



**DAUPHIN COUNTY BOARD OF COMMISSIONERS**

**WORKSHOP MEETING**

**SEPTEMBER 19, 2007**  
**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; Robert F. Dick, Treasurer; Bruce Foreman, Esq., Solicitor's Office; Edgar Cohen, Director of Facilities Maintenance; Gary Serhan, Deputy Controller; Fred Lighty, Esq., Human Services Director's Office; William Struemke, Solicitor's Office; Leila McAdoo, Solicitor's Office; Dave Schreiber, Personnel; Sandy Snyder, Register of Wills; Diane McNaughton, Commissioners' Office; Scott Burford, Commissioners' Office; Ken Rapp, Esq., Public Defender's Office; Brad Winnich, Esq., Public Defender's Office; Elke Moyer, Human Services Director's Office; Randy Baratucci, Director of Purchasing; Dan Robinson, Director of Community and Economic Development; Jack Wright, Human Services Director's Office; Kay Lingle, Personnel; Shari Eagle, IT; Brenda Hoffer, Commissioners' Office; Jena Wolgemuth, Commissioners' Office; and Richie-Ann Martz, Commissioners' Office.

**GUESTS PRESENT**

Garry Lenton and Rev. Alvin Taylor.

**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 September 5, 2007 Workshop Meeting Minutes that we will 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**

**Ken Rapp, Chief Public Defender and Brad Winnick, First Assistant Public Defender**

### ***Update on Public Defender's Office Activities***

Mr. Rapp: I want to thank you for inviting us here today to make a few comments about the status of our office. With me today is my First Assistant. We came here together, the same day in November of 2006 and have been with the office now for ten months. Brad and I had the good fortune of serving with the Public Defender's Office at different time periods and hadn't met each other until about a month before we began working together last November. When we came back there were a number of things that we looked at and wanted to address with the office. There were three things that we really wanted to target in the PD's office. Number one was the professionalism of the Office. Number two was the responsiveness of the Office. Number three was increasing the efficiency of the Office. With the help and support of the Board of Commissioners, particularly Commissioner Hartwick who has oversight responsibility for our office, I feel we are beginning to make some excellent strides. We are not where we want to be yet, but I think we are taking things in the right direction.

When we began last November there were a number of issues in terms of professionalism that concerned us. There was a tendency in any organization and County government is not excluded from offices doing things the way they do things, because that is the way they have always done things. That is a mentality that neither Brad nor I liked. We wanted to make some changes and that is something that culturally in terms of office environment takes some time. We are working in that direction. We have already made some changes.

For example, one of the first things we did and it was kind of a symbolic gesture. When we started we noticed that the lawyers, you couldn't even identify which lawyer was in which office, unless, you looked up at the top of the door jam where they taped their business cards. The lawyers in our office, in public defender offices everywhere, tend to have this feeling that they are not real lawyers. People are always telling them when are you going to be a real lawyer. I heard that 20 years ago when I was at the PD's office. The first thing that we did was we went out and got name plates for every lawyer and it has esquire after it, because quite frankly most of our lawyers are very young, but are very well qualified. All have gone to law school and passed the Bar exam and have worked very hard to get to where they are today. They are very hard working and care about what they do. That was one of the first things that we wanted to do. We wanted to let them know that what they do does matter and it is important.

We then looked at what the office was doing in terms of staff meetings. We found out that there were really not regular staff meetings prior to our arrival. They had them on occasion. This is not a criticism of my predecessor. Part of the issue that he faced was he was short a few lawyers. So they were really in many aspects acting as satellite lawyers doing everything they could do to represent their clients, but not really meeting on a regular basis. What we decided to do was begin instituting regular staff meetings. At this point, we now have staff meetings about three out of four weeks out of the month. Usually the Friday after criminal court week, we do not have staff meetings. That is the one we usually don't have. Other than that we are meeting on a regular basis with our staff to go over their cases, problems they have and to try to train them a little bit. We found it has worked quite well. We also looked at some of the tools that the County has provided to try to improve the professionalism. Everybody at their desktop has the Microsoft Outlook. When we came in and that was one of the first things when I scheduled a meeting, I realized that they didn't use Outlook to schedule meetings. Someone sent an email around saying that Ken wants to have a meeting on Friday put it on your calendar. People were either marking it on a paper calendar or I assume there are a few people who use the electronic version. Nobody knew how to accept a meeting notice and that amazed me. In the real world that is how people operate. Now we are doing steps like that, working with everybody to understand that there are tools out there to make you do your job a lot more quickly so you can actually go out and do the real job which is representing clients. I think we made some inroads in that. Some people are very reluctant with Outlook. They are a little afraid of those types of things. I asked one day at our staff meetings how many of you have a paper calendar. I think about three-quarters of the hands went up in the room. I don't have one and neither does Brad. I haven't had a paper calendar in years. That is why you give us these tools to use and that is what we should be using. It makes life a lot simpler for everybody.

Some other things that we have done is reinvented the trial team structure in our Office. There was no real structure of trial teams. What I mean by trial teams is we took three of our chief deputies and they oversee five or six lawyers on each trial team. They have their own meetings, separate and apart from our regular staff meetings. Oftentimes

when you put 20 of us in a room together some people might not want to speak up about an issue. They are a little gun shy. Some are new to the office and don't want to ask a question. We found that with five or six people meeting you have a much better chance of having people really talk about some of the issues. It also gives a chance for some of our more senior staff members to train the new lawyers and give them some guidance on what they really need to know when they proceed with a trial or guilty plea. Whatever it may be, make them better able to represent their client. The trial team structure has really helped.

We have tried to improve our telephone system. When we first arrived and you would call into our office you either got the receptionist or you were basically out there in never-never land and never got through to anybody. What we now do is if you can't get through to the receptionist you can actually leave a message with the lawyer that represents you or with the person that you are interested in leaving a message with. Many of the lawyers in the office were reluctant to do that. They didn't want someone having direct access to them. They didn't want their direct dial number out there. Brad and I said that is just not going to happen. In fact, I provided direct dial numbers to the Judges, the Magisterial District Judges and the district attorneys. They have direct dial numbers for every one of the lawyers in the office. There is no reason to hide behind that. I know each of you have called me periodically. You get directly to me. There is no reason to go through somebody else to get to us. Hopefully our lawyers will start to realize that is part of the service that they provide is that access.

We have worked on some scheduling improvements with the assistance of Med Media. We have gone out and changed our calendar system. We had a calendar system for the daily events that take place in the office, whether it is appearance at different hearings throughout the County or at the Courthouse. Brad actually is responsible for scheduling many of the hearings and where the lawyers go. One of the issues that we found before is that Brad actually had to input each and every hearing. If there were ten hearings at a district judge at 9:00 he had to input each and every one of them individually. Now we found a way so you can do them all at one time. It has probably saved a good hour of his day just by that change alone. The lawyers are now notified if there is a change in the schedule. They get an email, which they did not get before, to tell them that their case has been cancelled or moved to another date. They now get notified of that via email. Those types of changes are making us much more efficient. We've also begun instituting some more training opportunities. In the past we tended to send a few lawyers to very lavish, if you will, continuing legal education. Now we decided that rather than doing that we send many of our lawyers to a number of different smaller events so they get more training. We've also been fortunate enough to have some of the experienced lawyers in the area volunteer to come in and provide training to us at no cost on appellate matters, how to handle appeals, DUI cases and State Parole Revocation matters. Those are the types of things that we are doing, at no cost, to actually bring some of the experienced lawyers out there to explain to our young lawyers how you do these things. I don't want to harp on the fact that we have such a young staff, but the truth is that since we have been there we have brought on seven new lawyers who have two years experience or less. That is out of our 20 lawyers. I

would probably say that there is actually now about ten to twelve that has less than two years experience. Training is very important to Brad and me. We are going to continue to work with the lawyers to make sure they are as well trained and prepared as they can be.

As far as responsiveness is concerned, it is a pet peeve of mine to get back to people. You can't always give somebody the answer they want to hear, but I know people just appreciate a response. Even if you can't tell them what they want to know a response is what matters. I've stressed very much to my staff how important that is to me that they be timely, that they respond to people. I think we have done that already and have shown that to this Board. I know we make it a point that when the judges contact us we get a hold of them hopefully within a few minutes, if not certainly that day. The same thing applies with the district attorneys and the magisterial district judges. It is part of professionalism. It is what you do. That is what we are paid to do. We have been working very closely with President Judge Lewis who has come up with some very good ideas for changes in the Court calendar next year and kindly asked for our input, as well as the district attorney's office. We have worked closely with the Judge on some issues related to central court that I think are working better.

We've tried to make a lot of changes in ten months and I think we have a long way to go. I'm very pleased with where our office is right now. I thank you for your support. I've always been treated very fairly by the Board. You have been very open to our suggestions. Are we done? No, but I think we are moving in the right direction. With that I would be glad to open the floor up for any questions that you may have of Brad and me.

Mr. Hartwick: Just a couple comments. First of all I have seen a change in the amount of complaints that I receive from judges since you have taken over, as well as the amount of professionalism that has been brought to the office by both of you gentlemen. The expectations were high when you came in and thus far you have done what we set out to do in a short ten months. I'm certainly pleased with the direction of the office. One of the biggest things, I know this Board has taken a great deal of effort and a lot of PD offices around the State struggle with trying to gain resources and the right tools to be able to administer the office appropriately. We understood the value of that with this Board by making investments in the legal ed software, as well as the scheduling system. When I came in for the first time when I was taking a look at County government and saw that our lawyers were actually being scheduled based upon a whiteboard that was scribbled and erased by hand. That made me concerned from a liability standpoint, particularly noting that we must be at these hearings. There were certain deadlines that we must make or if we don't we could expose ourselves to a significant liability with not providing the proper representation. Not only have you used those tools effectively now that we have some very computer savvy administrators in the office, but the scheduling software has been an awesome help to be able to communicate directly with the lawyers and as a result the stress of making sure that they are on time, at the location, providing the adequate training has moved the office light years ahead. I'm certainly satisfied with the direction of the office. One other thing

that I want to note is that PD offices can take two different directions. One can be completely resistant in trying to push every envelope to really cost the County taxpayers significant dollars in inefficient management of the office and putting on stays and prolonging the Court system. This particular group of administrators in the Public Defender's Office is viewed as a group that gives extremely competent representation, as good, if not better, than private representation that is out there in the community. You are the largest defense law firm in Dauphin County and ultimately you play a major role with other departments in order to make sure the criminal justice process moves along a whole lot more efficiently. That also keeps in mind that we have an obligation to taxpayers as well. Those are just my key points of note. I want to thank you guys for doing the job extremely well.

Mr. DiFrancesco: I simply want to add that this was an office that had some challenges before it and we laid those out very clearly to you when you came on board. Based on a lot of things that you have already said, the responsiveness has been greatly improved. The fact that you have brought the office to the modern day from a technical standpoint means everything in the world. It wasn't even so much that we were stressed for employees as much as those employees just weren't being used efficiently, because of all the things that Commissioner Hartwick mentioned such as the whiteboard and everything else. I want to commend you for working very hard with these people. I also want to commend the President Judge for making the changes that he has made, which again are basic commonsense items that have just allowed people better control of their schedule. If you take a look at where it was before you came in and where it is today we are just light years ahead of where we were. I want to commend both of you for the very good job that you have done.

Mr. Haste: I agree with everything they said so I won't belabor that point. I used to get a lot of calls from a couple judges and I didn't think about it until you mentioned it I haven't gotten one since. That speaks for...

Mr. Rapp: That's a good thing. We will try to keep it that way.

Mr. Haste: The only question that I have is the hearings that are going on now with the City DJ's that moved out, how is that working out for you guys?

Mr. Rapp: That works out very well for us as opposed to having to send six or seven lawyers out to the six City DJ's, we get to send two or three to central court. That allows our other lawyers to go somewhere else or work in the office on their cases. We were finding that was the problem when you have to cover 17 DJ offices around the county. This makes it much more efficient for us.

Mr. Haste: I assumed that was the case, but I just wanted to make sure.

**Edgar Cohen, Director of Facilities Maintenance**  
***Update on Facilities Maintenance Activities***

Mr. Cohen: I'm here to give a brief overview of the Facilities for the County and to touch on a couple projects that we have ongoing. Starting with the Veterans Memorial Building, of course you know that Graystone is doing renovations and they are taking over another floor, the 5<sup>th</sup> Floor. Basically the County itself is working with the General Contractor to make sure that things are done in the way that the County would like to see. That is moving well. Also on the 4<sup>th</sup> Floor, the County Maintenance staff has created a recessed wall to house the soda and snack machines for the building. That is about 80% completed. Bulk Storage, HRG, the County's engineers, has prepared a document for a roof replacement. We should be getting plans back.

Mr. Haste: Is that for the whole building?

Mr. Cohen: For the whole building correct. It will go a lot quicker than the Courthouse. There are not that many challenges with that as there was with the Courthouse. It is more square footage than the Courthouse, but the hassle is not there (parking and equipment). The Prison, I'm meeting with the Warden this Friday to go over the reports that were given to me from HRG about the costs. The cost is pretty high out there so we need to decide on which way we want to go as in breaking up in sections or do the whole section. As I get more updates, I will update all three of you regarding the Prison roof itself.

Mr. Haste: Will Dave be at that meeting as well?

Mr. Cohen: I'm pretty sure. I emailed both of them and the Warden responded back. The Courthouse roof is complete. Everything except for a small section, about 500 square feet, is complete. It is the overhang at the Front Street Entranceway, which was omitted from the bid. You will be seeing a change order for approval to get that completed. That is something that is going to be pretty detailed. They have to put scaffolding up to get to this portion of the roof. Next week we should have that bid.

I have been working with Marie and her Assistant in the Controller's Office on some renovation projects that are being undertaken. Basically we will be starting in the kitchenette area and working out. All work for the kitchenette area will be done after hours. Mr. Baratucci will be discussing the bid for the carpet. That is actually under the cost that I projected. We are updating the HVAC controls in the area so they can have a lot better balance in temperature. They have struggled with temperature control because of the two systems, old and new. We are installing a new ceiling. We are actually putting up drywall, which is being done at nighttime. That area will be equipped with sprinklers and smoke detectors, basically updating every piece of the office itself. We have a piece of equipment that purifies the air so there is no dust at all. It is really nice and it works out well. Marie expressed that concern because we don't want to move their employees out of that office area. We are rearranging items and moving people. We are covering the files just for some light dust. The dust is minimal.

Starting the week of the 24<sup>th</sup>, the Courthouse basement men's bathroom is starting. We will be replacing the toilets, urinals and sinks. These are items from the 1940's. We

can't get any parts. Once the men's is completed, we will move over to the ladies and then working our way up through the building itself.

The department is busy. There are some days that we have a little bit of time to breathe. Basically on those days we work on our preventive maintenance items. You will see in my 2008 package for some more enhancements in my facility and I hope you take a strong look at them and we can discuss them at a later date. That is all I have. Do you have any questions for me?

Mr. Hartwick: Just an update on the Upper Dauphin Human Services Center.

Mr. Cohen: They will be moving back as of next week, according to Sandy. It looks like everything is well.

Mr. Hartwick: Do you have a date?

Mr. Cohen: I'm not sure. I believe Fred is here.

Mr. Lighty: They are moving back now.

Mr. Hartwick: Are we going to try to get that done this week?

Mr. Lighty: Yes.

Mr. DiFrancesco: How has the leaking problem been resolved now in the Prothonotary's Office and so forth?

Mr. Cohen: I had no problems. What little problems that we had in Courtroom 8 was nothing that dealt with the roof itself. It was actually piping that sprung a leak. The roof is great. It has a 15 year warranty on it.

Mr. DiFrancesco: The bucket has come out of the Prothonotary's Office?

Mr. Cohen: We have no issue there. The so called bucket was removed.

Mr. DiFrancesco: I just wanted to make sure the water stopped flowing.

Mr. Cohen: Yes.

## **PERSONNEL**

Ms. Lengle: I have several Salary Board items. Are there any questions on any of those?

Ms. Rebeck: I have one question. The Register of Wills – is this going to be within the guidelines of what is allowed for the unions?

Ms. Lengle: Dave Schreiber is checking into that. He said that the union can't dictate our staffing needs or how we staff the office. He is notifying the union as a courtesy.

Mr. Haste: That's part of the 1620 rights.

Ms. Snyder: They are both vacant positions right now.

Mr. Haste: Any more Salary Board questions? (There was none.)

Ms. Lengle: With the Personnel Packet there is also an Addendum. Are there any questions on the Personnel Packet? (There was none.) I would like to point out that New Hire #11 we are requesting to waive the benefit waiting period. I forgot to note that. I do not have anything that requires a vote today.

Mr. DiFrancesco: You may have been looking at the overtime coming out of Schaffner. As you all know we are finally down in numbers in terms of having kids out at the facility. Our staffing numbers are down in that regard. The problem has been that we have had an awful lot of one-to-one watches with potential suicide watches, things of that nature. It is driving costs up. We have a very strict policy where when we have somebody on watch literally the person that is watching them is within arms length to make absolutely certain nothing goes wrong. That is driving the overtime costs up.

Mr. Hartwick: If I can just make a comment about that. I understand we need to do that Nick and I understand the reason behind it. The problem that I see, I guess, is a lot of kids understand that they get special attention if they make that claim.

Mr. DiFrancesco: These are...

Mr. Hartwick: I understand we have to do it. It is bad when kids start playing the system and getting individual attention.

Mr. DiFrancesco: If you look into it these are not kids playing the system. They are pretty bad cases. I do tend to watch what is going on. A lot of the issues that we are dealing with right now we have talked about more prevalently at the adult level with the mental health issues and stuff. We are seeing an awful lot of really bad cases coming through right now. One of the challenges that we face is the fact that the bottom line is we don't have the trained mental health professionals out there for some of these cases and we really have to take additional steps to try to bring more direct service in through mental health. We are actually talking right now about adding Dan Eisenhower to the Schaffner Advisory Board as a regularly attending member, because these issues are becoming more and more prevalent and more serious.

Mr. Hartwick: I guess trying to get somebody out there that would be able to provide that direct treatment is a challenge as well, just like it is...

Mr. DiFrancesco: I want to commend staff, not only Schaffner staff, but Children and Youth staff and Human Service staff because they are really focused on trying to bring the services in there that need to be in there. As you all know we have really struggled with psychiatric evaluations and so forth. Staff has really made it a strong committed effort to try to find resources and the problem is that the resources in the community were just not available to us. They are doing a much better job. We do have medical doctors now that are willing to take the time and do the psychiatrics and it is helping us move kids a little bit more quickly through the system, although it is still a problem.

Mr. Hartwick: Just for those in the audience the challenge with trying to get somebody out there to do the psychiatrics is the medical assistance reimbursements that are required to pay these individuals to come out to do the service, those reimbursement rates are so low it is hard to find individuals to come out and spend time during their day within their practice to give those evaluations. That is something that was forced through the Department of Public Welfare and has really posed a great challenge for the Board.

Mr. DiFrancesco: These psychiatrics take a lot of time and commitment on the part of the doctor who is doing them. It is a challenge. Again, our staff is coming through. They are finding doctors that are willing to come out. I have been very impressed over the last couple of months with how all of our staff and again it is not just Schaffner staff, it is also Human Service staff, Juvenile Probation staff has really stepped up as a team to try to overcome some of these challenges that we have right now.

Mr. Hartwick: I just heard and I need to spend a little time out there, but I hear that there has been a couple of kids that have come through who tried to manipulate the system, just like everything else, in order to get special attention. We do have a lot of individuals who do have special needs that need that one-on-one. I'm sure we are doing a good job of identifying who they are. It is tough without that psychological backup to determine who really needs it.

## **PURCHASE ORDERS**

Mr. Baratucci: You should have all received the Purchase Order Packet yesterday. There are a number of budget issues that we need to resolve between now and next week. If you have any questions on the Packet, I will be happy to answer them. I also have a couple other items.

Mr. Hartwick: Who is the Judge in Court Room #7?

Mr. Baratucci: Edgar says it is Judge Turgeon. Are there any other questions on the Packet? (There was none.)

Edgar in his report referred to the flooring in the Controller's Office. Two bids were received. The low bidder was Spectra, who are the same people that did the flooring in the District Attorney's Office. The bid was \$7,422. As it turned out it was so low that we would have been able to get away with just quotes, because it was under the \$10,000 figure. The estimate was more than that. It is always good when you come in less. I would like to get your approval today, if I could, so we can proceed.

**It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve the low bid from Spectra in the amount of \$7,422 for flooring in the Controller's Office; motion carried.**

Mr. Baratucci: In addition, Mr. Guenther asked me to bring something before you on remote access card approval. There is an email there from Tom and from Carolyn Thompson. They are recommending, there are three requests attached all for Adult Probation to be paid for out of Supervision Fees. The explanation in the email is to give the remote access air cards to three employees working out of the Millersburg Police Center. Again it was Supervision Fee money. Tom and Carolyn both thought it would be a good idea to solve whatever communication issues they are having up there. These can wait until next week. They are there for your review. I would like to get a vote on this next week.

### **TRAINING PACKET**

Mr. Haste: As I see it there are four items - #1, #4, #6 and #7 that we need to act on.

Mr. Saylor: That is correct.

**It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve Items #1, #4, #6 and #7 of the Training Packet; motion carried.**

### **ITEMS FOR DISCUSSION**

A. Tax Refunds:

1. Refund of 2007 Real Estate Taxes, 18 E. High St., Parcel #42-025-007, George Giangli and Gloria Sisak - \$379.15.
2. Refund of 2002, 2003, 2004, 2005, 2006 and 2007 Real Estate Taxes, 767 N. River Rd., Parcel #29-007-020, Larry Leese - \$211.96.
3. Refund of 2002, 2003, 2004, 2005, 2006 and 2007 Real Estate Taxes, 5010 Locust Lane, Parcel #35-057-341, Carl and Carol McHugh - \$159.91.

B. Approval to extend Special Counsel Appointment of Mette, Evans and Woodside, indefinitely, until Incinerator issue is resolved. **(\*\*\*A VOTE IS REQUESTED 9/19/07\*\*\*)**

- C. Amendments to Subrecipient Agreements between Dauphin County and the Housing Authority of Dauphin County. **(\*\*\*A VOTE IS REQUESTED 9/19/07\*\*\*)**

Mr. Haste: We have Items on the Agenda for discussion, two of which B and C we are requesting a vote.

**It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve Items B and C, listed above under Items for Discussion; motion carried.**

### **SOLICITOR'S REPORT – BRUCE FOREMAN, ESQ.**

Mr. Foreman: We have nothing to add to the report which was circulated. Are there any questions? (There was none.)

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

Mr. Saylor: I have nothing except to add that just for the record we have not received any correspondence from either City Council or the City Authority regarding the Incinerator to date. Unless there are any questions of me that's all I have. (There were no questions.)

### **COMMISSIONERS' COMMENTS**

Mr. Haste: I think it is appropriate that we do recognize in the minutes and we acknowledge the passing of Judge Dowling. Those of us who have worked in and around the Courthouse for a number of years knew of his work ethic and his style for writing. He had some interesting opinions when you would read them. He at least made it entertaining. He is a member of the legal community and will be missed.

### **PUBLIC PARTICIPATION**

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

### **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