

Commissioners' Board Meeting Minutes September 17, 2015

The Berks County Board of Commissioners met in regular session on Thursday, September 17, 2015, 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 First Assistant County Solicitor Christine M. Sadler, 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.

Presentations

1. Ms. Kay Litman, Director of Advising and Retention at Reading Area Community College (RACC), attended the meeting and presented information on academic advising and retention initiatives at RACC as part of RACC's quarterly update. Ms. Litman reported that RACC is a community-focused institution and is committed to the educational growth and to the economic vitality of the community. Ms. Litman reported RACC supports high school students who would like to earn college credits while still in high school, students who work full-time and are over 25 years old, students who are in transfer programs with all the local colleges including Millersville, St. Joseph's University, Bloomsburg and Temple. Ms. Litman commented that RACC also has a strong Honors Program, and proudly announced that was of its recent graduates, Rachel Lee, Class of 2015, was one of 20 students nationwide named to the 2015 All-USA Community College Academic Team by the Phi Theta Kappa Honor Society.

2. Dr. Betsy Adams, Berks County Truancy Coordinator, attended the meeting to announce September to be Attendance Awareness Month in Berks County as part of a nationwide initiative organized by Attendance Works. Dr. Adams read a prepared statement citing statistics and reasons for chronic truancy, and setting forth some of the initiatives and programs to help reduce chronic absenteeism in school.

Approval of Minutes

The minutes of September 3, 2015 Commissioners' Board Meeting were approved as presented.

Commissioner Leinbach announced he was very excited and proud to report a tremendous achievement by congratulating Bob Patrizio, Chief Financial Officer, who was nominated and received the Lehigh Valley Business Award for the public sector, being named Chief Financial Officer of the Year. Commissioner Leinbach also announced the CFO of Schlouch Excavating, Inc. was named CFO of the private sector.

Agenda Items

1. A motion was made by Commissioner Barnhardt to approve the Agenda items, and Commissioner Scott seconded said motion. Commissioner Leinbach asked for discussion before the final vote and Commissioner Scott questioned Item 241.15 if we ever figured out who owned Swiftwater Lane and what is our obligation and authority to pave the road. First Assistant Sadler commented she did not handle this project and she wasn't sure, but will reach out to Assistant Solicitor Heidi Masano, who she thought was involved. Commissioner Scott commented he believes that Swiftwater Lane provides access to a trail and small parking area for a County Park but it also provides access to the Fish Pond, a private dining/fundraising facility, and 4 to 6 private residences. Commissioner Scott questioned if it's our road, do we have license agreements and/or easements with the owners of the Fishpond and with the private residents. Commissioner Scott commented for these reasons he will be a negative vote as far the paving of Swiftwater Lane. Commissioner Leinbach commented he had multiple meetings with Alan Miller over the last two to three years and conversations with Bern Township who confirmed they do not own the road, and his questions he had were answered satisfactorily. Commissioner Leinbach requested following up with Heidi Masano and getting those questions answered. Commissioner Scott also remembered talking with Alan but never got a firm answer and would like a recommendation from the Solicitor to support this project. Commissioner Barnhardt commented that for many years the County has taken responsibility for the road to keep the trailhead open, but the Township has refuted ownership. Commissioner Barnhardt commented that in order to utilize liquid fuels funds the County must own the Road. Commissioner Scott responded that action would require a formal declaration by the County and to his knowledge that has not occurred yet and that declaration should precede the approval of a contract to pave the road. Commissioner Leinbach commented he will be support this action pursuant to review and approval by the Solicitor's Office. Commissioner Scott voted to approve the Agenda items with the exception of item 241.15 to which he will be a vote, and all voted unanimously to approve the items listed below with the exception of the dissenting vote on item 241.15:

237.15 Adopt a resolution authorizing 2015 Budget Transfers in the amount of \$134,531.00 and 2015 Appropriations in the amount of \$63,252.00 per listing dated September 15, 2015.

238.15 Adopt a resolution authorizing Human Resources Recommendations per listing dated September 17, 2015 as follows:

1. Authorize the appointment of Ana Arias to PC010214 Bilingual/HAVA Coordinator – Election Services Department, effective 9/23/2015. Rate of \$37,500/annually. Salary range Minimum \$34,825; Midpoint \$46,434; Maximum \$58,042. Replacement for Maritza Colon who separated. This request meets the criteria of the Hiring Policy. Budget 10000 – 11050.

2. Authorize the promotion of Ryan Spuhler from PC012851 Records Center Technician to PC013140 Archivist – Archives Department, effective 9/23/2015. Rate of \$33,000/annually. Salary range Minimum \$31,442; Midpoint \$41,922; Maximum \$52,403. Position reclassified by Salary Board on 9/17/2015. This request meets the criteria of the Hiring Policy. Budget 10000 – 16060.
 3. Authorize the promotion of Amy McKnight from PC012310 Shift Coordinator to PC013139 Assistant Director of Nursing – Berks Heim – Nursing Administration Department, effective 9/23/2015. Rate of \$78,000/annually. Salary range Minimum \$56,254; Midpoint \$75,005; Maximum \$93,757. Position reclassified by Salary Board on 9/17/2015. This request meets the criteria of the Hiring Policy. Budget 53000 – 33390.
 4. Authorize \$200 uniform/clothing allowance for Lieutenants and Sergeants – Jail System, per attached listing, effective for the paycheck of 10/6/2015. Budget 10000 – 12090.
- 239.15 Adopt a resolution authorizing execution of the Employee Benefits Consulting Agreement and the Employee Benefits Consulting Technology Agreement between the County of Berks and National Penn Insurance to provide consulting work for the County of Berks in providing employee benefits and human resource support, consulting services and other related activities as directed by the County.
- 240.15 Adopt a resolution authorizing the award and the Director of Contracts & Procurement to execute as a result of Invitation to Bid #15-14-KO, a contract for the Normal Avenue Bridge Superstructure Replacement Project as identified herein:
Kinsley Construction, Inc.
2700 Water Street, PO Box 2886
York, PA 17405
Total Contract Amount: \$987,644.00
- 241.15 Adopt a resolution authorizing execution of the Agreement for Engineering Services between the County of Berks and McCormick Taylor, Inc., Exton, Pennsylvania to provide engineering services and construction inspection for paving locations at the Berks County Fire Training Center, Reading, and Swiftwater Lane, Bern Township at a not to exceed amount of \$17,600.00 including reimbursable expenses.

- 242.15 Adopt a resolution authorizing execution of an Architectural Services Agreement between the County of Berks and Olsen Design Group Architects, Reading, Pennsylvania, to provide architectural, design and planning services pertaining to the operation of the Magisterial District Court located on the First Floor, Berks County Courthouse at a not to exceed amount of \$3,000.00 including reimbursable expenses.
- 243.15 Adopt a resolution authorizing Ryan Hunter, Director of Facilities and Operations, to execute Change Order 05-03 to Agreement No. PC-164141-15 with Blanski Energy Management, Inc. for the following revisions:
1. Provide duct insulation for rooftop HVAC units G and M as well as additional duct insulation for rooftop HVAC units I, J, K and L at Berks County Jail. Subtotal \$11,374.00.
 2. Replace 1T ductless split system at Berks Heim in lieu of repair. Subtotal \$2,560.00.
 3. Replace 1½T ductless split system at Berks County Jail in lieu of repair. Subtotal \$4,525.00.
- Travelers Insurance Company has committed to fund these costs entirely as a result of the May 22, 2014 hail storm. Commissioner Leinbach requested clarification from Ryan Hunter, Director of Facilities and Operations on items 2 and 3. This item was unanimously approved.
- 244.15 Adopt a resolution authorizing Christian Y. Leinbach, Chair, to execute Supplemental Engineering Agreement 057372-A, as drafted by the Pennsylvania Department of Transportation, between the County of Berks and Larson Design Group, Inc., 201 East Oregon Road, Suite 110, Lititz, PA 17543 authorizing revisions to certain contract clauses and provisions and establishing Part II (Final Design) and Part III (Services During Construction) for the Blandon Bridge (County Bridge #53A) replacement project in Maiden Creek Township. This Project is funded 80% Federal and 20% State.
- 245.15 Adopt a resolution ratifying, confirming and approving execution of the Title IV-D Attorney Contract-Private Attorney Legal Services Agreement between Tina Boyd, Esq., Reading, Pennsylvania and the County of Berks, Berks County Domestic Relations Section to provide legal representation in all appropriate IV-D cases to represent the Department of Human Services and UIFSA/IFSA Plaintiffs.
- 246.15 Adopt a resolution ratifying, confirming and approving execution of the DA/DRS Legal Services Agreement between the Berks

County District Attorney's Office and the County of Berks, Berks County Domestic Relations Section to provide legal representation to all plaintiffs in all matters on appeals to the appropriate appellate court.

- 247.15 Adopt a resolution authorizing the appointment of Ms. Carole Homolash, Reading, Pennsylvania, to complete the unexpired term of Richard Walters on the Berks County Workforce Development Board effective October 1, 2015 through June 30, 2016.
- 248.15 Adopt a resolution authorizing Christian Y. Leinbach, Commissioner Chair, to execute the Agreement to Protect, Indemnify, Defend and Hold Harmless between the County of Berks and VF Outlet, Inc. to lease space in the Designers Place Building, Borough of West Reading on Wednesday, October 28, 2015 for the CareerLink Job Fair.
- 249.15 Adopt a resolution authorizing execution of the Subordination, Non-Disturbance and Attornment Agreement among Manufacturers and Traders Trust Company, Cambridge-Lee Industries, LLC and the County of Berks for the Tower Site located in Ontelaunee Township, Berks County in regard to the Berks County Public Safety Radio Project.
- 250.15 Adopt a resolution ratifying, confirming and approving execution of Grant Agreement Number 4100070680 between the Pennsylvania Department of Drug and Alcohol Programs and Berks County to provide funding for addiction services.
- 251.15 Adopt a resolution authorizing Terence Brennan, Administrator, Berks Heim Nursing And Rehabilitation, to electronically execute the Connectivity Director for the United Healthcare Agreement. This Connectivity Director provides the staff at the Berks Heim the ability to bill electronically, receive remittance information electronically and receive payments electronically for Medicare alternative programs.
- 252.15 Adopt a resolution ratifying, confirming and approving the execution of the Compliance page for the FY 2016-17 Commonwealth of Pennsylvania, Office of Children, Youth and Families Needs Based Plan and Budget Narrative Template.

- 253.15 Adopt a resolution authorizing execution of the Agreement to Utilize Premises between the County of Berks and the Reading Leiderkranz, Reading, Pennsylvania for the use of a tract of land formerly known as the Victory Garden, Hill Road, Lower Alsace Township, for parking vehicles during the Oktoberfest.
- 254.15 Adopt a resolution authorizing Christian Y. Leinbach, Commissioner Chair, to execute a Request for Waiver of Conflict of Interest for Obermayer, Rebmann, Maxwell & Hippell LLP in regard to its representation of Verizon Business Global LLC t/a MCI and affiliates ("Verizon"), in litigation brought by the County against Verizon regarding the underpayment of funds allegedly owed related to 911 emergency telephone services.
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 September 15, 2015. Commissioner Leinbach reported there are 15 contracts and referenced the departments.
3. Motion to authorize payments set forth on Controller's Office vouchers payable listing dated September 15, 2015 for week ending September 16, 2015 and the payment of electronic transfers and employee payroll and employee payroll and the prior week of September 8, 2015 for the week ending September 9, 2015 due the cancellation of the September 10, 2015 Commissioners' Meeting.

Reports

1. County Treasurer A. Dennis Adams, 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 congratulated Bob Patrizio on his award, and thanked Liam Migdail-Smith for his very nice and well written column on Alan Miller. Mr. Geffken noted that Human Resources posted and sent out the CYS Administrator and CYS Assistant Solicitor positions. Mr. Geffken commented the Berks County Heritage Festival is fast approaching and is scheduled the weekend of October 3 and 4, 2015. Mr. Geffken reported on the comparison in the difference of the County's cash position from this year to last year at this time is down about 11 million dollars and is due to the State budget impasse.
2. Robert J. Patrizio thanked the Board for nominating him for the CFO of the Year award and couldn't have done it without the support of his team, the COO, Human Resources and the Controllers' Office.

Mr. Patrizio reported today the Commissioners will be discussing 911 revenues in light of the new legislation; a discussion with Michael Vind on the debt reduction proposal for 2016; and the impact on the Budget if the County has to increase the minimum wage.

COMMISSIONERS' COMMENTS

Commissioner Barnhardt praised the 22 local communities, including the City of Reading, who were involved in the Reading 120 Bicycle Race held this past Saturday; it was a fabulous event. Commissioner Barnhardt also thanked all the local police and fire departments for a job well done.

Commissioner Barnhardt reported tomorrow morning the Commissioners will be attending the municipal breakfast at the Strausstown Fire Company for municipal officials, adding this breakfast is held twice a year and gives Berks County municipal officials the opportunity to discuss relevant matters with the County Commissioners. Commissioner Barnhardt commented on Saturday he will take part in the National Recovery Walk to celebrate recovery from RACC to City Park; and on Monday he will be honored to attend the Voters Hall of Fame which will be attended by 296 people who have voted consistently in both the General and Primary Elections for 50 years.

Commissioner Scott announced this weekend is the Oley Fair and is a worthwhile event to attend.

Commissioner Leinbach commented he also will be taking part in the National Recovery Walk and Voters Hall of Fame.

Commissioner Leinbach remarked that yesterday he participated in the Memorial Service for County Solicitor Alan Miller, who sat with him at this table for almost eight years. Commissioner Leinbach described Alan as trustworthy, kind and had a great sense of humor, and had a steady hand when providing advice to him. Commissioner Leinbach shared a few personal stories he had with Alan over the years.

Commissioner Leinbach also commented he will be attending a Memorial Service Sunday at Kutztown University for DeLight Breidegam, who was the last real family connection of the founding of East Penn Manufacturing/Dekka. Commissioner Leinbach commented Mr. Breidegam was a WWII veteran and he was proud to have known him for almost 20 years, and represents all that is good in capitalism and free enterprise.

There being no further business, the meeting adjourned at 10:47 A.M.

After the meeting was adjourned, County Controller Sandy Graffius requested that the following statement be made part of the record:

Sandy Graffius commented "our department was notified Constable Kneller had written to the media and state officials about the outstanding server fee payments. For the record I had asked several of our Berks County Constables and Magisterial District Justice Dougherty (MDJ) to attend the meeting. I asked them directly if they had any issue with being paid by our office. I asked them to simply nod if their payments came to them in a timely manner. (They nodded Yes). I also asked the MDJ if he was aware of any late payments and he indicated he was not aware of any. I was told we were off the air and I said I was only interested in getting the responses from the Constables and the MDJ on the record of the meeting."

Respectfully Submitted,

Maryjo Gibson, Chief Clerk