

Commissioners' Board Meeting Minutes August 30, 2018

The Berks County Board of Commissioners met in regular session on Thursday, August 30, 2018, at 10:00 A.M. in the Commissioners' Boardroom, 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 County Solicitor Christine M. Sadler, Chief Administrative Officer Ronald R. Seaman and Chief Clerk Maryjo Gibson.

Commissioner Leinbach opened the meeting with a moment of silence for Juvenile Probation Officer Joseph Soupik, who was killed in a motorcycle accident last evening, followed by the Pledge of Allegiance to the Flag.

Approval of Minutes

The minutes of August 23, 2018 Commissioners' Board Meeting were approved as presented.

Public Comment on Agenda Items

The following individuals attended the meeting to comment on and voice their opposition to passage of Ordinance No. 06-2018:

- Jane Palmer, Wyomissing, Indivisible Berks
- Lily Kober, West Reading, League of Women Voters of Berks County
- Claudia Strauss, Berkshire Heights
- Kevin McClean, Reading
- Sara Long, Reading
- Eric Gjurton, Wyomissing
- Troy Turner, Reading
- Richard Bramley, Mt. Penn
- Liz Cates, Bern Township

In response to some of the concerns voiced by the above individuals about the Ordinance, Commissioner Scott asked Solicitor Sadler to summarize her discussions with the attorney from the ACLU.

Ms. Sadler stated the County is passing this Ordinance at the direct request from the Bern Township Police Department, because County Welfare Road and Berk Road are County owned roads, and Bern Township cannot enforce any parking violations without the enactment of an ordinance by the County. Ms. Sadler stated this ordinance is not about impinging on any ones rights, but is to provide safe access to emergency vehicles and creating a clear path of ingress and egress to the various County facilities in the event of an emergency. Ms. Sadler reported the County received a copy of letter from the ACLU Tuesday regarding concerns they had with the Ordinance, and after a conversation she

had with ACLU counsel, she saw no issue in removing Section 2. That satisfied ACLU counsel, and he had no further objections to the rest of the Ordinance as proposed.

Agenda Items

A motion was made by Commissioner Barnhardt to approve the Agenda as presented. Said motion was seconded by Commissioner Scott, and all voted unanimously to approve the items listed below:

1. Enactment of County Ordinances:

05-2018 AN ORDINANCE OF THE COUNTY OF BERKS, PENNSYLVANIA, DELEGATING TO THE SECRETARY OF TRANSPORTATION THE COUNTY'S AUTHORITY TO ACQUIRE RIGHT-OF-WAY NECESSARY FOR THE GLENDALE BRIDGE (43A) REPLACEMENT PROJECT IN DOUGLASS TOWNSHIP.

06-2018 AN ORDINANCE OF THE COUNTY OF BERKS ESTABLISHING REGULATIONS REGARDING PARKING ALONG COUNTY ROADWAYS, INCLUDING DEFINITIONS, PROHIBITING PARKING AT ALL TIMES IN CERTAIN AREAS, AND SETTING THE AUTHORITY OF POLICE AND PENALTIES FOR VIOLATION.

Commissioner Leinbach commented one aspect unique in Pennsylvania, is counties do not own roads, they are owned by either the State or the local municipalities, but since the County owns these two roads, and there are no parking signs on the roads, the County was informed by Bern Township Police Department they cannot enforce parking violations because there isn't a County ordinance in place.

Commissioner Leinbach stated there is no attempt to violate any one's freedom of speech, and there is no constitutional issue of any violation challenge, because we continue to provide more than appropriate and adequate locations to gather and park.

Commissioner Leinbach then went to a map of the tract at the North Campus which showed the roadways in question and where protesters are allowed to park.

Commissioner Scott mentioned he attended a protest recently and observed a larger number of vehicles of the protesters taking up parking spaces ordinarily used by visitors to residents of the Berks Heim. Commissioner Scott was concerned this displaced parking spaces for visitors of the residents, addressed this with the Solicitor, and suggested something must be done.

Commissioner Scott stated he supports this Ordinance.

2. Adopt the following:

- 237.18 Adopt a resolution authorizing 2018 Budget Transfers in the amount of \$69,617 and 2018 Appropriations in the amount of \$124,217 per listing dated August 27, 2018.
- 238.18 Adopt a resolution authorizing Human Resources Recommendations per listing dated August 30, 2018 as follows:
1. Authorize the promotion of Kaylee Weaver from PC013108 – Fiscal Coordinator to PC011099 Fiscal Officer – Facilities & Operations, effective 8/29/2018. Rate of \$44,500/annually. Salary range Minimum \$40,904; Midpoint \$54,539; Maximum \$68,174. Replacement for Taylor Trump who separated. This request meets the criteria of the Hiring Policy. Budget 10000 – 11030.
- 239.18 Adopt a resolution authorizing the award and Director of Contracts and Procurement to execute as a result of Invitation to Bid #18-18-JR, four (4) contracts to supply Food Provisions for the Jail System, Residential Center and Berks Heim for a one (1) year period as follows:

Karetas Food, Inc.

1012 Tuckerton Court
Reading, PA 19605

Line Items:

1,6,8,9,6H,7H,8H,9H,10H,14H,16H,18H,19H,20H,21H,23H,25H3B,4
B,5B1P,2P,3P,4P,5P,6P,7P,8P,9P,10P,11P,12P,13P,14P,15P16P,17P,1
9P,20P, 21P,46P,47P,48P,49P,50P,3V,4V,5V,11V

Estimated Annual Expenditure: \$12,750.75

Hershey's Ice Cream

301 S Cameron St
Harrisburg, PA 17101

Line Items: 1I,2I,3I,4I,5I,6I,7I,8I,9I,10I,11I,12I,13I

Estimated Annual Expenditure: \$31,149.24

Bimbo Bakeries USA, Inc.

400 Paxton St
Harrisburg, PA 17111

Line Items: 1H,2H,3H,4H,11H,12H,13H,1V,2V,7V,8V,9V,10V,12V

Estimated Annual Expenditure: \$76,798.06

Clover Farms

3300 Pottsville Pike
PO Box 14627
Reading, PA 19605

Line Items: 22H,24H

Estimated Annual Expenditure: \$363.12

- 240.18 Adopt a resolution authorizing Christian Y. Leinbach, Commissioner Chair, to execute Letter of Amendment "A" to the General Reimbursement Agreement for Federal Aid Projects No. 057357 between the Pennsylvania Department of Transportation (PennDOT) and the County of Berks for the Dreibelbis Station Covered Wooden Bridge Rehabilitation Project, County Bridge 46B, Greenwich & Windsor Townships. This amendment increases the total project costs to \$3,072,065.00 to incorporate the anticipated costs for construction into the overall Agreement.
- 241.18 Adopt a resolution authorizing the Board of Commissioners to execute the Title Page of the Drawings for Construction as prepared by professional engineers with P. Joseph Lehman, Inc. Consulting Engineers and pertaining to the Dreibelbis Station Covered Wooden Bridge (County Bridge #46B) Rehabilitation Project in Greenwich & Windsor Townships, Berks County, Pennsylvania.
- 242.18 Adopt a resolution authorizing execution of the County Children and Youth Social Service Programs Budget Summary and Cost Center Analysis for submission to the Pennsylvania Department of Human Services for Fiscal Year 2019-2020.
- 243.18 Adopt a resolution authorizing the Chief Clerk to advertise enactment of proposed County Ordinance No. 07-2018 amending and modifying County Ordinance No. 3-08 providing for rules, regulations and penalties governing the use of the Berks County Park System, and repealing County Ordinance No. 2-04 regarding Park Rangers and their respective responsibilities and duties.
- 244.18 Adopt a resolution by the Board of Commissioners authorizing the filing of a Complaint by the County of Berks against Delaware County Solid Waste Authority; and further authorizing Commissioner Mark C. Scott to execute the Verification.
3. Motion authorizing execution of Contract Agreements/Amendments as furnished by the Contract Coordinator per listing dated August 28, 2018. Commissioner Leinbach reported there are 4 contracts and referenced the departments.
4. Motion to authorize payments set forth on Controller's Office vouchers payable listing dated August 28, 2018 for week ending August 29, 2018 and the payment of electronic transfers and employee payroll.

Reports

1. County Treasurer A. Dennis Adams, CPA, was absent. Commissioner Leinbach presented the prepared weekly Treasurer's report.
2. The Controller's weekly report was presented by County Controller Sandy Graffius.

Report of Chief Financial Officer

Robert J. Patrizio reported the meeting will begin at 2:00 p.m., and there will be an update on the five year capital plan and an update by Shannon Rossman of the 2020 Census.

Report of Chief Administrative Officer

Ronald R. Seaman reported he and Shannon Rossman, Executive Director of the Planning Commission, attended the regular monthly meeting of the Agricultural Land Preservation Board last evening where there was continued discussion for additional criteria that would be added to the process of purchase of ag land easements to conform to the 2030 Comprehensive Plan Update. Mr. Seaman was pleased to report the Board did vote to approve the amended criteria, and also authorized sending a letter of recommendation to the State Agriculture Board that they approve and incorporate the criteria in Berks County's process. Mr. Seaman reported Ms. Rossman will also be meeting with the subcommittee to clarify one of the maps to delineate certain failed sewage systems.

Commissioners' Comments**Commissioner Barnhardt**

Adding to Ron Seaman's report concerning the Ag Land Preservation Board, Commissioner Barnhardt mentioned he and Shannon Rossman will be meeting with Senator Schwank today to further clarify the modifications and changes, and to obtain her support as she serves on the State Preservation Board before final clarification on October 11.

Commissioner Scott

Commissioner Scott was pleased with the authorization to file the lawsuit against Delaware County Solid Waste Authority to enforce the County's right to curtail expansion of the Rolling Hills Landfill pursuant to the 1989 Agreement between the County and the Delaware County Solid Waste Authority.

Commissioner Leinbach

Commissioner Leinbach reported the 25th Annual POW/MIA Ride for Freedom was very successful.

Commissioner Leinbach reported on Tuesday he participated in a tour of Berks County of the impact of the Spotted Lanternfly that was sponsored by the Penn State Extension Service.

In recognition of Labor Day, Commissioner Leinbach thanked all the men and women who work every day; they are the people that make the country great.

ROW OFFICERS' COMMENTS

None

COMMENTS FROM THE FLOOR

Evelyn Morrison, Reading, commented on the contract on the Agenda regarding Berks County Children & Youth, and mentioned she will put all her concerns in writing to the Commissioners.

Doug Gun, Phoenixville, disputed Commissioner Scott's comments about vulgar language the Commissioner heard at a recent protest.

Chris Ellis, Reading, supports shutting down the Residential Center.

Donna Quinter, Alsace Township, a retired Shelter Care Counselor at the Residential Center, spoke in support of the very good conditions the illegal immigrants receive. They are fed well, clothed; receive medical and dental care, and plenty of exercise. From her experience at the Center, Ms. Quinter commented the reason illegals are detained is because in the past they received a court date, but never showed up, and their whereabouts became unknown.

There being no further business, the meeting adjourned at 11:05 A.M.

Respectfully Submitted,

Maryjo Gibson, Chief Clerk