



DAUPHIN COUNTY BOARD OF COMMISSIONERS

WORKSHOP MEETING

TUESDAY, DECEMBER 16, 2003

10:00 A.M.

MEMBERS PRESENT

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

STAFF PRESENT

Robert Burns, Chief Clerk; Bill Tully, Esq., Solicitor; Marie Rebuck, Controller; Phil Spaseff, Recorder of Deeds; Carolyn Thompson, Court Administrator; Robert Knupp, Esq., Solicitor's Office; Bruce Foreman, Esq., Solicitor's Office; Richie Martz, Commissioners' Office; Kacey Truax, Commissioners' Office; Randy Baratucci, Purchasing Director; Mike Yohe, Budget Director; Jennifer Kocher, Communications; Diane McNaughton, Communications; Fay Fisher, Personnel Director; Sharon Ludwig, Personnel, David Schreiber, Personnel; Rick Wynn, Human Services Director; Melanie McCaffrey, Solicitor's Office; Greg Schneider, Budget Office; Shari Eagle, Information Technology; Steve Howe, Director of Tax Assessment/Tax Claim; Mike Pries, Director of Safety & Security; Julia E. Nace, Assistant Chief Clerk

GUESTS PRESENT

Tom Smida, Esq.; Lou Verdelli; Ken Gordon; Linda Paff; Chuck McLister; John Frey; Joe Schied Jim Close

MINUTES

CALL TO ORDER

Mr. Haste, Chairman of the Board, called the meeting to order at 10:00 a.m.

MOMENT OF SILENCE

Everyone observed a moment of silence.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Haste: We have before us three sets of Minutes. I will take the Workshop Minutes first. Is there a motion to approve the December 2, 2003 Workshop Meeting Minutes?

Mr. Henry: So moved.

Mr. Petrucci: Second.

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

Mr. Henry & Mr. Petrucci: Aye.

Mr. Haste: Motion carries. I was not here so I abstain.

Next we'll take the December 2, 2003 Salary Board Meeting Minutes. The Salary Board consists of the Commissioners and the Controller. Is there a motion to approve the Minutes?

Mr. Henry: So moved.

Mr. Haste: Is there a second?

Mrs. Rebuck: I'll second it.

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

Mr. Henry, Mr. Petrucci & Mrs. Rebuck: Aye.

Mr. Haste: I was absent at that meeting.

ELECTION BOARD

(The Board convened for an Election Board Meeting.)

PUBLIC PARTICIPATION

Mr. Haste: We are at the point in time in the Meeting where there is an opportunity for the public to address the Board of Commissioners. Is there anyone in the audience that would like to address the Board at this time?

Mr. Petrucci: Mr. Chairman, I would like to take the opportunity at this time to point out some guests in our audience. I have from HACC a leadership group, the Student Government of HACC. I would like to introduce the President of the Student Body. His name is Matt Cobertson and we'll let Matt introduce the rest of the individuals that came from HACC.

Mr. Cobertson: This is Alberto Amplace, our Vice-President; Minshock Duing, one of our Senators; Darius Brown, one of our Senators; Lora Sheperd, Senator, and Nogus Maccuis.

Mr. Haste: You gave up the mic too soon. Since our Commissioner is leaving the area, you could have said anything you wanted to about his tenure attack.

Mr. Petrucci: I currently have only one of them in class that I could affect the grade.

Mr. Haste: Did you already have your finals?

Mr. Petrucci: I have three finals to go. One tomorrow and two on Thursday.

Mr. Haste: And you'll get those completed before you leave.

Mr. Petrucci: This group of leaders at HACC have taken the bull by the horns and done quite a few innovative things and worked with the administration a great deal. I have had four of them in class and they are all sharp individuals. You are looking at the future leaders of our community. Hopefully some political careers exist among this leadership group because they all know and are currently practicing participation in the activities of our community. I congratulate them on their efforts on what they do at HACC and the willingness to participate and be in there and learn while they are doing it. Thank you for coming today.

Mr. Haste: Is there anybody else for public participation?

SALARY BOARD

(The Minutes of the Salary Board Meeting are on file in the Commissioners' Office.)

PERSONNEL

Ms. Fisher: We have the Workshop agenda vacancies listing. Next we have the Workshop agenda new hires listing; the changes listing; the overtime report for pay period #24; and two overtime requests for the Prison.

Mr. Haste: Does anybody have any questions? Is there a motion to approve the personnel packet?

Mr. Henry: So moved.

Mr. Petrucci: Second.

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

All: Aye.

Mr. Haste: Motion carries.

TRAINING PACKET

Ms. Nace: I do believe you received an email from Mr. Burns this morning. There are only two items in the Training Packet and I think you want to vote on those also today.

Mr. Haste: Is there a motion to approve the Training Packet?

Mr. Henry: So moved.

Mr. Petrucci: Second.

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

All: Aye.

Mr. Haste: Motion carries.

PURCHASE ORDERS

- A. Purchase Orders
- B. Bid Award for Office Supply Contract.
- C. Bid Award for Food Service for the Schaffner Youth Center

Mr. Baratucci: As expected, there were a few purchase orders that straggled in over the last week. They are in your packet. Pages 1, 4 & 5 are contracts that we had approved in the past and we just needed to do the purchase orders to get the bills paid. They were not new items. They were just items cleaning up our paperwork to get the bills paid yet in 2003.

Pages 2 & 3, were items that those two departments said they were needed prior to the end of the year. I believe both of them emailed Commissioner Haste to get his preliminary approval for them. The one was some batteries for our uninterruptible power source for our telephone system. The other one was a fax machine that died for Judge Turgeon.

Mr. Haste: Did that get worked out?

Mr. Baratucci: Yes, the budget was worked out. They did send through a transfer and we did work out what they needed and is lower. If you would like to approve these items today that would be great.

Then I have some bid awards that I need to address.

Mr. Haste: Is there a motion to approve the purchase orders?

Mr. Henry: So moved.

Mr. Petrucci: Second.

Mr. Haste: Are there any further questions?

Mr. Petrucci: No, but a comment. One of those is a payment of \$25,851 that was a grant from the state for the collection of electronic waste at HACC. This was a very good program that brought in a lot of stuff and is going to get rid of it in an environmentally sound way.

Mr. Baratucci: The cost is based on the number of pounds. It was quite, as you said.....I was there that day and Commissioner Haste was there also, a lot of items brought in by the public. I think it was a worth while event.

Mr. Petrucci: I appreciate HACC's participation in allowing us to carry on the program there.

Mr. Haste: We have a motion and a second. All those in favor say, aye.

All: Aye.

Mr. Haste: Motion carries.

Mr. Baratucci: In addition, this time of the year we do a bid for our office supply contract for the year. We always have it divided into two parts because we have our basic office supplies which are pens, pencils, pads and those type of items.

The second part which is computer supplies. We do it that way because some of the bidders carry a full line of both and some just sell computer supplies. So we award it by parts.

Before you are the results of the bid and the items that are circled are recommendations that would be on page 2. Office Service Company for part A at \$47,026.90 and Office Basics on page 1 for part B at \$149,803.00. They are both the low bids. Office Service Company is our current supplier for office supplies. Office Basics has been a supplier in the past. I'm comfortable recommending these low bids to service our needs for 2004. If you can make a motion to approve that today so we can get that rolling for January.

Mr. Haste: Is there a motion to approve Office Basics for the computer supplies and Office Service Company for the Office Supplies?

Mr. Henry: So moved.

Mr. Petrucci: Second.

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

All: Aye.

Mr. Haste: Motion carries.

Mr. Baratucci: I was suppose to have a second bid award but that has been delayed. We have been working on an extension with Schaffner's Food Service Contract since June 30th with Canteen. We did open bids in November for a new food service contract. The apparent low bidder is Aramark who is the company who services the Prison. But at the last minute a question was raised by Schaffner about the portion sizes at the facility. That could cause us to have to do some more research. Although I thought we would be able to award this today we're going to need to delay it until we get that issue resolved. I will not have that bid award today. We will continue to work under the Canteen extension in the meantime.

Mr. Lister: Please let me apologize for any inconvenience. But we were cited on this issue with our most recent DPW inspection. It is not necessarily a deal breaking issue but we want to be able to address it. That is what prompted the call to Randy to take a look at this issue again.

Mr. Baratucci: The fact that it is food portions may have an affect in the price which obviously affects the entire bid award. This was something that we thought we had resolved. We'll work on it and come back as soon as we get it resolved.

The last thing I wanted to say since this is Commissioner Petrucci's last meeting, that I've enjoyed working with him for twelve years and I'm glad he was padded down today before he came in so there was no electronic devices coming out. I wish you well in

your retirement and hopes that he enjoys himself. I'm sure he will miss our morning donuts by my office.

Mr. Petrucci: Randy has been taking care of me.

Mr. Baratucci: Anthony, I wish you well.

Mr. Petrucci: I wish you well, too. I've enjoyed working with you also.

Mr. Baratucci: Thanks.

REPORT FROM CHIEF CLERK

Mr. Haste: We will have a report from the Chief Clerk's Office.

Mrs. Nace: The Chief's Clerk Office does not have anything to report today.

SOLICITOR'S REPORT

Mr. Tully: Other than the changes that were pointed out on the Solicitor's report taking the one item off is our recommendation on the Forum Place until language can be finalized.

Mr. Haste: So that is Y & Z, they both come off.

Mr. Tully: That would be correct. They kind of go hand in hand. I don't want to take the one out without replacing it with the other. The real concern centers on the ability to reassess in the future if the market value on the property were to go up as opposed to putting a ceiling on it which I think would be unrealistic in the future.

DEPARTMENT DIRECTORS/GUESTS

A. Phil Spaseff, Recorder of Deeds

1. Presentation of a copy of the County Day Book from 1785.

Mr. Spaseff: May I have Jim Close and Bob Knupp join me up front. They're directors on the Dauphin County Historical Society Board. I would like to make a presentation to them. First of all, I would like to make one comment. I was not present when this book was printed. On behalf of the Commissioners and Recorder of Deeds Office, I would like to present this copy of the original Day Book from Dauphin County from 1785 to 1841. There is a microfilm tape. I have the other book. I found it in the basement and had it redone for our office. I thought it would be great to have the book presented to the Historical Society. There is a lot of information in it. A few years ago Judge Clark had a problem with the Appalachian Trail. They found a document in this book that they needed to settle the argument. It is valuable information.

Mr. Close: Thank you very much.

Mr. Knupp: If you haven't seen some of the archival storage facilities that we have at the Dauphin County Historical Society, which is south of here on Front Street, I recommend it very much. It is a place where history is kept. These records will be very well kept and preserved. Thank you very much.

COMMISSIONERS' DISCUSSION & ACTIONS

Mr. Haste: We now have items A thru X. Item A, Mr. Smida and Lou would you like to come forward?

- A. Resolution No. 32-2003 in reference to the Harrisburg Authority Retrofit Project/ County Qualified Interest Rate Management Plan and SWAP Guaranty.
- B. Application for 2003 End-of-Year Encumbrances of the Dauphin County Liquid Fuels Funds for the County Bridge No. 122 (South Hanover/Derry Twp.) in the amt. of \$455,000.
- C. Resolution No. 33-2003 changing the Affordable Housing Program Requirements.
- D. Approval of Per Diem Rates for FY03/04 between Children & Youth Agency and:
 - 1. Perseus House, Inc.:
 - Florence Crittenton Pregnant & Parenting Program
 - Mother \$239.00/day
 - Child \$ 45.00/day
 - 2. Adelphoi Village, Inc.
 - Supervised Independent Living Program for Females \$173.87/day
- E. Refund of 2003 Real Estate Taxes to Milton Hershey School & Hershey Trust Co., Derry Township, parcel numbers as listed in memorandum, in the amt. of \$26,685.90.
- F. Request for 2003 tax forgiveness to the Community Action Commission, parcel #02-13-15 & #02-13-16, in the amt. \$2,913.09.
- G. Consultant Quality Assurance Assistant Service Agreement between Spring Creek and Betty Simmons.
- H. Satisfaction Piece with Lisa M. Garcia for property located at 2460 Adrian St., Harrisburg, PA.
- I. Consultant Agreement between Dauphin County and Terry Haines for the management of the Affordable Housing Program Fund.
- J. Ground Lease between Dauphin County EMA and Mr. & Mrs. Scott Hahn for the Fairview Communications Tower Site.

- K. 2004 Illusion Maker Performance Agreement with the Dauphin County Solid Waste Management Dept.
- L. Approval of a Stipulation of Settlement for the Hershey Foods Corporation, tax parcel #24-029-040.
- M. Approval of the Settlement Agreement for the Pinnacle Health Hospitals v. Dauphin County Board of Assessment Appeals, et. al. No. 2902 CV 2002 TX (Multiple Properties).
- N. Community Based Volunteer Transportation Agreement between A.A.A. and Autumn Leaves (East Hanover Township).
- O. Amendment #1 for FY03/04 to Purchase of Service Agreement between A.A.A. and Jewish Family Service, Inc.
- P. Adoption Assistance Agreement #2003-17.
- Q. Amendments to FY02/03 Purchase of Service Agreements between MH/MR and:
 - 1. Pinnacle Health Hospitals – Amendment #2
 - 2. Allegheny Valley School – Amendment #1
 - 3. Cornell Abraxas Group, Inc. – Amendment #1
- R. Purchase of Service Agreements for FY03/04 between Children & Youth and:
 - 1. Perseus House
 - 2. Wordsworth at Shawnee
- S. Addendum to Food Service Agreement between Schaffner Youth Center and Canteen Correctional Service.
- T. Amendment to Agreement between Schaffner Youth Center and Cornell Abraxas Group, Inc.
- U. Approval of Settlement between Dauphin County and Brinjac.
- V. Board of Commissioners Approval of Settlement Agreement for Peter Camacci, et. al. v. Russell L Sheaffer, et. al. Dauphin County Court of Common Pleas No. 5103 EQ 1993.
- W. Radio System Maintenance Contract for Dauphin County EMA.
- X. Intergovernmental Personnel Agreement for Dauphin County EMA.

Mr. Haste: Do you want to brief us on this? We have a general idea. We've talked about the need for the SWAP but if you could explain this.

Mr. Smida: As you recall in November when we presented to you Ordinance No. 4-2003 for consideration, which was the County guarantee of a portion of the Harrisburg Authority Retrofit Bonds for the incinerator project. It was contemplated at that time, in light of the fact that the Governor had recently signed what is now Act 23 into law, that there would be a derivative product that would be purchased at some time in the future to service a hedge against interest rate fluctuations in connection with this financing project. As you will recall the County is guaranteeing two pieces of the Retrofit Project. The first Series D Bonds in the amount of \$96,480,000 and a Series E Bond in the amount of \$14,500,000.

The Series D Bonds will be issued initially in a ten year fixed rate mode. It is contemplated that the yield on those bonds will be roughly in the area of about 4%. Hopefully, it will be slightly better. What is proposed is in the form of a resolution to authorize the County to enter into a guarantee of the SWAP payments pursuant to an Interest Rate Management Plan and a qualified Interest Rate Management Plan that has been adopted by the Authority and will be presented tonight to City Council for the City of Harrisburg.

I will let Lou walk you through the economics of what the SWAP does. It serves as a hedge against fluctuation in interest rates. The Authority will be paying a fixed rate on the Bonds and in turn will be receiving a variable rate that will be netted against that fixed rate. The long and short of it is that it will reduce the interest rate payments that will be required on those Series D Bonds. This applies only to the Series D Bonds. It does not apply to the Series E Bonds.

Mr. Verdelli: Tom did describe basically the flow of funds. The other thing that I think is important for your consideration is that there is an interest rate cap of 6% on the financing that you are guaranteeing. That is part of the Interest Rate Management Plan that needs to be adopted to oversee that exchange of payments that Tom described, as well as the 6% cap. So basically again, you are adopting the Interest Rate Management Plan which is under Pennsylvania. The new state law requires that if you are guaranteeing a SWAP or if you are in fact entering into one yourself you would have to adopt an Interest Rate Management Plan. It is a pretty thick document that we've all been preparing on your behalf that outlines basically how the transaction works. Under the state law you are required to view and evaluate what all the potential risks are when you are doing any type of interest rate SWAP. Whether you are going from fixed to variable and back and forth.

Mr. Smida: In summary the Resolution is the authorization for the County to enter into the guarantee of that SWAP Agreement.

Mr. Haste: If I understand, the purpose of the SWAP was to be able to take advantage of the market so that the variable rates will stay lower than the fixed rates. There by the Authority should be able to take advantage of that and have additional funds available to them in the earlier years. Then the 6% cap, if I remember comes in later. The thought is the market won't get to that point. Even at that time the 6%, is another guarantee that doesn't get out of hand.

Mr. Smida: Exactly, these agreements don't take affect during the construction period of the retrofit project. They start in about 2006, I believe and continue for a ten year term. You are right, the cap is a product that the Authority will purchase that will limit your exposure in the event that interest rates do move away from us. The maximum amount that the Authority would have to pay is 6% as opposed to the floating rate or on the variable rate bonds on whatever the market will yield at that time.

Mr. Haste: If they were to start now the way they are structured they really save about 2 points?

Mr. Verdelli: Right now variable interest rates are at 1.5%. That is what the Authority's financing team is trying to take advantage of is have the loan in a variable rate mode right now at 1.5% versus 4% of fixed. They're banking on the variable rate staying low which you know the ten year historical average is around 3%. So that is certainly a wise decision to try to save as much money for the project.

Mr. Haste: The 6% cap, is there for a guarantee in case it goes the other way.

Mr. Verdelli: Exactly, in case interest rates go through the ceiling. No more than 6%.

Mr. Petrucci: Is there anything new in this huge packet that we were presented with today that was not contemplated or included when you made your presentation to the Commissioners the last time?

Mr. Smida: I can answer that by saying, it was certainly contemplated that there would ultimately be a qualified Interest Rate Management Plan. All the appendix that are part of that which in essence analyze and disclose the various risks that the Authority and the County would face in the event that either the project goes awry or there was a significant change in the financial markets. I can assure you these documents as late as yesterday afternoon. The form of them could not be presented any earlier than this morning.

Mr. Petrucci: To make certain for my understanding, that whether this commission wanted to do this or not would not affect either of you because you both have been hired by the County Board of Commissioners to analyze this deal for our protection.

Mr. Smida: That is correct. My firm which is Mette, Evans & Woodside, is hired as Special Counsel to the County in connection with this matter. Mr. Verdelli is from Public Financial Management and has served as the County's independent financial adviser

and was extremely involved and instrumental in the negotiation and the preparation of the Interest Rate Management Plan that is appended to the Resolution as Appendix I and Appendix II.

Mr. Petrucci: Is it still then your advice to us that we are fairly well protected by everything that is considered in this plan?

Mr. Smida: In this plan, yes.

Mr. Haste: Bill you have been up to speed on all of this?

Mr. Tully: Yes, we had the briefing yesterday to find out where things were going. Obviously, nothing is free of all risk but I think every anticipated risk has been identified. The likelihood in many cases unlikelihood of the event ever triggering it. Absent climatic set of events that probably would diminish the impact of this compared to other things in the world, it seems to be well identified within what we have anticipated in the beginning to be the risk that we were assuming for the benefit of creating this facility for the refuse disposal.

Mr. Verdelli: I would like to make one final comment which is that while the bonds are to be priced tomorrow on this financing that there are still various agreements that our firm and Tom's firm are to review prior to closing. There still are things that we have said need to be met. That it would be most favorable and protective to the County that until those things are accomplished we would recommend that you sign the final closing documents that's scheduled to happen on December 30th.

Mr. Haste: This Board is to sign those documents on the 30th?

Mr. Smida: Logistically what we are planning is that hopefully by Friday we will have all the business terms worked out in all the agreements. The closing documents that the County will sign we anticipate having in our possession as early as Saturday morning or perhaps Monday morning. We would have those signed. They would be held in escrow. There is contemplated a pre-closing on Monday, December 29th and then a final closing on December 30th. At that time assuming all our conditions are satisfied we would release those documents.

Mr. Haste: They would come here for us to sign?

Mr. Smida: Yes, we will need Mr. Burns' signature.

Mr. Haste: You won't need the whole Board?

Mr. Smida: Only for one document as I understand it right now.

Mr. Haste: That may be difficult.

Mr. Smida: We do what we can.

Mr. Henry: I can come for whatever needs signed. That's no problem.

Mr. Smida: It is a Certificate of Incumbency.

Mr. Haste: You will have two of the three. I think our colleague on the left will be many miles away. You leave when, this weekend?

Mr. Petrucci: Yes.

Mr. Smida: Perhaps we can have them before hand.

Mr. Haste: Okay.

Mr. Henry: I have a concern that this was not on any of our agendas leading up to this morning. I come in this morning and find something of this significance placed on the agenda without any advance warning or any opportunity to really sit and discuss it with anybody is not a good way of doing business. Needless to say in the five minutes before the meeting I didn't have an opportunity to look through the packet. I have I think somewhat of an understanding of it based on your explanation but I think there should have been more of a warning than that something of this nature was put here.

Mr. Haste: If I understand, it is still somewhat a moving target. We don't have everything yet.

Mr. Smida: It is not 100% nailed down. That is correct. We are fielding comments from the Royal Bank of Canada. Nothing will change the risk analysis or the schedules that the County is agreeing to which Mr. Verdelli's firm is certifying as being fair and reasonable. It is the business terms of the guarantees and the Interest Rate Management Plan.

Mr. Haste: We are putting a lot in your ability.

Mr. Henry: The target could move again between now and closing.

Mr. Smida: As I said the economic analysis will not change. It is the business terms of the Interest Rate Management Plan and the County guarantee. The counter party in this case, the Royal Bank of Canada, they apparently did not have a committee meeting until late yesterday afternoon or early evening and we believe that the reservations and comments that they may have are for the most part are already incorporated but has to be fine tuned. That's all I can report to you about it because I haven't heard the results of that meeting last night.

Mr. Haste: I think our other safety net is, if in fact something changes that adversely affects the County's standing in this situation, you're going to recommend to us that we not sign the documents, right?

Mr. Smida: That's correct.

Mr. Haste: So I think we can feel somewhat assured that you're going to be keeping a close eye on this.

Mr. Smida: That's correct.

Mr. Haste: I would ask for our safety as well to make sure that Bill Tully is up to speed on this so that he knows exactly what is going on.

Mr. Smida: We've tried to keep Bill and Mike Yohe in the loop on all of this. It's literally an email blizzard every morning. It takes some time to digest.

Mr. Henry: That was my point.

Mr. Haste: Are there any further questions? Is there a motion to approve Resolution No. 32-2003?

Mr. Henry: So moved.

Mr. Petrucci: Second.

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

All: Aye.

Mr. Haste: Motion carries.

Mr. Smida: Thank you, Commissioners.

Mr. Haste: We now have Items B thru X. Again, for most of us this is the first time seeing these documents. Are there any questions? I asked Bill a number of them before the meeting. Is there any questions of Bill on any of those?

Mr. Petrucci: Are you contemplating voting on these today.

Mr. Haste: Yes.

Mr. Petrucci: There is one that I will not be voting for and that is Item V.

Mr. Haste: You would like to vote on that separate?

Mr. Petrucci: Yes.

Mr. Haste: Are there any others and do you have any questions of Bill? Bill is there anything that you need to point out on these?

Mr. Tully: Not unless there are questions.

Mr. Haste: Pull Item V separately. Is there a motion to approve this settlement agreement?

Mr. Henry: I will move that we approve Item V.

Mr. Haste: Is there a second? I'll second it. Is there discussion?

Mr. Petrucci: The reason that I'm voting no on this item is because I believe this relates to a very old suit largely perpetrated by myself for comments made on this Board in regard to the antiquated collection of the County's taxes through the tax collector. Things that are said on the Board are privileged. Sometimes I say some things I shouldn't say. I bear personal responsibility for those. The privilege of this Board to speak is pretty well outlined in the law that there's not much you can do up here that you would be liable for in court. I don't think there is a single lawyer whose ethical behavior is above 50% that would say they would even take the case that the tax collectors brought onto the County for my having made some comments in regard to the need to abolish these positions. I think the comment that was most offensive to the tax collectors were when I said that most of them were part-time people sometimes housewives sitting at home collecting our taxes, untrained, open just a few hours a day and really inconvenient for most of our taxpayers, and in deed most of the taxpayers actually send in their taxes. So they are really just there opening them up at their convenience, putting them into accounts at their convenience. This is still pretty much the way it is done today. My point is, to be sued for those comments is a no-brainer. They would not win. So what this settlement is, is nothing more than a political bribe because they have the power to be able to persuade some of the Commissioners here to think that they deserve a settlement. They don't. Actually, my colleague on the far right did give them a settlement. When I tried to ask for a reduction in their pay because we are already overpaying the tax collectors relative to other counties. I point out the \$.75 per bill in Lancaster. The \$.75 per bill in Lebanon. We are at \$1.50. When I asked for us to consider dropping to \$.75 a bill. My colleague motioned that they get another quarter per bill. Added it up to \$1.75 per bill. In effect, giving the tax collectors and costing the taxpayers another \$27,000 on the collection of their taxes. I think they already got their settlement and I don't think you should be agreeing to this. I think this is a political pull off. I think it stinks. And I think our public is going to know it. I suggest that you don't do it.

Mr. Henry: Once again, my colleague to the extreme left has gotten his facts completely wrong. The comments that you referenced that you made disparaging comments against tax collectors and housewives every where occurred early in the

administration of Commissioner Payne and myself. This suit was filed during the administration of Commissioners Sheaffer and Klein hence the reason it is Peter Camacci, et. al. v. Russell L. Sheaffer, et. al. This has nothing to do with your free speech or the comments that you made. This had to do with the situation where the Board of Commissioners at that time, obviously 1993 from this particular document, had changed the compensation for tax collectors. The tax collectors then sued because they were unhappy and felt aggrieved over the change in tax collection. You're wrong it doesn't have to do with your comments about them. It has to do with change in tax collection dating back to 1993. I thought it was later than 1993 myself. But it did not have to do with what you just spoke about.

Mr. Petrucci: You're raising a good point and since it's so old of a suit that neither one of us can remember what it's about.

Mr. Henry: I know exactly what it is about. Even though I was not here at the time that it occurred, this has come before us in Executive Session on a number of occasions so I'm familiar with at least the parameters of the suit and parameters of the settlement. My belief is if this thing has been hanging around since 1993 and mentions the late Russell Sheaffer, it's been around obviously so long the poor man is now deceased. I see no reason to burden a future board of Commissioners with something that really should have been settled many years ago. The dollar amount that is involved in this as I recall is not overly large. It will resolve the issue and put it behind us and allow the new board to move forward with at least one item of business removed from their agenda that they should not have to deal with.

Mr. Petrucci: A closing comment. I have watched both of you and myself on countless occasions talk about the state legislature needing to do a local tax reform. One of the most essential elements of local tax reform would be to allow us to collect our own taxes to which our state association supports. This group that you are about to give some money for no good reason is the biggest disappointment to local tax reform. They are a group that sit as a recipient and a beneficiary of a horse and buggy collection system established at the time Phil Spaseff just gave the book, in 1785. I have sat and watched this Board say that they are in favor of moving our County into the 20th century technologically. Then to keep your collection system in a 1785 structure is hypocritical. I suggest that it will come back to haunt you.

Mr. Haste: Actually, I wasn't going to say anything but now I need to. I concur with you. I think it is an outdated antiquated system. However, I wish we were given the authority to change things as freely as we would like to but the legislature doesn't do that. They are elected officials, they can go through the process and our ability is to set their compensation. If in fact, there is an opportunity to lobby and continue with CCAP to give the counties the option to do away with tax collectors. I fully support that because I too think there are better ways of collecting it. That's out of our control right now. It's someone else's and we can't do things the legislature doesn't permit us to do. My vote for this is in fact just that, to solve a settlement and not in support of that system.

All those in favor say, aye.

Mr. Haste & Mr. Henry: Aye.

Mr. Petrucci: No.

Mr. Haste: Motion carries. Now we have Items B thru X excluding V. Is there a motion to approve?

Mr. Henry: So moved.

Mr. Petrucci: Second.

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

All: Aye.

Mr. Haste: Motion carries.

COMMISSIONERS' COMMENTS

Mr. Haste: Is there anything that a member of the Board would like to discuss at this time?

Mr. Petrucci: I would like to point out that it has been sometime since this Board voted on a proposal that I put forward in regard to four actions that we were requesting of the General Authority. I would also remind you of a memorandum that I sent to the Executive Director of the General Authority inquiring to the Minutes of the Meeting in which they supposedly decided to pay themselves for attending. I have yet to receive a response. It has been over a month and a half since I sent that request to the Executive Director. Since then we have voted making a request of the General Authority, they have had one meeting and the minutes that we get of the meeting showed no discussion of our Resolution that we asked. Since that time they have postponed their meeting twice more. I am suggesting that someone with authority of this Board, the Chief Clerk or the Solicitor, should follow up with the General Authority in regard to our request that we voted on sometime ago so that we can effectuate some attention to those issues that we raised then.

Mr. Haste: Word must have gotten out that you were going to say something because I received a phone call this morning from the Chairman of the General Authority just wanting me to know that, I think it was yesterday or the day before, they had a meeting scheduled, the intent was to discuss this at that time. They are dealing with the situation with Mr. Fowler, the financial advisor, apparently they had a rather lengthy meeting whereby I think they took action to terminate that contract with him that has caused a lot of problems that they have. That meeting ran later than they anticipated and others had appointments to get to, so they did not get to this, but he wanted to

reassure me that they will deal with it. They ended up dealing with that situation a little bit longer than they anticipated yesterday. So that was the answer back.

Mr. Petrucci: One last thing I would like to state before I close my discussions. I do some lamenting on some things that had been some critical issues for me over the years. Two of them have already been mentioned today, the tax collector system and the loose control over the General Authority. I don't need to mention a lot of the success over the twelve years but I do want to say to the Board that I wish you well in the future as you work on the county's problems. I think your county is looking forward to the youthfulness of you to spark some kind of resurgence and breaking away from traditional balance that doesn't allow us to grow at the same pace as some other regions that are attracting our young people away from us. I hope you have the leadership ability to recognize that and to be inclusive of the points of view that are raised throughout your community and lead them in directions that they are asking to be lead. I have enjoyed working with my colleague, Mr. Henry on my right, he should know that I am going to be stationed in Palm Beach County and my neighbor will be Rush Limbaugh. I'm not real thrilled about that. But it will remind me of our constant political tatatas. I will miss them. I've also enjoyed very much working with the competent staff of Dauphin County for the most part, they are people who are trying to do a very difficult job in not the best of circumstance. I can't say enough about the job they've done for the people. Thanks.

Mr. Henry: It is helpful that you are going to be a neighbor of Rush Limbaugh's maybe he can succeed where I have failed in the past four years. I would expect that soon you will be a flaming conservative and hosting your own conservative talk show somewhere in Florida. Let me also state that it's been a pleasure to work with Commissioner Petrucci. Although we have had disputed discussions on occasions, at least from my point of view they were policy matters not personal matters. Personally, it has been a pleasure to work with the Commissioner and his wife, Sandra. As you retire and as I move onto other things, certainly Carol and I wish you all the best and much success in your retirement. On the off chance that we don't have a meeting next week, let me also express my appreciation to the wonderful staff that we have here in Dauphin County. It's been a unique pleasure and honor to get out and work with so many citizens all across Dauphin County. It has been a wonderful experience and if we are back next week, I'll be happy to expound on that 80 or 90 minutes if you like. For right now, consider the brevity to be an early Christmas present.

Mr. Haste: As was pointed out by Commissioner Henry, one of the reasons that we took action was so we could clear the agenda. We do have next week advertised as a meeting if in fact we need so. But at this point in time, there is no further business to be brought before the Board of Commissioners. So next week's meeting is tentative. Since Commissioner Petrucci, whether we have a meeting or not, will not be here. I would like to say that I wish you a lot of success in your retirement. I hope you enjoy it as much as you hope to enjoy it. It's well deserving. It's been an honor for me to have served with you actually twice. Once as a staff member and now as a colleague of yours. Through those years, we've had a lot of fun. As my two colleagues here like to

refer to each other, as the far right and the far left, I, too, intend to be a little more to the right than you. I do appreciate your outlook and view on things. It does cause me to think and reevaluate my position on certain issues. Most of the times it makes me reaffirm that I should be on the right. Has my son taken his final yet?

Mr. Petrucci: No.

Mr. Haste: I won't say any more then. I have further comments but I don't want them to reflect on John. I will say he has enjoyed your class. He is inspired by you. For both of my colleagues, I think hats should go off to anyone who sits in anyone of these chairs and puts himself out in public service at this level. As everyone up here understands, and I think everybody who has sat here does take this job seriously. Most of the decisions and the votes that we take may appear to the audience and everybody out there to be easy votes. Votes that we just say aye or nay. There is a lot that goes into our thought process in getting ready for those votes. Many times it is not easy. I know that I have already cast votes that if it were left just up to me as an individual I would not have cast. But when you sit here, you sit here in a different capacity. You no longer are an individual when you sit here, you are a representative of the people. Sometimes you need to put your own personal thoughts aside and cast a vote that you feel that is best for the community as a whole. My hat goes off to anybody who has put themselves in this. I know both of my colleagues have run for other offices and have had other public positions.

Again, to the students who are here today, I think if in fact you are looking to go into public life and politics or some other form of public service you do it for the right reason. To many times, I think people do it for ego or self-motivation. I think, if in fact, you do that you don't last very long in this profession. I think that those who have held numerous positions, those who have made a career in public service have done so with honor and dignity and I think that is why they survived. When you do that you need to look at your motivations. Commissioner Henry and I have known each other since mid 1982. We have through the years crossed paths in different public service capacities. My hat goes off to you too in your future public endeavors. Again, it is not an easy thing to do. I commend both of you for that public service and for putting yourself out on the line many times over. I wish both of you a lot of success in your future endeavors. Behave yourself south of the border.

Mr. Petrucci: I'll try.

PUBLIC PARTICIPATION

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

ADJOURNMENT

Mr. Haste: Is there a motion to adjourn?

Mr. Henry: So moved.

Mr. Petrucci: Second.

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

All: Aye.

Mr. Haste: This meeting is adjourned.

Transcribed: December 16, 2003

Respectfully submitted,

Robert Burns, Chief Clerk/Chief of Staff

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