



DAUPHIN COUNTY BOARD OF COMMISSIONERS

WORKSHOP MEETING

TUESDAY, MAY 6, 2003 (10:00 A.M.)

MEMBERS PRESENT

Jeff Haste, Chairman
Lowman Henry, Vice Chairman
Anthony Petrucci, Secretary

STAFF PRESENT

Robert Burns, Chief Clerk; Julia Nace, Assistant Chief Clerk; Bill Tully, Esq., Solicitor; Guy Beneventano, Esq., Assistant Solicitor; Marie Rebuck, Controller; Bob Dick, Treasurer; Joseph Kleinfelter, President Judge; Randy Baratucci, Director of Purchasing; Mike Yohe, Director of Budget & Finance; Rick Wynn, Director of Human Services; Mike Pries, Director of Safety and Security; Edgar Cohen, Director of Facility Maintenance; Jennifer Kocher, Director of Communications; Dan Robinson, Director of Economic Development; Anthony White, Director of Fiscal Affairs; Steve Sukniac, Director of Juvenile Probation; Cindy Melamed, Spring Creek Administrator; Bob Knupp, Esq.; Greg Schneider, Commissioners' Office; Jane Gordon, Commissioners' Office; Kacey Truax, Commissioners' Office; Dan Mosel, Human Services; Gary Serhan, Controller's Office; Sharon Ludwig, Personnel; Lorrie Bushman, Personnel; Garry Esworthy, Risk Manager; Diane McNaughton, Communications; Melanie McCaffrey, Solicitor's Office; Benn Smith, Economic Development; George Connor, Economic Development; Dominick DeRose, Warden; Shari Eagle, Information Technology; Jim Albert, Commissioners' Office.

GUESTS PRESENT

Jack Sherzer, Patriot-News; Sondra Mosten, Bill Cluck, Omar Syed, Bob Disabella.

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 are actually conducting two meetings at once. We are conducting what would have been the April 22nd Legislative Meeting and today's Workshop at the same time. So before us we have Minutes and it looks like we can approve all of those Minutes for today under our Legislative Session. So we have Minutes from March 26, 2003 Legislative Meeting, March 26, 2003 Salary Board Meeting, April 1st Workshop Meeting, April 8th Legislative Meeting, April 8th Salary Board Meeting, April 15th Workshop, April 15th Election Board and the April 15th TEFRA Hearing. So if I could have a motion for all except the April 15th Election Board Meeting.

Mr. Henry: So moved.

Mr. Petrucci: Second.

Mr. Haste: All those in favor signify by saying, aye.

All: Aye.

Mr. Haste: Motion carries. Commissioner Henry, I will let you do the Election Board.

Mr. Henry: Ok. We actually only have two members of the Election Board but that would be a quorum. So we will convene a meeting of the Dauphin County Election Board. We have Minutes of the April 15, 2003 Meeting to approve. Do we have a motion to do that?

Mr. Petrucci: So moved.

Mr. Henry: I'll second it. All those in favor signify by saying, aye.

Mr. Petrucci: Aye.

Mr. Henry: Aye. And we will adjourn.

EXECUTIVE SESSIONS HELD BETWEEN MEETINGS

Mr. Haste: Back to the Commissioners' Meeting. The next item is Executive Sessions held between meetings, Bob.

Mr. Burns: Mr. Chairman, there were no Executive Sessions since our last public meeting.

PUBLIC PARTICIPATION

Mr. Haste: Public participation. We are at the time in the meeting where we open the floor up to anyone from the public that would like to bring a matter before the Board. Would you please come to the table, give your name and speak into the microphone?

Mr. Disabella: My name is Bob Disabella. I'm President of the Labor Local 1180 here in Harrisburg. I placed the two pieces of paper in front of your chairs this morning. That is concerning the work that is going on at HIA. They just put out a bid for a terminal package. It was first bid in February of this year. A contractor got it, won the general contract by three million dollars. A month later they decided that they were going to have them what they call re-bid, I call redirect the bidding. There were four prime bids on the first one. They made three to four resubmit bids for the general contractor, for heating and air conditioning, and for the electrical. The fourth one they didn't have re-bid. The three that they re-bid were union contractors, the fourth one wasn't. The reason why they stated the re-bid was manufacturing and designing. On the general contract side, I asked them what was the difference on the price and was it the same price for all the contractors? They said, yes. On the re-bidding of it the contractor that came in second three million dollars less than the first, won the bid. What I want to bring to you and just to notify you and the general public, how can a contractor make up three million dollars if the make up cost was the same for contractor A & B? How can they do that? When a contractor bids a project, after the bids are submitted and brought to public attention it's up for the public. So that means if they are going to do a re-bidding contractor being those contractor's prices and vice a versa. So he can make up. But still three million dollars is a lot of money to make up. I know there is somebody from your Dauphin County Commissioners, from the City of Harrisburg, etc. sits on SARAA's Board. I was at SARAA's meeting last week, I spoke to them and they just seemed to do whatever the Director of HIA says, it's almost like a rubber stamp. They don't question it. A couple questioned it and that was it. They made a motion. For the air conditioning and heating units the contractor, he even gave a price where he can save the airport authority \$200,000 on his initial bid and he proved it to them. They threw that out. The second contractor came in and beat him out on the second bid. Mr. Tessa said, well you missed that day we were offering mongrel units. The word mongrel was his exact words. Well those mongrel units were going to be made in York, Pennsylvania by York International. They are a one business as anyone in business knows. So he's calling them a mongrel. We're still trying to fight and me as President

of the Labor Union and different other people, there are those other sectors fighting this. On the electrical part on the first bid there was only one electrical contractor who bid it. So you would think they would get it, right? They made them resubmit the bid again. And again no body challenged them on the bid.

What I'm saying is this is not re-bidding, it's redirecting the money to what contractor you want. The two papers in front of you stating the first one that Kinsley Corporation put out stating that if you were not a contractor from York County or someone from that area, who would approach you about bidding on it as a subcontractor to charge them 15% more. That's illegal. A month or so later, they send the second one out saying they did come out of our office but it's a joke. What kind of joke is that? If I was able to receive it on my fax machine and other people in the public, other contractors, say okay I'm from Lancaster County or I'm from Berks County, I'm not going to bid because they are going to charge me 15% more. We feel that Kinsley Corporation should....they got the contract for general contractor bid. We feel they should be thrown off the joke for illegalities. We are trying to pursue the illegalities by sending false statements out to the general public. That is what I came to say and I hope you take that into consideration. I know, like I said, you Dauphin County Commissioners, have someone represented on that Board of SARAA. Things have to be checked out especially Mr. Fred Tessa because like I said, I was at the meeting and it seemed like whatever he said was rubber stamped. It wasn't discussed. It wasn't debated. After the public forum, if you have something to criticize or proof against him you are not allowed to say. I gave paper work to the Commissioners. I gave what I called the eagle packages, about 50 pages, I didn't bring them here today but just on Kinsley. Over the last five years they had \$139,000 of OSHA violations. They had EPA violations. They have law suits pertaining to people that were harmed or killed on their jobs. I don't care how much money or how big a corporation you are, if you have these items against you how can you be pre-qualified to bid on any project of that.....Thank you.

Mr. Haste: Thank you. Are there any questions?

Mr. Petrucci: I want to make a comment just to try to summarize what I think I hear you complaining about. It's your sense that the Airport Authority is sort of guiding and directing the contractors, suppliers, and subcontractors to York institutions.

Mr. Disabella: No not York, preferred people that Kinsley wants. They redirected they didn't re-bid. I feel they didn't re-bid that on the general contractor and the other one. They redirected so they could get the contractors they wanted in there. Even though the first bidder.....I'm not an accountant or businessman but can tell me how you can make three million dollars in a month?

Mr. Petrucci: The contractors they wanted but it wasn't regional discrimination, it was just whoever they wanted.

Mr. Disabella: The regional discrimination, we feel was against Kinsley for putting out to the general public to anybody who is not from the area, if you're going to bid on this

they're going to charge you 15% more. The contractors coming in from the area is going to charge you 15% more than we are. It's not about them using people from York County. This is what Kinsley Corporation put out not HIA.

Mr. Petrucci: Okay.

Mr. Haste: Thank you. Anything else for public comment?

DEPARTMENT DIRECTORS/GUESTS

A. Commissioners

1. Presentation of Proclamation recognizing Nurses' Week.

Mr. Haste: The next item is the Proclamation recognizing Nurses' Week. Commissioner Henry.

Mr. Henry: Thank you, Commissioner. We do have a Proclamation as Commissioner Haste has indicated. Taking note of the tremendous job that our nurses in Dauphin County, Pennsylvania and across the nation provide. I'll take this opportunity, I think that Cindy Melamed is here. We will present this to Cindy as our Spring Creek Facility has a number of nurses who are on a daily basis providing dedicated care to the citizens of Dauphin County. Let me just read the Proclamation.

Proclamation

We, the Dauphin County Board of Commissioners, proudly honor the registered nurses, licensed practical nurses and certified nursing assistants at Spring Creek and all homes and health care facilities during the week of May 6 to 12, 2003, National Nurses Week;

Whereas, in the proud tradition of Florence Nightingale and Clara Barton, nurses ensure the health of this nation by their capable and compassionate delivery of primary and preventive health care;

Whereas, the demand for nurses is greater than ever and will continue to spiral upward with the aging of the American population, the ongoing utilization of life-sustaining technology, and the explosive growth of home health care services;

Whereas, nurses are in the front lines in our health care delivery system, a cost-effective, high-caliber and irreplaceable component of our health care delivery system, acting simultaneously as medical expert, caregiver, cheerleader, adviser and friend;

Whereas, we enthusiastically join patients and families across Dauphin County and the country in hailing the ability of nurses to inspire smiles amidst sickness and pain, lifting spirits, touching lives and saving lives;

Whereas, when we are at our sickest and weakest, nurses are at their best, giving medical care and attention with unmatched skill, patience and devotion;

Therefore, on behalf of the 251,300 residents of Dauphin County, we formally declare May 6 through May 12, 2003 as "Nurses Appreciation Week" in Dauphin County, and we heartily applaud the life-altering, life-sustaining and life-saving labor of love performed day in and day out by our beloved nurses.

Mr. Henry: Cindy, would you like to come forward?

Ms. Melamed: Commissioner Haste asked me if I wanted to say something. I almost always want to say something. We have 300 nursing department staff members at Dauphin Manor. They provide care on Mother's Day, Easter, 26" of snow or just plain Thursday. They really do deserve thanks. If you are in contact with any nurses please thank them as well. Thank you.

Mr. Petrucci: Mr. Chairman, if I just might make a comment. This last week and I guess this week we are in doctors have been on strike but nurses haven't been on strike. Nurses work loads have doubled over this week in regard to the rescheduling and taking care of a lot of things that the doctors were taking care of. Having a little difficulty with one of my secretaries and wife getting scheduled, I'm a little disturbed at the medical profession in regard to this strike. But I appreciate the fact that nurses have although being organized have never utilized the strike as a mechanism to get a policy passed. So thank you all, I appreciate it.

Mr. Haste: Next on the agenda is Edgar.

- B. Edgar Cohen, Director
 - 1. Facilities Update.

Mr. Cohen: Good morning, Commissioners.

All: Good morning.

Mr. Cohen: You should have received a packet this morning. If you have any questions about the update, I'll gladly answer and if not, it stands as presented.

Mr. Haste: No, thank you. Are you going to stick around?

Mr. Cohen: Yes.

SALARY BOARD

The Salary Board Minutes are on file in the Commissioners' Office.

PERSONNEL

- A. Personnel Items carried over from April 15, 2003 Workshop Meeting. Addendum to the Personnel Packet dated 4/22/03.
- B. New Personnel Items for discussion, Workshop Meeting, May 6, 2003 for approval May 13, 2003 Legislative Meeting.

Ms. Ludwig: Do you want me to present the Salary Board items in the new packet?

Mr. Haste: For next week?

Ms. Ludwig: Yes.

Mr. Haste: Right, if you want to.

Ms. Ludwig: Also in the Salary Board requests is a creation of a Maintenance Worker, a seasonal position basically to cut the grass for the summer. There is a creation of a First Assistant District Attorney position with the elimination of a Chief Deputy District Attorney position. Then there are three positions that were due to a reclassification in the one union that are included in the packet. There is also an approval for Bill Wenner to receive a certain amount of money towards a degree that we have always given him, I believe, according to Ed Marsico. That is the whole Salary Packet.

Mr. Haste: Those will be items that we will vote on next week.

Ms. Ludwig: Correct.

Mr. Haste: Do you want go through what would be the April 22, 2003 Personnel Packet? Those are the items that we will vote on today.

Ms. Ludwig: Yes, I don't have that packet in front of me, that would have been given to you on the Workshop prior.

Mr. Haste: Right.

Ms. Ludwig: But there is an Addendum to that packet that you should have received.

Mr. Haste: Everybody has that?

Mr. Henry: No, is it a green cover?

Ms. Ludwig: Yes, it is a green cover.

Mr. Petrucci: It's an addendum.

Mr. Henry: Thank you, Robert.

Mr. Haste: Do you want to go over the addendum?

Ms. Ludwig: Yes, basically it is the vacancy listing and there is a new hire listing.

Mr. Haste: Are there any questions for Sharon? Do I have a motion to approve the Personnel Packet that was scheduled for April 22, 2003 including the addendum which we received?

Mr. Henry: So moved.

Mr. Haste: Is there a second?

Mr. Petrucci: Second.

Mr. Haste: All those in favor say, aye.

All: Aye.

Mr. Haste: Motion carries. Anything you need to discuss on the packet for next week?

Ms. Ludwig: On the packet for next week, we would like to seek approval for two positions on the changes listing that go in coordination with the creation of the Administrative Assistant I position in the Treasurer's Office. They are items #5 & 6 on the Changes Listing.

Mr. Haste: You want to take action today?

Ms. Ludwig: Yes, please.

Mr. Haste: Is there a motion to approve items #5 & 6 on the Workshop Agenda Changes Listed for May 6, 2003?

Mr. Henry: So moved.

Mr. Haste: Is there a second?

Mr. Haste: I'll second it. Is there a discussion? All those in favor say, aye.

All: Aye.

Mr. Haste: Motion carries. Thank you.

Mr. Petrucci: If I may just ask a question, before Sharon goes and if she would be so kind as to inquire to the District Attorney about the Criminal Investigation Division Detective. I see that Mike Yohe points out that there is a budgetary problem. But besides the budgetary problem in his justification for this position he talks about the fact that this C.I.D. person is largely going to be assisting homicides, assaults and thefts plus twenty other law enforcement agencies in our county. I would like to inquire what percent of this position and indeed what percent of criminal investigation budget is spent assisting municipal police in their investigations? This to me is a county subsidizing another municipal level of government undertakings and I would like to know to what extent we are doing that. Thanks.

Mr. Haste: Maybe, we could have both Mr. Wenner and Mr. Marsico here next week. I would suspect if we did a percentage a large part if not the majority of what they assist local police departments. A lot of what they do is investigative work that may have been initiated by the local police force but will be prosecuted by the District Attorney since they are gathering information and preparing a case for the District Attorney. It could be made that a large portion is for....I know they also do, and probably a good service they serve everybody. If there is a need for an internal investigation in any local police department, they will do that. It is a way to keep our law enforcement units clean. If we could have both Ed and Bill here next week, it would be appreciated. Thank you.

OVERTIME

Mr. Haste: We also have the overtime report that was in the packet. Are there any questions for Sharon on the overtime report? Moving on.

PURCHASE ORDERS

Mr. Haste: Mr. Baratucci. We have two packets, one for application and one for next week.

- A. Ratify Purchase Orders from 4/15/03 Workshop (for a vote 5/06/03).
- B. Purchase Orders for 5/06/03 Workshop Meeting for a vote 5/13/03 Legislative Meeting.

Mr. Baratucci: As Commissioner mentioned, first of all there should be a packet labeled Commissioners' Meeting April 22, 2003 with today's date beside it. What had happened, I had asked if we could do the purchase orders and have them ratified so that we would not have to wait three weeks to get everybody their p.o.'s. I had gotten approval from both Commissioner Haste and Commissioner Petrucci. They were available at that time and said to go ahead and do that. We would then ratify them at today's meeting. So the packet labeled as that is as it was present to you on the April 15, 2003 Workshop Meeting and I believe the proper thing is to ratify the action. Is that correct Bill?

Mr. Haste: Are there any questions for Randy on that? Is there a motion to ratify the packet from the April 15, 2003 Workshop?

Mr. Henry: So moved.

Mr. Petrucci: Second.

Mr. Haste: It has been moved and second, all in favor say, aye.

All: Aye.

Mr. Haste: Motion carries.

Mr. Baratucci: In addition, you have a Workshop packet for today that's labeled Workshop May 6, 2003. Also, you should have three requisitions that did not get into that packet. They are all relative to Dauphin Manor. Two of them are for the construction project and the other one is some repairs to an elevator that is connecting McBride. Those three did not get to me in time to be on the packet but I would like them to be included for action next week. Those should have been given to you this morning. In addition, I have one more item that I would like to pass out and explain. There is a cover email and you may remember this, I think Mr. Burns had sent this out to all the Commissioners after the last meeting. There was some cabling work that needed to be done immediately at Dauphin Manor again to keep the project on schedule. As you can see from the email Bob explained it to all the Commissioners and he wrote back to me that yes he had two votes to go ahead with that. The proposal does not have a purchase order yet but again I would like to have that added to the Workshop packet and then we will have a p.o. for approval next week. I believe the work has been

started again at Bob's direction based on what he has said here he had two votes for it. I know one was from Commissioner Henry as the oversight to the project. I'm not sure, maybe one of the other two remember talking to Bob about it. I was comfortable with his direction to get the work started and we will add this and there will be a p.o. next week added to this packet. So you actually have four additions to the packet. That would conclude everything. Does anybody have any questions on any of the items that were just discussed?

Mr. Haste: Are there any questions for Randy?

Mr. Petrucci: Yes, I do have a question. The \$22,000 for the elevator at Dauphin Manor was that a part of the project renovation or is this a part of an existing building that we are just repairing?

Mr. Baratucci: I don't think it is strictly with the renovation but it has to do with the McBride building and upgrading the elevators. The reason it wasn't included in the packet because I did have our Solicitor's Office review it from the standpoint of whether it could be considered maintenance work which does not have to be bid then. They came back to me with an answer, that yes it would be considered maintenance. It is my understanding that it is just upgrading the current elevator at McBride Building. So it is not specifically part of the construction.

Mr. Petrucci: Thank you.

Mr. Haste: Mr. Yohe.

REPORT FROM BUDGET & FINANCE – MIKE YOHE, BUDGET DIRECTOR

Mr. Yohe: Good morning, Commissioners, I have two items on the agenda today. First is the investment Report. We actually had four pay out weeks since the last report.

A. Investment Report

- **April 11, 2003** transferred **\$323,465.99** to the **Payables** account **from the County's Concentration account** for checks issued that week.
- **April 18, 2003** transferred **\$9,835,910.42** to the **Payables** account **and \$1,786,814.03** to the **Payroll** account **from the County's Concentration account** for checks issued that week.
- **April 25, 2003** transferred **\$762,990.87** to the **Payables** account **from the County's Concentration account** for checks issued that week.
- **May 2, 2003** transferred **\$4,864,910.66** to the **Payables** account **and \$1,769,209.51** to the **Payroll** account **from the County's Concentration account** for checks issued that week.
- **Total Term Investments – N/A**

- **Balance today in INVEST account \$120,265.22 rate 1.24%** -this is the exact same rate that we had a month ago. They are staying pretty consistent.

In our main money market account at Northwest, much of our tax revenue has now come in and the balance is:

- **Balance today in Northwest Savings Bank Money Market account \$57,983,921.30 rate 2.5%**

Mr. Haste: That goes to the end of June?

Mr. Yohe: To the end of August. We're getting pretty much double of what the normal rate is right now. That would conclude the investment report. Do you have any questions?

The second item on the agenda is our quarterly approval of budget amendments. These are changes to the bottom line of any fund. Back on April 16th, I distributed this. There are two reports, one on calendar year funds and there is another report on the fiscal funds. The calendar year funds, it's the end of the first quarter. The fiscal year funds, it is the end of the third quarter. You should see highlighted in gray those amendments that took place during that quarter.

- B. Quarterly Budget Amendments for the first quarter budget figures for the Calendar Year Budget funds and third quarter figures for the Fiscal Budget funds.

Mr. Haste: I believe we need to take action on those amendments.

Mr. Yohe: Yes.

Mr. Haste: I see five amendments that you are asking us to ratify. Is that correct?

Mr. Yohe: There are actually seven different ones.

Mr. Haste: Is there a motion to ratify the seven amendments to the county's fiscal and county's calendar budget?

Mr. Henry: So moved.

Mr. Haste: Is there a second?

Mr. Petrucci: Second.

Mr. Haste: Is there any discussion?

Mr. Petrucci: Yes, Mike on the last page, the adjustment for the Human Services Development Fund. It says adjust the grant to the actual allocation from the state and

we're adding in \$103,000. Does that mean that \$103,000 extra dollars came in from the state for our Human Services Development Fund?

Mr. Yohe: That is correct. What happened you will see on March 27, I actually sat down in the middle of March and went over to get an update report on all the fiscal agencies. This was brought to my attention at that time that our numbers will have changed since this budget was passed back in June of last year. So we just adjusted the allocation from the state.

Mr. Petrucci: Are any of the amendments reaching into the general fund to add onto programs that are being added to or are all of the amendments grant adjustments and changes and additions?

Mr. Yohe: Are you asking are there any county matches required by any of these amendments?

Mr. Petrucci: No if it was just County general fund money being added onto any of these seven adjustments?

Mr. Yohe: No, they were all increases....

Mr. Petrucci: All intergovernmental changes.

Mr. Yohe: We identified additional revenue sources.

Mr. Petrucci: I'm glad our Grant Writer and the department directors are out there hustling for this opportunity to expand our programs.

I have another question on another issue on the capital projects budget. Which I think is the second page of your adjustments. There is 8.4 million left in the capital budget project and I'm assuming that is the money left in the bond issue for the Courthouse renovation project. Is that what that is?

Mr. Yohe: The bulk of it, yes, there is a little bit left from the 98 Issue which is finishing up the Veterans Building and our reassessment project. There is actually a little bit left that is unaccounted. That's unallocated at this point in time. The Parks & Recreation and Wildwood Board are reimbursing the 1.2 million dollars that we lent them to build the Wildwood Center. There are some funds.....but the bulk of the 8.4 million is what is left for the renovation projects.

Mr. Petrucci: Were any of the money received from the sale of the Front Street Building or the sale of the Dauphin Manor property to McDonalds added into our capital budget fund?

Mr. Yohe: No, they were put right into the general fund.

Mr. Petrucci: They were put right into the general fund budget.

Mr. Yohe: Yes.

Mr. Haste: Are there any other questions? We had a motion and a second, all those in favor say, aye.

All: Aye.

Mr. Haste: Motion carries. Thanks, Mike.

REPORT FROM CHIEF CLERK/CHIEF OF STAFF – ROBERT BURNS

Mr. Haste: Report from Chief Clerk, Bob.

Mr. Burns: Mr. Chairman, I have a couple of things to bring to your attention today. First the Conservation District has begun the Black Fly Suppression Spraying Program. It began May 1 and will continue weekly through September.

Second, regarding the Courthouse, the Sheriff's Department has been relocated back into the Courthouse now. They are back on the first floor.

Also, on the topic of renovations, Item II on today's agenda for Matters Requiring Board Action is a series of five change orders. Edgar is here and can speak to them if you have specific detail questions but those are primarily change orders that involve asbestos abatement which we were aware of and would be coming to the Board soon. Most of that has been identified and the \$77,000 contingency fund that had been encumbered there are of the five change orders, two are for small credits and three are for expenditures. None of those change the overall financial outlook of the renovations. We were aware that they were coming.

Lastly, I wanted to request from the Board today, that you consider granting specific authorization to Chairman Haste and me to sign documents with Ford Motor Company which would enable the Courts to lease some vehicles pursuant to our Master Lease of 2000. If you can do that today, going forward prospectively. That procedure I do believe is going to be changed.

Mr. Haste: Are there any questions for Bob? Bob has requested a Board action to set a procedure for the leasing of vehicles from Ford Motor Company for the Courts. Is there a motion?

Mr. Henry: So moved.

Mr. Petrucci: Second.

Mr. Haste: Discussion, all those in favor say, aye.

All: Aye.

Mr. Haste: Motion carries.

Mr. Burns: That concludes my report, Mr. Chairman.

Mr. Haste: Thank you.

MATTERS REQUIRING BOARD ACTION

Mr. Haste: The next is the Training Packet. Bob, do you want to address it?

A. Training Packet

Mr. Burns: Mr. Chairman,...

Mr. Haste: It is color coded today.

Mr. Burns: It is color coded. The first six items on the May 6th packet you're requested to vote on them today. If you would consider voting for those because they are time sensitive. We're carrying over twenty-four items from April 15th. So there will be a packet from April 15 Meeting containing twenty-four items and the first six from today's packet.

Mr. Haste: Is there a motion to approve the Training Packet from April 15th as well as the first six items that are on today's training packet?

Mr. Henry: So moved.

Mr. Haste: Is there a second?

Mr. Petrucci: Second.

Mr. Haste: Is there discussion? All those in favor say, aye.

All: Aye.

Mr. Haste: Motion carries. Now we begin our long laundry list of items lettering from B to MM. Are there any of those items that any of the members of the Board would like to pull out and vote on separately?

B. Approval of FY02/03 Per Diem Rates between the Children & Youth Agency and:

- | | | |
|----|-------------------------|-------------|
| 1. | Chariots LLC | |
| | Traditional Foster Care | \$52.00/day |
| | Individual Foster Care | \$67.00/day |

- | | | |
|----|----------------------------------------------------------------------------------------|--------------|
| | CRR Host Homes-MA approved room bd. & clothing: | \$17.00/day |
| 2. | Cornell Abraxas Group, Inc.
Cornell Abraxas Youth Center
Sexual Offender Program | \$281.54/day |
| 3. | YMCA-Northern Dauphin County Branch
(per disturbed list) | |
| 4. | King's Kids Camp
Registration fee/specialized camp experience | \$35.00/wk |
- C. Authorization to offer Virginia 529 (college savings plan) to employees as an additional benefit.
- D. Request from Zelenkofske Axelrod LLC to amend their contract for the 2002 county audit to reflect a change in the scope of services and related fees.
- E. Request of Treasurer to refund the amount of \$456.87 to Best Western Inn-Hershey. This represents hotel tax money which the hotel paid to the County but was not reimbursed by the State.
- F. Request from Kerwin & Kerwin to grant a partial exoneration from 2002 taxes of their client Reiff & Nestor Company and proposal to pay the 2002 taxes based on the property value established by the Board of Assessment Appeals.
- G. Appointments to the Dauphin County Council on Aging (replacing Mary Ellen Rutter and Beth Kammer) terms will expire December 31, 2005:
- | | |
|----|------------------|
| 1. | Walter I. Bohner |
| 2. | Herbert Rochman |
- H. Addendum to Referral Agreement between Spring Creek Rehabilitation & Health Care Center (Dauphin Manor) and Philhaven Behavioral Healthcare Service.
- I. Termination of Fleet Maintenance Management Agreement between Dauphin County and AMI Leasing.
- J. Proposal to cut costs in the Information Technology Dept.
- K. Reappoint Christopher A. Petersen to the Children & Youth Advisory Board. Term expires April, 2006.
- L. Appoint Albert C. Mauldin to the SEC Youth Council. Term expires December 31, 2005.
- M. Grant Agreement between Dauphin County Conservation District and PA Dept. of Environment Protection for Phase I of the Act 167 Stormwater Management Plan revision for Beaver, Manada and Bow Creeks and Kellock Run (Multi-Creek).
- N. Subordination Agreement with Lori A. Mohn for property located at 319 S. 19th St., Steelton, PA.
- O. Addendum to Medical Director Agreement between Spring Creek

Rehabilitation & Health Care Center (Dauphin Manor) and Richard Ulrich, M.D. to increase his compensation.

- P. Adopt Resolution No. 8-2003 authorizing submission of the Action Plan for FY2003 Community Development Block Grant (CDBG) and HOME Program Annual Action Plan.
- Q. United Concordia Acceptance Application (Correction).
- R. Agreement for Renewal of the Preventative Maintenance Contracts between Spring Creek Rehabilitation & Health Care Center (Dauphin Manor) and G. R. Sponaugle & Sons, Inc., for the following services:
 - 1. HVAC units - #71082
 - 2. Electrical Distribution System - #E6068
- S. Adopt Resolution No. 9-2003 authorizing the reallocation of \$161,047.00 for the Washington Township Sanitary Sewer Improvement Project.
- T. Adopt Resolution No. 10-2003 authorizing the reallocation of \$63,985.50 to Royaltown Borough Senior Center Project.
- U. Addenda to Agreements between Dauphin County and Otis Elevator Company extending the contract to end December 31, 2003 for the following buildings:
 - 1. Veterans Memorial Building
 - 2. Area Agency on Aging Kitchen Building
- V. Agreement between Dauphin County and Lencioni's Window Cleaning Co. to clean the windows at the Wildwood Nature Center.
- W. Agreement between Dauphin County and Kenney Mechanical for maintenance for the HVAC units at the Wildwood Nature Center.
- X. Agreements between Dauphin County and Performance Services, Inc., for window cleaning at various County buildings:
 - 1. Dauphin County Courthouse
 - 2. Veterans Memorial Building
 - 3. Dauphin County Administration Building
 - 4. 100 Chestnut Street
 - 5. Human Services Building
- Y. Agreement between Dauphin County and G. R. Sponaugle & Sons, Inc. for preventative maintenance of the HVAC units at the Human Service Building.
- Z. Consultant Agreement between Spring Creek Rehabilitation & Health Care Center (Dauphin Manor) and Gerilynn K. Henshell to provide Psychological Services.
- AA. Agreement between Spring Creek Rehabilitation & Health Care Center (Dauphin Manor) and Pinnacle Health Hospice Services.
- BB. Addendum #1 to May 21, 2001 Service Agreement between Dauphin County and Upper Dauphin Human Services Center, Inc., to add \$100.00 for additional phone and janitorial services.

- CC. Addendum #1 to May 20, 2002 Sublease Agreement between Dauphin County and Upper Dauphin Human Services Center, Inc., to add the costs of renting an additional 77 square feet of office space.
- DD. Authorize the Chairman of the Board to execute a Purchase of Service Agreement between Dauphin County and Holiday Inn-Grantville for the Foster Parents Banquet on May 16, 2003.
- EE. Addenda to FY02/03 Purchase of Service Agreements between Children & Youth Agency and:
1. Holy Family Social Services – Amendment #1
 2. Pinnacle Health Hospital – Women’s & Children’s Services Amendment #1
 3. YWCA of Greater Harrisburg – Amendment #1
 4. Keystone Children & Family Services, Inc. – Amendment #4
- FF. Ratify a Family Center Grant Renewal Application for 2003-2004 between Dauphin County Adult and Family Services and the PA Dept. of Public Welfare to continue funding for the Dauphin County Family and Community Center.
- GG. Ratify a Haz-Mat Emergency Preparedness Grant with PEMA for a Hazardous Materials Commodities Flow Study.
- HH. Refund/exoneration of Real Estate Taxes:
1. Partial refund of 2002 Real Estate Taxes to Edwin W. & Karen Frese, 4097 West Tilden Road, Harrisburg, parcel #35-102-015, in the amt. of \$153.27.
 2. Partial refund of 2002 Real Estate Taxes to Melvin & Elizabeth Petersheim, 313 Rakers Mill Road, Elizabethville, parcel #66-003-003, in the amt. of \$1,149.78.
 3. Partial refund of 2002 Real Estate Taxes to Dauphin Plaza Associates, LP, Union Deposit Road, Harrisburg, parcel #62-040-053, in the amt. of \$1,268.48.
 4. Partial refund of 2002 Real Estate Taxes to Dauphin Plaza Associates, LP, 3830 Union Deposit Road, Harrisburg, parcel #62-040-012, in the amt. of \$9,259.31.
 5. Partial refund of 2002 & 2003 Real Estate Taxes to George A. & Theresa R. Orf, 310 Glenwood Avenue, Harrisburg, parcel #35-045-167, in the amt. of \$85.43.
 6. Partial refund of 2002 Real Estate Taxes to Paul M. & Elaine Powley, 112 Ashwood Way, Harrisburg, parcel #35-063-064, in the amt. of \$171.70.
 7. Partial refund of 2002 Real Estate Taxes, to Michael J. & Cheryl Donahue, 5995 Mayfair Dr., Harrisburg, parcel #35-116-064, in the amt. of \$157.94.
 8. Complete refund of 2002 Real Estate Taxes to Association of Gateway Court, Gateway Ct. L19 & Ionoff Rd. L20, parcels #62-068-061 & 62-068-45, in the amt. of \$178.95.
 9. Partial Refund of 2002 Real Estate Taxes to Miriam Hertz & Rose Hertz Kahn (Hertz & Kahn Realty), 2801 N. 2nd St., Harrisburg, parcel #10-056-018, in the amt. of \$712.71.
 10. Partial Refund of 2002 Real Estate Taxes to Tyco Electronic, 2100 Paxton St. & 471 Ampwick Dr., parcels #63-024-004 &

- #63-027-019, in the amt. of \$5,286.43.
- 11. Partial Refund of 2003 Real Estate Taxes to Stanley S. & Phyllis J. Hughes, 5821 & 5829 Linglestown Rd., parcels #35-016-020 & #35-016-023, in the amt. of \$1,752.23.
- 12. Partial Refund of 2003 Real Estate Taxes to Jeffrey & Lisa Long, 119 Graystone Drive, Hummelstown, parcel #31-002-045, in the amt. of \$32.28.
- 13. Partial Refund of 2003 Real Estate Taxes to Brad & Betty Hoffman, Route 209, Millersburg, parcel #66-010-056, in the amt. of \$22.85.
- 14. Partial Refund of 2003 Real Estate Taxes to Joseph & Amy Attivo, 846 Woodridge Drive, Middletown, parcel #36-033-115, in the amt. of \$17.88.
- 15. Partial Refund of 2003 Real Estate Taxes to Alfred & Joyce Irvin, West of Bindnagle Rd., Palmyra, parcel #24-001-006, in the amt. of \$19.90.

II. Approval of Change Orders pertaining to Phase I Dauphin County Courthouse Renovations:

- 1. Change Order #2002-01-06 with Herre Bros., Inc., (HVAC construction) in the amt. of \$31,237.78.
- 2. Change Order #2002-01-07 with Herre Bros., Inc., (HVAC construction) in a *credit* amt. of \$535.76.
- 3. Change Order #2002-01-08 with L. R. Costanzo Co., Inc., (General contractor) in the amt. of \$35,027.59.
- 4. Change Order #2002-01-09 with L. R. Costanzo Co., Inc., (General contractor) in a *credit* amt. of \$3,774.93.
- 5. Change Order #2002-01-10 with L. R. Costanzo Co., Inc., (General contractor) in the amt. of \$21,367.81.

JJ. Grant authorization to Terry Davis, Director of Adult Probation, to proceed investigation and contractual contents regarding the housing of state prisoners at the Dauphin County Work Release Center.

KK. Approval of Black, Davis & Shue as Dauphin County's Insurance Agent of Record and Commonwealth Professional Group as Broker for General Liability and Property for the policy year 2003-2004.

LL. Adopt Resolution No. 11-2003 authorizing Edgar Cohen, Facility Maintenance Director to complete all required forms and documents for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in relation to the blizzard of February 17 & 18, 2003.

MM. Approval of Dauphin County Prison Policies for Captains and Lieutenants adopting the "economic" policies as set forth in the document, retroactive where reasonably possible to the first pay period in January, 2003.

Mr. Petrucci: Yes, Mr. Chairman, I would like to have a separate vote on Items J, P, T, & CC.

Mr. Haste: J, P, T, & CC.

Mr. Petrucci: Yes.

Mr. Henry: Mr. Chairman, I would like to have separate votes on Items JJ & KK.

Mr. Haste: JJ & KK, okay. There is just one item that I would ask that we pull out of the norm maybe it is not an issue but Item F, the request there was that we have a negative vote on Item F. That did not go through the Tax Assessment Appeals Board and I believe we received a memo from them asking that we deny that request since it did not go through the procedure. If we could do these first and then we'll do what is remaining. If we could take Item F since the vote is not a yeah vote but a request for a negative vote. I believe this was also reviewed by the Solicitor's Office and you are in concurrence with that, Bill?

Mr. Tully: I concur with Mr. Wass.

Mr. Haste: I would ask that we have a motion to deny the request in Item F. Is there such a motion?

- F. Request from Kerwin & Kerwin to grant a partial exoneration from 2002 taxes of their client Reiff & Nestor Company and proposal to pay the 2002 taxes based on the property value established by the Board of Assessment Appeals.

Mr. Henry: So moved.

Mr. Haste: Is there a second?

Mr. Petrucci: Second.

Mr. Haste: Is there any discussion? All those in favor say, aye.

All: Aye.

Mr. Haste: Motion to deny is passed. The next we will take Item J.

- J. Proposal to cut costs in the Information Technology Dept.

Mr. Petrucci: Mr. Chairman, I requested that it be pulled because in my opinion I think the new director of Information Technology Department should be allowed to look over those proposed cuts and perhaps offer some of his own. I think it is untimely although a very necessary step to try and look at reducing costs but in this case it should befall to a new director coming to look that over and see what he would like to do with it. I think it is premature.

Mr. Haste: On Item J, I think there are some items that are good suggestions. To do it in package would be difficult. I know the one is the elimination of a staff after the termination of maternity leave and I believe that person is currently on maternity leave. I would not want to eliminate that until we know the status. I would highly recommend and I had asked Mr. Guenther to be here today but I understand he is at a meeting in York. I would highly recommend that Mr. Guenther take a hard look at this and any other savings that we can do. If we do put this up, I would suggest that he and I think it

is appropriate to give him that time frame. I would like to ask maybe Bob if you could, I would like to see Mr. Guenther before us to discuss this and maybe any other thoughts he may have.

Mr. Henry: Why don't we give him 30 days as a time period to review this and come back. I think some of these items we can't enact just by a vote of the Board of Commissioners. They have to go through various procedures in order to actually bring them about and he would have to prepare them in that manner. I would support giving him 30 days to come back with these and any other suggestions that he might have at that point in time.

Mr. Haste: Why don't we pull Item J and ask that Mr. Guenther have 30 days to respond.

Mr. Henry: I make a motion that we table Item J.

Mr. Petrucci: Second.

Mr. Haste: All those in favor say, aye.

All: Aye.

Mr. Haste: Motion carries. Next is Item P. Commissioner Petrucci do you have questions?

Mr. Petrucci: I wanted to indicate again that throughout the course of the holding of the hearings in regard to the CDBG money and the HOME Program money, I have disagreed with the prioritization of the allocations that have been made, I need to shore up my disagreement with those priorities with a no vote in regard to the Action Plan and in particular to Item T as well. Basically, what I have argued is that in this time of fiscal constraints onto the County and in this time of recession when there is an extraordinary need in our Human Services Departments and our juvenile children's departments and other places, that for us to spend a good portion of this money on curb cuts and on senior citizen homes is just not the best expenditure of this money at this time. I have called for sort of a year or two moratorium on curb cuts so that we could prioritize in helping some of our other projects that would be able to reduce some of the county's costs in other departments. Basically, talking about our need to help out with our youth. The senior citizen allocations we've already done a great deal for senior citizens more than any other county in the state. We now have I think 26 senior citizen homes. We have more senior citizen homes per capita than any other county and we do not have more senior citizens. We are under the average per capita for senior citizens. So to me while these are good expenditures, they are not the best expenditures. When we spend money on senior citizen homes and for example the one here is for Royalton Senior Citizen Home, we have 943 people in Royalton and we're going to be sending a good chunk of our CDBG money to a senior citizen home. As I see in Millersburg, Rutherford, and all the other senior citizen homes, we're talking about activities for

seniors that involve learning computers, learning Thai Chi, Cong Fu, playing bingo, and then bus loads to Atlantic City to spend their welfare checks once a month or their social security checks in some other state. This to me is not the most best use of this money at this particular time. So I'm going to cast a no vote for the Action Plan and the Item T.

Mr. Haste: Mr. Robinson do you have anything you want to talk about the process or anything?

Mr. Robinson: I really don't have any more to add. We met with all three Commissioners and put this plan together with the three Commissioners' input as well as the municipal officials and nonprofits throughout the County. Obviously, we are restricted in using the money in the City. So we leave it to the Board to make your decision.

Mr. Haste: We had what, two hearings?

Mr. Robinson: We had two public hearings that were both advertised throughout the County. We did have some good public input on this.

Mr. Haste: I think I was at the first meeting and wasn't able to attend the second one. At the first one, there were quite a few folks there.

Mr. Henry: Commissioner, I think that Mr. Robinson and his entire department should be congratulated for the amount of effort and outreach that has gone into this process. Not only were the hearings held that were required by law but effort was made to make sure the people were aware of the hearings, to bring about attendance at those hearings. If you look at the plan it's very balanced. There are public facilities and infrastructure projects. I would suggest and I recall receiving some letters from various advocacy groups for those who are wheelchair bound or otherwise in need of curb cuts and they discussed the importance of having these curb cuts in these municipalities to enable them to get around and lead self sufficient lives. That is the purpose of this grant fund to enable that. The senior programs, I frankly view the fact that we have more senior centers, not senior citizen homes, they're not homes, they are activity centers for our seniors than any other county, as a real plus. I think that it is great that Dauphin County is able to serve our senior population in that regard. We've had a commitment to bringing facilities up to code. We're continuing to do that. I will note the Royalton Senior Center, while the borough of Royalton is a small community, it also serves Londonderry Township and there are also seniors from Middletown, although they have their own center, who attend. It's more than just a Royalton Center. There is also the public service component where funds do go to human service related agencies as well. So this is fair and balanced and as fox says, you decide. I think that you have done a great job in balancing all the competing interest. It has also been done in conjunction with the mission statement of what the grant was intended for. I would certainly urge its approval.

Mr. Robinson: I would just remind Commissioner Petrucci on Item T, that money is coming back into the program from Royalton so they are not expending that. If that changes your opinion at all.

Mr. Petrucci: Both the language that I have in the memorandum and in the language on here, it says going to it not coming from it.

Mr. Henry: But it came back to us before.....the Royalton project has been one of many twists and turns. Without belaboring the point, initial granting had been made not only from the County through CDBG money but in terms of state funds provided by then Senator Shumaker, Senator Piccola, Representative Tulli and the County through the past two administrations here to build the center which then ended up in problem because of some land settlement issues. It was apparently built over a landfill that caused the building to shift. Then the Borough of Royalton had the opportunity to acquire a school building that was about to be abandoned and determined that they would move their municipal offices as well as the senior center into that building which was at less cost then remediating the difficulties with the building that was being built. So what happened is the Borough of Royalton refunded the money that we had given them for the building they weren't going to use to us. So that was an income stream and now we're re-granting it back out to make alterations to the old school building to make it accessible and bring it up to all the ADA codes for seniors there. So the money has sort of flowed out, and in and back out again.

Mr. Robinson: I do stand corrected Commissioner Petrucci it was money coming back in from the revolving loan allocation and then it is going back out. That is correct.

Mr. Haste: Is there a motion on Item P?

Mr. Henry: So moved.

Mr. Haste: I will second. All those in favor say, aye.

Mr. Haste & Mr. Henry: Aye.

Mr. Haste: Opposed.

Mr. Petrucci: No.

Mr. Haste: Now Item T. Is there a motion on Item T? We already discussed that.

Mr. Henry: So moved.

Mr. Haste: Is there a second? I will second. All those in favor say, aye.

Mr. Haste & Mr. Henry: Aye.

Mr. Haste: Those opposed.

Mr. Petrucci: No.

Mr. Haste: Now we go to Item CC.

Mr. Petrucci: Mr. Chairman, I asked a question in regard to CC which deals with the Upper Dauphin Human Service Center in regard to additional space. They want to rent an additional 77 square feet of office space. In light of the fact that Governor Rendell has proposed a 40% drop in funding for this particular unit, I'm wondering how we're going to expand usage into 77 more square feet?

Mr. Haste: Rick.

Mr. Wynn: Yes, the money that is used to pay this is Children & Youth money because we have expanded some positions in Upper Dauphin. This is for their office space. Actually, this will not be out of the other fund, you were talking about the Human Service Development Fund which was 92% cut actually not 40%. This isn't paid out of that fund.

Mr. Petrucci: I was reading the minutes from the Upper Dauphin Sentinel, I guess it was in the newspaper about what had happened to the Human Service Fund and it had mentioned 40% of their budget was cut. So that was what I was referring to. So this is for Children & Youth Office space in the Upper Dauphin Center?

Mr. Wynn: Correct.

Mr. Petrucci: Okay.

Mr. Haste: So Rick you see no negative impact – I saw your clever quote today. So you're saying irregardless of what happens from the state budget it would not have a negative impact on us?

Mr. Wynn: The Human Service Development Fund money in Upper Dauphin is used for information referral services which pays for part of Audrey Marlo's salary and another staff member. There would be an impact on that center but the office in that center that we have people located there to serve the people would still continue hopefully even if the HDSF cuts remain in effect.

Mr. Haste: And you're saying they will continue because we'll have funds elsewhere?

Mr. Wynn: Yes, the money that uses to fund those positions and rental of those spaces is not out of HSDF. It's from different categorical agencies.

Mr. Haste: Okay, you have heard the discussion on Item CC, is there a motion?

Mr. Henry: So moved.

Mr. Haste: Is there a second?

Mr. Petrucci: Second.

Mr. Haste: All those in favor say, aye.

All: Aye.

Mr. Haste: Motion carries. Now we are at JJ.

Mr. Petrucci: Mr. Chairman, we had a discussion by President Judge and Mr. Davis at our previous meeting. I thought it was a good program. I would like to make a motion that we accept JJ.

Mr. Haste: There is a motion for Item JJ. Is there a second? I'll second. Discussion.

Mr. Henry: I don't want to belabor the point but let me just say for the record that if we were to move inmates from Dauphin County Prison over to that facility and take advantage of those beds with county inmates, we would save \$55.00 a day. We are only getting \$40.00 from the state so there would appear to be a loss of \$15.00 a day by going this direction. I don't think it is a good idea.

Mr. Haste: Any other discussion? Terry is not here. All those in favor say, aye.

Mr. Haste & Mr. Petrucci: Aye.

Mr. Haste: Opposed.

Mr. Henry: No.

Mr. Haste: Motion carries. The next is Item KK.

Mr. Henry: Mr. Chairman, I would like to motion that we table this for further discussion. I have some questions about their ability to provide this service but there is also a matter that has been very troubling to me. The same proposed carrier handles our life insurance in Dauphin County. We unfortunately several months back had an employee pass away whose wife has yet to be able to collect on that life insurance policy. I think that is an issue that needs to be resolved before we give any further business to this company. As well as I have some costs and other issues as well. Specifically, at least until that life insurance claim is resolved I think that we owe it to our employees' survivors not to be providing more to a company that's not paying off on what we have already paid them to do.

Mr. Haste: Mr. Esworthy I know this is something that you have looked at. Do you want to discuss it?

Mr. Esworthy: The issue that we have is with Harleysville who is our current life insurance carrier, I just recently got involved in that case. Black, Davis & Shue has, I believed appropriately started to resolve this issue. They have written one letter to the Vice-President of Harleysville requesting this and sending documentation along with that information to Harleysville. The Vice-President is still adamant about not paying off on that claim. Black, Davis & Shue is now going one step higher and is requesting the President of Harleysville to respond to that. There is not much more that we can do on that behalf. The decease's widow has retained counsel. Counsel has also written to Harleysville and the claim has been denied to her counsel as well. We are currently waiting the widow to bring forth a claim. At that time, Black, Davis & Shue will allow us to go against their policy to attempt to resolve the claim which is the best I think we can possibly do in any situation right now. The unfortunate thing is the policy as its self was given to us and was not given to me directly as risk manager to review. I think that is a situation that we have to resolve with any type of policy that has to come before the risk manage to review before we sign off on the dotted line. That is the issue with the Harleysville claim.

As far as going back to Black, Davis & Shue as our Agent currently since they cannot act as our Broker, I was contacted by Tim Black to see what we could do. Rather than say, no, I offered the situation for him to submit a proposal. I also went back to Gleason and said here is where we are at. What can you do for us? Gleason Agency said they could come back to us with \$100,000 on all claims reverting to general liability and property. Black, Davis & Shue said they can do it for 10% of the policy. Looking at that figure it would be better to go to Black, Davis & Shue. We are in very time constraint motions right now meaning the policy we have expires June 1st of this year. That gives us about 24 days to do something. I've talked to the senior underwriter at Coregis and they see no problem in doing so. This gives me an opportunity to work with a former Broker that was with the County for numerous years. It also gives me an opportunity to evaluate that Broker over the next year and to make a decision on what we want to do for the future. I would love to be able to go to a Broker and say we want to do a three year program and stay with that Broker. To do so, I need to evaluate one. I think at this time it is our best option. Gleason still has approximately \$100,000 worth of business with us. So we are not cutting Gleason out of everything else. I thought this would be best to bring this before the Board to make a decision. Any questions?

Mr. Henry: You mentioned they're wanting to charge 10% of policy...

Mr. Esworthy: Of the policy, correct.

Mr. Henry: What is the overall value of the policy?

Mr. Esworthy: Our current policy that I'm looking at would probably be about with the increase would be about \$750,000.

Mr. Henry: It is my understanding that Coregis would not accept Black, Davis & Shue because they were too small and they would have to go through another agency in order to bring this about. How would that work?

Mr. Esworthy: You are exactly right. Coregis over the last two years has eliminated a lot of brokers since they're not bringing a lot of municipal business to them. So what we will have to do is name Black, Davis & Shue as our Agent of Record to go through Commonwealth Professional Group out of Reading to act as our Broker. Which actually gives us another line of defense against us for my proposal for the next year or two to review Black, Davis & Shue. It's not different than what we did with the Gleason Agency naming them the Agent of Record for our health insurance policy.

Mr. Henry: Gleason would not have to go through that other step.

Mr. Esworthy: They would not have to go through that other side on general liability, correct on the property.

Mr. Henry: My concern would be having to go through two steps to get to the end would present more opportunities for snafus or finger pointing when something goes wrong as we saw with the life insurance when something goes wrong everybody starts pointing the fingers at somebody else and the end comment was we did what we could, it's their fault. Then things don't get resolved. I would have a concern that if you're going through two steps as opposed to one, your chances of having that occur are greater.

Mr. Esworthy: By going through two steps with Black, Davis & Shue allows me to go to that broker and I understand your concerns...is to give me another blanket of protection actually for the next year. I as risk manager take the responsibility. I'm very demanding of either my agents or my brokers. They work for us and I take responsibility for the next year.

Mr. Petrucci: Didn't Black, Davis & Shue provide this service before?

Mr. Esworthy: Yes, they did.

Mr. Haste: You're comfortable with the package?

Mr. Esworthy: I'm as comfortable as I can possibly be at this point in time.

Mr. Haste: Is there a motion on Item KK?

Mr. Petrucci: I'll so move.

Mr. Haste: Is there a second? I'll second it. All those in favor say, aye.

Mr. Haste & Mr. Petrucci: Aye.

Mr. Haste: Opposed.

Mr. Henry: No.

Mr. Haste: Motion carries. I believe that is all of the items that have been asked to be pulled. So the remaining items that we need to take action on would be items A through MM minus A, which we already did, J, P, T, F, CC, JJ, & KK. Is there a motion to approve the balance of the items before the Board?

Mr. Henry: So moved.

Mr. Haste: Is there a second?

Mr. Petrucci: Second.

Mr. Haste: All those in favor say, aye.

All: Aye.

Mr. Haste: Motion carries.

FORMER BUSINESS

Mr. Haste: We are now at former business. Is there any former business to be brought before the Board?

Mr. Petrucci: Yes, Mr. Chairman, at our last Commissioners' Meeting I was concerned about some things that appeared on the Solicitor's Report that I thought shouldn't be there. Since we had that meeting, I'm concerned about some issues that should be on the Solicitor's Report and I'm worried that they're not. I want to talk about and I just put out a memorandum here in regard to an RFP that I understand was being considered by the Manor, I guess we are going to have to learn a new name on that, too. But Cindy Melamed.....there was evidently a request for an FRP put out for changing the ambulance service. I just wanted to make sure that the RFP process is understood and from our earlier debates with the Chief Clerk and others. Here is that all RFP's are to be approved by the Board of Commissioners and that they should go through both our participating department and our solicitor's department for approval before they are sent. I just wanted to clarify that that is the policy. I'm also concerned about the enormous expenditure that we had in regard to the special counsel. We have had a lot of public perusal of the legal expenses of the county and there has been enormous amount of concern about the way that we get special counsel. I'm wondering if we couldn't add to our policy about all issues that deal with RFP's also have to be approved by the Board. Shouldn't we also have a proposal made that all requests for special counsel should go through our Solicitor's Office so they might way whether or not as special counsel in that case is actually needed. We have sort of changed our

procedures here and we have a staff that is different than the staff that we had before. I would like to see whether or not some of those things that we paid solicitors for could now be brought under the auspices of our current solicitor's office. I think he would be the person most likely to tell us whether or not a special counsel was needed or not. I would like to suggest that rather than oversight commissioners deciding with the department director that they needed a solicitor to handle some issues that that go through our Solicitor's Department. So I would like to make a proposal that we make sure that is our policy. That all special counsels hired by this County, absent in emergencies, should go through our Solicitor's Office for approval first and then to us.

Mr. Henry: We already do that. Also on the RFP we had a discussion if you will recall about running it by the Board, the discussion was not concluded with policy. I believe at the time my concern was that we would over bureaucratize the RFP process if we required all of them to come before the Board for formal action before moving. When we don't do RFP's you complain and when we do RFP's you complain. I'm not really quite sure exactly what it is you want. The folks at Dauphin Manor came to me, they were concerned about ambulance service. They had expressed an interest with going with a different company, a specific one, and my response was put it out on RFP. Get proposals in. Don't just take it to one other one that you arbitrarily pick. Let them all bid on it which I thought was about the fairest thing we could do. Why that would raise any complaints would be beyond me. Everybody has an equal opportunity to present an RFP. Which is what you have been asking us to do. So that is what I did.

Mr. Petrucci: What I had asked is that all RFP's before they are issued to the public get approved by the Board of Commissioners. I don't think one commissioner should presume to be able to send out RFP's and make the public work on filling out RFP's in the expectation that they are doing something that might reward them when in fact it hasn't even been approved by the Board of Commissioners. I think that is a disservice to this Board and a disservice to the public who gets falsely presumed that something is being done in a way that intends to do this one when it hasn't yet in fact been decided.

Mr. Henry: I think your conclusion is wrong and I think the premise would only create an additional layer of bureaucracy which is something I for one have been trying to cut down on in my time here.

Mr. Petrucci: These procedures I think are well established in the County Codes and in just plain ethical understanding. It is a part of accountability that we go through.

Mr. Henry: Could you provide me with that code? I certainly want to comply with all applicable County Codes so if you could provide that I would be most interested in seeing that.

Mr. Haste: I think.....when it was first presented I understood something a little different when you were first talking about it. The issue I took from that...actually the RFP I think is a good process. The more RFP's that we can get the better off we are.

Mr. Petrucci: I do too.

Mr. Haste: What Commissioner Henry said was....I think what we want to try to do is bring all the RFP's before the Board...his concern was again that we not become too bureaucratic that we can't move forward. However, in the final process it still must come before the Board for approval. I think the bigger....at least what I took from this.....the bigger issue here that I would like to see happen in this kind of scenario is the involvement of the Solicitor's Office. If in fact that we are going to do an RFP and we're going to go out and do something like that, if in fact the Solicitor's Office can provide that service for us as opposed to outside hired counsel. I would prefer that the Solicitor's Office do it. My hope is that that would be a way in which to bring our cost down on our legal fee side of the budget. Hopefully, a little clearer direction and so Bill I'm asking and I don't know if you need to communicate with the various special counsels or how you do that. The way I look at it, I hold you accountable for what you do as well as the other legal services provided by the County because you are in fact our Solicitor. So I would hope whatever the procedure is that procedure goes through your office and you give final sign off. If in fact, there are services or items being carried out by hired counsel that your office, the Solicitor's Office could do, I think that is a more cost efficient way to do it. So that is actually what I took from this.

Mr. Tully: I guess to clarify. The area you seem to be talking about is the special counsel dealing with the manor or the County Home.

Mr. Haste: I guess in preparing an RFP.....to me preparation of an RFP sounds like something you could do.

Mr. Tully: Sure.

Mr. Haste: I would prefer, and quite frankly we wouldn't get an additional bill from you.

Mr. Tully: Unless you. I think I'm precluded anyway.

Mr. Haste: I think it is the old phrase, I prefer to get more with less from you.

Mr. Tully: I guess the reason I need direction is since the time I came on board there were certain areas and I think the Manor was one of them that pretty much operated on its own where there was a relationship between that special counsel and the management out at the home where their understanding is at least they told me when I made inquiries is that their direction was that they are to put everything through Capozzi and Associates. Essentially, that's how it's been basically done. My understanding was that was based upon a direction from the previous Board of Commissioners. So if that is the operation and there is going to be a change in direction, I think everyone would need to hear that clear signal from this Board that something is going to be different because right now I think inertia has been that direction. I know we made an inquiry and the response was we were directed all those things were supposed to go through

special counsel. I'm more than happy to but I think I need a clear direction from the Board as to what you want me to do and I'm more than happy to do it.

Mr. Haste: My preference would be...there is a need for special counsel. Just as it says there is a special need that can't be provided by the Solicitor's Office. I would still like to see that when those areas come up that you have some involvement in determining whether in fact it is special counsel or it is something that can be done by your office. I would like to see more of the items that we do done by your office. Where you don't have the expertise or the ability to do, you meaning your office, the Solicitor's Office, then I think is when we involve special counsel. That is what they are there for. Otherwise, I would prefer that they be done by your office because I think that is the most cost effective way it is to be done.

Mr. Tully: I'm more than happy to do it. But the current director out there thinks she's under the direction from the prior Board. I think you need probably a vote from the Board here to say that the Director at the Home should contact the Solicitor's Office first to decide what direction the work goes whether it is done in house with us or it goes out to special counsel. If that is the case, I would be more than happy to do that.

Mr. Haste: If that is what is needed to do this because this sounds like the way we should be operating, I will make a motion, not just the Manor, that any legal requests by any of the departments when there is a need for legal service that they first contact the Solicitor's Office. It is your office's determination as to whether you can provide that service or it needs to be gone elsewhere. That's the motion I'll make.

Mr. Petrucci: I'll second it.

Mr. Haste: The way I look at it, I'm going to hold you accountable and your office accountable for our legal services. I would suspect in order to do that you need to know what services are being provided and why. I think the only clear way for you to get a handle on that is in fact everybody understands you are the Solicitor. There is a team, you have your core of staff that provide most of the services hopefully for the County. I'm asking when you put your team together you look at the different areas of expertise that we need and that we provide as much in house that we can. That won't always occur. That's when we need special counsel. That's the way I think we should operate.

Mr. Henry: It's my understanding the motion on the floor has to deal with the assignment of special counsel not requiring all RFP to come before the Board of Commissioner prior to there going out.

Mr. Haste: My concern is that the legal....whether it be for an RFP or whether it be for anything else...when the department head feels the need for legal services, they need to contact the Solicitor's Office to coordinate that and get clear direction. Because if in fact it can be done in house we ought to be doing it in house.

Mr. Henry: But that is different from the RFP process except where the RFP process..if an attorney would be involved in drafting any RFP which I think they all should...it would be reviewed by the Solicitor before going out.

Mr. Haste: Correct.

Mr. Henry: But the Solicitor once completing whether it is done in house or done by special counsel once completing their review we don't need to wait for a Board of Commissioners meeting to move forward with an RFP.

Mr. Haste: Although, I would hope as soon as possible it would come to us just so that we are aware and...

Mr. Henry: It should go on the Solicitor's Report.

Mr. Haste: Right.

Mr. Henry: So that we know what is being discussed.

Mr. Haste: Is there any further discussion on the motion? Is it clear enough, Bill?

Mr. Tully: It is.

Mr. Haste: All those in favor say, aye.

All: Aye.

Mr. Haste: Opposed? Motion carries. Is there anything else under former business?

NEW BUSINESS

Mr. Haste: Is there anything for under new business?

COMMISSIONERS' DISCUSSION & ACTIONS

Mr. Haste: Anything for Commissioners' discussion and actions? The only thing that I would like to do at this time. I would personally like to thank all the employees and members of the Board of Commissioners, as you know Vice-Chairman Henry had postponed the April 22 Meeting. It was a difficult day for me, my mother had passed away. I received a lot of kind words and comments and visits from county employees and county officials, I would like to personally thank everybody for their sympathies and their thoughts. Those kind of days are not easy but knowing that there are other people out there, it does make things a little bit easier. So thank you.

Is there anything else under discussions?

CORRESPONDENCE

Mr. Haste: We have a list of correspondence, letters A thru L, that have been received by the Board.

- A. Notification from Librandi's Machine Shop, Inc., indicating that they are preparing an air contamination source permit application to be submitted to DEP to install an automatic electroplating line that will be located at 93 Airport Drive, HIA, Middletown, PA.
- B. Notification from ACT One Consultants indicating they intend to submit an application to DEP for an NPDES permit for the Quail Hollow residential subdivision located in Lower Paxton Township, Dauphin County.
- C. Received a copy of a letter addressed to PA Environmental Hearing Board from DrinkerBiddle&Reath LLP regarding the Pennsylvania Waste Industries Association v. DEP, Appeal from the Department's approval of the Dauphin County Municipal Waste Management Plan Revision.
- D. Notification from The City of Harrisburg indicating the Harrisburg Materials, Energy, Recycling and Recovery Facility has received approval from DEP to submit applications to accept certain types of municipal-like residual waste for processing at the Facility for a case-by-case approval by the Department.
- E. Notification from Benatec Associates indicating they intend to submit an application to DEP for a new Hersheypark Ride 2004 to be situated along the west side of Park Avenue, south of the sidewinder ride and in the vicinity of Spring Creek, Derry Township.
- F. Received a copy of a letter from the United States Nuclear Regulatory Commission addressed to AmerGen Energy Company regarding Three Mile Island Nuclear Station, Unit 1, relocation of emergency diesel generator maintenance requirements.
- G. Notification from Herbert, Rowland & Grubic, Inc., on behalf of Derry Township, indicating they intend to apply to DEP for a NPDES Permit for stormwater discharges associated with construction of widening of Walton Avenue and relocation of East Main Street in Derry Township, Dauphin County.
- H. Notification from Brinjac Engineering, on behalf of the Borough of Halifax, indicating they are applying to DEP for a general NPDES Permit for stormwater discharges associated with utility and street reconstruction of Third Street between Rise Street and Armstrong Street, Borough of Halifax, Dauphin County.
- I. Notification from Navarro & Wright Consulting Engineers, Inc., on behalf of Tammy Kohler and Premiere 1 Limousine Service, indicating they intend to submit application to DEP for a NPDES Permit for stormwater discharges associated with construction located along the south side of Paxton Street (SR322) in Swatara Township, Dauphin County.
- J. Notification from Gannett Fleming, on behalf of the Millersburg Area Authority, indicating they intend to apply to DEP for Notice of Intent to Apply for Permits necessary for the construction of a new raw water intake on the Wiconisco Creek at the water treatment plant site located in Millersburg Water Treatment Plant, Water, Company Road, Upper Paxton Township, Dauphin County.

- K. Notification from STV Incorporated, on behalf of Sunoco Pipeline L.P., indicating they intend to apply to DEP for a PAG-10, pipeline relocation at the Harrisburg International Airport, Lower Swatara Township, Dauphin County.
- L. Received a copy of a letter addressed to AmerGen Energy Company, from the Nuclear Regulatory Commission regarding the Three Mile Island Station, Unit 1, NRC Inspection Report.

PUBLIC PARTICIPATION

Mr. Haste: We are at the point in time again for public participation. Is there anyone in the audience that has something they would like to bring before the Board?

ADJOURNMENT

Mr. Haste: Is there a motion to adjourn?

Mr. Henry: So moved.

Mr. Haste: Is there a second.

Mr. Petrucci: Second.

Mr. Haste: All those in favor say, aye.

All: Aye.

Mr. Haste: We're adjourned.

Respectfully submitted,

Robert Burns, Chief Clerk/Chief of Staff

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