

## **DAUPHIN COUNTY BOARD OF COMMISSIONERS**

## **LEGISLATIVE MEETING**

# OCTOBER 24, 2007 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. Rebuck, Controller; Robert F. Dick, Treasurer; Gary Serhan, Deputy Controller; William Tully, Esq., Solicitor's Office; Jack Wright, Human Services Director's Office; Elke Moyer, Human Services Director's Office; Randy Baratucci, Director of Purchasing; Leila McAdoo, Solicitor's Office; Kay Lengle, Personnel; Mike Yohe, Director of Budget & Finance; Amy Richards, Commissioners' Office; Carolyn Thompson, Court Administrator; Diane McNaughton, Commissioners' Office; Scott Burford, Deputy Chief Clerk; Edgar Cohen, Director of Facilities Maintenance; Bob Hawley, Courts; William Struemke, Solicitor's Office; Jena Wolgemuth, Commissioners' Office; Gertrude Farling, Controller's Office; Brenda Hoffer, Commissioners' Office and Richie-Ann Martz, Commissioners' Office

# **GUESTS PRESENT**

Garry Lenton, Patriot-News and Rev. and Mrs. Alvin Taylor

#### **MINUTES**

## **CALL TO ORDER**

Mr. Haste, Chairman of the Board, called the meeting to order at 10:00 a.m.

## **MOMENT OF SILENCE**

Everyone observed a moment of silence.

# **PLEDGE OF ALLEGIANCE**

Everyone stood for the Pledge of Allegiance.

# **APPROVAL OF MINUTES**

It was moved by Mr. DiFrancesco and seconded by Mr. Hartwick that the Board approve the Minutes from the October 3, 2007 Workshop Meeting; motion carried.

## **EXECUTIVE SESSIONS HELD BETWEEN MEETINGS**

Mr. Saylor: As you know we met on October 15, 2007 in Executive Session to discuss litigation. We did meet back on September 18, 2007 and I neglected to report it at the time, but we held an Executive Session to discuss 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**

(There was none.)

## **SALARY BOARD**

A complete set of Salary Board Minutes are on file in the Chief Clerk's Office.

#### PERSONNEL

Ms. Lengle: In the Personnel Packet on the Transactions Listing, I do have an Addendum and I want to point out some rates on a couple of the positions. On the Addendum, Change #4, the salary rate is \$12.41 p/h and it is Range 9335. In the Personnel Transactions Listing I gave you last week, Change #9 the current hourly rate is \$16.27 p/h and the proposed hourly rate is \$16.41 p/h, Range 00908, Step 03. Are there any questions on any of these listings? (There was none.)

It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve the Personnel Packet and Amendments, which includes the 2008 Pay Day Schedule and the Holiday Schedule; motion carried.

#### PURCHASE ORDERS

Mr. Baratucci: You should have received an updated packet where the budget issues were resolved. In addition to that, what I just gave you, were a couple items that just

came to me this morning for Juvenile Probation, by way of Edgar Cohen. My understanding is this was discussed and because of the long lead time to get these vehicles and try to get them out of this year's money that these were requested to be added to the packet. There are four vehicles, about \$59,000. Mike did tell me that he did get a budget adjustment for them. If my understanding is correct, I would like to add that to the packet. The other item that was outstanding from the Packet last week was the work at Schaffner. There was an email that came last Thursday to all of you describing what Dan found out and Dan's opinion. Are we leaving that in or are we pulling that item?

Mr. Hartwick: There was even correspondence as recently as this morning that discussed that we are going to organize and coordinate personnel in order to do the job internally and whether or not it will be done this year or next year. I think the first thing that we ask Dan to find out was if DPW regulations prohibit this from being done. The answer was it does not. The second question is can we coordinate both work release and I don't know if he contacted the Prison for any of the trustees to find the appropriate manpower to do it. I suggested this morning that he contact the Prison and to also identify if there are any trustees available to perform the work. I would suggest that until he does that we would withhold any formal contracting until he is able to come up with a plan and to see if he can come up with the personnel to do the job internally.

Mr. Baratucci: So, we just want to hold off on that one item in here.

Mr. Haste: Yes, it is my understanding that he tried Work Release, but there were not enough folks in Work Release. He had not gone to the Prison yet so I will talk to those folks today.

Mr. Baratucci: We will just leave it on and it will reappear next week to go through the process.

The other item that is still outstanding is the Blackberry situation for EMA.

Mr. DiFrancesco: I'm going to move that forward today.

Mr. Baratucci: You then have the Purchase Order Packet with the additional requisitions for Juvenile Probation and the deletion for Schaffner and then the Blackberry request.

Mr. Hartwick: Whenever we give the okay for requisitions I would like to see it being this kind of timing happening for all other departments in submitting their requests.

It was moved by Mr. DiFrancesco and seconded by Mr. Hartwick that the Purchase Order Packet be approved as amended (additional request for Juvenile Probation and the holding of the one for Schaffner); motion carried.

It was moved by Mr. DiFrancesco and seconded by Mr. Haste, with Mr. Hartwick voting "no" to approve the Blackberry Request for EMA; motion carried.

## REPORT FROM BUDGET & FINANCE - MIKE YOHE, BUDGET DIRECTOR

# Report from the Office of Budget & Finance October 24, 2007

- October 12, 2007 transferred \$7,255,119.90 to the Payables account and \$1,650,331.66 to the Payroll account from the County's Concentration account for checks issued that week.
- October 19, 2007 transferred \$631,265.36 to the Payables account from the County's Concentration account for checks issued that week.
- Total Term Investments N/A
- Balance today in INVEST account \$138,167.37 rate 4.850%
- Balance today in Community Banks investment account \$77,010,405.24 rate 5.250% (This rate is fixed for the month)
- Balance today in Sovereign Bank investment account \$23,378,058.93 rate 4.990% (This equals today's 1-month LIBOR rate of 5.040% minus 5 basis points)
- Balance today in PNC Bank investment account \$1,000.00 rate 4.600% (This equals today's Fed Funds rate of 4.750% minus 15 basis points)
- Balance today in Graystone Bank investment account \$1,000.00 rate 4.650% (This equals today's Fed Funds rate of 4.750% minus 10 basis points)
- Balance today in Commerce Bank investment account \$1,000.00 rate 3.435% (This equals today's 90-day T-Bill rate of 4.185% minus 75 basis points)

#### No T.R.A.N. Line of Credit required for 2007.

Mr. DiFrancesco: Anytime you want to suggest that we close that one account, it would be okay. The only reason I'm not moving forward to close it now is, because I know we are keeping it open just because of the administrative activity; given what is going on with the potential sale or whatever.

Mr. Yohe: When they came in the last time, because it was so low again, I said do you want to just close this out or are you interested? They said no. They are hoping to be competitive. I say we give them one more shot.

Mr. Haste: Let's hold it for now.

Mr. DiFrancesco: The work that goes into having to re-establish an established account. It will be your call. It is not really hurting us. There is only \$1,000 in the bank. If they are that far off, they are not interested in our business for sure.

Mr. Yohe: I approached them with that, because it was very apparent after the last RFP that they weren't this round, but they did not want to close the account.

## REPORT FROM CHIEF CLERK/CHIEF OF STAFF – CHAD SAYOR

Mr. Saylor: Commissioners, I just want to bring you up to speed on a couple of issues with the Harrisburg International Airport. It was reported at this morning's meeting that traffic at HIA is up again this month by about 14.5% over last year. So, the news continues to be good. That marks the 10<sup>th</sup> consecutive month in a row of growth in traffic at the Airport. So, a lot of exciting things are starting to happen down there. For the record, we also paid tribute to the late Edward Kilcough who was a member of the Board. He just recently died. He was a member from Cumberland County. I thought I should add that into the records.

Other than that unless there are any questions, that is all I have to report this morning. (There was none.)

# REPORT FROM SOLICITOR - WILLIAM TULLY, ESQ.

Mr. Tully: No changes in the Report, but would be happy to answer any questions you might have. (There was none.)

#### MATTERS REQUIRING BOARD ACTION

Mr. Haste: We have Items A through R under Matters Requiring Board Action. Are there any items that need to be pulled out and discussed or voted on separately?

Mr. Hartwick: Not voted on separately. If I could just comment on Item I. I did take a trip up to the roof with Edgar to take a look at the additional overhang that needs to be addressed. My only concern is related to Garry Esworthy, after watching Edgar climb up the ladder I think we should take out some additional liability insurance. I'm only kidding. Actually while we were up there it was great to see the work that has been done on the roof and from what I hear from the Courts the complaints related to all of the leaking has relatively stopped. It has been a job well done. While we were up on the roof one of the other things that I suggested to Edgar that we take a look at was the potential of working with maybe Solid Waste in trying to become one of the first green counties in putting up some solar panels on both the roof on the Courthouse and the Human Services Building. I know Edgar is going to be following up on that. It was an experience.

- A. Training Packet.
- B. Tax Refunds:

- 2007 Real Estate Taxes Dennis & Priscilla Schwenk, Parcel #24-051-013 -\$242.59.
- 2007 Real Estate Taxes Helge & Flora Jespersen, Parcel #09-096-021 -\$358.33.
- 3. 2002, 2003, 2004, 2005, 2006 and 2007 Real Estate Taxes Annabelle Wert, Parcel #39-019-050 \$954.82.
- C. Appointment of Virginia L. Teter to the Dauphin County Children and Youth Advisory Board. Term expires October 24, 2010.
- Appoint Kathy Possinger to the Affordable Housing Board. Term expires December 31, 2008.
- E. Purchase of Service Per Diem Rates between Children and Youth and Council of Three Rivers American Indian Center, Inc./Rainbow Adoptions.
- F. Satisfaction Agreements for:
  - 1. Crystal Stratton for property located on 185 Ridgewood Road, Millersburg, PA 17061 (\$3,597.00).
  - 2. Christian Valdez for property located on 542 Lopax Road, Harrisburg, PA (\$3,524.00).
- G. Stipulation of Settlement for Tax Assessment Appeal of Dayton Parts, LLC, 1300 North Cameron Street. Tax Parcel No. 07-055-030.
- H. Change Order #1 Multi-Bridge Deck Rehabilitation Project adding \$4,499.10 for approach roadway work and concrete deck repair to Bridge #54S.
- Change Order #1 Dauphin County Courthouse Roof Replacement Project adding \$21,873 for the installation of a fully adhered EPDM roof system to the roof over the entrance of the Dauphin County Courthouse.
- J. FY 2007-2011 Grant-in-Aid Funds Agreement Amendment and FY 2007-2011 Supervision Funds Agreement Amendment for Adult Probation. These Amendments cover the Management Directive issued by the Governor's Office for participation in the Pennsylvania Electronic Program (PEPP) via the Automated Clearing House (ACH) Network.
- K. Purchase of Service Agreement between Area Agency on Aging and Community Action Commission.
- L. Purchase of Service Agreements between Children and Youth and:
  - 1. Lackawanna County
  - 2. Council of Three Rivers American Indian Center, Inc.
- M. MH Purchase of Service Agreements between MH/MR and:
  - 1. Country Meadows of Hershey
  - 2. Bonnie J. Quackenbush, M.A., CCC-SLP
  - 3. Easter Seals Central Pennsylvania
  - 4. Stacy A. Foreman
  - 5. Northwestern Human Services of Pennsylvania
  - 6. Edgewater Psychiatric Center, Inc.

- N. ITF Medicaid Waiver Service Agreements between MH/MR and:
  - 1. Bonnie J. Quackenbush, M.A., CCC-SLP
  - 2. Easter Seals Central Pennsylvania
  - 3. Stacy A. Foreman
- Ο. Purchase of Service Agreement Amendments between MH/MR and:
  - Aurora Social Rehabilitation Services Amendment #1
  - 2. Center for Independent Living of Central Pennsylvania – Amendment #1
  - Capital Area Transit Amendment #1 3.
  - 4.
  - Country Meadows of Hershey Amendment #1 Bonnie J. Quackenbush, M.A., CCC-SLP Amendment #1 5.
  - 6. Speechcare, Inc. - Amendment #1
  - 7. Family and Children Services of Central Pennsylvania - Amendment #1
  - 8. Philhaven - Amendment #1
  - Youth Advocate Programs, Inc. Amendment #1
- P. Contract with Buchart Horn, Inc. for litigation support services.
- Environmental Grant in Education, Conservation/Education Organization Mini Grant -Q. EEF#: EEO70023 for Wildwood Lake Sanctuary: Past, Present and Future Educator Workshops - A Study of its Wetlands.
- R. Agreement and Bond between Dauphin County and David M. Maines, Inc. for the Dauphin County Bulk Storage Building Roof Replacement Project.

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

# FORMER BUSINESS

(There was none.)

#### **NEW BUSINESS**

(There was none.)

#### **COMMISSIONERS' DISCUSSION & ACTIONS**

Mr. Hartwick: In my office I have been receiving an excessively large number of complaints related to the Lower Paxton Township Tax Collector. Those complaints involve checks not being cashed and trying to explain to constituents that right now it is school taxes that they are paying versus municipal taxes versus County taxes is a very difficult thing. The complaints usually say you are my Commissioner you address the complaint. With such a large number of complaints we are receiving about the Lower Paxton Township Tax Collector, I had contacted both the Central Dauphin School District and the Lower Paxton Township Manager and finding out whether or not it is just me receiving these complaints or is all the other taxing authorities been in receipt of

such complaints. The answer was overwhelmingly that they have received a large number of complaints in both Lower Paxton Township, as well as Central Dauphin School District about checks not being cashed and the untimely responses from that office. I know that there are some requirements by State law. Tax Collectors are elected officials. They have the responsibility to run their own offices, while we may disagree with that in principle. We also understand that those are what govern their current offices at this time. However, I'm not going to sit by idly and not act on the complaints that I have been receiving. The first thing that I know that they must do by State law is remit payments within 30 days of receipt within their office and they are never allowed to have more than an aggregate of \$100,000 in an account at a single time without turning that amount over to those taxing authorities. I know that I discussed this briefly on the way in with the Controller's Office and I have asked her to take a look at whether or not we have had issues within the County tax collection system, whether or not there has been issues with the timing of it and whether or not we have reconciled. I know once a year our Controller performs an audit of that office and what I want to ask today is that we take a look at that and ask the Controller's Office, to the extent that they can, to take a look at it. I know the Treasurer also receives the payments from the Tax Collector, if you could comment on whether or not, from the County's perspective, we have had issues with Lower Paxton Township.

Mr. Dick: The payments that we have received from her seem to be on time. There are times where she lags a little bit. Her predecessor, you said something about \$100,000 in the account, at times she had millions of dollars in the account. This leads me to another issue, the interest-bearing accounts, which is an issue that the Commissioners want to address. I think that is something that we should look into in the future.

Mr. Hartwick: About a month ago I set up a meeting with our Chief Clerk, as well as the incoming Treasurer-Elect Janis Creason, to discuss the possibility of issuing a best practice list for tax collectors. The issue in Susquehanna Township raised the issue as to whether or not we are allowed to put money into an interest bearing account and what are the regulations. I know our Audit Committee took a look at that and is going to make some recommendations. I don't want to lose the focus today. The focus of my comments today is to ask the Controller to take a look at specifically the Lower Paxton Township issue from the County's perspective. I'm also going to be asking you to join in the School District's investigation on whether or not those payments are being remitted in a timely fashion and if not to provide a report back to this Board to attempt to see whatever remedy we can take legally; whether it be a mandamus action or whatever related to making sure that those taxes are collected efficiently and being cashed. As a taxpayer I want to make sure when I send my hard earned money in that it is being processed in the appropriate way, not sitting in shoe boxes and making sure that it is getting to the taxing authorities in a timely fashion.

Mr. Dick: I think where Diane Bair is running into problems is the multiple payments. When we send our tax money in for the County we don't have the multiple payments. They are processed in a timely fashion. My check was processed in a timely fashion and the money was remitted. We, in the Treasurer's Office, don't have a problem with Diane Bair. I think where the problem exists is the multiple time payments, because she is handling a bill three times rather than just once. I understand, through some

conversations I have had with Diane Bair that the School District sends people in about six hours a day, but I don't think that is nearly enough.

Mr. Hartwick: I have no first hand knowledge of the office. I know that there has been some review of the office as it relates to the tax collection process, some of the safety features that should be in place when you are handling money and have that fiduciary responsibility. From what I've heard, just based upon individuals who have been working with the office, there certainly could be a whole lot more done to exercise fiscal controls in order to make sure that money is not sitting around, money is secure and money is being processed efficiently. I think there are some major issues that were concerning me personally when I heard about it. I know as a taxpayer it would concern me and the overwhelming number of complaints that I've started to receive in my office. I think it warrants a definite look into and that is what I'm suggesting that we do today. I appreciate your cooperation and help.

Mr. Haste: Anything that we can do I think is important to do. Again, it highlights at times the inefficiency of our system. Not meaning your system (Treasurer), but the local system.

# CORRESPONDENCE

Mr. Haste: You will see the correspondence listed that has been received by the Board this week, Items A through L, which will be handled by the staff appropriately.

- A. Notification from Dauphin Engineering Co. advising that Matthew D. Hoffer is applying to DEP for a General Permit for discharges of stormwater from construction activities for a project in Conewago Township.
- B. Notification from Dauphin Engineering Co. advising that Kendale Oaks Corporation is applying to DEP for a General Permit for discharges of stormwater from construction activities for a project in Lower Paxton Township.
- C. Notification from H. Edward Black & Associates, Inc. advising that William Grace is applying to DEP for a Sewage Facilities Planning Module for the Steelton Beer Outlet project on 1665 S. Cameron Street.
- D. Notification from Glace Associates, Inc. advising that they are applying to DEP for a BDWM-GP-5 Utility Line Stream Crossing Permit for sanitary sewer main extension and interceptor replacement in Williams Township and Williamstown Borough.
- E. Notification from HRG, Inc. advising that they are applying to DEP for a Joint Permit Application for the Bridge Replacement Project of Dauphin County Bridge #42 T-595 (Matterstown Road) over Wiconisco Creek in Washington Township.
- F. Notification from CET Engineering Services that the Lykens Borough Authority is applying to DEP for a renewal of its NPDES Part 1 Permit to discharge sewage, as required by DEP, from the Authority's wastewater treatment facility located in the Borough of Lykens.
- G. Receipt of a letter from DEP regarding the Black Fly Suppression Program. The County's share for 2008 will remain at the current level of \$118,455.00.

- H. Notification from Skelly & Loy advising that Commerce Drive Dauphin, L.P. is applying to DEP for a NPDES Permit for stormwater discharges associated with construction activities in Susquehanna Township.
- Notification from Kairos Design Group, LLC advising that they are applying to DEP for a General NPDES Permit for stormwater discharges associated with construction activities in Lower Paxton Township.
- J. Notification from Dauphin Engineering Co. advising that Molinari & Ruble Partners, LP are applying to DEP for a General Permit for stormwater discharges associated with construction activities in Lower Paxton Township.
- K. Receipt of a copy of a letter from Post & Schell advising that they have sent one original and three copies of the Letter of Notification of PPL Electric Utilities Corporation for filing with the PA Public Utility Commission pursuant to 52 Pa. Code Chapter 57 Subchapter G with respect to the Ebenezer 138/69 kV Tap Line in Lower Swatara Township.
- L. Notification from Gannett Fleming advising that the Mountainview Thoroughbred Racing Association is applying to DEP for an amendment to an existing Water Quality Management Part II Permit No. 2205403 for the relocation of a DEP previously approved water reuse tank and also for construction of a reclaimed water pumping station at Penn National in Grantville.

# **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?

Mr. Serhan: I'm Gary Serhan of the Controller's Office. Regarding Tax Collector Diane Bair, there are problems out there. We haven't experienced them here in the Courthouse, not yet. She is having trouble with the School District badly. We know that. Bob just mentioned about the coupon payments on the back. That triples her work and Lower Paxton has the most parcels of any district in the County. Also the School District lowered her commission and that has hampered her from hiring additional staff like Patsy Donmoyer did. The other thing is regarding the amounts in the bank account. They all have amounts well over \$100,000. Let me tell you exactly why. The checks that Bob receives in the office are in the millions. This is weekly. More and more often these tax collectors do remit frequently, especially the ones that are collecting bulk. That is not in the tax law by the way. I have not seen that anywhere where there is a limit in the amount in the Tax Law that sets an amount. I think that amount may have come up — I'm not familiar and I could be wrong, but I haven't seen a number.

Mr. Hartwick: For banking and insurance purposes they are not allowed to have more than \$100,000 in their account.

Mr. Haste: That is the liability issue.

Mr. DiFrancesco: As long as they set up appropriate collateral standards.

Mr. Serhan: Correct.

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Mr. DiFrancesco: They have to by agreement and contract they have to specifically put assets towards those deposits to make certain that if the bank would ever go under those government dollars would be the first to get paid out.

Mr. Haste: You mean their agreement with the bank.

Mr. Serhan: I'll tell you one thing we have not ever done is request to see those collateralized agreements.

Mr. DiFrancesco: That is probably a good thing to do.

Mr. Hartwick: That is why we need the best practice model. We need to examine this entire tax collection process.

Mr. Serhan: No, they all have more than \$100,000 in those accounts. They can't help but not have more. They would be remitting hourly. In this particular case I said it is going to eventually affect our office. If she is behind on the school taxes, she is going to have all she can do to close her books to turn them into the delinquent tax office in January. When that happens she is going to be behind. When we send out our duplicate for the County and Township, she is going to be behind. We are going to suffer the same delays as what the school district is suffering now. It is going to have this domino affect. I expect to see that coming up. If you are concerned, as the Audit Committee and we all agreed and you fellows agreed that the audits were absolutely worthless, because of the timing and when they were received. Everything was settled out. Even Diane Bair's accounts, when sent into Bob we reconcile those monthly and they all come out. Everything is cool there. I think because of the concern on this office, now she is going to be elected in November as Tax Collector. I don't believe anybody is running against her. She is acting the part now where she is appointed. She will be elected to take office in January. The accounts are now being audited all the way up for Patsy Donmoyer's accounts. Now Diane took over. I would recommend that you approve and contract ZA, who is out there right now doing Patsy Donmoyer's accounts, and contract them to do an audit for this year.

Mr. Hartwick: Certainly a suggestion, you have that authority.

Mr. Serhan: I don't have the authority to contract it.

Mr. Hartwick: No, but you do to administer the audit. Am I correct?

Mr. Serhan: Yes.

Mr. Hartwick: We would contract with ZA in order to do one mid-year rather than once all books have been reconciled. Right now would be a better time.

Mr. Serhan: The basis ZA is doing the audit right now is they are auditing all – school and whatever was in those accounts. That is my belief that they are auditing everything. I think we would need to get the Township and School into an agreement

that we are going to contract the audit, as we did this one, and have a full audit for the year 2007.

Mr. Tully: It would be the same just extend the parameters of it.

Mr. Saylor: I anticipate that ZA will soon have, at least an initial, report on their findings on Patsy Donmoyer's Estate, which may shed some light on the current problems as well.

Mr. Hartwick: I don't want to be in a position as Gary said all three taxing authorities then become this far behind because of the options offered by the School District and payment plans now. Once she gets caught up to reconcile, then it is going to really affect every one of the taxing authorities. Now may be the right time to do an audit, which may even throw her further behind in that process. We need to get a handle on the problem.

Mr. Serhan: That would be for the year 2007. They would be auditing sometime in 2008.

Mr. Hartwick: Thank you for your comments.

## <u>ADJOURNMENT</u>

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

Respectfully submitted,

Chad Saylor, Chief Clerk

Transcribed by: Richie-Ann Martz