



DAUPHIN COUNTY BOARD OF COMMISSIONERS

LEGISLATIVE MEETING

SEPTEMBER 16, 2009

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; Steve Chiavetta, Director of Registration & Elections; Mike Yohe, Director of Budget & Finance; Randy Baratucci, Director of Purchasing; Diane McNaughton, Commissioners' Office; Leila Brown, Solicitor's Office; Amy Richards, Commissioners' Office; Greg Schneider, Budget & Finance; Fred Lighty, Esq., Human Services Director's Office; Kay Lengle, Personnel; Tom Guenther, Director of IT; Richie-Ann Martz, Asst. Chief Clerk

GUESTS PRESENT

Jay Wenger, Emily Opilio, Donna Kreiser and Sam Miller

MINUTES

CALL TO ORDER

Mr. Haste, Chairman of the Board, called the meeting to order at 10:18 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 August 26, 2009 Workshop Meeting Minutes and the September 2, 2009 Legislative Meeting Minutes; motion carried.

It was moved by Ms. Rebuck and seconded by Mr. DiFrancesco that the Board approve the September 2, 2009 Salary Board Meeting Minutes; motion carried.

EXECUTIVE SESSIONS HELD BETWEEN MEETINGS

Mr. Saylor: Commissioners, as you know there were no Executive Sessions held between meetings.

ELECTION BOARD

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? (There was none.)

DEPARTMENT DIRECTORS/GUESTS

A. Jay Wenger, Susquehanna Group Advisors

- 1. Ordinance #3-2009 authorizing the incurrence of non-electoral debt of the County through the issuance of General Obligation Bonds, the proceeds of which will fund various capital projects of the County**

Mr. Wenger: You have in front of you a copy of the Preliminary Official Statement, which was distributed to perspective investors at the later part of last week in anticipation of the pricing yesterday and your consideration and approval this morning. Sam Miller is here from Jefferies & Company. They acted as Underwriters on this transaction and Donna Kreiser is here from McNees Wallace acting as Bond Counsel. Sam has for your consideration a Bond Purchase Contract, which has been reviewed by all the parties. It includes the details of the transaction. The approval of that will be

done by your vote on the Bond Ordinance, which Donna Kreiser has prepared. I'll have her do an overview of that for you.

I'd like to just quickly review the purpose of the Bond Issue. The Preliminary Officials Statement was printed at \$22 million, based upon the final marketing of bonds of coupons and yields, it is at \$21,965,000. That is essentially broken down into two large projects. One being the Work Release Center, which has component projects to it, including the renovation of Woodside after the Work Release Center is built. There is some money in there for the Emergency Vehicle Building and the Court Room for the Juvenile Center. That is about \$11 million of the \$21,965,000. The balance of the money is for your energy conservation project which is being applied to County buildings. My understanding is that amount is close to \$11 million. The balance of that energy money is still being finalized, which would be the new chiller building. We have money budgeted in there based on all the negotiations that have taken place to date. Assuming that you approve the Bond Ordinance, the Bond Purchase Contract becomes a contract between the County and Jefferies & Company. Closing is scheduled for October 16th and at that point in time you will have money to pay vendors under both projects. The energy project is amortized over 15 years. That is the payback period that was identified based upon the projects you have elected to proceed with. The Work Release project is a 20 year amortization. The average life of those two projects combined is just under 11 years. The effective borrowing rate, the effective yields for the money is about 3.58%. It's a very attractive borrowing cost in today's marketplace. The Bonds do have a five year optional call feature so that at the 5th year anniversary of the borrowing if, for whatever reason, rates go lower you can always refinance at that point in time. Relative to the marketing effort, there was one other bond issue in the marketplace; it was a school district financing that had bond insurance. Your rates are somewhat lower than an AAA insured school district bond issue. School districts tend to draw a lot of interest in the marketplace, because of the State intercept, which essentially guarantees bondholders are going to be paid out of State subsidy money whether or not the school district makes their debt service payments. Even though it is not an AA rated entity, the fact that they have bond insurance and the State intercept draws a lot of interest in the marketplace. I think there was a question asked earlier this week about whether or not the County's rating change from stable to negative outlook would affect the marketing. I think where the rates came back and the interest we had demonstrates that slight change in rating, even though you are still AA had no affect on the marketing of the bonds. Unless you have questions, I will ask Donna to give you an overview of the Ordinance, which is the document that requires your consideration.

Mr. Haste: Since we have two maturities, 15 and 20 years, is that what I heard?

Mr. Wenger: Basically two terms. What we will do is give Mike a breakout schedule so that you can on an annual basis compare your energy savings to the debt service associated with that project so that the contractor can represent that they have met their obligation.

Mr. Haste: So, Mike will have a way of tracking that?

Mr. Wenger: Absolutely.

Mr. Haste: The whole intent of that was that the savings that comes off the energy pays for the debt service.

Mr. Wenger: Effectively your new debt service obligations, by way of millage requirements, are really just for the Work Release Center project.

Mr. Haste: It is actually the Criminal Justice Center.

Mr. Wenger: The operating savings associated with the energy project will have to cover the debt service or the contractor has to pony up. We will give you that schedule.

Mr. Hartwick: The ability to do this and given the economies of scale through one borrowing for multiple projects is certainly to be commended to the entire professionals that have been working on this. This has saved a significant amount of money. We could have done separate borrowings for each one of the capital improvements, as well as the energy projects, which would have resulted in a larger amount being paid to professionals through fees, etc. Doing it all in one borrowing is a smart move. The energy project is one that we discussed openly in public meetings. It is one of the better pieces of legislation that I have seen come out of Harrisburg, the ability to take a look at future energy savings, reducing the carbon footprint, offering more efficiencies with our operation and it not falling back on taxpayers for these upgrades and that being guaranteed by professional companies that have come in here and done an audit and said that basically if you don't meet these guaranteed savings they are going to be responsible for the repayment of those dollars. I think this project is allowing us to upgrade our facilities to improve the energy efficiencies and do it all at no cost to taxpayers. Ultimately no general fund dollars are going to be used for the repayment of that \$11 million. That should be very clear. The Criminal Justice project, I know Commissioner Haste and Judge Lewis have taken a look at savings and improvements. The ability to now have central booking, which I remember when I was the Mayor of Steelton, was always a hot topic. There was always talk about how we are going to do a regional booking facility and how to pay for it. I think the improvements that are going to happen here and the ability for local law enforcement to bring someone in to be able to have them booked in an efficient way within one facility and then allow that police officer to get back out on the street to serve and protect and do their job is going to be something that is accomplished through this project. We are going to see savings to municipalities, Central Court, as well as the ability to have Night Court all in one central location is going to provide a significant amount of efficiencies within the Criminal Justice System. It will also offer opportunities for female work release, which currently has not existed to the level that we think is appropriate for females. The ability to have a Juvenile Center and create those efficiencies there as well is going to be a major improvement and shows significant savings in the criminal justice process to taxpayers. I just want to make sure that we are clear making those statements that those projects have been discussed publicly. It is a wise investment.

Mr. Wenger: I think our first conversation with Mike was in February. This has been several months in the making of trying to dovetail two projects into one financing and to make sure you, as the County government, had enough information to proceed with the projects.

Mr. Haste: Anything else?

Mr. Wenger: Just your consideration of the Ordinance.

Mr. Haste: It is listed as Y on the Agenda.

Mr. Saylor: Yes, it has been advertised. You can vote it now or as part of the other items.

Mr. Tully: It might be better if you do that separate.

It was moved by Mr. DiFrancesco and seconded by Mr. Hartwick that the Board adopt Ordinance #3-2009, captioned as follows; motion carried.

An Ordinance of the Board of Commissioners of the County of Dauphin, Pennsylvania (the "County") authorizing and directing the incurring of non-electoral debt through the issuance of General Obligation Bonds in the aggregate principal amount of \$21,965,000 of the County as permitted by and pursuant to the Local Government Unit Debt Act, 53 Pa.C.S. § 8001 et seq., for the purpose of providing funds to (A) Finance the construction, renovation, improvement, alteration, equipping and/or furnishing of the facilities and property of the County, as well as various other capital additions to certain portions of the County facilities and related capital acquisitions and improvements, in order to enhance and effectuate energy efficiency, (B) finance the acquisition, construction, equipping and/or furnishing of a Work Release Center of the County and the renovation, improvement, Alteration, equipping and/or furnishing of the existing Work Release Center of the County for use a Judicial Court and Booking Center, (C) finance the construction, renovation, improvement, alteration, Equipping and/or furnishing of existing space in the County's Juvenile Detention Center for use as a Juvenile Court, (D) finance the construction, renovation, improvement, alteration, equipping and/or furnishing of an emergency vehicle storage building, and (E) pay the cost of issuing the 2009 Bonds or any or all of the same; Accepting certain proposals for purchase of such 2009 Bonds at private sale by negotiation; setting forth the terms and substantial form of such 2009 Bonds and authorizing execution and authentication thereof; pledging the full faith, credit and taxing power of this County in support of such 2009 Bonds; appointing a Paying Agent and Sinking Fund Depository for such Bonds; making certain representations and designating the 2009 Bonds as "Qualified Tax-Exempt Obligations" under Federal Tax Law provisions; setting forth certain covenants and representations relating to the Federal Income Tax status of the interest to be paid on such 2009 Bonds; approving the use and distribution of a Preliminary Official Statement and Official Statement for the 2009 Bonds; appointing Bond Counsel for the 2009 Bonds; setting forth continuing disclosure obligations of the County in connection with the 2009 Bonds; authorizing appropriate officers of the County to take certain actions and to execute certain documents in connection with issuance of such 2009 Bonds; and repealing all Ordinances or parts of Ordinances insofar as the same shall be inconsistent herewith.

(The entire Ordinance is on file in the Commissioners' Office.)

PERSONNEL

Ms. Lengle: Are there any questions on the Addendum? (There was none.) I have no changes.

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: There are no changes from last week other than that the one budget issue that we had was resolved. The Packet stands as it was for your approval unless you have any questions.

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

REPORT FROM BUDGET & FINANCE – MIKE YOHE, BUDGET DIRECTOR

Mr. Yohe presented the following Report:

Report from the Office of Budget & Finance September 16, 2009

- **September 4, 2009** transferred **\$1,749,161.41** to the **Payables** account from the County's Concentration account for checks issued that week. (\$1.3 million delinquent taxes)
- **September 11, 2009** transferred **\$6,213,463.33** to the **Payables** account and **\$1,840,569.24** to the **Payroll** account from the County's Concentration account for checks issued that week.
- **Total Term Investments**
 - 3/27/09 - **\$20,000,000** 6-Month CD at Citizens Bank – **1.510%** - matures 9/23/09
 - 4/13/09 - **\$20,000,000** 7-Month CD at Citizens Bank – **1.555%** - matures 11/10/09
 - 4/27/09 - **\$20,000,000** 8-Month CD at Citizens Bank – **1.500%** - matures 12/23/09

Mr. Haste: You indicated that you were going to roll that one that comes up at the end of the month.

Mr. Yohe: That's the plan. As they roll off I can still push those out far enough to earn more than the 95 basis points that I'm getting on liquid money.

Mr. Haste: That's your intent?

Mr. Yohe: Yes, that's the intent.

Mr. Haste: At Citizens?

Mr. Yohe: Wherever. I'll push that out into 2010 to get it up to the 1.5 again.

- **Balance today in INVEST account \$1,374.46 rate 0.429%**
- **Balance today in Susquehanna Bank investment account \$361,356.49 rate 0.500%** (This rate is fixed for the month)
- **Balance today in Sovereign Bank investment account \$100.89 rate 0.05%** (This rate is fixed for the month)

Mr. Yohe: You are going to see the two flex CDs have matured since my last report.

- **Balance today in Citizens Bank investment account \$48,500,501.80 rate 0.950%** (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 0.130% minus 25 basis points)

No T.R.A.N. Line of Credit required for 2009.

Mr. Yohe: I did note that the Invest Account the rate went up for the first time in probably six months. Things may be turning around. We may start seeing some better rates.

Mr. Haste: How are the budget meetings going?

Mr. Yohe: Pretty good. I haven't had too many new position requests. That is usually what I gauge it on. There have been several for the Courts and they are for the new judges that are coming onboard.

REPORT FROM CHIEF CLERK/CHIEF OF STAFF – CHAD SAYLOR

Mr. Saylor: I have nothing unless there are questions of me? (There was none.)

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

Mr. Tully: I have nothing to add either, but would be happy to answer any questions. (There was none.)

MATTERS REQUIRING BOARD ACTION

- A. Training Packet.
- B. Satisfaction Pieces for:
 - 1. Sara A. Lanigna on the property located at 117 Washington Street, Harrisburg, PA 17104 (\$5,000.00).
 - 2. Sonya Stoute on the property located at 3605 Tudor Drive, Harrisburg, PA 17109 (\$5,000.00).
 - 3. Titus Brown and Jehava Brown on the property located at 2431 Derry Street, Harrisburg, PA 17111 (\$3,405.00).
 - 4. Jennifer Berkich on the property located at 961 Monroe Street, Steelton, PA 17113 (\$3,868.00).
 - 5. Megan Kraemer on the property located at 2722 Buxton Road, Harrisburg, PA 17110 (\$3,500.00).
- C. Subordination Agreements for:
 - 1. Cheryl D. Gillespie on the property located at 900 S. 16th Street, Harrisburg, PA 17104.
 - 2. Andrea Daniels on the property located at 39 S. 24th Street, Harrisburg, PA 17103.
 - 3. John L. Mitchell, Jr. and Grace E. Stevenson on the property located at 1525 S. 12th Street, Harrisburg, PA 17104.
- D. Partial Refund of 2004, 2005, 2006, 2007, 2008 and 2009 Real Estate Taxes to William and Mary Taylor, Parcel #24-095-082 - \$1,509.92.
- E. Change Order #1 from Verizon for a required equipment reconfiguration for a technology upgrade project at EMA for Plant/CML Vesta workstations and supporting equipment. (No change in pricing.)
- F. Change Order #2 from Verizon for a required equipment reconfiguration for a technology upgrade project at EMA for Nortel CS10000E PBX. (No change in pricing.)
- G. Otis Elevator Maintenance Agreement for the Prison.
- H. Application for Service used to order tariffed telecommunications services from Verizon, known as "Primary Rate Interface" ISDN that works in conjunction with the equipment upgrade currently in progress at EMA.
- I. CEO-MG – Conservation and Education Organizations and Institutions Mini Grant – EEF#: EE090045 for \$3,000 for the Educators Workshops.
- J. CM Agreement between Dauphin County and Quandel Group, Inc. for the following Projects: Juvenile Court Facility, New Female Work Release Facility and Central Court.
- K. Adoption Assistance Agreement #2009-59.

- L. Child Welfare Education for Leadership (CWEL) Program Agreement between Dauphin County, the University of Pittsburgh and Heather A. Gutshall.
- M. Agreement between Dauphin County and Family Health Council of Central Pennsylvania, Inc.
- N. MH Purchase of Service Agreements between MH/MR and:
 - 1. National Mentor Healthcare LLC t/d/b/a Pennsylvania Mentor
 - 2. Keystone Community Resources, Inc.
 - 3. Keystone Service Systems, Inc.
 - 4. Beth M. Diehl, M.S., CCC-SLP
- O. ITF Medicaid Waiver Service Agreements between MH/MR and:
 - 1. Bonnie J. Quackenbush, M.A., CCC-SLP
 - 2. Keystone Service Systems, Inc.
 - 3. Beth M. Diehl, M.S., CCC-SLP
- P. ITF Medicaid Waiver Service Agreements Amended and Restated between MH/MR and:
 - 1. Lynn Cummings, M.S., CCC-SLP
 - 2. Stacy A. Foreman
 - 3. TMB Developmental Therapy & Infant Massage, Inc.
 - 4. Merle J. Crawford, M.S., OTR/L
 - 5. Jaime L. Hunter, M.A., CCC-SLP
 - 6. Living Unlimited, Inc.
 - 7. SpeechCare, Inc.
- Q. Amendments to Purchase of Service Agreements between MH/MR and:
 - 1. Boyo Transportation Services, Inc. – Amendment #1
 - 2. Kelly L. Rice, OTR/L t/d/b/a Sovia Therapy – Amendment #1
 - 3. TMB Developmental Therapy and Infant Massage, Inc. – Amendment #1
 - 4. Brethren Housing Association – Amendment #1
 - 5. Country Meadows of Hershey Associates t/d/b/a Country Meadows of Hershey – Amendment #1
 - 6. International Service Center – Amendment #1
 - 7. YWCA of Greater Harrisburg – Amendment #1
 - 8. Masonic Village of Elizabethtown – Amendment #1
 - 9. Bonnie J. Quackenbush, M.A., CCC-SLP – Amendment #1
 - 10. Cumberland/Dauphin/Harrisburg Transit Authority t/d/b/a Capital Area Transit – Amendment #1
 - 11. Lynn Cummings, M.S., CCC-SLP – Amendment #1
 - 12. Stacy A. Foreman – Amendment #1
 - 13. Rachel Bechtel, M.S. – Amendment #1
 - 14. Gaudenzia, Inc. – Amendment #1
- R. Amendment #1 to the Program Management Agreement for the Emergency Food Assistance Program (TEFAP) between Dauphin County and the Pennsylvania Department of Agriculture.
- S. Master Guaranteed Energy Savings Contract between Dauphin County and CLT Efficient Technologies Group LLC.
- T. Family Group Conference Program Grant Acceptance Form.

- U. Prevailing Wage Settlement for Knight Security Systems, Inc.
- V. Proposal for Services from Markovitz, Dugan & Associates for Corrected W2C forms.
- W. Resolution #21 - 2009 Tax Revenue Anticipation Note for the \$15.5 million Line of Credit with M&T Bank.
- X. Appoint Dan Eisenhauer, Dauphin County MH/MR Director, as an Ex-Officio Member of the Schaffner Youth Advisory Board.
- Y. Ordinance #3-2009 -- authorizing the incurrence of non-electoral debt of the County through the issuance of General Obligation Bonds, the proceeds of which will fund various capital projects of the County. **(Approved under Directors/Guests)**
- Z. Dauphin County Solid Waste Management Grant Program for 2009.
- AA. Voluntary Employee Benefits Committee Sponsored Group Discount Program (Internet Site Linking) Agreement between Dauphin and John Hancock for long-term care insurance.
- BB. Workers Compensation Court Decision re: Helen Pitts v. Dauphin County. Settlement is for \$104,762.86.
- CC. Purchase and Sales Agreement between the Charles R. Lowe Living Trust and Dauphin County for 1520 Walnut St., Harrisburg (MDJ Stewart).
- DD. Buyer/Tenant Agency Agreement between Dauphin County and RSR Realtors for back-up 911 Emergency Center. **(PULLED)**
- EE. Buyer/Tenant Agency Agreement between Dauphin County and RSR Realtors for Children & Youth office space.

Mr. Haste: We have Matters Requiring Board Action, Items A through EE. I have asked that DD be held for some more research and Y has already been acted upon.

Mr. DiFrancesco: You are holding DD. I thought you said something else. That is fine. In talking with the Solicitor's Office...

Mr. Haste: I couldn't get a real clear answer today.

Mr. DiFrancesco: It is a non-exclusive.

Mr. Lighty: It is exclusive.

Mr. DiFrancesco: That was my error then. There is no reason that we shouldn't hold it.

Mr. Saylor: The matter of the backup 911 emergency center, we kind of got the cart before the horse. The plan was to explore possible options. We would like to come back to you guys with information and get your direction before we take that step. We are asking you to hold DD.

Mr. DiFrancesco: Should we hold EE as well?

Mr. Hartwick: EE is only an engagement to present sites to the Commissioners for their consideration. There is not a single site that has been selected. This is only to engage them to be able to present to the Commissioners a number of options. If you want to include another option they are certainly more than willing to do that.

Mr. Haste: My only concern with the one for EMA is they had a site already located and there were plans. It appeared to be a lot further along than...

Mr. DiFrancesco: The prior concept, okay. Whatever has been identified, if there has been another one identified at all...

Mr. Haste: I just wanted to make sure that we knew what we were doing on that one.

Mr. DiFrancesco: That's fine, because that is a complicated issue. There is so much policy that goes behind the concept of a backup.

Mr. Haste: And whether we were going to staff it and...

Mr. DiFrancesco: You could have a cold center or a hot center and there is a lot... We have been talking about this for a couple years. I know it is a complicated issue. That's fine.

Mr. Hartwick: EE is not very complicated. It's a matter of needing space, trying to get people moved out and having a realtor present where the square footage is going to be required and a number of options that may exist and the locations that we are looking at.

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

FORMER BUSINESS

(There was none.)

NEW BUSINESS

Mr. Hartwick: We are in receipt of the Homeless Assistance monies from the Feds and the planning process on how those dollars are going to be allocated and spent throughout all sections of Dauphin County are ongoing. I will provide an update to the Board when those plans have been finalized. There will be significant dollars available based upon socio and economic situations. We are trying to get information out to the public about the requirements and how they apply for those dollars is going to be something that I would like to do at our next meeting.

COMMISSIONERS' DISCUSSION & ACTIONS

(There was none.)

CORRESPONDENCE

Mr. Haste: We have correspondence that has been received by the Board this week that are listed on the Agenda, Items A through E, which will be handled by the staff accordingly.

- A. Notification from Light-Heigel & Associates, Inc. advising that Middle Paxton Township is applying to DEP for a General NPDES Permit for stormwater discharges associated with construction activities at the Middle Paxton Joint Municipal Building project.
- B. Notification from Glace Associates, Inc. advising that they are applying to DEP for a General Permit 5 and 8 for new raw water main from Bower Spring to the raw water storage tank for the water supply system for the borough of Gratz.
- C. Notification from HRG, Inc. advising that bridge reports were filed under the Dauphin County NBIS Bridge Inspection Program (2005-2009) for bridges: BR-12, BR-13 and BR-47.
- D. Notification from Pennsylvania Department of Environmental Protection advising approval of the following applications for Fiddler's Elbow Quarry Operation in Lower Swatara Township, Dauphin County; Surface Mining Permit No. 22880301C10, Authorization to Mine Permit No. 5373-22880301-04, NPDES Permit No. PA0223948.
- E. Notification from PA Department of Transportation that they are applying to DEP for a Permit for the S.R. 0443 Section 009, Bridge Rehabilitation Project, Bridge Deck Replacement at two bridges in Middle Paxton Township, BMS #22044300400000 and BMS #22044300401103.

PUBLIC PARTICIPATION

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

ADJOURNMENT

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

Respectfully submitted,

Chad Saylor, Chief Clerk

Transcribed by: Richie-Ann Martz