



DAUPHIN COUNTY BOARD OF COMMISSIONERS

Commissioners' Legislative Meeting

Wednesday, December 6, 2006 (10:00AM)

MEMBERS PRESENT

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

STAFF PRESENT

Chad Saylor, Chief Clerk/Chief of Staff; Marie Rebeck, Controller; 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; Guy Beneventano, Esq., Solicitor's Office; Leila McAdoo, Solicitor's Office; Carolyn Thompson; Court Administrator; Steve Shaver, Director of Emergency Management Agency; Brooke Beard, Personnel; Carl Dickson, Ft. Hunter; Faye Fisher, Director of Personnel and Payroll; Robert Hawley; Deputy Court Administrator.

GUESTS PRESENT

Rose Guyer; Pete Carlucci, Esq., Eckert Seamans

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 15, 2006 Workshop Meeting Minutes, November 8, 2006 Legislative Meeting Minutes, November 8, 2006 Salary Board Meeting Minutes, November 15, 2006 Salary Board Meeting Minutes, and the November 15, 2006 Election Board Meeting Minutes for approval.

Mr. Hartwick made the motion to approve the November 15, 2006 Workshop Meeting Minutes and the November 8, 2006 Legislative Meeting Minutes. Mr. Haste seconded the motion. All were in favor. Motion carried.

Ms. Rebuck made the motion to approve the November 8, 2006 Salary Board Meeting Minutes and the November 15, 2006 Salary Board Meeting Minutes. Mr. Hartwick seconded the motion. All were in favor. Motion carried.

Mr. Hartwick made the motion to approve the November 15, 2006 Election Board Meeting Minutes. Mr. Haste seconded the motion. All were in favor. Motion carried.

EXECUTIVE SESSIONS HELD BETWEEN MEETINGS

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

PUBLIC PARTICIPATION

Ms. Guyer: My name is Rose Guyer. I am power of attorney for both my mother and uncle, both of who reside at Spring Creek. I am very concerned for how things are going at Spring Creek. It is almost six months since you announced the sale of Spring Creek to Continuum. At that time, you said that you were committed to make this transition as painless as possible. This phrase has been used often, but not effective. Unfortunately, you are not keeping that commitment. It seems that the right hand does not know what the left hand is doing. I will give you a few examples. An employee entered a room where infectious waste is stored and noticed that the air vent was near full capacity, upon contacting the company who disposes of this waste, the employee was advised that Continuum told them to pick up only once a week. Also, I would like to add that the Coroner's Office shares the use of this area and at times there could be body parts in the waste. Once a week pick up and disposal is inadequate, particularly in warm weather. Currently, under the County, pick-up is twice a week.

Mr. Hartwick: Rose, where is this located?

Ms. Guyer: In the home.

Mr. Hartwick: What part of the home?

Ms. Guyer: I couldn't tell you. I just know that employees keep coming to me and telling me their grievances. I am only covering the ones that I think that are very important here. I do not know exactly where it is kept. I do know there is an area in the home somewhere.

Mr. Hartwick: We will look into it. It would be helpful for us to know specifics.

Ms. Guyer: I can find out for you and let you know.

Mr. Haste: Ok. The Coroner is not supposed to use anything over there. He has his own disposal.

Ms. Guyer: He shares it. That is what this employee is telling me.

Mr. Haste: We will check. That is not my understanding.

Ms. Guyer: Another employee told me that he noticed that the big jugs of water they keep for the residents to help themselves, was near depletion. The supplier was advised. Spring Creek was then notified by the supplier that Continuum cancelled the delivery until Continuum can get a contract with the supplier. If we still have control of the place, why are they doing these things? Further, Continuum ordered supplies and had new employees report to work and both were turned away because the transition of ownership was postponed. Continuum failed to notify the supplier and the employees of this postponement just as they neglected to notify the hazardous waste company and the water company. If the managers of Continuum prove their negligence of such simple matters, it is hard to have faith of the management of Spring Creek and the residents in an effective efficient matter. The morale at Spring Creek is at an all time low. I have been going there everyday for two years (unless I am sick or on vacation) and you walk in there, it has been a happy, cheerful place. My sister came in from California and her and her husband visited many homes in California and they were so impressed with the Spring Creek employees. The spirit has been stolen from the employees. The way that Continuum handled the termination of Spring Creek employees is absolutely disgraceful. Numerous employees relayed to me that groups were gathered into the recreation room and they were told envelopes were in the boxes on the table. Those who had an envelope with their name on it were going to be offered a position and those who did not receive an envelope were to be terminated. Can you imagine how humiliating that must be? Everyone should have received an envelope and the envelope would have said if you were hired or not. You should have not gone in there in front of your peers and walk a way without an envelope. Further, at that time, it was a late Thursday afternoon, those without envelopes were advised that the official time of termination would be the following Monday at 3:00 p.m. Therefore, many of these employees had to clean up their desks, etc. on Friday. Many of them had personal belongings that they brought in to better serve the residents (trees, arts and crafts) all at their own expense. However, after all this stress, the same employees

were contacted that same weekend and they were told they must report to work indefinitely because the transition was being delayed. I think that is terrible. Those terminated employees who found positions elsewhere were told to put the new positions on hold and were advised that their termination benefits could be forfeited if they did not stay with Spring Creek until the actual transition to Continuum was official. I believe that is not fair and just dirty. Is it any surprise that the trauma and stress that this supposedly seamless transition caused has had various employees suffer panic attacks, blood pressure problems, hives, emotional stress and I believe that there are doctor reports of these. This period of transition is anything but seamless for the employees of Spring Creek. You, the Commissioners owe the employees more. You made no provisions for their transition. They become a disposable commodity. From the few examples that I provided, it should have been apparent that Spring Creek residents are directly affected. They are distressed to lose their trusted care takers. It is very hard for them to become dependent on someone only to have them removed for no good reason. Some of the terminated employees are excellent workers and loving caretakers. What system did Continuum use to decide who stays and who goes is beyond comprehension? In addition the residents have fears about food, clothing and maintenance. Hopefully it is rumor, but the residents, as well as myself, heard that the kitchen, laundry and maintenance will be done by outside concerns rather than in house, the way we have it now. We have been told that maintenance will be done by the outsiders three times a week compared to the current daily maintenance. At this time, Spring Creek has no offensive odor that many nursing homes shave. This may change if minimal cleaning/maintenance are established. Commissioners, the transition is absolutely troubled. There have been so many delays. If this venture were to fail, as I pray that it does, please give the County the ability to restore Spring Creek by making it workable and eventually solvent. If the County can do what they say Continuum proposes, we too can make the facility profitable but at what cost? Ultimately, fewer employees and less services will only hurt our residents and in five years according to the contract that the County entered with Continuum, if there is not enough profit for Continuum, they will not have to accept or serve those people who have limited financial resources. So really our less fortunate, who will be at a desperate time of their life, will have no recourses. We are not giving it to them. We always have and now we are throwing them aside. If Spring Creek were to turn to Dauphin County control, I think we could rebuild the facilities reputation and make it the best county home in Pennsylvania perhaps nationwide and with accountability, which has been lacking for many years, with an able administrator and let employee give suggestions. They are the core of the home and a lot of them have very good ideas some of them presented them to me. I do not know if they are workable, but they are certainly worth giving some attention to. With many other avenues to consider and possibly implement, we could make Spring Creek solvent and make it available to all for many generations. On Tuesday, December 5, 2006, a Patriot News article stated the following "Mayor Stephen R. Reed has thought of laying off Police Officers that Council has not approved his budget plan for next year, in contrast to the city situation the Commissioners recently touted the County's strong financial situation resulting in part of the pending sale of Spring Creek ." I think it is very unethical for you to tout your strong financial situation at the expense of our aged and infirm that has lost the resources to fight back.

We need to help our people, not cast them aside. I think that Continuum has cancelled things, I believe is a little presumptuous and I think the constant delays sort of tell me that there are problems here and it could fall through and if it does, I hope you give the County a chance before you look for another buyer.

Mr. Haste: We will have this looked into. Some of the points that you made or that I have been given, or at least what I have been given, is not quite accurate. We will check but some of the information that you provided has been different than what we have been provided.

Ms. Guyer: I get this from the employees. When you hear the same thing from a couple of employees, it makes you think that possibly there is a core of truth, if not totally accurate, that things are not going as seamless as possible.

Mr. Hartwick: Thanks for continuing to bring concerns forward. We continue to monitor. I have been in constant contact with Mary Schwanger from AFSCME and trying to address some of the concerns that you brought forward, including severance, vacation and sick time and many other issues. We remain active to address all concerns.

Ms. Guyer: This should all be at the business table, not affecting the employees and the residents.

Mr. Hartwick: I did hear about the envelopes and that is not right.

Mr. Haste: I know of employees who received the notice in the mail because they contacted me.

Ms. Guyer: I believe that was management. My concern is for our residents and employees and especially the future.

Mr. Saylor: Throughout the transition, the Department of Health has been in the home as result of anonymous contacts and all have come back unsubstantiated. I believe that is due to the hard work of the staff and management.

DIRECTORS/GUESTS

A. Peter Carlucci, Esq., Eckert, Seamans, Cherin & Mellott

1. Adopt Resolution No. 29-2006 authorizing the financing by Dauphin County Industrial Development Authority of a project for the acquisition, rehabilitation and/or equipping of multifamily rental housing facility located in seven counties, including Dauphin County (Elizabethville area).

Mr. Carlucci: Thanks Commissioners. I am asking approval to Adopt Resolution No. 29-2006 authorizing the financing by the Dauphin County Industrial Development Authority of a project for the acquisition, rehabilitation and/or equipping of a multifamily

rental housing facility located in seven counties, including Dauphin County (Elizabethville area). The bond issuance is for \$12,600,000.00. The IDA held a TEFRA hearing on December 5, 2006 and there were no public in attendance. The other counties are receiving TEFRA approval today and tomorrow as required. The resolution contains the minutes of the TEFRA hearing, along with proofs of publication throughout the counties and I would be happy to answer any questions.

Mr. Hartwick made the motion to Adopt Resolution No. 29-2006 authorizing the financing by the Dauphin County Industrial Development Authority of a project for the acquisition, rehabilitation and/or equipping of a multifamily rental housing facility located in seven counties, including Dauphin County (Elizabethville area). Mr. Haste seconded the motion. All were in favor. Motion carried.

B. Steve Shaver, EMA Director

1. Update on tornado damage in the Halifax area on Friday, December 1, 2006.

Mr. Shaver: Good morning. I wanted to bring you up to speed on where we are with the devastation that took place in Halifax and Jackson Township on December 1, 2006. We all went to PEMA to set up a center thanks to the goodness of United Methodist Church in Halifax Township on Monday to interview folks who had property damage. The statistics as far as interviewed 59 (families or businesses) and 61 folks came to the door, actually had medical issues, one gentleman hurt his shoulder due to opening his car door and the door hit him and one person who didn't have auto insurance. They were both referred to an organization in the Halifax area. We will continue to monitor the residents that we can. We are in the process and I have some maps that are in progress, but not finished yet. These are being developed for support for requests we will be making, if we have enough effected properties that meet the criteria for federal and state government aid. I would be remiss if I didn't thank and praise Halifax Fire Department, the Emergency Management Coordinators from Halifax and Jackson Townships, volunteers and emergency responders who came to the aid Friday night. Halifax and Jackson Township are blessed with them. I got there at 5:30 that evening. It was an awesome sight, reverse of what awesome should be. We were there as more or less a support mechanism. I brought aerial photographs thanks to civil air patrol. (Commissioners and Mr. Shaver reviewed photographs).

Mr. Haste: Today is their community clean up day and we sent 20 inmates up there to assist.

Mr. Shaver: Thanks to Mr. Guenther and the Tax Office for their assistance with documenting properties affected with the GIS system.

Mr. Haste: What direction did it come from, the river.

Mr. Shaver: Yes.

Mr. Hartwick: I was up there yesterday and the big question was when will we be able to get the big equipment under roof?

Mr. Shaver: I spoke late Monday afternoon there was an agreement in the works. Last I heard that someone in the Upper End was going to provide them space to move into. I will follow up when I return to the office.

Mr. Haste: Jolly Jim should be contacted. I also would bet the National Guard would assist moving them. My son is in the National Guard and they are always telling me, if there is anything we can do, please let us know. They have the equipment.

Mr. Hartwick: Thank you for your efforts and all the staff.

Mr. Shaver: Tax Assessment Office was on the scene to do property damage assessment, EMA, support from crisis intervention, AAA, Community and Economic Development, Information Technology, Coroners Office (required), Diane McNaughton, and Prison.

PERSONNEL

Ms. Sinner: There are no changes.

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

PURCHASE ORDERS

Mr. Baratucci: I just handed you the only change to the packet. Edgar gave this to me. It has to be done in conjunction with the renovations of the District Attorney's Office. All budget issues have been resolved. Next week should be the last batch for the year since it is a combined meeting.

Mr. Hartwick 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

- **November 24, 2006** transferred **\$8,421,131.83** to the **Payables** account and **\$1,921,777.91** to the **Payroll** account from the County's Concentration account for checks issued that week.
- **December 1, 2006** transferred **\$1,043,153.55** 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 5.230%**

- **Balance today in Community Banks investment account \$34,000,417.83 rate 5.480%** (This rate equals today's Community Banks 91-day TBill rate of 5.080% plus 40 basis points)
- **Balance today in Graystone Bank investment account \$10,630,403.05 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 \$16,900,327.29 rate 5.320%** (This rate equals today's 91-day T-Bill rate of 4.870% plus 45 basis points)
- **Balance today in Sovereign Bank investment account \$116,222.63 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: I had an Airport Authority meeting and we adopted a budget for 2007. The first budget with the authority was an interesting process. The airport continues to be bogged by the fact that the airline industry is more interested in gouging customers for as much as they can get rather than expanding in to new airports. The fact that we have not been able to attract a low cost carrier is plaguing our revenues to fill the \$2 million dollar gap. We are increasing our fees (fuel, parking and landing).

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

- A. Training Packet
- B. Approval of FY06/07 Per Diem Rates between Children & Youth Agency and:
(per distributed list)
 1. Northwestern Human Services of Pennsylvania, Inc.
 2. Clear Vision
 3. Youth Solutions Residential Services
 4. Universal Health Services Recovery d/b/a The Keystone Center
 5. YMCA – Northern Dauphin County Branch
- C. Real estate tax refund/exonerations:
 1. Refund of 2006 real estate taxes to James & Helen Foreman, 6647 Schoolhouse Road, Hershey, PA 17033, on parcel #22-007-003, Conewago Township, Lower Dauphin School District, in the amt. of \$983.63.
 2. Request to exonerate 2000, 2001, 2002, 2003, 2004, 2005, & 2006 real estate taxes at the Phil Fratti Mobile Homes, 24 Fratti MHP, parcel #24-008-015-024-0018, in the

amt. of \$817.37.

- D. Approval of a flat tax payment in the amt. of \$866.05 for Gerald & Georgeanne Burkholder, for their 2005 real estate taxes on parcel #36-012-399.
- E. Approval to sell parcel #7-10-16 from the Repository List to KDR Investments LLP in the amt. of \$300.
- F. Satisfaction Piece(s) with the following individuals:
 - 1. Charles H. Cleckner, III & Kristen J. Cleckner for property located at 337 Springhouse Road, Harrisburg, PA 17111
 - 2. Cynthia Perkins for property located at 1924 Clayton Avenue, Harrisburg, PA 17109
- G. Cooperation Agreement between the County of Dauphin and Capital Region Economic Development Corporation (CREDC). Dauphin County applying for grant at the request of CREDC from the Commonwealth of Pennsylvania through the Department of Community and Economic Development's Housing and Redevelopment Assistance Program in the amount of \$250,000. Grant dedicated to demolition of the C.J. Snyder building and related improvements in the area of 10th & Walnut Streets in the City of Harrisburg.
- H. Resolution No. 30-2006 authorizing proposal for funds from the Commonwealth of Pennsylvania Department of Community & Economic Development for Housing & Redevelopment Assistance.
- I. Agreement between Dauphin County and Highmark Blue Shield for 2007 Contract Renewal Rates.
- J. Fort Hunter Acquisition
 - 1. Adopt Resolution No. 31-2006 for County to apply to the Department of Conservation and Natural Resource for a grant for Fort Hunter Park Acquisition
 - 2. Grant Agreement between Dauphin County and the Commonwealth of Pennsylvania Department of Conservation and Natural Resources for County to receive Keystone Recreation, Park, and Conservation Fund allocation in the amount of \$120,000.
- K. Purchase of Service Agreements for FY06/07 between Children and Youth Agency and:
 - 1. Gaudenzia Chambers Hill Adolescents Program, Inc.
 - 2. Vision Quest National, Inc., Ltd.
 - 3. Good Shepherd Corporation t/d/b/a Lourdesmont – Good Shepherd Youth and Family Services
- L. Amendment #1 for FY06/07 Purchase of Service Agreement between Children & Youth Agency and YWCA of Greater Harrisburg.
- M. Adoption Assistance Agreement #2006-34.
- N. MH Purchase of Service Agreement for FY06/07 between Mental Health/Mental Retardation and Pinnacle Health Hospitals.
- O. Amendments to FY05/06 Purchase of Service Agreements between Mental Health/Mental Retardation and:

1. Allegheny Valley School – Amendment #1
 2. Keystone Service Systems, Inc. – Amendment #2
- P. Medical Assistance Transportation Agreement (MATP) for FY06/07 between Mental Health/Mental Retardation and the Center for Community Building, Inc.
- Q. CTSI Contract for phone service for Children & Youth Hoffman Street Office for one year term at \$995 monthly and \$11,940 annually.
- R. Reappoint Mary Lundeen to the Friends of Fort Hunter Board of Trustees. Term expires December 31, 2009.

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

Mr. Hartwick: I want to comment on item I, the Highmark 2007 renewal rates. We have been working very hard on this and hopefully soon we will have a contract before us for a claims audit, as well as an engagement to take a serious look at claims vs. what we have been presented in the upcoming plan. We are going to negotiate in 2007 with the idea that we will be opening up Highmark for a longer term deal in March with understanding where we are at with utilization.

Quick comment on Item P, MATP, this received some criticism and this has allowed us to run this more efficiently.

FORMER BUSINESS

(There was none.)

NEW BUSINESS

(There was none.)

COMMISSIONERS' DISCUSSION & ACTIONS

(There were none.)

CORRESPONDENCE

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

- A. Received a letter from Herbert, Rowland & Grubic, Inc., in reference to the periodic & special 2005-2009 Bridge Inspection Reports.
- B. Notification from Herbert, Rowland, & Grubic, Inc., indicating that PENNDOT Engineering District 8-0 intends to apply to the Dauphin County Conservation District for a General NPDES permit in reference to the Linglestown Road widening project in West Hanover Township.

- C. Notification from the PA Dept. of Transportation indicating they intend to utilize an approved Water Obstruction and Encroachment permit for proposed activities on Gurdy Run in the Halifax area.
- D. Notification from East Harrisburg Cemetery Co. indicating they are requesting a renewal of a NPDES permit from DEP for the facility located in Susquehanna Township, Dauphin County.
- E. Notification from Quality Water Resources, Inc., indicating a request for a NPDES permit for the Fishing Creek Estates STP, Middle Paxton Township.
- F. Notification from Science Applications International Corporation, on behalf of the Hershey Entertainment and Resort Company indicating they intend to apply to DEP for a NPDES permit to discharge treated groundwater from the former HE&R Laundry Facility along North 1st Street in Herhsey.
- G. Notification from Raudenbush Engineering, Inc., on behalf of B2 Partners, indicating they intend to apply to DEP for a water quality management permit Part II for the proposed B2 Condominiums located in Halifax Township.
- H. Notification from TSI Compliance Services, Inc., on behalf of Powertrain Recycling, Inc., indicating they intend to submit an application to DEP for an aluminum sweat furnace plan for approval to construct, modify or reactivate an air contamination source and/or install an air cleaning device for the facility located on 2145 North 7th St., Harrisburg, PA.
- I. Notification from Feldman Lubert HarrisburgLP/Harrisburg Mall indicating they submitted a synthetic minor operating permit renewal application to DEP for an air pollution control permit.

PUBLIC PARTICIPATION

(There was none.)

ADJOURNMENT

Mr. Haste: Is there a motion to adjourn?

Mr. Hartwick 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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