



DAUPHIN COUNTY BOARD OF COMMISSIONERS

Legislative Meeting

Wednesday, September 8, 2004 (10:00AM)

MEMBERS PRESENT

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

STAFF PRESENT

Mark Templeton, Prison; Dave Schreiber, Personnel; Sharon Way, Personnel; Kay Sinner, Personnel; Elke Moyer, Human Services; Randy Baratucci, Purchasing Director; Edgar Cohen, Facility Maintenance Director; Mike Yohe, Fiscal Director; Diane McNaughton, Press Secretary; Steve Howe, Tax Assessment Director; Faye Fisher, Personnel Director; Melanie McCaffrey, Solicitors' Office; Bruce Foreman, Assistant Solicitor; Gary Serhan, Controllers' Office; Marie Rebuck, Controller; Bob Dick, Treasurer; Bill Tully, Solicitor; Chad Saylor, Chief Clerk; Julia Nace, Assistant Chief Clerk; Jena Wolgemuth, Commissioners' Office; Garry Esworthy, Risk Manager; Carolyn Thompson, Court Administrator; Dan Robinson, Economic Development Director.

GUESTS PRESENT

Charles Lanza; Jack Sherzer, Patriot News.

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 11, 2004 Legislative Meeting and the August 18, 2004 Workshop Meeting minutes, is there a motion for approval?

Mr. DiFrancesco made the motion to approve August 11, 2004 Legislative Meeting and the August 18, 2004 Workshop Meeting minutes. Mr. Haste seconded the motion. All were in favor. Motion carries.

Mr. Haste: Now we have the August 11, 2004 Salary Board Meeting minutes. The Salary Board consists of the three Commissioners and the Controller, is there a motion to approve?

Ms. Rebeck made the motion to approve the August 11, 2004 Salary Board Meeting minutes. Mr. Hartwick seconded the motion. All were in favor. Motion carries.

EXECUTIVE SESSIONS HELD BETWEEN MEETINGS

Mr. Saylor: Commissioners, the Board met twice in Executive Session. Once on September 1, 2004 and that was to discuss litigation and personnel, then again this morning to discuss some personnel and litigation.

PUBLIC PARTICIPATION

Mr. Lanza: Good morning. I'd like to say I'm happy to be here.

Mr. Haste: Please start by stating your name and address.

Mr. Lanza: Charles Lanza, 5943 LaRue St., Harrisburg, PA. I'd like to say I was here on a social visit but there are always so many problems with Dauphin County. The latest would be it seems the taxes, specifically the appeal process. I don't know if you are aware how this system is supposed to work? Basically, everything is stacked against the people that own the property. How it works, if you are not familiar, is you pay \$25 to have an appeal. They want you to get a professional appraisal so you can fork out another \$350, which you don't have anyhow because you are appealing the taxes. In my case, my property was bought in 2000. When I bought the property I had an appraisal of it for \$38,000. The market value is now appraised at \$57,000, yet the people on one side of me, their house is almost identical to mine and in better condition, and their taxes are \$47,000 based on market value. Basically, what I am here to say is we need to look into this process because it is so biased. There is nothing fair about it. Every time I come up here and I talk to people that are going through the appeal

process and even to a realtor, they tell me the same thing. Nothing is going to happen. They are going to laugh at you up there. Basically, that is what happened. They don't even want to look at anything. They pick and chose on the appraisal as to what they think is right and when something is on there that they don't agree with then well, the appraiser is just wrong. Basically, I know I am paying \$20,000 that I shouldn't be paying for - is what it comes down to. So, I guess it works out to about \$300 per year. At this point I don't have a job. I have a child that I take care of every other week and that is a lot of money to me. I'd also like the Board to possibly look into seeing how many people appeal this thing and how many actually are granted. Every time I come up here I talk to people and it's the same thing. They say all they are doing is stealing from me because they don't even want to look at the actual situation of the property. I don't know what can be done but I will continue to appeal this because it is just wrong.

The numbers I am using are numbers that are taken right off of your website that have the assessed property values of those properties. You are using those numbers to say this property is this amount and my property is this amount and there is just really no comparison if you look at the property and everything else. I actually put my house up for sale because I don't want to live in Dauphin County anymore but I am stuck now. I still owe \$30,000 on this property. The most I can get, I had an offer for \$40,000 from some builder who told me he would pay me to work on the house to get things how he wanted it to be. So that just tells you that this is not an ideal property. So, I am stuck because where am I going to go with \$10,000.

Mr. Haste: You went before the appeals board already?

Mr. Lanza: Yes, I had it yesterday. It's like me coming up there and taking the chair that you are sitting on and taking it home with me.

Mr. Haste: I will ask, and as a matter of fact Steve Howe is here, that we get a review of the appeals and how it is done and the percentage that are taken to court and the number that are overturned, so we will have a review of that.

The system is also set-up, just so you know, so that the Board of Commissioners can't intercede, so that we can't be influencing the process to benefit our friends or things like that. But we do have appointments to those Boards and we do have review of it. We will do that.

Mr. Lanza: I have talked to the ReMax agent and he is the one that said he tried to help one person out by giving them all the information and value of the property and they basically just laughed in his face. Obviously, maybe for the most part they do a good job, but from what I have seen it doesn't seem like it. It seems like they are out to get you no matter what we do. Hopefully that will change.

Mr. Haste: The only thing that I would tell you, like I've been telling a lot of people lately. I personally think that the real estate tax is a very unfair tax and the day has come that

we should do away with it. If you are that frustrated I would suggest that you write to the Governor and your legislator and tell them that it is time for tax reform.

Mr. Lanza: It's not so much the tax, although it is burdensome. But I just want it to be fair.

Mr. Haste: It is not a fair system. If you think about it, what if your house was worth \$90,000 and you don't have the ability to pay your taxes? You are going to lose it.

Mr. Lanza: That's where I am at right now.

Mr. Haste: It ought to be based on your ability to pay, not on the value of the property that you are in.

Mr. Lanza: At this point my income is derived by selling things. When I run out of things to sell, then what? Thanks for your time. Hopefully next time I come through I will have something good to say.

Mr. DiFrancesco: Generally speaking people don't come before us when they have good things to say.

DEPARTMENT DIRECTORS/GUESTS

(There were none.)

PERSONNEL

Ms. Sinner: In the addendum I am presenting today there is also a request to fill an Administrative Assistant II position in Tax Assessment. I have no changes to the Personnel packet I submitted last week.

Mr. Haste: Are there any questions for Kay?

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

Mr. Haste: Steve, you heard the request. Could you get us a breakdown of the number of appeals that you get in a year and the number that go to the Tax Assessment Appeals Board, the number of those that go to court and whether they are overturned or upheld?

Mr. Howe: I can do that. I think I also heard the question how many folks receive reductions by the Board versus those who have been denied.

Mr. Haste: It is interesting. I have heard from several elected officials in other jurisdictions that claim the Appeals Board is too lenient and gives too many reductions.

Mr. Howe: That is typically a complaint I hear, that the Board makes too many reductions.

Mr. Haste: Right, that's what I'm hearing. But then again if you are one that doesn't get that reduction I can understand why you would be upset. If his situation is as presented I could understand his concern.

Mr. Howe: I was at the hearing yesterday when Mr. Lanza was sitting before the Board and today you were not presented with all of the facts. If you would like to discuss that further you may certainly contact me and I will give you more details. The Board sets rules and regulations to conduct its hearings and Mr. Lanza simply chose not to follow those rules so the information he presented was not considered valid with the Board.

Mr. Haste: Can you just get us those reports?

Mr. Howe: Yes.

Mr. Haste: Thanks.

PURCHASE ORDERS

Mr. Baratucci: Commissioners you should have received a revised report yesterday. All of the budget issues were taken care of. There are still two items showing on the report as over, but that is because the documentation got to Mike a little bit late for Mike to update the report. The two issues that are on here have been resolved. There are no changes. The items are the same and all of the budget issues are fixed, so I would recommend that you approve the packet as is.

Mr. DiFrancesco made the motion to approve the Purchase Orders as presented. Mr. Hartwick seconded the motion.

Mr. DiFrancesco: I have a question. Do we still have issues going on?

Mr. Baratucci: No. Well, I had a good discussion yesterday with Walt McCullough. He has only been there a week or so and he said he is coming in to see me and Mike on Friday to go over some of these things. He and I went over the whole issue of the purchase orders and the requests and how the amounts should be checked. He seemed very knowledgeable and seemed like he wanted to attack the problem. He has only been there a little over a week so I am giving him some time here. He seemed responsible, so I am hoping that it will improve.

All were in favor. Motion carries.

REPORT FROM BUDGET & FINANCE – MIKE YOHE, BUDGET DIRECTOR

Report from the Office of Budget & Finance September 8, 2004

- **August 27, 2004** transferred **\$1,745,656.19** to the **Payables** account **from the County's Concentration account** for checks issued that week.
- **September 3, 2004** transferred **\$8,123,035.82** to the **Payables** account **and \$1,816,386.08 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 \$121,852.57 rate 1.41%**
- **Balance today in Community Banks investment account \$18,210,345.12 rate 2.25%**
(This rate is good through 12/31/04)
- **Balance today in Commerce Bank investment account \$5,024,003.45 rate 2.25%** (This rate is good indefinitely)
- **Balance today in Waypoint Bank investment account \$16,227,057.37 rate 2.40%** (This rate is good through 9/30/04)

\$15M TRAN Line-of-Credit Status at PNC:

- Draw #1 on 2/5/04 - \$2,850,000.00
- Draw #2 on 2/19/04 - \$1,800,000.00
 - o Total \$4,650,000.00
- April 1, 2004 – TRAN was paid back with \$11,232.21 for interest expense.

Mr. Hartwick: I have a question. How comes we punish when Community and Commerce Banks have the same interest rates?

Mr. Yohe: I have not yet received from Commerce the collateral listing as we had discussed and they had agreed to. So, until such said event I am inclined personally to take it all out until I get that. That is the reason right now.

Mr. Hartwick: All of the other banks have met those provisions and guidelines?

Mr. Yohe: Yes.

Mr. Hartwick: We are currently shopping these rates, am I correct, and continuing to try and improve the amount of money that we are going to receive by increasing the rates as the rates go up?

Mr. Yohe: Yes.

Mr. Hartwick: Therefore, I just have a question with why we maintain the largest balance with Community when they haven't come back with the higher rate?

Mr. Yohe: I am slowly transferring available money now into Waypoint and taking it out of Community. Every day we have available money to transfer out or in and right now it is going up into Waypoint and down in Community. I could pull it all out of Community and move it over to Waypoint, but Community seemed receptive to raising the rate, I just haven't heard from them yet.

Mr. Hartwick: It just seems strange to me that Commerce, and again you are saying that it is not about rates, it's about them providing you with the information and documentation that you need. I thought we took care of that. Legally, that everything needed to be in place before we put money in there and that was why we were holding up with Commerce to invest the money there until all of the requirements that the County set forth had been met, we weren't going to put money into Commerce. Can I ask the legal staff whether or not all of those obligations have been met and what specifically you are talking about that they haven't come up with that they need to provide?

Mr. Yohe: Specifically, they are to provide us a listing of detailed collateral, which is solely for Dauphin County. I get a monthly pool report from them. You have \$10 million in the account, here's our total pool of \$250 million dollars.

Mr. Hartwick: I thought the charge from the Board was, and I remember Commissioner DiFrancesco, said we didn't want to invest money there until they met all of the requirements that the County set forth.

Mr. Yohe: They had signed the paperwork that they agreed to this.

Mr. DiFrancesco: Let's just get it.

Mr. Yohe: Is the goal of the Board still to keep it equal for all three of them?

Mr. DiFrancesco: I think when we have all of the collateral requirements it is rate driven.

Mr. Yohe: Are we comfortable with just putting it all in the highest rate?

Mr. DiFrancesco: There is no reason in this world why they couldn't have provided you with the information that you needed by this time. Please feel free to make a call and tell

them that. I would be happy to make a call as well letting them know that they need to get the job done. If that is as attentive as they are going to be then there is a problem.

Mr. Haste: We've got to follow the rate.

Mr. Hartwick: Just one question, I agree with Commissioner Haste on that. We should follow the rate. But I also wanted to know if we take money out of one place and put it in another are there any fees attached to us moving that money with higher rates?

Mr. Yohe: No. There are no fees attached to any of these accounts.

Mr. Hartwick: So then I would follow the rates.

Mr. Yohe: I will be happy to do that. That is my personal opinion also. We are in the business to get the most rate return. There is something to be said for diversification too.

Mr. Haste: I think we should too, if someone matches the 2.4% then you split the difference, but we need to make money.

REPORT FROM CHIEF CLERK/CHIEF OF STAFF – CHAD SAYLOR

Mr. Saylor: I want to draw your attention to two items for approval in Matters Requiring Board action. One is Item H, I believe it is just a grammatical change; it should be an agreement between the County of Dauphin and the Township of Derry for tax collection. That is just a minor grammatical change. The other item I want to bring to your attention is Item F, the proposal with the Hay Group. I have received an indication from Mr. Yohe that there is interest in another company to pitch us on doing this work. I'm not sure of the time frame you had in mind, but it might be worth waiting another week or so to get another proposal to see what the charges might be and compare them. I thought I would bring that to your attention. If that is your inclination we can pull it off.

Mr. Haste: How quick can they get prices to us, Mike?

Mr. Yohe: I would say within a week. I will contact them as soon as this meeting is over.

Mr. Haste: I like competition so lets see what they offer.

Mr. Yohe: The only reason I bring this up is this gentleman is an actuary and he said since the passage of this on 43, he's going to concentrate on this area, because he has been doing it for several years. The municipal side is not really his prime focus, but it's just on this one aspect.

Mr. Haste: See what he has to say.

SOLICITOR’S REPORT—BILL TULLY, ESQ

Mr. Tully: I have nothing to add to the written report but would be happy to answer any questions on the items today.

MATTERS REQUIRING BOARD ACTION

Mr. Haste: Matters requiring Board action, the only question that I had is between Items C and S, what is the difference between the two actions that we will be taking?

Mr. Tully: Item C is not an agreement. Item C is simply a compliance letter on the audit that we provided the information requested. It is more of a formality.

Mr. Haste: We have given them everything to the best of our ability and knowledge?

Mr. Tully: Yes. Then Item S would be the fine-tuning of the actual contract.

Mr. Haste: Got it. Thank you. Any questions of Bill. Anything we need to know on the training packet? (There were none.) We have Items A through T with F removed, for now. Are there any other items that need to be removed or discussed? (There were none.)

Mr. DiFrancesco made the motion to approve Items A through T, minus F. 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. Mission Home Ministries
 - Day Treatment program \$89.39/day
 - Day Treatment program-Chambersburg \$92.51/day
 - Evening Program \$59.43/day
 - Residential Female program \$133.63/day
 - Residential Male program \$131.55/day
 - Residential Female-short term \$133.63/day
 - Shelter \$140.00/day
 - 2. St. Michael’s School, Inc.
 - RTF-(JCHO) non MA approved treatment \$236.96/day
 - Personal expenses & allowance \$ 2.00/day
 - 3. Baptist Children’s Service
 - Meridian Group \$117.57/day
 - Emergency Shelter \$134.39/day
 - 4. Kidspeace National Center, Inc.
 - Foster Care-Regular \$49.00/day
 - After Care-Specialized (hourly) \$53.00/hr
 - Foster Care-Intake \$80.00/day
 - Foster Care-Specialized \$85.00/day
 - Foster Care-Juvenile Offender Prog. \$95.00/day
 - Foster Care-Therapeutic \$95.00/day

- C. Approval of a Management Representation Letter to Zelenkofske Axelrod for the 2003 audit.
- D. Satisfaction Piece for Andrea L. Wade for property located at 419 S. Wood St., Middletown.
- E. Amendment to the Life Insurance Policy between Dauphin County and Harleysville to change the language to give the County documented flexibility for the continuation of the life insurance for a period of time not to exceed six (6) months for layoff or leave of absence of a County employee.
- F. Proposal/Agreement between Dauphin County and Hay Group for accounting and valuation of post-employment benefits for Dauphin County employees.
- G. Agreement between Dauphin County EMA and Priority Dispatch Corporation to provide a four (4) day Emergency Dispatch Quality Management Professional Certification Course.
- H. Agreement between Tax Assessment and Township of Derry Tax Collection Association to collect the taxes for the 2004 fiscal year for Derry Township and the County.
- I. Agreement between Dauphin County Weatherization and the PA Dept. of Community and Economic Development for the Weatherization Assistance for Low-Income Persons Program.
- J. Purchase of Service Agreements for FY04/05 between MH/MR and:
 - 1. Community Life Team Ambulance
 - 2. Spectrum Community Services, Inc. – Contract #1
 - 3. Spectrum Community Services, Inc. – Contract #2
- K. Amendment #1 to FY03/04 Purchase of Service Agreement between MH/MR and Masonic Home.
- L. Purchase of Service Agreements for FY04/05 between Children & Youth Agency and:
 - 1. Jason P. Kutulakis, Esq.
 - 2. King's Kids Camp
 - 3. Vision Quest National, Ltd.
 - 4. White Deer Run, Inc., t/d/b/a Cover PREP
 - 5. Shawnee Academy, Ltd.
 - 6. William M. Shreve, Esq.
- M. Purchase of Service Agreements for FY04/05 between Area Agency on Aging and:
 - 1. Cumberland County Office of Aging and Community Services
 - 2. Comfort Keepers
- N. Peak Performance Service Agreement between Dauphin County Area Agency on Aging and B & W, Inc. for commercial HVAC service at the A.A.A. kitchen.
- O. Human Services Development Fund Assurance of Compliance between Dauphin County Human Service Director's Office and the PA Dept. of Public Welfare (DPA).

- P. Proposed Settlement/PILOT Agreement for the PA DUI Association – Case No. 2004 CV 1313TX located at 2413 North Front Street, Harrisburg. (Tax Assessment Appeals)
- Q. Proposed Settlement for the Holiday Inn East located at 4751 Lindle Road, parcel #63-027-140. (Tax Assessment Appeals)
- R. Amendment Service Contract #85000185 between Dauphin County and Dunbar Armored, Inc. for secure transportation of funds.
- S. Agreement between Dauphin County and Zelenkofske Axelrod LLC to provide auditing services for the year ending 2003.
- T. Approval by the Board to pay the County's pro rata share of \$81.50 for the total cost necessary for an appraisal for the Tax Assessment Appeal of James E. Fleck located at 2426 Derry St., parcel #13-067-026.

FORMER BUSINESS

(There was none.)

NEW BUSINESS

(There was none.)

COMMISSIONERS' DISCUSSION & ACTIONS

Mr. DiFrancesco: Just a comment. I was out on Sunday at a community picnic and was surprised that as many as half a dozen people had approached me regarding the Area Agency on Aging Meals-on-Wheels issue. It just so happened that in this particular group there were a lot of people who volunteered to deliver meals or had been affiliated with the process. Again, they expressed some concern regarding the cutbacks. The question that I have really is as the changes took place did we call the volunteers or meet with them? I think that would be a good idea for us to do that if it has not been done to keep them apprised of what is going on. Some of these people may have missed the briefing room or missed the letter, but basically it surprised them when they went to deliver meals and the second meal was missing through their deliveries. I just thought it might be a good idea to make sure that we are communicating because I know one of the challenges that face the program is the fact that often we don't have enough volunteers to deliver. Just a thought.

Mr. Hartwick: The answer is no we didn't call them in and yes it is a good idea. I would be glad to act on that. Lastly, I don't know if you know but we have identified some Human Services development money that we are using to restore and add folks to the Meals-on-Wheels, as well. The cuts in the Meals-on-Wheels program is something that as the process went through with Aging it wasn't until real late in the game that we discovered again through, in my opinion, not a very intelligent system of auditing their books and making sure we had monthly reports, as to where we are at within the budget. It was an internally generated plan with the cuts and it has been my charge with

Bob to start to look for personnel and internally rather than provide service cuts. One of the things that we thought was critical to start to restore was the Meals-on-Wheels program. We identified resources within the Human Services Development Fund to earmark specifically towards Meals-on-Wheels. I'd be glad to share that good suggestion with Bob and bring volunteers in. I think that is an appropriate suggestion.

Mr. DiFrancesco: Great. The other point is just to say good job to all of the folks that were involved with yesterday's press conference and the Elder Abuse Task Force. This is an important policy choice made by the Board but crafted by a lot of people out there working in the streets and I think it is something that this community needs. I just want to give credit to those who had the foresight to organize a task force and put it together. It is made up of a very good group of people who will get a lot of work done for the people of Dauphin County.

Mr. Hartwick: Thanks for the comments and the support of the Board. I sort of likened it yesterday with the conversation that occurred within the task force. Ed Marsico said he learned a lot with the lack of communication between Aging, Sheriff's Department, CID and local law enforcement that doesn't exist in aging issues. There are some regulations and some privacy issues that we need to overcome legislatively, which were brought about yesterday. In the 70's it was the issue of rape with women and that became a highlight about trying to make women feel comfortable about reporting crimes and solving the crimes. In the 90's in Dauphin County it was with child abuse. I believe this really brings to light the issue of elder abuse and putting people on the right page. I am very optimistic about what this task force can accomplish and the enthusiasm was high yesterday. It was exciting. Hopefully we are going to go out and put some of these bad folks who take advantage of weaker citizens in jail where they deserve to be.

CORRESPONDENCE

Mr. Haste: See Items A through E of correspondence that we have received. The staff will respond appropriately.

- A. Notification from DEP indicating they received an application from United Water requesting the right to withdraw a maximum of 17.0 million gallons per day from Stony Creek.
- B. Notification from Fairfax Compliance Group, Inc., on behalf of Harman Stove, indicating they intend to submit an application for plan approval to construct, modify, or reactivate an air contamination source and/or air cleaning device to DEP.
- C. Received correspondence from DEP in reference to a notice of permit correction to Pennsy Supply, Inc., regarding the Hummelstown Quarry Operation, South Hanover Township, Dauphin County.
- D. Notification from Evans Engineering, Inc., on behalf of Hershey Trust Company, indicating their intent to submit an application for a joint stream encroachment permit to DEP for the Hershey Trust-Bullfrog Valley Road project, involving widening the

stream crossing and replacing the existing stream enclosure and extending the stream enclosure, located in Derry Township.

- E. Notification from Brinjac Engineering, on behalf of Robert Mumma, indicating they intend to submit an application to DEP for a general NPDES permit for construction of professional and commercial buildings with associated parking located on Linglestown Road, Lower Paxton Township.

PUBLIC PARTICIPATION

(There was none.)

ADJOURNMENT

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

Transcribed by: Jena Wolgemuth
September 9, 2004

printed 1/25/05