

COUNTY COMMISSIONERS' MINUTES  
WEDNESDAY, JANUARY 22, 2020

The Board of County Commissioners met today for a Commissioners' Meeting.

Present at today's meeting were:

**Joshua G. Parsons, Chairman**  
**Ray D'Agostino, Vice-Chairman**  
**Craig E. Lehman**  
**BOARD OF COUNTY COMMISSIONERS**

**Lawrence M. George**  
**CHIEF CLERK**

**Lisa Johnson**  
**ASSISTANT CHIEF CLERK**

**Christina Hausner, Esquire**  
**COUNTY SOLICITOR**

Also present were:

**Michele Bard, CFO**  
**ST. ANNE'S RETIREMENT COMMUNITY**

**Jennifer Caron, Esquire**  
**ECKERT SEAMANS**

**Charles Douts, Director**  
**FACILITIES MANAGEMENT**

**Matt Knepper, Director**  
**AGRICULTURAL PRESERVE BOARD**

**Mark Lauriello, County Engineer**  
**RETTEW**

**David Mueller, Director**  
**OFFICE OF JUVENILE PROBATION**

**Crystal Natan, Executive Director**  
**CHILDREN AND YOUTH AGENCY**

**James Noel, Esquire**  
**SOLICITOR TO THE LANCASTER COUNTY HOSPITAL AUTHORITY**

**Jeff Swinehart, Chief Operating Officer**  
**LANCASTER FARMLAND TRUST**

**Mary Turnbaugh, President**  
**ST. ANNE'S RETIREMENT COMMUNITY**

**David Twaddell, Esquire**  
**ECKERT SEAMANS AND BOND COUNSEL TO ST. ANNE'S RETIREMENT COMMUNITY**

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

Commissioner Parsons announced the approval of the December 11, 2019 Commissioners' Meeting Minutes and the December 18, 2019 Commissioners' Meeting Minutes, and the postponement of approval of the November 13, 2019 Commissioners' Meeting Minutes, November 26, 2019 Evening Commissioners' Meeting Minutes, January 6, 2020 Commissioners' Organizational Meeting Minutes, January 8, 2020 Commissioners' Meeting Minutes and January 15, 2020 Commissioners' Meeting Minutes.

**RESOLUTION NO. 13 OF 2020**

On motion of Commissioner D'Agostino, seconded by Commissioner Lehman;

**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF LANCASTER, APPROVING THE FINANCING BY THE LANCASTER COUNTY HOSPITAL AUTHORITY OF A FINANCING PROJECT FOR THE BENEFIT OF SAINT ANNE'S RETIREMENT COMMUNITY, INCORPORATED, A NONPROFIT CORPORATION SERVING THE PUBLIC, FOR A PROJECT CONSISTING OF THE (I) ACQUISITION AND CONSTRUCTION OF CERTAIN ALTERATIONS, ADDITIONS, AND IMPROVEMENTS TO THE FACILITIES OF SAINT ANNE'S RETIREMENT COMMUNITY, INCORPORATED LOCATED IN THE TOWNSHIP OF WEST HEMPFIELD, LANCASTER COUNTY, PENNSYLVANIA, INCLUDING CONSTRUCTING, FURNISHING,**

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AND EQUIPPING OF A SENIOR INDEPENDENT LIVING APARTMENT BUILDING AND DUPLEX COTTAGES, (II) THE REFUNDING OF CERTAIN OUTSTANDING INDEBTEDNESS OF SAINT ANNE'S RETIREMENT COMMUNITY, INCORPORATED, CONSISTING OF THE OUTSTANDING REVENUE NOTE, SERIES OF 2017 (SAINT ANNE'S RETIREMENT COMMUNITY, INCORPORATED PROJECT), HERETOFORE, ISSUED BY SAID AUTHORITY, (III) FUNDING OF A DEBT SERVICE RESERVE FUND, (IV) FUNDING THE COSTS OF TERMINATING AN INTEREST RATE SWAP AGREEMENT RELATED TO THE AFOREMENTIONED 2017 NOTE, (V) AND THE PAYMENT OF THE COSTS AND EXPENSES RELATED TO SUCH FINANCING AND FUNDING INTEREST ON A PORTION OF THE BONDS DURING CONSTRUCTION; DECLARING THAT IT IS DESIRABLE FOR THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE IN THE AREA SERVED BY SAINT ANNE'S RETIREMENT COMMUNITY, INCORPORATED TO HAVE THE PROJECT PROVIDED BY AND FINANCED THROUGH THE AUTHORITY; DESIGNATING THE CHAIRMAN OF THE BOARD OF COMMISSIONERS OR, IN HIS ABSENCE, ANY OTHER MEMBER OF THE BOARD OF COMMISSIONERS AS THE PERSON TO ACT ON BEHALF OF THE BOARD OF COMMISSIONERS AS THE "APPLICABLE ELECTED REPRESENTATIVE" WITHIN THE MEANING OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED; AUTHORIZING SUCH CHAIRMAN OR ANY SUCH MEMBER OF THE BOARD OF COMMISSIONERS TO TAKE CERTAIN ACTIONS ON BEHALF OF THE BOARD OF COMMISSIONERS AS SUCH "APPLICABLE REPRESENTATIVE"; AND AUTHORIZING OTHER NECESSARY AND APPROPRIATE ACTION.

**WHEREAS**, Lancaster County Hospital Authority (the "Authority") is a municipal authority incorporated pursuant to a resolution of the Board of Commissioners of the County of Lancaster, Pennsylvania, and is existing under and governed by the provisions of the Pennsylvania Municipality Authorities Act, as amended and supplemented (the "Authorities Act"); and

**WHEREAS**, The Authorities Act permits the Authority to assist in the financing of buildings and facilities for health centers; and

**WHEREAS**, Saint Anne's Retirement Community, Incorporated ("Saint Anne's") has represented to the Authority that it is an integrated health center facility which provides substantial health care services on a nonsectarian basis and reasonably related services and is a nonprofit corporation existing under the laws of the Commonwealth of Pennsylvania (the "Commonwealth"); and

**WHEREAS**, Saint Anne's has requested that the Authority finance a project which consists of the: (a) refunding and retirement of the Authority's Revenue Note, Series of 2017 (Saint Anne's Retirement Community, Incorporated Project), issued December 22, 2017, in the original maximum principal amount of \$36,000,000; (ii) acquisition and construction of certain alterations, additions, and improvements to the facilities of the Corporation located in the Township of West Hempfield, Lancaster County, Pennsylvania, known as "Saint Anne's Retirement Community," including, but not limited to, the construction, furnishing, and equipping of a three-story senior independent living apartment building containing approximately 30 apartments, and 16 duplex cottages containing a total of 32 senior independent living residences; (iii) funding of a debt service reserve fund; (iv) funding of the costs of terminating an interest rate swap agreement related to the 2017 Note; and (v) payment of costs of issuing the Bonds (hereinafter defined) and funding interest on a portion of the Bonds during construction (collectively, the "Project"); and

**WHEREAS**, In order to finance the Project, Saint Anne's has requested that the Authority issue its Revenue Bonds, Series of 2020 (Saint Anne's Retirement Community, Incorporated Project), in the maximum aggregate principal amount of \$45,000,000 (the "Bonds"); and

**WHEREAS**, The County of Lancaster (the "County") approves the financing of the Project for the benefit of Saint Anne's, and has determined that it is in the best interests of the people in the County of Lancaster, and is desirable for the health, safety and welfare of the people in the area served by Saint Anne's and the Project to have the Project provided, and undertaken, by the Authority; and

**WHEREAS**, Pursuant to the Internal Revenue Code of 1986, as amended (the "Code"), the Bonds to be executed by the Authority to finance the Project for the benefit of Saint Anne's, must be approved by the "applicable elected representative" of the governmental units having jurisdiction over the Authority and the area in which the Project is located after a public hearing following reasonable public notice; and

**WHEREAS**, Pursuant to the Code, the term "applicable elected representative" means, among other things, the elected legislative body of the governmental unit in which the Project is located; and

**WHEREAS**, The Project is located in the County; and

**WHEREAS**, The Board of Commissioners of the County (the "Board") is the "applicable elected representative" of the County within the meaning of the Code; and

**WHEREAS**, The Board desires to authorize and direct its Chairman, or in his absence, any other member of its Board to act on its behalf as such "applicable elected representative."

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LANCASTER COUNTY, PENNSYLVANIA AS FOLLOWS:**

1. In connection with the financing of the Project by the Authority, this Board of Commissioners hereby declares it to be desirable for the health, safety, and welfare of the people in the area served by Saint Anne's and the Project, to have the Project provided by, and financed through, the Authority.
2. The Board hereby empowers, authorizes, and directs its Chairman, or in his absence, any of its members, to execute and deliver an "approval of applicable representative" in the form attached hereto; provided that, such approval shall be delivered only following a public hearing, held on behalf of the County by the Authority, which has followed reasonable public notice, with respect to the Project (described on such approval). The Board intends that this resolution and the subsequent execution and delivery of the approval of "applicable elected representative" by any Commissioner of this County shall constitute the "approval by a governmental unit" required by Section 147(f) of the Code.

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- 3. The approval granted hereby shall not, in any way, pledge or obligate the credit or taxing power of the County, nor shall the County be liable for the payment of the principal of, or interest on, any obligations issued by the Authority.
- 4. The County acknowledges that the Authority is entitled to rely upon, and will rely upon, the findings and determinations of this County as set forth in Paragraph 1 above.

Motion passed unanimously.

Commissioner Parsons announced that the Board of Commissioners met in Executive Session on Tuesday, January 21, 2020 at 11:15 a.m., following the Work Session, to discuss a Labor Negotiation matter and also a Personnel matter.

**RESOLUTION NO. 14 OF 2020**

On motion of Commissioner Lehman, seconded by Commissioner D'Agostino;

**WHEREAS**, Sealed proposals were received by the County of Lancaster and publicly opened and read on Wednesday, January 15, 2020 at 11:00 a.m. for the replacement of the East Octoraro No. 1 Bridge located in Sadsbury Township.

**NOW, THEREFORE, BE IT RESOLVED BY THE LANCASTER COUNTY BOARD OF COMMISSIONERS**, That a contract be awarded to the following company, for the item and amount specified, which is the lowest and/or best bid received, and is in accordance with the advertisements, specifications and bids received therefore, and a contract therefore directed to be drawn subject to the filing of a performance bond.

<b><u>Contract Awarded To:</u></b>	<b><u>For:</u></b>	<b><u>Amount:</u></b>
Lobar Site Development Corporation Dillsburg, Pennsylvania	Replacement of the East Octoraro No. 1 Bridge located in Sadsbury Township	\$1,074,579.97 (Liquid Fuels funding)

Motion passed unanimously.

On motion of Commissioner D'Agostino, seconded by Commissioner Lehman, it was agreed for the County of Lancaster, acting on behalf of the Facilities Management Department, to approve the following:

- 1. **Addendum No. 2 to Agreement With:** RETTEW  
Lancaster, Pennsylvania  
  
**Purpose:** To provide engineering services for construction activities related to the East Octoraro No. 1 Bridge Replacement project located in Sadsbury Township.  
  
**Amount:** Increase the amount of the existing contract by \$32,400.00, for a total contract amount not to exceed \$332,200.00 through completion of project (Liquid Fuels funding).
- 2. **Agreement With:** Gannett Fleming  
Camp Hill, Pennsylvania  
  
**Purpose:** To provide inspection services for construction activities related to the East Octoraro No. 1 Bridge Replacement project located in Sadsbury Township.  
  
**Amount/Term:** Not to exceed \$76,438.60 through completion of project (Liquid Fuels funding).

Motion passed unanimously.

**RESOLUTION NO. 15 OF 2020**

On motion of Commissioner Lehman, seconded by Commissioner D'Agostino;

**WHEREAS**, Through the *Lancaster County Comprehensive Plan* and the recommendations of the *Blue Ribbon Commission for Agriculture*, Lancaster County has identified the importance of preserving agriculture and agricultural land in Lancaster County; and

**WHEREAS**, Through policy and programs, the Board of County Commissioners has made a commitment to a balanced and cooperative approach to farmland preservation in Lancaster County; and

**WHEREAS**, The Board of Commissioners has established the *Farmland Preservation Fund* to implement the recommendations of the *Lancaster County Comprehensive Plan* and the *Blue Ribbon Commission for Agriculture* to permanently preserve farmland in areas planned for agriculture.

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**NOW, THEREFORE, BE IT RESOLVED BY THE LANCASTER COUNTY BOARD OF COMMISSIONERS,** That the County of Lancaster, Pennsylvania, appropriate agricultural conservation easement purchase funds for Fiscal Year 2020 in the amount of \$1,855,774.69, which is inclusive of \$1,500,000 of new County funds through the ***Farmland Preservation Fund***, \$66,273.69 of Clean & Green rollback tax interest as required by Act 156 of 1998, \$24,771.00 of other County Funds reserved exclusively for easement purchase, and \$264,730.00 of local government funds used for the acquisition of agricultural conservation easements.

**BE IT FURTHER RESOLVED,** That the above funding is available as of January 1, 2020, and that such funds have been collected or received by Lancaster County and placed in a restricted account, or are reserved exclusively for the purchase of easements, and that any of these funds not expended by December 31, 2021 will be available for use in subsequent fiscal periods for the same purpose; as required by the Act of June 30, 1981 (P.L. 128, No. 43), known as the Agricultural Area Security Law, as amended.

**BE IT FURTHER RESOLVED,** That said funds will be used for the purpose of providing matching funds for the purchase of agricultural conservation easements pursuant to the authority contained in the Act of June 30, 1981 (P.L. 128, No. 43), known as the Agricultural Area Security Law, as amended.

**BE IT FURTHER RESOLVED,** That \$60,000.00 of Clean & Green rollback tax interest will be used to monitor and enforce agricultural conservation easements, including the payment of legal costs associated with defending agricultural conservation easements, as permitted by Act 46 of 2006.

**BE IT FURTHER RESOLVED,** That \$250,000.00 from the Marcellus Shale Legacy Fund established by Act 13 of 2012 will be used for 50% matching challenge grant is hereby awarded to the Lancaster Farmland Trust through the ***Farmland Preservation Fund*** to permanently preserve farmland in areas planned for agriculture in accordance with guidelines prepared for the program.

Motion passed unanimously.

Mr. Swinehart, Chief Operating Officer for the Lancaster Farmland Trust, provided the Commissioners with information on the 2019 Farmland Preservation Fund Challenge Grant and thanked them for offering that grant to Farmland Trust. Last year, they represented a 15 year public-private relationship between Lancaster Farmland Trust and the County of Lancaster to advance the mission of Farmland Preservation across the County. It is a dramatic impact to the County in terms of protecting the agricultural resource that is out there, which is the foundation of the vibrant agricultural industry in the County, as well as advancing the County's objectives of preserving agricultural land.

The Commissioners are thankful to Ag Preserve Board, Farmland Trust, Municipal partners, as well as land owners for supporting this program.

On motion of Commissioner D'Agostino, seconded by Commissioner Lehman, it was agreed for the County of Lancaster to enter into Agreements of Sale for 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>
David K. and Ruthie L. Blank Salisbury Township	Perpetual	\$0.00	\$206,806.00	\$0.00

The Commissioners certify that the David K. and Ruthie L. Blank farm, consisting of 70.89 acres, of which 68.1 acres are proposed for preservation, is located in the Agricultural Security Area of Salisbury Township.

<u>Name/Township</u>	<u>Type of Easement</u>	<u>County Share</u>	<u>State Share</u>	<u>Township Share</u>
Wanner's Family Limited Partnership Salisbury Township	Perpetual	\$0.00	\$601,880.00	\$0.00

The Commissioners certify that the Wanner's Family Limited Partnership farm, consisting of 196.23 acres, of which 150.47 acres are proposed for preservation, is located in the Agricultural Security Area of Salisbury Township.

Motion passed unanimously.

On motion of Commissioner Lehman, seconded by Commissioner D'Agostino, 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 2019/2020</u>
Avanco International, Inc. Clifton, VA	CWIS 2.0 Upgrades to Interface with the Child Accounting and Profile System (CAPS)	\$22,143.21
Community Service Foundation Pipersville, PA	Group Foster Care	\$128.83/day
Intensive Program	READY Day Treatment \$49.70/day	\$114.42/day

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Families United Network, Inc.  
Muncy, PA

Outcome Focused Foster Care	\$61.83/day
Outcome Focused Foster Care – Urgent Placement	\$76.76/day
Outcome Focused Foster Care – Respite	\$47.31/day
Outcome Focused Foster Care – Transitional	\$73.12/day
Outcome Focused Foster Care – Intensive	\$95.86/day
Medical Foster Care – Level I	\$49.61/day
Medical Foster Care – Level II	\$48.84/day
Medical Foster Care – Level III	\$36.63/day
Medical Foster Care – Level IV	\$27.82/day
Additional Specialized Medical Rate	\$41.61/day
Arborevale Manor – Life Readiness	\$177.19/day
<u>Ashler Manor:</u>	
Residential Services - Level I	\$193.48/day
Residential Services - Level II	\$202.01/day
Emergency Shelter Care	\$177.03/day
Transitional Living	\$130.00/day
<u>White Rose Manor:</u>	
Residential Services - Level I	\$193.48/day
Transitional Living	\$130.00/day

Family Care Services, Inc.  
Chambersburg, PA

General Foster Care	\$44.08/day
Specialized Foster Care	\$57.38/day
Enhanced Foster Care – Level I	\$84.18/day
Enhanced Foster Care – Level II	\$110.59/day
Host Home (Room and Board)	\$28.04/day
Placement Maintenance	\$45.74/day

Foundation For Living  
Mansfield, OH

Residential Treatment Facility	\$500.00/day
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Harborcreek Youth Services  
Harborcreek, PA

Residential Treatment Facility – Level I	\$400.68/day
Residential Treatment Facility – Level II	\$363.58/day

Hoffman Homes for Youth  
Littlestown, PA

Residential Treatment Facility	\$291.89/day
Clothing and Personal Incidentals	\$5.00/day

The Impact Project, Inc.  
Emmaus, PA

Specialized Foster Care I	\$66.39/day
Specialized Foster care II	\$83.78/day
Specialized Foster Care II with Visitation Coach	\$105.51/day
Specialized Foster Care III	\$89.15/day
Project LIFE	\$95.42/day
Project LIFE with Visitation Coach	\$116.74/day
Supervised Apartment Living Level I	\$64.46/day
Supervised Apartment Living Level I - Rent Piece - \$500.00 month	\$16.40/day
Supervised Apartment Living Level I - Rent Piece - \$750.00 month	\$24.59/day
Sex Offenders Step Down Level I	\$135.86/day
Sex Offenders Step Down Level II	\$129.67/day
Critical Care Foster Care	\$99.65/day
Critical Care Foster Care with Visitation Coach	\$118.14/day
Transitional Aftercare Integration Program	\$73.79/day
Psychiatric Services – Medication	\$3.00/day

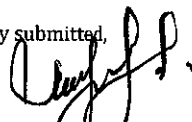
Motion passed unanimously.

Ms. Natan and Mr. George announced Mr. Mueller's retirement and together with the Board congratulated Mr. Mueller and thanked him for the 30 years working for the County, 19 of which he served as an Executive Director for the Office of Juvenile Probation.

On motion of Commissioner D'Agostino, seconded by Commissioner Lehman, the meeting adjourned at 10:02 a.m.

Motion passed unanimously.

Respectfully submitted,



Lydia Kovalchuk, Executive Assistant  
Commissioners' Office