



**DAUPHIN COUNTY BOARD OF COMMISSIONERS**

**WORKSHOP MEETING**

**JUNE 16, 2010**

**10:00 A.M.**

**MEMBERS PRESENT**

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

**STAFF PRESENT**

Chad Saylor, Chief Clerk; Marie E. Rebeck, Controller; William Tully, Esq., Solicitor; Fred Lighty, Esq., Human Services Director's Office; Leila Brown, Solicitor's Office; Terry Kaufman, Solicitor's Office; Danielle Vayda, Solicitor's Office; Amy Richards, Commissioners' Office; Kay Lengle, Personnel; Dave Schreiber, Personnel; Randy Baratucci, Director of Purchasing; Edgar Cohen, Director of Facilities Maintenance; Mike Madden, Prison; Garry Esworthy, Risk Manager; Charles McElwee, Commissioners' Office; Dave Onorato, Commissioners' Office; Brenda Hoffer, Commissioners' Office; Jena Wolgemuth, Commissioners' Office and Richie-Ann Martz, Assistant Chief Clerk

**GUESTS PRESENT**

Richard Stottlemeyer

**MINUTES**

**CALL TO ORDER**

Mr. Haste, Chairman of the Board, called the meeting to order at 10:14 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 a series of meeting minutes that we'll take up at next week's meeting.

## **PUBLIC PARTICIPATION**

Mr. Haste: We are at the point in time in the meeting for public participation. Is there anyone in the audience that would like to address the Board at this time?

I know Mayor you wanted to speak. I have asked Carolyn Thompson to be here so she could be here. We'll come back to that if that is okay with you.

Mr. Stottlemyer: Okay.

Is there anybody else that would like to speak at this time? (There was none.)

## **DEPARTMENT DIRECTORS/GUESTS**

(There was none.)

## **PERSONNEL**

Ms. Lengle: Do you have any questions on any of the items in the Personnel Packet? (There was none.)

## **PURCHASE ORDERS**

Mr. Baratucci: You should have all received your report yesterday. If you have any questions I'll try to answer them now, otherwise they will be forwarded to next week. We'll adjust the few budget issues that we have. (There was none.)

## **TRAINING PACKET**

Mr. Saylor: I'm told we need a vote on request #2.

**It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve Item #2 on the Training Packet.**

**Question:** Mr. Haste – Aye; Mr. DiFrancesco – Aye and Mr. Hartwick – Aye; motion carried.

## **ITEMS FOR DISCUSSION**

(There was none.)

## **SOLICITOR'S REPORT – WILLIAM TULLY, ESQ.**

Mr. Tully: I have no changes to the draft report, but would be happy to answer any questions you might have. (There was none.)

## **CHIEF CLERK/CHIEF OF STAFF – CHAD SAYLOR**

Mr. Saylor: I have nothing unless there are any questions of me. (There was none.)

## **COMMISSIONERS' COMMENTS**

Mr. Hartwick: We are now officially out of money for treatment for Drug & Alcohol Services as of Monday of this week. It is something that we sort of tried to get to.

Mr. Haste: For the fiscal year.

Mr. Hartwick: Yes. Because in past years, it was sort of the common practice for the Executive Commission to return money back to the Children & Youth Agency, to return money to the Mental Health Agency rather than utilize and spend out all their treatment dollars. This year we changed our model and offered access to treatment when people arrived at whatever point in the system. Ultimately, it is our goal to be able to spend down those dollars, not return them to the State to help them balance the budget. It will be a challenge over the next two weeks on how we are going to be able to move people into treatment during this fiscal year. It is something that I think is a sign of what we have put into place and the new system is actually working as it relates to treatment dollars. We are actually spending down the dollars that were allocated. We need to be mindful in planning to set the process up by allocating a certain amount for each provider and monitoring that as we go along. We are attempting to mindfully plan, as we get closer to the time, how we can collect those dollars for those providers who have not used them and make sure the providers who are providing referrals into treatment have the opportunity to still utilize those dollars. There are a couple of other planning tools we are putting into place. Ultimately, the bad news is we clearly do not have enough money for Drug & Alcohol services in this County. The good news is despite that we have been able to spend the treatment dollars down this year as they have been allocated based upon our five-year plan.

Mr. Haste: Dollars become available, in theory, on July 1.

Mr. Hartwick: That's correct.

Mr. Haste: Assuming something doesn't adversely happen with the State budget.

Mr. Hartwick: Hopefully they will still be committed to making sure services continue despite that their inability to do what they are mandated to do. Even if they don't, this Board, I think will stand ready to continue to provide services with a public finance plan that will allow that. The one thing I won't do is we will take into account significant budget cuts, historically over the last year particularly, have shown that we are going to see a further reduction in Drug & Alcohol services, as well as, our Human Services. So, we are not going to be spending more.

Mr. Haste: Does Betsey and the people out at the jail know that we are out of dollars?

Mr. Hartwick: There was an email sent around on Monday to notify all of our partners that is in fact the case. I'll make sure that I reiterate with Mavis today if there are any partners that have been left off the list that they needed to communicate with.

Mr. Haste: Okay.

Mr. DiFrancesco: I mentioned last week that Youth Works is coming to Harrisburg. The first group of approximately 75 youth and youth leaders will be in town on Sunday evening. They will begin, what I think, a seven-week rotation. These young people will be coming in from all over the country. I have asked certain department heads to give me some house painting projects, things that certainly there is a realized need, but they don't qualify for emergency home repairs or whatever. We were able to produce about 20 homes from the Area Agency on Aging and the Home Program that they will have projects to do. These kids will be coming in from all over the country doing projects in our community, making the life better in a lot of the communities, helping people who can't help themselves.

Mr. Hartwick: We are going to be starting the painting program. Our parks and municipal parks are going to have kids, who otherwise would be sitting out at Schaffner, doing some public service work for our playgrounds, parks and other locations.

Mr. DiFrancesco: I'll keep you informed of the schedule, because as I understand the groups will arrive Sunday evening. You guys would be welcome to greet. I believe it is Thursday evenings that they will do community picnics at a local church, where the homes of the people that they were working on will be invited to come to the picnic. It will be people throughout the region. These groups will be going into Cumberland County as well if projects are there. It is kind of a nice get-together for the community on a Thursday night just a picnic, no cost to anybody. The group takes care of it. It is a good thing. As I mentioned, these kids are coming in from a lot of mid-west states, but from all other the country.

Monday, Dauphin County will be celebrating their 4<sup>th</sup> Annual Ride Your Bike to Work Day. While the emphasis is on riding your motorcycle, it certainly includes those that wish to ride to work on their bicycles. I know we have one person on the 4<sup>th</sup> Floor who rides his bicycle back and forth to work. I want to remind people to please take part.

We have a great day planned. In the morning we will have some coffee and donuts to start the morning off with their bikes being parked in front of the Administration Building as a show of community public relations. At the end of the day, we are going to have an organized drive out of here and Susquehanna Harley Davidson has agreed to be our partner. We are going to go out there. They are going to have some hot dogs and food and so forth. I'm pleased to announce that the unofficial band of Dauphin County "All Jacked Up" will be playing at Susquehanna Harley Davidson. It is going to be a fun day for employees whether you ride or not. We invite you to come out to Susquehanna Harley Davidson that evening just to join in on the fun. If you are not a rider today, maybe we can get you to be a rider for next year's event.

## **PUBLIC PARTICIPATION**

Mr. Stottlemeyer: I'm here to discuss something that is going on in Judge Lenker's courtroom in Susquehanna Township. The first thing that I want to say is that Judge Lenker is doing a great job. None of this is against him per se. Just so you understand that.

Mr. Saylor: Could you please identify yourself for the purpose of our records?

Mr. Stottlemeyer: My name is Richard Stottlemeyer. I live at 96 Eric Drive in Lower Paxton Township.

I'm familiar with Penbrook, as probably most of you know. What's going on out there if the Township takes me before the district justice and I lose there is a cost incurred of \$67 that I have to pay to that courtroom.

Mr. Haste: Is this on landlord and tenant issues?

Mr. Stottlemeyer: It is on anything. It is all issues. If the Township or the Borough loses there is no cost. I did heavy research on this. Susquehanna Township takes approximately 10 non-traffic violations to MDJ Lenker's Office in a month. That is approximately 800 and some a year. They are very happy with the way it comes out. They usually win. So, they don't have a problem. My feeling is that if townships or local municipalities take anything to the DJ they should have to make some sort of a payment. The reason I'm saying that is because here is the totals that Penbrook did. There are only two people involved in MDJ Lenker's Office and that is Penbrook and Susquehanna. They take about 100 and they win about 100 so the County gets their money for those costs. Penbrook, in the year 2009 took 562 non-traffic violations to district court. Out of those 562, 89 were found guilty, 473 were found not-guilty. For everyone of those that went out the people in MDJ Lenker's Office had to type up all the paperwork and send it out and then when it was all said and done they had to type up all the paperwork and send it back out for the dismissal or whatever it was. This comes out to roughly, if you calculate all this out, probably to better than one employee a week in MDJ Lenker's Office. I don't have these figures correct, so don't quote me on that, but that is what I think it would come out to. In January, 2010 to May 25 there was 83

taken. So far 52 have not had a date sent as of the 25<sup>th</sup>, but 8 were found guilty and 23 were found not-guilty. The day that I picked this paperwork up, was probably the 27<sup>th</sup> or 28<sup>th</sup> of May, there was a stack of over  $\frac{3}{4}$  of an inch turned in at that point. What I'm trying to ask here is if there is any way that the County can say so we don't hurt other municipalities, Commissioner Hartwick I don't know if you know anything about how many Steelton turned in when you were Mayor. Maybe give everybody 10 free ones a month and after that they have to pay their \$67. They would quit taking a bunch of ridiculous things into the court system that is costing the County taxpayers an awful lot of money. You figure from 2009 to right now they had how many that went in there total, the 562 and 83 so far. That is an awful lot in those years and cost the county a lot of money, all the taxpayers of the County. I don't know if there is anything that you can do or not, but I would like to see something done that if they have to pay they would think about what they would take before them. I'm speaking against Penbrook, I'll tell you that right now. He takes anything he wants to out there. I can show you a wood pile that is setting on cinderblocks and is beautiful and looks nice and he is taking the person to court for \$117 total because it is not 12 inches off the ground, it is only 8, but it is stacked beautiful. He has a tendency to pick on people and send things in. I could give you more details if you want, but my feeling is right now I just want to try and see if there is anything that the Courts can do to, to have these people have to pay something and not get away with all these free systems.

Mr. Haste: After the Mayor brought this to my attention; I met with MDJ Lenker to see what his take on things was. He is somewhat new to it, but he had the same feeling that this appeared to be a borough manager that was a little zealous in their responsibility. He used the same example. He didn't think in some cases common sense was used as it appeared to be people that were not friends of his or not in his favor were getting cited. He was going to sit down with the borough. I don't know if he had a chance to do that or have a discussion with them about what they should be filing or not filing. As he said, he felt other than his power of persuasion, he didn't know what else he could do. If they bring them in and file them then they have to go through the process. He said the same thing about how his staff has to go through putting things together, doing some research, getting them ready for the hearing and sending out notices and everything that goes with that. That is what I know of at this point in time.

Mr. Hartwick: Just as every other citizen complaint we receive to the Board of Commissioners, we can clearly communicate and request an answer from the Borough related to the issue. At least raise it with the Borough. I don't know if taking sides is appropriate, but we certainly can try to attempt to get a response as to what their justification is with so many court cases moving forward. We can certainly equate the potential cost to taxpayers. We can ask what their policy is. That is within our scope and is something that I would be willing to do from the Board's perspective.

Mr. Stottlemeyer: I can quote you many of the examples.

Mr. Hartwick: You don't need to get into specifics. I think you have demonstrated through the numbers that there is an issue.

Mr. Haste: If we talk to Judge Lenker and again, in his short time there, he has seen some that he is not sure how or why they got there. He gave the exact same example.

Mr. Hartwick: You want an aggressive codes department. You want to make sure that they are doing what they need to do.

Mr. Stottlemeyer: These are all non-traffic. None of these have anything to do with the police. The police department is tops in the County.

Mr. Haste: We are still under Public Participation. Is there anyone else that would like to address the Board at this time? (There was none.) Mr. Hartwick: My initial knee-jerk reaction from being a former Mayor clearly it is demonstrated that Susquehanna Township appears to take folks to court that they believe are in serious violation and therefore need to be moved forward with. I don't know, as it relates to the elected officials, the elected officials are still responsible for the management, day-to-day operations. Quite frankly if that is what is occurring I wouldn't allow a municipal manager or police chief to move forward those issues that were frivolous, against good taxpaying residents of my municipality. Oftentimes we forget about the real crime and move on to go ahead and make it more difficult in already challenging situations like Steelton and Penbrook, which is already too high in taxes. They have already lower socio and economic data and are providing one less reason to want to live in the community. Quite frankly as a municipal leader I wouldn't allow that to occur. I need to see more details about what is being brought forward. From a defense attorney standpoint, because clearly there is a real vendetta that is being placed by either the police chief or your codes enforcement officer that is not in the best interest of the majority taxpaying residents in your municipality. I don't know if we go as far as a fee. I don't know legally what we are required to do, but I'm willing to look into it. Ultimately, if we are able to do it based upon a percentage rate where it becomes clear that somebody is bringing frivolous cases in front of the court and taxpayers of this county are asked to support it, as well as individuals in that municipality, I think there should be a clear penalty for bringing forth those suits. I'll ask the solicitor to take a look at that to see if there is any option for us to be able to address this in the future, because clearly it is an abuse or somebody's authority and if the judge is not finding in favor in the majority of times it is clearly... You don't want to send a message not to violate, but you always want to cut down on somebody who is making it a little bit more difficult.

Mr. Stottlemeyer: Just to let you know that these are all non-traffic violations. This stack, none of this was done by the police department. They were all done by the Borough. The police do a good job.

Mr. Haste: When the Mayor brought up this suggestion of the municipalities paying as well, my initial reaction was that I didn't know if that was the way we wanted to do it, because I don't want to penalize every other municipality, because of one municipality

doing this. If you think about it, you are taking taxpayers' money out of one pocket and putting it in another pocket. But on the other hand, if a municipality is costing taxpayers' money, outside of their jurisdiction, we need to do something to curtail that. That is why I asked the Courts to be here. Between us, I'm not sure how we accomplish that. I think, the data would indicate that this is someone being a little zealous in their duties. It sounds like it is somewhat personal.

Mr. Tully: It's probably not the answer you want to hear, but when it comes to fees, Court costs, etc. those are all set by Statute, approved by the Court, programmed by the AOPC. Judge Lenker and the County have no authority or actual ability to assess such a fee. That is done by the General Assembly.

Mr. Haste: Fee on the municipality?

Mr. Tully: The Court costs. We don't assess court costs on government bodies. That is across the board, from criminal to civil. If someone is found guilty of something then they assess the court costs of the guilty party, but they never assessed it against the taxpayers. It literally would be taking it out of one taxpayer's pocket to another and it is not cost effective or practical. They do not want to deter a good faith pursuit of violations. The remedy is basically political. The cases that have dealt with that have said that is why people are elected or accountable to elected officials if that sort of abuse is going on it should be publicized and the remedy is at the ballot box or through the elected officials to reign in someone that is out of control. I think the remedy is going to be more of informative. I think the County can express its concerns to the elected officials of Penbrook and ask them to look into that. If not it can be more public. I don't think taxpayers would be happy to learn that their officials are not acting in their best interest. Unfortunately, the ability, correct me if I'm wrong, to assess a cost is set by Statute and is already programmed into the computer. So, even if the Judge wanted to there would be no way for them to do a data entry for it.

Mr. Stottlemeyer: The cost is already there. It is just that municipalities don't have to pay anything up front.

Mr. Tully: When the Judge enters the finding there is no way to assess those costs to the government body. The computer basically cancels them out.

Mr. Stottlemeyer: My question is if you are found not guilty who paid all those costs for the hearings, etc.?

Mr. Tully: That is assumed by the Court. It washes out on the computer.

Mr. Stottlemeyer: It would be the County in this case.

Mr. Tully: They deem that to be fixed costs by the Court regardless of the number of cases, etc.

Mr. Stottlemeyer: I know when I was the Mayor of Penbrook that Judge Shugars was the busiest courtroom in Dauphin County. They did some splitting there to eliminate some of the problems by taking the State Police off of 81 and putting them up in Dauphin. This is some of the reasons why he was so busy and the same is with Judge Lenker. None of this is against Judge Lenker. He is doing a fine job in what he is throwing out in the not guilty's within the rights. I'm not saying anything there. I think this gentleman is taking advantage of a situation where he has the power and none of the elected officials in Penbrook want to listen to anything.

Mr. Haste: I spoke to Judge Lenker and that is probably what it is. He was somewhat frustrated too, but didn't know what he could do other than try to meet with them and explain it. I don't know if he has had that chance yet.

Mr. Stottlemeyer: Maybe like Mr. Tully said for the County to send a letter to all the elected officials in Penbrook that they think this is becoming out of hand compared to other municipalities. I don't know if Judge Lenker had a chance to talk to them, but I know he talked to him earlier and he doesn't pay any attention. He does what he wants and Council just lets him do whatever.

Mr. Haste: He meaning the codes? What is his title?

Mr. Stottlemeyer: He is the Borough Manager. We have no Codes Officer so he files them.

## **ADJOURNMENT**

**There being no further business, it was moved by Mr. DiFrancesco and seconded by Mr. Hartwick that the Board adjourn; motion carried.**

Respectfully submitted,

Chad Saylor, Chief Clerk

Transcribed by: Richie-Ann Martz