



DAUPHIN COUNTY BOARD OF COMMISSIONERS

Commissioners' Legislative Meeting

Wednesday, September 7, 2005 (10:00 AM)

MEMBERS PRESENT

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

STAFF PRESENT

Marie Rebuck, Controller; Robert Dick, Treasurer; Bruce Foreman, Esq., Assistant Solicitor; Chad Saylor, Chief Clerk/Chief of Staff; Elke Moyer, Human Services Office; Jeff Patton, Juvenile Probation; Guy Beneventano, Esq., Solicitor's Office; Scott Burford, Assistant Administrator at Spring Creek; Randy Baratucci, Director of Purchasing; Mike Yohe, Director of Budget and Finance; Dave Schreiber, Personnel; Faye Fisher, Director of Personnel; Gary Serhan, Controller's Office; Diane McNaughton, Press Secretary; Deb Lisi, Controller's Office; Bob Hawley, Court Administer; Tom Guenther, IT Director; Edgar Cohen, Facilities Maintenance Director; Karla Miller, Payroll; Kelli Beserra, Payroll; Lori Bushman, Personnel; Steve Chiavetta, Director of Registrations and Elections; Dave Skinner, Controller's Office; Tia Wise, Personnel; Anne Volcko, Personnel; Sharon Way, Personnel; Richie Martz, Commissioners' Office; Julia Nace, Assistant Chief Clerk; Lena Martinez, Commissioners' Office and Jena Wolgemuth, Commissioners' Office.

GUESTS PRESENT

Evelyn Hunt; Julia Taylor; Mike Wilt; Valerie Pritchett

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 August 17, 2005 Workshop Meeting minutes and the August 17, 2005 TEFRA Hearing minutes. Is there a motion to approve?

It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco to approve the August 17, 2005 Workshop Meeting minutes and the August 17, 2005 TEFRA Hearing minutes. Motion carried.

ELECTION BOARD

A complete set of Election Board minutes are on file in the Chief Clerk's office.

EXECUTIVE SESSIONS HELD BETWEEN MEETINGS

Mr. Haste: We are moving back into the Commissioners' meeting.

Mr. Saylor: There were no executive sessions held between meetings.

PUBLIC PARTICIPATION

Mr. Haste: We are at the point in time during the meeting for public participation. Is there anyone in the audience that would like to address the Board at this time? Please come forward. Good morning, could you just state your name and address for the record?

Ms. Hunt: My name is Evelyn Hunt. I live at 1833 State St. in Harrisburg. I have an issue with Tax Assessment. Last year we built a garage in back of 1833 State St. We realized our taxes would go up. I received a notice that our taxes were going up by \$21,000 for a two story garage. I quickly called Tax Assessment and notified them that this was an error because we did not build a two story garage, we built a one story garage and the garage itself did not cost \$21,000. I was very surprised when the young man, and unfortunately I didn't get his name, when I told him that you can't assess something at a higher value for something that doesn't exist, he politely told me "we can do whatever we want down here at the County." I told him that I was going to file an appeal and he told me I could just do that. I came down here today to get information about the other properties in my neighborhood to file this appeal and I was fortunate enough to be told

that this meeting was occurring today. I wanted to let you know what had occurred. This isn't the first problem that I have had with Tax Assessment. I also own another property at 1903 State St. I bought that house at a tax sale. I gutted the house. I do have the outside of the house fixed up so it isn't an eyesore to the neighborhood. When I had the house assessed I had the assessors come in and look to see that there were no walls, no plumbing, no heating, nothing but a shell. However, when I got my tax bill my gutted house was of more value than the house next door to it that was 4 bedrooms, 2 bathrooms with a jacuzzi, powder room and full basement. The problem that I am having with the assessors is that they are assessing properties from the outside of the houses instead of the inside. They are not doing a good job at it. That's what I came here to say. When I leave here I am going downstairs to get more information on the other houses in my neighborhood because I do not believe that my house is the most valuable house in the 1800 block of State St. Especially when I built a one story, one garage house when the majority of the garages in my block where we have garages are brick. Most people will assess brick as being of more value than wood.

Thank you for listening to me.

Mr. DiFrancesco: May I just clarify something?

Ms. Hunt: Yes.

Mr. DiFrancesco: You are saying you brought the assessors in to see the house that was gutted and your assessment still came back higher than...

Ms. Hunt: Yes. I had to take it and fight it at an assessment hearing. I had to get them pictures to finally get them to bring it down.

Mr. Hartwick: Did they reduce your assessment?

Ms. Hunt: Yes they did.

Mr. DiFrancesco: But the original assessment was higher than...

Ms. Hunt: Yes, even though I left them in.

Mr. Haste: Do you know the name of the assessor that went in?

Ms. Hunt: No I don't.

Mr. DiFrancesco: How long ago would that have been?

Ms. Hunt: That was when you had the reassessment.

Mr. DiFrancesco: So that would have been...

Mr. Hartwick: 2000.

Ms. Hunt: And then the one other issue that I have is when you look at an assessment it has building and land. When I questioned the assessors on if I have a lot and my neighbor has a lot why is my land worth more than their land? I was told that they really don't assess land we lump it together. If you do lump it together why is it separate on the assessment?

Mr. Hartwick: You make very good points and we will take it into consideration. It would be helpful if you could actually give the name of the last individual who came out, particularly with the comment "we can do whatever we want". That attitude is not accepted at Dauphin County. We work for the taxpayers and we have a set of rules and laws that they are governed by. Obviously you are aware of the appeal process, which has taken up a lot of your own time, but at least you are taking it through the process in order to gain a rightful appeal. If you could remember the name of that individual we will be glad to take appropriate action.

Ms. Hunt: Okay, thank you very much.

All: Thank you very much for coming in.

Mr. Haste: Is there anyone else at this time who would like to address the Board?
(There was none.)

DEPARTMENT DIRECTORS/GUESTS

A. Commissioners

- 1. Presentation of National Payroll Week Proclamation.
Representatives: Karla Miller, Payroll Supervisor; Kelli Beserra, Payroll Assistant; Daphin Bowman, Payroll Assistant; Debora Lisi, Account II; and David Skinner, Accountant I**

Mr. Hartwick: Today I am happy to provide a presentation that I was just given. I am very aware of this presentation because I have spoken to the director, Faye Fisher, about National Payroll Week. Faye is always concerned about making sure that her office staff is understanding of how much in the county we value them. I often say that the people who do the job everyday are the ones who make or break you and that's extremely true in the Human Resource Department. Folks work long and hard with a great deal of information. They process a lot of paperwork, often times with very little recognition. I know the Board of Commissioners and the county are very appreciative especially when we get our paychecks on time and when the benefits are appropriately applied. The coordinated efforts, which your office provides without much recognition, certainly do not go unnoticed. Your efficiency is well appreciated by this Board of Commissioners. Faye had asked that we prepare a proclamation talking about the National Payroll Week. We have prepared a proclamation from the Board of Commissioners that reads as such:

We, the Dauphin County Board of Commissioners, are delighted to join communities across the nation in celebrating Payroll Week 2005, September 5th through 9th, honoring the payroll professionals who pay wages, report worker earnings and withhold federal employment taxes;

Whereas, payroll professionals are responsible for withholding income taxes from nearly six million individuals who work in our state and have played a major role in collecting the millions of dollars this state receives in individual income tax revenues;

Whereas, Dauphin County's payroll professionals assume a key role in maintaining the county's health, carrying out such tasks as paying into the unemployment insurance system and worker's compensation fund, providing information for child support enforcement and carrying out tax withholding, reporting and depositing;

Whereas, Dauphin County and this Commonwealth are enriched by the roads, schools, parks and other civic projects financed by the taxes withheld from worker pay;

Whereas, as a direct result of their unselfish work and dedicated daily efforts, payroll professionals have ensured and enhanced the economic security of American families;

Whereas, payroll professionals have been proactive in educating the public and business community about withholding and have worked to improve compliance and cost-effectiveness for both government and businesses;

Therefore, we join the 251,300 residents of Dauphin County in commending and thanking all payroll professionals in Dauphin County; we urge more citizens to pay tribute to the payroll professionals who labor quietly behind the scenes in support of the American system; and, in recognition thereof, we do hereby proudly proclaim September 5 through September 9, 2005 to be "Payroll Week 2005" in Dauphin County.

(Pictures were taken and the proclamation was presented.)

Ms. Miller: We appreciate your kind words today and thank you for taking time out of your busy schedule to present us with this. We are very proud to be part of Dauphin County's team.

B. Scott Burford, Assistant Administration for Spring Creek

1. County Commissioners Association of Pennsylvania Program for Alternative Community Care (CCAP-PACC) proposal.

Mr. Burford: Good morning Commissioners. I have with me this morning Mike Wilt. Mike is the Executive Director for PACAH (Pennsylvania Association of County Affiliated Homes), our trade association. This morning in your packet we are here to request permission to move forward with a CCAP project.

The project in general is basically the renovation of our McBride tower, three of the four floors of the McBride tower. If you will recall several months back Spring Creek Administration made the decision to change our philosophy. That philosophy was to ratchet our bed-size down from 404 beds to 308, with the idea that there may be a possibility to tie into some IGT monies associated with renovating the facility plant. In return we could decertify some beds and partner with DPW along the way.

We've had several meetings with DPW and CCAP representatives and we are ready to move forward with that. In your packet we do have a formal letter requesting permission to move forward to partner with DPW and engage in the renovation of the McBride tower.

Mr. DiFrancesco: Having been involved with this for quite some time I just want to say that this is a great opportunity for Dauphin County. We were taking beds that were really non-performing assets, we couldn't keep our census up, we couldn't staff, we are taking something that was a true drain to the taxpayers of Dauphin County and really a drain on the residents of the home and turning it into dollars that don't come from the General Fund, that don't come from the property tax base and renovating the building and making life a lot better for the people who are currently living there, plus giving us an opportunity to go out and possibly bring some partners into the building and generate some additional revenue. Of course as everyone is aware one of the biggest problems facing this Board in our administration has been to try to bring the cost of that home in line so that we can keep the doors open and can keep the service available. This is one program where we are actually able to take what I would refer to as non-performing assets and convert them into something that will benefit the residents, as well as, the taxpayers of Dauphin County. This is a great program.

The other piece of it that needs to be pointed out is not only does the home itself get money for renovations, but some of the in-home services in the county will benefit as well because we will have more money available from DPW to support in-home services. That may help keep people in their house rather than having them move into a long-term care facility. All in all it is a nice balance. Dauphin County certainly wins and comes out ahead. DPW also wins because their annual liabilities decrease as well.

Mr. Burford: Absolutely.

Mr. DiFrancesco: It is a nice win-win situation.

Mr. Saylor: Scott, while the Commissioners are conferring it might be helpful to outline the process here. Let them know specifically what they are doing today and then what the next steps are going to be, or if something else is going to come before the Board for review. I think that might be helpful for the Board to understand that this is a step in the process.

Mr. Burford: I will defer that to Mike Wilt.

Mr. Wilt: I can answer that for you. Basically this is the first step in the process. There is an architectural plan that will be developed for the renovations to the facility. That plan will be agreed to by the county and then submitted to the Department of Public Welfare. Once approval is granted, the county will select an architect to begin the process of putting out the bid specs to make the renovations to the facility. At that point in time the project will be bid out, the Commissioners will award the project and the actual renovations will begin. Timing, obviously different counties work at different speeds and

we would hope that this would move along as quickly as possible. The initial project for review is almost finished. You will probably have that very soon to review and give us your okay to submit it to DPW. Their turn around time has been fairly quick, probably about 3 weeks to a month. Depending on how quickly we get it to you and you get it back to us and we get it submitted, a lot of this can happen within the next couple months, I believe.

Mr. Saylor: What the Board currently has before it now is a letter to DPW saying here is the plan?

Mr. DiFrancesco: Actually, it is a letter back to...

Mr. Haste: No it's not.

Mr. Wilt: I haven't seen the letter.

Mr. DiFrancesco: The letter that we were given was a letter back to ZA basically telling them that we approve of what is in the draft. Now there is one thing that needs to be changed on the letter and I guess we can work on that internally. It actually has a line in here about the hospice provider that we were working with, that is going to have to be edited.

Mr. Burford: That was edited. I apologize. There should be another letter in your packet.

Mr. Haste: I don't have it.

Mr. DiFrancesco: I do, I'm sorry I didn't even see it in here. They did edit it. We were looking at an older draft.

Mr. Wilt: The good thing about this now is that while the actual service provider hasn't been selected there are major renovations that are going to have to take place no matter who moves in there. This will certainly get the ball rolling on that part of it.

Mr. DiFrancesco: I'd like to ask you to clarify any incorrect comments I may say. To give the public an outlook of what we are talking about here. We are talking about \$6 million worth of renovations to repair. For instance, the internal structures of the building like the boilers that feed both the south tower and the McBride Building. Within McBride we are talking about upgrades to the electrical, the HVAC, all of the internal systems, as well as, on three of the four floors right now renovations in terms of wall and floor coverings and entire rooms. We are talking about both cosmetic and internal core structures that will make the entire facility better. For the public's information the way the project works is we enter into an agreement with DPW, they agree to give us a certain amount of money for this project, but really the county controls the project. We will select the architects, we will select the engineers and everybody that goes into the construction of this building and make decisions. With regards to the amount of money that is given it is very simple. We can use this amount of money to make the project

work. If we use less than the amount that they have appropriated to us then the money is given back and goes back into the fund. There are some circumstances where we may be able to petition and let them know that there were some other things we had wanted to do with that money, would they allow it? They may allow it, but they are not guaranteeing it. If we go over the amount of money that they have given us it is the county's responsibility to take care of it. Again, we could petition them and let them know that we found certain things and now need extra funds. They may allow us more, but the bottom line when we enter this agreement a dollar amount is set and the guarantee is that we can do it for that amount of money and we have full discretion of what gets done inside the building. If we don't like the carpet choice we can change it. If we don't like wall covering....the county has the full ability to carry this out. I say this is a real good project because it is one of those examples where ZA working on behalf of DPW comes out and does the analysis with their architect.

Mr. Wilt: Everything you have said is correct with one exception. The overall contract of the project is between DPW and the County Commissioners Association. It has been that way since 1996. Then the County Commissioners Association has individual contracts with the counties that we are working on these projects with. The actual implementation contract is between CCAP and Dauphin County.

Mr. DiFrancesco: Okay.

Mr. Wilt: We do not micromanage this program. We do all of the work to get you the money and then you take the program and run with it within the guidelines of the contract. There've been about 40 projects so far since this began back in 1996 and we are very pleased with virtually all of them.

Mr. DiFrancesco: One of the things that I like the most about it is the money comes to us and it is our discretion to figure out the best means of getting the job done. It allows us to work the project as effectively and efficiently as we can. Quite honestly, my goal would be to do it for less than what they have given us so that we can be good stewards of the money. It is Dauphin County calling the shots on the project.

Mr. Haste: I was just going to ask that. How was the number determined? I heard you say an architect was involved. What is the track record on these numbers being close to the real cost?

Mr. Wilt: We have used a variety of architects since 1996. It is part of the sub-contracts that CCAP has. All of them have track records with long-term care facilities. Clearly it's more or less the best estimate that they can put forward without spending a whole lot of time up front. The actual project then is developed once you pick the architect. In many cases the costs have been very close. In some counties they discovered asbestos and things that no one knew ahead of time. In those cases we've always had the opportunity to #1, go back to the county and ask if there was something they wanted to cut from the project or #2, go to DPW and seek additional funding for it. It has been a pretty good dialog back and forth between us and the facility and DPW because as the

Commissioner said this is a win-win for everybody. It is in their interest to approve these projects. It is in our interest to get unused beds decertified. It is an ongoing process. Sometimes we have run into administrative slow-downs in some of the counties and so when you get an estimate one year and you don't bid out the project until 18 months later costs do go up. That is one of the things we keep trying to....

Mr. DiFrancesco: The fact that the cost of living has doubled, I am assuming that has some impact.

Mr. Wilt: We are clearly going to see some impact in building materials from the hurricane crisis. There are going to be many things unforeseen right now. Obviously, that just behooves us to get started as soon as we can. I hope that answers your question.

Mr. Hartwick: Two questions, actually three questions for you. The first one is, would we cut a portion of the project out if in fact our cost estimates are well below what it is going to cost to do the renovations?

Mr. Wilt: It is far too soon to make that kind of conclusion.

Mr. Hartwick: Excuse me for being cynical but every building project that is going on in the county right now has significantly gone above the estimated costs. I know that trend is going to continue.

Mr. DiFrancesco: I think it is important to note that they put some healthy contingency funds in the project proposal. Because their initial analysis is not, they are not boring into walls and looking to see inside. They can walk into a building the age of McBride and say yes, they will run into asbestos because of the time it was built. Then they can factor that in. They basically put a very healthy contingency plan into it for unforeseen problems. The bottom line is there is no risk to build a healthy contingency because again, at the end of the day, if we don't spend it all it goes back into the program.

Mr. Hartwick: I understand. I just have not been involved with one building project in the 8 years of my public service life that hasn't gone significantly over what it was estimated. That is always the case. Particularly in the time we are in now. I am just asking if you have been successful in going back to DPW, if we've got great plans, we've run over the cost and in order for them to come up with the additional money, you are not going to be on the record relying on the county to kick in those extra funds?

Mr. Wilt: Our track record has been very good with going back to DPW.

Mr. Hartwick: Okay, so that is a no to the county for additional funds.

Mr. DiFrancesco: The County is under no obligation.

Mr. Haste: It becomes our responsibility whether we cut it back or say that's it.

Mr. DiFrancesco: Right. Literally even if we can just replace...if we get to the point where cost overruns get so great that we can't renovate all three floors, but we can get a new boiler system and a lot of the internal operations of the building, then once again the entire facility is better. The taxpayers of Dauphin County have benefited to the point of \$6.3 million.

Mr. Wilt: I have seen a lot of these projects get bid out with a lot of alternates and so you don't have to accept all of the alternates depending on how the bids look when they come in. There are a variety of ways to try and work within the dollar. I don't claim to think it will be more expensive than the starting point because of situations that may be out of everybody's control.

Mr. Hartwick: Just for my clarification, why is ZA involved in that? Is that somebody that you work with?

Mr. Wilt: That is a firm that CCAP picked back in 1996 to manage the program on a day-to-day basis. They then further sub-contract to a variety of about 3 or 4 architectural firms across the state that have had experience with long-term care. Those groups actually come in and develop the cost estimates. We have been very pleased with their services.

Mr. Hartwick: I guess the one question that has come up that I wanted to get some clarification on is whatever happens if we in fact want to move forward and not continue to operate the facility at Spring Creek because of the major cost increases? Are we going to be on schedule to have to repay these resources back to DPW?

Mr. Wilt: There would be a clause in the contract that the county would sign with CCAP that it basically would invoke a claw-back provision. It basically becomes some sort of a lien on the facility that says if you, in good faith, take this money and make the renovations and then would turn around and sell it to some other entity then there would be a claw-back provision, which is basically a pay back provision. It decreases over the number of years because we are not naïve enough to predict long-term care in the future, let alone six months from now.

It is free money in a sense that this is a grant to Dauphin County to make these renovations at Spring Creek. I think you would understand that both us and DPW would not look real positively if you turned around and did something with that building right away.

Mr. Hartwick: There would be penalties is what you are saying?

Mr. Wilt: Right.

Mr. Hartwick: And it would decrease by a certain percentage each year?

Mr. Wilt: That is correct.

Mr. Hartwick: What is that schedule?

Mr. Wilt: I would have to look it up again, I believe it is 100, 80, 60, 40, 20 over five years.

Mr. Hartwick: Is it a five year plan?

Mr. Wilt: Yes.

Mr. Burford: It is pro-rated.

Mr. Hartwick: Last question is, one of the things that I continue to advocate for and we talked a little bit about today was the placement of some of the community based mental health infrastructure type of facilities to be considered out at Spring Creek. I think you guys have met with DPW, is that something that is a possibility for this building? Have we reached a point in the discussion whether or not that is a qualified site to be able to locate some of these community based facilities?

Mr. Burford: We have had a couple of meetings with DPW about the future of those two vacant floors. The mental health population has not been a topic of our discussion in general. DPW does have a couple of folks interested. We have met with a couple of folks, but again nothing has been engaged at this point only discussion. Is it possible? I'm not certain, and I'm not convinced that Spring Creek is the best environment for that population. We would be open to at least explore it.

Mr. Hartwick: I had an email again this morning talking about two other facilities that are having trouble finding community based facilities. It just makes sense to me, from my perspective, instead of having these being in the center of a community concern, Spring Creek seems to be a very viable alternative with additional floors now available. Again, I know we need to make the determination whether that is suitable out there. I was under the assumption that DPW was meeting with members and the people who were in charge at Spring Creek to determine whether or not this site is certainly an eligible consideration for any of those community based facilities. From what you are telling me that meeting hasn't occurred?

Mr. Burford: We have met with DPW but I may have misunderstood your question. I thought your question was simply for the mental health population. We are looking to rent that space to community based services.

Mr. Hartwick: I am speaking about specifically for the mental health.

Mr. DiFrancesco: You are talking about the units from the State Hospital, correct?

Mr. Hartwick: Not necessarily from the State Hospital. Any of the infrastructures needed from the mental health transition.

Mr. DiFrancesco: Right, as a spin-off from the closure.

Mr. Burford: I have not been in any meetings with DPW to determine the future of the two floors that would include the population from the mental health center.

Mr. Hartwick: Usually every two weeks I have a meeting with Joan Ernie the Deputy Secretary of DPW who is in charge of the whole transition process. She has informed me that she would be reaching out and contacting you. So expect a call very soon, especially if she hasn't done so yet.

Mr. Burford: Sure I will be expecting it.

Mr. Wilt: You may find yourselves being in a nice position to have more people interested in the space than you have space available.

Mr. Haste: That would be a nice position to be in. We are not in that position right now.

Mr. Wilt: Well, you are very close to it because the two providers that DPW has been meeting with Spring Creek on are both very interested and the other one is a third possibility. You are very close to that.

Mr. Haste: I can always move a wing of the Prison over there.

Mr. Hartwick: A new work release center.

Mr. DiFrancesco: I would like to hold Scott on another agenda item.

Mr. Haste: Is there a motion to approve sending this draft letter to ZA, giving them permission to move forward with the plan and discussion with DPW?

It was moved by Mr. DiFrancesco and seconded by Mr. Hartwick to approve sending a draft letter to ZA, giving them permission to move forward with the Spring Creek plan and discussion with DPW. Motion carries.

Mr. DiFrancesco: Just some questions while you are here rather than releasing you. We have some agenda items that I thought the Board may have some questions on and maybe not. The admissions agreement is on as is the Code of Conduct Plan. We really didn't talk at length about the numbers. I didn't know if anybody had any questions because some of the rates were increasing through that admissions agreement. While Scott was here I wanted to make sure that people had the opportunity to ask questions if they so choose.

Mr. Burford: If I could just briefly give you an overview of the Admissions Agreement. There are a couple of key parts to this new Admissions Agreement that we have presented, the first part being the rate increase. We were anticipating a rate increase the State reimbursement, the Medicaid rate increase, so that is why we were holding out as long as we did before we introduced new rates. We are required to have a private pay rate that is greater than the Medicaid rate, what the State pays us. That is the reason for the hold out. What we are asking the Board to approve is a private pay rate of \$200 per day. Currently, it is at \$195 per day. We had received information that the State has granted us \$193 per day for the Medicaid reimbursement. That puts us in a good position to safely be above the Medicaid rate. In addition to that in the rate structure we are asking for an increase in our Beauty and Barber charges. I have worked with our professional barbers within the facility and they surveyed the other outside areas and providers and I think this rate structure is pretty fair and equitable. That pretty much summarizes the rate structure. The other rates that you will see on the rate sheet are therapy charges. We did not touch those. That is a contracted service so that remains the same.

The other key point that I wanted to note is within our Admissions Agreement we are requesting the Board to include what I am calling the arbitration clause. It is a new concept. I have worked with our County Risk Manager on this process. It is a trend out there that we are seeing more and more of. Personally I have experienced this in a lesser level of care assisted living types of communities where you see these types of arbitration clauses. The trend is it is moving to skilled nursing facilities as well. An arbitration clause is a commitment on both parties when a resident is admitted the family and the resident agrees mutually with the facility that if there is ever any problems, anything that needs to be discussed or identified and resolved, that we would be able to sit down in an arbitration style setting, as opposed to pursuing litigation immediately. It is a way for the county to reduce it's exposure in a sense. That is another piece of the admissions agreement that I would like to note. I will hold off on the Code of Conduct until you have an opportunity to ask any questions.

Mr. Haste: I am fine.

Mr. Burford: Great. Well then, if I could move on to the Code of Conduct. The Code of Conduct in the spirit of this we are asking the Board to approve this Code as a first step of our Corporate Compliance Plan. We have been working on this for several months now. The Corporate Compliance Plan is voluminous. It is very large. We needed to start somewhere and the most logical place is a Code of Conduct identifying what we would expect, not only from ourselves, but our vendors. With that said we wanted to build a framework to start with. That is what you see before you in the Code of Conduct. It does allow us to grow and that was the whole idea.

The Corporate Compliance Plan in general should include all of our policies and procedures and all of our rules and regulations. That is something that with the framework and how we frame this Code of Conduct it will allow us to grow into the Corporate Compliance Plan. As we develop and improve our policies we can just add to

our Code of Conduct. It is a seed, that would be the best way of describing it, with the end result being a Corporate Compliance Plan.

Mr. Haste: This will be shared with the staff as well?

Mr. Burford: Yes sir. Our staff in a general sense is already aware of this, but we just need to get Board approval and then we will formally introduce the Code of Conduct to the staff. They've been exposed to it through Personnel and their information upon hire, what our policies are and so forth, what our Code of Conduct is in that sense, but not on this more global front.

Mr. DiFrancesco: One question on the Code of Conduct, has Personnel been involved in terms of the policies within this Code of Conduct in making sure that they....

Mr. Burford: Not exactly. This does not contain any policy and procedure at this point. This is just framework mapping out what direction we would like to go.

Mr. DiFrancesco: As I am flipping through, for instance I just happened to see this, there is a gift policy in there. I would assume that the county has a pretty standardized gift policy throughout all of our departments on gifts that can be received and so forth. Things like that need to be consistent throughout all departments of county government. I just want to make sure that adequate input is being given to make sure that it is consistent in areas that are not unique to Spring Creek with the remainder of county policy.

Mr. Burford: To take that to another level we will be working closely with Personnel in developing a Rules Handbook for the staff, which will be consistent across the board. There will be some things specific to Spring Creek just by the nature of the work we do.

Mr. Haste: Any questions?

Mr. Hartwick: None from me.

SALARY BOARD

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

PERSONNEL

Ms. Sinner: We are pulling Items 8 and 9 in the New Hires. I have no other changes to the Personnel Packet.

Mr. Haste: Is there a motion to approve the Personnel Packet as amended?

It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Personnel Packet be approved as amended. Motion carries.

PURCHASE ORDERS

Mr. Baratucci: There were two items added since last week, they are on page 6 and page 18. Both have been approved by the oversight. If you have any questions on those I can answer them. The one budget item from last week was resolved. The one thing that did not get resolved was the requisition that I had given you from the Sheriff's office for the tasers. I did get an answer to part of your question, but not the other part. The first part was, are there more of these coming? They said no, these would be the only three and they would be used by the department as a whole. The second part of the question was, why aren't the other supply items charged to their forfeiture funds, they did not get back to me on that. I repeated, made a couple efforts, and just haven't heard back. At this point I would say we are not going to add it into this packet. I will return it to them and reinforce that those were your instructions. If they want to get this approved they can submit it with the next round with all of it being charged to the forfeiture funds. I did check with Mike in case there was an issue with the budget. He said no, they hadn't talked about that because I believe that was part of the concern. We are not adding that one, we are adding the two that I mentioned so the packet would be approved as submitted. Any questions?

Mr. Hartwick: Thanks for following-up.

Mr. Baratucci: You are welcome.

Mr. Haste: Any questions? (There were none.) Is there a motion to approve the Purchase Orders?

It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco to approve the Purchase Order Packet as submitted. Motion carries.

Mr. Baratucci: I just wanted to add that in your items for action, the very last item is the Blackberry Usage Policy. I wanted to report that both the Personnel Office and the Solicitor's Office reviewed it. They were both okay with it. Once you approve that today Mr. Guenther will be sending out an email to everybody with the items attached. Starting next week any requests will come through with the Purchase Order Packet. Everybody is okay with that right?

Board of Commissioners: Yes.

Mr. Baratucci: Thank you, that is all that I had.

REPORT FROM BUDGET & FINANCE – MIKE YOHE, BUDGET DIRECTOR

**Report from the Office of Budget & Finance
September 7, 2005**

- **August 26, 2005** transferred **\$632,130.38** to the **Payables** account from the County's Concentration account for checks issued that week.
- **September 2, 2005** transferred **\$8,753,804.51** to the **Payables** account and **\$1,814,599.22** 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 \$124,668.43 rate 3.420%**
- **Balance today in Community Banks investment account \$28,400,235.73 rate 3.720%**
(This rate equals today's Fed Funds Rate of 3.500% plus 22 basis points)
- **Balance today in Commerce Bank investment account \$14,100,668.94 rate 3.585%** (This rate equals today's 91-day T-Bill rate of 3.435% plus 15 basis points)
- **Balance today in Sovereign Bank investment account \$14,150,566.54 rate 3.640%** (This rate is fixed through 9/30/05)

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

Mr. Yohe: That is my report.

Mr. Haste: Any questions on Mike's report? (There were none.) Thank you.

SOLICITOR'S REPORT—BRUCE FOREMAN, ESQ.

Mr. Foreman: The report has been circulated and has no amendment. I would be happy to try and answer any questions you may have.

Mr. Haste: Any questions of Bruce? (There were none.) Thank you.

REPORT FROM CHIEF CLERK/CHIEF OF STAFF – CHAD SAYLOR

Mr. Saylor: Commissioners as you know per your direction Dauphin County's response to the devastation and the communities that have suffered as a result of Hurricane Katrina, I thought for the purposes of the record I might outline a few of those. I'd like to make note of, in particular, two of our county EMA employees, Chris Fisher and Marty Nevil are members of the Task Force One, which has been down in the gulf coast doing their excellent work. They are in fact arriving home today. I'm told they will be home this afternoon after providing much needed services down there.

Also per your direction we have partnered with the Central PA Food Bank to collect canned food and bottled water. Donation boxes are being installed both at the Courthouse and here at the Administration Building in the lobby. I'm told that the trucks will load up and head south on September 15th.

Further we have offered assistance to the American Red Cross and Clear Channel Broadcasting's H2O to Go campaign. Employees are being encouraged to give money to the American Red Cross, that information is currently on our website. An emergency supply of bottled water has been offered to PP&L crews. As a result of the fast work of our EMA Director Robb Wentzel they have already departed. Also you may be aware, Karen Kessen, who is an employee in our Human Services Department, she has been helping refugees at the Houston Astrodome and returned home safely yesterday.

Finally of note, the Area Agency on Aging has offered surplus medical supplies, crutches, walkers and the like to EMA for distribution if they are needed. Finally, there has been interest expressed in developing a policy for employees who want to take some civil leave to go down and offer their services. Faye has done some research so I'd like to ask her to come forward and present you with some ideas for your consideration.

Ms. Fisher: Commissioners, at Chad's request I have drafted a Disaster Relief Policy for your review and consideration. We received a copy of the State's policy and the Dauphin County policy that I put together basically mimics the State policy. This allows employees who are interested in volunteering down south to do so to perform disaster relief work. For those employees who are interested in doing so they would go through a four hour training course, provided by the Red Cross. The Red Cross requires a commitment of three weeks from these individuals. These individuals would have to get approval from their department director or elected official and then final approval will be given by the Board of Commissioners. For those employees that are already trained in this area or certified and trained for disaster relief, the policy will apply to them as well, but obviously they won't have to go through the four hour training session with the Red Cross. It does also provide for paid leave by Dauphin County for a period of three weeks maximum. Again, that is for your consideration to determine how long the leave should be.

Mr. Saylor: Let me just add that there is no need to act on this today. We just wanted to present it for your review and direction. We will have the Solicitor's Office and others review it along with any comments or suggestions you make.

Mr. Haste: I think it is a great idea. Thanks for stepping forward with this. I know there have been a number of folks feeling the need to do something. When we started looking at the policy we realized we didn't have something. I see here where it says it applies to the union and non-union. We are okay with that?

Ms. Fisher: I think so. I have asked Dave to contact the unions. I don't see them having a problem if we are providing paid leave. I think he got in contact with most of them.

Mr. Schreiber: I left messages for all of the unions letting them know what we are considering at this point.

Mr. DiFrancesco: The question that I have and raised it in an email early on was in order for this to work the discretion of who goes and who does not go has to remain at the Director's and Commissioners' level.

Ms. Fisher: That is correct.

Mr. DiFrancesco: I just didn't want to see a situation where someone says that they want to go, but questions why someone else gets to go who may have less seniority. Ultimately, the Director determines who gets to go. Maybe one persons function is essential and they can't go. I just wanted to make sure we wouldn't have any conflicts in that regard.

Ms. Fisher: I don't think so. The policy specifically states that these individuals will only be released if it is operationally feasible and at the discretion of the Department Director or Elected Official.

Mr. DiFrancesco: I am getting a little gun-shy in my term in office. I just want to make sure we have all of our bases covered.

Ms. Fisher: Yes, I think we do. That is for your review and consideration. I will touch base with you all to see what you would like to do.

Mr. Haste: Thank you.

Mr. Hartwick: Thank you for moving so quick Faye.

Mr. DiFrancesco: I will clarify that the four hour training actually took me about six hours to get through. Be prepared for a long day at the Red Cross.

Mr. Saylor: I have nothing further unless you have any questions for me. (There were none.)

MATTERS REQUIRING BOARD ACTION

Mr. Haste: We have Matters Requiring Board Action items A through Q, a couple of which have been discussed already. Are there any additional ones that need to be discussed or pulled out separately? (There were none.) Is there a motion to approve Items A through Q?

It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco to approve Items A through Q of the Matters Requiring Board Action, which are listed below. Motion carries.

- A. Training Packet
- B. Approval of FY04/05 & FY05/06 Per Diem Rates between Children & Youth Agency and: (per distributed list)

1. NHS Youth Services
2. Tressler Lutheran Services d.b.a. TresslerCare
3. St. Joseph's Center
4. Community Specialists Corporation d.b.a. The Academy
5. ViaQuest Behavioral Health of Pennsylvania
6. NHS Youth Services
7. Balinge Brown (Connect Synergy)
8. Keystone Children & Family Services, Inc.
9. Boy's & Girl's Club of Central Pennsylvania, Inc.
10. Family Care for Children & Youth, Inc.
11. Family Service Partners
12. Philhaven
13. Southwood Psychiatric Hospital
14. White Deer Run, Inc., d.b.a. Cove PREP
15. Rutan Interactive FY04/05
16. Bethanna FY04/05

C. Refunds/exonerations of real estate taxes:

1. Exoneration of real estate taxes to Lu Hocker, Manager, Manufactured Housing Division of Property Management, Inc., for the following properties located in the Oak Knoll Estates in the amt. of \$811.81.
 - a) parcel #22-013-026-110-0110
 - b) parcel #22-013-026-055-0167
 - c) parcel #22-013-026-021-0367
 - d) parcel #22-013-026-071-0235
2. Refund to Patsy R. Donmoyer, Tax Collector, for parcel #35-052-076, in the amt. of \$644.41. (Tax bill paid in error).
3. Refund of 2005 real estate taxes to Joel Yost, 211 Ann St., Middletown Borough, parcel #41-016-070, in the amt. of \$104.11.
4. Refund of 2004 & 2005 real estate taxes to Gelder & Gelder Limited Partnership, Open Space L251, Derry Township, parcel #24-089-118, in the amt. of \$2,121.51.
5. Refund of 2005 real estate taxes to Robert & Sandra Henry, 312 Erie St., Dauphin Borough, parcel #23-008-010, in the amt. of \$245.97.

D. Approval of the Dauphin County Deferred Compensation Plan (457 Plan) Trust Agreement, Adoption Agreement and Loan Policy with Charles River Collaborative

E. Satisfaction Piece(s) with the following individuals:

1. Catherine V. Jennings, 519 S. 2nd Street, Steelton
2. Lisa M. Garacia, 2460 Adrian Street, Harrisburg
3. Annette Morrison 355 Pine Street, Steelton

F. Subordination Agreements with the following individuals:

1. Gerri L. Chambers, 532 Seneca Street, Harrisburg
2. Surbrena Hargrove, 5430 Autumn Drive, Harrisburg

G. Adopt Resolution No. 27-2005 and approve a Single Application for HRA Grant Program monies from the State DCED for the Keystone Development Corporation (aka Community Action Commission) to demolish a office complex located 1201-1207 Mulberry Street and the construction of a new single story office building.

- H. Purchase of Service Agreements for FY05/06 between Area Agency on Aging and:
 - 1. Automated Security Alert
 - 2. PinnacleHome Health Care

- I. Purchase of Service Agreements for FY05/06 between Children and Youth Agency and:
 - 1. Glade Run Lutheran Services, Inc.
 - 2. Children's Home of York, Inc.
 - 3. Bethanna Bible Missionary Center, Inc.
 - 4. The Boy's and Girls Club of Central Pennsylvania, Inc.
 - 5. Good Shepherd Corporation t/d/b/a Lourdesmont – Good Shepherd Youth Family Services, Inc.
 - 6. Community Specialist Corporation, Inc.
 - 7. Concern Professional Services for Children, Youth, and Families, Inc.
 - 8. Pinnacle Health Hospitals, Inc.
 - 9. Baling R. Brown
 - 10. Jason P. Kutulakis, Esq.

- J. Amendment #1 to FY05/06 Purchase of Service Agreement between Children & Youth Agency and Keystone Services Systems, Inc. t/d/b/a Keystone Children and Family Services, Inc.

- K. Purchase of Service Agreements for FY05/06 between Mental Health/Mental Retardation and:
 - 1. Impact Systems, Inc.
 - 2. Hempfield Behavioral Health, Inc.
 - 3. Lynn Nesgoda, M.S., CCC-SLP
 - 4. K & W Medical Services
 - 5. Community Life Team Ambulance

- L. Homeless Assistance Program Fund Agreements for FY05/06 between Mental Health/Mental Retardation and:
 - 1. Brethren Housing Association
 - 2. Christian Churches United
 - 3. YWCA of Greater Harrisburg

- M. Approval of a Revised Spring Creek Rehabilitation & HealthCare Center Admission Agreement.

- N. Approval of a Code of Conduct Plan for Spring Creek Rehabilitation & HealthCare Center.

- O. Resolution No. 28-2005 authorizing the allocation of \$18,000 of the FY2004 Unprogrammed Fund Community Development Block Grant Program Account for the Millersburg Borough North Street Utility and Road construction overrun project.

- P. Grant Application and Agreement to the PA Dept. of Bureau of Commissions, Elections and Legislation for additional HAVA Grant Funds.

- Q. Dauphin County BlackBerry Usage Policy and Agreement.

FORMER BUSINESS

(There was none.)

NEW BUSINESS

(There was none.)

COMMISSIONERS' DISCUSSION & ACTIONS

Mr. Hartwick: I'd like to invite everyone to enjoy the new maps.

Mr. Haste: Finally.

Mr. Hartwick: They are available out in the lobby after a painstaking 9 months. They are all available through the Commissioners' Office.

CORRESPONDENCE

Mr. Haste: We have correspondence listed on the agenda which will be handled by the staff appropriately.

- A. Notification from Benatec Associates indicating Hershey Entertainment is submitting an application for a general NPDES permit to DEP for stormwater discharges associated with construction activities for a proposed attraction that will occupy approximately one to five acres of land within the existing park Hersheypark property.
- B. Notification from Gannett Fleming indicating the Ned Smith Center for Nature and Art is proposing to construct a nature trail footbridge across the Wiconisco Creek east of Millersburg, Dauphin County and will be submitting application to DEP and the United States Army Corps of Engineers for appropriate permits.
- C. Notification from Herbert, Rowland & Grubic, Inc., indicating S & A Custom Built Homes, Inc. will be applying to DEP for a NPDES permit for discharge of stormwater associated with construction of a 106 unit senior living townhouse located in Lower Paxton Township, Dauphin County
- D. Notification from I & I Engineering, Inc. indicating that Meadowbrook Coal Co., Inc., has made application to DEP for a new surface mining permit for the Williamstown Highwall Operation, Williams and Porter Townships, Dauphin and Schuylkill counties.
- E. Notification from Fischbach Morgan & Associates, Inc., indicating that QSD Londonderry Venture, L.P., intends to submit an application to DEP for construction of 268 residential lots, 6 commercial lots and 6 industrial lots located at 915 East Harrisburg Pike, Middletown, Londonderry Township, Dauphin County.

PUBLIC PARTICIPATION

(There was none.)

ADJOURNMENT

It was moved by Mr. DiFrancesco and seconded by Mr. Hartwick that the meeting adjourns. Motion carries.

Respectfully submitted,

Chad Saylor, Chief Clerk/Chief of Clerk

Transcribed by: J. Wolgemuth

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