

Commissioners' Board Meeting August 27, 2009

The Berks County Board of Commissioners met in regular session on Thursday, August 27, 2009, at 10:30 A.M. in the Board meeting room on the thirteenth floor of the Berks County Services Center, pursuant to due notice to Board members and the public.

Commissioner Chair Mark C. Scott called the meeting to order with Commissioner Christian Leinbach and Commissioner Kevin Barnhardt in attendance. Also present were the Chief Clerk Terry L. Styer, and County Solicitor Alan Miller, Esq.

Commissioner Scott opened the meeting with a moment of silence and Pledge of Allegiance to the Flag.

Approval of Minutes

The minutes of the August 18, 2009 Commissioners' Workshop and August 20, 2009 Commissioners' meeting were approved as presented.

Consent Agenda Items

1. **Ordinance No.6 of 2009**

Commissioner Barnhardt made a motion, seconded by Commissioner Leinbach and all voted yes to adopt the following ordinance:

AUTHORIZE AND DIRECT THE INCURRENCE OF LEASE RENTAL DEBT, IN AN AGGREGATE PRINCIPAL AMOUNT OF SIX MILLION THREE HUNDRED SIXTY THOUSAND DOLLARS (\$6,360,000), DETERMINING THAT SUCH DEBT SHALL BE INCURRED UNDER THE DEBT ACT AS LEASE RENTAL DEBT TO BE EVIDENCED BY A CERTAIN GUARANTY AGREEMENT OF THE COUNTY SECURING THE GUARANTEED REVENUE BONDS - SERIES OF 2009 (THE "BONDS") TO BE ISSUED BY THE BERKS COUNTY SOLID WASTE AUTHORITY (THE "AUTHORITY") TO FINANCE A PROJECT OF THE AUTHORITY CONSISTING OF (1) THE CURRENT REFUNDING OF THE REMAINING OUTSTANDING PORTION OF THE AUTHORITY'S GUARANTEED REVENUE BONDS, SERIES OF 2004 (THE "2004 BONDS")

2. A motion was made by Commissioner Barnhardt, seconded by Commissioner Leinbach, and all voted unanimously to approve the items listed below:

240.09 A. Resolution authorizing 2009 Budget Transfers in the amount of \$15,000 per listing dated August 21, 2009.

- 241.09 B. Human Resource Recommendations per list dated August 25, 2009.
- 242.09 C. Resolution authorizing execution of grant agreement BRC-PRD-15-15 between the PA Department on Conservation and Natural Resources (DCNR) and the County of Berks in the amount of \$180,000 for completion of the Union Canal-Blue Marsh Connector Trail.
- 243.09 D. Resolution authorizing Mark C. Scott as Chairman of the Board, to execute Application for Municipal Recycling Program Performance Grant, The Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act, Act 101 of 1988 (P.L. 556) Section 904.
- 244.09 E. Resolution amending Resolution No. 8 of 09 which authorized the Treasurer to make 12 monthly Retirement Fund Annual Required Contribution (ARC) payments to the Berks County Retirement Fund based on an **estimated** annual contribution of \$12,850,000; to now provide for a lump sum payment of the remaining ARC of \$3,477,734 based on an **actual** ARC payment of \$11,064,000 to the end of December 2009.
- 245.09 F. Resolution authorizing that the County of Berks shall create and adopt a bifurcated budget providing for defunding of the Twenty-Third Judicial District on or before July 1, 2010, conditioned upon a decision of the Pennsylvania Supreme Court mandating the state legislature to fund a unified court system throughout the Commonwealth of Pennsylvania.**Budget Director Bob Patrizio noted that he, along with Solicitor Alan Miller have been researching the County Code as to the legality of changing the budget after adoption. It appears that there is nothing in the code regarding a county changing the budget in order to decrease it. Commissioner Leinbach reported that he did have a conversation with President Judge Jeffrey Schmehl regarding the potential defunding of the courts. The Commissioner also discussed the disparity of funding between large and small counties when they are forced to fund the courts themselves. Commissioner Barnhardt reported that although he was not in favor of this action on Tuesday, recent modifications to the resolution's language have mollified him and he is prepared to vote in favor of this resolution at this time.

3. Motion authorizing Mark C. Scott, as Chairman of the Board, to execute Contract Agreements/Amendments as furnished by the Contract Coordinator, per attached listing dated August 25, 2009.
4. Motion to ratify and confirm payments set forth on Controller's Office vouchers listing dated August 27, 2009, as previously authorized by instructions issued August 27, 2009.

Reports

1. County Treasurer Nelson Long, CPA presented the weekly Treasurer's report.
2. County Controller Sandy Graffius presented the weekly Controller's report.

Commissioner Barnhardt reported that the first meeting of the Act 32 Subcommittee was held on August 26, 2009. He reported that the Subcommittee has been charged with drafting bylaws, a proposed budget and a Request for Proposal template for a County-wide earned income tax collection agent for the Berks County Tax Collection Committee (scheduled to meet on November 4, 2009). He also noted that the County will not be bidding on that collection contract. Commissioners Scott and Leinbach concurred.

Commissioner Scott asked Controller Graffius about the 15 day close policy that she has been working on for the Oracle financial package. She responded by saying that all policies related to that process have been proposed for the Commissioners approval and will be listed on the September 1st 2009 board meeting agenda.

Commissioner Scott also reported that Building a Better Boyertown has requested \$20,000 for design costs for their Main Street program. He noted that he is not inclined to fund this initiative at this time. Commissioner Barnhardt noted that the soft costs noted should be borne by the borough.

Commissioner Scott also noted that he has been in conversation with Gary Landrio from TranSystems regarding an estimate to fix the intersection of the railroad tracks and Philadelphia Avenue in Boyertown, and also to build an engine turnaround, which will be essential to work with Drug Plastics. He noted that he is obtaining quotes for an inclusive rate for hauling stone from Martin's Quarry to Southern NJ. He is also awaiting information from Wal Mart regarding running tracks through the end of their parking lot on the way to the Quarry.

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

Respectfully Submitted,

Terry L. Styer, Chief Clerk