



DAUPHIN COUNTY BOARD OF COMMISSIONERS

LEGISLATIVE MEETING

JANUARY 9, 2008

10:00 A.M.

MEMBERS PRESENT

Jeff Haste, Chairman
Dominic D. DiFrancesco, II, Vice Chairman
George P. Hartwick, III, Secretary

STAFF PRESENT

Marie E. Rebuck, Controller; Janis Creason, Treasurer; Gary Serhan, Deputy Controller; J. Scott Burford, Deputy Chief Clerk; Fred Lighty, Esq., Human Services Director's Office; John Sponeybarger, Acting Director of Drug and Alcohol Department; Guy Beneventano, Esq., Solicitor's Office; Elke Moyer, Human Services Director's Office; Stephanie Strayer, Human Services Director's Office; Randy Baratucci, Director of Purchasing; Tom Guenther, Director of IT; Leila McAdoo, Solicitor's Office; Mike Yohe, Director of Budget & Finance; Kay Lengle, Personnel; Dan Robinson, Director of Community & Economic Development; Diane McNaughton, Commissioners' Office; Amy Richards, Commissioners' Office; Jena Wolgemuth, Commissioners' Office; Brenda Hoffer, Commissioners' Office and Richie-Ann Martz, Assistant Chief Clerk

GUESTS PRESENT

Garry Lenton, Evelyn Hunt and Rev. Alvin Taylor

MINUTES

CALL TO ORDER

Mr. Haste, Chairman of the Board, called the meeting to order at 10:00 a.m.

MOMENT OF SILENCE

Everyone observed a moment of silence.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Haste: We don't have any minutes for this meeting.

EXECUTIVE SESSIONS HELD BETWEEN MEETINGS

Mr. Burford: As you know we had one Executive Session held on January 7th to discuss legal matters.

PUBLIC PARTICIPATION

Mr. Haste: We are at the point in time in the meeting for public participation. Is there anyone in the audience that would like to address the Board at this time? (There was none.)

DEPARTMENT DIRECTORS/GUESTS

(There was none.)

SALARY BOARD

A complete set of Salary Board Minutes is on file in the Chief Clerk's Office.

PERSONNEL

Ms. Lengle: There is an Addendum to the Personnel Packet. Also, regarding your question about the Coroner's Office on Monday, that is an increase to their budget of \$104. With the flip flop of positions, it comes out to \$104 more. I emailed the Coroner because the figures were based on 2007 rates. I'm not sure if he wants to change that. The merit increase and decrease is not as much as he had planned for.

Mr. Haste: Just make sure that Mike is aware of this.

Ms. Lengle: On the Addendum, New Hire #3 the rate of pay should be \$10.25, Step 15.

It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve the Personnel Packet as amended; motion carried.

PURCHASE ORDERS

Mr. Baratucci: You should have received a new Packet. It is basically the same as the one from Monday, however with all the budget items fixed. I would like to ask you to put on hold Page 3, which is for the Treasurer's Office the first requisition #8659. It is for some furniture. Due to some changes in the floor plan in the office, the Treasurer had asked that we hold that for two weeks, because there are going to be some adjustments. It probably will end up being less money, but she needs to make some changes and the company didn't get them here in time for today. That would just be the top part of Page 3.

Mr. Hartwick: I still haven't heard back about gas prices.

Mr. Baratucci: Mr. Cohen was going to get you that information. I'll remind him.

Mr. Haste: We had a brief discussion. They have been basically the same price that has been at the pumps minus the taxes, within a few cents of that.

Mr. Hartwick: Like Costco, Sam's, some places they give you a discount as well.

Mr. Haste: You will probably see that they will be close to the discount. They fluctuate with the market. We talked about this and unfortunately in the past we have been able to get fixed bids. With the market the way it is no one is going to give you a fixed bid.

Mr. Baratucci: In today's mail I got something from that Energy Consortium indicating that they are going to start the process earlier this year in the hope of trying to generate as much competition as possible. I think as long as the energy situation remains the way it is no one is going to do those fixed prices any more. We did get some good deals in prior years, but now it is all fluctuating.

Mr. Haste: There is no one willing to give you that bid.

Mr. Hartwick: Remind Edgar to get back to me with whatever he has.

It was moved by Mr. DiFrancesco and seconded by Mr. Hartwick that the Board approve the Purchase Order Packet with the Amendment to Page 3; motion carried.

REPORT FROM BUDGET & FINANCE – MIKE YOHE, BUDGET DIRECTOR

Mr. Yohe gave the following Investment Report.

**Report from the Office of Budget & Finance
January 9, 2008**

- **December 21, 2007** transferred **\$8,473,753.30** to the **Payables** account and **\$1,711,734.58** to the **Payroll** account from the County's Concentration account for checks issued that week.
- **December 28, 2007** transferred **\$866,613.98** to the **Payables** account from the County's Concentration account for checks issued that week.
- **January 4, 2008** transferred **\$3,943,842.82** to the **Payables** account and **\$1,703,447.36** to the **Payroll** account from the County's Concentration account for checks issued that week.
- **Total Term Investments – N/A**
- **Balance today in INVEST account \$139,249.18 rate 4.260%**
- **Balance today in Susquehanna Bank investment account \$58,300,487.82 rate 4.700%**
(This rate is fixed for the month)
- **Balance today in Sovereign Bank investment account \$17,500,275.00 rate 4.480%** (This equals today's 1-month LIBOR rate of 4.600% minus 12 basis points)
- **Balance today in PNC Bank investment account \$1,000.00 rate 4.100%** (This equals today's Fed Funds rate of 4.250% minus 15 basis points)
- **Balance today in Graystone Bank investment account \$1,000.00 rate 4.150%** (This equals today's Fed Funds rate of 4.250% minus 10 basis points)
- **Balance today in Commerce Bank investment account \$1,000.00 rate 2.560%** (This equals today's 90-day T-Bill rate of 3.310% minus 75 basis points)

No T.R.A.N. Line of Credit required for 2008.

Mr. Yohe: As you can see the rate reduction is impacting Susquehanna as well. They are still giving us a very good above market rate. They are actually tying it to the T-Bill rate, the same as Commerce is, but they are adding 140 something points to that as opposed to taking 75 points off like Commerce is doing.

By mid January, I will have the next RFP ready to go out.

Mr. Haste: For the record there is no need for a TRAN again this year.

Mr. Yohe: That is correct. I did forget that. There is no need for a TRAN for 2008.

Mr. DiFrancesco: I would take that Commerce account down to \$100 if you can do it.

Mr. Yohe: We are going to get rid of it.

Mr. DiFrancesco: If there is no minimum balance requirement, I would take it down to \$100 or \$50. That is insane. That has to be less than the counter rate.

Mr. Yohe: We will close it out with the next...

Mr. Haste: Do they just not want to compete any more?

Mr. Yohe: The conversations that I had yes.

REPORT FROM DEPUTY CHIEF CLERK/CHIEF OF STAFF – J. SCOTT BURFORD

Mr. Burford: Nothing to report, but happy to answer any questions.

Mr. Haste: I assume we are moving ahead to get the word out for the Local Government Seminar at the end of this month.

Mr. Burford: Yes.

Mr. Haste: What is the date for that again?

Mr. Burford: January 30th.

Mr. Haste: At the Conservation District.

Mr. Burford: Yes.

Mr. Haste: What time?

Ms. Richards: 5:30 p.m.

REPORT FROM SOLICITOR'S OFFICE – FRED LIGHT, ESQ.

Mr. Lighty: Fortunately I have nothing to add to the Solicitor's Report that was previously distributed. I would be happy to answer any questions.

MATTERS REQUIRING BOARD ACTION

Mr. Haste: We have Matters Requiring Board Action Items A through Y. Are there any that need to be pulled out separately? (There was none.)

- A. Training Packet.
- B. Tax Refunds:
 - 1. Refund of 2005 (Interim), 2006 (Annual) and 2007 (Annual) Real Estate Taxes – Franklin & Sandra Sipe, Parcel #56-005-146 - \$535.72.
 - 2. Refund of 2002, 2003, 2004, 2005, 2006 and 2007 Real Estate Taxes – S & A Custom Built Homes, Inc., Parcel #68-024-241 - \$843.59.

3. Refund of 2002, 2003, 2004, 2005, 2006 and 2007 Real Estate Taxes – Brian Enterline, Parcel #13-073-013 - \$259.01.
- C. Satisfaction Agreement for Eleanor Lowery for property located at 1940 Caledonia Street, Harrisburg, PA 17104 (\$3,500.00).
 - D. Subordination Agreement for Timothy L. Cleveland for property located at 142 N. Union Street, Pillow, PA 17080.
 - E. Contribute County's pro rata share of \$2,345.00 for appraisal services and trial costs needed to ascertain the true value of Sear Roebuck & Company, a/k/a Algon Realty Company for property located at 4600 Jonestown Road, Tax Parcel No. 35-037-005.
 - F. Contribute County's pro rata share of \$857.00 for appraisal services and trial costs needed to ascertain the true value of Ames True Temper for property located at 1500 S. Cameron Street, Tax Parcel No. 01-049-037.
 - G. Contribute County's pro rata share of \$833.00 for appraisal services and trial costs needed to ascertain the true value of All Seasons Storage, DEBOB, for property located at 5630 Jonestown Road, Tax Parcel No. 35-015-004.
 - H. Refund \$2,160.11 to South Hanover Township Tax Collector Tracy Cooper as tax payment for property #56-109-172. Check from Charles W. Bennett was returned to Ms. Cooper from Fulton Bank for non-sufficient funds. The tax account on this property will be returned to unpaid status and the Treasurer will reinstate the tax liability so the property will be turned over delinquent.
 - I. Approval of Gregory G. Kline as 9-1-1 Coordinator for Dauphin County Emergency Management Agency effective January 1, 2008.
 - J. Adopt Resolution #1-2008 approving the 2008 Dauphin County Comprehensive Plan.
 - K. G. R. Sponaugle Service Maintenance Proposals:
 1. HVAC Mechanical-Only Services for the Veterans Building. Proposal #MP07369 from 1/1/08 – 12/31/2010 for \$14,400 per year.
 2. HVAC Mechanical-Only Services for the Administration Building. Proposal #MP07263 from 1/1/08 – 12/31/2010 for \$28,020 per year.
 - L. Intercon Automation HVAC Controls Maintenance Agreements:
 1. Proposal #PC070068 for the Administration Building from 1/1/2008 – 1/1/2011 for \$11,250 per year.
 2. Proposal #PC070069 for HVAC Controls and Mechanical for the Courthouse from 1/1/2008 – 1/1/2011 for \$82,000 per year.
 - M. Dauphin County – CIT Capital USA, Inc. litigation.
 - N. Consent to assignment by eco International, LLC which entered an Asset Purchase Agreement 11/2/07 with Amandi Services, Inc. who contracted with Dauphin County on 2/7/07 for e-waste recycling services.
 - O. Purchase of Service Per Diem Rates for Children and Youth and:
 1. United Methodist Home for Children Residential Care, Inc.
 2. St. Michael's School, Inc.

3. Perseus House, Inc.
 4. Bair Foundation of Pennsylvania
- P. Consultant Agreement between Dauphin County and Randy Paul, P.E. Randy Paul to provide services to Dauphin County Prison. (The scope of work shall include HVAC, Plumbing and Electrical Consulting Engineering design services to provide construction documents.)
- Q. Purchase of Service Agreement between A.A.A. and UPC of Central PA, Inc.
- R. Purchase of Service Agreements between Drug and Alcohol Services and:
1. Advanced Treatment Systems, Inc.
 2. Lower Paxton Township
- S. Memorandum of Understandings between Drug and Alcohol Services and:
1. Halifax School District
 2. Dauphin County Technical School
 3. Lower Dauphin School District
 4. Derry Township School District
 5. Millersburg Area School District
 6. Middletown School District
- T. Purchase of Service Agreement between Children and Youth and Bethany Christian Services of Western Pennsylvania, Inc.
- U. Amendments to Purchase of Service Agreements between Children and Youth and:
1. Jondu, Inc. – Amendment #1
 2. St. Michael’s School – Amendment #1
- V. Agreement between Dauphin County Department of Solid Waste Management & Recycling and The Illusion Maker, which will provide instructional performances at various schools during the 2008 school year, at a cost not to exceed \$7,000.
- W. Appointment of Jeff Haste to the Dauphin County General Authority. Term expires 1st Monday of January 2013.
- X. Proposal and Letter of Understanding to provide professional services regarding Capozzi & Associates, et al. v. County of Dauphin, et al. from Karl Jarek, and The Nottingham Group, LLC.
- Y. Emergency Shelter Grant Application for 2008 for MH/MR.

It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve Matters Requiring Board Action Items A through Y, listed above; motion carried.

FORMER BUSINESS

(There was none.)

NEW BUSINESS

Mr. DiFrancesco: A matter of new business to discuss briefly with the Solicitor's Office. I am asking you to do some review. While I normally don't tip my hand on legal matters, I think I'm going to tip my hand now because it bothers me. I would like you to take a hard look at what is going on with the Cumberland Valley Railroad Bridge, the CAT Bridge. As you know there has been some movement...

Mr. Haste: At the Lemoyne connector.

Mr. DiFrancesco: At the Lemoyne connector, but basically what it is referred to now is the CAT Bridge, which I'm technically not sure if it is owned by MTP, CAT or Cumberland County, but the bottom line is if Norfolk Southern is allowed, through PennDOT and other agencies, to move forward on the Lemoyne connection, basically they will be cutting that bridge off and taking a right-of-way that certainly has some community value and transit value and making it basically worthless. I want our Solicitor's Office to look into how we can protect our rights and interests under the law that if they do their project, even though it is outside of our area, obviously it would make that bridge useless and we would be losing the value of that. I would like to look at that legally. I would like to step that up a notch, because quite honestly I think it is absolutely absurd that we would let a very important right-of-way for future growth and expansion go by the wayside and that the interest of a major corporation would overshadow the public interests of a very growing vibrant area. So, I want to put that into the Solicitor's hands and have them take a real hard look at it. I think we have to go head-to-head. I know from past experience that it is very difficult to challenge the railroad companies when they start moving in America, but legally I think we have a lot riding on this. We have a lot to lose because of this and I would like them to take a real hard look at what we need to do to put our pieces in place to protect our interests moving forward.

Mr. Lighty: We would be happy to do that.

CORRESPONDENCE

Mr. Haste: The correspondence listed on the Agenda, Items A through H, have been received by the Board this past week and will be handled by the staff accordingly.

- A. Notification from ConAgra Mills advising that they have submitted an application to DEP for the renewal of a State Only Operating Permit.
- B. Notification from Donco Construction, Inc. advising that they are applying to DEP for the renewal of a General NPDES Permit for stormwater discharges associated with construction activities in Halifax Township.
- C. Notification from GSP Management Co. advising that they plan to submit an application to DEP for a NPDES Permit fro Shady Back Acres MPH.

- D. Notification from CET Engineering Services advising that Lower Paxton Township is applying to DEP for a Water Quality Management Part II Permit relative to the replacement of approximately 2,150 feet of sanitary sewer as part of its Paxton Creek Trunk "A" Sanitary Sewer Replacement Project located in Lower Paxton Township.
- E. Notification from Dauphin Engineering Co. advising that Susquehanna Township Authority is applying to DEP for stormwater discharges associated with construction activities in Susquehanna Township.
- F. Notification from CET Engineering Services advising that Lower Paxton Township is applying to DEP for a General Permit 11 for the construction of utility line stream crossings and wetland crossings with the use of General Permit 8 for temporary road crossings and General Permit 3 for the construction of stream bank restoration.
- G. Notification from H. Edward Black and Associates, P.C. advising that Daniel Schiavoni is applying to DEP for a General NPDES Permit for stormwater discharges associated with construction activities in Susquehanna Township.
- H. Notification from Glace Associates, Inc. advising that the Williamstown Borough Sewer Authority is applying to DEP for a MDWM-GP-4 Outfall Structure Permit for a sewage treatment plant upgrade.

PUBLIC PARTICIPATION

Mr. Haste: We are again at the point in time in the meeting for public participation. Is there anyone in the audience that would like to address the Board at this time? (There was none.)

ADJOURNMENT

There being no further business, it was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board adjourn.

Respectfully submitted,

Chad Saylor, Chief Clerk

Transcribed by: Richie-Ann Martz