



DAUPHIN COUNTY BOARD OF COMMISSIONERS

LEGISLATIVE MEETING

OCTOBER 12, 2011
10:00 A.M.

MEMBERS PRESENT

Jeff Haste, Chairman
Mike Pries, Vice Chairman
George P. Hartwick, III, Secretary

STAFF PRESENT

Laura E. Evans, Esq., Chief Clerk; Marie E. Rebeck, Controller; Janis Creason, Treasurer; William Tully, Esq., Solicitor; Leila Brown, Solicitor's Office; Robert Christoff, Conservation District; Dave Schreiber, Human Resources; Kay Lengle, Human Resources; Dee Thomas, Human Resources; Fred Lighty, Esq., Human Services Director's Office; August Memmi, Director of Community & Economic Development; Amy Richards, Press Secretary; Mike Yohe, Director of Budget & Finance; Randy Baratucci, Director of Purchasing; J. Scott Burford, Deputy Chief Clerk; Edgar Cohen, Director of Facilities Maintenance; Brenda Hoffer, Commissioners' Office; Abby Gabner, Commissioners' Office; Julie Mackey, Commissioners' Office and Richie-Ann Martz, Assistant Chief Clerk

GUESTS PRESENT

Matt Miller, Gene Stilp and James Roxbury

MINUTES

CALL TO ORDER

Mr. Haste, Chairman of the Board, called the meeting to order at 10:08 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. Pries that the Board approve the September 21, 2011 Workshop Meeting Minutes, the September 21, 2011 Public Hearing Minutes and the September 28, 2011 Legislative Meeting Minutes; motion carried.

It was moved by Ms. Rebeck and seconded by Mr. Hartwick that the Board approve the September 28, 2011 Salary Board Meeting Minutes; motion carried.

EXECUTIVE SESSIONS HELD BETWEEN MEETINGS

Ms. Evans: There were no Executive Sessions held between meetings.

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. Stilp: Last week I came and asked you folks to overturn an Ordinance that would overturn the planned possible pay raises for 2011. That was Ordinance #3-2010. I'm just wondering if there is any planned action on that. Before I get to that, in the Ordinance there are two things. Section 4, "In the event of a negative CPI Index for any period covered hereunder, no change in salary shall be calculated." The second thing is in the event that the CPI Index herein set forth cannot be determined, the cost of living index closest thereto shall be substituted. Just for curiosity, if it can't be calculated for here, which closest CPI would be used? Would that be Philadelphia for the cost of living increase for the Commissioners and the other people?

Mr. Haste: Dave, do you know?

Mr. Schreiber: There is a CPI calculated for the Carlisle area.

Mr. Haste: We have our own.

Mr. Stilp: It says in the Ordinance if that CPI Index herein set forth cannot be determined; the cost of living index closest thereto shall be substituted. If this area is not available, which will be the next one out?

Mr. Haste: I think what he told you is it is available. It doesn't matter.

Mr. Stilp: In this last five years.

Mr. Haste: It is available.

Mr. Stilp: Two things, one are you going to overturn this Ordinance and not have an increase or possible increase in salary or use this methodology? The second part of my request last week is that actually I said that I had been wrong in the past and I want to admit my mistake. I had asked for a 10% cut, in the past, of your salaries and the other salaries as set forth in this Ordinance. I was wrong on that. I think it should be 20%. That would put the commissioners down to a level that is approximately equal to the salary of a state senator. There are three commissioners by the way. My point is this; will any action be taken on that 20% cut and/or on the cancellation of the Ordinance governing these salaries? Have you considered that or do you need more time? I can come back next week if you wish.

Mr. Tully: Gene, perhaps I can address the issue from a legal perspective. As you are aware, this Ordinance was passed after an evening Public Hearing where public input was taken. The purpose of setting that by Ordinance is prior to an election that the would-be elected officials would know exactly what their compensation will be for the time. As you are aware, you can neither increase nor decrease those compensations for that period of time. It is the best guess at the time what the economic situation would be when that was determined. If you will note, the first year of that was with a 0% increase and then only after that would there be simply a cost of living. So, there would be no net increase in salary. There was no other input. The points you are making are probably something that should be addressed in 2014 at the public meeting going forward. It is legally impossible to rescind the Ordinance once that election occurs, because people have relied upon...It is kind of like a contract. This is what the compensation will be, you run for the position that is what you get compensated. Essentially the Commissioners can't rescind the Ordinance after the fact. They lose the chance to rescind the Ordinance at the time the elections occur that fill those positions. It is not a question of what they would like to do or what is politically expedient. They are pretty much bound by contract law as to what was set and then when the people are elected that is their compensation.

Mr. Stilp: So, what you are saying is that there is nothing that can be done right now to rescind the Ordinance?

Mr. Tully: Correct.

Mr. Stilp: The second point, what can be done to actually take a 20% pay cut right now? What can be done with respect to that?

Mr. Tully: It can't be done by ordinance. The trouble is if people choose to take a cut then there is a tax implication that goes beyond what they anticipate. So, what you are asking is kind of unfair from a legal perspective, because if they try to take that action on the Ordinance, it across the board affects all the elected officials.

Mr. Stilp: Right, so that's what I'm asking that you can actually pass an ordinance that...There must be a legal way to take a 20% pay cut and bring it to approximately equal to the level of state senator. Is there any way that you think it can be done?

Mr. Tully: When it is time to pass the next Ordinance prior to the next election would be the time to address that.

Mr. Stilp: So, basically the answer right now is no on both of these questions?

Mr. Tully: That's correct.

Mr. Stilp: You speak for the Commissioners?

Mr. Tully: I'm speaking as to the law and that is the advice I give to the Commissioners.

Mr. Stilp: Thank you! I think that if the Commissioners really wanted to they could find a way to reduce the salaries overall and to look for a different methodology to look at the future salaries and do that by some kind of public commission made up of citizens of Dauphin County. People aren't really watching what the salaries are for the Commissioners and the other offices and I think they would be pretty aghast to see this level of salaries, especially if there is an increase it will go over \$100,000 for the head commissioner and close to \$100,000 for the other commissioners. Thank you very much!

Mr. Haste: Is there anyone else in the audience that would like to address the Board?
(There was none.)

DEPARTMENT DIRECTORS/GUESTS

(There was none.)

SALARY BOARD

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

HUMAN RESOURCES

Ms. Lengle: Do you have any questions on any items in the Personnel Listing? There are no changes. (There was none.)

It was moved by Mr. Pries and seconded by Mr. Hartwick that the Board approve the Personnel Packet.

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

PURCHASE ORDERS

Mr. Baratucci: All the budget adjustments that needed to be made from last week were done. The Packet is the same as it was last week. Unless you have any questions, I would like to ask for your approval.

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

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

REPORT FROM BUDGET & FINANCE – MIKE YOHE, BUDGET DIRECTOR

Mr. Yohe provided the following Report:

Report from the Office of Budget & Finance October 12, 2011

- **September 30, 2011** transferred **\$1,010,948.43** to the **Payables** account from the County's Concentration account for checks issued that week.
- **October 7, 2011** transferred **\$3,268,693.04** to the **Payables** account and **\$1,889,638.23** to the **Payroll** account from the County's Concentration account for checks issued that week.
- **Wire Payments since last report: \$288,189.75**
- **Debt Service Payments since last report: \$434,112.50**
- **Total Term Investments**
 - 4/21/11 - **\$20,049,051.22** 6-mo. CD - Susquehanna Bank – **0.550%** - matures 10/20/11
 - 4/21/11 - **\$10,033,424.75** 12-mo. CD - Susquehanna Bank – **0.750%** - matures 4/19/12

- **Balance today in PA INVEST account #2100017144860: \$1,378.23rate0.058%**
- **Balance today in Susquehanna Bank investment account #119002023: \$14,607,009.08rate 0.250%**
- **Balance today in First National Bank investment account #97014743: \$7,574,420.35rate 0.520%**
(This rate equals today's PLGIT-Class interest rate of 0.020% plus 50 basis points)
- **Balance today in Citizens Bank Municipal Money Market Checking account #6221269710 - \$100.00rate 0.00%**
- **Balance today in Integrity Bank Money Market Checking account - #2206001209 - \$20,131,785.71rate 0.650%**
- **Balance today in PNC Bank investment account #5004319839: \$12,874,687.94rate 0.200%**
- **Balance today in Graystone Bank investment account #1610000596: \$250,767.53rate 0.650%**
- **Balance today in Metro Bank investment account #0536557523: \$101.41rate 0.120%**

No T.R.A.N. Line of Credit required for 2011.

REPORT FROM CHIEF CLERK/CHIEF OF STAFF – LAURA E. EVANS, ESQ.

Ms. Evans: There are two items I wanted to note today. Dauphin County is continuing under its Declaration of Local Emergency.

Also, on Friday, Dauphin County had its 5th Annual Hispanic Heritage Month Celebration. The guest speaker was Dr. Garcia Dominic. She led a discussion on cultural traditions and values with County employees. We enjoyed a Latino luncheon and entertainment by the Brazilian Vibes. Thank you to Hector and Faye and all the employees who helped in coordinating the event. It was a great success.

Mr. Haste: Are there any questions of Laura? (There was none.)

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

Mr. Tully: If I might, we have a suggestion that Item 4 on the Solicitor's Report and Item E on Matters Requiring Board Action today be pulled, essentially until we can modify the process by which we verify disbursements. I don't think that will interfere, if you want to pull that for later action.

Mr. Haste: Is there anything else Bill?

Mr. Tully: Nothing else. I would be happy to answer any questions? (There was none.)

MATTERS REQUIRING BOARD ACTION

- A. Training Packet.
- B. Ordinance #4-2011 enacting the Dauphin County Storm Sewer Discharge and Connection Ordinance.
- C. Subordination Agreement between Alba L. Gonzalez on the property located at 2102 Berryhill St., Harrisburg, PA 17104.
- D. Resolution #22-2011 of the Board of Commissioners of the County of Dauphin ratifying the change of dates of the Annual Jazz Festival due to weather conditions.
- E. 2011 Local Share Municipal Gaming Grant Agreement – Susquehanna Area Regional Airport Authority (Program to attract new airline carriers to HIA and existing carriers to enhance service to additional destinations) - \$375,000.**(Pulled)**
- F. PA Dilution Control Contract (#4600014232).
- G. Professional Services Agreement between Dauphin County and South Central PA Task Force (SCTF) and Steven J. Beard, as a Planning Specialist/Subject Matter Expert.
- H. Professional Services Agreement between Dauphin County and South Central PA Task Force (SCTF) and Bernard Dugan, as a Planning Specialist/Subject Matter Expert.
- I. Repository Bid received from Nichole A. Echols – Parcel #07-094-026 (1004 N. 18th St.) - \$500.
- J. Child Welfare Education for Leadership (CWEL) Program Agreement between Dauphin County, the University of Pittsburgh and Joy H. Mokwa.
- K. Purchase of Service Agreements between Drug and Alcohol and:
 - 1. Dataquest, Inc.
 - 2. National Association for Children of Alcoholics, Inc.
- L. Amendment #1 to Purchase of Service Agreement between Drug and Alcohol and Pennsylvania Recovery Organizations Alliance, Inc.
- M. Purchase of Service Agreements between MH/ID and:
 - 1. Joseph C. Yaskin, MSS, LCSW
 - 2. Melmark, Inc.
- N. Amendments to Purchase of Service Agreements between MH/ID and:
 - 1. National Mentor Healthcare, LLC t/b/d/a Pennsylvania Mentor – Amendment #1
 - 2. Commonwealth Clinical Group, Inc. – Amendment #1
 - 3. Advantage Medical Transport, Inc. – Amendment #1
 - 4. CMU, Inc. – Amendment #1
 - 5. Impact Systems, Inc. – Amendment #1

- 6. Cumberland-Dauphin-Harrisburg Transit Authority t/b/d/a Capital Area Transit, Inc. – Amendment #2
- O. Promoting Responsible Fatherhood Grant Agreement between Dauphin County and the Pennsylvania Department of Public Welfare.
- P. Purchase of Service Agreement between Children & Youth and Pinnacle Health Hospitals, Inc.
- Q. Amendments to Purchase of Service Agreements between Children & Youth and:
 - 1. Adelphoi Village, Inc. – Amendment #2
 - 2. YWCA of Greater Harrisburg – Amendment #1 (FY 2010/2011)
 - 3. YWCA of Greater Harrisburg – Amendment #1 (FY 2011/2012)
 - 4. Valley Youth House Committee – Amendment #1
 - 5. Pennsylvania Counseling Services, Inc. – Amendment #1
- R. Purchase of Service Agreement between Dauphin County and Facet Technology Corp.
- S. Amendment #1 to the Lease Agreement between Dauphin County and Monar Properties, LP.
- T. Renewal Application for Certificate of Compliance between Dauphin County and the Pennsylvania Department of Welfare, for the Schaffner Youth Detention (Shelter).
- U. Agreement between Dauphin County and ResCare Workshop Services for in-kind workforce services for juveniles at the Schaffner Youth Center.
- V. Transfer Agreement between Dauphin County and the Pennsylvania Department of Environment Protection for the transfer of grant funded recycling equipment, the Proveda Model 250 commercial can/glass crusher from Dauphin County to Adams County Solid Waste Management & Recycling department.
- W. Repository Bids:
 - 1. Robert G. Beck, Rouge Enterprises, Property No. 09-045-022, 13 Evergreen St., Hbg. - \$500.
 - 2. Dontay Baxter, Property No. 10-032-034, 2211 N. 5th St., Hbg. - \$500.00
- X. Partial Refund of 2011 Real Estate Taxes - Jay Siaram, L.P. - Parcel No. 03-004-018 (23 S. 2nd Street) - \$4,574.64.
- Y. Addendum #2 to Purchase of Service Agreement between Children & Youth and Hempfield Behavioral Health, Inc.
- Z. Resolution #23-2011 supporting entering into a feasibility study with Adams County, Cumberland County, Lancaster County, Lebanon County, York County and PennDOT to assess the viability of coordinating transportation services.
- AA. Pre-Application for Hazard Mitigation Grant Program.
- BB. Purchase of Service Per Diem Rates between Children & Youth and:
 - 1. Bethany Christian Services of Central PA
 - 2. Boy's and Girl's Club of Central Pennsylvania, Inc.
 - 3. Wesley Spectrum Services

4. Adelphoi Village, Inc.
5. YWCA of Greater Harrisburg (2010/2011)
6. Easter Seals Interpreting Services
7. PA Counseling Services
8. Valley Youth House
9. YWCA of Greater Harrisburg (2011/2012)
10. Pinnacle Health Hospital – Women’s & Children’s Services
11. Mikayla’s Place Child Development Center
12. Franklin, Christian
13. Brown, Balinger (Connect Synergy)

CC. Resolution #24-2011 – Designation of Agent – D’Juna L. Gaither as Finance Officer for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act.

Mr. Haste: We have Matters Requiring Board Action, Items A through CC and we are pulling Item E. Are there any other corrections to the Agenda? Is there anything that needs to be pulled out and voted on separately? (There was none.)

It was moved by Mr. Hartwick and seconded by Mr. Pries that the Board approve Matters Requiring Board Action, Items A through CC, with Item E being pulled.

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

FORMER BUSINESS

(There was none.)

NEW BUSINESS

(There was none.)

COMMISSIONERS COMMENTS

Mr. Pries: As you are aware, on October 9th, the President of the United States declared a Declaration of Public Assistance for Dauphin County, as well as other counties in our State. Therefore, Dauphin County’s Emergency Management Agency, in conjunction with FEMA and PEMA, will host two briefings for municipal officials and private non-profit organization representatives who want to apply for public assistance from the Federal government. The briefings will be held at 2:00 p.m. and 6:00 p.m. on Tuesday, October 18th at the Dauphin County Conservation District, located at 1451 Peters Mountain Road in Middle Paxton Township. FEMA and PEMA will have representatives on hand to answer any questions regarding public assistance that is available. The briefings will address public assistance only and should be attended by the individuals who will be the applicants for state and local governments or private non-profit organizations that have repaired or replaced disaster damaged facilities. To attend one of these briefings you can RSVP to Kristen Cohick at the County by calling

558-6800 or emailing her at kcohick@dauphinc.org. As you are also aware, after the flooding, the Disaster Recovery Center has been open. It still is open at the Harrisburg Mall.

CORRESPONDENCE

Mr. Haste: We have correspondence listed on the Agenda, Items A through K, which will be handled by the staff appropriately.

- A. Receipt of a letter from the PA Historical and Museum Commission advising that the Keeper of the National Register of Historic Places has announced the listing of the Alleman House, 1412 Farmhouse Lane as a referenced resource.
- B. Notification from HRG advising that West Hanover Township is applying to DEP for the use of the BWM-GP-11 General Permit, a Water Obstruction and Encroachment Permit for the Fox Hill Road Culvert Replacement.
- C. Receipt of a letter from UGI to PA Public Utility Commission regarding the Application of UGI Central Penn Gas, Inc. for approval to begin to offer, render, furnish or supply gas utility service to the public in the additional territories of Centerpoint Borough and Jefferson Township, Berks County; Silgo Borough, Clarion County; Wayne and Woodward Townships, Clinton County; Jackson, Jefferson, Lykens, Rush and Williams Townships, Dauphin County; Milford Township, Juniata County; Cold Spring and East Hanover Townships, Lebanon County; Mount Jewett Borough, McKean County; Decatur Township, Mifflin County; Lehigh Township, Northampton County and Cass Township, Schuylkill County, Pennsylvania.
- D. Notification from Snyder, Secary & Associates, LLC advising that Metropolitan Development Group is applying to DEP for a NPDES Permit for stormwater discharges associated with construction activities in West Hanover Township.
- E. Receipt of a letter from DEP acknowledging receipt of the County's notification to use and register the use of General Permit No. GP-11-22-11-113 to rehabilitate Bridges No. 40 and No. 44. The County can proceed with the project after making the required notifications stipulated in the General Permit and securing all other approvals that may be necessary.
- F. Notification from Snyder, Secary & Associates, LLC advising that Metropolitan Development Group is applying to DEP for a NPDES Permit for stormwater discharges associated with construction activities in Susquehanna Township.
- G. Notification from Glace Associates, Inc. advising that Lykens Borough is applying to DEP for a General Permit #11 with regard to Rattling Creek.
- H. Receipt of a letter from Constellation Energy advising that Constellation Energy Projects & Services Group, Inc. has merged with and into its affiliate Constellation NewEnergy, Inc.
- I. Notification from Hoover Engineering Services, Inc. advising that Aman Parekh is applying to DEP for a NPDES Permit for the construction of a 71 room Candlewood Suites Hotel in Swatara Township.

- J. Notification from HRG, Inc. advising that Lower Swatara Township is applying to DEP for a General Permit 3 with regard to the Spring Garden Drive Streambank Stabilization Project.
- K. Notification from AECOM advising that they are applying to DEP for a General Permit 5 with regard to fiber optic installation project .

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? (There was none.)

ADJOURNMENT

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

Transcribed by: Richie-Ann Martz