



**DAUPHIN COUNTY BOARD OF COMMISSIONERS**

**WORKSHOP MEETING**

**AUGUST 26, 2009**  
**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; Janis Creason, Treasurer; William Tully, Esq., Solicitor; J. Scott Burford, Deputy Chief Clerk; Randy Baratucci, Director of Purchasing; Gary Serhan, Deputy Controller; Steve Howe, Director of Tax Assessment; David Feidt, Solicitor's Office; Diane McNaughton, Commissioners' Office; Carolyn Thompson, Court Administrator; Kay Lengle, Personnel; Stacey Patrick, Controller's Office; Amy Richards, Commissioners' Office; Guy Beneventano, Esq., Solicitor's Office; Deb Lisi, Controller's Office; Leila Brown, Solicitor's Office; Brenda Hoffer, Commissioners' Office and Richie-Ann Martz, Assistant Chief Clerk

**GUESTS PRESENT**

Emily Opito, Mark Stewart and Jeannine Peterson

**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 four sets 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? (There was none.)

## **DEPARTMENT DIRECTORS/GUESTS**

(There was none.)

## **PERSONNEL**

Ms. Lengle: Are there any questions on the Salary Board items?

Mr. Haste: Just for the interim fill, did they submit for 10? Yesterday we discussed 11.

Ms. Lengle: Someone resigned and I'm assuming that person was on leave. It was 11. We actually got paperwork for 11 and then they called back and said someone resigned so they changed it from 11 to 10.

Mr. Haste: Double check with him to make sure the numbers are correct. Yesterday we went over this. There are seven vacancies that would now be eight vacancies. We are going to start to see a spike in overtime. We didn't have enough positions. I told Mike that we should go with another round of the interim fills and get them in. This way the class would start in October and by mid-November we would be able to have people on shifts in there to make sure that the overtime doesn't go up. If you recall interim fills are sort of a temporary spot until we clean up some of these vacancies. Some of these vacancies are there, there are a couple workers comp claims, some injuries, some disciplinary actions coming up, which caused us to be in the situation that we are in. Are there any questions for Kay? (There was none.)

Ms. Lengle: Are there any questions on the Personnel Packet? (There was none.)

## **PURCHASE ORDERS**

Mr. Baratucci: You should have received your Packet yesterday. There are a few budget issues that we need to take of. I just want to make sure that you did give an

authorization to Security to go ahead with one item on Page 4. That is the repair of the x-ray unit. They can get a better deal on it. The price that is on there is a not to exceed. It will be lower than that. As soon as we find out we will change that for next week.

Mr. Haste: I talked with Mike and you. For the record and for the Board, this is one of those cases where it is cheaper for us to pay as we go as opposed to the maintenance contract. It has not put us to where we come anywhere close to what it would cost us for the maintenance contract.

Mr. Baratucci: We've been lucky. We have been monitoring it and every once in a while we have one of these. Mike has been doing a good job. The other budget issues will be fixed before next week. Do you have any questions?

In addition to that you should have received a request for Adult Probation for 15 Remote Access items out of Supervision Fees. I'm told that the President Judge talked with someone from the Commissioners' Office and this is something that we did about three months ago for 15 other ones out of Supervision Fees.

Mr. Haste: I believe this was a discussion that we had at the budget hearing.

Mr. Baratucci: It is all coming out of the Supervision Fees, which is the Fund that they control. Fifteen was an unusual amount so I wanted to make sure that you knew why the request was there. Do you have any other questions? (There was none.)

Mr. DiFrancesco: Can we have Probation come in and give us an update? For the amount of air cards that we are now investing in and putting out in the street, they should very easily be able to come in and show us documented evidence that their productivity is rising considerably. Can they come in and give us a presentation? That is a lot of money in air cards. If the productivity is increasing then that's great.

Ms. Thompson: That is what Mike will tell you. They have the upper end and down here.

Mr. DiFrancesco: That's what I'm saying. So, they should be able to show a lot more contacts.

Ms. Thompson: I'll make arrangements with Chad.

### **TRAINING PACKET**

Mr. Saylor: We have #12 that needs to be approved.

**It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve Item #12 of the Training Packet; motion carried.**

## ITEMS FOR DISCUSSION

- A. Resolution #19-2009 amending the County's Tax Claim Notice Posting Procedure. (**\*\*\*A VOTE IS REQUESTED 8/26/09\*\*\***)
  
- B. Requests for County Sponsorship of Local Share Gaming Grant Applications: (**\*\*\*A VOTE IS REQUESTED 8/26/09\*\*\***)
  - 1. SARAA - \$360,000 for repair, cleaning and painting of the 400,000 water tank at HIA
  - 2. HACC - \$250,000 for local match for grant for Shumaker Public Safety Center
  - 3. Millersburg Borough - \$250,000 for the "gateway" to the Lykens Valley Rail Trail
  - 4. Lower Swatara - \$220,000 utility relocations associated with former 5<sup>th</sup> Street/University Drive project
  - 5. Hamilton Health Center - \$750,000 for \$16 million renovation project
  - 6. The Salvation Army - \$200,000 – Bridging the Gap (vehicle & substance abuse programs)
  - 7. American Red Cross - \$270,000 to expand services, emergency response vehicle and renovations to house the vehicle
  - 8. Upper Paxton Township - \$225,000 for infrastructure improvements at the Ned Smith Nature Center
  - 9. Wiconisco Township & Lykens Borough - \$290,000 for the restoration of the L&W Field and Stadium

Mr. Haste: Resolution #19-2009, Steve can you come forward to explain?

Mr. Howe: The Resolution that you have before you to consider is amending a 1985 Posting and Procedure Policy for the Tax Claim Bureau that was approved by the then sitting commissioners. It calls for due diligence for personal service for properties that would be sold at the tax sale. This was a policy that prior to 1985 had never been in place and had never been written. When our office took over the posting process and the personal service process from the Sheriff's Office and from a private contractor, we had to put it in place, at that point in time, something that we thought would be reasonably effective as far as times to attempt to personally serve individuals whose property would be offered for sale. Since then we have been abiding by that schedule. We asked the Court, on a regular basis and annual basis, to waive personal service for somewhere we have determined that between 15 and 17% of the property owners that were simply not able to contact. Most of those contacts that we are able to make are, if you look at the resolution, #1 time period and #2 time period or #3 time period, which would be early morning before work, evening or Saturdays. What we are looking for is a change in that due diligence process from three of the four time period attempts to two of the four time period attempts. Mr. Martsolf, the Solicitor for the Tax Claim Bureau, has looked at that. There are no requirements in the Statute. We all know other reasons for the change other than as we specified we would attempt twice out of those four time periods rather than three out of those four time periods. The Solicitor's Office has also looked at it. There are no statutory requirements as I said for the personal

service other than that they be served or attempted to be served. With Mr. Martsolf's blessing and Mr. Tully's agreement, Guy Beneventano drafted the Resolution that you see before you. I'm sure, you probably are not even aware that there was a 1985 Policy adopted by the Board that says how the posting process takes place. Because it was a written and approved process before, we thought best that we go and amend that process by resolution. If Mr. Tully has any other comments, maybe they would be appropriate from a legal standpoint.

Mr. Tully: I have nothing to add.

Mr. Haste: Why are you going from three to two?

Mr. Howe: To accommodate the staff requirements and the overtime requirements. We put a lot of money in overtime getting people back and forth three times when if you talk to our staff it is quite obvious that they are not going to find anyone home and they have to return the third time any way just to meet the requirement. For the spring and the 2010 process, we are looking to a contractor to do the posting for us for safety and security reasons. They have also recommended, after reviewing our requirements, that three attempts for personal service is not in line with what they do elsewhere.

Mr. Tully: Didn't you also make an inquiry as to the point of diminishing returns as to the number that you get on the first attempt versus second attempt versus the third attempt?

Mr. Howe: We looked at that. The question was do we have some idea as to the rate of diminishing returns as to the various attempts. Most of the attempts that we make are not during normal business hours. We don't really have the statistics or the record back-up to really come up with percentages other than we know that approximately 15 to 17% of those requiring personal service, which are owner occupied properties, are not able to be obtained. That is why we ask the Court to waive personal service. We don't really have, as Mr. Tully said, the statistics to say how many we get the first time. My guess would be that we probably get 60 to 70% of those individuals attempted service for the first call and then it diminishes down to somewhere around 15 to 17% that we are not able to personally serve at all.

Mr. Haste: How do you know if they are owner occupied?

Mr. Howe: In our system we have a mailing address field and a property location field. If the mailing address field and the property location field match then the presumption is that the property is owner occupied. It doesn't necessarily mean that it is, but that is the position that our folks take when they go to the field to make those services.

Mr. Haste: That is what you mean when you refer to it in this resolution?

Mr. Howe: The owner occupied properties, yes. The properties that require personal service, which means someone representing the Sheriff's Department or this office has

to personally hand to an individual a notice that their property will be sold. That requirement, again, is for those properties that are deemed to be owner occupied only. There are many properties where the owner has the property location as the mailing address and when we, in fact, get there it is tenant occupied. We just don't know that until we get there. Our presumption is that if the two, the mailing address and property location match it is owner occupied and we will attempt service. If we get to the property and find otherwise, they will make a note on the posting form that in fact it is not owner occupied and who the tenant is if they are able to make that determination.

Mr. Hartwick: There are a number of things that your office is trying to initiate currently that should increase the productivity of our tax assessors. First being the utilization of the air card and whether or not that is going to be compatible with our system. We are going to be tracking productivity of our folks in the field. The second one is the personal service that's required that you are looking to contract out should also dramatically increase the ability for our tax assessors to get out there and actually do their job in getting the properties on the tax rolls a whole lot quicker. Both of those investments are supposed to be yielding returns to municipalities, school districts and this County by enabling our folks who are in the field instead of doing this personalized service three times, the ability to go out and put those properties on the tax rolls a whole lot more efficiently. Again, all of those things are going to be evaluated at the end of the year. I just wanted to make sure that it is clear that our folks in the field are aware that their productivity and their numbers are going to be reviewed as a result of the investment of the County dollars and that none of these from the air cards on down to the posting are going to be ongoing unless we see that productivity increase.

Mr. Howe: Yes, what you said is correct and is understood.

Mr. Haste: I'm just a little uneasy changing it.

Mr. Hartwick: From our standpoint I don't see this as something absolutely necessary. If the Board deems it still should be three, I think that is going to be resolved when we take a look at the contract to do the next posting in the spring. Is that going to be an issue when the contractor comes here with additional funds? Is that what you are attempting to do to try to position this in the best possible way for the folks that are going to then be posting the properties?

Mr. Howe: That is part of the reason. Their cost is based on the number of attempts that they have to go back to the same property. Our costs, to some degree, although we are not paying a per call fee as we will be, our costs are somewhat directly related to that third attempt also, because we are paying our staff overtime for that process. As you said if you are uncomfortable with it, there is no...

Mr. Haste: Do you have statistics on how many times you hit them on the first, second, third and not at all?

Mr. Howe: The not at all is around 15%. We do not know and we have not had the ability in the past to track the number that we make on the first time or second time. My guess would be, having been involved in the process for several years, that the first attempt they probably achieve 60%, because they are not going out during normal business hours probably the first time. If they are it is probably that early morning attempt to get everyone before they go to work.

Mr. Haste: We are only dealing with the ones that you refer to as owner occupied?

Mr. Howe: That is correct.

Mr. Haste: The ones that are landlord/tenant situations you just mail them a notice?

Mr. Howe: We mailed them a notice, but the property also must be posted. So, there is a notice that is affixed to the property in all cases. Only in the owner occupied cases is it required by the Statute that they personally be handed a notice that says your property is going to be sold. Only on the owner occupied situations. Regardless of the type of situation, the property is always posted. There is always a notice affixed to the property.

Mr. Hartwick: And you say you go out once and cannot find the person. You go out twice and you don't find the person. You are just saying that you don't want to make the third time attempt?

Mr. Howe: Correct. The first time the property is visited the notice is affixed to the property and if it is owner occupied personal service is attempted. If personal service is not obtained that particular first visit then they are obligated to go back the second and/or the third time to visit that same property.

Mr. Haste: If the notice is torn down, do we replace the notice?

Mr. Howe: We do not. If the notice is gone and a lot of times that notice at the first attempt puts that property owner on notice, for a lack of a better word that somebody is going to be back. If a strange car or person visits the property, many times the staff reports that they know someone is home they just will not answer the door.

Mr. Hartwick: Which, quite frankly, led us to the notification from this professional company that allows in a case where it is contested they have GPS satellite tracking of where you stood on the property, as you posted it, where it was posted at and the time of the posting, which has clearly stood up in any Court case. It takes a picture of it in real time as it occurs. Clearly, from a standpoint of whether or not these properties received notification is a step that we are going to take. Number one it will not be at any cost to us. Also, we meet all of the requirements and obviously in the court of law will stand up. If you don't want to move from the three, from my standpoint, I certainly agree with Commissioner Haste in saying that the more times you notify someone, the loss of a house is a big deal and if you go above and beyond our call of duty to notify

folks in that instance I don't see any reason to change it. As we come back and revisit this in the spring it is something that I would be open for discussion on. Based upon what I am hearing I think we should probably table this until the spring.

Mr. Haste: The concern that I have and I'm trying to wrestle in my mind, I don't like the increase in the cost to taxpayers at all. In some way we are asking the general tax paying taxpayers to pay this service to try to find people who aren't paying their bill. But on the other hand, there is also a safety net. I just hate to see anyone lose their house. I'm trying to balance in my mind which is the lesser evil here, paying a little bit more for the safety net. I don't know how many we are catching. If I had some data, I could understand this better.

Mr. Howe: The only data that we have is we go to the Court annually for a waiver of personal service. How this works is we keep track of those that we have been able to serve and those that we have not been able to serve. At the end of the posting process and personal service process, we've got to petition the court to still continue to have the tax sale. We petition the court with the names and property locations of those individuals who we have not been able to provide personal service on. That waiver request to the court, I can tell you, over the past years, the result has been about 15 to 17% of those that we deem to be personally...

Mr. Haste: You are just not able to get to.

Mr. Howe: That is after three attempts.

Mr. Hartwick: We're having this debate, but if we contract with the company that has made that proposal again the service that they provide and the people that they pay to go out there to do it, they charge back to the individual who is delinquent in their taxes. We don't have to pay internal costs of our staff for overtime and there is a solid court document to back up what the posting has done by law as required. From our standpoint this is an attempt to try to resolve overtime costs of our staff for this upcoming posting time. From my standpoint I don't see any need to change it. I think all of our issues can be addressed in the spring.

Mr. Howe: There is a certified mail requirement as well as the posting and the personal service. Many of those do not pick up the certified mail as well. The safety net for the certified mail process is we have also a first class mailing. Many of these first class are obviously delivered. They don't have to go to the post office or be home to receive the certified mail. Again, that is another safety net that is in place that the Statute does not require.

Mr. Saylor: I'm hearing that we don't have two votes for this.

Mr. Haste: At this point, I don't have enough data to feel comfortable.

Mr. Howe: I can't provide you with any more data than that. We simply just don't have it.

Mr. Hartwick: Have you budgeted for the overtime that is required for the notification to be out three times?

Mr. Howe: In 2009, yes.

Mr. DiFrancesco: It seems to me that it makes more sense to have this discussion when we see the actual cost data. There has to be something that we will have when a contract for service comes in, some expectations and may be then it makes a little more sense to understand what they actually will be providing, what the cost will be. As you said it is not incurred by us, because it is going to the property owners, but still it may be a more logical step that we can decide whether this is necessary or not.

Mr. Howe: It is easy for the contractor to say that there is no additional cost to the County. Technically there is not, but someone pays the bill up front for the contractor and then the property owners are charged for that additional fee. Yes, the property owners pay for that additional service, but the County has to pay the bill to the contractor up front.

Mr. Haste: I can then weigh whether it's worth the cost savings to the taxpayer versus the falling in from 15 to 20%.

Mr. Hartwick: They can give us a proposal for two notifications and three notifications and then we can take a look at real dollars versus success rates. We can make the decision in the spring.

Mr. Haste: My guess is most of these people purposely avoid getting the notice. On the other hand, I just hate for us to be sitting here and we find some crazy story of some senior citizen that for whatever reason because of some technicality their property is sold. Your situation you can get a little more cynical. When it finally happens it is not a fun thing.

Mr. Howe: No it is not. It is one of the dislike parts of this particular job.

Mr. Haste: I think whatever we can do to avoid that from happening is not a bad thing.

Mr. Howe: I don't disagree.

Mr. Haste: Chad, is this you or Mark?

Mr. Saylor: I'll just simply tell you as part of the gaming process for applicants to be considered for the Gaming Grants by the Advisory Board they need to be supported and endorsed by the contiguous municipalities or the County of Dauphin. Last year most came through contiguous municipalities. This year we have quite a few that are seeking

the endorsement of the County. What you have before you is a list of all organizations that we have heard from that would like to submit an application for a Gaming Grant and we are asking for the County to endorse it. This by no way means and I stressed this is to all the ones that I spoke to that this does not guarantee them the money. All it does is opens the door to the process for them to be considered. They will still have to make the case to the Advisory Board. As you know that is clearly a group of individuals who take their job very seriously and do put folks through the paces. It is a very competitive process. This just basically gets them in the door. A few other grant requests that we got either did not get us information or have rerouted to find local sponsorship.

Mr. Haste: I'm okay with them.

**It was moved by Mr. DiFrancesco and seconded by Mr. Hartwick that the Board approve the sponsorship of the nine (9) Local Share Gaming Grant Applications, listed above under Items for Discussion.**

Discussion:

Mr. Hartwick: If any more do come in prior to Monday's date, is it appropriate that we ratify it at the next Board of Commissioners' Meeting?

Mr. Haste: I think if that happens, yes, Chad go around and get a consensus and then we will ratify it at next week's meeting.

Mr. Saylor: We are new at this process and I think for next year, I've talked with Mr. Stewart about putting down some guidelines for County support in the future, establishing our own separate set of deadlines so we get the information in earlier, you have more of a chance to review it. Between the September 1 deadline and obviously the need for us to get this to you at a Commissioners' Meeting kind of didn't quite fit the round peg through the round hole this time.

Mr. Stewart: There have been guidelines for seeking County sponsorship that have been on the County's website and were provided to the interested parties. The two policies that the Board established last year and those were used again this year. Any non-contiguous municipality within Dauphin County would be sponsored and you will see some of those on your list. Otherwise, it is kind of an exception to that rule. If you were a non-municipal entity, but you could show that you had a County-wide impact, you could consider them at your discretion. You certainly wouldn't be required to do it.

Mr. Haste: All this does is gets them before the review committee.

Mr. Stewart: It just makes them eligible to apply.

Mr. Haste: Thanks for your work in screening these.

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

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

Mr. Tully: I have nothing to add to the report, but would be happy to answer any questions?

Mr. Hartwick: The only question that I have and I attempted to track down is the proposal to establish a PILOT for Baldwin Village. I would like to see some information on this before next week’s meeting. I believe it is in Mr. Foreman’s Office. I just want to be apprised of what that issue is.

Mr. Tully: We’ll see that you get it.

### **CHIEF CLERK’S REPORT – CHAD SAYLOR**

Mr. Saylor: I will note for the record that a week ago we held a seminar for interested local government officials with regard to Act 32, which makes a dramatic change to the way we collect earned income tax in Pennsylvania. We had a representative from the State Department of Economic Development and also our solicitor, Guy Beneventano offered a presentation. We’ve set up a steering committee, a group of volunteers from that group, to look at some administrative issues for this group to consider and work through before we come to the main meeting, which will be in November. I thought the meeting was well attended. I think we had over 40 folks there. Most, if not all, the municipalities of Dauphin County were represented. We had very good discussion and it was very informative. A lot of members there clearly already had a pretty good understanding, because they had attended some seminars before. Others were just starting to get into the process. I think it was a very good exercise for us. It also gave them an opportunity to come together and discuss it as well. Unless there are questions of me, that is all I have to report. (There was none.)

### **COMMISSIONERS’ COMMENTS**

Mr. DiFrancesco: On a serious note, obviously the State Budget impasse continues. Each one of us has been meeting with our people to find out the impact directly on the County. Unfortunately we are at the point now where we are starting to talk about where layoffs will come if the clock keeps ticking. It is not a pleasant topic to talk about, but a reality. The other thing that I have been talking to legal counsel with has been the rights that we as a County have. A lot of times we will take an awful lot before we fight back. In this case, we are providing services and obligating the County to pay for certain services without money flowing. I simply don’t think that the State and Federal government have the authority to put us in that position. I’m willing to fight that legally if need be. I have asked counsel to take a good hard look at issues from a legal standpoint, a constitutional standpoint and the whole works, because we obviously entered into a whole different phase. The interactions between levels of government

are messed up and it's time we, as a County, start getting a lot more aggressive in fighting back. We have been taking it for an awful long time and it's time to stop taking it. Those two are very serious topics.

My last topic is that I understand we have been contacted by Verizon that there has been a flow of data that has never been seen before flowing through the County since our Chief Clerk has gotten his Blackberry!!!!

Mr. Haste: I'm glad he is becoming a modern man.

Mr. Saylor: I still haven't figured out how to use it.

### **PUBLIC PARTICIPATION**

Mr. Haste: We are again at the point in time in the meeting for public participation. Is there anyone in the audience that would like to address the Board? (There was none.)

We will convene the Retirement Board at 10:55.

### **ADJOURNMENT**

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

Respectfully submitted,

Chad Saylor, Chief Clerk

Transcribed by: Richie-Ann Martz