

Commissioners' Board Meeting Minutes June 27, 2013

The Berks County Board of Commissioners met in regular session on Thursday, June 27, 2013, at 10:00 A.M. in the Boardroom on the 13th floor of the Berks County Services Center, 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 Mark C. Scott in attendance. Also present were Solicitor Alan Miller, Chief Operating Officer Carl E. Geffken and Chief Clerk Maryjo Gibson.

Commissioner Leinbach opened the meeting with a moment of silence and Pledge of Allegiance to the Flag. Commissioner Leinbach announced there were Executive Sessions held June 19, 2013 dealing with union negotiations and June 24, 2013 dealing with litigation and real estate matters.

Presentations

Maria Mitchell, Vice President of Student Affairs, and Auria Bradley, Enrollment Services Coordinator, presented the quarterly update for Reading Area Community College (RACC). Ms. Mitchell commented on the outreach initiatives offered to the Latino Community of Berks County, and stated this year the Student Government Association focused on the Olivet Boys and Girls Club (Olivet's). Ms. Mitchell commented that through fundraisers RACC was able to present a check to Olivets. Ms. Mitchell commented that since the fall of 2008, RACC has seen a 25% in Latino enrollment. Ms. Bradley commented another initiative included collaboration with the Olivet's and the Hispanic Center, which offered a financial aid night to inform parents and students of the process of applying for financial aid for college. Ms. Bradley commented that Olivet's and RACC also offers a scholarship program where Olivet's provides the scholarship funding and RACC provides the summer program, which prepares the students for college and also provides mentoring throughout the semester.

Sheila Miller, Berks County Agricultural Coordinator, announced today is the 2013 Annual Berks County Ice Cream Social. Ms. Miller commented that June is National Dairy Month and July is observed as National Ice Cream Month. Ms. Miller introduced the 2013 Berks County Dairy Princess, Alternate Dairy Princesses and Li'l Miss Dairy Princess. After brief comments from Dairy Princess Jessica Duncan and a song performed by Li'l Miss Dairy Princess Danica Rhoads, Ms. Miller invited County employees to enjoy Way-Har Farms ice cream compliments of the Berks County Volunteer Council.

Approval of Minutes

The minutes of the June 20, 2013 Commissioners' Board Meeting were approved as presented.

Agenda Items

1. Enact Ordinance No. 01-13 -

ORDINANCE OF THE COUNTY OF BERKS AMENDING AND MODIFYING ORDINANCE NO. 1-97, (IMPOSITION OF THE BERKS COUNTY HOTEL ROOM RENTAL TAX)

2. A motion was made by Commissioner Barnhardt, seconded by Commissioner Scott, and all voted unanimously to approve the items listed below. At this point, Commissioner Scott expressed his dissent to Ordinance No. 01-13 imposing an expanded hotel tax throughout Berks County beyond the existing 15 mile radius. Commissioner Scott stated he has studied Johnson Consultant's analysis of the hotel tax impact, and performed some independent research on the impact of the hotel tax on hotel occupancy and questions the analysis provided by Johnson Consulting. Commissioner Scott read excerpts from Johnson Consultant's analysis. Commissioner Scott further quoted excerpts from a countervailing scholarly statistical study compiled by individuals from the Cornell Hotel and Restaurant Administration Quarterly, a publication of the Center for Hospitality Research of Cornell University, which disagrees with the Johnson Consultant analysis. Commissioner Scott commented he has spoken to some of the operators outside the 15 mile radius who are opposed to this tax. Commissioner Scott stated that he believes this tax is irrational and unfair and will be a no vote on this tax expansion. Commissioner Leinbach commented there are several reasons he is in support of the tax, and one is fundamental fairness; either all the hotels pay or none should pay, and since none is not an option he supports the expansion. Commissioner Leinbach stated that secondly 20% of the revenue goes to the Visitor Bureau, and the Visitor Bureau absolutely provides services to all areas of the County that will be impacted by the expanded tax. Commissioner Leinbach stated one of the most important details if you look at the hotel tax statewide and nationally, is Berks County is the only county in the United States that has a hotel tax that isn't county wide. For those reasons Commissioner Leinbach supports the expansion of the tax. Commissioner Barnhardt commented he supports the expanded hotel room rental tax. Commissioner Barnhardt commented that this Board was asked in 2008 to reconsider the expansion of the hotel room tax and discussions on this issue have taken place for the last four or five years, and this tax on hotel occupancy really falls predominantly on the visitors and travelers to Berks County. Commissioner Barnhardt mentioned another important part of this tax is that the County Treasurer will now receive 2% of the proceeds or up to \$40,000.00. Commissioner Barnhardt reported another important aspect of the tax is that the County was contributing \$69,000.00 tax dollars to the Visitor and Convention Center Bureau, and with the expansion of the tax will ultimately be able to cut that number to zero so local tax dollars will not be supporting the Visitors Bureau but will come from visitors and tourism. Commissioner Barnhardt further paraphrased language in Article 8 of the Pennsylvania Constitution, Taxation and Finance, Section 1, "all taxes shall be uniform upon the same the class of subjects within the territorial limits of the authority levying

the tax..." which means we don't pick and choose who pays real estate tax in Berks County as it should be equal upon all groups.

183.13 Adopt a resolution authorizing 2013 Budget Transfers in the amount of \$18,897.00 and 2013 Appropriations in the amount of \$61,675.00 per listing dated June 24, 2013.

184.13 Adopt a resolution authorizing Human Resources Recommendation per listing dated June 27, 2013 as follows:

1. Authorize the promotion of Christopher Stress, PC012685 Deputy Director to PC011005 Director of Parks – Parks Department, effective 7/3/13. Rate of \$66,950/annually. Salary budgeted \$66,950/annually. Salary range Minimum \$50,320; Midpoint \$67,094; Maximum \$83,867. Replacement for Clare Adams who separated. This request meets the criteria of the Hiring Policy. Budget 10000 – 16070.

185.13 Adopt a resolution authorizing Christian Y. Leinbach, Chair, to execute the Memorandum of Understanding between the County of Berks and the City of Reading for the allocation of \$11,004.00 from the 2013 Edward Byrne Memorial Justice Assistance Grant. This is an annual grant applied for by the City of Reading and is shared with the District Attorney's Office. The funds will be applied to the purchase of a Star Witness Interviewer Recorder, camera and microphone system, and payment of overtime to detectives, investigative expenses and training related to crash reconstruction and other such projects as the District Attorney deems appropriate.

186.13 Adopt a resolution authorizing Christian Y. Leinbach, Chair, to execute Engineering Agreement 057354, as drafted by the Pennsylvania Dept. of Transportation, with TRC Engineers, Inc., 5050 West Tilghman Street, Suite 140, Allentown, PA 18104, required to provide Construction Inspection Services for the Christman Road (aka Hummel's) Bridge Replacement Project in Greenwich Township at a cost not to exceed \$101,087.49.

187.13 Adopt a resolution authorizing execution of Engineering Services Agreement No. EA-146791-13 with N.E. Fisher & Associates, Boyertown, Pennsylvania, to provide services to design the HVAC upgrades for the classrooms at the Berks County Fire Training Building at a not to exceed amount of \$4,000.00.

188.13 Adopt a resolution authorizing execution of Engineering Services Agreement No. EA-146059-13 with McCormick Taylor, Inc., Exton, Pennsylvania, to provide engineering services for an in-

depth inspection and repair/rehabilitation feasibility study of Zettlemoyer's Bridge (#46G) carrying Long Road over Maiden Creek in Greenwich Township at a not to exceed amount of \$22,375.00.

- 189.13 Adopt a resolution authorizing execution of the Memorandum of Agreement among the Federal Communications Commission, the Pennsylvania State Historic Preservation Officer and the County of Berks regarding the construction of a public safety radio tower in Albany Township, Berks County, Pennsylvania.
- 190.13 Adopt a resolution authorizing the Director of Contract & Procurement to execute as result of Invitation to bid #13-17-JR, Uniform Provisions, two (2) contracts for a period of one (1) year as follows:

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3100 St Lawrence Ave
Reading, PA 19606

Line items: 4, 5, 6, 7, 8, 9, 10, 11, 13, 16, 17, 18, 19, 20, 21, 24,
25, 26, 27, 28, 29, 30, 31, 32

Estimated Annual Expenditure \$24,653.25

MES (Municipal Emergency Services Inc)

2755 Philmont Ave Suite 110
Huntington Valley, PA 19006

Line Items: 3, 12, 14, 15, 22, 23

Estimated Annual Expenditure \$3,168.30

2. Motion authorizing Christian Y. Leinbach as Chairman of the Board, to execute Contract Agreements/Amendments as furnished by the Contract Coordinator per listing dated June 24, 2013. Commissioner Leinbach commented there are 9 contracts and referenced the departments.
3. Motion to authorize payments set forth on Controller's Office vouchers listing dated June 25, 2013 for the week ending June 26, 2013. Commissioner Leinbach commented the Commissioners will also be signing the Controller's Office voucher listing for the week ending July 3, 2013 as there will not be a Commissioners' Meeting next week.

Reports

1. County Treasurer Nelson Long, CPA submitted a prepared weekly Treasurer's report.
2. The Controller's weekly report was presented by County Controller Sandy Graffius.

REPORTS OF CHIEF OPERATING OFFICE/CHIEF FINANCIAL OFFICER

1. Carl E. Geffken had nothing to report today.
2. Robert J. Patrizio reported the Commissioners will be discussing the annual insurance renewal and will follow-up discussions on not-for-profits funding, and if time permits will be asking the Commissioners to reconsider some previously denied Jail capital projects.

COMMISSIONERS' COMMENTS

Commissioner Barnhardt commented he is glad the Board approved the promotion of Chris Stress to Director of Parks. Commissioner Barnhardt commented on the Christman Road Bridge project listed under Facilities that when the project is complete and the Bridge rehabilitated there is another bridge downstream that could be removed, which will take another bridge out of County inventory. Commissioner Barnhardt reported that the feasibility study for Zettlemyer's Bridge will determine the actual need for the bridge, which only serves a handful of people.

Commissioner Scott commented he had an opportunity to speak with some people with expertise in the area of design of nursing homes and similar facilities, and passed that information to the Solicitor. Commissioner Scott stated perhaps during the budget meeting today the Commissioners could have a brief discussion of whether or not to move forward on further investigation of a design flaw at one of the facilities. Solicitor Alan Miller advised the Commissioners he will prepared a memorandum outlining Commissioner Scott's concerns.

Commissioner Leinbach commented that we are in budget season in Harrisburg and there are serious questions whether a budget will be passed on time. Commissioner Leinbach stated one of the big issues on the table that will have a serious impact on Berks County is transportation legislation. Commissioner Leinbach commented on a matter he made people aware of at last week's department head meeting regarding a study that was done in conjunction with the Budget Department and EH&D regarding the impact of the Cadillac Tax which is part of the Obamacare Health Plan. Commissioner Leinbach commented that as a result of this study the bottom line is a very frightening number and Berks County could be looking at a tax over the next five years of \$25,393,305. Commissioner Leinbach stated there needs to be changes in the law or fundamental reform relative to whole concept. Commissioner Leinbach further mentioned that CCAP (County Commissioners Association of Pennsylvania) is having a special workshop at the annual conference about how Counties must deal with the impact of Obamacare. Commissioner Leinbach wished everyone a Happy 4th of July.

COMMENTS FROM THE FLOOR

County Controller Sandy Graffius reported that she and Ron Rutkowski, First Deputy Controller, were in New Jersey looking into a different way to process account payables and bills and if this works out the Controller's Office will be able to earn money. Ms.

Graffius will keep the Board posted. Ms. Graffius also announced that the financial statements will be published for the first time in a very long time.

Clerk of Courts James Troutman asked how many bridges located in Berks County are owned by the County of Berks and what are the standards used to repair them. Commissioner Barnhardt replied the County currently owns 62 bridges and is obligated to repair and maintain and renovate the bridges which are partially paid for with liquid fuel funds.

Joseph Rudderow, Chairman of the Maidencreek Township Board of Supervisors, attended the meeting and commented that as a result of the County's proposal to the Township, the Township is interested in furthering the discussion on the Schaeffer Road Bridge. Mr. Rudderow stated the Township is interested in having some input into the design process. Mr. Rudderow further addressed the Board regarding an opening on the RATS (Reading Area Transportation Study) Committee and expressed his desire to be appointed to the committee. Commissioner Leinbach and Commissioner Barnhardt voiced their support to his appointment as Mr. Rudderow is someone who will be active and participate and is from a 2nd Class Township.

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

Respectfully Submitted,

Maryjo Gibson, Chief Clerk