

Commissioners' Board Meeting Minutes December 12, 2019

The Berks County Board of Commissioners met in regular session on Thursday, December 12, 2019, 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 and Pledge of Allegiance to the Flag.

Presentation

Chief Financial Officer Robert Patrizio presented the 2020 Berks County Budget to the Board of Commissioners.

Mr. Patrizio reported the proposed 2020 Budget has been available for public inspection since November 21, 2019, the required 20 days, and as of this morning, neither his office nor the Board of Commissioners has received any public comments on the proposed Budget. Mr. Patrizio stated the Budget Office has continued to work on and refine the Budget and provided the key revisions made to proposed Budget. Taking into consideration those adjustments, Mr. Patrizio recommends the Board of Commissioners adopt the 2020 Budget as presented, without a tax increase.

At this time, all three Commissioners submitted their letters disclosing any conflicts of interests to the Chief Clerk, and Commissioner Barnhardt motioned to adopt the 2020 Budget as presented and establish the 2020 Real Estate tax rate at 7.657 mills. Said motion was seconded by Commissioner Scott, and all voted unanimously to adopt the following resolution approving the 2020 Berks County Budget without a tax increase.

- 402.19 Adopt a resolution authorizing adoption of the 2020 Berks County Budget, and further establishing the 2020 Real Estate Tax rate at 7.657 mills.

Commissioner Scott observed that in the course of deliberating and preparing this budget there have been some minor things to which they have disagreed but in the interest of doing the business of County he will be voting in the affirmative.

Approval of Minutes

The minutes of December 5, 2019 Commissioners' Board Meeting were approved as presented.

Public Comment on Agenda Items

None.

Agenda Items

1. A motion was made by Commissioner Scott to approve the Agenda as amended with a request for question on one of the items. Said motion was seconded by Commissioner Barnhardt and request for discussion granted by the Chair. Commissioner Scott asked what services are to be provided. Commissioner Barnhardt responded the YMCA is refinancing their debt and acquiring the Richmond Elementary School for the provision of day care and after school care, early intervention and other services similar to other YMCA's in the County. Ms. Sadler also commented that Doug Rauch, Authority Solicitor sent a memorandum of explanation to the Board. Seeing no other discussion, and all voted unanimously to approve the items listed below:

Enactment of County Ordinance:

- 05-2019 AN ORDINANCE OF THE COUNTY OF BERKS, PENNSYLVANIA AUTHORIZING BERKS COUNTY TO ENTER INTO AN INTERGOVERNMENTAL TRANSFER AGREEMENT ("IGT") BETWEEN THE PENNSYLVANIA DEPARTMENT OF HUMAN SERVICES, OFFICE OF LONG-TERM LIVING ("DHS-OLTL") AND BERKS COUNTY ("COUNTY") TO PROVIDE FOR INTERGOVERNMENTAL TRANSFERS OF FUNDS TO DHS-OLTL IN ORDER TO PROVIDE THE NON-FEDERAL SHARE OF MEDICAL ASSISTANCE PAYMENTS TO COUNTY NURSING FACILITIES.

Authorize the following resolutions:

- 403.19 Adopt a resolution authorizing 2019 Budget Transfers in the amount of \$647,983 and 2019 Appropriations in the amount of \$534,726 per listing dated December 9, 2019.
- 404.19 Adopt a resolution authorizing Human Resources Recommendations per listing dated December 12, 2019 as follows:
 1. Authorize the appointment of Alexander Hallman to PC010150 Assistant District Attorney III – District Attorney's Office, effective 12/18/2019. Rate of \$59,500/annually. Salary range Minimum \$53,056; Midpoint \$70,741; Maximum \$88,427. Replacement for Nicole Riccio who separated. This request meets the criteria of the Hiring Policy. Budget 10000 – 11580.
- 405.19 Adopt a resolution ratifying, confirming and approving the execution by Kevin S. Barnhardt, Vice Chair, of the Business Associate Agreement and the Administrative, Actuarial, Consulting and Retirement Services Agreement between McGriff Insurance Services, Inc. and the County of Berks.

- 406.19 Adopt a resolution authorizing the award and the Director of Contracts & Procurement to execute as a result of Invitation to Bid #19-33-GR, two (2) contracts for the Berks County Central Heating Plant Electrical Service Replacement Project as identified herein:
- Pagoda Electrical, Inc.**
2003 Friedensburg Road
Reading, PA 19606
- 1) **General Construction:**
Total Bid Not to Exceed Amount -**\$105,743.**
- 2) **Electrical:**
Total Bid Not to Exceed Amount - **\$147,743.**
- 407.19 Adopt a resolution authorizing Christian Y. Leinbach, Chair, to execute the Social Service and Healthcare Professional Liability Renewal Application (d/b/a Partners in Parenting[PIP]) for Berks County Children and Youth Services effective January 8, 2020.
- 408.19 Adopt a resolution authorizing Christian Y. Leinbach, Chair, to execute Change Order No. 26 to Motorola Solutions Contract No. 10-23185/CR in the amount of \$136,931.41. This Change Order implements a microwave radio connection between the Courthouse and City Hall to serve a planned integration of the 9-1-1 phone system at City Hall into the County's 9-1-1 system in regard to the Berks County Public Safety Radio System.
- 409.19 Adopt a resolution authorizing Christian Y. Leinbach, Chair, to execute Change Order No. 27 to Motorola Solutions Contract No. 10-23185/CR in the amount of \$126,155.30. This Change Order will provide and deploy console position in preparation for uplift of the County's 9-1-1 phone system in regard to the Berks County Public Safety Radio System.
- 410.19 Adopt a resolution authorizing the Berks County Board of Commissioners to execute a letter, jointly with the Schuylkill County Commission, to David R. Padfield, Director of the Pennsylvania Emergency Management Agency ("PEMA"), placing PEMA on notice that Berks County and Schuylkill County view PEMA's plan to involuntarily dissolve the East Central PA Task Force as an unacceptable overreach of authority, and an act not in the best interest of Berks and Schuylkill counties.
- 411.19 Adopt a resolution authorizing Christian Y. Leinbach, Chair, to

execute the PA Health and Wellness Enrollment Application for CHC Managed Care, and any and all documents necessary to complete the application transaction.

Commissioner Leinbach noted this officially puts the Berks Heim in Phase 3 of the Managed Care Program, the State has forced on counties with nursing homes.

- 412.19 Adopt a resolution authorizing execution of the Juvenile Probation Services Grant Agreement documents between the Commonwealth of Pennsylvania, through the Juvenile Court Judges' Commission of the Office of General Counsel, and Berks County for Fiscal Year 2019-2020 in the award amount of \$478,868.
- 413.19 Adopt a resolution authorizing execution of Amendment No. 3 to the Agreement between the County of Berks and Palmetto Posting, Inc., Spartanburg, South Carolina, to post delinquent tax notices on certain properties on which delinquent ad valorem property taxes are owing.
- 414.19 Adopt a resolution authorizing Christian Y. Leinbach, Chair, to execute the following 2020-2021 PCoRP Renewal documents:
1. General Instructions
 2. PCoRP Renewal Payment Options/Commission Selection
- Michael Malinowski, Vice President and Branch Manager of EH&D, reported Items 414, 415 and 416 are all standard yearly renewals. Mr. Malinowski noted that because of the County's excellent performance in the Workers Compensation program, the rates have again remained the same.
- 415.19 Adopt a resolution authorizing renewal of the Public Officials Blanket Crime Policy effective January 1, 2020 - January 1, 2021.
- 416.19 Adopt a resolution authorizing Robert Patrizio, Chief Financial Officer, to bind the County's Excess Workers Compensation Policy.
- 417.19 Adopt a resolution authorizing the reappointment of Lee Olsen, AIA, Reading, Pennsylvania, to the Mt. Penn Preserve Partnership Council of Governments ("MP3 COG") as a County appointment (Planning Commission) for a term expiring December 31, 2020.
- 418.19 Adopt a resolution authorizing the reappointment of Kevin S. Barnhardt, Commissioner, to the Mt. Penn Preserve Partnership Council of Governments ("MP3 COG") as a County appointment (Commissioner) for a term expiring December 31, 2021.
- 419.19 Adopt a resolution authorizing execution of an Agreement with the

Pennsylvania Coalition of Affiliated Healthcare & Living Communities (“PACAH”) concerning County Nursing Facility Access to Care Payments regarding the Managed Care Organizations’ funding.

- 420.19 Adopt a resolution ratifying, confirming and approving execution by Ken Lebron, Director of the Department of Veterans Affairs, of a letter of support to the Pennsylvania Veterans’ Trust Fund for the submission of the 2019-20 Veterans’ Trust Fund Grant Application by Berks Community Action Program (“BCAP”) for a \$50,000 grant to expand services to the veterans and their families in Berks County with the proposed Veterans Rental and Utility Assistance Program (“VRAP”) initiative.
- 421.19 Adopt a resolution authorizing the Berks County Board of Commissioners to execute a letter of support to the Pennsylvania Veterans’ Trust Fund for the submission of the 2019-20 Veterans’ Trust Fund Grant Application by the Veterans Coalition of Pennsylvania (“VCOP”) for a grant in the amount of \$50,000 for the acquisition of the former Police Athletic League to provide outreach services to disadvantaged veterans and their families.
- 422.19 Adopt a resolution authorizing the Berks County Board of Commissioners to execute a letter of support to the Pennsylvania Veterans’ Trust Fund for the submission of the 2019-20 Veterans’ Trust Fund Grant Application by the Veterans Brotherhood for a grant in the amount of \$25,000 to assist with the cost of homeless veterans and their families for temporary lodging and necessary living expenses until a permanent solution can be provided.
- 423.19 Adopt a resolution of the Berks County Board of Commissioners approving the financing of a project by the Wernersville Municipal Authority on behalf of the Y.M.C.A. of Reading and Berks County of a project for the benefit of the people of Berks County, declaring that it is desirable for the health, safety and welfare of the people for the refinancing of certain debt; financing of the acquisition of an existing public school building to serve the Northeastern Berks County region; financing of the renovation of a new facility and other existing facilities; and authorizing the Chair, or any other member of the Board of Commissioners to execute and take any other actions authorizing the approval of the project for Federal Internal Revenue Code purposes; and authorizing other necessary and appropriate actions. Commissioner Leinbach stated this approval will have no financial responsibility on the part of the County.
2. Motion authorizing execution of Contract Agreements/Amendments as furnished by the Contract Coordinator per listing dated December 10, 2019.

Commissioner Leinbach noted there are 10 contracts and referenced the departments.

3. Motion authorizing payments set forth on Controller's Office vouchers payable listing dated December 10, 2019 for week ending December 11, 2019 and the payment of electronic transfers and employee payroll.

At this time, and before a formal vote on Agenda Items Commissioner Leinbach recognized County Solicitor Christine M. Sadler, who had an item from the Floor; Ms. Sadler stated this concerns payment of outstanding invoices by the Department of Corrections in the total amount of \$168,560 regarding the County housing technical parole violators for the period January through July 2019. Ms. Sadler advised it took a while to get an agreement and the State would not agree to retroactive payment, so the Settlement Agreement is to make final payment to the County.

A motion was made by Commissioner Barnhardt to amend the Agenda to include the Settlement Agreement. The motion was seconded by Commissioner Scott to include Resolution No. 424.19, and all voted unanimously to approve said motion.

- 424.19 Adopt a resolution authorizes Christian Y. Leinbach, Chair, to execute the Settlement Agreement and Release between the County and the Commonwealth, setting forth compensation by the Commonwealth to the County for housing parole violators and technical parole violators at the Berks County Jail from January 30, 2019 through July 16, 2019, except the month of April 2019, which has been paid, in the amount of \$168,560.

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.

REPORT OF CHIEF FINANCIAL OFFICER

Robert Patrizio reported the Budget Meeting will begin at 2:00 p.m. and there will be discussion with Brian Gottschall regarding an enabling ordinance and representatives of the Berks County Industrial Development Authority will discuss the RACP County Guarantee request.

REPORT OF CHIEF ADMINISTRATIVE OFFICER

Ronald R. Seaman announced upcoming Holiday events at various Berks County Park locations this weekend.

Mr. Seaman commended the staff of the Budget Department who deserve all the credit and expressed appreciation for Laura Jones for helping to implement new methodology in getting the Capital Budget Fund in place.

COMMISSIONERS' COMMENTS

Commissioner Barnhardt

Commissioner Barnhardt reported the Pennsylvania House and Senate and the Governor passed Act 77 which will drastically change the way we vote in Pennsylvania. It is good for the voters but will be more work and hardship for Election Services and in his opinion is another unfunded mandate.

Commissioner Barnhardt still has a supply of the 2020 Mt. Penn Preserve calendars for sale for \$10.00, all proceeds benefit the Mt. Penn Preserve; and distributed the latest edition of *The Response* magazine.

Commissioner Barnhardt reserved the rest of his comments for the Epler School House until.

Commissioner Scott

Commissioner Scott talked about the latest controversy between Newark, New Jersey and New York regarding the legality of deporting homeless people from New York City to other cities. And hopes it doesn't impact Berks County.

Commissioner Scott reserve his remarks on the most recent report issued by the State Auditor General regarding the Berks County Residential Center.

Commissioner Leinbach

Commissioner Leinbach announced he will be attending the Ribbon Cutting Ceremony for the Penn Street Bridge project this afternoon.

ELECTED OFFICIALS' COMMENTS

None.

COMMENTS FROM THE FLOOR

Vernie Noecker, Perry Township, Andrea Frank Genduso, North Heidelberg Township, and Jane Goetz, Leesport, attended the meeting to make a final request to the Commissioners to save Epler Schoolhouse from demolition. Ms. Noecker provided a brief history of the Epler family, Ms. Genduso passed around a photo of the unique rounded windows, and Ms. Goetz started the effort to save the Schoolhouse.

Commissioner Barnhardt responded that he has been involved with the efforts of the Friends of Epler School since early August, and so far have been able to talk the owner of the property, Greater Berks Development Fund, to pay half the estimated \$211,000 to move the school to County property at the Heritage Center. Commissioner Barnhardt implored his colleagues to reconsider and pay the other half to move the building.

Commissioner Scott commented that he has long been opposed to the expenditure of \$400,000 at the Angora Fruit Farm for an environmental center, which he feels duplicates services already provided by Berks Nature and suggested that if Commissioner Barnhardt would agree to reopen the discussion regarding the building at the Angora Fruit Farm and with Berks Nature, he would consider supporting the additional funding to pay the other half of the moving expense.

Commissioner Barnhardt would be willing to reopen the discussion with respect to building the new environmental center and opening a discussion with Berks Nature.

Commissioner Leinbach noted no decision has been made yet regarding the barn at the Fruit Farm.

The Chair suggested a motion to formalize the discussion.

Commissioner Scott motioned to allocate sufficient resources to provide 50% funding to relocate the Epler School to a County Park property at the Heritage Center.

Commissioner Barnhardt voted yes. Commissioner Leinbach voted no because of the process he went through and respect for the Parks Board and Parks budget.

The vote carried.

Evelyn Morrison, Reading, spoke about the allocation of funds to Berks County Children and Youth Services ("BCCYS"), and invited a young woman, Sharena Randall, to speak about her current situation with BCCYS. Due to the nature of Ms. Randall's comments, the Chair asked Solicitor Sadler to speak with Ms. Randall after the meeting.

There being no further business, the meeting adjourned at 11:20 A.M.

Respectfully Submitted,

Maryjo Gibson, Chief Clerk