



DAUPHIN COUNTY BOARD OF COMMISSIONERS

LEGISLATIVE MEETING

MARCH 31, 2010

10:00 A.M.

MEMBERS PRESENT

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

STAFF PRESENT

Chad Saylor, Chief Clerk; Marie E. Rebeck, Controller; Janis Creason, Treasurer; William Tully, Esq., Solicitor; J. Scott Burford, Deputy Chief Clerk; Randy Baratucci, Director of Purchasing; Mike Yohe, Director of Budget & Finance; Tom Guenther, Director of IT; Steve Chiavetta, Director of Registration & Elections; August Memmi, Director of Community & Economic Development; Gary Serhan, Deputy Controller; Amy Richards, Commissioners' Office; Leila Brown, Solicitor's Office; Steve Suknaic, Director of Juvenile Probation; Chad Libby, Juvenile Probation; Peter Vriens, Director of Human Services Director's Office; Fred Lighty, Esq., Human Services Director's Office; Steve Libhart, District Attorney's Office; Gino Santamarie, Solid Waste; Jack Wright, Human Services Director's Office; Edgar Cohen, Director of Facilities Maintenance; George Connor, Community & Economic Development; Dee Thomas, Personnel; Kay Lengle, Personnel and Richie-Ann Martz, Assistant Chief Clerk

GUESTS PRESENT

Emily Opilo, Pat Navigato, Omar Syed, Jonathan Cox, John Traynor, Leah Rowand, Tonya McGee and Dr. Jameson Lawrence

MINUTES

CALL TO ORDER

Mr. Haste, Chairman of the Board, called the meeting to order at 10:25 a.m.

MOMENT OF SILENCE

Everyone observed a moment of silence.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

APPROVAL OF MINUTES

It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve the March 10, 2010 Workshop Meeting Minutes and the March 17, 2010 Legislative Meeting Minutes.

Question: Mr. Haste – Aye; Mr. DiFrancesco – Aye and Mr. Hartwick – Aye; motion carried.

EXECUTIVE SESSIONS HELD BETWEEN MEETINGS

Mr. Saylor: Commissioners, as you know we met this morning in Executive Session, March 31, 2010, to discuss matters of litigation and personnel.

ELECTION BOARD MEETING

A complete set of Election Board Meeting Minutes are on file in the Commissioners' Office.

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?

Mr. Lawrence: My name is Dr. Jameson Lawrence, Esq. I'm CEO of BVFR & Associates, LLC. It is a local investment banking firm based in Lemoyne. I'm here with Bond Counsel from Rhoads & Sinon, John Cox. I'm here today in my capacity as a partner in sponsoring the Midtown Arts Project. We have drafted a Resolution that we will submit for consideration at the appropriate time to allocate \$2.2 million in Recovery Zone Facility Bonds, where there will be conduit financing through the Industrial Development Authority or another selected authority within the county to fund, what are called private activity bonds, which are sponsored under the ARRA. We are here to address any questions.

Mr. Haste: We do have on the Agenda Resolution #11-2010, which would designate the area as Recovery Zone. It does not deal with the financing yet. The intent was to

deal with the financing next week. It is my understanding that your Resolution basically combines the two into one.

Dr. Lawrence: Yes. We had submitted two weeks ago a sample resolution for the designation of the area. We then submitted a separate resolution that was only for the allocation for HMAc. You should have received a separate resolution that only addresses the allocation for HMAc, separate from the designation of the actual area. We have that with staff and we have a copy here that we will place on the record as well.

Mr. Haste: Can I see that? I don't think I have a copy of that.

Mr. Hartwick: I don't have it either.

Mr. Haste: This goes back to the original second resolution that was proposed a couple of weeks ago.

Dr. Lawrence: Correct. What we are suggesting Commissioner, just by way of clarification of process. We approached the County to request allocation. We are not asking the County to commit to any funding. What happens in this process is we would get the request for the allocation approved. That simply allows us as an investment banker and our Bond Council to go into the private sector and communicate with the lending population through a RFP with existing relationships that we have to negotiate the actual commitment for the financing. At that time, once we've secured that commitment, we come back to the County and then we would ask the County, particularly if we are going to utilize the Industrial Development Authority of Dauphin County, for the approval of the actual issuance. I want to be clear that at this point we are not asking you to commit to the obligation of the funding. We are simply saying let us out of the gate to have the conversations with the private sector.

Mr. Haste: To be able to market it.

Dr. Lawrence: That alone gives us the ability to begin to address the issues of the construction plans. As I said to you last week, Wagman Construction is doing the walk-thru and working to negotiate the best price contract. It allows us some credibility to begin to negotiate that process so that when we are talking to the lenders we have a little bit more credibility in those conversations. We need to come back at a later date to actual say here is what we actually negotiated. Based on that negotiation and if it is acceptable to us as borrowers, we would come back and say we would like to work in conjunction with the Industrial Development Authority to actually issue those bonds and by full disclosure we have met with the individuals at PEDFA, who obviously have the ability to issue these bonds, as well. So, we have not made the partnership decision as to whether or not it will be the Industrial Development Authority of the County or PEDFA, who has their process in place, as the actual issuers.

Mr. Saylor: Staff has not had a chance to thoroughly review this.

Mr. Hartwick: From our standpoint, we have always believed that local government shouldn't be the impediment to try to move forward investing in the private side. I wanted to be clear in making that a part of my beginning remarks. However, in recent history in the County with some projects that have not been thoroughly vetted, not to say this is not a reflection of your project. The inability for us to spend another week to do some due diligence on this process and come back next week to be able to consider this resolution and then ultimately the financing that would be as you said you have an option between PEDFA and the IDA. How far behind does one week put you?

Dr. Lawrence: One week is a reasonable amount of time for what you are looking to accomplish. We have had conversations with the Industrial Development Authority. We have communicated with staff. What we are hoping to do is address whatever questions there are about the project. We are not asking the County in any way for a credit decision. We are looking to get the commitment for the allocation, which actually allows us to talk to the private sector.

Mr. Hartwick: We have also been talking about how we are going to structure this to make sure that... You are the first one to bring a project to the table for the County for this particular type of recovery zone bond financing. As a matter of fact, we are going to allow these projects to come on a first come, first serve basis. You have prioritized this project. We prioritized this project. If it is in fact eligible, it would be first on our list to move forward. What you are asking and what I'm asking specifically as a Commissioner is to allow our Solicitor to review this particular resolution to ensure that this conversation is, in fact, going to be something that we can know that is legally acceptable to the County and does not have any exposure to us for any allocation risk. We need one week to go through the financial arrangement within the project structure. If it is a matter of whether or not somebody else gets to the table quicker and is able to access those dollars, I'm in a public meeting saying that as one Commissioner I support this project on a first come, first serve basis for the allocation of \$2.2 million. That may not do anything for you without a resolution to go to market, but it is not a matter of somebody else coming with a project and scooping up the dollars.

Dr. Lawrence: I respect and appreciate that.

Mr. Hartwick: I think, as one Commissioner, based upon recent track record, which has nothing to do with you, I would like for our folks to do one week of due diligence to be able to kick the tires just a little bit more to understand the entire act and to ensure that there is no exposure from the County's perspective. After we get that information back we can take action next week.

Dr. Lawrence: I appreciate that Commissioner. We provided to Solicitor Tully the resolution that was the combined resolution. Essentially all we did here is script out part two of that...

Mr. Haste: This is what we got originally?

Dr. Lawrence: Correct.

Mr. Haste: Originally there were two, we put them into one and now we are going back to two.

Dr. Lawrence: You got it. That was per staff request. We were trying to be helpful in giving you the ability...

Mr. Haste: Let me ask a couple questions and maybe we can accomplish your goal and our goal at the same time. Commissioner Hartwick was very good in explaining the gun shyness of this Board, even if we are not backing the credit, giving a letter of credit or anything like that. The other concern we have is facilitating a project that is going to be successful and not facilitate a project that becomes a burden to the area and financial folks and not just us and taking \$2.2 million and putting it on a project that won't make it versus a project that would make it. I happen to believe that this project will make it. I know you still have some stickiness to get through. That is the concern we have and the reason we want a week to take a look at it. I'm going to ask a question to see if we can give you what you want and also have our week. All this is and I don't know Bill if you can take a look, but if all this is, is to allow you to go into market to start to line up bonds, do we have the ability, once they do that and we hear more on the financial situation, not to follow through if for some reason you go to market and you get bonds and we have decided that we talked to the bank and they say this project is never going to happen, do we, at that point in time, have the ability to not move forward and/or do we have the ability next week to rescind this resolution thereby, not cutting their time down and still giving us time to do due diligence? That is a question that I'm asking the legal folks.

Dr. Lawrence: What I can tell you is yes and I will either speak to this from an investment banking standpoint and a legal standpoint and then I have bond counsel here as well. Assume tomorrow that we found Metro Bank and they said they love this project and I'm interested in buying the bonds. That in and of itself only allows us to negotiate the term, interest rates, schedules, etc. They say based on that they are now interested in buying the bonds. We would still, by law, have to come back to the County to say here is what we negotiated, would you now allow the Industrial Development Authority, assuming that is the vehicle that is going to issue the bonds, to do so. Based on your interim due diligence you can say no thank you Dr. Lawrence.

Mr. Haste: All we are doing is designating that area a recovery zone and then someone else then would be the sellers of the bonds.

Dr. Lawrence: Correct. Someone else would be the issuer of the bonds.

Mr. Saylor: Would a letter of support rather than a formal action of the Board suffice for a week's time period? You are talking about having sit downs with banks to discuss this.

Mr. Hartwick: Again, once we create the zone it would be a request for the financing portion not to come in front of this Board. It would be a request to come in front of the IDA Board. I don't know why we would be authorizing any financing beyond the creation of the zone. That is a little bit hard for me also to determine. I don't know why we would be...

Mr. Saylor: That is my concern. We have all these questions out here yet.

Mr. Haste: That is why we are in a public meeting to ask them.

Mr. Cox: A TEFRA hearing would have to be held. It is required that the host jurisdiction approve the project initially. In order for the County's IDA, the County's approval would satisfy both of those requirements. That is what Dr. Lawrence is referring to was that we still have to come back to the County for TEFRA approval if it goes through the County IDA. The first is the designation of the Recovery Zone itself, which is a Resolution that is on your Agenda to consider today. The second is you control the allocation. Pennsylvania received \$231 million dollars of Recovery Zone money, which has been distributed to the counties. So, you control that piece of that pie, the use of that allocation.

Mr. Haste: It is similar to the Growing Greener dollars. We make the earmarks for the dollars. We say where we want those dollars to go. Again, at no point in time do we have to guarantee or are on the hook for the dollars.

Mr. Cox: Correct.

Mr. Haste: The concern, having been snake bitten, is to make sure that it is a project that will go to fruition. We want to make sure that the \$2.2 million is, in fact, going to a successful project that ends and not one that sits idle on a street and becomes an eyesore for months to come. I don't think that is the case at all.

Dr. Lawrence: I appreciate that. We do a lot of the USGA Financing and in that case we are putting a package together similar to what we are doing here. We go out to private members and say this is a good deal, but it is a better deal because the USGA is putting up 80% or 90% guarantee. The bank, in that case, knows that if the deal collapses two days after construction they have only 10% or 20% of unguaranteed funds. In this particular instance, this is private activity bonds. We don't even get to address your concern about having egg on your face. The private sector determines whether or not we actually get to fruition. You could approve the resolution allocating the allocation for RZFB funding for the Midtown Arts Center. You could say I'll give you so many days for that to be out there in the marketplace. If the marketplace deems that the project is not viable, that allocation reverts back to the County fairly and then the County would have the ability to utilize that for other projects.

Mr. Hartwick: I sincerely appreciate your expertise. If you are saying that the private market has the ability to determine and dictate whether or not they believe if they are going to put their money where the project is, it is going to be successful, just as Metro Bank said about the Cameron and Herr Street Project. They believed it was a viable project and now the bank, County, State and other folks have been out significant dollars because of mismanagement. I understand and I'm all for letting the private sector dictate, but we have also seen in those instances where we have had some issues, even as we jumped in as the last person in the mix. We have an obligation to insure the use of government entities in assisting the finance. We just want to make sure that the project is successful. We are going to be your biggest cheerleaders. I now know where Midtown Arts Center is. I think there is a great concert Saturday night. It is a great venue. It is one that enhances this region. We just need a week to ensure that we can get some questions answered. After that week I would be more than willing to act on this. I have a couple more questions to ask and I want to make sure they are addressed.

Mr. Haste: Let's follow up on Chad's suggestion. Does a letter of intent to adopt next week help you at all in getting to the market?

Dr. Lawrence: Yes sir. Any affirmative action is helpful in the process.

Mr. Haste: If we were to adopt a Recovery Zone resolution, give you a copy of that and at the same time today approve a Letter of Support indicating that it is our intent to adopt a resolution next week after due diligence. Does that allow you to get out into the market and do what you need to do?

Dr. Lawrence: Yes, that would be greatly appreciated.

Mr. Haste: That was my goal of this discussion to try to meet your needs and ours at the same time.

Mr. Hartwick: I'm okay with that.

Dr. Lawrence: We appreciate all of the Commissioners' time and support for the project. We appreciate the position that you guys are in and will make myself and our counsel available to answer any questions that you might have.

Mr. Hartwick: Thanks for your expertise. You have been very helpful.

Mr. Haste: We'll come up with the wording. Mr. Tully, put your thinking cap on between now and when we get to the voting items. We should have wording that allows us to draft a letter today that allows them to move forward and still gives us the cushion of a resolution next week.

Mr. Tully: If you'll excuse me when they step out I'll step out with them and see what we can do to expedite.

Mr. Haste: You will be back before we vote?

Mr. Tully: Absolutely.

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

DEPARTMENT DIRECTORS/GUESTS

A. Stephen Libhart, District Attorney's Office

1. 2010 D&A RIP Grant from PCCD (A vote is Requested)

Mr. Libhart: I have the annual reapplication of PCCD for the money we use to fund the large majority of the efforts of the Dauphin County's Drug Court. This year's announcement is slightly more than last year's, just over \$208,000. Last year's was about \$203,000. The money will be spent proportionately to the exact same resources that we've used the prior three years. One staff person will be partially funded (entire salary and half of the benefits). The rest is being used for treatment and program maintenance costs. This is a grant that requires no match from the County. It is entirely funded by the State. We were fortunate enough to receive an allocation from that again this year.

Mr. Hartwick: There are a number of benefits to this, which have all been well documented and discussed including the savings of prison days, addressing the recidivism and prison population. It also does one thing now with our Drug and Alcohol Department, who is the recipient unfortunately of some State budget cuts. This helps to offset salaries of individuals within that department who specifically focus their time and energy towards the Drug Court operation, which in a time of reduced funding certainly allows us to continue to keep that level of service and make sure that none of the issues that are surrounding Drug Court and the successes that have been occurring will be compromised. We are appreciative of that.

Mr. Libhart: Just for clarification Commissioner. Actually this grant does not offset any salaries to Drug and Alcohol, the treatment dollars that they would typically use are taken out of here. The staff member funded under this is part of a probation officers salary.

Mr. Hartwick: Did we not make an adjustment last year to fund?

Mr. Libhart: Two years ago we made that adjustment. Last year's was exactly like this year's. It is easier for them to make adjustments to their State allocation by the treatment costs than it is the personnel costs.

Mr. Hartwick: I stand corrected.

Mr. Libhart: I just want to be clear.

Mr. Haste: Is this out of the 09/10 fiscal budget, or is this coming out of the upcoming fiscal budget?

Mr. Libhart: This one is out of the 09/10, but we have a six-month drag on it. This one has already been allocated to PCCD.

Mr. Haste: PCCD is getting cut this year.

Mr. Libhart: Frankly, this particular line item does not see any cuts. Almost 70% of the line item goes into the Philadelphia area. So, they just typically leave this one alone. The cuts come through other things. Unfortunately, PCCD gave me a little extra time on this, because of my situation last week. I needed to have this in and that is why I'm requesting a vote today. I'm going to run the signature page up to them this afternoon. I would appreciate a vote if you don't have any other questions.

Mr. DiFrancesco: Having seen the first graduation and just a response of all the people involved, this is a great program. It really is a great program. What this investment will save us down the road is the rate of recidivism and the fact that many of the people going through this program, normally without this level of treatment, would just be constantly flowing through the revolving door at the Prison. This can break that trend. Just listening to the people who graduated from the program, they have the support that they need to break that cycle and they wouldn't have if we wouldn't have instituted this program. It is a good grant.

Mr. Libhart: We are fortunate to get it up and running. I think we have been more than fortunate in the results that it has yielded so far. Our results are probably the highest in the State, percentage wise. That is due in large part to the experience that we have in place with running a program like this. A large majority of this success is due to Judge Lewis. They really respond to what Judge Lewis is doing.

Mr. DiFrancesco: The whole team of probation officers, the whole set.

Mr. Libhart: People don't understand how much extra work everybody that is involved in this is putting in for it, especially the probation officers.

Mr. Haste: We have a number of County departments that worked very hard on this.

Mr. Libhart: Thirteen total.

Mr. Hartwick: For a lot of the folks who are eligible, they choose not to go through this because it is a pretty rigorous process.

Mr. Libhart: It is not easy.

Mr. Hartwick: It is one that requires folks to attend treatment and be tested more frequently.

Mr. Libhart: There were quite a few people who were accepted and came the day they were supposed to enter their plea and it dawned on them.

Mr. DiFrancesco: The people who graduated were kind of funny too, because when they got up to speak and received their certificate of graduation they basically said how much they hated it in the beginning, because of the level of oversight and because there was constantly somebody on them. That is what helped them and supported them and gave them what they needed to say, hey my life is messed up and I need to change it. The people that graduated, it was very telling when they got up there and spoke and talked about their experience. The nice thing about it was they were speaking to a room full of other people that are going through it right now.

Mr. Libhart: That's right.

Mr. DiFrancesco: Some of those would be at that point where they hate that thing, because somebody is always watching them. It is a much better investment for those going through it and for the taxpayers, because that revolving door gets broken.

Mr. Haste: Part of it is because we are able to identify the individuals who truly want to make a change in their life and not just take the easy way out to keep from some judge or someone getting on their case. These are people who made a commitment and made the decision to change.

Mr. Hartwick: I mentioned that because when you hear and you see us talking about alternative courts, mental health courts and our drug courts, people always say why do you give these folks slaps on the wrists. That is why the success rate is a whole lot more efficient, because it is a whole lot easier to be a problem than it is to become accountable, develop a transition plan, get a job, become a taxpaying citizen, get your kids back and live a productive life that's drug free, not to mention the 3,000 prison days it saves taxpayers, which is approximately \$200,000.

Mr. Libhart: On behalf of everyone involved with this project, thank you for your support of it.

It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve the 2010 D&A RIP Grant from PCCD.

Question: Mr. Haste – Aye; Mr. DiFrancesco – Aye and Mr. Hartwick – Aye; motion carried.

SALARY BOARD

A complete set of Salary Board Meeting Minutes are on file in the Commissioners' Office.

PERSONNEL

Ms. Lengle: I have no changes from what was presented last week. Are there any questions on any of the items in the Personnel Packet? We will have to pull #13.

Mr. Hartwick: I would also like to hold off on #14 and #15.

Mr. DiFrancesco: I'm going to hold off on #8, #9, #10 and #11.

Mr. Hartwick: I guess the message to the directors is to get it in the hiring window.

Mr. Haste: That's exactly it. Janis' is not on hold, because she came to us and talked to us and that is a position that is needed to collect the taxes. We would be somewhat foolish not to have the person who is processing the money coming into the County. Other than that, there needs to be a really, really good reason why we are hiring outside of the window.

Ms. Lengle: I thought it was clear.

Mr. Haste: It has not been made clear and if it is not a cost reduction we wait until the window.

Mr. DiFrancesco: When we instituted the hiring windows, there was a committee formed basically so those special requests would go through a staff evaluation, and those positions that do drive overtime would be given special consideration outside of the window, because the costs would be far greater if we didn't fill the position. Unfortunately, that evaluation was not done. I think probably what happened is that some of these came through oversights and oversights were like okay make the pitch and the pitch was never made to the staff committee. Until we can verify that there is a structured procedure in place, we are going to hold to the hiring windows.

Mr. Haste: Promotions can wait. I don't understand how promoting someone saves us overtime dollars. May be there is a rare situation.

Ms. Lengle: I guess they need someone in the supervisory position. I thought that all had been worked out too.

Mr. Haste: They need to understand that the window is there for a reason.

Mr. Hartwick: There were questions raised and there has been a determination right now that there is no need to do it at this time and to wait for the window.

It was moved by Mr. DiFrancesco and seconded by Mr. Hartwick that the Board approve the Personnel Packet with #8, #9, #10, #11, #14, #15 and #17 on hold and #13 pulled for now.

Question: Mr. Haste – Aye; Mr. DiFrancesco – Aye and Mr. Hartwick – Aye; motion carried.

PURCHASE ORDERS

Mr. Baratucci: The Purchase Order Packet is the same as last week with the budget issues resolved. Unless you have any questions I would ask for your approval on the Packet.

It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve the Purchase Order Packet as presented.

Question: Mr. Haste – Aye; Mr. DiFrancesco – Aye and Mr. Hartwick – Aye; motion carried.

Mr. Baratucci: The other item I have from last week is the Blackberry requests. One is covered under a personal plan and one is covered by the Drug Task Force money. There were also two Remote Access items for Adult Probation out of Supervision Fees. We presented all of those last week. Yesterday, I assume, we all got an email from Mr. Guenther about two more Remote Access requests from Work Release for the residents of the Work Release to do job searches on a secure network. Mr. Guenther is here in case you have any other questions. He wanted me to see if we could add these to the other ones from last week for approval.

Mr. DiFrancesco: My concern with this one is I think there is value to it. It is a good idea, but your security on this...

Mr. Haste: Are you referring to the Work Release ones?

Mr. DiFrancesco: Yes. I don't know how you are going to meet the level of security that I'm going to expect you to have on this computer. That is the one comment that I will make. I think it is a great idea for job searches and so forth for the people at Work Release, however, the ability to use these computers out there are going to have to be closely monitored and strictly limited, both from a software perspective, but also from an oversight perspective.

Mr. Haste: We had that discussion at length yesterday. I had those same concerns. It is my understanding how this is going to be is we are going to have a software program on there that will limit it to certain sites. In addition to that the physical location of where these will go is it will be done in such a way that the probation officers or the worker in the Control Center will be able to look out and look at the screen. The screen will be

positioned in such a way that when they are on the system another individual will be able to look at the screen to see what they are doing. So, there will be two. It will be software, as well as a physical individual monitoring what is going on.

Mr. DiFrancesco: I would recommend also from a probation perspective that if any abuse at all takes place that there is something expressly written in their probation or work release agreement that bad, bad things will happen if you violate these rules.

Mr. Baratucci: The funding for this is also coming out of Work Release commissary funds.

Mr. Hartwick: Define bad, bad?

Mr. DiFrancesco: I don't know that at this point I can define bad, bad.

Mr. Haste: They go back to DCP.

Mr. DiFrancesco: I'm sure their probation officers can come up with something that constitutes bad, bad.

Mr. Haste: In many cases, they end up back over at DCP, which they lose the opportunity to do what they were there for. As we move forward and I talked with Matt about this, we develop more programs in the Adult Work Release Center, of which I think he has done a great job. One of the key elements that we need to do is to be able to assist these folks to find jobs. That is why they are there. With more and more going to the Internet as opposed to the print media there is a real need for them to be able to get onto the Internet to not only search for jobs, but to apply for jobs. The key has been how we do it in a way that minimizes their not following rules and this appears to be the best way we can come up with right now.

Mr. Hartwick: To Nick's point, do we have any written policies that are going to accompany these requests? I certainly think it is a great idea. I want to make sure that people have the opportunity to get to work and apply for jobs. It would be good, as we are approving air cards, to have an accompanying policy that would determine what bad, bad actually means and exactly how the enforcement of this would go through Work Release.

Mr. Guenther: We obviously have that for the employee access. I'll work with Matt to make sure we have that defined within their procedures for the residents.

Mr. Haste: There is a policy booklet that they get for procedures they must follow while they are there. This just needs to be added. Any violation of that sets them up. It is not an automatic.

Mr. Guenther: It is within their disciplinary guidelines that they have for other events.

Mr. Hartwick: Just make sure we follow-up to make sure that has been accomplished.

Mr. Hartwick: You said you have Blackberry requests too.

Mr. Baratucci: Last week there were two. One was for Judge Coates' staff person, which was personal. The other one was for the Drug Task Force. The one for the Drug Task Force is being paid for out of Drug Task Force money. The other one is a personal hook-up deal.

Mr. Hartwick: I would like to take those separately if I could.

It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve the Remote Access Card requests (2 for Work Release and 2 for Adult Probation).

Question: Mr. Haste – Aye; Mr. DiFrancesco – Aye and Mr. Hartwick – Aye; motion carried.

It was moved by Mr. DiFrancesco and seconded by Mr. Haste that the Board approve the Blackberry Requests for a staff member of Judge Coates, which is a personal one, and one for the Drug Task Force.

Question: Mr. Haste – Aye; Mr. DiFrancesco – Aye and Mr. Hartwick – Nay; motion carried.

Mr. Hartwick: I would have voted on the one, but they were not taken separately. Judge Coates' staff member is paying for his own Blackberry versus having other funds being used to support the Blackberry.

REPORT FROM BUDGET & FINANCE – MIKE YOHE, BUDGET DIRECTOR

Mr. Yohe presented the following report:

Report from the Office of Budget & Finance March 31, 2010

- **March 19, 2010** transferred **\$534,207.47** to the **Payables** account from the County's Concentration account for checks issued that week.
- **March 26, 2010** transferred **\$5,211,927.95** to the **Payables** account and **\$1,891,725.67** to the **Payroll** account from the County's Concentration account for checks issued that week.
- **Total Term Investments**
 - 1/14/10 - **\$20,020,094.05** 6-mo. CD - Susquehanna Bank – **0.800%** - matures 7/15/10
 - 3/18/10 - **\$ 5,000,000.00** 9-mo. CD - Graystone Bank – **0.900%** - matures 12/16/10

- **Balance today in INVEST account \$1,375.81 rate 0.184%**
- **Balance today in Susquehanna Bank investment account \$72,242,863.10 rate 0.500%**
(This rate is fixed for the month)
- **Balance today in First National Bank investment account \$7,505,799.66 rate 0.610%**
(This rate equals today's PLGIT-Class interest rate of 0.060% plus 55 basis points)
- **Balance today in Citizens Bank Municipal Money Market account \$10,069.84**
- rate 0.200% (This rate is fixed for the month)
- **Balance today in Citizens Bank Municipal Money Market Checking account \$11,365.79**
rate 0.200% (This rate is fixed for the month)
- **Balance today in PNC Bank investment account \$1,000.00 rate 0.200%** (This equals today's Fed Funds rate of 0.250% minus 5 basis points)
- **Balance today in Graystone Bank investment account \$1,000.00 rate 0.050%** (This equals today's Fed Funds rate of 0.250% minus 20 basis points)
- **Balance today in Metro Bank investment account \$100.00 rate 0.000%** (This equals today's 90-day T-Bill rate of 0.160% minus 25 basis points)

No T.R.A.N. Line of Credit required for 2010.

Mr. Yohe: I was actually looking forward to reporting that we were putting some of this money out. I made a lot of contacts this week. Nothing changed in two weeks. I just cannot see locking money up for six months. The best that I'm getting is .6%. I ran some numbers on that and we are talking maybe \$25,000 interest in that \$50 million that is available today. At those differences, I think we are going to do better by waiting a little bit longer. I'm looking at .6% was the best offer I got for six months. A year is only .8% now. I did talk to both Susquehanna and Citizens and they think something is on the horizon. It is the best I can do. I don't think we want to lock it up that long. Taxes are still coming in, but I think if we wait a little bit longer if I can get that .6% up to .8% it will be worth that \$25,000 we might be losing if they stay at this rate. I'm on speed dial with these banks when anything comes up. They are supposed to let me know.

REPORT FROM CHIEF CLERK/CHIEF OF STAFF – CHAD SAYLOR

Mr. Saylor: We had an Executive Session that I didn't report on earlier. It was held on March 25, 2010 in the afternoon. We discussed matters involving litigation. Other than that I have nothing unless there are questions of me. (There were none.)

SOLICITOR'S REPORT – WILLIAM TULLY, ESQ.

Mr. Tully: I want to report back to you. I did meet with the individuals. We would be requesting that you vote basically to authorize a Letter of Intent. We will have the final language probably by this afternoon for your signatures. Perhaps you want to designate that it can be signed by all three of you or by the Chairman or Chad if we can't get you all assembled within the time frame they need for the letter. It would basically be your intention to allocate \$2.2 million of the Recovery Facility Funds for the Harrisburg Midtown Arts Center. That satisfies the concerns that we have at this point and hopefully we will be in a position to finalize matters next week.

Mr. Haste: Even though it is not on the Agenda, I'll call it YY, Letter of Intent.

MATTERS REQUIRING BOARD ACTION

- A. Training Packet.
- B. Satisfaction Pieces for:
 - 1. Pamela Brown on the property located at 908 Roberts Valley Road, Harrisburg, PA 17110 (\$1,447.23).
 - 1. Connie & William Hopkins, Jr. on the property located at 44A Romberger Rd., Elizabethville, PA 17023 (\$3,500.00).
- C. Subordination Agreement for Daniel G. Anderson and Tamecia V. Maitland on the property located at 2718 Boas St., Harrisburg, PA 17103.
- D. Extended Warranty and Support Services Agreement #010610CW3 (Electronic Monitoring and Maintenance Contract) between Dauphin County and BI Incorporated for coverage of all 185 Electronic Monitoring Units for the period 1/1/2010 – 3/31/2013.
- E. Equipment Schedule No. 2 to the Lease Agreement #101404DY1 between Dauphin County and BI Incorporated for one (1) Total Access Guard Server (GS-500-TA) and one (1) HP Laser Network Printer (GS-2013).
- F. Fee Agreement between Dauphin County and BI Incorporated for the Exacutrack GPS Server daily tracking fees.
- G. Local Share Municipal Grant Agreement for Derry Township.
- H. Professional Services Agreement between Dauphin County, South Central PA Task Force and David J. Spotts (Planning Specialist/Subject Matter Expert).
- I. Professional Services Agreement between Dauphin County, South Central PA Task Force and Hildebrand and Noll Associates (Planning Specialist/Subject Matter Expert).
- J. Maintenance Agreement between Dauphin County and Intercon (Proposal No. PC09213) for MDJ Office located at 1520 Walnut Street, Harrisburg.
- K. Change Order #2 PlantCML from Verizon which addresses a required equipment reconfiguration for the technology upgrade project 1-16M80D at the EMA Center.

- L. Change Order #3 County CS1000E from Verizon which addresses a required equipment reconfiguration for the technology upgrade project 1-16QX6L at the EMA Center.
- M. Performing Artist Contracts:
 - 1. Dauphin County Music & Wine Festival – June 13, 2010 – Dala
 - 2. Dauphin County Music & Wine Festival – June 13, 2010 – Frank Vignola
 - 3. Dauphin County Jazz Festival – September 12, 2010 – Madkeda
 - 4. Dauphin County Jazz Festival – September 12, 2010 – Spur of the Moment & Special Guest Phil Perry
- N. PA Department of Community & Economic Development Business Retention and Expansion Program Grant for the United States Colored Troops (SCT) Grand Review Chautauqua & Heritage Fair – November 4-6, 2010.
- O. Refund of penalties for 2009 Delinquent County taxes for Parcel No. 60-031-080 – Jeffrey Shearer - \$95.76.
- P. Refund of penalties for 2009 Delinquent County taxes for Parcel No. 35-041-071 – Marianne E. Rudebusch - \$67.13.
- Q. Repository Bid received from Saifullah Siddiqui for the following parcels:
 - 1. Parcel No. 10-025-035, 533 Emerald St., Harrisburg - \$300.00
 - 2. Parcel No. 10-053-041, 244 Emerald St., Harrisburg - \$300.00
 - 3. Parcel No. 11-003-029, 2000 N. 4th St., Harrisburg - \$300.00
- R. Lease Agreement between Dauphin County and HP Financial Service for 50 PCs and five Laptops for distribution to various County offices.
- S. Hotel Tax Distribution to Open Stage of Harrisburg.
- T. Justice Assistance Grant Local Jurisdiction Waiver for the YWCA.
- U. Request for Time Extension – Local Agreement No. 088362, District 8-0, Dauphin County 2005-2009 NBIS Bridge Inspections.
- V. Purchase of Service Agreements between Children & Youth and:
 - 1. Bethany Christian Services of Western Pennsylvania
 - 2. CONTACT Helpline
- W. Amendments to Purchase of Service Agreements between Children & Youth and:
 - 1. Hempfield Behavioral Health, Inc. – Amendment #2
 - 2. Vision Quest National, Ltd. – Amendment #1
 - 3. Harrisburg Area YWCA – Amendment #1
- X. Adoption Assistance Agreements #2009-66 and #2010-07.
- Y. Rider 1 to the Standard CBHNP Provider Participation Agreement.
- Z. Child Care Network Grant Agreement.
- AA. ARRA Grant Application to the Pennsylvania Commission on Crime and Delinquency for a reporting center.

- BB. Lease Agreement #0731704 between Dauphin County and Capital Business Systems/Credential Leasing Corporation for copiers in several County departments.
- CC. Lease Agreement #0731705 between Dauphin County and Capital Business Systems/Credential Leasing Corporation for a copier at the Cooperative Extension Office.
- DD. Lease Agreement between Dauphin County and Capital Business Systems/Credential Leasing for a month-to-month copier lease for the AAA Kitchen.
- EE. Agreement between Dauphin County and the Dauphin County Detective's Association for the period 1/1/2010 to 12/31/2013.
- FF. Resolution #8-2010 authorizing the continuance of the Dauphin County Rental Assistance Program.
- GG. Purchase of Service Per Diem Rates between Children & Youth and:
1. CONTACT Helpline
 2. Associated Marine Institute t/d/b/a Wing's for Life
 3. Bethany Christian Services of Western PA
 4. Bradley Center, Inc.
 5. Alternative Rehabilitation Communities, Inc.
 6. Christian Psychotherapy Services
 7. Family Care for Children and Youth, Inc.
 8. Gaudenzia Chambers Hill Adolescent Program
 9. George Junior Republic of PA
 10. Northwestern Human Services of Pennsylvania, Inc.
 11. NHS Youth Services
- HH. Partial Refund of 2009 & 2010 Real Estate Taxes – Frank & Rita Piazza – Parcel #22-001-144 - \$871.25.
- II. Partial Refund of 2004-2009 Real Estate Taxes – Bruce & Doris Winters – Parcel #24-052-005 - \$271.76.
- JJ. Refund of 2010 Real Estate Taxes – Camp Hebron – Parcels #29-027-044 and #29-027-046 - \$2,914.04.
- KK. Partial Refund of 2009 Real Estate Taxes – Berks County Real Estate Associates – Parcel #35-037-012 - \$7,276.23.
- LL. Partial Refund of 2007-2009 Real Estate Taxes – Michael & Anne Floyd – Parcel #68-022-271 - \$249.09.
- MM. Partial Refund of 2004-2009 Real Estate Taxes – Leslie Craig Pheasant – Parcel #25-012-036 - \$221.86.
- NN. Appointment of Jeremy Dobbin as Deputy Tax Collector for Halifax Township.
- OO. Resolution #9-2010 supporting Winn Development's Restoration of the Felton Elementary School and Commitment for \$66,666 per year in Affordable Housing Trust Funds for the years 2010, 2011 and 2012 in the form of a loan.

- PP. Resolution #10-2010 supporting Winn Development's Restoration of the Felton Elementary School and Commitment for \$175,000 in Local Share Gaming Funds in the form of a loan.
- QQ. Environment Review Record for Gratz Park Terrace.
- RR. Request for the Release and Certification of ARRA Funds by the Housing Authority of Dauphin County for the Gratz Park Terrace repairs. (This project was awarded \$1,240,000 in additional funds from ARRA.)
- SS. Resolution #11-2010 creating a Recovery Zone within the meaning of the American Recovery and Reinvestment Act setting forth findings regarding the Recovery Zone, authorizing and directing officers of the County to undertake all steps necessary to implement this Resolution and providing for severability and effected date of the terms of the Resolution.
- TT. Maintenance Agreement between Dauphin County and Herre Bros., Inc for HVAC, Plumbing and Electrical Services at the Work Release Center for the period 4/1/2010 – 3/31/2011.
- UU. Change Order #10 by Motorola, Inc.
- VV. Alternate Funding of the Human Services Development Fund from the Unrestricted Gaming Fund in the amount of \$51,800.
- WW. Termination of Janitorial Services Agreement between Dauphin County and the Dauphin County General Authority.
- XX. Appointments to the Tri-County Regional Planning Commission: Gary Lenker, John Kerschner, Ed Carney, Paul Clark, Kim Possinger, Candice Stowell, James Bullock, Michael Spivey, William Hawk, E. Denny Beaver and Fred Lighty. (Terms expire December 31, 2011)
- YY. Letter of Intent to allocate \$2.2 million of the Recovery Facility Funds for the Harrisburg Midtown Arts Center.

Mr. Haste: We have Items Requiring Board Action. On the printed Agenda it is A through XX. It is actually A through YY now with YY being the Letter of Intent to earmark \$2.2 million of the Recovery dollars for the Harrisburg Midtown Arts Center. Is there anything that needs to be pulled out separately?

Mr. Hartwick: I should have asked this under the Solicitor's Report. Item UU?

Mr. Tully: That was a matter that was actually brought up at our Solicitor's Meeting. Essentially we had him call in and explain the situation. It is primarily more a time extension issue.

Mr. DiFrancesco: That's all it is.

Mr. Tully: It will allow us to not take control, not start the warranty time until all the other matters have been resolved. It is in our interest at this point. There is no downside to that.

Mr. Haste: That is for the radio project.

Mr. Tully: That's correct.

Mr. Haste: Is there anything else that needs to be pulled out separately? (There were none.)

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

Question: Mr. Haste – Aye; Mr. DiFrancesco – Aye and Mr. Hartwick – Aye; motion carried.

FORMER BUSINESS

(There was none.)

NEW BUSINESS

(There was none.)

COMMISSIONERS' DISCUSSION & ACTIONS

(There was none.)

CORRESPONDENCE

Mr. Haste: We have correspondence on the Agenda, Items A through E, which have been received by the Board and will be handled by the staff accordingly.

- A. Notification from the Halifax Area Water and Sewer Authority advising that they are applying to DEP for the renewal of their NPDES Permit with regard to the Halifax Wastewater Treatment Plant on South Front Street, Halifax.
- B. Receipt of a letter from Harrisburg International Airport advising that SARAA has filed a Business in Our Sites Planning Grant Application with the PA Commonwealth Financing Authority and the Department of Community and Economic Development. The grant will fund design and engineering to support the redevelopment of the existing air operations space of the former HIA Terminal.
- C. Notification from The Hershey Company advising that they are submitting a Synthetic Minor Air Permit application to DEP for the decrease of air emission sources at the plant.
- D. Receipt of a copy of a letter from Post & Schell to the PA Public Utility Commission regarding the Letter of Notification of PPL Electric Utilities Corporation, Filed Pursuant to 52 Pa. Code Chapter 57 Subchapter G, with respect to the Dauphin – Copperstone #1

and #2 138/69 kV Transmission line in South Hanover and Lower Paxton Townships – Docket No. A-2010.

- E. Notification from Dauphin Engineering Co. advising that Ronald A. & Patricia A. Burkholder are applying to DEP for a Joint Permit Application for the preliminary subdivision and land development plan for Colony of Old Reliance in Lower Swatara Township.

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 were 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