

COUNTY COMMISSIONERS' MINUTES
WEDNESDAY, APRIL 15, 2020

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

The Commissioners' Meeting was conducted remotely during the COVID-19 pandemic State of Emergency declaration. The public was invited to view and participate in a live, moderated broadcast.

Participating in 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

Christina Hausner, Esquire
COUNTY SOLICITOR

Other participants were:

Dale Brubaker
GRANT SPECIALIST

Phil Colvin, Director
EMERGENCY MANAGEMENT AGENCY

Mike Domin, Principal Planner
PLANNING COMMISSION

Pat Mulligan, Director
BUDGET SERVICES

Scott Standish, Executive Director
PLANNING COMMISSION

Christopher Tallarico, Chief Public Defender
PUBLIC DEFENDER'S OFFICE

Michael Weaver, Director
COUNTY-WIDE COMMUNICATIONS

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

Commissioner Parsons announced the postponement of approval of the January 15, 2020 Commissioners' Meeting Minutes, March 11, 2020 Commissioners' Meeting Minutes, March 25, 2020 Commissioners' Meeting Minutes and April 1, 2020 Commissioners' Meeting Minutes.

Commissioner Parsons announced that the Board of Commissioners met in an Executive Session on Monday, April 13, 2020 at 9:40 a.m. to discuss personnel and labor negotiation matters.

Commissioner Parsons made the following re-announcements:

- The Commissioners' Work Sessions scheduled for Tuesday, April 21, 2020 has been cancelled.
- There is no Work Session scheduled for Tuesday, April 28, 2020, and there is no Commissioners' Meeting scheduled for Wednesday, April 29, 2020.

Commissioner D'Agostino thanked all of the medical, hospital workers and everyone on the front line who are, doing an amazing job and going out of their way to help during this crisis and keeping us safe and healthy. He thanked the emergency responders and all the 24-hour services around the County for all they are doing because they are truly on the frontline. As mentioned during the April 24th press conference we are not out of the woods yet and while the cases seem as if they are leveling off, there are a lot of things we do not know and there have been gaps in testing. Commissioner D'Agostino stressed that we need to continue to stay safe, practice social distancing and follow guidelines. Hopefully within the next few weeks we will know more. He appreciated his colleagues, elected officials and department heads for working together.

Commissioner Lehman echoed Commissioner D'Agostino's comments and gave a shout out to County employees, particularly the 24-7 facilities, the Prison, Youth Intervention Center, 911 center, Crisis Intervention and county employees who are working remotely. He added that what County government has done in terms of pivoting to be able to work remotely and operating have been nothing short of extraordinary, noting our IT staff has really led the way to really be able to make that happen. Commissioner Lehman thanked all County employees for all they are doing, and acknowledged it is a difficult challenge working remotely, but every day he is amazed at how people are stepping up and trying to make sure County government continues to operate as effectively as we can.

Commissioner Lehman announced that the CCAP Board of Directors will be meeting this morning; therefore, he apologized that he may need to excuse himself from the Commissioners' Meeting depending on the length of the meeting.

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Commissioner Parsons thanked both of his colleagues for their comments and agreed with their sentiments as well. He extended his appreciation to all County employees who continue to do great work under very difficult circumstances.

RESOLUTION NO. 28 OF 2020

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

WHEREAS, the Schuylkill to Susquehanna (S&S) Greenway is a proposed multi-use trail corridor comprised of the Northwest Lancaster County River Trail, the Enola Low-Grade Trail, and the Chester Valley Trail, located in Montgomery, Chester, and Lancaster counties; and

WHEREAS, the building of the S&S Greenway is a significant regional accomplishment, meeting the criteria to be recognized by the Department of Conservation and Natural Resources as a "Major Greenway Corridor"; and

WHEREAS the S&S Greenway will link "The Circuit Trails" network of Greater Philadelphia with trail corridors in the Lower Susquehanna River Valley; and

WHEREAS, the S&S is part of a well-planned transportation system that provides a diversity of transportation alternatives to the automobile and makes mobility safe and accessible to all residents regardless of age, income, or ability; and

WHEREAS, the S&S Greenway will provide safe facilities separated from vehicular traffic to encourage bicyclists, walkers, the physically challenged, and other non-motorized users to be more active and spend time outdoors, thereby improving their fitness and health; and

WHEREAS, the S&S Greenway, by offering access to natural, cultural, and historical sites, will bring health and economic benefits to counties, municipalities and businesses in the region; and

WHEREAS, *places2040*, the new comprehensive plan for Lancaster County, Pennsylvania, calls for local governments to think beyond their individual municipal boundaries, increase opportunities to hike, bike, and enjoy nature, and encourage the development of non-motorized transportation alternatives; and

WHEREAS, *places2040* and the Lancaster Active Transportation Plan identify the Enola Low Grade as a priority corridor for connectivity, alternative transportation, and outdoor recreation.

NOW, THEREFORE, WE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF LANCASTER, PENNSYLVANIA, do hereby resolve, that the County of Lancaster endorses the concept of advancing the S&S Greenway and encourages our municipalities and neighboring counties to do the same.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Circuit Coalition, the Governor of the State of Pennsylvania, the Pennsylvania Department of Transportation, the Pennsylvania Department of Conservation and Natural Resources, and the municipalities of Lancaster County,

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 Planning Commission, to approve the following:

<u>Letter of Amendment to Master Agreement No. 521160 With:</u>	Commonwealth of Pennsylvania Department of Transportation Harrisburg, Pennsylvania
<u>Purpose:</u>	To increase funding for transportation planning and/or programming for the Lancaster Area Metropolitan Planning Organization in accordance with the Unified Planning Work Program's goals and objectives.
<u>Amount:</u>	Increase the funding allocation by \$272,000.00, for a total amount not to exceed \$5,272,000.00 (80% Federal funding; 10% State funding; and 10% local share funding).
<u>Term:</u>	July 1, 2016 through June 30, 2022. This amendment will become effective once all required signatures are affixed to the document. The term may be extended by letter of amendment and signed by the authorized representatives for single or multi-year extensions, but shall not continue past June 30, 2027.
<u>Authorization to Sign Letter of Amendment:</u>	The Board of Commissioners authorizes Joshua G. Parsons, Chairman, to sign the Letter of Amendment on behalf of the County of Lancaster.

Motion passed unanimously.

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On motion of Commissioner D'Agostino, seconded by Commissioner Lehman, it was agreed for the County of Lancaster, acting on behalf of the Public Defender's Office, to approve the following:

- Grant Application With:** Pennsylvania Commission on Crime and Delinquency
Harrisburg, Pennsylvania
- Purpose:** To submit a grant application for General Government Operations funding for assistance in the defense of two pending capital murder cases in Lancaster County.
- Amount/Term:** Not to exceed \$39,999.00 for the period July 1 2020 through June 30, 2021 (100% State funding).

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 District Attorney's Office, to approve the following:

- Grant Application With:** Pennsylvania Commission on Crime and Delinquency
Harrisburg, Pennsylvania
- Purpose:** To submit a grant application for Byrne Justice Assistance Program funding to create a program to fight sex trafficking in Lancaster County. Funding will be used as follows:

- Contractual services to develop a protocol and training program for law enforcement and prosecutors;
- Contractor will create a lead trafficking task force and generate a resource listing of regional services providers for trafficking victims which will be used by law enforcement;
- Emergency shelter care for trafficking victims; and
- Purchase of two mobile monitoring/surveillance tools for law enforcement.

- Amount/Term:** Not to exceed \$51,625.00 for the period October 1, 2020 through September 30, 2021 (100% Federal funding).

Motion passed unanimously.

On motion of Commissioner D'Agostino, seconded by Commissioner Lehman, it was agreed for the County of Lancaster to amend the 2020 Salary Administration Plan to impose a hiring freeze on all positions, except those outlined in the Salary Administration Plan as Critical Public Safety Jobs. Such freeze will last until the Salary Board votes to revert back to the original Salary Administration Plan. The hiring freeze will not apply to positions currently posted or in the process of being filled prior to today's action. Any requests for exceptions will require Salary Board approval. This motion will be ratified at the next Salary Board Meeting.

The Critical Public Safety Jobs in the Salary Administration Plan are:

- Correctional Officers
- Behavioral Health/Developmental Services (BHDS) Crisis Intervention Caseworkers
- Deputy Sheriffs
- Telecommunicators
- Youth Care Workers
- Department Heads
- Maintenance – 24 hour facilities

Motion passed unanimously.

RESOLUTION NO. 29 OF 2020

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

BE IT RESOLVED BY the Board of Commissioners of Lancaster County, Pennsylvania that Joshua G. Parsons, Chairman, is hereby authorized to execute for and on behalf of the County of Lancaster, Pennsylvania, as follows:

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1. Joshua G. Parsons has the authority on behalf of the County of Lancaster, Pennsylvania to request direct payment from the Department of the Treasury ("Treasury") pursuant to section 601(b) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, div. A, Title V (Mar. 27, 2020).
2. Joshua G. Parsons understands that Treasury will rely on this certification as a material representation in making a direct payment to the County of Lancaster, Pennsylvania.
3. The County of Lancaster's proposed uses of the funds provided as direct payment under section 601(b) of the Social Security Act will be used only to cover those costs that:
 - a. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
 - b. were not accounted for in the budget most recently approved as of March 27, 2020, for the County of Lancaster, Pennsylvania; and
 - c. were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

ADOPTED this 15th day of April, 2020 by the Board of Commissioners of the County of Lancaster, Pennsylvania in lawful session duly assembled.

Motion passed unanimously.

Discussion on Non-Disclosure Agreement with the Pennsylvania Department of Health for the Release of COVID-19 Data and Authorization to Sign Non-Disclosure Agreement

Commissioner Parsons stated that counties have been asking for data from the Pennsylvania Department of Health which will help map reported COVID19 cases within municipalities, noting the first piece is to help our first responders through the 911 Center.

Mr. Colvin stated that counties will be able to download the data from the Department of Health including addresses of people who have been diagnosed with COVID-19 but one of the challenges is if they have a P.O. Box there is no way to enter municipal information..

Ms. Hausner expressed concerns about executing and authorizing this agreement which the Department of Health is recommending all counties receiving this information sign the document. It imposes numerous conditions that she does not think we will meet. She cited the heavy burden placed on counties as well as the penalties set forth in the agreement for violations. In addition, we are required to have anyone who receives this information sign a similar non-disclosure and confidentiality agreement. It is also unclear as to how long this information is retained and the conflict between general retention of records requirements and what is posed by this non-disclosure confidentiality agreement. Ms. Hauser stated the County does not have the say when it comes to communicating data with first responders. Ms. Hausner added these are also concerns with surrounding counties.

Commissioner Parsons stated there is interest and demand and rightfully so from the first responder community, especially EMS for more data. Commissioner Parsons understands and supports that; however, it is beyond frustrating to comply with requirements that are very impossible to meet. There needs to be a way to make it work for first responders, and if that means we cannot sign/authorize today because things are evolving quickly we should probably have continued discussions with the Department of Health and colleagues in other counties as soon as possible.

Commissioner Lehman stated this data is needed for our first responders, and if we need to wait to do additional due diligence to get it right, he is fine with that. In addition, if folks feel the information is needed sooner rather than later, he is fine with that as well. The penalties are a little onerous and we need to make sure we are adhering to this non-disclosure agreement as much as possible. Commissioner Lehman felt that at some point in time we will need to agree to some type of non-disclosure for our first responders.

Commissioner D'Agostino agreed with both of his colleagues and echoed that the first responders deal with this daily, not only with COVID-19, but with sensitive health information and this is nothing new. It is outrageous that is not being recognized by the state in this non-disclosure agreement, noting it is frustrating because this information will be helpful and useful for our emergency responders to continue to do the best we can to get through this crisis. Commissioner D'Agostino understands Ms. Hausner's concerns but stated that is the responsibility of 911 and emergency responders who deal with it all the time. Commissioner D'Agostino agreed that we should have the data, and hopefully, those at the Department of State and others will help us get through this because the data will be helpful.

Commissioner Parsons added this is not the County's exposure which is significant, it is the exposure to everyone else in good faith trying to save lives. The County needs to figure out what we can do internally to safeguard this information, and recommended that Mr. Weaver and Mr. Colvin follow up on this. Also, he proposed we look at what can be done externally in the next few days and see if we can make any impact with the Department of Health. Commissioner Parsons stated we will continue communication with the first responders to let them know what is going on because they want and expect this information.

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Ms. Hausner understood that this is all a part of the weighing-in process and there are concerns with exposure to the County and risk of liability to third parties. Mr. Weaver stated they have been screening and using the EMD process with county partners to screen all the calls, and the feedback is that people are really forthcoming with COVID-19 test results. This information is being transmitted to the responders and under those circumstances we are safe in doing that and there is no liability. If needed, they could do a short-term logging of such information. He concurred with Ms. Hausner with the way this non-disclosure agreement is written, noting the liability of the County is way beyond the benefit to receiving this data which is not guaranteed, possibly not timely, and no guarantee that information will remain confidential.


Commissioner Parsons said they need to keep looking because there is a responsibility to provide every potential safety measure that we can provide to the first responders. Commissioner Parsons asked Mr. Weaver if he could look at his internal processes and talk to colleagues on how this can be set up to do this.

Agenda items **G. Non-Disclosure Agreement with the Pennsylvania Department of Health for the Release of COVID-19 Data** and item **H. Resolution No. 30 of 2020 - Authorization to Sign Non-Disclosure Agreement with the Pennsylvania Department of Health for the Release of COVID-19 Data** will be placed on hold until more information is provided.

On motion of Commissioner D'Agostino, seconded by Commissioner Parsons, the meeting was adjourned at 10:19 a.m.

Motion passed unanimously.

Respectfully submitted,



Latoya Westbrook-Thomas, Executive Assistant
Commissioners' Office