

COUNTY COMMISSIONERS' MINUTES
WEDNESDAY, MARCH 8, 2017

The Board of County Commissioners met today in their weekly Commissioners' Meeting.

Present at today's meeting were:

Dennis P. Stuckey, Chairman
Joshua G. Parsons, Vice Chairman
Craig E. Lehman
BOARD OF COUNTY COMMISSIONERS

E. William Peters
INTERIM CHIEF CLERK

Lisa Johnson
ASSISTANT CHIEF CLERK

Christina Hausner, Esquire
COUNTY SOLICITOR

Also present were:

Dale Brubaker, Grants Specialist
DISTRICT ATTORNEY'S OFFICE

Jeffrey Cutler
EAST LAMPETER TOWNSHIP TAX COLLECTOR

Cheryl Gahrng, Chief Operating Officer
LANCASTER YWCA

Lawrence George, Executive Director
BEHAVIORAL HEALTH/DEVELOPMENTAL SERVICES

Randy Gockley, Coordinator
EMERGENCY MANAGEMENT AGENCY

Amber Green
TREASURER

Brian Hurter
CONTROLLER

Matt Knepper, Director
AGRICULTURAL PRESERVE BOARD

Karen Mansfield, Esquire
ASSISTANT DISTRICT ATTORNEY

Michelle McCall, Chief Executive Officer
LANCASTER YWCA

Valerie Moul, Chair
LANCASTER CENTRAL MARKET TRUST

David Mueller, Director
OFFICE OF JUVENILE PROBATION

Crystal Natan, Executive Director
CHILDREN AND YOUTH AGENCY

Charles Schmidt, Deputy Chief County Detective
DISTRICT ATTORNEY'S OFFICE

Linda Schreiner, Senior Buyer
PURCHASING DEPARTMENT

Kathryn Swiontek, Assistant Buyer
PURCHASING DEPARTMENT

Mark Wilson, Director
ADULT PROBATION AND PAROLE SERVICES

Commissioner Stuckey called the meeting to order at 9:15 a.m. followed by the Pledge of Allegiance.

-Continued-

**Lancaster County Commissioners' Meeting Minutes
Wednesday, March 8, 2017**

Commissioner Stuckey announced the approval of the January 25, 2017 Commissioners' Meeting Minutes and February 8, 2017 Commissioners' Meeting Minutes. Postpone approval of the February 15, 2017 Commissioners' Meeting Minutes and February 22, 2017 Commissioners' Meeting Minutes.

Commissioner Stuckey re-announced an evening Commissioners' Meeting is scheduled on Wednesday, March 15, 2017 at 7:00 p.m. at the Mountville Borough Municipal Building, 21 East Main Street, Mountville, Pennsylvania. There will be no Commissioners' Meeting held on Wednesday morning, March 15, 2017 at 9:15 a.m. and there will be no Work Session held on Tuesday, March 28, 2017.

Presentation of Proclamation –American Red Cross Month

In absence of a representative from the American Red Cross the Board asked Mr. Gockley if he would accept the Proclamation on their behalf. Mr. Gockley agreed and commented the Red Cross is very in the forefront of any emergency or disaster that happens in Lancaster County. He said through our agency, the Lancaster County Emergency Management Agency, we have a great working relationship with the Red Cross. We know they can be dependent on anytime we need them. Mr. Gockley accepted the Proclamation on behalf of the community and the volunteers that work for the Red Cross and thanked them very much for their support.

The Commissioners commented on how much they appreciated the Red Cross being there to assist whenever there is a significant problem in Lancaster County. The Board thanked Mr. Gockley for filling in and said they would hold the Proclamation for a representative from the American Red Cross.

Presentation of Proclamation – National Women's History Month

Michelle McCall, Chief Executive Officer, Lancaster YWCA
Cheryl Gahring, Chief Operating Officer, Lancaster YWCA

Ms. McCall thanked the Board on behalf of the women and children of the YWCA for honoring them for Women's History Month. She said the YWCA began in Lancaster in 1889 and next year they will celebrate one hundred years.

Ms. Gahring thanked the Board for this specific day and said it is also International Women's Day and the crossover is not missed on them as they work for gender parity in the work that they do every day and it is part of their mission work. Ms. Gahring thanked the Board on behalf of the ten thousand women, children and men that access the YWCA's services every year.

The Commissioners welcomed the opportunity to present a Proclamation to help the YWCA celebrate their one hundredth anniversary. The Board congratulated and thanked them for being at the meeting.

RESOLUTION NO. 13 OF 2017

On motion of Commissioner Parsons, seconded by Commissioner Lehman, it was agreed for the County of Lancaster to approve the following budget adjustments:

REVENUE ACCOUNT:

District Attorney's Office –	
Federal Grant	
Pennsylvania District Attorney's Institute Grant	
Sub-grant No. 2016-MDIT-19.1	
6311-A-B1300-19011	<u>\$6,198.55 (+)</u>

EXPENDITURE ACCOUNTS:

District Attorney's Office -	
Purchased Services	
7300-A-B1300-19011	\$5,874.31 (+)
District Attorney's Office –	
Other Equipment	
7228-A-B1300-19011	\$ 324.24 (+)
	<u>\$6,198.55 (+)</u>

Motion passed unanimously.

RESOLUTION NO. 14 OF 2017

On motion of Commissioner Lehman, seconded by Commissioner Parsons, it was agreed for the County of Lancaster to approve the following budget adjustments:

REVENUE ACCOUNT:

District Attorney's Office –	
Federal Grant	
2017 STOP Violence Against Women Act	
2951-A-B1300-19017	<u>\$54,572.39 (+)</u>

**Lancaster County Commissioners' Meeting Minutes
Wednesday, March 8, 2017**

EXPENDITURE ACCOUNTS:

District Attorney's Office - Contractual Services for 2017 7345-A-B1300-19017	\$53,750.00 (+)
District Attorney's Office – Contractual Services for 2016 7345-A-B1300-19017	<u>\$ 822.39 (+)</u>
	<u>\$54,572.39 (+)</u>

Motion passed unanimously.

On motion of Commissioner Parsons, seconded by Commissioner Lehman, it was agreed for the County of Lancaster, acting on behalf of Adult Probation and Parole, to approve the following:

Grant Award With: Pennsylvania Commission on Crime and Delinquency (PCCD)
Harrisburg, Pennsylvania

Purpose: To accept grant funding for "Adult Probation and Parole Multi-Health-Systems (MHS) Train the Trainer" project as follows, which is a joint project between Lancaster County Adult Probation and Parole and Lebanon County Probation Services:

- Train the trainer education in the use of MHS's Level of Service Inventory-Revised (LSI-R) product for twelve probation officers (seven from Lancaster County and five from Lebanon County).
- MHS's Level of Service/Case Management Inventory (LS/CMI) assessment tool training will be provided to Lancaster County Probation Officers, including seven members of the assessment unit, four supervisors and the Division Director, Bureau of Offender Reentry Coordinator, PA Board of Probation and Parole.
- End-user LS/CMI training for twelve Lancaster County Probation and Parole Officers.
- Required training materials.
- Purchase of two Microsoft Surface Pro tablets which will enable staff to complete assessment data entry at the Lancaster County Prison.

Amount/Term: Not to exceed \$46,622.74 for the period December 1, 2016 through June 30, 2017 (100% State funding).

Motion passed unanimously.

RESOLUTION NO. 15 OF 2017

On motion of Commissioner Lehman, seconded by Commissioner Parsons, it was agreed for the County of Lancaster to approve the following budget adjustments:

<u>REVENUE ACCOUNT:</u> Adult Probation and Parole – State Grant Revenue Multi-Health Systems (MHS) Train the Trainer Project 6321-A-B1126-41028	<u>\$46,623.00 (+)</u>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------

<u>EXPENDITURE ACCOUNT:</u> Adult Probation and Parole - Grant Expenses 7318-A-B1126-41028	<u>\$46,623.00 (+)</u>
------------------------------------------------------------------------------------------------------------	-------------------------------

Motion passed unanimously.

On motion of Commissioner Parsons, seconded by Commissioner Lehman, it was agreed for the County of Lancaster, acting on behalf of the District Attorney's Office, to approve the following:

Grant Application With: Pennsylvania Commission on Crime and Delinquency
(PCCD)
Harrisburg, Pennsylvania

**Lancaster County Commissioners’ Meeting Minutes
Wednesday, March 8, 2017**

Purpose: To submit a grant application for “Criminal Justice Reinvestment Initiative Innovative Policing” funding for the following:

- Payment of the County’s first year fee to CODY COBRA.net information sharing program.
- Purchase of CODY Records Management System for the County detectives.
- One-time initial fee to Omega System’s Extended Validation SSL Certification.

Amount/Term: Not to exceed \$94,501.00 for the period February 27, 2017 through June 30, 2017 (100% State funding).

Motion passed unanimously.

RESOLUTION NO. 16 OF 2017

On motion of Commissioner Lehman, seconded by Commissioner Parsons;

WHEREAS, Sealed proposals were received by the County of Lancaster and publicly opened and read on Wednesday, February 8, 2017 at 11:00 a.m. for furnishing chemicals for water treatment, sewage treatment and municipal swimming pools for Lancaster County and the Lancaster County Cooperative Purchasing Board for a one-year period commencing April 1, 2017 with a 90-day extension option.

NOW, THEREFORE, BE IT RESOLVED BY THE LANCASTER COUNTY BOARD OF COMMISSIONERS, That contracts be awarded to the following companies, for the items and amounts specified, which are the lowest and/or best bids received, and are in accordance with the advertisements, specifications and bids received therefore, and contracts therefore directed to be drawn.

<u>Contracts Awarded To:</u>	<u>For:</u>	<u>Amounts:</u>
	<u>Chemicals for water treatment, sewage treatment, and municipal swimming pools for Lancaster County and the Lancaster County Cooperative Purchasing Board for a one-year period commencing April 1, 2017 with a 90-day extension option:</u>	
Air Products & Chemicals, Inc. Allentown, Pennsylvania	Item 21	\$ 22,725.00
Brenntag Northeast, Inc. Reading, Pennsylvania	Items 20 and 32	\$ 74,525.00
Buckman’s, Inc. Pottstown, Pennsylvania	Item 7	\$ 19,840.00
Carmeuse Lime, Inc. Pittsburgh, Pennsylvania	Item 25	\$ 165,834.50
Evoqua Water Technologies, LLC Sarasota, Florida	Items 4 and 18	\$ 438,850.00
George S. Coyne Chemical Co., Inc. Croydon, Pennsylvania	Item 9 and 13	\$ 37,773.39
Gulbrandsen Technologies, Inc. Clinton, New Jersey	Item 17	\$ 14,060.00
JCI Jones Chemicals, Inc. Warwick, New York	Items 5-a and 5-b	\$ 34,822.50
Kemira Water Solutions, Inc. Lawrence, Kansas	Items 14 and 16	\$ 60,360.00
Main Pool & Chemical Company, Inc. Dupont, Pennsylvania	Items 2, 3, 10, 11, 15, 22, 23, 24, 29, 30, 31, 28-a, 28-b, 8-a, and 8-b	\$ 349,878.00
Shannon Chemical Corporation Malvern, Pennsylvania	Item 26	\$ 3,787.75
Univar USA, Inc. Middletown, Pennsylvania	Items 6, 19, 27, and 33	\$ 319,044.86
USALCO Baltimore Plant, LLC Baltimore, Maryland	Items 1 and 12	\$ 288,250.00

**Lancaster County Commissioners' Meeting Minutes
Wednesday, March 8, 2017**

Total:	\$1,829,751.00
Lancaster County's Portion	\$ 14,880.00

Motion passed unanimously.

RESOLUTION NO. 17 OF 2017

On motion of Commissioner Parsons, seconded by Commissioner Lehman:

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LANCASTER, PENNSYLVANIA to authorize the County Solicitor to prepare and file a petition by the County of Lancaster to intervene in the civil suit brought by East Lampeter Township against East Lampeter Township tax collector Jeffrey Cutler, docket number CI-15-05424 in the Lancaster County Court of Common Pleas.

ADOPTED this 8th day of March, 2017 by the Board of Commissioners of the County of Lancaster, Pennsylvania in lawful session duly assembled.

Ms. Hausner reported that the court hearing is scheduled for next Friday, noting this action is of value and importance to the County so that the County and East Lampeter Township can propose and secure accurate and adequate relief for the taxpayers of East Lampeter Township.

Mr. Hurter thanked the Commissioners for taking action on this matter and was pleased with the direction the County is taking which hopefully will resolve this and bring relief to the taxpayers of East Lampeter Township. He reported on the positive conversations he had with the surety.

Mr. Cutler commented on the following:

- He Filed an action with the Supreme Court of Pennsylvania.
- The Supreme Court mailed a letter to the Prothonotary.
- He filed a legal notice to the Clerk of Lancaster County and the case should be heard by the Supreme Court of Pennsylvania.
- This is an illegal impeachment.
- The new Devnet system produces incorrect results and it appears to have been tampered with and he documented this with the Auditor General's office.
- He is locked out of the 150 N. Queen St. building and previously submitted payments which were refused and he had to mail them by certified mail.
- On February 11, 2017 he mailed two checks by certified mail that were accepted by the Treasurer's office and have yet to be cashed.
- He filed a Pro Se Federal lawsuit on March 3, 2017 in the U.S. Eastern District Court and a summons should have been issued.
- He had a check in the amount of \$221,681.60 that is the payments for February for the County Treasurer.
- He is transferring the money from Fulton Bank to the Treasurer because he can't use their recording system because he can't access it so he had to make his own recording based on documents coming in from Fulton Bank.

Ms. Green addressed Mr. Cutler's allegation regarding the Devnet program pointing out that Devnet was not implemented by the County until 2016.

Commissioner Lehman asked Mr. Hurter to provide examples of the negative impacts on the East Lampeter Township taxpayers.

Mr. Hurter replied when the audit was started in 2014 initially there were some people that incorrectly got sent tax claims. There was a property owner that was within a month or two of losing their property because it was not resolved timely. The way it was resolved was by the property owner submitting a second payment and not by a resolution from Mr. Cutler. We found fifty plus taxpayers that had double paid their taxes to Mr. Cutler due to him not completing reconciliations of accounts. Mr. Cutler was not able to determine who these individuals were. We mailed out letters to those individuals to make them aware of this. Based on the records that we are looking at there are still forty taxpayers that have double paid to Mr. Cutler that have not been refunded their money. Mr. Hurter said for 2015 there were thirty-six taxpayers that were incorrectly sent to a tax claims bureau when they have made their payments. Their payments were made timely and the funds were not turned over to the County, they were sent to the tax claims bureau. There are currently two properties sitting in tax claims and if they are not resolved by later this year they will go to Sheriff's sale. We know who they are and we will work with the Treasurer's office to make sure that it does not get to that point. Mr. Hurter said at the end of 2016 tax collectors are required by law to have a final reconciliation by January 15th. That has not happened and he believes that Mr. Cutler had a meeting with the Treasurer's office to attempt to do that and given the records that was not possible. Mr. Hurter stated there are still two hundred plus properties that have paid that were not turned over by January 15th as required and he believes that Mr. Cutler does not have access to Devnet now but that access was granted until the beginning of February so there was ample time to have all of that information recorded in Devnet and that was not accomplished. Mr. Hurter said the reconciliation for 2016 has not happened. In addition, the 2016 Devnet reports that were completed by Mr. Cutler were not correct and therefore it is very difficult to reconcile the payments that were turned over to the County.

Commissioner Lehman thanked the Treasurer and the Controller and both of the offices' staff for the huge amount of work that had gone into this. From his perspective this is to make sure that everything is correct for both the County and East Lampeter Township and making sure that taxpayers are treated respectfully and not harmed through this process. He is hopeful that this will be resolved in the not too distant future.

Motion passed unanimously.

On motion of Commissioner Lehman, seconded by Commissioner Parsons, it was agreed for the County of Lancaster, acting on behalf of the Emergency Management Agency, to approve the following:

Grant Agreement With:

Pennsylvania Department of Health
Office of Public Health Preparedness
Harrisburg, Pennsylvania

**Lancaster County Commissioners' Meeting Minutes
Wednesday, March 8, 2017**

Purpose: To receive grant funding for reimbursement of costs associated with preparedness and training for Lancaster County Medical Reserve Corps' volunteers who provide assistance and support during health-related incidents and disasters, including mass casualty incidents.

Amount/Term: Not to exceed \$10,500.00 for the period July 1, 2016 through June 30, 2017 (100% State funding).

Motion passed unanimously.

On motion of Commissioner Parsons, seconded by Commissioner Lehman, it was agreed for the County of Lancaster, acting on behalf of the Children and Youth Agency and/or the Office of Juvenile Probation, to approve the following:

<u>Agreements With:</u>	<u>For:</u>	<u>Amounts Fiscal Year 2016/2017</u>
The Children's Service Center of Wyoming Valley Wilkes Barre, PA	Community Residential Rehabilitation (CRR) Group Home – Room and Board	\$65.52/day
Glen Mills Schools Concordville, PA	Residential Program	\$142.67/day
The Village Services Rosemont, PA	General Foster Care (under 13) General Foster Care (over 13) Treatment Foster Care (under 13) Treatment Foster Care (over 13) Medical Foster Care (under 13) Medical Foster Care (over 13) Shelter Child Welfare Residential Supervised Independent Living	\$55.75/day \$65.75/day \$122.53/day \$132.53/day \$55.75/day \$65.75/day \$225.00/day \$225.00/day \$96.25/day

Motion passed unanimously.

On motion of Commissioner Lehman, seconded by Commissioner Parsons, it was agreed for the County of Lancaster to enter into Contracts of Sale of Agricultural Conservation Easements with the following property owners:

<u>Name/Township</u>	<u>Type of Easement</u>	<u>County Share</u>	<u>State Share</u>	<u>Township Share</u>
P. Fay Herr Colerain Township and Eden Township	Perpetual	\$34,592.00	\$0.00	\$0.00

The Commissioners certify that the P. Fay Herr property, consisting of a total 10.81 acres with approximately eight acres in Colerain Township, is located in the Agricultural Security Area (ASA) of Colerain Township. The area of about two acres that overlaps into Eden Township will be automatically enrolled in the ASA pursuant to Section 1381.33 of the Agricultural Security Area Law that permits automatic inclusion of certain parcels when such are bisected by the dividing line between local government units upon the purchase of an agricultural conservation easement by the County.

<u>Name/Township</u>	<u>Type of Easement</u>	<u>County Share</u>	<u>State Share</u>	<u>Township Share</u>
Dickel Inc. Pequea Township	Perpetual	\$91,749.00	\$0.00	\$0.00

The Commissioners certify that the Dickel Inc. property, consisting of 60.84 acres, of which 53.97 acres is to be preserved, is located in the Agricultural Security Area of Pequea Township.

Motion passed unanimously.

On motion of Commissioner Parsons, seconded by Commissioner Lehman, it was agreed for the County of Lancaster, acting on behalf of Behavioral Health/Developmental Services (BH/DS), to approve the following:

- Amended Agreement No. 1 With:** Agape Care, Inc.
Lancaster, Pennsylvania

Purpose: Increase in utilization of Family Aide services due to an individual choosing to transfer services to Agape Care, Inc.

**Lancaster County Commissioners' Meeting Minutes
Wednesday, March 8, 2017**

- Amount/Term:** Increase the amount of the existing contract by \$11,932.83, for a total contract amount not to exceed \$30,794.41 for Fiscal Year 2016-2017.
- 2. **Amended Agreement No. 1 With:** Ephrata Area Rehabilitation Services, Inc.
Ephrata, Pennsylvania

Purpose: Increase in Prevocational services by \$854.90; decrease in Transitional Work services by \$2,581.10; decrease in Job Finding/Support services by \$5,254.00; and decrease in Community Habilitation services by \$5,611.50.

Amount/Term: Decrease the amount of the existing contract by \$12,591.70, for a total contract amount not to exceed \$32,337.00 for Fiscal Year 2016-2017.
- 3. **Amended Agreement No. 1 With:** Involved Consumer Action Network in Lancaster, Inc.
Lancaster, Pennsylvania

Purpose: Purchase of computers for the drop-in center.

Amount/Term: Increase the amount of the existing contract by \$5,869.72, for a total contract amount not to exceed \$140,302.72 for Fiscal Year 2016-2017.

Motion passed unanimously.

Ms. Moul updated the Board on the Lancaster Central Market Raise the Roof campaign. She said they are within fifty thousand dollars of their goal.

On motion of Commissioner Lehman, seconded by Commissioner Parsons, the meeting adjourned at 10:17 a.m.

Motion passed unanimously.

Respectfully submitted,

Heather E. McDevitt, Executive Assistant
Commissioners' Office