



**DAUPHIN COUNTY BOARD OF COMMISSIONERS**

**Commissioners' Legislative Meeting**

**Wednesday, November 8, 2006 (10:00AM)**

**MEMBERS PRESENT**

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

**STAFF PRESENT**

Chad Saylor, Chief Clerk/Chief of Staff; Marie Rebeck, Controller; Bob Dick, Treasurer; Randy Baratucci, Purchasing Director; Kay Sinner, Personnel and Payroll Office; Tom Guenther, Director of Information Technology; Kacey Truax, Commissioners' Office; Elke Moyer, Human Services Directors Office; William Tully, Esq., Solicitor; Gary Serhan, Deputy Controller; Julia Nace, Assistant Chief Clerk; Jena Wolgemuth, Commissioners' Office; Marielena Martinez, Commissioners' Office; Diane McNaughton, Press Secretary; David Schreiber, Personnel; Michael Yohe, Director of Budget and Finance; Sharon Chatman, Human Services Director's Office; Bruce Foreman, Esq., Solicitor's Office; Leila McAdoo, Solicitor's Office

**GUESTS PRESENT**

Garry Lenton; Clay Christianson; Mark Stewart

**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 October 18, 2006 Workshop Meeting Minutes and October 11, 2006 Legislative Meeting Minutes, October 25, 2006 Legislative Meeting Minutes, October 11, 2006 Salary Board Meeting Minutes, October 25, 2006 Salary Board Meeting Minutes, and the October 25, 2006 Election Board Meeting Minutes for approval.

**Mr. DiFrancesco made the motion to approve the October 18, 2006 Workshop Meeting Minutes, October 11, 2006 Legislative Meeting Minutes and October 25, 2006 Legislative Meeting Minutes. Mr. Haste seconded the motion. All were in favor. Motion carried.**

**Ms. Rebuck made the motion to approve the October 11, 2006 Salary Board Meeting Minutes and the October 25, 2006 Salary Board Meeting Minutes. Mr. DiFrancesco seconded the motion. All were in favor. Motion carried.**

**Mr. Haste made the motion to approve the October 25, 2006 Election Board Meeting Minutes. Mr. DiFrancesco seconded the motion. All were in favor. Motion carried.**

## **EXECUTIVE SESSIONS HELD BETWEEN MEETINGS**

Mr. Saylor: We met on November 1, 2006 and November 2, 2006 to discuss personnel issues.

## **PUBLIC PARTICIPATION**

There were none.

## **DIRECTORS/GUESTS**

- A. Mark Stewart, Esq., Wolf Block
  - 1. Spring Creek Update
    - a) Adopt Resolution No. 27-2006 authorizing the sale of Spring Creek Rehabilitation and Health Care Center to Continuum Care Holdings, Inc. and other related documents.

Mr. Stewart: I am here today for your additional action regarding the transactions of the sale of Spring Creek. You have Resolution 27-2006 in front of you. It is a resolution that authorizes and approves the sale. This is one of the required steps that we have as we move forward with the closing and the actual transfer of the operations. This

resolution also approves various related agreements, numerous of which were approved and called for at the June 28, 2006 vote. The purchase agreement and the operations transfer agreement had subsequently been put in writing and specified. Those agreements are set forth on page two of the resolution. Additionally there are the typical things that you would have in any type of transaction, such as the deed to convey the property, tweaking of easements associated with the easement of the land and conveyance of the property, and then some general authorizations to take such steps as necessary to complete the transaction. I would be happy to answer any questions that you may have. Things are moving forward. Obviously this is an important step as we move forward with the transition.

Mr. Haste: When would the transition occur?

Mr. Stewart: We will be in the process of doing pre-closings. Essentially in the next several days. Friday is Veteran's Day, a bank holiday. The real touchstone is the buyer's lender, being satisfied with the finalization of everything, the loan for the buyer and the funds. We anticipate that happening before your next meeting.

Mr. Haste: Are the employees no longer our employees?

Mr. Stewart: That is something that is going to be slightly in flux. The employees were concerned with the amount of time that they had to review offers from the buyer. Additional time was afforded to them in that regard. Obviously, until the funding comes they are ours. Right now it is looking like Monday, after first shift.

Mr. Haste: That occurs when the monies are wired.

Mr. Stewart: Yes.

Mr. Haste: I want to reiterate that there is in here an agreement that if they look to sell, we have the first right of refusal, so we have our needs taken care of. Also, it is in there about population and how our citizens are protected. I talked to some of the medical staff, and if you listened to the early reports that were out there, it sounded very bad. The medical folks are looking at this positively because there will be more medical services provided to not only our folks, but potentially to the community. As people look at it, they look at it better than previously presented to begin with.

Mr. Stewart: Absolutely. All of those matters are taken care of in here. The declaration of restrictive covenants sets forth all of the protections that were in the sale agreement; regarding the continuous service for fifteen years, the service to the indigent of Dauphin County and incorporates them into the deed so they run with the land and will attach to anybody who purchases the land over the fifteen year term requirements. The buyers, Continuum Care Holdings, have invested nearly \$200,000 on medical technology to facilitate providing better care. I think that some of the feedback that you are getting will get out more.

Mr. DiFrancesco: Ultimately, with the transfer, were there any issues that come up to affect price or last minute responsibilities of the county?

Mr. Stewart: As we have known from the outset of this, there are three very large boilers at Spring Creek. One of those the second week in December of last year stopped working and is inoperable. That boiler needs to be replaced and we have known about this all along. We recently have been provided with an estimate from the provider and we are acquiring our own estimate. That is still in play. There will be, as in any other type of sale, you cannot sell your car without a functioning engine. A boiler is needed to heat the facility. If any of the other boilers would break, we would have to negotiate. It is addressed in the resolution and ultimately there will be some adjustment of the sale price. It is not determined yet what that amount will be.

Mr. DiFrancesco: Any other issues besides the boiler?

Mr. Stewart: No. The underground storage tanks have been cleared out. The other issues by and large cleaned. The due diligence period ended October 27, 2006. Based upon your actions today.

**Mr. DiFrancesco made the motion to Adopt Resolution No. 27-2006 authorizing the sale of Spring Creek Rehabilitation and Health Care Center to Continuum Care Holdings, Inc. and other related documents. Mr. Haste seconded the motion. All were in favor. Motion carried.**

## **PERSONNEL**

Ms. Sinner: I need to pull two new hires from the personnel transactions that I provided to you last week. They are numbers 17 and 18.

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

## **PURCHASE ORDERS**

Mr. Baratucci: There were two items added since last week and both approved by the oversight. One is on page 14 and one is on page 21. All budget issues were taken care of.

**Mr. DiFrancesco made the motion to approve the Purchase Order Packet as amended. Mr. Haste seconded the motion. All were in favor. Motion carries.**

## **REPORT FROM BUDGET & FINANCE – Mike Yohe**

- **October 27, 2006** transferred **\$11,965,825.81** to the **Payables** account and **\$1,880,071.66** to the **Payroll** account from the County's Concentration account for checks issued that week.

- **November 3, 2006** transferred **\$636,260.11** to the **Payables** account from the County's Concentration account for checks issued that week.
- **Total Term Investments – N/A**
- **Balance today in INVEST account \$131,797.82 rate 5.220%**
- **Balance today in Community Banks investment account \$29,901,417.83 rate 5.440%** (This rate equals today's Community Banks 91-day TBill rate of 5.040% plus 40 basis points)
- **Balance today in Graystone Bank investment account \$10,578,203.82 rate 5.620%** (This rate equals last month's average 1-month LIBOR rate of 5.320% plus 30 basis points)
- **Balance today in Commerce Bank investment account \$27,675,327.29 rate 5.425%** (This rate equals today's 91-day T-Bill rate of 4.975% plus 45 basis points)
- **Balance today in Sovereign Bank investment account \$115,696.08 rate 5.320%** (This rate equals today's 1-month LIBOR rate of 5.320% plus 0 basis points)

**No T.R.A.N. Line of Credit required for 2006.**

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

Mr. Saylor: (There were none.)

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

Mr. Tully: Nothing to add but would be happy to answer any questions you may have.

**MATTERS REQUIRING BOARD ACTION**

**Mr. DiFrancesco made the motion to approve Items A through W. Mr. Haste seconded the motion. All were in favor. Motion carries.**

- A. Training Packet
- B. Approval of FY06/07 Per Diem Rates between Children & Youth Agency and: (per distributed list)
  - 1. Visiting Nurse Association of Central Pennsylvania
  - 2. Little Treasures – Early Childhood Center
  - 3. Best Nest, Inc.
  - 4. Lourdsmont Good Shepherd Youth and Family Services
- C. Real Estate Tax Refunds/exonerations:
  - 1. Refund of 2006 real estate taxes to John and Tyrone Kreamer and

- Scott Marto, 7556 Morningstar Drive, Harrisburg, PA 17112 on property located at 7761 Skyline Dr., parcel #68-033-031, West Hanover Township, Central Dauphin School District, in the amt. of \$333.54.
2. Refund of 2005 and 2006 real estate taxes to Gary Houck, 7432 Wells Dr., Harrisburg, PA 17112 on open space L-A parcel #68-046-204, and open space L-D parcel #68-046-205, located in West Hanover Township, Central Dauphin School District, in the amt. of \$79.32.
  3. Refund of 2006 annual real estate taxes to Ereno Lewis, c/o Crown American Hotels Co, attn: M. Schuster, P. O. Box 1487, Johnstown, PA 15907 for property located at 765 Eisenhower Blvd., Swatara Township, Central Dauphin School District, parcel #63-027-194, in the amt. of \$6,461.85.
  4. Exoneration of 2004, 2005 & 2006 real estate taxes for Thomas W. Edwards, II, owner of Hi-Land Mobile Home Park on parcel #34-028-005-017-0037, 1500 Zion Road, lot 17, in the amt. of \$307.22.
- D. Authorize the purchase of the following items at the Schaffner Center:
1. Purchase of 2 Automated External Defibrillators (AED's).
  2. Walk-through metal detector for lobby/courtroom.
  3. Purchase automated key control system to improve security and provide detailed information on door activity.
- E. Satisfaction Pieces with the following individuals:
1. Dian S. Roy for property located at 111 Market St., Middletown.
  2. Sonya D. Payne for property located at 141 N. Harrisburg St, Steelton, PA
- F. Subordination Agreement for Judith Stine Dori on property located at 1842 Lakeside Drive, Middletown.
- G. Settlement Agreement between Dauphin County and Kenneth G. Ducarme and Patricia Ducarme for property located at 1318 Rolleston St., Harrisburg.
- H. Agreement for Janitorial Services between Dauphin County Facilities Maintenance Department and Lisa Aumiller, Corporate Relations Officer, Graystone Bank for cleaning of first (1) and third (3) floors of 112 Market Street for \$800.00 monthly.
- I. Approval of Intergraph Contracts, Agreement, Legal Actions and Grant between EMA and Intergraph for software upgrade implementation/interfaces and services \$35,000.00.
- J. Agreement between Dauphin County and Honeywell Building Solutions for Video License Expansion at Prison.
- K. Email Management Service Contract between Information Technology and Listrak for 12 months at \$500 annual support fee and \$100 per month.
- L. Approval of Agreements between Dauphin County Safety & Security and ADT Security Services for the following properties:
1. Dauphin County Administration Building
  2. Dauphin County Health & Human Services Building
  3. Dauphin County Courthouse
  4. Maintenance and Testing Services

- M. Agreement between Dauphin County Solid Waste Management and ESCO, Inc. for Maintenance, Inspection and Testing of the fire system installed at 1690 S. 19<sup>th</sup> Street, Harrisburg, PA for \$300.00 annually.
- N. Adopt Resolution No. 26-2006 changing the Affordable Housing Program Requirements and Fees. (Community & Economic Development /Affordable Housing Program)
- O. Purchase of Service Agreements for FY06/07 between Children and Youth Agency and:
  - 1. Pennsylvania Clinical School, Inc.
  - 2. Boys and Girls Club of Lancaster, Inc.
  - 3. The Summit School, Inc.
  - 4. Visiting Nurses Association of Central Pennsylvania, Inc.
- P. Mental Health Purchase of Service Agreements for FY06/07 between Mental Health/ Mental Retardation and:
  - 1. Keystone Services System, Inc
  - 2. Goodwill Industries of Central Pennsylvania, Inc.
- Q. Mental Retardation Purchase of Service Agreement for FY06/07 between Mental Health/ Mental Retardation and Goodwill Industries of Central Pennsylvania, Inc.
- R. Amendments to FY05/06 Purchase of Service Agreements between Mental Health/ Mental Retardation and:
  - 1. Barbara Weber, M.S., CCC-SLP – Amendment #2
  - 2. AHEDD – Amendment #1
- S. Agreement for Performance between Dauphin County Solid Waste Management and The Illusion Maker to provide instructional performances at various schools during the 2007 school year. Fee not exceed \$5,000.00.
- T. Pennsylvania Department of Aging Over 60 Medicaid Waiver Grant Agreement between Dauphin County Area Agency on Aging and PA Dept. of Aging.
- U. Authorize the establishment of the County of Dauphin General Obligation Bonds Series B of 2005 Escrow Account and the County of Dauphin General Obligation Notes Series C of 2004 Escrow Account at M&T Trust Company.
- V. Authorize the investment of Spring Creek sale proceeds in a money market account at M&T Trust Company until such time that these funds can be transferred into the escrow accounts for the Series B of 2005 and Series C of 2004.
- W. Authorize Budget Director, Michael J. Yohe, to sign the paperwork associated with the establishment of these accounts at M&T Trust on behalf of Dauphin County.

Mr. DiFrancesco: Chad, please reach out to Dan Kern and Mike Pries in regards to item D. There has been some talk among the courts and some other folks about security upgrades that they would like to see. I want to make sure that the metal detector is appropriate for our security needs before a commitment and purchase is made.

## **FORMER BUSINESS**

(There was none.)

## **NEW BUSINESS**

(There was none.)

## **COMMISSIONERS' DISCUSSION & ACTIONS**

Mr. Haste: I want to thank the election workers, our Elections Department and our Information Technology Department. Secretary Cortes even mentioned last night how busy our county was and the good job that was done. A great job was done by everyone involved.

## **CORRESPONDENCE**

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

- A. Notification from ISG Steelton LLC indicating they intend to submit an application to DEP for a NPDES permit for industrial discharge for a site in the Borough of Steelton.
- B. Notification from DEP indicating a surface mining permit had been revised for the Meadowbrook Coal Company, Inc., Williamstown Highwall Mine operation, Williams Township, Dauphin County, Porter Township, Schuylkill County.
- C. Notification from J. T. Walker Industries, Inc., indicating they intend to submit an application to DEP for industrial storm water discharges for the RiteScreen Company and MI Metals, Incorporated/ProPlastix International, Inc., located on Route 209, Elizabethville, Dauphin County.
- D. Notification from the PA Game Commission indicating they intend to install 1-culvert pipe in a tributary to the Wiconisco Creek on State Game Lands #264 in Lykens Township, Dauphin County and will be using an existing programmatic general permit from DEP.
- E. Notification from the PA Dept. of Transportation indicating they intend to utilize an approved water obstruction and encroachment permit for proposed activities to be performed in Hummelstown Borough, Dauphin County.
- F. Notification from Herbert, Rowland & Grubic, Inc., on behalf of the Donlo Family Partnership, indicating they intend to submit an application to DEP for a NPDES permit for construction activities in Washington Township, Dauphin County.
- G. Notification from Dauphin Engineering Co, on behalf of Gaudenzia Foundation, indicating they intend to submit an application to DEP for a general permit and utility line stream crossing for a preliminary, final subdivision and land development plan for the Gaudenzia Foundation, Gibson Boulevard, Swatara Township.



- H. Notification from LRHA indicating they intend to submit an application to DEP for a general permit for a pollutant discharge elimination system and water obstruction and encroachment permits related to the Woodland Hills subdivision plan, Middletown Borough, Dauphin County.
- I. Notification from Gannet Fleming, on behalf of the West Hanover Township Water & Sewer Authority, indicating they intend to submit an application to DEP for a water quality management part II permit for construction of a Vermicomposting facility at the Authority's Wastewater treatment plant at 7901 Jonestown Road.
- J. Notification from Pennoni Associates, Inc., on behalf of UGI Incorporated, indicating they intend to submit an application for a general permit, utility stream crossing for a gas main extension for a new supply center located at Milton Hershey School, Dauphin County.
- K. Notification from Vortex Environmental, on behalf of Triple Crown Corporation, indicating they intend to submit an application to DEP for a minor road crossing associated with a proposed driveway crossing over an unnamed tributary to Armstrong Creek to provide access to three separate building lots, Bunker Hill Estates, Halifax Township, Dauphin County.

## **PUBLIC PARTICIPATION**

(There was none.)

## **ADJOURNMENT**

Mr. Haste: Is there a motion to adjourn?

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

Respectfully submitted,

Chad Saylor, Chief Clerk/Chief of Staff

Transcribed by: Kacey Truax

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