



**DAUPHIN COUNTY BOARD OF COMMISSIONERS**

**LEGISLATIVE MEETING**

**DECEMBER 5, 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; Bruce Foreman, Esq., Solicitor's Office; Mike Yohe, Director of Budget & Finance; Randy Baratucci, Director of Purchasing; Tom Guenther, Director of IT; Scott Burford, Deputy Chief Clerk; Dave Schreiber, Personnel; Guy P. Beneventano, Esq., Solicitor's Office; Fred Lightly, Esq., Solicitor's Office; Diane McNaughton, Commissioners' Office; Amy Richards, Commissioners' Office; Leila McAdoo, Solicitor's Office; Carolyn Thompson, Court Administrator; Kay Lenge, Personnel; Jena Wolgemuth, Commissioners' Office; Brenda Hoffer, Commissioners' Office and Richie-Ann Martz, Commissioners' Office

**GUESTS PRESENT**

Miriam Mohler, Hannah Mohler, Garry Lenton, Evelyn Hunt and James Ellison

**MINUTES**

**CALL TO ORDER**

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

**MOMENT OF SILENCE**

Everyone observed a moment of silence.

## **PLEDGE OF ALLEGIANCE**

Everyone stood for the Pledge of Allegiance.

## **APPROVAL OF MINUTES**

**It was moved by Mr. Hartwick and seconded by Mr. Haste that the Board approve the November 14, 2007 Workshop Meeting Minutes; motion carried.**

## **EXECUTIVE SESSIONS HELD BETWEEN MEETINGS**

Mr. Saylor: We met twice in Executive Session. We met on November 28, 2007 to discuss matters of litigation and again this morning to discuss some legal matters.

## **PUBLIC PARTICIPATION**

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

## **DEPARTMENT DIRECTORS/GUESTS**

(There was none.)

## **SALARY BOARD**

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

## **PERSONNEL**

Ms. Lengle: I have no changes to the listing from last week. I do have an Addendum. Are there any questions on the items in the Addendum? (There was none.)

**It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve the Personnel Packet and the Personnel Packet Addendum; motion carried.**

## **PURCHASE ORDERS**

Mr. Baratucci: There has been no change to the Purchase Order Packet since last week, except for the fact that I just gave you a Requisition from Facilities Maintenance. It was asked that I add it to the Packet. It got in late yesterday so it is not on the Packet. Mr. Cohen did ask Commissioner Haste if it could be added and he said yes. It has to do with some fencing out at the Bulk Storage area, completing the boiler project out

there. All the budget issues were resolved. I would like to ask that the Packet be approved with this item added to it. (There were no questions.)

**It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve the Purchase Order Packet, including the Requisition from Facilities Maintenance; motion carried.**

Mr. Baratucci: I have two other items. The first one is last week I had given you a Remote Access Request for the Coroner's Office. I have that hopefully to act on today. In addition to that, early this week a request came for a BlackBerry item to be granted to the District Attorney's Office. Actually it came through Commissioner Hartwick. I thought that was a little ironic, but...

Mr. Hartwick: I want the record to reflect that every BlackBerry that I have ever said no to was ones that came out of the County funds. I approved BlackBerrys that came from non-County funds that were used for personal use. I actually did as recently as two meetings ago. So, make sure the record reflects that and how ironic somebody calls me for a BlackBerry request.

Mr. Haste: The one for the Coroner I would ask that we not act on it yet. I haven't gotten an answer.

Mr. Baratucci: We will hold onto that.

Mr. Hartwick: Leading me to the question this BlackBerry request is coming from non-County funds and is a budgetary request. Am I correct?

Mr. Baratucci: That is correct. But, as some others.

Mr. Hartwick: The ones that I have approved and have supported have come from their personal dollars. I'm going to go back and check the record. That grin!

Mr. Baratucci: I've sat here and listened to you say many times you are just against BlackBerry requests completely.

Mr. Hartwick: Why would I do that and have my own BlackBerry a part of the County even though it is coming from my funds? I'll research the record and will forward it to you following the meeting.

Mr. Baratucci: No problem.

**It was moved by Mr. DiFrancesco and seconded by Mr. Hartwick that the Board approve the BlackBerry Request from the District Attorney's Office; motion carried.**

Mr. DiFrancesco: I'm assuming this is Ed's signature.

Mr. Baratucci: Yes, it is.

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

Mr. Yohe gave the following Report.

**Report from the Office of Budget & Finance  
December 5, 2007**

- **November 23, 2007** transferred **\$8,352,495.10** to the **Payables** account and **\$1,698,198.19** to the **Payroll** account from the County's Concentration account for checks issued that week.
- **November 30, 2007** transferred **\$1,213,370.81** to the **Payables** account from the County's Concentration account for checks issued that week. (Delinquent Tax distribution - \$510,000)
- **Total Term Investments – N/A**
- **Balance today in INVEST account \$138,735.02 rate 4.490%**
- **Balance today in Susquehanna Bank investment account \$54,900,903.11 rate 5.220%**  
(This rate is fixed for the month)
- **Balance today in Sovereign Bank investment account \$16,900,817.81 rate 4.690%** (This equals today's 1-month LIBOR rate of 4.810% minus 12 basis points)
- **Balance today in PNC Bank investment account \$1,000.00 rate 4.350%** (This equals today's Fed Funds rate of 4.500% minus 15 basis points)
- **Balance today in Graystone Bank investment account \$1,000.00 rate 4.400%** (This equals today's Fed Funds rate of 4.500% minus 10 basis points)
- **Balance today in Commerce Bank investment account \$1,000.00 rate 2.425%** (This equals today's 90-day T-Bill rate of 3.175% minus 75 basis points)

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

Mr. DiFrancesco: Have we talked at all to Susquehanna with the acquisition being done? Community was always way out front with some of the best rates. Have we talked to Susquehanna and do we expect...

Mr. Yohe: I did when they first starting giving us the rates. I have not since they converted. I was assured a couple months ago that nothing should change. This would confirm it, because this is a new rate for December. I was happy.

Mr. DiFrancesco: It is excellent. Hopefully we will keep doing business with them, because they have always been good partners.

Mr. Yohe: I'll reach out again. I have a feeling we will be okay at least through February. With the new RFP maybe something might change.

Mr. DiFrancesco: That is when we would know for certain. Community was a good partner and they always gave us really nice rates.

Mr. Yohe: Quite honestly the rate that they are giving us right now is way better than what they bid on their RFP. The index that they used to base this on is the 91-day T-Bill which has dropped dramatically since the RFP started. Commerce is tied to the same one and you see where their rates are.

Mr. DiFrancesco: They have been a good partner for us and that is when it works well when they need the money and we want to give it to them.

Mr. Yohe: When I checked with Howard at Community they are actually giving us 91-day T-Bill plus 150 something basis points. As opposed you see Commerce is the same index minus 75 points. Hopefully that will continue after February.

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

Mr. Saylor: I have one item from the Airport Authority Meeting this morning. You all know John Ward has been serving as Chairman of the Board. His term has expired and he has not been reappointed so he stepped down. We noted his long tenure on the Board with great fanfare today. If you do see him be sure to offer your congratulations to him. Unless there are any questions that is what I have to report.

Mr. DiFrancesco: York County?

Mr. Saylor: I believe yes. Bub Manning is ascending to leadership now. I think he was elected Secretary and Fred Sembach is returning to leadership as Vice Chairman.

#### **SOLICITOR'S REPORT – BRUCE FOREMAN, ESQ.**

Mr. Foreman: I have nothing to add to the Solicitor's Report, but would be happy to answer any questions you may have. (There was none.)

#### **MATTERS REQUIRING BOARD ACTION**

- A. Training Packet.
- B. Bypass Waste Agreement between Dauphin County and NorthEast Waste Services:
  - 1. Sandy Run Landfill
  - 2. Mostoller Landfill
  - 3. Cumberland County Landfill (a/k/a Community Refuse)

4. Lancaster County Resource Recovery Facility
- C. 2008-2009 Juvenile Accountability Block Grant from Pennsylvania Commission on Crime and Delinquency (PCCD). Grant in the amount of \$37,524 to fund 1-year salary of one Juvenile Probation Community Service Coordinator position.
  - D. Professional Services Support Contract between Dauphin County and D & E Communications for Dauphin County Drugs & Alcohol during transition period of 1/1/08 – 6/30/08.
  - E. Adoption Assistance Agreements #2007-32, #2007-36, #2007-37, #2007-38, #2007-39 and #2007-40.
  - F. Amendment #1 to the HealthChoices Agreement between Dauphin County and the Commonwealth of Pennsylvania Department of Public Welfare.
  - G. Refund of 2007 Real Estate Taxes – Stephen and Amanda Fisher, Parcel #66-009-002 - \$591.32.
  - H. Purchase of Service Per Diem Rates between Children and Youth and:
    - a. Northwestern Human Services of Pennsylvania, Inc.
    - b. Harborcreek Youth Services, Inc.
    - c. Valley Youth House
    - d. Alternative Living Solutions, Inc.
  - I. Resolution #31-2007 – Re-establishing the Department of Drug and Alcohol Services.
  - J. Local Economic Development Assistance (LEDA) Program Contract/Grant for Dauphin County Commissioners for Dauphin County Department of Community and Economic Development: Contract No. C000030079 for \$80,753.00 and ends June 30, 2008.
  - K. Maintenance Agreement between Dauphin County Schaffner Youth Center and Berkshire Systems Group, Inc. for:
    - a. Fire Alarm Service Package (Annual Fee 1<sup>st</sup> & 2<sup>nd</sup> year - \$4,752.00 and 3<sup>rd</sup> year - \$4,896.00)
    - b. Sprinkler Inspection Package (Annual Fee 1<sup>st</sup> year - \$700.00; 2<sup>nd</sup> & 3<sup>rd</sup> year - \$721.00)
  - L. Renewal of TEGG Electrical Maintenance Agreement (with no additional minor visits included) between Dauphin County Schaffner Youth Center and G.R. Sponaugle Service. The annual Agreement price is \$2,886.00 from 1/1/08 to 12/31/08.
  - M. Purchase of Service Agreement between McKonly and Asbury LLP.
  - N. Adopt Resolution #32-2007 designating Lancaster County and York County Solid Waste Facilities as additional Bypass Waste processing or disposal facilities in the event the Harrisburg Authority is unable to process regulated waste.

Mr. Haste: We have items A through N. Are there any questions on any of the items?

Mr. Hartwick: Just to bring to the Board's attention related to I and M, there has been a lot of discussion related to the transition from the Executive Commission on Drugs and Alcohol to the County re-establishing the Department of Drug and Alcohol Services.

That is going to be the name of the Department under the County. There has been a whole lot of work that has been done by a transition team in the County. That transitional team includes our civil service guy Merle, Fred Lighty who has been taking care of the legal portions, as well as Stephanie Strayer who is putting together our logistical parts of the transition. Today, the Board is going to be asked to approve an agreement between ourselves and McKonly & Asbury. It is important and imperative that we do our own audit of the financial structure with the Executive Commission. There have been a number of issues that have been raised. Through this audit we are going to be able to finally have those issues addressed. I think it is extremely important that we do address those issues through the audits, so I am going to be asking for that support. There has been a couple of things that have happened at the last Board of Directors' Meeting that I think are allowable expenses that have been given approval to but there is one noted concern. An issue has been brought up about reimbursement of employees for healthcare for personnel related work that's going to happen in the wind down. The other big issue and I was not going to mention it today, but there has been some discussion about awarding bonuses to individual employees that would happen following the close of business. That is something that this Board is not in favor of in any way. I believe we are in discussions with the Bureau of Drug and Alcohol to find out if in fact that is a legal expenditure from the Executive Commission. I believe my colleagues would concur that is something that we would not support. If in fact there is no legal expenditures for that they would be in violation of those admin monies that they are going to use for that purpose. I just wanted to make those things clear with the Board. Otherwise there have been offers made to employees. Transition is beginning to take place.

Mr. Haste: Fred can you come up.

Mr. Hartwick: December 31, 2007 at 1:00 p.m. is when the official takeover occurs.

Mr. Lighty: Correct, December 31, 2007 at 1:00 p.m. is when we will actually go and take physical possession of the property and our program will begin. Most of our employees will not be working New Year's Eve or New Year's Day so really the first day that we will be in business will be January 2.

Mr. Haste: Could we send a letter putting the Commission on notice that we do not support the rumors that we hear?

Mr. Lighty: Absolutely. In fact that would be appropriate. We have already requested that the State Bureau of Drug and Alcohol Programs give us in writing that it is an improper use of the BDAP money. Assuming that we get that or even if we don't get that, it would still be appropriate for your Board to send a letter saying such.

Mr. Haste: Could you draft us a letter?

Mr. Lighty: I would be happy to draft such a letter.

Mr. DiFrancesco: The other question I have and it gets very confusing because they are going out of business and we pick up with our organization, as you said, almost instantly from the transition time. What happens when they make commitments, like for instance, as Commissioner Hartwick mentioned, part of the rumors were three months of medical benefits. When the transition happens, that commitment is no longer theirs. I'm assuming that their funding completely goes away or do they still have resources to provide that benefit? How does that happen? Obviously they can't make obligations that will transfer to us at the last minute.

Mr. Lighty: Correct.

Mr. DiFrancesco: I shouldn't say obviously. I should say hopefully.

Mr. Lighty: That is correct. I don't know how they are going to pay for those obligations. If they are going to be giving their employees three more months of healthcare I don't know how they are paying for it. I can tell you that they may not pay for it out of the BDAP funding. They are a private corporation. They are free to have other sources of funding if they can get them, but I don't know what they are and hopefully the audit that you will be voting on in a minute will tell us where they intend to get that money.

Mr. DiFrancesco: I just don't want to see us get into a position where all of a sudden we have yet another problem and a potential lawsuit where we are trying to clean up a mess that happened in the waking hours of an organization. I want to make sure that we are communicating, as the Chairman mentioned, very clearly because obviously this is a big concern. This should be seamless and without problems. From what I understand the last year has gone pretty smoothly. There have been some lumps in the road, but it has gone relatively smoothly in the transition. I hate to see these last several weeks problems created. The rumors had me a little concerned, but they are just rumors and hopefully they are not true. I think we have to be very clear and hopefully they are getting adequate scrutiny also from the public in terms of what they are doing.

Mr. Hartwick: I think what has been extremely helpful is our meetings with BDAP directly and then giving us clear direction on what is allowable and what is not allowable and then making it very clear that they are dealing directly with Fred and our transition team in giving that clear and concise information and recognizing that we are in fact going to be the organization of record for the delivery of services starting December 31, 2007 at 1:00 p.m. They have been very clear with the Executive Commission in that process and I think we have, from the County's perspective, with Sandy Moore and our transition team went exceedingly above and beyond what we were required to do in having frequent meetings with the Executive Committee, the Executive Director with their transition team, almost bi-weekly.

Mr. Lighty: It was every two weeks.

Mr. Hartwick: We are certainly not required to do that, but all these issues have been aired out and discussed. Some of the last minute issues, based upon history, are not to be unexpected, but certainly things that we are going to remain on top of as our staff has throughout the process.

Mr. DiFrancesco: The other question that I would have that was posed to me yesterday. At what point does Dauphin County begin to put the presence on the web page and start to promote so again our marketing is preceding the transition so that people do know what the appropriate numbers are to call come January 2, 2008? Obviously the start of the new year is a significant time for people who have, for whatever reason, resolve to give up smoking, drugs, alcohol or whatever it might be. We certainly want to make sure that we don't wait until January 2 to start to brief the public in a broad based way that now these are the people that you are dealing with and this is the new organization. I don't know how much that has been talked about, but I would expect that at least two weeks out we start to do some sort of public marketing; preferably right now we start to do it.

Mr. Lighty: Commissioner, this has been talked about for many months in these transition meetings. The transition will be seamless to the users. The phone numbers are staying the same, the website and email addresses hopefully will stay the same. Tom is here and he has been working on keeping all the technology issues exactly the same. If you are a consumer or client and you want to call in and get these services you won't even know that the back end has changed. Then going forward down the road as the new County department may develop more effective advertising and a better website that can come on line, but there won't be any interruption at all. To the consumer it will be seamless.

Mr. DiFrancesco: I have to go look to see what presence is on the web right now. I'll have to look at that. Obviously for the past four years we had a concern for a lack of marketing. I would like to at least see over the next two weeks appropriate marketing. There is plenty of marketing, but I would like to see us make sure that over the next two weeks, even if it is just maybe being highlighted more on the website or whatever, just something out there so that people see it and start to see that there is a change taking place. A lot of that may have to do with folks who have an experience from the past to let them know that the organization is in different hands. It is now a County run department and so forth.

Mr. Hartwick: There is another thing that the public should know as a matter of transition. We no longer are administering the tobacco funds. That is being run through a 13 County Consortium that has been constituted and contracted directly by the State to administer the tobacco prevention, cessation, education and intervention programs and actually the new company has retained the person that worked in Dauphin County, Jason Moffitt in the Executive Commission to actually be the representative here in the County. They have been trying to be seamless in the tobacco piece. You mentioned quitting smoking, we can certainly provide referrals to that agency, but that's one that I don't want...

Mr. DiFrancesco: That's my fault. I misspoke when I said that.

Mr. Saylor: May I clarify one thing? I know the word rumor has been mentioned here. Fred, didn't the current board meet at some point in November and made some decisions?

Mr. Lighty: Yes, they did. The Executive Commission Board voted on to offer healthcare to their employees for three months into the new year, after they are officially closed for business. They offered some consulting contracts to some of their employees to come in and do some wind down work. That probably is appropriate as long as it doesn't get excessive. Somebody is going to have to issue their W-2s and things like that. The other thing that was mentioned, but was not officially part of their agenda, was whether there would be any bonuses for any of these people.

Mr. Hartwick: There was no action taken on that.

Mr. Lighty: That is what we are eluding to here today. That would be the really problematic thing. It is my understanding that they can't use BDAP money. If they do intend to do that they will need to pay for it out of a different source.

Mr. DiFrancesco: Even for the wind down people, because their money assumingly would be cut off as of December 31 at 1:00 p.m., would it be appropriate for them to come to us and say look here is what we are seeing as a critical need afterwards for wind down and having that approved again before just making a decision.

Mr. Lighty: If they needed money from you certainly they should come and ask for it.

Mr. DiFrancesco: So again, we are not aware of any outside income.

Mr. Lighty: They have not asked us for any such support. I don't know how they are actually paying for this. We do not yet know.

Mr. DiFrancesco: I think it is important for us to find out.

Mr. Lighty: Absolutely.

Mr. Haste: So, you will draft a letter for us?

Mr. Lighty: I will.

Mr. Hartwick: The other issue that we want to make sure we resolve is the issue related to how the money from our retirement came to the Executive Commission and how in fact that is currently being invested and distributed to their current employees.

Mr. Lighty: Okay.

Mr. Hartwick: That is something that I want to make sure that they focus on in the audit.

Mr. Lighty: Sure.

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

### **FORMER BUSINESS**

(There was none.)

### **NEW BUSINESS**

(There was none.)

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

Mr. Haste: One thing just to inform you if you haven't heard. We had a water main break at the Prison. It did cause some disruption on Friday night and Saturday. We brought in the maintenance crews and they were able to loop around the break and they are in the process of fixing the break. It was in the backside of the jail, two of the blocks. Within a reasonable amount of time the water was back up and running.

### **CORRESPONDENCE**

Mr. Haste: We have correspondence listed that has been received by the Board and will be handled by the staff appropriately.

- A. Notification from Navarro & Wright advising that Linden Centre, LLC is applying to DEP for an Individual NPDES Permit for stormwater discharges associated with construction activities at the Harrisburg Pike and Jamesway Plaza in Middletown.
- B. Notification from CEDG Engineers advising that the Middletown Area School District is applying to DEP for a General NPDES Permit for stormwater discharges associated with construction activities at Fink Elementary School in the Borough of Middletown.

### **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?

Ms. Hunt: I'm Evelyn Hunt. Thank you Commissioner DiFrancesco for addressing some of the issues I spoke to you about yesterday. The one thing that I wanted to stress is when you work on your website that there is a smooth transition because of Dauphin County having the Executive Commission private contract going to public. However, when you look at your Human Resource website, when you go in to look at

the civil service jobs, they are still only listing case managers, Aging jobs. Drug and Alcohol has a separate title for its case managers and because these jobs will now be civil service that website should be tweaked to include the Drug and Alcohol titles. So, when people are looking for jobs in Drug and Alcohol with the County they see that this is a title that the County is now using with the Civil Service Commission.

Commissioners: Kay, did you get that?

Mr. DiFrancesco: I see heads nodding between IT and Personnel.

Mr. Hartwick: The thing is we have actually done interviews off of the current civil service list and extended job offers to people already from that civil service listing. I would be glad to update that on our Personnel website.

Ms. Hunt: So when people are looking to see what Dauphin County has they will now know that Dauphin County is hiring drug and alcohol case management people.

Mr. Hartwick: We still have some positions that are unfilled.

Ms. Hunt: Thank you.

Commissioners: Thank you.

## **ADJOURNMENT**

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

Respectfully submitted,

Chad Saylor, Chief Clerk

Transcribed by: Richie-Ann Martz