



DAUPHIN COUNTY BOARD OF COMMISSIONERS

Legislative Meeting

Wednesday, November 30, 2005

MEMBERS PRESENT

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

STAFF PRESENT

Bill Tully, Esq., Solicitor; Chad Saylor, Chief Clerk; Marie Rebeck, Controller; Bob Dick, Treasurer; Robb Wentzel, Director of DCEMA; Bob Hawley, District Court Administrator; Tom Guenther, Director of IT; Mike Yohe, Director of Budget and Finance; Edgar Cohen, Director of Facilities Maintenance; Diane McNaughton, Press Secretary; Gary Serhan, Controller's Office; Randy Baratucci, Director of Purchasing; Jack Lotwick, Sheriff; Chuck Schaeffer, Sheriff's Office; Kay Sinner, Personnel; Dave Schreiber, Personnel; Steve Suknaic, Director of Juvenile Probation; Jeff Patton, Assistant Director of Juvenile Probation; Elke Moyer, Human Services; Garry Esworthy, Risk Manager; Lena Martinez, Commissioners' Office; Julia Nace, Assistant Chief Clerk, and Jena Wolgemuth, Commissioners' Office.

GUESTS PRESENT

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 November 2, 2005 and the November 9, 2005 meeting minutes. Is there a motion to approve?

It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco to approve the November 2, 2005 Legislative Meeting minutes and the November 9, 2005 Workshop Meeting minutes. All were in favor. Motion carries.

EXECUTIVE SESSIONS HELD BETWEEN MEETINGS

Mr. Saylor: Commissioners, in what I believe to be the first mistake I ever made. I would like to report an Executive Session that was held on October 25 in the morning to discuss some litigation issues. That is all that I have.

PUBLIC PARTICIPATION

There was none.

SALARY BOARD

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

PERSONNEL

Ms. Sinner: I have no changes to the Personnel Packet. It remains as presented last week.

Mr. DiFrancesco: The overtime request...

Ms. Sinner: I am going to put that in next week. Actually Robb had asked for that to go through the 7th and the 14th, is that the one you are talking about, the EMA request?

Mr. DiFrancesco: Yes. I just wanted to make sure it was up for consideration.

Ms. Sinner: It will be in next week's packet.

Mr. Haste: Any questions on the Personnel Packet? Is there a motion to approve?

It was moved by Mr. DiFrancesco and seconded by Mr. Hartwick to approve the Personnel Packet as presented. All were in favor. Motion carries.

PURCHASE ORDERS

Mr. Baratucci: You should have received an updated Purchase Order packet yesterday. All of the budget issues were resolved. There were two outstanding items that were to be checked on between last week and this week. The first one was on page one for tax assessment. I believe Mr. Howe had sent all three of you an email explaining his need for the cameras. It is my understanding that issue is okay now.

The other issue was on page seven. That was the issue of pistols for the Sheriff's Office. I believe the outstanding question there was on the quantity. I believe the Sheriff is here.

Mr. Hartwick: What page was that on again?

Mr. Baratucci: Page seven. I don't know how much conversations you might have had between now and then, but we did award the bid and now we have to do a purchase order. If the quantity is going to change I will need to get with the successful bidder. I don't think it will be an issue if it is a small change in quantity, but I just need a resolution.

Mr. Haste: Do you have questions?

Mr. Hartwick: Yes. I know we normally ask questions from the purchase packet we have a week to be able to talk to any of the Commissioners and I haven't heard anything from the Sheriff's Department about the issues we raised in the past week. Is there any reason why we didn't get an email or any kind of explanation or conversation from the Sheriff?

Mr. Lotwick: I have been dealing with Chad. Chad said he was the point man for this.

Mr. Hartwick: Chad?

Mr. Lotwick: We have had many many many emails and talks about this. One of his last remarks to me was a good one, he said why don't you talk to the Commissioner's. The question that comes up is, this was late last week, and I was on vacation too, what happened was I would not talk to any other Commissioner behind my oversight's back. The way I feel is that I would have to talk to Jeff first before I discussed it with you.

Mr. Hartwick: Okay.

Mr. Lotwick: I did talk to Jeff briefly about this today and the question that comes up is I guess how many guns we should be ordering. The union contract starts off with "employees will be required to carry a hand gun on or ...all Sheriff's Deputies who have completed Act 2 training and the County's required weapons training will be provided a standard issue hand gun, the type of model and make to be determined by the Sheriff." Through union negotiations we have decided that it was supposed to be an H&K .45

caliber hand gun. Mr. Baratucci submitted the purchase order for a quantity of 55. The reason we requested 55 hand guns is this, there are 46 sworn Deputy Sheriffs, full and part-time. The way I interpret the contract is, all employees, which are Deputy Sheriffs, will be issued a standard hand gun, so that brings us up to 46 hand guns.

There are four people in the administration that are all sworn law enforcement officers. We are required to take police action if we see something that requires police action. That would include myself, my Chief, my Assistant Chief Mike Rinehart and my Real Estate Deputy who is Mary Jane Snyder. They would be required to take appropriate action.

We requested a total of five reserved fire arms. When you order machinery this machinery tends to break down over the years. If a gun breaks we would have to take that fire arm from the deputy send it away for several weeks to be retooled and when that would happen that deputy, of course, would be without a hand gun. If we have a reserve quantity of fire arms what we can do with those fire arms would be to take the guy down to the range and let him qualify with that hand gun and then he can carry that until his hand gun is returned from the armor.

That gives us a total of 55 hand guns. In determining the price they are \$578.56 a piece. Fifty five hand guns comes out to \$31,820.80. We have budgeted for this year, \$69,900 and some dollars. We have spent \$4,000 out of that and we have a balance of \$65,167.42. The cost of 55 hand guns is \$31,800, which gives us a balance in that account of \$33,346. We have allocated \$25,000 of that to purchase the vests that are required. That will give us an ending balance of \$8,346 that we will not be using out of that account.

Mr. Hartwick: I just have a couple questions. Is this all a new expense to the County?

Mr. Lotwick: This is a one-time expense, yes.

Mr. Hartwick: One-time? We are not going to have to update fire arms as they get out of term? I know with police there have to be periodic updates, maybe every five or seven years that when a model goes out...trust me, as the Mayor of Steelton, I know there was always a new toy or hand gun and when those things come around they are going to claim that these things are old, even though they haven't been used excessively. Hopefully they won't have to use them too much, beyond qualifying with them every year. There is going to be a need for additional guns down the road. So you are saying the county won't have to foot the bill for those new guns.

Mr. Lotwick: I would say somewhere down the line they will need to be replaced but not in my or your lifetime here at the county will we have to get new guns. These are state of the art .45 caliber, the best caliber you could have for a police officer, especially in a place where there are marble walls. If you had a high speed .357 the ricochet would travel a greater amount of distance as opposed to a .45. A .45 will hit, bounce a little bit and then fall. It is a slower bullet.

Mr. Hartwick: So this is only going to be a one-time expense?

Mr. Lotwick: I don't think you and I will have to worry about it.

Mr. Hartwick: The second thing is do you pay for your hand gun now that you carry?

Mr. Lotwick: Everybody in my department has their own personal weapon.

Mr. Hartwick: So this is in addition to the ones we are going to buy for our administrative staff but also the back-ups?

Mr. Lotwick: That is correct.

Mr. Hartwick: So the union is getting us on the administrative side?

Mr. Lotwick: Yes. I am asking for guns for my administrative side too. Mike Rinehart is the fire arms instructor for the department and Mary Jane does carry money back and forth to the bank every day.

Mr. Hartwick: You all have current weapons?

Mr. Lotwick: We all have current weapons, yes.

Mr. Hartwick: Those weapons still work and you are able to use them, fire and shoot them every year?

Mr. Lotwick: Absolutely.

Mr. Hartwick: Okay.

Mr. Haste: The union contract is clear, we only have to buy 46. The issue is the other 9 and how many of those the Board wants to get. Jack is asking for his administrative folks to get the same as the union and he is asking for 5 back-ups.

Mr. Lotwick; 5 back-ups yes. If you check with any other police department or county agency that carries fire arms they all have reserve weapons also.

Mr. Hartwick: I am for going with what is mandated by the contract. If there were to be any compromise maybe using the four that you may have for the back-ups in case somebody else's goes out you can bring in your own weapons.

Mr. Lotwick: I'm an easy man to deal with.

Mr. Haste: So you are saying 50?

Mr. Hartwick: 50 not the 55 they were suggesting. I would prefer to just get what is mandated but in the case of back-ups I don't want people to be out of a gun. I'm not fond of paying for these things this year in the contract negotiation and being stuck having to foot the bill for something that they have done all along in the contract negotiation. That doesn't make it sit well with me. To buy additional, some for administrative staff and extra just because someone wanted a contract negotiation isn't fair to the taxpayers either.

Mr. Lotwick: As a taxpayer I appreciate that.

Mr. Haste: Actually I think these were put off. Weren't we supposed to purchase these a year ago?

Mr. Lotwick: That is correct, a year ago and the union said that they would forgo it for a year.

Mr. Hartwick: I heard that compromise floating around.

Mr. Saylor: We were supposed to purchase them in 2005 and that is exactly what we are doing right now.

Mr. Haste: Right.

Mr. Saylor: The union said we could put that off until the early part of 2006.

Mr. DiFrancesco: My question is as it pertains to the part-time Sheriff's Deputies. Are we purchasing guns for all the part-timers to have and carry full-time? Or are we putting those guns in lockers so that they are only using them when they are working for us?

Mr. Lotwick: They would be taking them home at night.

Mr. DiFrancesco: And why is that?

Mr. Lotwick: Again, like I said, they are required to take police action as they are driving back and forth in uniform and they see something happening, they should have the protection of a hand gun.

Mr. DiFrancesco: If they change their uniform here, we could buy less guns and store them here?

Mr. Lotwick: We don't have a facility to change clothes.

Mr. DiFrancesco: We can probably accommodate that easier than purchasing the guns. I know that last week there was discussion about how the weapons are handled at the prison. As I understand it they are placed in lockers at the Prison. Is that for everybody or just for...

Mr. Haste: The Sheriff explained that to me this morning, I brought that up. They are not classified as law enforcement officers, his folks are sworn in as law enforcement officers. Apparently there is a different standard for law enforcement officers as opposed to correctional officers. Is that correct?

Mr. Lotwick: That is correct. According to four Supreme Court rulings our deputies have the same amount of training and the same amount of police power that any municipal police officer. I don't know of any police department that doesn't...

Mr. DiFrancesco: No, I am making a distinction between your part-time people and your full-time people. To me if there was some way to find a compromise with the part-timers locking their guns. You would have an ample supply of back-ups because those people are only working "x" number of hours per week. Each one would have a gun purchased for them by number, but they are not all working all of the time. So we can become more efficient in the way we are using those weapons and possibly even knock 10 off. I don't know I'm just throwing a number out there.

Mr. Lotwick: Let's just suppose Randy and I are Deputy Sheriffs and today is court day. During court week we work every Deputy Sheriff. Every one of them. Now, how do you determine, are you saying we buy half the number of guns we need for the part-timers?

Mr. DiFrancesco: No, I'm saying we buy the 46, which would cover all of the contract negotiations and then, how many part-timers are there?

Mr. Lotwick: 11, I believe.

Mr. DiFrancesco: Then those weapons for the part-timers instead of going home every day would be placed in lockers. They would be here when they weren't officially on the clock working for Dauphin County. Assuming they are working some place else. I'm sure those people serve as police officers or possibly sheriff's some place else. But those guns now are being stored here so that at the times when there aren't 46 guns on the street in Dauphin County. There will be times that there are, but there will also be times where that can be the pool of back-ups if one should happen to break down. I'm just trying to get a feel from the part-time perspective whether or not it would be smarter for us to lock up the guns and not allow them to take them home and keep them on them 24 hours a day.

What would be the minimum amount of hours that a part-timer would work for us?

Mr. Lotwick: The very minimum would be court week, which would be 5 days. I assure you today, it's not court week, but we do have part-timers working.

Mr. DiFrancesco: Right, I am trying to get a range. There is probably part of that 11 that are working right up to the hours that would make them full-time rather than part-time.

They are working as many hours as they possibly can without becoming full-time and then there are others who only work when absolutely necessary.

Mr. Lotwick: It depends really on seniority. We start calling with Jim Sundy and then it goes all the way down to Gerald Marcocci so as per the union contract we have to call them in that way. If you are going to buy the guns...

Mr. Haste: Jack, I think I know where Nick's going now. I am asking this of you and of Bill, if it is a part-timer and we allow them to take that home and we'd like to think that people don't do this and I can think of a part-time deputy in the past under a different Sheriff that did. Besides that they want to be Rambo and carry their gun out because maybe they are working security somewhere. Is that possible?

Mr. Lotwick: It's possible.

Mr. Haste: When they pull that weapon, what happens?

Mr. Lotwick: I would require that they don't take that gun on any other employment. I think they will go along with that.

Mr. Haste: If that is the case, why don't we place them in a locker?

Mr. Lotwick: Frankly it is going to be a confusing mess every day when they have to come in and get the right gun.

Mr. Haste: Would it be that hard to get small lockers where everybody would be issued a number and a key? They lock that in there and when they show up for duty they are the ones, there will be two sets of keys, they would have one and you would have one.

Mr. Lotwick: Well we do have lockers that are secure that they keep their clothes and other stuff in. Yes, there are lockers available that way. We wouldn't have to buy them.

Mr. Haste: I understand what Nick is saying. I think Nick's concern is the liability and what do we do with a gun that is out there. I know what you are saying that you may require that of your men, but the temptation...in fact, if we don't do it, can I become a deputy?

Mr. Lotwick: Sure.

Mr. Haste: I wouldn't mind having a gun either. I understand what Nick is saying. His concern of that weapon being out there and you can require someone to not take it on another job, but what happens when they do?

Mr. Lotwick: Don't forget they...

Mr. Haste: When a problem occurs? Or that weapon ended up in the wrong hands. A weapon issued to one officer ends up in someone else's hands. What do we do then?

Mr. Lotwick: I think we just have to learn to trust our people and I do. Don't forget if they are working another security job they already do have a firearm that they personally own.

Mr. Haste: It's not the killing issue. I think one of Nick's concerns, if I am reading what he is saying, is the liability issue of a county issued weapon being misused or getting in the wrong hands.

Mr. Lotwick: Every police department that I know in this county and every other county that I have ever worked in, everybody took their guns home. That was for security on the way back and forth to work from home. That is the point that I would argue there.

Mr. DiFrancesco: But again I think that the distinction that I am trying to make too is the difference between someone who is working full-time or even a lot of hours for the county as opposed to giving guns to every single deputy who may work 5 days a week and then we won't see them again until the next month. To me it makes no sense to issue a side arm or a weapon to somebody who is working the minimum number of hours. I am not going to sit here and split hairs about the hour level that you let them take it home, but it makes sense to me from the part-time perspective to place them in lockers and basically keep them here. The full-timers I don't have a problem. Obviously with the full-timers I have no issue with them carrying them home.

Mr. Lotwick: If you want them, I can require that they put the weapons in the lockers and not take them home. If you are worried about that aspect of it we can handle that. We already do have the locker facilities here.

Mr. Tully: If I could address just the liability issue. I am not aware of any case where a municipal officer or a deputy sheriff who would have taken a weapon home and then violated the municipality or the county's policy and utilize it outside that would expose liability to the county. In other words if you are concerned about what happens to the weapon when it is off site, that is why you develop a policy that mandates what they have to do, basically limiting use to and from work and at work and not being able to use it for personal purposes. If they do, that would insulate us from the liability on that issue. On the reverse side I guess the issue becomes what happens even if that officer is out of uniform and is recognized as being a deputy sheriff and is confronted in that situation and doesn't have the weapon. Again, not a highly likely situation but that is one of those issues where the liability could come back on us for not having the person armed in that situation.

Mr. Haste: But they are not on our clock so how is that our issue?

Mr. Tully: Because the Supreme Court in Commonwealth vs. Leap declared them to be law enforcement officers who are supposedly never really completely off duty. In other

words, if they are a law enforcement officer and they witness a crime occurring in their presence they actually have a duty, as opposed to the average citizen that doesn't have to be a Good Samaritan a law enforcement officer has a duty to act. If they are required to act and don't have the weapon that would be the only liability that I foresee as a potential problem from a liability issue along those lines.

Mr. Hartwick: I happen to remember in Paxtang in recent memory where the Police Chief had his gun taken and used on the street for other purposes. That is a clear violation of the policy that they had.

Mr. Tully: The irony is that was taken out of a locked drawer and stolen by someone in the department and then got into the wrong hands. Again they didn't get into any difficulty other than the fact that she didn't come straight out and tell everybody who the person was that took the gun.

Mr. Hartwick: The second issue is that all of these guys have guns now. So, why couldn't they be using their personal weapon to use as a way to continue carrying a firearm? I am sure it is registered. I am sure that they have the correct paperwork.

Mr. Tully: But what you are now creating is a situation where then they are expected to come with their personal weapon exchange the weapon, secure the personal weapon on county facility. Now you are introducing two weapons. I am more concerned about the number of weapons that would then be on county property. The issue is it the weapon that is the problem or the person that is entrusted with it? That's why the procedures are developed in such a way that you take the best steps to ensure that the weapon is not going to be misused or fall into the wrong hands. In this world there is no foolproof procedure. There is always the possibility that something could go wrong.

Mr. Haste: Why don't we just pass an ordinance that everybody has to carry a weapon?

Mr. Tully: I'm actually okay with that...I'm not sure that it is within the authority of the county to pass that ordinance. There are municipalities within this country that have actually done that.

Mr. Saylor: There are some municipalities that ban deputy sheriffs from carrying guns in courtrooms too.

Mr. Haste: That isn't a bad idea.

Mr. DiFrancesco: Taking it one step further based on Jeff's comments and I know he was only half sarcastic it makes sense to me if I am a police officer or something some place else that when I come here and I sign up to be a deputy to work minimal hours and get a state-of-the-art weapon assigned to me and maybe I can't use it for another position but I can certainly take it out to the range and use it so forth. Again, it just doesn't make sense to me for someone who is working minimal hours. I think the Sheriff

already said that if the key was that part-timers locker their weapons that would be okay.

Mr. Haste: Do you have a motion that you would like to make?

Mr. DiFrancesco: No. Let me think about that.

Mr. Hartwick: Would you like me to make one?

It was moved by Mr. Hartwick that they approve the purchase of 46 guns for the Sheriff's Department.

Mr. Haste: I thought you had said 50.

Mr. Hartwick: I think the question of reserves has been clearly answered. Trying to have guns that are going to be there and present for the back-up. That was the justification to buy administrative guns.

Mr. Haste: What the Sheriff is saying is that if it is court week and all deputy's are here and there are no back-up guns.

Mr. Hartwick: So we have during criminal court week 46 people here working at the same time?

Mr. Lotwick: Most likely. What about the administration guns? I did have a little thing I wanted to add about that. If we go to my plan B, which is 50 guns it is \$2,892 cheaper. What we could do is this, the four administrative people have guns. As something happens to a fire arm, say Mary Jane Snyder needs one for transportation, Rinehart also goes on call at night sometimes and also is my fire arms instructor. If a gun malfunctions, and if we get 50 guns in here or we get 46 guns in here I guarantee 1 or 2 of them are going to break within the first year. Little things like springs and stuff like that where we have to send them back for warranty work. When that happens what we can do is Chuck and I can offer our guns as the reserve guns. So we are asking, as part of plan B, would be 40 guns and that again would save us...

Mr. Haste: I think your math was wrong there Sheriff. I don't think you wanted 40 guns. You just asked for that.

Mr. Lotwick: I'm sorry I meant 50 guns. With 50 guns we would be saving after allocation of money for the vests and stuff we would be able to return to the county over \$11,000. That is \$2,900 in savings over the 55 guns.

Mr. DiFrancesco: Does the Prison have an armor or someone who maintains the guns? Someone who knows a little bit about them who can do small repairs.

Mr. Haste: Hinkley.

Mr. DiFrancesco: Does he? Does the Sheriff's office have anybody like that?

Mr. Lotwick: We would have to send somebody to school for that H&K model.

Mr. Hartwick: That would probably be a good idea.

Mr. DiFrancesco: How was it determined that this was the appropriate model to get?

Mr. Lotwick: Over the years we have sent out to many different gun companies, Smith and Wesson, H&K and Glock. Our fire arms instructors went out and test fired them and found out which one was a suitable gun. Now we have a range of size of people. We have some guys who are 6'4" and we have women who are 5'2". We made sure that this gun here fits both of their hands. Also that we look for the stopping power of a .45 as opposed to a .357 or a 9mm. That is how the determination was made.

Mr. DiFrancesco: Not knowing a lot about guns it seems like there would be some real advantages that the entire compliment from Dauphin County is all using a similar weapon. The Prison is using Glocks I think.

Mr. Haste: Yes. The likelihood though that they will all use the same. The Prison is going to use a different type of weapon than they will use in most cases. The Prison more than likely when they get called to respond will be using shot guns.

Mr. DiFrancesco: I was looking at it from the point of view of purchasing in bigger quantities, but also somebody who knows how to repair them.

Mr. Haste: I think when the Prison upgraded you had gotten some of the shot guns haven't you?

Mr. Lotwick: We haven't seen them yet.

Mr. Haste: But you are supposed to?

Mr. Lotwick: We are supposed to yes. I would request either the 55 or the 50. That would solve pretty much all of our problems. We have money coming back into the coffers of the county from what has been allocated and I think it is fair to everybody.

Mr. DiFrancesco: What was the motion?

Mr. Hartwick: To purchase 46 guns.

Mr. Haste: Is there a second? (There was none.) Is there another motion?

It was moved by Mr. Haste and seconded by Mr. DiFrancesco to purchase 50 guns as referenced on page 7 of the Purchase Order Packet, the full-timers be

issued theirs to take home, the part-timers must be lockered. Mr. DiFrancesco stipulated that the full-timers are not authorized to use these guns for any outside part-time jobs that they may have.

Mr. Lotwick: Nobody will be authorized to use this gun as a part-time weapon.

Mr. Haste: Do we have that policy in place now or do you need...

Mr. Lotwick: No, there is going to be a new one. It is going to be a couple weeks until the guns get here anyway so we have time to put the policy into place.

Mr. Haste: Mr. Solicitor can you make sure that is done and we have a copy of it.

Mr. Tully: I would be happy to do so.

Mr. Hartwick: My concern is that you don't have any for back-up. You answered that question with trying to locker them and have them for back-ups and that was going to be my justification for the management. Otherwise I think we should only buy what is required. Our hands are forced in this case. I don't want to buy any more than we need.

Mr. Haste: Any further discussion? (There was none.)

Mr. Haste and Mr. DiFrancesco were in favor. Mr. Hartwick was opposed. Motion carries.

Mr. DiFrancesco: I feel like I need to comment that I am sitting here with real mixed emotions. I am going to side on caution with the fact that in a situation where we have everybody working, all the guns are out, I can see where using management's weapons for the backups in that situation is okay. I have to tell you though that I think too what Commissioner Hartwick said is accurate. There is a side of me that thinks responsibly we should only purchase what the contract requires us to purchase and that would be the 46. It is with mixed emotion, but obviously it has passed.

Mr. Lotwick: Since you were a Township Commissioner you know everybody in the Township Police Department had their own hand gun.

Mr. Hartwick: As the Mayor I also know how much the Police Department cost us in new guns and upgrades. The biggest part of a municipal budget always goes to the Police Services.

Mr. DiFrancesco: At the end of the day if we gave everything that we were forced to give through contract negotiations to the management of other boroughs and non-unions, just because a mediator or there is some ruling within a contract that forces us to do something in a particular circumstance doesn't mean that we want to carry that policy throughout to others. Sometimes it even weakens our position on how strongly we believe a contract was wrong in its ultimate disposition by saying now just because

they get it we are going to give it to somebody else. I have mixed emotions. The vote is taken and it is done. We'll see how it works out.

Mr. Haste: That was a vote on page 7 of the Purchase Order Packet. We now have pages 1-6 and 8-17 of the packet.

It was moved by Mr. DiFrancesco and seconded by Mr. Hartwick to approve pages 1-6 and 8-17 of the Purchasing Packet. All were in favor. Motion carries.

REPORT FROM BUDGET & FINANCE – MIKE YOHE, BUDGET DIRECTOR

Report from the Office of Budget & Finance November 30, 2005

- **November 18, 2005** transferred **\$1,996,135.49** to the **Payables** account from the County's Concentration account for checks issued that week.
- **November 25, 2005** transferred **\$7,680,943.68** to the **Payables** account and **\$1,928,527.39** 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 \$125,768.14 rate 3.870%**
- **Balance today in Community Banks investment account \$13,000,938.66 rate 4.220%**
(This rate equals today's Fed Funds Rate of 4.000% plus 22 basis points)
- **Balance today in Commerce Bank investment account \$13,000,846.34 rate 4.290%** (This rate equals today's 91-day T-Bill rate of 3.940% plus 35 basis points)
- **Balance today in Sovereign Bank investment account \$25,450,709.02 rate 4.430%** (This rate equals today's 1-month LIBOR rate of 4.220% plus 21 basis points)

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

Mr. Yohe: We sent the RFP's out for the January to June banking services. They are due back on December the 12th. I will add two more banks to that today when I get the information.

Mr. Haste: Okay. Any questions of Mike? (There were none.)

REPORT FROM CHIEF CLERK/CHIEF OF STAFF – CHAD SAYLOR

Mr. Saylor: I have nothing further to report at this point in time; if there are any questions of me I would be glad to answer them.

REPORT FROM SOLICITOR – BILL TULLY, ESQ.

Mr. Tully: Nothing to add to the Solicitor's Report, but I would be happy to answer any questions.

Mr. Haste: Any questions?

Mr. DiFrancesco: Yes, just one. The voter machine details. What exactly is the Solicitor's Office reviewing right now? Is it just a proposal from one company that you have in your hands?

Mr. Tully: It's not so much the proposal specifically as it is the ability to comply with the requirement for the written...

Mr. DiFrancesco: So the Solicitor's Office is looking at the general overall issue of what do we need to be in compliance in order to make the decision?

Mr. Tully: Right. We have not gotten a lot of guidance from the Department of State so it really forces us to kind of do solo work.

Mr. DiFrancesco: The Department of State I believe is in a difficult situation themselves that whenever they are asked to pin down a particular response to a question, a yes or no, they give the response that Commissioner Haste enjoys so much. They sort of look around and give you a bunch of different scenarios. I am not necessarily taking shots at them because I think that is coming down from the Federal government. Trying to put together a nationwide standard for voting in a country where the standard has been all over the board is difficult. I think they need to be a little more realistic in what their expectations are. I think Dauphin County traditionally has been very very good by staying in front of the curve in terms of having a system in place. The electronic voting machines, the push button, it is very easy and clear to understand, but I know we also have to upgrade our system to meet the State and Federal guidelines. I know there are still a lot of questions that have not been answered but I also know there is an impending deadline that we have to meet for the primary election next year and we don't know what system is going to be approved for that election. It is going to be very costly and take a lot of effort to get even our machines up to a standard that will meet supposedly what the law says. I know at the CCAP conference there was a big push to try and get them to reconsider and possibly push back the deadline to the general election or the following years elections, but right now I really think we are up against a brick wall when it comes to the timeline and being able to accomplish everything that we need to. I don't even know how some of these other county's accomplish it. Well, of course they would be getting brand new systems if they are using punch cards right now.

Mr. Tully: Correct. It is one of those things that may come down to without getting the guides from the Department of State we take our best guess at what is going to best comply. We are not alone. Almost every county is finding itself in that same dilemma.

There are things in place that seem to be in compliance. It would just be real nice to get a clear signal.

Mr. DiFrancesco: Steve is working to put together a proposal for the Board of some options based on what the Solicitor's Office comes back with. Chad, do you think he will be ready to do that at next weeks Workshop Meeting. I am not saying specifics, just the general framework. This Board is going to have to move relatively quickly once we decide what's going on with the landscape of elections.

Mr. Saylor: I don't know. Tom and I are going to sit down and meet with him tomorrow and discuss that issue and I will try to make sure that we have something to present for next week and in some way begin the discussion.

Mr. DiFrancesco: I think this Board has to really start becoming in tune with what decisions we are going to have to make. How many vendors we are going to have to get in here, how many vendors are there to see at this point, who has been certified, who hasn't, and what our options are? Again, the clock is ticking. That's all I have.

Mr. Haste: The other thing is they start to push for a nationwide, and it hasn't been an issue here, but I have been involved where it was before. They are disenfranchising a group of voters who vote sometimes and not all the time. I know some folks may say it is good that they do and some say it's not. The Amish community will not vote on the new fangled electronic machines. It hasn't been an issue in this county even though we have that population. It will be in others. They will vote when their Bishop tells them that they can and they won't vote when their Bishop tells them that they can't. When they do vote they will not vote on an electronic machine. There are several states, us being one and Indiana being another, that have large Amish populations. Northern Ohio does also. They will truly disenfranchise them if in fact they force this on the voters. Either that or they will be required, and this has happened in the past, to skirt the law a little bit and vote absentee which isn't really the true case. That is a paper ballot process yet that they can still vote on. They can vote on the old manual lever machines, but once you get into the new electronic they cannot/will not vote even when their Bishop says they can.

Mr. DiFrancesco: That was an issue I was not aware of.

Mr. Haste: When I was in Mifflin County that was a hot issue. Anything else for the Solicitor? (There was none.)

MATTERS REQUIRING BOARD ACTION

Mr. Haste: Matters requiring board action items A through O, are there any that need to be brought out separately?

Mr. Hartwick: No, just a comment on item G. We are finally executing the lease with Turkey Hill and next week AutoZone will also be there for review. Hopefully, the vacant land in front of Spring Creek will begin to break ground and be developed here in the very near future.

Mr. Haste: Anything else? (There was none.) Is there a motion to approve items A through O?

It was moved by Mr. DiFrancesco and seconded by Mr. Hartwick to approve Matters Requiring Board Action Items A through O. All were in favor. Motion carries.

- A. Training Packet
- B. Approval of FY05/06 Per Diem Rates between Children & Youth Agency and:
 - 1. Children's Home of York
 - Tindall House RTF-MA Funded Treatment, Rm. & Bd. \$314.52/day
 - Girls' Center RTF-MA Funded Treatment, Rm. & Bd. \$310.63/day
 - 2. Adelphoi Village, Inc.
 - Detention \$145.00/day
 - Foster Care-Pregnant & Parenting \$ 88.31/day
 - Foster Care-Intensive Treatment \$119.05/day
 - Intensive Supervision-Male \$182.49/day
 - Sexual Offenses- Male \$192.03/day
 - Substance Abuse-Male \$182.49/day
 - ACE-Male/Female \$187.16/day
 - Diagnostic Center-Male \$219.16/day
 - Intensive Supervision-Female \$216.81/day
 - Marker House \$252.10/day
 - Sweeney House \$261.94/day
 - Northern Tier – Male/Female \$262.37/day
 - Secure-Male \$289.75/day
 - Secure/Female \$289.75/day
 - Supervised Independent Living Program for Females \$180.48/day
 - Shelter Care \$187.16/day
 - 3. Youth Solutions Residential Services
 - Weekend Outdoor Program \$71.00/day
 - 4. Pyramid Healthcare, Inc.
 - Sex Offender Evaluation \$400.00/assess
 - 5. Jim Nice
 - Family Group Conferencing Training Series not to exceed \$5,504.33 (4 sessions)
- C. Real Estate Tax Refunds/Exonerations:
 - 1. Request for Exoneration of taxes to the Brookside Mobile Home Park,

including current year and delinquent taxes for 2001, 2002, 2003, & 2004, on property #'s: 36-007-018-052-0112; 050-0003; 026-0033; 024-0034; 015-0245; 014-0014; & 001-0022, in the amt. of \$1,808.24.
(Operator attempting to clean out uninhabitable mobile homes.)

- D. Cooperative Agreement between Dauphin County (EMA) and the Pennsylvania Urban Search & Rescue Task Force I for professional services of Martyn R. Nevil under an Intergovernmental Personnel Agreement.
- E. Professional Services Contract between Dauphin County (EMA) and L. Robert Kimball & Associates, Inc. for telecommunications services.
- F. Approval of an Application Process for employment with the County of Dauphin.
- G. Lease Agreement between Dauphin County and Turkey Hill, LP d/b/a Turkey Hill Minit Markets for a long term ground lease for development of a Turkey Hill.
- H. Delta Dental Contract for the Dauphin County Probation Officers, Prison Guards, Schaffner Youth Center and Court Related Non-Professionals.
- I. Juror Parking Agreement for 2006 between Dauphin County and Harrisburg Parking Authority.
- J. Agreement between Spring Creek and RCG-Harrisburg to furnish dialysis services to patients at Spring Creek.
- K. Purchase of Service Agreement for FY05/06 between Area Agency on Aging and Golden Halo, Inc.
- L. Adoption Assistance Agreement #2005-34.
- M. Purchase of Service Agreements for FY05/06 between Children & Youth Agency and:
 - 1. CONTACT Helpline.
 - 2. Vision Quest National, Inc., LTD
- N. Amendment #1 to FY04/05 Purchase of Service Agreement between Mental Health/Mental Retardation and Edgewater Psychiatric Center.
- O. Agreement between Information Technology and Morefield Communications, Inc., for telephone system support and maintenance.

FORMER BUSINESS

Mr. Haste: Anything under former business?

Mr. Hartwick: Just one thing, an update for the Board on the Upper Dauphin Human Services issue. We had a public meeting, I believe it was now 2 weeks ago, we had extended to last Tuesday as the day for individuals to submit from the Location and Image sub-committee to recommend a site. The Location and Image sub-committee has now recommended the Elizabethtown location as the recommended site for us to begin the process of moving forward with the Upper Dauphin Human Services Center

and that recommendation is going in front of the entire committee on December 5, 2005. I believe on December 7, 2005 we will be having members of that committee come before this Board to make the recommendation to the Commissioners.

NEW BUSINESS

There was none.

COMMISSIONERS' DISCUSSION & ACTIONS

There were none.

CORRESPONDENCE

Mr. Haste: We have received items under correspondence labeled A through D and they will be handled by the staff appropriately.

- A. Received a resignation letter from Doris Bretz, Tax Collector for the Borough Royalton, effective December 31, 2005.
- B. Notification from Vortex Environmental indicating they intend to apply to DEP for a general permit for a driveway crossing over a wetland swale on the property of Brian Monito, 5925 Linglestown Road, Harrisburg, Dauphin County.
- C. Notification from Pennsy Supply indicating they will be applying for renewal of an air quality permit for the stone crushing operation at the Hummelstown Quarry, Dauphin County.
- D. Notification from the PA Department of Transportation indicating they will be utilizing an approved water obstruction and encroachment permit for proposed activities with the Fishing Creek Valley Road Bridge, SR 0443, Section 005 Sta.

PUBLIC PARTICIPATION

There was none.

ADJOURNMENT

It was moved by Mr. DiFrancesco and seconded by Mr. Hartwick to adjourn the meeting. All were in favor. Meeting adjourned.

Respectfully submitted,

Chad Saylor, Chief Clerk/Chief of Staff

Transcribed by: J. Wolgemuth

printed 1/20/06