.com</a><br>To learn more about Safe Berks please go to <a href="https://www.safeberks.org/">https://www.safeberks.org/</a><br>Good morning Commissioners - reading the article in the Reading Eagle about the Spanish language mail-in ballot instructions listing the wrong date for Election Day, it was unclear to me whether or not the recipients of that initial mailing also received letters explicitly stating the correct date. I saw that the information had been corrected for subsequent mailings, but hopefully those voters who got that initial mailing have been notified of the correction. Thank you. |
| Attendee  | Question     | Jess Royer, Spring Township (Unverified)    | 10/21/2021 14:54 | a88bcc6e-a788-44d3-9944-33baa09d5e2c  | For help with Domestic violence issues We Are Here To Help You 24/7 Hotline: 844-789-SAFE Or Text SAFE BERKS to 20121   |
| Moderator | Announcement | Berger, Heather (HBerger@countyofberks.com) | 10/21/2021 14:55 | c82b41c-783b-45b2-92f9-955d8cd2f2d1   | Follow-up - just got a reply via twitter indicating that those voters will indeed be getting a letter of correction, so my question has been answered. Thank you.   |
| Attendee  | Question     | Jess Royer, Spring Township (Unverified)    | 10/21/2021 14:57 | 2e0d6eb2-30fc-4e56-9956-bb3414e84638  | Jess, do you still want me to read your comment? (Jess Royer, Spring Township (Unverified) asked "Follow-up - just got a reply via twitter indicating that those voters will indeed be getting a letter of correction, so my question has been answered. Thank you.")   |
| Moderator | Response     | Buerer, Mary (MBuerer@countyofberks.com)    | 10/21/2021 15:05 | 2e0d6eb2-30fc-4e56-9956-bb3414e84638  | nope I'm good, thank you (Jess Royer, Spring Township (Unverified) asked "Follow-up - just got a reply via twitter indicating that those voters will indeed be getting a letter of correction, so my question has been answered. Thank you.")   |
| Attendee  | Response     | Jess Royer, Spring Township (Unverified)    | 10/21/2021 15:07 | 2e0d6eb2-30fc-4e56-9956-bb3414e84638  | You're welcome! Have a good day! (Jess Royer, Spring Township (Unverified) asked "Follow-up - just got a reply via twitter indicating that those voters will indeed be getting a letter of correction, so my question has been answered. Thank you.")   |
| Moderator | Response     | Buerer, Mary (MBuerer@countyofberks.com)    | 10/21/2021 15:08 | 2e0d6eb2-30fc-4e56-9956-bb3414e84638  | To learn more about rOK Berks, please go to <a href="http://www.ruokberks.com/">http://www.ruokberks.com/</a> or if you need services Text ruOK to 484-816-ruOK (7865)  |
| Moderator | Announcement | Berger, Heather (HBerger@countyofberks.com) | 10/21/2021 15:04 | a1668f34-254e-41c6-949c-631db4990b06  | Thank you for your questions and comments. This Q&A is closed as the public comments have been addressed.   |
| Moderator | Announcement | Berger, Heather (HBerger@countyofberks.com) | 10/21/2021 15:14 | fef4de1b-de9b-45ed-b076-1429a9276f63  |   |