



DAUPHIN COUNTY BOARD OF COMMISSIONERS

Commissioner's Legislative Meeting

Wednesday, March 9, 2005 (10:00AM)

MEMBERS PRESENT

Jeff Haste, Chairman
Dominic D. DiFrancesco, II, Vice Chairman
George P. Hartwick, III, Secretary

STAFF PRESENT

Chad Saylor, Chief Clerk/Chief of Staff; Bill Tully, Esq., Solicitor; Marie Rebeck, Controller; Bob Dick, Treasurer; Randy Baratucci, Purchasing Director; Kay Sinner, Personnel; Dan Robinson, Director of Economic Development; Diane McNaughton, Press Secretary; Garry Esworthy, Risk Manager; Kacey Truax, Commissioners' Office; Jena Wolgemuth, Commissioners' Office; Julia E. Nace, Asst. Chief Clerk, Dave Schreiber, Personnel Office; Elke Moyer, Human Services Directors Office; Steve Chiavetta, Director of Registration and Elections; Robert Hawley, Court Administrators Office; Faye Fisher, Director of Personnel; Skip Memmi, Community and Economic Development; Mike Yohe, Budget Director

GUESTS PRESENT

Jon Yost; Brad Forman; Pete Carlucci, Esquire; Jack Sherzer

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

Mr. Haste: We have the February 16, 2005 Workshop Meeting, February 16, 2005 Salary Board Meeting, February 9, 2005 Legislative Meeting and the February 9, 2005 Salary Board Meeting minutes. Is there a motion to approve these four sets of minutes?

Mr. Hartwick made the motion to approve February 16, 2005 Workshop Meeting, February 16, 2005 Salary Board Meeting, February 9, 2005 Legislative Meeting and the February 9, 2005 Salary Board Meeting minutes. Mr. DiFrancesco seconded the motion. All were in favor. Motion carried.

EXECUTIVE SESSIONS HELD BETWEEN MEETINGS

Mr. Saylor: There was one Executive Session held on March 2, 2005 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? (There was none.)

DEPARTMENT DIRECTORS/GUESTS

- A. Pete Carlucci, Jr., Esq., Eckert Seamans; Brad Forman, Chairman of the Industrial Development Authority
 - 1. Presentation concerning Veterans Memorial Building.

Mr. Forman: Thank you for having us today. At the request of the Commissioners, we have taken a look at the Veterans Memorial Building; known as the Dominic DiFrancesco, Sr. Building. We hired Quandel to do an evaluation of the facility to see what would be needed to get it up to speed and get it up to standards that are expected of any buyer or tenant that may want to go into that office space. We negotiated a price with the Commissioners of \$500,000.00 to finance the building. We think we need an additional \$400,000.00 for improvements to the building. We were able to secure financing for \$900,000.00 which allows us greater flexibility for potential tenants. We got a very favorable rate with a local community bank. We are before you to ask for approval to take over for the purchase price of \$500,000.00 of the Dominic DiFrancesco, Sr. Building.

Mr. Haste: Mr. Tully, have you reviewed any of these transactions?

Mr. Tully: I have been in contact with them. There are two parts. One is the go ahead today. We actually will have to have a vote next week for the bond.

Mr. Carlucci: The loan terms that Brad referenced, the most attractive proposal from interest rate and flexibility, came from Vartan National Bank. The security for the loan is not only the revenue we anticipate to be derived from the building, but also the guarantee from the County. We will be coming back before you at the next session to approve an ordinance to approve a guarantee in the amount of \$900,000.00. This is very similar to the transaction we did with the District Justice Offices.

Mr. Hartwick: I know that Vartan Bank did not supply the lowest rate over the term of the actual loan but they actually allowed for early pay offs and less penalties in the case that we are able to meet those early pay off requirements.

Mr. Carlucci: Correct. Just to give you some background, we have sent request for proposals to sixteen banks and we received proposals from twelve. The Board evaluated those and narrowed those down to two. Wachovia Bank had the lowest interest rate but they also had two provisions that were taken into consideration. One was that amount of the loan had to be drawn in its entirety for the full \$900,000.00 at closing even though we may not need it. Secondly, there was no prepayment allowed for the first five years. Vartan National Bank came in with an interest rate that was slightly higher but it is fixed for twenty years with no prepayment penalty and it is structured like a construction loan for the first twelve months. You can draw the first \$500,000.00 at closing and then the balance of \$400,000.00 as we need it in order to do the improvements that Brad discussed. From an overall perspective, the Board concluded that Vartan's proposal was in the best interest of the County given the flexibility that it provides.

Mr. Hartwick: I am all for keeping business local as well. I know there may be some opportunities for Vartan. I know they are getting aggressive on the banking side. Where are we at with any potential opportunities for them to move or place a location in the Veteran's Building?

Mr. Forman: These are not related events. I am hopeful that they will be moving in the first or second floor of the Veteran's Building. Those things were not brought in to this consideration for this financing. I have talked to Mr. DeSousa and they are pretty close to making that decision. I think it will be favorable to the IDA.

Mr. DiFrancesco: Once that building gets fully occupied and is generating incredible amounts of revenue, how does that transfer of money back to the County take place between the two organizations? Is that in the agreement or will that be a separate agreement?

Mr. Carlucci: I think we can have those discussions. I believe at the moment, once the ownership conveys the revenues derived by the IDA they would be available for community and economic development opportunities.

Mr. Haste: I would like to thank you two gentlemen and the IDA Board for taking a hard look at this. One of our platforms when we were running was trying to find additional sources of revenue to offset the demand on the taxpayers. When we came in we started looking at assets that we had that were being under utilized and this was clearly one that was being way under utilized by the County. I do not think we would be able to be as successful in getting tenants in there and moving this project forward if it weren't for the IDA Board and your leadership. I want to thank you for that. As we mentioned here, people did not catch that, Jack, the intent of the money is to be able to funnel that back into economic development. So we have a revenue stream earmarked for continuation of growth in the county. That falls into the idea of us finding additional sources of revenue. I appreciate that.

Mr. Haste: Is there a motion to move forward?

Mr. Hartwick made the motion to authorize the Dauphin County Industrial Development Authority Board to proceed with the purchase of the Veteran's Memorial Building. Mr. DiFrancesco seconded the motion. All were in favor. Motion carried.

Mr. DiFrancesco: The name of the building won't change, right?

Mr. Forman: You mean the Forman Building?

SALARY BOARD

(A full report of Salary Board minutes is on file in the Chief Clerk's office.)

PERSONNEL

Ms. Sinner: I have two addendums. The first one is a request to fill a part-time Deputy Coroner position and then to hire a part-time Deputy Coroner position. I also have some personnel changes. The second addendum is waiving the benefit waiting period for some Spring Creek Department Heads. There are also two Adult Probation Officers that are switching positions; it is just a flip flop. No changes to the packet I presented last week.

Mr. Hartwick: I never received any answers to the Domestic Relations or Schaffner promotions that I asked about last week.

Mr. Saylor: The hiring freeze committee did meet to review those. Dan Kern estimated that he can wait until April but we would be picking up \$4000-\$6000 in overtime charges. The person seeking to fill that position is from the part-time pool so he is not

moving a full-time employee from someplace else and resulting in overtime cost. The committee felt it would be in the best interest to fill this now due to overtime costs. The Domestic Relations position and they are under the privity of the Courts. The Courts are independent. Mike Yohe pointed out that there are ten vacant positions that they are holding open which helps their bottom line. However, as Carolyn made plain to me, that as long as the positions are created, it is their prerogative to fill those as they see fit and they would like to move forward and approve these positions.

Mr. Haste: As long as they have the funds.

Mr. Saylor: They do have the funds.

Mr. Hartwick: As Salary Board requests come in; we need to be very careful of the requests if that is the attitude. The Schaffner one, we are talking about a promotion here not a new hire. Please explain.

Mr. Saylor: Correct. The person is currently a part timer and we are moving them into a full time position.

Mr. Haste: This will cut down their overtime costs.

Mr. DiFrancesco: Overtime is down significantly at Schaffner from last year. They have taken significant steps to control the overtime situation. It costs us a lot more to pay overtime than to fill the positions.

Mr. DiFrancesco made the motion to approve the Personnel Packet as amended. Mr. Hartwick seconded the motion. All were in favor. Motion carries.

PURCHASE ORDERS

Mr. Baratucci: There are no changes from the workshop packet. I tried to save some money by not printing out another packet. The packet that you have from last week is the one for approval. Unless you have any questions, it was budget clean from last week and still is.

Mr. Hartwick: I wish Carolyn was here to discuss the Adult Probation request and using commissary funds.

Mr. Baratucci: I think you are going to get the same answer as you did on the Personnel requests. They take the position that they are independent and they make the sole determination of what they use the funds for. They have expressed to me numerous times through the years.

Mr. DiFrancesco: Do we have an active relationship with the Phillips Group at this time?

Mr. Baratucci: Yes. They were not successful on the yearly bid for our supplies. They bid on it but were not successful. We still buy some non-contract items from them.

Mr. Hartwick: I hope that is not the attitude that we continue to take and cooperating to save the county costs and our taxpayers.

Mr. DiFrancesco made the motion to approve the Purchase Order packet. Mr. Hartwick seconded the motion. All were in favor. Motion carries.

REPORT FROM BUDGET & FINANCE – GREG SCHNEIDER

Report from the Office of Budget & Finance March 9, 2005

- **February 25, 2005** transferred **\$1,900,096.03** to the **Payables** account **from the County's Concentration account** for checks issued that week.
- **March 4, 2005** transferred **\$8,578,641.84** to the **Payables** account and **\$1,878,298.38** to the **Payroll** account **from the County's Concentration account** for checks issued that week.
- **Total Term Investments – N/A**
- **Balance today in INVEST account \$122,995.36 rate 2.36%**
- **Balance today in Community Banks investment account \$5,400,076.18 rate 2.76%** (This rate is good through 3/31/05)
- **Balance today in Commerce Bank investment account \$5,400,722.77 rate 2.70%** (This rate is good through 3/31/05)
- **Balance today in Sovereign Bank investment account \$10,600,229.84 rate 2.92%** (This rate equals today's 1-month Libor plus 15 basis points)

\$10M TRAN Line-of-Credit Status at PNC: No activity to date.

Mr. Yohe: We have not had to use the TRAN. Taxes are heavily coming in now. I do not think we will have to use it.

Mr. DiFrancesco: That was about \$11,000 costs to us last year right?

Mr. Yohe: Yes.

Mr. DiFrancesco: So we are in a stronger fiscal situation this year. This is a savings to the tax payers.

REPORT FROM CHIEF CLERK/CHIEF OF STAFF – CHAD SAYLOR

Mr. Saylor: The Warden has two Treatment positions that he would like to fill. He has some very good reasons why he would like to fill these now. He gave me this information February 25, 2005. Due to my negligence, I did not get it on the agenda. I will review this with the hiring freeze committee and anticipate it coming before you next week. I will probably ask you for a vote next week.

SOLICITOR'S REPORT—BILL TULLY, ESQ., SOLICITOR

Mr. Tully: One addition, there is an Item Z. This is a follow up to the March 7, 2005 Executive Session and a follow up to your directive to have them as special counsel to handle litigation in this matter. I'd be happy to answer questions.

MATTERS REQUIRING BOARD ACTION

Mr. Haste: Is there anything that needs to be pulled out separately or discussed? (There was none.)

Mr. DiFrancesco made the motion to approve Items A through Z. Mr. Hartwick seconded the motion. All were in favor. Motion carries.

- A. Training Packet
- B. Approval of FY04/05 Per Diem Rates between Children & Youth Agency and:
 - 1. Dr. Adnan B. Zawawi
Case Specific consultant fee \$185/hr
 - 2. York County Youth Development Center
 - Detention \$249.30/day
 - Shelter \$263.25/day
 - 3. Bradley Center, Inc.
Robinson Campus-RTF \$316.73/day
 - 4. Halifax School District
Truancy & Delinquency Prevention Project \$49,705.00
(Feb.-Sept.)
- C. Recommend Matthew A. Tunnell to the South Central Workforce Investment Board. (Term will expire September 30, 2007.)
- D. Satisfaction Pieces with the following individuals:
 - 1. Kristian K. Peck on property located at 2127 Green St., Harrisburg.
 - 2. Hector H. Cabrera on property located at 1138 Rolleston St., Harrisburg.
 - 3. Anh Vu Q. Tran for property located at 2238 Berryhill St., Harrisburg.
- E. Subordination Agreement for Janice Comma on property located at 1514 Randolph Street, Harrisburg.
- F. Maintenance Agreements between Dauphin County and York International for the following items:

1. (3) Aeon Air Handler Units with filter change out for a term of three years-Spring Creek.
 2. (2) Air Cooled Chillers with (40) hours of service calls each year for a term of three years-Spring Creek.
- G. Renewal Maintenance Agreement between Dauphin County Emergency Management Agency and Capital Area Communications for the 911 Radio System.
- H. Hazardous Material Emergency Preparedness (HMEP) Grant Agreement between EMA and PEMA to provide monies (80% federal and 20% County) for commodity flow or planning project.
- I. Resolution No. 10-2005 authorizing allocation of a \$25,000 loan from the Small Business Loan Program to RS Management Enterprises, Inc. (Eco. Dev.)
- J. Approval of Acknowledgement of Services between Dauphin County Emergency Management and Verizon.
- K. Agreement Renewal between Dauphin County Domestic Relations and DNA Diagnostics Center to provide DNA Paternity Testing.
- L. Agreement between Dauphin County and Delta Dental to provide dental services to the Probation Officers/IBT Local #776 employees.
- M. Agreement between Dauphin County and Karen Renee Thompson for janitorial Services at D. J. Jennings' Office at a rate of \$137.50 per month.
- N. Contract Renewal between Schaffner Youth Center and G. R. Sponaugle for facility electrical distribution systems.
- O. Approval of the 2005 Fee Proposal Letter from Morgan, Lewis & Bockius, LLP for Special Counsel Labor Services.
- P. Human Services Development Fund Grant Agreement between Dauphin County Human Services Director's Office and The Greater Harrisburg Foundation.
- Q. Purchase of Service Agreements FY04/05 between Dauphin County Area Agency on Aging and:
1. Vision Healthcare Services, Inc.
 2. Village Caregivers
 3. Emerald Senior Services, LLC
- R. Pest Control Services Agreement between Dauphin County Area Agency on Aging Kitchen and Ehrlich, Inc.
- S. Subsidized Legal Custodianship Agreement #2005-3
- T. Adoption Assistance Agreements:
1. #2005-2
 2. #2005-4
- U. Purchase of Service Agreement between Children & Youth Agency and York County Youth Development Center.
- V. Amendments to FY04/05 Purchase of Service Agreements between Children & Youth

Agency and:

1. Baptist Children's service – Amendment #1
 2. Bradley Center – Amendment #1
 3. children's Home of York – Amendment #1
 4. Impact Project – Amendment #1
 5. NHS Youth Services – Amendment #1
 6. Northwestern Human Services of PA – Amendment #1
 7. Pinnacle Health Hospital; Women's and Children's Services- Amendment #1
 8. Shawnee Academy, LTD – Amendment #1
 9. Southwood Psychiatric Hospital – Amendment #1
 10. White Deer Run, Inc. – Amendment #1
 11. Children's Home of Reading Youth and Family Services, Inc. – Amendment #1
 12. Harborcreek Youth Services – Amendment #1
 13. Pressley Ridge School – Amendment #1
 14. YMCA/Camp Curtin – Amendment #1
- W. Geographic Information System (GIS) Agreement between Dauphin County Information Technology and Hershey Volunteer Fire Company.
- X. Approval by the Board of Commissioners to execute a Settlement Agreement for the Tax Assessment Appeal of Project Developers, Inc. located at 320 Rosedale Avenue, Tax Parcel No. 30-032-009.
- Y. Subsidized Childcare Grant Agreement between Dauphin County Children & Youth Agency and the Department of Public Welfare.
- Z. Approval of the 2005 Fee Proposal Letter from Laverty, Faherty, Young & Patterson, P.C. for Special Counsel for the defense of Dauphin County, its employees, and officials in civil rights, municipal liability, employment liability and complex litigation matters.

FORMER BUSINESS

(There was none.)

NEW BUSINESS

(There was none.)

COMMISSIONERS' DISCUSSION & ACTIONS

Mr. DiFrancesco: I have two items. I wanted to report on the Wellness Committee. We do have screening times scheduled for a number of days and locations which all of the Director's should have been apprised of at this point. We are trying to make this as easy as possible to the employees. I have put out some email messages last Friday to Department Heads because there were some questions in terms as of how to schedule. I made it clear to Department Heads to make sure that their employees understand exactly what this program is all about. The only way that it works well is that we get a good turn out for the screening. That basically tells us where we need to focus our activities. All individual information that comes from this screening is confidential. NO one will have access to that information. The County will receive a global perspective on the health issues that we face as a whole. We can then invest our time, resources

and money to develop a program that best meets the needs of the employees. This is a program that is designed to enhance the quality of life for employees. I urge them to take part and if they do have questions to bring them forward. We want to make sure all questions are answered. The first day of screenings is April 6, 2005 and the last day is April 29, 2005. Sharon Way is scheduling all of them. I urge the Directors to take part in the program. I hope by the end of this week that we have 100% of the Directors and Elected Officials signed up so we can move on and spend the rest of our time urging and educating the employees to take part.

The other issue I wanted to raise that you are aware of is that I was approached on the possible purchase of DJ Shugars Office. Where it stands now is the owner of the building was going to own more than one building and for numerous reasons that didn't work out and now they are saying that if it is going to be only one building, they really do not want to be in the landlord tenant business. They would entertain an offer from the County or send it to a third party. My recommendation is that we look seriously at purchasing it than having it go to a third party, because I think it is going to come under our ownership eventually. I urge the Solicitor's Office to move forward and review all options.

Mr. Tully: If that is the consensus, the sooner the better because with financing going up, if we were going to make that move, I would suggest to do that while financing is at the lower rates.

Mr. Haste: I need to see the numbers.

Mr. Hartwick: I would like to see them also before I could give my views.

Mr. Haste: I will say this, when the developer entered into this, there was no talk about multiple properties. It has only been recently that the Courts are reaching out to them for the second and third. I think early on there was never an intention.

Mr. DiFrancesco: If I recall, the numbers came out very similar to the lease agreement we have now. Bruce may have those.

Mr. Saylor: Before Mr. Intrieri left, he shared some figures with me in an email. I will look for that and forward it on to you. That will be a future agenda item.

Mr. Hartwick: There are a lot of great things happening in county government today. I would be remiss though if I did not mention Mr. Haste's pink tie and flower. Welcome to the pink tie club.

CORRESPONDENCE

Mr. Haste: You see the items of correspondence received by the Board lettered A through H that will be handled by the staff appropriately.

- A. Request for Right-of-Way Appraisals were sent out by Herbert, Rowland & Grubic,

Inc., to various contractors in reference to Dauphin County Bridge No. 42, T-595 (Matterstown Road) over Wiconisco Creek, Washington Township, Dauphin County.

- B. Received a copy of a letter addressed to Ladnar, Inc., from the Department of Environmental Protection in reference to a Seven-Foot Slope Mine Operation located in Williams Township, Dauphin County.
- C. Notification from Light-Heigel & Associates, on behalf of Dauphin Borough, indicating they have submitted an application to DEP for a GP-5 stream crossing permit for the Erie Street sanitary sewer extension over Stony Creek.
- D. Notification from H. Edward Black and Associates, P.C., indicating Scott and Patricia Miller plan to submit an application to Dauphin County Conservation District for a general permit for discharges of storm water from construction activities at the Gingrich Glen Residential Development, South Hanover Township, Dauphin County.
- E. Notification from LSC Design, Inc., indicating Kinsley Construction will be applying to DEP for general NPDES permit in reference to setting up a field office for Kinsley Construction's portion of the Pennsylvania Turnpike's Susquehanna River Bridge Project.
- F. Notification from Navarro & Wright Consulting Engineers, Inc., on behalf of the Fishing Creek Valley Associates, L.P., indicating they intend to apply to DEP for a GP-7 permit for pedestrian crossings over low-flow tributaries of Beaver Creek, Bradford Estates Subdivision, West Hanover Township, Dauphin County.
- G. Notification from H. Edward Black & Associates, P.C. indicating Penn State Capital Campus intends to continue construction of student housing in Phase 2 of their Capital Campus New Student Housing project and plans to submit an application for general permit for the discharges of storm water from construction activities to the Dauphin County Conservation District.
- H. Received the Single Audit Report for the Redevelopment Authority of the County of Dauphin for the year ending June 30, 2004.

PUBLIC PARTICIPATION

(There was none.)

ADJOURNMENT

Mr. Haste: Is there a motion to adjourn?

Mr. Hartwick made the motion to adjourn. Mr. DiFrancesco seconded the motion. All were in favor. Meeting adjourned.

Transcribed by: Kacey Truax

Respectfully submitted,

Chad Saylor, Chief Clerk/Chief of Staff

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