

Commissioners' Board Meeting Minutes November 29, 2012

The Berks County Board of Commissioners met in regular session on Thursday, November 29, 2012, 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, and announced there were two Executive Sessions; one November 15, 2012 to discuss union negotiations, and one November 26, 2012 to discuss union negotiations and personnel issues.

Approval of Minutes

The minutes of November 15, 2012 Commissioners' Board Meeting were approved as presented.

Consent Agenda Items

1. A motion was made by Commissioner Barnhardt to approve the consent Agenda Items including items 2 and 3. Said motion was seconded by Commissioner Scott and all voted unanimously to approve the items listed below:
 - 385.12 Adopt a resolution authorizing 2012 Budget Transfers in the amount of \$1,386,933.00 and 2012 Appropriations in the amount of \$388,449.99 per listing dated November 26, 2012.
 - 386.12 Adopt a resolution authorizing execution of a contract between the County of Berks and Engle Hambright & Davies (EH&D) for an additional three (3) year term effective December 1, 2012 through December 1, 2015 to manage the County's self-insured Workers' Compensation and Heart & Lung programs. This resolution further authorizes the Chief Financial Officer to direct EH&D to secure the Excess Workers' Compensation policy through Safety National Insurance which is mandated by the Commonwealth of Pennsylvania to maintain self insurance status. EH&D does not receive a Commission on this policy.
 - 387.12 Adopt a resolution authorizing execution of a contract between the County of Berks and PMA Management Corporation for another three (3) year contract term beginning December 1, 2012 through November 30, 2015, to process worker compensation claims on behalf of the County.

- 388.12 Adopt a resolution authorizing Human Resources Recommendations per listing dated November 29, 2012 as follows:
1. Authorize the appointment of Michael D. Collie to PC012360 Sys Tech/Office Manager – Assessment, effective 12/12/12. Rate of \$51,000/annually. Salary range Minimum \$43,294; Midpoint \$57,725; Maximum \$72,156. Replacement for Kathleen A. Murphy who separated. This request meets the criteria of the Hiring Policy. Budget 10000 - 11070.
- 389.12 Adopt a resolution authorizing execution of the Certification Statement for the quarterly invoice to Office of Children & Youth Families (OCYF) for submission of FY 12/13 1st quarter.
- 390.12 Adopt a resolution authorizing execution of a Lease Amendment between 501 Crescent Partners LP and the County of Berks for a lease extension through June 30, 2013 concerning CareerLink office space.
- 391.12 Adopt a resolution authorizing tax forgiveness of 2011 and 2012 County taxes, including penalty and interest, for Sugar Maple Road (PIN 89-5399-04-61-0248), Washington Township, Berks County owned by Washington Township.
- 392.12 Adopt a resolution authorizing tax forgiveness of 2012 County taxes, including penalty and interest, for Barto Road (PIN 89-5399-04-70-2317), Washington Township, Berks County owned by Washington Township.
- 393.12 Adopt a resolution ratifying and confirming the execution of a Lease Agreement between the County of Berks and Dierolf Enterprise for office space located at 26 Scholl Drive, Oley, to be used by District Court 23-3-03.
- 394.12 Adopt a resolution authorizing Ryan Hunter, Director of Facilities and Operations, to execute Change Order No. 5 to the Quandel Construction Group, Inc. Contract for a lump sum fee adjustment in the amount of \$16,500.00 to account for additional on-site indoor environmental quality (IEQ) testing and inspection services for the duration of the abatement phase of the Old Berks Heim Abatement & Demolition Project.
- 395.12 Adopt a resolution authorizing execution by the Board of Commissioners of a letter to the Pennsylvania Emergency Management Agency approving the Triennial 9-1-1 Plan as required by the Federal Communications Commission (FCC) and Pennsylvania Statue, Title 53.

- 396.12 Adopt a resolution authorizing execution of the Stormwater Improvement and Maintenance Agreement between the County of Berks and Ontelaunee Township to provide for full and complete compliance by the County of the improvement plan of property leased by the County from Cambridge-Lee Industries, LLC, for tower site purposes regarding the Berks County Emergency Radio Project.
- 397.12 Adopt a resolution authorizing execution of the Stormwater Controls and Best Management Practices Operations and Maintenance Agreement between the County of Berks and Ontelaunee Township providing for management of stormwater within the confines of property leased by the County from Cambridge-Lee Industries, LLC, for tower site purposes regarding the Berks County Emergency Radio Project.
- 398.12 Adopt a resolution authorizing execution of the Amended and Restated Easement Agreement between the Borough of Kutztown and the County of Berks regarding the Berks County Emergency Radio Project.
- 399.12 Adopt a resolution authorizing execution of the Stormwater Controls and Best Management Practices and Access Easement and Operations and Maintenance Agreement between the County of Berks, Kutztown Borough and Maxatawny Township for a tower site located in Maxatawny Township regarding the Berks County Emergency Radio Project.
- 400.12 Adopt a resolution authorizing the reappointment of Greg Knies, Honey Brook, Pennsylvania to the Reading Public Library Board for a five (5) year term expiring December 31, 2017.
- 401.12 Adopt a resolution authorizing the reappointment of Barry Rohrbach, Reading, Pennsylvania to the Berks County Redevelopment Authority for a five (5) year term expiring December 31, 2017.
- 402.12 Adopt a resolution authorizing the reappointment of Glenn Yeager, Reading, Pennsylvania to the Berks County Redevelopment Authority for a five (5) year term expiring December 31, 2017.
- 403.12 Adopt a resolution authorizing the reappointment of Josephina Miller, Morgantown, Pennsylvania, to the Berks County Children & Youth Services Advisory Board for a three (3) year term expiring December 31, 2015.
- 404.12 Adopt a resolution authorizing the appointment of Modesto Fiume, Reading, Pennsylvania, to the Berks County Children & Youth Services Advisory Board for a three (3) year term expiring December 31, 2015. This is a replacement for Joan Notter who

resigned.

- 405.12 Adopt a resolution authorizing the appointment of Tim Snyder, Blandon, Pennsylvania, to the Berks Area Regional Transportation Authority for a five (5) year term expiring December 31, 2017. This is a replacement for Phil Rowe who resigned.
 - 406.12 Adopt a resolution authorizing the appointment of Dr. Yamil Sanchez, Principal, I-LEAD Charter School, Reading, Pennsylvania to the Berks County Citizens' Advisory Board for a three (3) term expiring December 31, 2015. This is a replacement for Pamela Hathaway who resigned.
 - 407.12 Adopt a resolution authorizing the reappointment of Robert E. Kopfer, Fleetwood, Pennsylvania to the Berks County Agricultural Land Preservation Board for a three (3) year term expiring December 31, 2015.
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 November 26, 2012. Commissioner Leinbach reviewed the contracts listed today.
 3. Motion to authorize payments set forth on Controller's Office vouchers listing dated November 27, 2012 for the week November 28, 2012 ending .

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. Ms. Graffius reported there were 2 reports due to last week being Thanksgiving.

Reports of Chief Operating Office/Chief Financial Officer

1. Carl E. Geffken reported that he will shortly be sending an email to all department heads requesting them to begin preparing for budget reductions for 2014. Mr. Geffken commented that he will require a draft by March 15, 2013 and will have the final form for the Commissioners review by June 30, 2013. Mr. Geffken announced the Pennsylvania Yellow Dot Program available through the Berks County Area Agency on Aging. Mr. Geffken commented that a yellow sticker is to be placed on a window of a car alerting EMS of potential medical conditions of the occupant. This service is available to anyone, not just senior citizens. Brian Gottschall commented that the EMS responders must make sure the person in the vehicle is the person the medical information refers to.

2. Robert J. Patrizio reported that Courts will attend the Budget hearing this afternoon to discuss various items, including funding guardian ad litem, and Parks Department will attend to discuss a public relations position that has been vacant for some time.

Commissioners' Comments

Commissioner Barnhardt congratulated President Judge Jeffrey Schmehl for his nomination to a Federal Judgeship. Commissioner Barnhardt announced that BARTA is resuming Sunday holiday runs which will start December 2, 2012 and mentioned 4 of the top runs. Commissioner Barnhardt further announced there will be a ribbon cutting ceremony at the Antietam Lake Valve House next Wednesday, December 5, 2012 at 1:30 p.m. Commissioner Barnhardt commented that he took a tour of the Archives at the Airport Industrial Park yesterday and it is coming along very well and gave a report of the status of this project. Commissioner Barnhardt wished his Executive Assistant Katie Daley Happy Birthday, which is today.

Commissioner Scott reported that the County won a significant environmental victory before the Environment Hearing Board, where a Final Order was issued November 26, 2012 in the Exide case. Commissioner Scott proceeded to review some the more important findings of the decision, citing among other things that DEP created an egregious error in neglecting to properly measure emissions omitted by the Exide Plant, the primary source of lead contamination in the Laureldale area. Commissioner Barnhardt commented he has heard from a number of people who work for Exide and who don't believe the County was looking for way to shutter a plant, but always had the health and safety of the residents of that area in mind. Solicitor Alan Miller commented for purposes of intervening, the County didn't have to pay legal fees for this case, which was handled by Stock & Leader of Lancaster. Commissioner Scott also congratulated President Judge Jeffery Schmehl for his nomination to the Federal Judgeship.

Commissioner Leinbach offered his congratulations to the President Judge on being nominated to a position on the Federal Judgeship. Commissioner Leinbach also commented that the Environmental Hearing Board decision is good news for Berks County for the health and safety of the residents and it wasn't the objective of the County to shut down Exide but to get Exide to follow the law and protect the residents of that area.

Citizen Comment/Business From The Floor

Reverend David Kistler of Bethel Township and George Shollenberger attended the meeting and addressed the Board regarding the Bethel Township Radio Tower Site. Reverend Kistler provided the Board with a written statement and exhibits, and spoke of his position against the erection of the tower at the proposed site. Brian Gottschall offered comments in response to Reverend Kistler's statements. Mr. Shollenberger asked for written documentation on the tearing down and removal of the two towers located at the Blue Mountain. Mr. Gottschall clarified for Mr. Shollenberger that the lease with the PA

Game Commission is requiring the County to tear down the existing two towers before building the proposed new tower. Mr. Shollenberger would like to see that information. Commissioner Leinbach directed Mr. Geffken to aid in getting the requested information to Mr. Shollenberger.

There being no further business, the meeting adjourned at 11:21 A.M.

Respectfully Submitted,

Maryjo Gibson, Chief Clerk