



DAUPHIN COUNTY BOARD OF COMMISSIONERS

WORKSHOP MEETING

OCTOBER 19, 2011
10:00 A.M.

MEMBERS PRESENT

Jeff Haste, Chairman
Mike Pries, Vice Chairman
George P. Hartwick, III, Secretary

STAFF PRESENT

Laura E. Evans, Esq., Chief Clerk; Marie E. Rebeck, Controller; Janis Creason, Treasurer; William Tully, Esq., Solicitor; Randy Baratucci, Director of Purchasing; Fred Lighty, Esq., Human Services Director's Office; Leila Brown, Solicitor's Office; Amy Richards, Press Secretary; Steve Libhart, Director of EMA; Dave Schreiber, Human Resources; Kay Lingle, Human Resources; Greg Schneider, Budget & Finance; Edgar Cohen, Director of Facilities Maintenance; Mike Potteiger, Director of Adult Probation; Steve Chiavetta, Director of Registration & Elections; Julie Mackey, Commissioners' Office; Abby Gabner, Commissioners' Office; Brenda Hoffer, Commissioners' Office and Richie-Ann Martz, Assistant Chief Clerk

GUESTS PRESENT

Mark Nobile and Gene Stilp

MINUTES

CALL TO ORDER

Mr. Haste, Chairman of the Board, called the meeting to order at 10:13 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?

Mr. Stilp: Gentlemen, in the past two weeks, at home in my mailbox, I received issues of Dauphin County NOW, the publication I assume was put out by Dauphin County. About two weeks before that one I noticed that it says that it is not paid through any property tax monies—no public monies have been used to produce this. What is the funding source for the two different recent Dauphin County NOWs that have come out? Does anybody know the funding source for these different things?

Mr. Tully: I believe they are sponsorship dollars. We would have to look and confirm. I don't want to just give you an answer off the top of my head.

Mr. Stilp: When you say sponsorship dollars, what do you mean Bill?

Mr. Tully: Contributions.

Mr. Stilp: Contributions from different programs or?

Mr. Tully: I'll check into that and will let you know.

Mr. Stilp: Regardless, we have an election coming up and obviously your pictures are prominently displayed. At the State level there is a ban on using, if you will, publications associated with the office. There is a ban on using that during election times. If there is not an ordinance that says that this should not be utilized, I would suggest that, in the future, you adopt an ordinance for Dauphin County that says that any county publication shall not be utilized for the appearance of electioneering. Your pictures appear on these publications numerous times. That might be a good thing to do in the future or keep the publications that are needed for the public, especially the Medicare publication and also the flood publication allowing people to know about the opportunities for flood help, but eliminate anybody who is running for office from those publications, pictures, etc. That would keep things separate. That is all. Thank you so much.

Mr. Haste: Is there anyone else that would like to address the Board at this time?
(There was none.)

DEPARTMENT DIRECTORS/GUESTS

Mr. Hartwick: This is not on the Agenda. We have someone amongst us today that is not expecting us to provide a Proclamation, but based upon a historic birthday that occurred yesterday and one that I wanted to note on public record for one of our own, Steve Libhart. Part of me wanted to do the Proclamation, I just wanted to make it very clear on the public record that I do not turn 40 until another two weeks so he is older than I am. I also want to make sure that the time did not go by without being able to recognize somebody who has been put through a lot of challenges lately and has really done a bang up job in a short amount of time for us in his new role at EMA. I know he was a valued member of our team when he worked for the District Attorney's Office and so far in dealing with the significant number of natural disasters and floods, although I think you might need to have a better conversation with God about the future for Dauphin County and hopefully avoiding natural disasters. He certainly has come in and been a stabilizing force and one that I know has added significant credibility to an already stellar operation out there.

(Mr. Hartwick read the following Proclamation.)

Office of County Commissioner **Dauphin County, Pennsylvania**

Proclamation

We, the Dauphin County Board of Commissioners, are delighted to join many loving friends and family members of Stephen B. Libhart in wishing him a very happy 40th birthday;

Whereas, forty years ago, on October 18, 1971, Steve was born into a much different world free of cell phones, personal computers, the iPod and the Internet;

Whereas, Steve began working at the Dauphin County District Attorney's Office in 2005 as a Criminal Justice Administrator and was selected in March 2011 to lead the County's Emergency Management Agency;

Whereas, Steve, or as some colleagues call him "The Jinx," has presided over more disasters in six months than Pauly Shore did over an entire career—earthquakes, tornadoes and floods; all he needs is a plague of locust;

Whereas, not only did Steve coordinate response and recovery for several natural disasters, including Hurricane Irene and Tropical Storm Lee, but he did so with poise and professionalism, earning him the respect of employees at the Emergency Management Agency and 9-1-1 Center;

Whereas, a proud father of two beautiful girls and loving husband to Stephanie, this Dauphin County native and Susquehanna Township graduate also served in the United States Navy for nine years, earning multiple Navy Achievement Medals, the Global War on Terror Expeditionary Medal, and the list goes on;

Therefore, we join the 268,000 residents of Dauphin County in applauding the rich life of Steve Libhart and in celebrating his 40th birthday; we wish him many more years of good health, close family ties, fond memories and enduring success; and, in grateful recognition thereof, we are delighted to declare October 18, 2011 as "Stephen B. Libhart is 'Over the Hill' Day" in Dauphin County.

(Applause was given.)

Mr. Haste: I've heard that things at the Navy and the DA's Office have gotten quieter of late.

A. Dauphin County Commissioners

1. Proclamation – Harrisburg Mall (Disaster Recovery Center)

Mr. Pries: That's my lead into the next Proclamation. Obviously Steve and the folks out at EMA did a tremendous job. Steve left his family vacation at the beginning of Tropical Storm Lee to come back and run the show for us at the County. As I mentioned before, the Federal, State, County and Local cooperation and communication was top notch during this time when the northern end of the County was literally cut off from the southern end and our first responders were out there rescuing people.

At this time I would like to read the following Proclamation for Harrisburg Mall who stepped up to the plate and assisted the residents of the County area in their time of greatest need.

Office of County Commissioner
Dauphin County, Pennsylvania

Proclamation

We, the Dauphin County Board of Commissioners, take great pride and pleasure in joining with the community at large in paying tribute to the caring and capable staff of the Harrisburg Mall for offering to help this flood-ravaged capital county in the wake of Tropical Storm Lee;

Whereas, Harrisburg Mall made it possible for the Federal Emergency Management Agency (FEMA) to establish a Damage Reporting Center (DRC) in Dauphin County to help families who were impacted by flooding apply for Individual Assistance (IA);

Whereas, Mark Nobile, Vice President and General Manager; Jessica Laverty, Marketing Manager; Brad Corpman, Operations Manager; Arletta Metzger, Specialty Leasing Manager; and the mall's Security and Customer Service gave countless hours of their time to ensure the DRC, located on the second floor of the mall, operated smoothly;

Whereas, thanks to Harrisburg Mall, individuals who had homes or businesses damaged or destroyed by this historic flood were able to quickly and easily apply for Individual Assistance through FEMA;

Therefore, we join the 268,000 residents in applauding the many selfless volunteers and workers who have devoted much time and resources to assisting those in need during Tropical Storm Lee, and long after the flood waters have receded; Harrisburg Mall continues to be a caring community partner, and we cannot thank them enough for their exemplary service to the public during one of the worst natural disasters to hit Central Pennsylvania in decades; and, in grateful recognition thereof, we do hereby proudly proclaim October 19, 2011 to be "Harrisburg Mall Day" in Dauphin County.

Mr. Pries: I believe we have a representative from Harrisburg Mall here. Could you please come up?

(Applause was given and pictures were taken.)

Mr. Libhart: I just wanted to put on the record some things that I don't think you are aware of and how it relates to this Proclamation, specifically Mark and his management team at the Harrisburg Mall. As you recall, we were asked by PEMA, I believe it was on or about September 10, to identify a location in Dauphin County for a damage reporting center. We were initially told we should have that information available on September 16th by 5:00 p.m. The next day we were told at Noon that we needed that location identified, secured and ready to operate by the following Wednesday, which would have been the 12th or 13th of September. We had to identify that basically in 24 hours. I can't imagine, without the cooperation of Mark Nobile and his ability just to say we have the space, you come in and get it, don't worry about funding we don't need that and we will take care of everything else. True to his word, that DRC was opened in record time anywhere throughout the country. We had the quickest turnaround in the opening of a DRC of anybody. It was due in large part to the efforts of Mark and his staff. Their willingness to cooperate with us, their dedication to helping the public and not looking at it as a business opportunity. I just cannot thank him enough for his continued support of the DRC and his management team's continued dedication to ensure it's a success.

Mr. Nobile: Thank you very much. I've got to tell you that it is unfortunate that we have the space to make it so readily available, but we are always here for the County in anything they need. These guys have been great to work with. You should be really proud of Steve and his gang. It was easy to get this done. We had the space and I heard there was an opportunity and we had it set up probably within an hour or two. It worked out well for everybody and we are glad to help anytime. If you need us just let us know.

Mr. Pries: We appreciate that, but we hope we are not going to need that type of service anytime soon.

Mr. Haste: As long as I've been here, Harrisburg Mall has been a good partner with the County. The Mall has always been a great partner. Thanks a lot Mark!

HUMAN RESOURCES

Ms. Lengle: Do you have any questions on the Salary Board item? (There was none.) Are there any questions on the items in the Personnel Listing? (There was none.)

PURCHASE ORDERS

Mr. Baratucci: You should have all received the Packet from yesterday. If there are any questions, I'll answer them now or they can be directed to me between now and next week before approval. (There was none.)

I'll give you a quick overview of why these guys are here. As you know we do purchase orders for almost everything that comes through. The one exception is we do not do purchase orders when the funding is coming from a source that has their own checking/banking account that they pay out of. Anything that goes through the Controller's Office, whether it be regular funding, supervision funds, drug forfeiture funds, all that stuff we still do purchase orders based on agreements with those facilities that have those funds. The one exception is the departments that have their own accounts. The one that I can think of and the one that caused the confusion here and why they are here to explain are the commissary funds. I believe my recollection is the Prison and Work Release are the only two that I'm aware of that have commissary funds. There was some confusion when Adult Probation had contacted Edgar about purchasing some cars, again, with the money outside of the normal budgetary thing. We didn't get a purchase order and Marie, as the Controller, asked that the Commissioners approve the payment of these funds since we didn't have our regular PO. I think these two guys, since they communicated with each other, are going to explain how it happened.

Mr. Cohen: I usually order the vehicles for different departments and I just ordered some vehicles for Work Release and then Adult Probation contacted me. To make a long story short, I asked Mike Potteiger where these vehicles are to be paid through and if they would be paid through the commissary fund. He responded back to me and said yes, they would be paid through Act 35. I had no idea what Act 35 was. I was assuming when he said yes is commissary. Act 35 is Supervision Fees. I realized that a purchase order is needed when using Supervision Fees. I didn't realize that Act 35 was Supervision Fees. I went ahead and ordered the vehicles. The vehicles came in and then I found out that they were Supervision Fees. Basically I'm here to ask for the Commissioners to sign off on the document here so that the Controller's Office can pay for these vehicles. I'm not sure if Mike wants to say anything.

Mr. Haste: You don't have Commissary Funds anymore?

Mr. Potteiger: No, we were split three years ago between offices. So, there was some miscommunication on my behalf. I said Act 35. There was just some dialogue that was different. The vehicles were approved by the Courts, Carolyn Thompson, to purchase. It was just my oversight of not using the proper language that they are used to down here rather than what I use. I apologize for that.

Mr. Haste: Act 35 was never commissary.

Mr. Potteiger: No, Act 35 was never commissary.

Mr. Haste: Who normally does these POs? Do you do them for all departments?

Mr. Cohen: I do.

Mr. Haste: How many vehicles are you getting?

Mr. Potteiger: We received three.

Mr. Haste: We already have them?

Mr. Potteiger: That is correct.

Mr. Haste: Prior to approval?

Mr. Cohen: Usually how it works is if it is a purchase order it goes through the packet and then once it gets approved, the vehicles get ordered. Since there was no need for a purchase order, which I've done before, it doesn't go through the packet. I send a letter to the vendor on the State contract saying that there would be no purchase order to follow.

Mr. Haste: These are off the State contract?

Mr. Cohen: Yes, off the State contract.

Mr. Haste: Marie, what do you need?

Ms. Rebeck: Basically I need a letter of approval, signed off by the Commissioners.

Mr. Cohen: Is the letter to the vendor okay?

Ms. Rebeck: That is fine as long as the three Commissioners sign off on it.

Mr. Baratucci: Because the items are already here and they are already invoiced, it seemed redundant to go back through and do a purchase order now. So, in lieu of going back and doing a purchase order that should have been done to begin with, this was something that the Controller's Office could accept if you guys signed off on the letter that was used to order, again, mistakenly believing that these funds were coming from commissary, which is why there was no PO.

Mr. Hartwick: There's no procedural difference that would get us in any legal trouble that all we would need is a simple authorization. We don't want to set up a new process here.

Mr. Haste: We can't. That is part of the reason, because we didn't follow the process.

Mr. Baratucci: Normally the Courts approve all the Court stuff, but there is a memo of understanding for things like drug forfeiture funds and, in this case, supervision fees that even though the Courts approve it, it still goes through on a purchase order, because it is being paid by our Controller's Office. That was the deal that was reached with our Solicitor and the offices in question. Normally this would have just come through on a

purchase order, but the only time we don't do them is commissary funds, because they don't go through the Controller's Office. They have their own account that they write checks out of. The mistake here was the confusion between using the term commissary fund and Act 35 and it was just a mistake between the two individuals that were going back and forth trying to get the vehicles ordered. The only other option, if you don't want to do this, is we could recreate a purchase order for the next time and do it that way. The vehicles are already here. The invoice is already here. It just seems redundant at this point.

Ms. Rebuck: It is after the fact.

Mr. Haste: One of my concerns here, again, for a little while the Courts didn't seem to have problems, but over the last month it appears that we are getting a number of things after the fact from the Courts. We've had employees hired and then not hired before paperwork is ever done. Now we have purchases occurring without things going on. Especially when we are being asked to keep a lid on costs, I think we need to be a little more prudent with what we are doing and making sure we are following the procedures. Again, if we would have followed procedures this probably would not have been an issue. We just need to make sure. I don't have a problem ratifying this. I think that is the appropriate way we should do this.

Mr. Tully: To satisfy the code, it requires a vote of the Commissioners to spend the money. That would satisfy it. Obviously the concern is going forward that it all be done by a purchase order to keep it clean.

Mr. Baratucci: We now realize that Adult Probation does not have their own commissary fund. So, there won't be this confusion. Part of it was for many years Probation and Work Release were a combination and funds were used and it was just missed by everybody. I know Edgar actually wrote me a requisition and wrote on it in place of the code he wrote commissary funds. I gave it back to him and said if it is commissary fund we don't need a purchase order. Again, the confusion came in with the terminologies.

Mr. Haste: Do these replace other cars or are these added to the fleet?

Mr. Potteiger: No, they replaced three other cars that went to the auction, that had over 100,000 miles.

Mr. Haste: Have you taken care of notifying Garry or Donna for insurance?

Mr. Potteiger: I emailed Donna and everybody.

Mr. Pries: What other departments still have the commissary funds?

Mr. Baratucci: The only two that I'm aware of are the Prison and Work Release. Is that correct?

Mr. Pries: If they wish to do something similar to this, they can out of their commissary funds?

Mr. Baratucci: That is my understanding.

Mr. Pries: Couldn't everyone just do a purchase order so it is...Does the Prison Board do a purchase order?

Mr. Haste: They don't need to do a purchase order. They do a requisition.

Mr. Pries: So, there is official paperwork that goes through.

Mr. Hartwick: It is approved by the Prison Board.

Mr. Baratucci: The other thing that comes up and we have had this discussion many times is the Courts, I guess controls, for instance in this case, the supervision fees, of where the money can be spent and what it can be spent for. Am I correct on that? We did get them to agree even though they make that decision we are still going to put it through.

Mr. Haste: So, we don't have this problem, because it really causes Marie problems, there is still an administrative procedure that we have to follow no matter who controls it or she has difficulty in being able to pay.

Mr. Baratucci: That is why we set up this procedure and we are just here to explain how and why it didn't get followed this particular time. We'll make sure it doesn't happen again.

Mr. Haste: It is clear now too.

It was moved by Mr. Pries and seconded by Mr. Hartwick that the Board ratify the purchase of three Chevrolet Impalas from Hentrich Fleet Services (State Contract) that were purchased by Adult Probation, at a price of \$17,065 each.

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

Mr. Cohen: I would also like to report on one other thing. In the Purchase Order Packet, there is a requisition, Page 17, for Bulk Storage. I'm asking to get a pre-approval on it so that we can get the company in, because if the temperature gets lower, it needs to stay above 40 degrees, for the sealant to happen. It is only showing two quotes, but the third one is on its way. The third one is still more than the one that is in the packet. I have three quotes from Houck, Eagle Ridge Contracting and Amerifix.

I spoke to Amerifix and they gave me a verbal quote over the phone. It is more than what is on the requisition.

Mr. Baratucci: From what I'm hearing from various sources, this is something that everyone wants to happen as soon as possible. You can officially approve it next week, but he would like permission to get started on the project so everybody can be satisfied and the work is being done as timely as possible.

Mr. Cohen: It takes about three or four days to set up. You have to prewash the walls. After the walls are washed then you apply the applicator.

Mr. Haste: Is it applied on the outside or inside?

Mr. Cohen: Outside of the building. My concern is to keep things moving, because of the weather. Temperature plays an important part in placing the sealant on the walls.

Mr. Pries: We have three quotes and this is the lowest quote for the work.

Mr. Baratucci: The weather is supposed to be nice the next couple of days so we can get started if you guys are okay with that.

Mr. Pries: What page number?

Mr. Baratucci: Page 17 in the Packet.

It was moved by Mr. Pries and seconded by Mr. Hartwick that the Board approve Eagle Ridge Contracting for the restoration of the walls at Bulk Storage for building repairs and maintenance in the amount of \$37,795.

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

TRAINING PACKET

Mr. Haste: I believe there are two items that we need to deal with, Items #1 and #3.

It was moved by Mr. Hartwick and seconded by Mr. Pries that the Board approve Items #1 and #3 of the Training Packet.

Question: Mr. Haste – Aye; Mr. Pries – 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 revised Report, but happy to answer any questions you might have. (There was none.)

CHIEF CLERK'S REPORT – LAURA E. EVANS, ESQ.

Ms. Evans: Tomorrow at 12:00 Noon in Court Room 4, Dauphin County Drug Court will graduate one individual who completed drug and alcohol rehabilitation. To graduate, participants must make weekly court appearances, maintain employment, remain drug and alcohol free for a minimum of six months and work toward treatment goals. This program saves more than 6,000 incarceration days annually and approximately \$250,000 in savings to taxpayers.

COMMISSIONERS' COMMENTS

(There was none).

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.)

ADJOURNMENT

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

Transcribed by: Richie-Ann Martz