



**DAUPHIN COUNTY BOARD OF COMMISSIONERS**

**LEGISLATIVE MEETING**

**OCTOBER 27, 2010**

**10:00 A.M.**

**MEMBERS PRESENT**

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

**STAFF PRESENT**

Chad Saylor, Chief Clerk; Marie E. Rebuck, Controller; William Tully, Esq., Solicitor; J. Scott Burford, Deputy Chief Clerk; Randy Baratucci, Director of Purchasing; Mike Yohe, Director of Budget & Finance; Fred Lighty, Esq., Human Services Director's Office; Dave Schreiber, Personnel; Kay Lengle, Personnel; Amy Richards, Commissioners' Office; Tom Guenther, Director of IT; Joe Cardinale, Solicitor's Office; Leila Brown, Solicitor's Office; Ken Rapp, Chief Public Defender; Gary Serhan, Deputy Controller; George Connor, Community & Economic Development; Jena Wolgemuth, Commissioners' Office; Brenda Hoffer, Commissioners' Office and Richie-Ann Martz, Assistant Chief Clerk

**GUESTS PRESENT**

Jay Wenger, Tom Smida, Matt Miller, Pat Navagato, James Szymborski, Tim Readon, Patty Buggy, Omar Syed, staff from the Planning Commission, Jonathan Cox, Esq. and Bret Peters

**MINUTES**

**CALL TO ORDER**

Mr. Haste, Chairman of the Board, called the meeting to order at 10:10 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 October 6, 2010 Workshop Meeting Minutes and the October 13, 2010 Legislative Meeting Minutes; motion carried.**

**It was moved by Ms. Rebuck and seconded by Mr. Pries that the Board approve the October 13, 2010 Salary Board Meeting Minutes; motion carried.**

## **EXECUTIVE SESSIONS HELD BETWEEN MEETINGS**

Mr. Saylor: Commissioners, we met once in Executive Session on October 20, 2010 to discuss matters of litigation.

## **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. Thomas F. Smida of Mette, Evans & Woodside**

#### **1. Resolution #40-2010 regarding Harrisburg Incinerator**

Mr. Smida: My name is Tom Smida and I'm with Mette, Evans & Woodside. As you are no doubt aware and graphically aware, the County is the second guarantor behind the Harrisburg Authority's 2007 C and D Notes. Those Notes were structured on what is commonly known as a zero coupon basis when they were issued and they mature on December 15 of this year in the approximate amount of \$34,685,000. In August of this year, you wrote a letter to every member of City Council and the members of the Harrisburg Authority, as well as Mayor Thompson reiterating your commitment to this obligation and advising them that the time was drawing near and suggesting that the best alternative in light of the fact that there were insufficient revenues from both the Authority and the City was signaling it would not have sufficient funds that these Notes be restructured. Today, for your consideration, is a Resolution #40-2010, which is a

formal action by the Board of Commissioners of Dauphin County signaling, again, your intentions to honor your commitments and obligations as set forth in the Guaranty from 2007, but to also send word to both the Authority and the City that you are willing to consider a restructuring in the form of a refunding of those 2007 Notes provided that both the Authority and the City step up to the plate and become part of the process. That would require the Authority would be the issuer of revenue debt and the City would be the first guarantor behind that debt and then the County would offer its second guarantee. As you know, time is drawing near for Local Government Unit Debt Act purposes the City will have to take action very promptly to be able to get this done by December 15<sup>th</sup>, which is the payment date.

Mr. Haste: A number of weeks ago I met with part of the team from the City and they had indicated that their intention was to move forward with this. Have we heard anything since then?

Mr. Smida: We have not. Mr. Wenger is here and he has reached out various times to Bond Counsel for the Authority and to the financial advisor for the City and the Authority. My understanding is that they both reported that they have no specific instructions to move forward.

Mr. Haste: We have no idea where we are with that?

Mr. Smida: We do not. They have not signaled any willingness to meet to discuss this or to take any formal action with respect to this restructuring.

Mr. Haste: Standard operating procedure for the City. Are there any other comments?

Mr. Pries: I better not say anything.

Mr. Hartwick: I have some comments and questions for the record. The first one is us moving forward and being the responsible party once again to be able to deal with this debt obligation so it doesn't become an overwhelming burden in the entirety of \$34 million on December 15 we're forced into a restructuring situation. By us taking action today, it in no way takes the City or the Authority off the hook for the repayment of these dollars.

Mr. Smida: By no means. This action is more or less a confirmation of your commitment to your obligation. It does not commit you to restructure the financing that is in place. It is simply confirmation that we are going to honor our commitment and we want to do this with you.

Mr. Haste: We are basically asking them to come to the table.

Mr. Hartwick: If they choose not to, which it appears to be the case by every signal or lack thereof, whether somebody is home and the lights are off or whether we are just not answering the door when the bill collectors are knocking, but the idea is that

regardless of whether they choose to participate or not we obviously still retain, if we move forward with any restructuring, the ability to have legal recourse to recoup these dollars for the citizens and taxpayers of Dauphin County, who through no fault of their own, put themselves into this position?

Mr. Smida: Without a doubt.

Mr. Haste: Which we will do.

Mr. Smida: The City will be in default of its Guaranty Agreement and Reimbursement Agreement. We have recourse under those instruments.

Mr. Hartwick: And, make it clear the reason why we are being responsible is for a number of reasons. One, to keep the County's credit rating, which we have worked extremely hard over the past seven years to reestablish to put us in a position where that's outside of things that we can control, we are going to continue to maintain our obligations, also our legal authority to sue and also our legal authority to continue to borrow money for County purposes and exercise other public finance options without significant recourse to our overall bond rating. Clearly, we need to continue to be responsible, but in no way let them say that this becomes Dauphin County's responsibility alone.

Mr. Saylor: I think it is important to note that there is a City Council meeting coming up very shortly. Hopefully something will be acted upon. Is it a Council meeting or an Authority meeting?

Mr. Smida: I believe the Authority has a meeting this evening.

Mr. Saylor: We are hopeful for that meeting tonight that action will be taken.

Mr. Hartwick: We have been hopeful on longer parts of two and a half years. I don't want to sound cynical or ruin any chances for those to occur and I clearly hope that there will be a turnaround, but based upon the no signal and the absolute inaction of the City I don't remain optimistic.

Mr. Saylor: There is one last opportunity here and we want to take every step to make sure that they take full opportunity.

Mr. Hartwick: The message to the Authority and City is we look forward to having your partnership. Realistic message to taxpayers is we will meet our obligation and will continue to keep our position and our ability to regain the resources that have been put forth responsibly by the County in this action.

Mr. Smida: Well said.

Mr. Pries: I don't have a statement to make. Who are the members of this team representing the City? We are literally three hundred yards away from them and yet this seems to be a continued one-way street.

Mr. Haste: It changes weekly. The individual that I was speaking about was Brian Hudson. I met with Brian sometime ago and in fact I talked with him a number of times. His indication was that they were willing to move forward. At one point in time Brian seemed to be leading the charge. It doesn't seem that he has the same role today. It is just like everything else in the City you really never know who to talk with to find out who is in charge. It is the way things are. By taking formal action, that is the importance of this, it is a matter of record and it will be sent to everybody so that whoever decides to be in charge can read it and respond.

Mr. Smida: Precisely.

Mr. Hartwick: But, correspondence has been sent to everybody in August, prior to today.

Mr. Smida: Yes.

Mr. Hartwick: Every person that could have been in response to this has already been in receipt of our letter and our request to join a partnership way to do the refinancing. This isn't the first correspondence to every person that could potentially be a player.

Mr. Smida: By no means.

**It was moved by Mr. Pries and seconded by Mr. Hartwick that the Board adopt Resolution #40-2010 regarding the Harrisburg Incinerator.**

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

(A copy of the entire Resolution #40-2010 is on file in the Commissioners' Office.)

**B. Jonathan W. Cox, Esq.**

**1. Harrisburg Mid-Town Arts Center Update**

Mr. Cox: I'm Jonathan Cox with Rhoads & Sinon. I'm here on behalf of Bartlett, Traynor & London as their Bond Counsel. We wanted to take a moment to give you an update on the status of the project. Since we last appeared before you at the end of July to ask for an extension and an increase in the allocation, we have made significant progress. We have approval from the Department of Community & Economic Development to issue the bonds through the IDA. We have an offering document for the Bonds of POS drafted, construction contract has been finalized, we have completed a feasibility study for the project, we've drafted all the bond documents, we have a

couple of remaining challenges that, the principal reason we are here today and the resolution that you adopted at the end of July we had indicated that we thought we could close and wanted to close by November 1. That is not going to be achievable where we sit today. The principal reason for that is that around the middle of September, Bergen Capital, the underwriter for the Bonds, indicated to us that they thought they would have difficulty placing the taxable portion of the project. We are looking at a \$3,255,000 tax exempt offering as a Recovery Zone Facility Bond. Because those procedures cannot be used to refinance existing debt, we were going to have to do a taxable tail and Bergen indicated to us that they thought they would have problems placing that.

Mr. Haste: What is the value of the taxable?

Mr. Cox: It is about \$1.3 million. As a result, Kevin Friedrich who is sitting to my left, the financial advisor for the borrower, has a lot of expertise in various financing programs and options and recommended that we pursue a Small Business Administration 504 loan to finance that portion. For the last five or six weeks, we have been working very diligently through the SBA 504 underwriting process. We are going through a CDC as they are known in the SBA world called DeVal Business Finance Corporation. They are located in Philadelphia. They are one of the foremost SBA 504 lenders in Pennsylvania. The process, it is a very rigorous underwriting due diligence process and it's still underway. From the bond perspective we have our house in order. We are waiting on SBA approval, which we expect and is written into the Resolution for your consideration today, is that we are asking you to reaffirm the County's Recovery Zone Facility Bond allocation to the project, subject and pending the SBA 504 approval by November 17<sup>th</sup>. We understand that the County has an interest in seeing that these funds are used. We understand that there are potentially some other interested parties, but given all of the work that we have put into this project and Bret Peters, I want to give him a second to give show you some architectural renderings of the facility and he can talk about the status and work that he has been doing on the project. Given all the work that we have put into it, we are hoping that you can reaffirm our allocation and I hope you think it is a reasonable request to ask for another two weeks. That is the status of the project. I would like to introduce Mr. Peters from the Office for Planning and Architecture.

Mr. Peters: (Display of renderings) – These are images that represent the design drawings that we have prepared for the Harrisburg Mid-Town Arts Center over the last year or so. We have been working diligently with Bartlett, Traynor and London and also Wilson Construction to make sure that the cost of the construction is well within the budgetary numbers and it is. I think these are interesting illustrations of the building, because I think everybody knows the outside of the building. I'll pass them over to the Commissioners for their inspection. The outside of the building is significant/historic and a very large building on Third Street. As a little anecdote when I was 18 years old I was an intern at the City and we did an analysis of Third Street this was one of the five buildings that was viewed in that report to be key to the resurgence of Third Street and Mid-Town. It is very important that this building be reinvested in and reinvigorated for

the entire community, not just for the owner of this, but for all of Harrisburg. As we pointed out in the prior piece Harrisburg needs all the help it can get right now. The front of the building is important to the street and important to the activity. The Harrisburg Mid-Town Arts Center will of course bring a great deal of activity into the City, but I think what is surprising for people who don't know the building is the interior. These are two renderings from the stage towards the back where we plan on adding a balcony off of our third floor VIP section and also a view to the stage. We have been working with a lighting designer and one of the foremost acousticians in the country actually to work this out and with the changes we are making to the building it should be acoustically one of the finest venues for both acoustic and amplified music in the region. This handout shows the floor plans that we have prepared, as well as black and white images of the larger images that we have here on the boards.

Mr. Pries: Gentlemen, I haven't had an opportunity or I have received any information from you on this project to date so if I could get a copy of some of that information that you have in front of you so I have a chance to review it that would be great.

Mr. Haste: Let me bring Commissioner Pries up to speed. We don't have any of those packets either. This project started in the spring and they came in and asked that we earmark the Recovery Zone bonds that were allocated to Dauphin County to this project. That doesn't obligate the County in any way, but it gives priority. It says that we backed this project. They then have to go out and float bonds to pay for this project. The three of us, at different times have taken tours of this project and supported the initial application. I believe it was late July they came back in and needed an extension, because their financing wasn't in place. When we gave the extension, we extended it to November 1 and what they are doing today is saying that they want us to extend beyond November 1, did I hear the 17<sup>th</sup>.

Mr. Cox: November 17<sup>th</sup>.

Mr. Haste: The issue that we have before us is do we want to continue to allocate and say that these bonds are there or do we want to open it up for others to have the opportunity. There are pros and cons. The pro, on why you would want to stay with this project is that it has been a project that we've all supported in the past. It appears to be good project and do you continue to allow them to have an opportunity to do this or have we went enough time with this where we need to open it up so that these bonds are not wasted and in fact that a project does occur within Dauphin County in the time constraints. Did I summarize that fairly?

Mr. Cox: That's absolutely correct.

Mr. Haste: Do we want to give them 17 more days or is this enough time now to say that we need to open it up?

Mr. Hartwick: I had expressed some initial concerns related to the ability to gain the financing. One of the things that I thought was extremely important was obviously your

commitment, the bank note and there were some other specific questions that I had related to the project that I was a little bit uneasy about initially. Subsequent to you moving down this path, we wanted to set a timeframe for which you would be able to arrange for the actual financing and the private financing. First of all I think it is a great project and one that we would support. They were able to accomplish the actual private financing within the first 90-day window. However, they had requested another extension to be able to do what was necessary in order to close the deal. Since that request has been made for the additional 90-days, we received, to my knowledge, at least one other request specifically for the utilization of about \$1.3 million that would have been otherwise allocated to this particular project. My major question is how sure are we that we are going to meet that deadline date? If you are unable to meet that deadline date, how soon can you? Because this process has already taken several months, how soon are we going to be able to get the person who may be eligible for and interested in a portion of those resources ready to be able to accomplish the same thing that is going on here within that time period by which we have to spend the money? Those are some questions that I'm going to have for Economic Development in a follow-up to today. The two week extension I don't think is a huge amount of time. I don't want two weeks to get in the way of doing the project, but I don't want after two weeks for you to come back and say you need another four. This is the second extension that has been voted on. I want to see the project happen. I would be willing to support a two-week extension, but it would be my request as part of that motion that if it doesn't work out in two-weeks then we would consider those other options. There needs to be some real timelines in on the project to be able to secure the final parts of the deal. If we can be helpful even on the SBA side to advocate for this process to move along in order to meet your deadlines, I would be happy to do so. I want to support the project, but do not want the resources to go unused at the end of the year. My particular position is that I would support a two-week extension, but that would be my final extension.

Mr. Haste: It would actually be a little more than two-weeks. The 17<sup>th</sup> is a little more than two weeks.

Mr. Cox: That is your meeting date. That coincides with your weekly meeting date.

Mr. Hartwick: How confident are you that you can get this wrapped up by the 17<sup>th</sup>?

Mr. Cox: I'm confident that we will know one way or the other by the 17<sup>th</sup>. That is the request. The final piece of this is the SBA approval. Once we have that Bergen has indicated that they are ready with the offering document, market the bonds, price the bonds and settle within three weeks. Once we have approval from the SBA you can close on those transactions fairly quickly. It is just that we are not going to know until the 17<sup>th</sup> whether we have SBA approval. If we don't have SBA approval at that point we have to come up with an alternative. We understand that the County needs to consider all of its options at that point in an effort to make sure that the funds are used in the County.

Mr. Hartwick: I don't know what you need to do in the entire scope of the project. It would be my thought at that point we would come back and talk about what the other project is and whether or not you can reallocate some of those dollars to the other project and what you can still accomplish with the remainder of the amount of money that may be available. There are parts for negotiation. That needs to occur no later than the next meeting. It is not going to happen by the 17<sup>th</sup> that we start to move in that direction.

Mr. Haste: My position would be, I'm willing to grant to the 17<sup>th</sup> as well, but also let it be known that on the 17<sup>th</sup> when we are sitting here you can't close the deal, at that moment the deal is open and the next deal in gets the funding. The last thing we want to do is sit here and not have the opportunity for a project to occur in this County.

Mr. Hartwick: Agreed.

Mr. Haste: If you are not ready on the 17<sup>th</sup>, I'm ready at that point in time to okay the next project.

Mr. Cox: Understood.

Mr. Haste: There is really no wiggle room past the 17<sup>th</sup>.

Mr. Cox: I think we are all on the same page.

Mr. Pries: Again, I'm making the request to get that information that you have.

Mr. Cox: Absolutely. We have been working with Mr. Carlucci and Skip and the IDA. They have seen some of these documents, other documents have been in draft form and we didn't want to burden everyone with them yet. It is appropriate and we would be very happy to circulate these to the Commissioners and...

Mr. Haste: I think this is a very good project. I'm impressed with it. I have been to the stage on a couple of occasions since then. I knew nothing about it until this. It could be a very nice addition to this region. But, on the other hand we can't afford to not allow a project to occur.

Mr. Cox: Understood. Thank you for your comments.

Mr. Hartwick: If you get notification before the 17<sup>th</sup> please make sure that we are aware.

Mr. Haste: If that happens and we need to take action earlier. Again, our goal is to get this project underway.

Mr. Cox: As soon as we know, we will let you know.

Mr. Saylor: On Page 3, #2 does stipulate the November 17<sup>th</sup>.

Mr. Haste: Unless otherwise provided.

**It was moved by Mr. Hartwick and seconded by Mr. Pries that the Board adopt Resolution #41-2010.**

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

(A copy of the entire Resolution #41-2010 is on file in the Commissioners' Office.)

## **C. Dauphin County Commissioners**

### **1. Retirement Proclamation – James Szymborski**

Mr. Haste: It is an honor for us to pay tribute to an institution within Dauphin County. In many ways, not only has Jim been with the Planning, but I have known him through his agricultural side and have spent time with him at the Conservation District now and Jim has become a wealth of knowledge that walks around in the County. In addition to that, the plus side that I give to Jim is he has been able to develop a very top notch staff that I almost hate to say this, that you have done well enough that I don't believe anyone will miss too much of a beat. Your touch and personality will be missed, but I don't think the work will miss a beat. I think that is a tremendous tribute to your leadership ability and your foresight to see a transition before everybody else saw it. I really want to thank you for that because I do think we have a top notch staff over there and that is a lot to do with your making and your leadership over there.

(Commissioner Haste read the following Proclamation.)

*Office of County Commissioner*  
**Dauphin County, Pennsylvania**

## Proclamation

*We, the Dauphin County Board of Commissioners, take great pride and pleasure in joining the countless faithful friends, family members, and co-workers in congratulating Jim Szymborski on his more than three decades of enduring service to Dauphin County and the Tri-County Regional Planning Commission and in wishing him well as he embarks upon his richly deserved retirement;*

*Whereas, Jim served with great distinction not only as Executive Director of the Tri-County Regional Planning Commission for 13 years, but also as a Planner, Planning Coordinator and Associate Executive Director since he began his career in June 1973;*

*Whereas, throughout the years, this 22-year veteran of the Pennsylvania Army National Guard has been the "go-to" man for regional planning, devoting much time to his craft as part of committees such as the Pennsylvania Department of Transportation's Mobility Plan Development Team; the Capital Region Economic Development Corporation and Modern Transit Partnership Board of Directors; the Harrisburg Area Transportation Study Technical Committee; the Dauphin County Local Emergency Planning Committee and the county's Gaming Advisory Board; along with several other distinguished positions;*

*Whereas, this certified planner oversaw a myriad of planning projects, including the multi-county Susquehanna Regional Transportation Partnership, which promotes alternatives to single-occupancy vehicle commuting to mitigate congestion and maintain air quality standards;*

*Therefore, we join the 256,000 residents of Dauphin County in applauding Jim Szymborski as he leaves his position with the Tri-County Regional Planning Commission behind, but will no doubt continue to be a respected leader in his field; we wish him continued health, happiness and success in the years to come; and in grateful recognition of his extraordinary life and career in government, we do hereby proudly declare October 27, 2010 as "Jim Szymborski Day" in Dauphin County.*

(Applause was given.)

Mr. Hartwick: Jim, I've had a great deal of experience now in about 14 years of public service. I was a wet behind the ears over aggressive mayor of a small town looking to try to move forward revitalization. You helped pace me. You kept us on the right path and clearly understanding of what our requirements were despite ambition and the ability to get things moving quickly. You made sure all the i's were dotted and t's were crossed. You handled issues from open space to figuring out ways to herd cats in a political environment and managed to get across some very difficult political landmines with an amount of respect, dignity and always coming at it from a collegial perspective knowing what you were going to say and exactly what you thought was in the best interest of the region without being offensive. That certainly took a great deal of God given talent, but also a great deal of understanding of planning and preparation. You have managed to maintain good relationships with folks despite the political issues that have gone on in some of the positions that you have taken for the progress and betterment of the region. I don't think anybody would say that Jim Szymborski isn't a competent individual who served this region well. One of the things that I always talk about is that we measure a guy by leadership and the way that they are able to transition. I think Commissioner Haste noted that your ability to transition both your staff and leadership is one that we've got a great deal of confidence in as we move forward in serving this region and County in the future. I know you are not retiring, because we still need you in many capacities. You are not getting off the Gaming Advisory Board and can I get a public commitment for that here today?

Mr. Szymborski: Yes.

Mr. Hartwick: And you are going to continue to serve in many different capacities when called upon. What do you plan to do if I might ask with any of your free time now that you are not going to have these daily responsibilities?

Mr. Szymborski: Well, I have always been committed to the proposition that a man's got to do what a man's got to do. Effective November 1, the first day of my retirement, I'm going fishing. I just might stay out the whole day.

Mr. Haste: The Susquehanna or the Swatara?

Mr. Szymborski: We got the farm that has been in my wife's family since the 1840's and we are carrying through with that. I've got my sheep herd and hopefully in two weeks I'll have another couple 1,000 feet of fence up and I will have an expanded pasture so I can increase that flock and continue to help my wife. I'll serve on the other boards. I still have two years left on the Conservation District and Modern Transit Partnership and the USDA RC&D Advisory Board. I will fulfill those terms. I'm at your pleasure. I'm at your complete discretion on HATS and the Technical Committee and again the Gaming Advisory Board. As long as you need me I'll be there. If there is anything else that you need, sometimes I wonder if I'm really retiring. I think what I'm doing is cutting the purse strings. So, now it is all free. I may eventually do some traveling. I remember when I was in High School and there is a poem that we had to remember that sort of set my thought pattern and frame of mind. It was called "Give me a house by the side of the road and let the water pass by." That is what I'm going to do. I'm going to sit out on my front porch, drink a beer or two, watch the sheep, mend a lot of fence, cut a lot of brush and maybe get a round of golf in every now and then and continue to fish and hunt.

Mr. Hartwick: While you have been in active service you have done far than just watched things go by, you made it happen. I want to thank you for your service.

Mr. Haste: You know Shirley won't let you leave. We may let you go, but Shirley won't.

Mr. Pries: George, those were very kind remarks. It is hard to follow you up sometimes if not always. Jim, I have had the pleasure of working with you for over 10 ½ years as a fellow director. I can tell you that you are one of possibly only two people out of our 40 directors that I have never heard anyone say anything bad about. People have a great deal of respect for you. You have done a fantastic job. I have had an opportunity to work with you from the Derry Township side as well. You are well respected all over the County. The things that you do behind the scenes that John Q Public doesn't see on a daily basis have transformed a lot of things within the County so my hat's off to you. Jeff had brought up the succession within your department. You do leave big shoes to fill. There is no doubt about that. You are irreplaceable, but the fellow that is going to step in and take your place, Mr. Reardon, is a fine gentleman as well and is ready to go. That is a credit to you as well for preparing him. We are going to be in good shape moving forward. Again, if you hadn't put together a lot of things that you did and participated as much as you had in the past, we wouldn't be in such a good place that we are today. So, my hat is off to you.

Mr. Szymborski: There are some benefits of being a behind the scenes type of guy. We leave it up to you guys. You got the ability and the responsibility to take more heat than we, in my position, take. There has been a lot of water over the dam and under the bridge in the last 36 years. I've met a lot of good people. It has given me an opportunity to work at all levels of government; federal state, county and local. I've met a lot of dedicated people. Every now and then you get someone that has self-interests, but they are very far and few between. I have been extremely proud of this administration. There is no doubt in my mind, you guys are dedicated to the welfare

and best interests of Dauphin County, committed to your position and responsibilities and honorable men. That is what we need in government, no matter what level it is. We need those types of characteristics and commitment. It has been a pleasure and a privilege to work for you. My family roots go back in Dauphin County to the 1840's also. I've had opportunities to leave, but I'm glad I didn't. Everything seemed to work out just fine. The only time I did leave on a short hiatus was Londonderry Township. It just so happened that I was there with the TMI incident. It gave you an opportunity to get involved in something that was a real disaster, but a big learning experience. You are right the accomplishments that the Commission has achieved are not my accomplishments. They are accomplishments of the staff. I'm sure you are as proud of them as I am. They are in the back row. Tim has been with us since 1984. He has been involved in virtually all the decisions that have been made from personnel, work program, legal and is well versed and well grounded. I'm comfortable and confident that the Commission will be in good hands. He will be as dedicated and devoted to you as I was. I can assure you that.

(Applause was given and pictures were taken.)

## **PERSONNEL**

Ms. Lengle: There is an Addendum to the Personnel Packet. I would like to pull #30 on that Addendum. It is possible that this person will need to continue working temporarily to cover for someone on workers comp. Are there any questions on any of the other items in the Addendum?

Mr. Saylor: For #4, Ms. Klein, we do not yet have the official notification from the Governor that the appointment has been made. I understand that she has a copy of it and will get it to us. Again, it is just a formality, but we are working to get it.

Ms. Lengle: I have no changes to the listing that I presented last week.

Mr. Saylor: You will also note in the Addendum that we have the start of the official layoffs at Schaffner in the Packet.

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

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

## **PURCHASE ORDERS**

Mr. Baratucci: There are two add-ons to the Packet. One is on Page 10 for the Sheriff's Office. It was approved by Mr. Haste. This is a State contract purchase of a vehicle that has been around for a couple of weeks trying to figure out if we could order a vehicle, because the attempt to order was right at the cut-off time for the State

contract. We had to do some checking, rechecking and approval from DGS and we ended up getting a little different vehicle than what they initially attempted to get, but it is a vehicle that they budgeted for and it is on Page 10. Again, that was asked to be added to the Packet today for consideration.

The second one is on Page 15 for EMA. That was approved by Mr. Pries. It has to do with the incident a couple of weeks ago where EMA HazMat program had to use a bunch of their supplies. This is just to restock. They wanted to get that done as soon as possible. Do you have any questions on those two add-ons? My recommendation would be to approve the Packet with those two. The budget issues have been resolved since last week.

Mr. Pries: Related to the Sheriff's request for the 2010 Explorer, Day Ford, Inc., is that outside of Dauphin County?

Mr. Baratucci: Yes.

Mr. Pries: Do we go off of a State contract for the cheapest one?

Mr. Baratucci: We buy almost all of our vehicles off of the Pennsylvania DGS State Contract. Some of the vendors are local and some are not. They are all very good prices. Sometimes they are local and sometimes they are not. It depends on who won the bid with DGS.

Mr. Hartwick: The amount for the Sheriff's car is budgeted?

Mr. Baratucci: In fact they have \$30,000 budgeted in there. I believe they are already looking at another vehicle to solve this handicapped accessible issue. I believe they have identified one that hopefully will be right around the money that is left here. They need to get a couple of quotes to satisfy our legal requirements. They are doing that right now. They may have another one coming through. Hopefully it will stay within the amount that they have budgeted and it would solve another problem.

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

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

### Blackberry Requests

Mr. Baratucci: In addition, we have the two BlackBerry requests. Last week I had mentioned that we have one here that is for Work Release, which will be paid for out of supervision fees. It is a separate contract from the County's contract. The second one is for Troy Petery, the Deputy Court Administrator, that would convert him from a regular cell phone to a BlackBerry and that will go on our regular County contract. It will

increase the complement of BlackBerrys by one. If you have any questions, I can answer them now. These are the requests from the Court approved by the Administrator's office.

**It was moved by Mr. Pries and seconded by Mr. Haste to approve the BlackBerry Requests for Troy Petery, Deputy Court Administrator, and Travis Hoch of Work Release.**

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

## **REPORT FROM BUDGET & FINANCE – MIKE YOHE, BUDGET DIRECTOR**

Mr. Yohe presented the following Report:

### *Report from the Office of Budget & Finance* **October 27, 2010**

- **October 15, 2010** transferred **\$506,669.10** to the **Payables** account from the County's Concentration account for checks issued that week.
- **October 22, 2010** transferred **\$8,526,921.78** to the **Payables** account and **\$1,913,404.69** to the **Payroll** account from the County's Concentration account for checks issued that week.
- **Total Term Investments**
  - 3/18/10 - **\$ 5,000,000.00** 9-mo. CD - Graystone Bank – **0.900%** - matures 12/16/10
  - 4/29/10 - **\$20,046,640.69** 6-mo. CD - Susquehanna Bank – **0.550%** - matures 10/28/10
  - 7/15/10 - **\$20,103,172.18** 6-mo. CD - Susquehanna Bank – **0.550%** - matures 1/13/11
  - 7/20/10 - **\$10,000,000.00** 5-mo. CD – Fulton Bank – **0.400%** - matures 12/20/10
- **Balance today in INVEST account #2100017144860: \$1,377.30 rate 0.148%**
- **Balance today in Susquehanna Bank investment account #119002023: \$3,454,307.54 rate 0.250%** (This rate is fixed for the month)
- **Balance today in First National Bank investment account #97014743: \$7,532,845.74 rate 0.590%**  
(This rate equals today's PLGIT-Class interest rate of 0.040% plus 55 basis points)
- **Balance today in Citizens Bank Municipal Money Market account #6223510156 - \$15,495.97 rate 0.200%** (This rate is fixed for the month)

- **Balance today in Citizens Bank Municipal Money Market Checking account #6221269710 - \$11,545.99 rate 0.200% (This rate is fixed for the month)**
- **Balance today in Integrity Bank Money Market Checking account 1- #2206001209 - \$5,018,074.20 rate 0.850% (This rate is fixed for the month)**
- **Balance today in Integrity Bank Money Market Checking account 2- #2206001217 - \$5,021,269.19 rate 1.000% (This rate is fixed for the month)**
- **Balance today in PNC Bank investment account #5004319839: \$25,010,157.78 rate 0.350% (This rate is fixed for the month)**
- **Balance today in Graystone Bank investment account #1610000596: \$1,034.00 rate 0.050% (This equals today's Fed Funds rate of 0.250% minus 20 basis points)**
- **Balance today in Metro Bank investment account #0536557523: \$101.30 rate 0.120%**

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

Mr. Pries: Each time you come here and give us a report I'm very pleased. It is as detailed as you can get. It is a good job that you are doing for us. I appreciate it.

Mr. Yohe: We have the public hearings in two weeks.

**REPORT FROM CHIEF CLERK/CHIEF OF STAFF – CHAD SAYLOR**

Mr. Saylor: This morning I attended an Airport Authority meeting. Very good news, the recent trend in increased enplanements is accelerating. We are seeing a 13% increase in enplanements over last year at this time. I can tell you, just from my own personal notice, there was definitely more cars in the garage. Things seem to be going in the right direction.

Other than that unless there are any questions of me that is all I have. (There was none.)

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

Mr. Tully: All the matters requiring Board action have been reviewed and are ready for a vote. If you have any questions I would be happy to try to answer them.

Mr. Pries: Mr. Tully, do I need to abstain from Item D, appointment to the Dauphin County LEPC?

Mr. Tully: It would be safer to abstain.

Mr. Pries: Could you describe L?

Mr. Guenther: This is a laptop that was in the Tax Assessment Office that was stolen out of a car. There are insurance funds and this is just taking care of the paperwork.

**MATTERS REQUIRING BOARD ACTION**

Mr. Haste: Are there any items that need to be pulled out and voted on separately?

Mr. Hartwick: FF.

**It was moved by Mr. Hartwick and seconded by Mr. Pries that the Board approve Matters Requiring Board Action, Items A through GG, minus FF, noting the abstention of Mr. Pries on Item D, listed above.**

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

**It was moved by Mr. Pries and seconded by Mr. Haste that the Board approve Matters Requiring Board Action, Item FF, listed above.**

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

- A. Training Packet.
- B. Purchase of Service Per Diem Rates between Children & Youth and:
  - 1. Children’s Center for Treatment and Education c/b/a Beacon Light Behavioral Health Systems
  - 2. Children’s Aid Society of Franklin County
  - 3. Laurel Youth Services
  - 4. Devereux
- C. Budget Amendments for the quarter ending September 30, 2010. (Third Quarter for Calendar Year Budgets and First Quarter for 2010/2011 Fiscal Year Budgets.)
- D. Appointment of Mike Pries to the Dauphin County Local Emergency Planning Committee.
- E. Request to contribute the County’s pro rata share for appraisal services and trial costs needed to ascertain the true value of the following:
  - 1. Walnut & Third, Inc., 30 N. 3<sup>rd</sup> St., Harrisburg, Parcel #03-001-060, Dauphin County Docket No. 2009-CV-15689-TX (\$1,332.00)
  - 2. Grand Prix Harrisburg, LLC, 4480 Lewis Road, a/k/a Residence Inn, Parcel #63-027-248, Docket No. 2010-CV-811-TX (\$2,234.88)
- F. Professional Services Agreement between Dauphin County and MAXIMUS for annual cost allocation services for 2010, 2011 and 2012 calendar based plans.

- G. Proposal – Professional Services Agreement with Zelenkofske Axelrod, LCC to extend the annual County Audit services for years ending December 31, 2010, 2011 and 2012 (Financial & Single Audit and 911 Audit).
- H. Proposal – Professional Services Agreement with Zelenkofske Axelrod, LCC to extend the District Justices Audit services for the years ending December 31, 2010, 2011 and 2012.
- I. Request for Exoneration from Cedar Manor Mobile Home Community for current and outstanding taxes on Parcel #34-026-005-116-0116 (Thomas Kleinfelter), 116 Michael St., in the amount of \$534.54.
- J. Intergovernmental Grant Program Application from the Redevelopment Authority for the Comprehensive and Strategic Redevelopment Plan in the amount of \$50,000.
- K. Service/Maintenance Agreement between Dauphin County and ESCO, Inc. to maintain, inspect and test the fire system at 1690 S. 19<sup>th</sup> Street for the period 11/1/10 to 10/31/2011.
- L. Lease Buy-Out Agreement between Dauphin County and Hewlett Packard Financial Services, Lease No. 103108000031 for \$2,102.21.
- M. Purchase of Service Agreements between Children & Youth and:
  - 1. Family Care Services, Inc.
  - 2. Gaudenzia Inc. t/d/b/a Gaudenzia Chambers Hill Adolescent Program
  - 3. Hope for Kids, Inc.
  - 4. Alternative Rehabilitation Communities, Inc.
  - 5. Commonwealth Clinical Group, Inc.
  - 6. Centre County Youth Service Bureau
  - 7. Keystone Service Systems, Inc.
  - 8. Presbyterian Children's Village Services
  - 9. Sleber Associates, P.C.
- N. Adoption Assistance Agreement #2010-63.
- O. MH Purchase of Service Agreement between MH/MR and Jessica Gazsi, PT DPT.
- P. ITF Medicaid Waiver Service Agreements between MH/MR and:
  - 1. Jessica Gazsi, PT DPT
  - 2. Joanna Kirby, MT-BC
  - 3. Barbara Weber, M.S., CCC-SLP
  - 4. Victoria Kern, MPT
  - 5. Pediatric Physical Therapy, Inc.
  - 6. Bonnie Quackenbush, M.A., CCC-SLP
- Q. Amendments to Purchase of Service Agreements between MH/MR and:
  - 1. The ARC of Dauphin and Lebanon Counties – Amendment #2
  - 2. Wyoming Valley Professional Ambulance Service, Inc. – Amendment #2
  - 3. Northwestern Human Services of the Susquehanna Valley t/d/b/a Susquehanna Developmental Services – Amendment #1
  - 4. Northwestern Human Services of the Susquehanna Valley t/d/b/a Susquehanna Developmental Services – Amendment #1
  - 5. The Advocacy Alliance – Amendment #1

- R. Homeless Assistance Program Assurance of Compliance.
- S. Amendment #4 to the Agreement between Dauphin County and L. R. Kimball regarding the Booking Center and Night Court.
- T. Amendment to the 457(b) Deferred Compensation Plan.
- U. Amendment #5 to the Dauphin County, PA Deferred Compensation Plan and Resolution #39-2010 certifying the approval of the Amendment.
- V. Lease Agreement between Dauphin County and Hewlett Packard Financial Services, Schedule No. 103108000039 for 25 PCs to be distributed to EMA.
- W. Lease Purchase Agreement between Dauphin County and Hewlett Packard Financial Services, Schedule No. 103120000016 for server equipment and software for Dauphin County.
- X. Amendment #1 to the October 25, 2006 Lease Agreement between Dauphin County and Frederick A. Clark.
- Y. Satisfaction Piece for Nikole K. Juergens on the property located at 3100 N. 6<sup>th</sup> Street, Harrisburg, PA 17110 (\$5,000.00).
- Z. Letter of Engagement from Zelenkofske Axelrod LLC for the 18 Dauphin County District Justice Audits for the year ending December 31, 2009.
- AA. Maintenance Agreement between Dauphin County and CenturyLink for the Vesta CS1000E telecommunications equipment at EMA for the period 11/2010 to 11/2011.
- BB. Partial Refund of 2010 Real Estate Taxes – Prologis/Keystone CBC, LP, 300 Hunter Lane, Parcel #36-013-141 - \$9,923.28.
- CC. Partial Refund of 2010 August Interim Real Estate Taxes – Robert & Barbara Weaver, 8314 Rabbit Lane, Parcel #25-009-035 for \$173.97.
- DD. Weatherization Assistance Program Single Application for Assistance, ID #201010254350 for FY 2010-2011 in the amount of \$353,547 (Annual Work Plan).
- EE. Agreement between Dauphin County, Dauphin County Sheriff's Department and the Dauphin County Domestic Relations Office for the Sheriff's Office to serve Court issued capiases and to assist Domestic Relations in enforcing support orders for the period 10/1/2010 to 9/30/2015.
- FF. 2010 Sick Leave Sell-Back Program.
- GG. Family Center (FC) Grant Agreement between the Dauphin County Human Services Director's Office and Community Action Commission.

## **FORMER BUSINESS**

(There was none.)

## **NEW BUSINESS**

(There was none.)

## **COMMISSIONERS' DISCUSSION & ACTIONS**

(There was none.)

## **CORRESPONDENCE**

Mr. Haste: We have correspondence that was received by the Board, Items A through I, which will be handled by the staff appropriately.

- A. Receipt of a letter from U.S. General Services Administration advising that they are preparing an Environmental Assessment to assess the potential environmental impacts of the proposed site acquisition and construction of a new, standalone U.S. Courthouse in the City of Harrisburg located at 6<sup>th</sup> and Reily Streets.
- B. Notification from the Pennsylvania Department of Conservation and Natural Resources advising that they are applying to DEP for a PA Water Obstruction and Encroachment Permit for the replacement of existing culverts with new concrete culverts on White Oak Road in Jackson Township.
- C. Notification from Rettew advising that the Borough of Highspire is applying to DEP for a General Permit Application for the Hammaker Drainage Project in the Borough of Highspire.
- D. Notification from Gannett Fleming advising that the Penn State University Capital Campus is applying to DEP for a NPDES Permit for stormwater discharges associated with the construction of a new parking lot at the northwest corner of College Avenue and University Drive in Lower Swatara Township.
- E. Notification from Pennsylvania American Water advising that they are applying to DEP for the renewal of NPDES Permit #0046302 for the Pennsylvania American Water - Hershey Water System located in Dauphin County.
- F. Notification from Camp Hebron advising that they are applying to DEP for the renewal of NPDES Permit PA0088536 for their existing activated sludge wastewater treatment facility.
- G. Notification from TeamAg Inc. advising that Noah W. Kreider & Sons, LLP is applying to DEP for a General NPDES Permit for stormwater discharges associated with the proposed poultry expansion in Lower Swatara Township.
- H. Notification from Century Engineering advising that Hershey Entertainment & Resorts is applying to DEP for a permit(s) for the construction of structural foundations and supports within the impoundment area for a new park attraction.
- I. Notification from Glace Associates, Inc. advising that the Williams Valley School District is applying to DEP for a permit(s) for the abandonment of private wastewater treatment plant and installation of a sewage pump system for municipal wastewater treatment plant.

## **PUBLIC PARTICIPATION**

Mr. Haste: Just a reminder that we have Retirement Board following this meeting. We will go into the Retirement Board Meeting at 11:10 a.m.

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. Pries and seconded by Mr. Hartwick that the Board adjourn; motion carried.**

Respectfully submitted,

Chad Saylor, Chief Clerk

Transcribed by: Richie-Ann Martz