

COUNTY COMMISSIONERS' MINUTES
WEDNESDAY, FEBRUARY 13, 2019

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

Present at today's meeting were:

Joshua G. Parsons, Chairman
Dennis P. Stuckey, 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:

John Biemiller, Director, Business Retention & Expansion
EDC FINANCE CORPORATION

Jessica Hamilton, Funding and Servicing Manager
EDC FINANCE CORPORATION

Benjamin Herskowitz, Radiological Planner
EMERGENCY MANAGEMENT AGENCY

Doug Mackley, Secretary on the Board of Supervisors
EAST COCALICO TOWNSHIP

Lois Mildas, Master Gardener
PENN STATE EXTENSION

Ella Musser, Ed.D., Superintendent
COCALICO SCHOOL DISTRICT

Scott Russell, Manager
EAST COCALICO TOWNSHIP

Stephanie Shirk, Client Relationship Manager
PENN STATE EXTENSION

Carter Walker, County Government Reporter
LANCASTER NEWSPAPERS

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 26, 2018 Commissioners' Meeting Minutes and to postpone approval of the January 2, 2019 Commissioners' Meeting Minutes and February 6, 2019 Commissioners' Meeting Minutes.

Commissioner Parsons announced that Work Session was not held yesterday because of the delayed opening due to weather and the Board met in Executive Session on Monday, February 11, 2019 at 9:15 a.m. to discuss Personnel Issues including an EEOC Matter.

Commissioner Parsons announced there is no Work Session scheduled for Tuesday, March 5, 2019, and no Commissioners' Meeting is scheduled for Wednesday, March 6, 2019.

Check Presentation to Penn State Extension for 2019 Commissioners' Grant Funding in the amount of \$470,000.00
Stephanie Shirk, Client Relationship Manager, Penn State Extension

Commissioner Stuckey appreciated the relationship with Penn State Extension, noting they provide valuable services to communities not only for the agriculture industry but also in terms of education, children and farm safety, along with a top notch 4-H program.

Commissioner Lehman added his thanks, saying he is pleased the Board was able to provide support as there is no doubt, they have a good reputation and the residents value the services.

Commissioner Parsons said the Board wanted to highlight the work of the Penn State Extension and help get the word out to all residents about the threat the Spotted Lantern Fly poses to Lancaster County.

Ms. Shirk expressed her appreciation for the Board's support and partnership. She pointed out part of the budget increase for this year was to include more support for the master gardener program because, unfortunately, the Spotted Lantern Fly is going to become a bigger issue in Lancaster County. They are going to contact community groups, share information about the research and what they can do regarding its impact; along with

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increasing training and hotline hours in their office. Ms. Shirk was grateful for Commissioner Stuckey's recognition of the 4-H program and noted the food safety, quality and nutrition work they do through SNAP-Ed (Supplemental Nutrition Assistance Program Education), EFNEP (Expanded Food and Nutrition Education Program), Dining with Diabetes and Feeding Strong Women.

Mr. Russell gave a PowerPoint presentation regarding the Proposed LERTA in East Cocalico Township which gave a summary of the LERTA Law and a timeline of expanding the LERTA in East Cocalico Township. He explained the turnpike entrance is the gateway to Lancaster County for tourists and businesses but the economic recovery from the 2008 recession missed East Cocalico Township, growth has been stagnant, and properties have been on the market for over ten years. Mr. Russell displayed the area around Pepperidge Road and North Reading Road and discussed how the LERTA can benefit the School District, Township and County; noting potential developers, businesses and realtors are paying attention to these discussions. Mr. Russell confirmed for Commissioner Lehman there is no change to the previous LERTA with UGI and discussed the time difference, which puts the economic benefits in the first two years when the property owner has their greatest expenses. He also confirmed the sunset date of ten years and said after year three they want to evaluate the effectiveness. Mr. Russell said their area is unique because there are so many commercial and industrial properties which need to have major renovations to spur economic growth along the 222 corridor. From a regional perspective, they are the commercial district of the four municipalities and the industrial district of the Cocalico School District; and are the only municipality of the four applying for a LERTA. He does not think it will be utilized by other municipalities because they do not need incentives like this to encourage developers in their areas and do not have properties that have sat vacant for over ten years. In response to Commissioner Parsons question, Mr. Russell said he has not done a formal analysis but was an engineer in this town for 15 years before he became the manager two years ago, so he knows these parcels and this township intimately and the majority of these projects would be redevelopment, a major upgrade or expanding of facilities - very few UGI or Pepperidge Farm type projects. Mr. Russell appreciated the Board's support and said his hope is ten years from now they will see a renaissance at this interchange.

Dr. Musser said she has worked in the school district since 1991 and they do not have a lot of businesses so when taxes are raised the burden rests on the homeowner compared to other districts in the County, and the return they get is minimal. They are also interested in enticing businesses that have activities for students and places for students and families to work. Dr. Musser thinks they have a unique situation and the biggest reason to do it differently in Cocalico is because they are generating very little money compared to the other districts, even though their taxes are truly some of the highest taxes in the County. They operate very differently in terms of planning ahead because they have a difficult time raising the kind of revenue needed for construction projects, which makes budgeting very challenging.

Mr. Biemiller reiterated what everyone has said - municipalities have very limited resources to encourage investment and despite the strong real estate market we are seeing in parts of the County, there are many things hindering investment in this community. Finally, Dr. Musser is the first superintendent to call them years ago to talk about getting investment in their district. He also noted they were not involved in what properties were chosen and it is a great opportunity to come up with 30 acres of available commercial ground anywhere in the County.

Commissioner Stuckey said it is nice to see the school district and municipality working together to enhance their community. He acknowledged that East Cocalico was buffered through the years, it was a sleepy little town with antique shops, and he is supportive of this because they are trying to develop properties which will provide jobs and activities along with tax revenue.

Commissioner Lehman pointed out Lancaster City does have a LERTA district that covers nearly the entire City of Lancaster, except for perhaps the Stockyards property and maybe the Greenfield Industrial park area of the City; and there is also a threshold that triggers LERTA for residential properties. He is more open to this than the UGI site; noting the UGI project was going to happen whether the LERTA was done or not, and all that did was shift tax burden to residents, which was why he voted against it. Mr. Russell confirmed that East Cocalico has urban and village growth areas, and 100% of these properties are in an urban or village growth area. Commissioner Lehman said this matters because we want to try to redevelop deteriorated sites and it does make sense to revitalize an existing commercial corridor to potentially reduce the pressure to build another new shopping center in Lancaster County. He is supportive because it is time limited, targeted and not inconsistent with the County Comprehensive Plan, noting they are trying to incentivize their tax base.

Commissioner Parsons congratulated them on being proactive, appreciated what they are trying to do and agreed with the big picture goals, but questioned the scope and expressed his concerns regarding the appropriateness of casting such a wide net and the precedent this might set. Since he has been on the Board, they have interpreted LERTA expansively and he has not voted against a LERTA because he wants to incentivize economic development in commercial and industrial areas where proper. He said it was helpful to have this conversation and noted that we do not lose any tax revenue, we are deferring tax revenue and will potentially gain tax revenue if the LERTA works.

ORDINANCE NO. 139

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF LANCASTER
ADOPTING THE LOCAL ECONOMIC REVITALIZATION TAX ASSISTANCE (LERTA) PROGRAM
FOR DESIGNATED AREAS WITHIN THE TOWNSHIP OF EAST COCALICO.**

On motion of Commissioner Stuckey, seconded by Commissioner Lehman;

WHEREAS, the County of Lancaster, Pennsylvania ("County") is a local taxing authority, authorized by the Local Economic Revitalization Tax Assistance Act, the Act of December 1, 1977, P.L. 237, No. 76, (72 P.S. §4722 et seq.), "LERTA", to provide tax exemption for new construction in deteriorated areas of economically depressed communities and for improvements to certain deteriorated industrial, commercial and other business properties; and

WHEREAS, the Board of Commissioners of Lancaster County ("Board of Commissioners") desires to encourage building façade improvement, new industrial, commercial, and business development, and redevelopment in these deteriorated areas through the use of tax exemptions and abatements; and by providing regulations, standards and qualifications for tax exemption and abatement programs; and

WHEREAS, by Ordinance No. 128 of 2017, the Board of Commissioners adopted a LERTA exemption program with a ten-year exemption schedule for the East Cocalico Township property identified as Lancaster County Tax Account No. 0802125300000, which ordinance provided that additional eligible areas may be included from time to time by Ordinance of the Board of Commissioners; and

WHEREAS, the Township of East Cocalico, by Ordinance 2018-04, and the Cocalico School District, by Resolution Dated November 19, 2018, adopted a LERTA exemption program with a six year exemption schedule for the additional East Cocalico Township properties defined as "[a]ll industrial properties, commercial and other business properties within the General Commercial, Planned Commercial, Light Industrial and Heavy Industrial Zoning Districts of the Township" which properties are identified in Exhibits "A" and "B" attached hereto.

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF LANCASTER COUNTY, PENNSYLVANIA, as follows:

SECTION 1. Definitions. The following words and phrases when used in this article shall have the following meaning:

"Board of Commissioners" – The Board of Commissioners of Lancaster County, Pennsylvania.

"Deteriorated Area" – An area meeting the requirements of the Local Economic Revitalization Tax Assistance Act, 72 P.S. §4722 et seq.

"Deteriorated Property" – Any industrial, commercial or other business property owned by an individual, association, or corporation, and located in a deteriorating area, as hereinafter provided, or any such property which has been the subject of an order by a government agency requiring the unit to be vacated, condemned or demolished by reason of noncompliance with laws, ordinance or regulations. Ordinary upkeep and maintenance shall not be deemed an improvement and should not result in an increased assessed value and taxation.

"Improvement" – Repair, construction or reconstruction including alterations and additions having the effect of rehabilitating a deteriorated property so that it becomes habitable or attains higher standards of safety, health, economic use or amenity, or is brought into compliance with laws, ordinances, or regulations governing such standards. Ordinary upkeep and maintenance shall not be deemed an improvement nor shall repair, construction or reconstruction of a property for residential use.

"LERTA" – The Local Economic Revitalization Tax Assistance Act, the Act of December 1, 1977, P.L. 237, No. 76, 72 P.S. §4722 et seq.

"County" – County of Lancaster, Commonwealth of Pennsylvania.

SECTION 2. Eligible Areas. The Board of Commissioners determines that the deteriorated area for purposes of this Ordinance shall be those properties identified in Exhibits "A" and "B" attached hereto. Additional eligible areas may be included from time to time by ordinance of the Board of Commissioners.

SECTION 3. Exemption.

- A. The amount to be exempted from real estate taxes shall be limited to that portion of the additional assessment attributable to the actual cost of new construction or improvements to deteriorated property in accordance with the exemption schedule established herein.
- B. The exemption from real estate taxes shall be limited to that improvement for which an exemption has been requested in the manner set forth in this Ordinance and for which a separate assessment has been made by the Lancaster County Board of Assessment Appeals.
- C. No tax exemption shall be granted if the property owner does not secure the necessary and proper permits prior to improving the property.
- D. In any case after the effective date of this Ordinance, when deteriorated property or new construction is damaged, destroyed, or demolished by any cause or for any reason, and the assessed valuation of the property affected has been reduced as a result of said damage, destruction or demolition, the exemption from real property taxation authorized by this Ordinance shall be limited to that portion of new assessment attributable to the actual cost of the improvements or construction that is in excess of the original assessments that existed prior to the damage, destruction, or demolition of the property.
- E. Notwithstanding anything to the contrary, each item of construction and/or improvements shall be treated separately for exemptions under this Ordinance if they are being performed or constructed under separate building permits.

SECTION 4. Exemption Schedule.

- A. The schedule of County real estate taxes to be exempted shall be in effect for ten (10) years and will be in accordance with the following schedule:

<u>Length (Year)</u>	<u>Portion (Percent)</u>
First	100%
Second	100%
Third	75%
Fourth	50%
Fifth	25%
Sixth	0%

- B. The foregoing Exemption Schedule shall not affect the Exemption Schedule for any property already subject to a LERTA exemption pursuant to any prior Ordinance.
- B. If an eligible property is granted a tax exemption pursuant to this article, the improvement shall not, during the exemption period, be considered as a factor in assessing other properties.

- C. The exemption from taxes granted under this Ordinance shall be upon the property and shall not terminate upon the sale or exchange of the property.
- D. If the use of the property at the time the exemption is granted is modified, terminated or changed during the five (5) year period which in any way would have affected the exemption if the property had been so used when the exemption was granted, then at the election of the County, the exemption shall be forfeited and discontinued as of the date the use was modified or terminated or the County of Lancaster determines that the continuation of the exemption would be inconsistent with the purposes of this ordinance.

SECTION 5. Procedure for Obtaining Exemption.

- A. Any person desiring exemption under this Ordinance shall notify the Manager and Treasurer of the Township of East Cocalico, as well as the Business Manager of the Cocalico School District, in writing on a form provided to the Applicant at the time a building permit is secured for the new construction or improvement.
- B. A copy of the exemption request shall be forwarded to the Lancaster County Board of Assessment. The Lancaster County Board of Assessments, shall after completion of the new construction or improvement, assess separately the new construction or improvement and calculate the amounts of the assessment eligible for tax exemption in accordance with the limits set forth in this Ordinance and shall notify the taxpayer, the Township, and the School District of the reassessment and amounts of the assessment eligible for exemption. Appeals from the reassessment and the amount eligible for the exemption may be taken by the taxpayer or the local taxing authority as provided by law.
- C. The cost of the new construction or improvements to be exempted and the schedule of taxes exempted existing at the time of initial request for tax exemption shall be applicable to that exemption request, and subsequent amendments to this Ordinance, if any, shall not apply to requests initiated prior to the adoption of any subsequent amendments.

SECTION 6. Termination Date and Extension. An application for exemption may be made at any time within three (3) years from the effective date of this Ordinance. All qualified applications under this Ordinance are eligible for the years set forth in the exemption schedule unless otherwise forfeited or revoked. The County may, from time to time, extend the time for filing an application for exemption. However, in no event shall any one (1) extension period exceed five (5) years.

SECTION 7. Forfeiture of LERTA Exemption. The exemption from the real estate taxes provided for herein shall be forfeited by the taxpayer and/or any subsequent owner of the real estate for the failure to pay any nonexempt real estate taxes by the last day of the time period to pay such taxes in the penalty period. Upon receipt of the notice of nonpayment of nonexempt real estate taxes, the County shall discontinue the LERTA exemption. The exemption from the real estate taxes provided for herein may also be revoked under Section 3(D) of this Ordinance pertaining to a change in the use of the property.

SECTION 8. Severability. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of the Board of Commissioners that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 9. Effective Date. This Ordinance shall take effect and be in force five (5) days after its enactment by the Board of Commissioners of Lancaster County as provided by law.

Note: A listing of the LERTA qualified zoning areas and maps are on file in the Commissioners' Office.

Motion passed unanimously.

RESOLUTION NO. 7 OF 2019

FUNDING THROUGH THENEXT GENERATION FARM LOAN PROGRAM

On motion of Commissioner Lehman, seconded by Commissioner Stuckey;

WHEREAS, The Penn Township Lancaster County Industrial Development Authority has held a public hearing on an application/project in the total amount of \$485,000.00 for the Next Generation Farm Loan for John S. and Lizzie G. Stoltzfus. The farm is located at 952 Eby Chiques Road, Mount Joy, West Hempfield Township, Lancaster County, which is in accordance with the Tax Equity and Fiscal Responsibility Act of 1982; and

WHEREAS, The Penn Township Lancaster County Industrial Development Authority has determined that the application/project conforms to the public purpose, eligibility, and financial responsibility requirements of the Pennsylvania Economic Development Financing Law and approved the above application/project at a publicly advertised meeting; and

WHEREAS, The project's details are set forth in the public notice announcement on file in the Penn Township Lancaster County Industrial Development Authority Office.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LANCASTER, PENNSYLVANIA, That the Board hereby approves the revenue obligation or tax-exempt issues as stated above; and

BE IT FURTHER RESOLVED, That 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.

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Motion passed unanimously.

On motion of Commissioner Stuckey, seconded by Commissioner Lehman, it was agreed for the County of Lancaster, acting on behalf of the Emergency Management Agency, to adopt the 2019 County Emergency Operations Plan and the 2019 Radiological Emergency response Plan for the County.

Motion passed unanimously.

Commissioner Lehman read the following:

On February 5, 2019, the County Solicitor read the following statement on behalf of the Board of Commissioners:
"Through the County Department of Human Resources and the County Solicitor, the Board of Commissioners has been made aware of an employment action taken with regard to a County employee within the District Attorney's office. The employment action in this case has been reversed and the status quo restored. Human Resources will continue to review the matter."

After the initial employment action but before that action was reversed and the status quo restored, the County became aware of this internal District Attorney Office policy. I'm providing it exactly as it was received. My understanding is that this is a longstanding policy across multiple DA's. Part of this policy (in parenthesis below) addresses employees who seek public office.

"An employee who is a candidate for public office to which remuneration is attached must resign from employment upon general public announcement of the candidacy or the filing of appropriate documents, whichever is earlier. This requirement shall not apply to any candidacy for municipal or school district office where remuneration does not exceed \$10,000. Such candidacy shall be governed by the provisions applicable to candidacy for public office to which no remuneration is attached. The District Attorney may modify this requirement in his sole discretion."

First, it is questionable policy to require individuals to resign employment to seek public office. Further, it is highly questionable policy to require some individuals to resign employment to seek public office and not others. But, it is completely inappropriate to have a policy where an elected official has the authority to determine who maintains their employment and who does not while seeking public office. This ill-conceived policy opens the door to potentially bring outside political matters and campaign considerations into County government. In my opinion, this is unacceptable and must be remedied.

With this in mind, I recommend that there be a thorough review of all policies related to political activity as follows:

1. Review existing County Policies related to prohibiting political activity to ensure that there is complete separation between County functions and political activities;
2. Identify and review any existing internal County Departmental/Office Policies related to prohibiting political activity to ensure that there is complete separation between County Departmental/Office functions and political activities;
3. Work with the Courts to review any existing Court Policies related to prohibiting political activity to ensure that there is complete separation between Court functions and political activities;
4. Work with the Courts to identify and review any internal Court-Related Departmental/Office Policies related to prohibiting political activity to ensure that there is complete separation between Court-Related Departmental/Office functions and political activities;
5. Work with Elected Officials to identify and review any existing internal Elected Official Office policies related to political activity to ensure that there is complete separation between Elected Official Office functions and political activities;
6. Ensure that any existing internal Elected Official Office, Court-Related Departmental/Office or County Departmental/Office political activity policies are consistent with and do not conflict with County or Court policies prohibiting political activity;
7. Review all existing political activity policies to ensure that all policies can and will be consistently, fairly, legally and objectively applied across all of County Government; and
8. Make all existing political activity policies and any recommended changes to those policies available for public review prior to any final decision on any recommended changes.

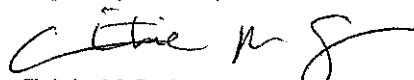
In raising this issue, my concern is County government. My comments today along with the aforementioned recommendations are solely for the benefit of County government. I am focused on policy and making sure that there is complete separation between County government functions and political activities. Finally, I am willing to work with anyone to help keep outside political matters and campaign considerations out of County government.

Commissioner Lehman confirmed for Mr. Walker that the policy is any candidate seeking elected office higher than the municipal or school board level and above the dollar threshold of what someone would be paid as a public official, they are to resign their position with the District Attorney's Office. He also noted this is the first his colleagues are seeing this information, as he wanted to present it to everyone fairly at the same time.

On motion of Commissioner Stuckey, seconded by Commissioner Lehman, the meeting adjourned at 10:24 a.m.

Motion passed unanimously.

Respectfully submitted,



Christine M. Carrigan, Executive Assistant
Commissioners' Office