



DAUPHIN COUNTY BOARD OF COMMISSIONERS

LEGISLATIVE MEETING

MAY 28, 2008
10:00 A.M.

MEMBERS PRESENT

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

STAFF PRESENT

J. Scott Burford, Deputy Chief Clerk; Marie E. Rebeck, Controller; Janis Creason, Treasurer; William Tully, Esq., Solicitor; Mike Yohe, Director of Budget & Finance; Dave Schreiber, Personnel; Diane McNaughton, Commissioners' Office; Amy Richards, Commissioners' Office; Kay Lengle, Personnel; William Struemke, Solicitor's Office; David Feidt, Solicitor's Office; Jena Wolgemuth, Commissioners' Office; Brenda Hoffer, Commissioners' Office; Kacey Truax, Commissioners' Office; Randy Baratucci, Director of Purchasing; Leila McAdoo, Solicitor's Office; Kim Robison, Director of Domestic Relations; Dan Robinson, Director of Community & Economic Development and Richie-Ann Martz, Assistant Chief Clerk

GUESTS PRESENT

Garry Lenton, Philip Davis and Mr. & Mrs. Davis

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

It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve the May 7, 2008 Workshop Meeting Minutes and the May 14, 2008 Legislative Meeting Minutes; motion carried.

It was moved by Ms. Rebeck and seconded by Mr. DiFrancesco that the Board approve the May 14, 2008 Salary Board Meeting Minutes; motion carried.

It was moved by Mr. Hartwick and seconded by Mr. Haste that the Board approve the May 7, 2008 Election Board Meeting Minutes and the May 14, 2008 Election Board Meeting Minutes; motion carried.

EXECUTIVE SESSIONS HELD BETWEEN MEETINGS

Mr. Burford: As you know we had one Executive Session held this morning regarding 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

A. Commissioners

1. Proclamation – Phil Davis, National Wrestling Champion

Mr. Hartwick: This is a presentation that a lot of you have heard from me for most of the year about this young man. It is an honor to have him here with us today. A young man who I have known from a very young age although he has never been smaller than me and nor has he had a smaller heart than anybody that I have ever met in my life. He chose this sport and took it upon himself to figure out a way to master it. After three attempts, the fourth one was a charm, he became National Wrestling Champion. It is an unbelievable thing to say at the end of your career. We'll talk about what you are going to do after wrestling, which we talked about beforehand, that has me concerned because your face is way too pretty for that. We'll discuss that as well. The amount of joy, pride and recognition as some of you may know when you walk past my door you

don't see anything but Philip Davis stuff from his comments that he made to his hardnosed attitude. He brings a lot of different ways of looking at every situation. He is a unique individual and quite frankly to go through the training, the regimen, to work through the mental toughness and the torture, getting up before everybody else and staying at practice later than everybody else, and working on his nutrition this year to make sure he had enough fuel at the appropriate time in the highest level of all competition, to be able to get across that finish line. I couldn't be prouder of my own son and I really mean that. You have brought unbelievable recognition to the area. I remember even when I was officiating when you were in high school I knew you would be something special because some kids you have to motivate, some kids you have to push, Phil Davis was a kid who got there no matter what it took. I remember the time you missed the bus going up to Penn State and you figured out a way to get there. You got there right at the time they were blowing the whistle and I'm sure you left a champion there as well. It is with that kind of dedication and commitment that you will find with people like Philip Davis that they will tell you and not give excuses. They figure out within themselves what needs to be changed and how they need to be responsible for getting over the top, rather than thinking it is somebody else's responsibility. You've proven that at the highest level. Even though you weren't on the front page of the paper in Harrisburg, which I thought you should have been, you were certainly at the front of our hearts as the Board of Commissioners and someone who I have certainly talked about more often than I do of my own kids who are pretty good athletes as well.

(Mr. Hartwick read the Proclamation.)

Office of County Commissioner
Dauphin County, Pennsylvania

Proclamation

***We**, the Dauphin County Board of Commissioners, are truly delighted to honor and congratulate the inspirational Phil Davis on a record-breaking career in wrestling that culminated in the 2008 Big Ten title and the 2008 NCAA championship, crowning a longstanding history of athletic achievement;*

***Whereas**, guided by the philosophy "one dream, one goal," Phil fought his way with passion and determination to clinch the national title in college wrestling, leading Penn State to a third- place team finish at the 2008 NCAA championships; as only the fourth four-time All-American in Penn State history in wrestling, this gifted athlete will graduate with a senior season of 26-1 and a stunning 116-20 college record;*

***Whereas**, wrestling at 197 lbs., Phil will be remembered at Penn State for his decisive victories, his quiet determination, and the honor and recognition which he brought to his team, his family, his school, and this very grateful and proud county of Dauphin;*

***Whereas**, Phil's interest in wrestling began in eighth grade in the Harrisburg School District, where he learned the sport, attended camp and formed a trusted relationship with his former high school mentor Coach Jesse Rawls, Sr. Described as a "quiet leader", Phil blossomed into a champion wrestler with determination and might, which later won him a spot on Penn State's team – proving his mettle as both a superior athlete and fan favorite;*

***Whereas**, with patience and drive, this talented young athlete triumphed over many barriers – even traveling by bus alone to wrestle in a high school tournament - to reach his own life-long dream to win the national championship in*

2008. *This exceptional young man confronted victory with the essence of good sportsmanship, team unity and personal character, and he is truly a winner in every sense of the word;*

Therefore, *we join the 253,300 residents of Dauphin County in honoring the much-admired, Phil Davis, two-time Big Ten Champion and 2008 NCAA National Champion in wrestling and in wishing him continued success in his future endeavors; we thank him most warmly for providing fans with not only the thrill of competition and the glimmer of trophies, but, more importantly, with enhanced unity, school pride and enduring hope; and, in honor of his national and Big Ten championship wins and extraordinary accomplishments, both on and off the wrestling mat, we do hereby proudly declare May 28, 2008 to be "Phil Davis Day" in Dauphin County.*

(Applause was given.)

Mr. DiFrancesco: I'm proud to have you here today. It is a privilege to be able to give a few comments. This board has taken exceptional pride in the number of student athletes that have come through here bringing State championships and so forth in various sports. As Commissioner Hartwick mentioned this is a particularly prideful day. What you have accomplished is just unbelievable. I sit here, beaming as a Dauphin County Commissioner for somebody who is a resident of Dauphin County, but I guarantee you that I'm beaming more as a Nittany Lion, a graduate of Penn State, to see that accomplishment. We talked a little bit earlier. It is unfortunate we don't have much of a basketball team, but baby we got a wrestling team. It is with great pride that we are able to sit here and have you here today. I just want to congratulate you once again for this amazing achievement, because it takes so much heart to walk down that road. When you talk about getting to that college level, when you are wrestling the best of the best and in the Big Ten, I don't follow wrestling as closely as my colleagues do, but I do know that Big Ten wrestling was always the best of the best. What you have accomplished is just so amazing and I want to congratulate you for it. Hopefully more young people will look up to you as a mentor and role model and follow in your footsteps. This community would be a lot better if they would. Thanks for being here today.

Mr. Haste: I too would like to say congratulations to you and to your mother and family, because I understand the sacrifice that you had to do to do this. Starting in 8th Grade, I can think of all the sweat suits you probably went through and the running and spitting that you did and everything else you have to do to make that weight at the last minute. I had to do that a few times myself. So, I understand what you went through. I think as we watched you, particularly this year, the thing, in addition to winning the award, was how you did it and how you were such a class act. Especially in wrestling where ego plays a little part of it when you hit that mat you got to be the toughest individual on that mat at that time and if you mentally don't think you are you have already lost the match. Sometimes when you come off and you have a victory to be able to check that ego back in and become a good sport and to be a class act is tough for many individuals to do. You did that quite well this year and you should be commended for being a class act. I'm really glad you won this title and this championship where you did as opposed to following your mentor and going to another Big Ten school. I'm glad he didn't persuade you to do that and you stayed at Penn State. Congratulations!

Mr. Hartwick: And Mom, you were great on TV. It looked like you were biting nails. You were so nervous. Both you and Phil's father have been loyal supporters and have followed him everywhere he goes. There is something to be said about good parents who stand by their kids and the results that occur. You can certainly sit back and be proud of what your son has accomplished. I know your nerves are going to be tested with what he is going to be doing next. We wish you a whole lot of safety and security.

(Applause was given and pictures were taken.)

Mr. Davis: I want to thank you all for having me and giving me this award. I appreciate it a lot. It means a lot to me every time I hear that people back home are watching me and following me on TV. When I started wrestling at Harrisburg High, it was not a big deal at Harrisburg High. If you were on the basketball team or the football team it is a big deal, but if you are on the wrestling team you are kind of a loner. I just developed in wrestling with that attitude that it was something that meant something to me, but didn't really mean a lot to everyone else. When I get this kind of response back from people it really makes me feel special that there are people who are diehard wrestling fans the way I am. Just to have the community support, I want to thank you all.

Mr. Hartwick: Can you speak about what you are going to be doing? This can be your first press conference.

Mr. Davis: My manager might...

Mr. Hartwick: We won't announce anything...

Mr. Davis: I'm pursuing a career in mixed martial arts. Mr. Hartwick thinks my face is too pretty for mixed martial arts, but the idea is not to get hit. I'm working a lot on blocks and a lot of moving around. It is one of those things that once I've set my goal, I have to give it a wholehearted try and hopefully I will be able to do that for a couple years, retire early and buy a farm somewhere.

Mr. Hartwick: Do you want to tell them about the regimen is going to be for competition? I would like to hear how that is working.

Mr. Davis: Right now I'm training in boxing, moi tai and Brazilian Jui-Jitsu. This past weekend I competed in the 34th Annual Kumatai in Pittsburgh. It was a No Gi submission wrestling tournament. I won that in the advanced division, which is two years of experience or more. I have roughly two months. I did alright in that.

Mr. Hartwick: I certainly think you are going to do extremely well.

Mr. Davis: Hopefully I'll be able to duplicate my success in the mixed martial arts world.

Mr. Hartwick: When you start formal competition, is there a schedule for it?

Mr. Davis: Formal competition, I'm debating about whether I want to take a bout on June 28th. That may be the first one and it would be at the Tropicana in Atlantic City.

Mr. Haste: Bus trip.

Mr. DiFrancesco: Road trip.

Mr. Hartwick: See, you already got fans.

Mr. DiFrancesco: What was your major?

Mr. Davis: Kinesiology major at Penn State.

Mr. DiFrancesco: When you mentioned about buying a farm there at the end I thought it might be agriculture.

Mr. Hartwick: And you did graduate two weeks ago.

Mr. Davis: I graduated two weeks ago with a Bachelors of Science.

Commissioners: Congratulations!

(Applause was given.)

Mr. Hartwick: Keep us informed about the June date. We will do a road trip.

SALARY BOARD

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

PERSONNEL

Ms. Lenge: I do have an Addendum to the Personnel Packet. I would like to pull New Hire #28 from the Listing that I presented last week. Are there any questions on the Addendum or anything from last week's listing? (There was none.)

It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve the Personnel Packet as amended, with the pulling of New Hire #28; motion carried.

PURCHASE ORDERS

Mr. Baratucci: You should have all received your Packet yesterday. If you noticed there might be a few showing over budget, but they have all been fixed. We just had a short amount of time with the holiday on Monday to get everybody to get their budget

adjustments to Mike. I confirmed with Mike this morning that everything is okay. The Packet is there for your approval and stands as presented.

It was moved by Mr. DiFrancesco and seconded by Mr. Baratucci that the Board approve the Purchase Order Packet as presented; motion carried.

REPORT FROM BUDGET & FINANCE – MIKE YOHE, BUDGET DIRECTOR

Mr. Yohe gave the following report.

Report from the Office of Budget & Finance
May 28, 2008

- **May 16, 2008** transferred **\$417,922.00** to the **Payables** account from the County's Concentration account for checks issued that week.
- **May 23, 2008** transferred **\$6,507,652.86** to the **Payables** account and **\$1,681,753.88** 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 \$169,352.36 rate 2.258%**
- **Balance today in Susquehanna Bank investment account \$32,065,193.53 rate 2.620%**
(This rate equals the Susquehanna Bank 91-day T-Bill rate plus 120 basis points. It is fixed for the month)
- **Balance today in Sovereign Bank investment account \$32,024,296.61 rate 2.310%** (This equals today's 1-month LIBOR rate of 2.430% minus 12 basis points)
- **Balance today in Citizens Bank investment account \$63,201,122.77 rate 3.000%** (This rate is fixed through 6/30/08)
- **Balance today in PNC Bank investment account \$1,000.00 rate 1.850%** (This equals today's Fed Funds rate of 2.000% minus 15 basis points)
- **Balance today in Graystone Bank investment account \$1,000.00 rate 1.800%** (This equals today's Fed Funds rate of 2.000% minus 20 basis points)
- **Balance today in Commerce Bank investment account \$1,000.00 rate 1.620%** (This equals today's 90-day T-Bill rate of 1.870% minus 25 basis points)

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

Mr. Yohe: I did a little numbers figuring this morning with the big spread between Citizens and those other two. Do you want me to pursue the other two banks? We are losing a good bit of money by keeping \$64 million in those other two banks. That is the policy that we set with that RFP. It is to the tune of \$900 per day.

Mr. Haste: You should have a talk with them.

Mr. Yohe: Maybe I'll tell them that for June we are going to go a different route and put it all in Citizens for one last month at that 3%, especially with our cash up as high as it is right now. Just a reminder, that we have the Public Hearings for the Fiscal Year Budget coming up this afternoon.

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

Mr. Burford: I have nothing to report, but happy to answer any questions you might have. (There was none.)

SOLICITOR'S REPORT – WILLIAM TULLY, ESQ., SOLICITOR

Mr. Tully: All the items listed for action have been reviewed and ready for action. I would be happy to answer any questions you might have. (There was none.)

MATTERS REQUIRING BOARD ACTION

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

- A. Training Packet.
- B. Intergovernmental Agreement between the County of Dauphin and the PA Department of Transportation for the authorization of electronic access to PennDOT's systems. (Resolution #12-2008)
- C. Refund of 2008 Real Estate Taxes – Bryan & Barbara Perry – Parcel #25-006-21 - \$548.82.
- D. Satisfaction Agreements for:
 - 1. Janey L. Speelman for the property located at 900 W. Main Street, Bressler, PA 17113 (\$5,000.00).
 - 2. Robert and Karri Baving for the property located at 269 Pine Street, Millersburg, PA 17061 (\$4,625.00).
- E. Subordination Agreement for Wilbert and Stephanie White on property located at 3359 Hivner Road, Harrisburg, PA 17111.
- F. 2008 Performing Artists Contracts and Riders:
 - 1. Fort Halifax Park Musicfest – July 19, 2008
The Don Johnson Project

- Rock Dog
Shelby Nestler & Make Mine Country
1. Cultural Celebration Street Festival – August 1, 2008
Pentagon
Amaryllis LLC
- G. Proposal from NorthEastern Building Maintenance Systems, Inc. for 2008 Building Maintenance Service and Repair and Restoration of the Dauphin County Administration Building Parking Deck.
- H. Purchase of Service Agreements between Children & Youth and:
1. Windsor Pointe, Inc.
 2. Ramona Thompson
- I. Amendment #1 to Purchase of Service Agreement between Children & Youth and Valley Youth House.
- J. Adoption Assistance Agreements #2008-21, #2008-22, #2008-25 and #2008-26.
- K. Amendment #1 to Purchase of Service Agreement between MH/MR and Cumberland-Perry MH/MR Program.
- L. Human Services Development Fund Agreements between the County and:
1. Shalom House
 2. International Service Center
- M. Amendments to Human Services Development Fund Agreements between the County and:
1. Christian Churches United – Amendment #1
 2. Family Support of Central PA – Amendment #1
- N. Refund of 2007 & 2008 Real Estate Taxes – Metal Industries Inc. – Parcels #65-034-019, #65-032-070 and #65-032-015 - \$613.13.
- O. Purchase of Service Per Diem Rates between Children & Youth and Valley Youth House.
- P. Lease Agreement between Dauphin County and Town Associates for magisterial district judge office space at 2967-A North 7th Street, Harrisburg, PA 17110.
- Q. Revised Retirement Plan Consultant Agreement between Dauphin County and Retirement Collaborative LLC. Revision includes a new rate sheet with a 1-time conversion fees from Charles River to Retirement Collaborative.
- R. PEMA Radiation Emergency Response Fund Application and Grant Agreement for funding in the amount of \$50,503.00 during the period 7/1/08-6/30/09.
- S. Dauphin County Mental Health Plan for Adults, Older Adults and Transition-Age Youth with serious mental illness and co-occurring disorders for Fiscal Years 2009/2012.
- T. Approval of repair to Bridge 122 required due to automobile accident.
- U. Renewal Insurance Proposal.

- V. Houghton Settlement.
- W. Appoint W. Roy Newsome, Jr., AICP to the Dauphin County Housing Affordable, term expires December 31, 2009. Adjust terms for existing Board Members to conform to By-laws: Terry Haines – December 31, 2008, Angela Smith-Aumen – December 31, 2008, Gary E. Lenker – December 31, 2009.

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

FORMER BUSINESS

(There was none.)

NEW BUSINESS

(There was none.)

COMMISSIONERS' DISCUSSION & ACTIONS

(There was none.)

CORRESPONDENCE

Mr. Haste: We have correspondence that has been received by the Board this week, Items A through H, which will be handled by the staff appropriately.

- A. Notification from NuTec Design Associates, Inc. advising that Arby's Middletown, PA is applying to DEP for a General NPDES Permit for stormwater discharges associated with construction activities in Londonderry Township.
- B. Notification from Pennsy Supply, Inc. advising that they are applying to DEP for permits to operate a portable nonmetallic mineral processing plant, sizing screen only, to be located at the Hummelstown Quarry.
- C. Receipt of an Order Approving Transfer of License from the United States of America, Federal Energy Regulatory Commission. Transfer of the York Haven Hydroelectric Project No. 1888 from the York Haven Power Company to the York Haven Power Company, LLC.
- D. Notification from Herbert, Rowland & Grubic advising that West Hanover Township is applying to DEP for a BWM-GP-11 General Permit for the Piketown Road Sidewalk/Pedestrian Path, Road Widening and Curbing Project in West Hanover Township.
- E. Notification from Herbert, Rowland & Grubic advising that West Hanover Township is applying to DEP for a BWM-GP-11 General Permit for the Sterling Road Culvert Replacement project in West Hanover Township.

- F. Notification from R. J. Fisher & Associates, Inc. advising that Eastern Communities is applying to DEP for the renewal of a General NPDES Permit for stormwater discharges associated with construction activities for the Maiden Creek Subdivision in Lower Paxton Township.
- G. Notification from R. J. Fisher & Associates, Inc. advising that Eastern Communities is applying to DEP for a General NPDES Permit for stormwater discharges associated with construction activities for the Mayberry Subdivision in West Hanover Township.
- H. Notification from JMT advising that PennDOT is applying to DEP for a NPDES Permit for stormwater discharges associated with construction activities at the Cameron/Paxton Street Intersection Improvement Project in the City of Harrisburg.

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.)

Just a reminder, that we have Retirement Board and after Retirement Board we go into the Public Hearings on the Human Services' budgets. We will convene Retirement Board at 10:45 a.m.

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