

COUNTY COMMISSIONERS' MINUTES
WEDNESDAY, MAY 20, 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:

Tom Baldrige, President and CEO
LANCASTER CHAMBER OF COMMERCE

Dan Desmond, Attorney
BARLEY SNYDER

Robert Devonshire, Interim Director
FACILITIES MANAGEMENT

Harry Klinger, Director
PRUCHASING

Amber Martin
COUNTY TREASURER

Lisa Riggs, President
ECONOMIC DEVELOPMENT COMPANY OF LANCASTER COUNTY

Dr. Michael Ripchinski, Chief Clinical Officer
LANCASTER GENERAL HEALTH

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 March 11, 2020 Commissioners' Meeting Minutes, April 1, 2020 Commissioners' Meeting Minutes and April 22, 2020 Commissioners' Meeting Minutes. Approval of the March 10, 2020 Work Session Minutes. Postpone approval of the April 15, 2020 Commissioners' Meeting Minutes, May 6, 2020 Commissioners' Meeting Minutes and May 13, 2020 Commissioners' Meeting Minutes.

Commissioner Parsons announced that the Board of Commissioners met in Executive Session on Monday, May 18, 2020 at 9:45 a.m. to discuss personnel matters and litigation including the Vasquez case in the United State District Court Docket No. 4999 of 2018 and the Witherspoon case which is in the United States Eastern District Court Docket No. 2288 of 2020.

Commissioner D'Agostino said this week is National EMS Week so he wanted to appreciate the efforts of all our EMS workers in companies both private and public, volunteer and paid, who are doing a phenomenal job on the front lines of this crisis. He also thanked Jodie Barone of our Veterans Administration who worked with Harry Klinger, Larry George, Cheryl Steberger, and others to honor our fallen veterans and mark their graves for Memorial Day.

Commissioner Lehman agreed with Commissioner D'Agostino's comments and also gave a shout out to County employees who continue to do extraordinary work under very difficult circumstances.

Commissioner Parsons made the following re-announcement:

- The County Commissioners' Work Session scheduled for May 26, 2020 at 10:00 a.m. has been cancelled, noting the Board is looking to get back to Work Sessions and back to in-person meetings soon.

RESOLUTION NO. 39 OF 2020

Extension of Base Period for 2020 County Real Estate Taxes

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

- Continued -

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WHEREAS, the Governor of Pennsylvania issued a Proclamation of Disaster Emergency on March 6, 2020, pursuant to the Emergency Management Services Code, 35 Pa.C.S.A. § 7101 et seq., based upon the imminent threat of COVID-19 (novel coronavirus) pandemic; and

WHEREAS, the Governor has ordered, by and through such Proclamation and subsequent actions, the closure of all Pennsylvania schools and non-life-sustaining businesses for an indefinite period; and

WHEREAS, the Governor has further urged all governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under the Proclamation; and

WHEREAS, the County of Lancaster issued a Declaration of Disaster Emergency through adoption of Resolution No. 25 of 2020 on March 17, 2020, and most municipalities within Lancaster County have adopted similar Declarations of Disaster Emergency as a result of the COVID-19 pandemic, authorizing officials to act as necessary to meet the current exigencies of this emergency; and

WHEREAS, in this time of mandatory business closures, widespread unemployment and uncertainty in the financial markets, the livelihoods of many constituents, residents, and taxpayers in Lancaster County have been greatly diminished and are otherwise economically disadvantaged; and

WHEREAS, federal, state and local income tax deadlines have been postponed; and

WHEREAS, the Local Tax Collection Law, 72 P.S. 5511.10, provides that the rates of discounts and penalties on real estate taxes shall be established by the taxing district; and

WHEREAS, in accordance with the provisions of the Local Tax Collection Law, taxing districts in Lancaster County have established two percent (2%) as the discount if taxes are paid by April 30, 2020 and ten percent (10%) as the penalty if taxes are paid after June 30, 2020; and

WHEREAS, for payments related to taxable year 2020, the County desires to mitigate the economic impact of COVID-19 on County taxpayers by using its statutory discretion to reduce penalties for late tax payments and by extending the period in which property taxes may be paid at the base amount; and

WHEREAS, recently enacted legislation provides authority to a taxing district to deal with the taxation of all real property during the COVID-19 disaster emergency, specifically to waive any fee or penalty otherwise associated with the late payment of the tax, Act of April 20, 2020, P.L. ___, No.15 (SB 841), 35 Pa.C.S.A. § 5711 et seq.; and

WHEREAS, said legislation at 35 Pa.C.S.A. § 5713 directs that any taxing entity shall deliver the Resolution of the governing body to the tax collector for the taxing district.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LANCASTER, PENNSYLVANIA that the period in which the base amount of County real property taxes may be paid without penalty shall be extended until November 30, 2020. Taxes paid after November 30, 2020 shall be subject to the previously determined ten percent (10%) penalty rate. Accordingly, the Lancaster County Treasurer is directed to waive payment of any penalty rate for County real estate taxes paid during the period June 30, 2020 through November 30, 2020.

AND BE IT FURTHER RESOLVED, that nothing herein shall be construed as to affect or modify any existing tax levied upon real estate within Lancaster County, nor shall it be intended to affect the existence of any past due taxes, penalties, or interest thereon for real estate taxes owing prior to date of this Resolution, which is prospective only, and only in effect for 2020 real estate tax.

AND BE IT FURTHER RESOLVED, that the Chief Clerk deliver this Resolution to the County Treasurer who collects County real estate taxes.

ADOPTED this 20th day of May, 2020 by the Board of Commissioners of the County of Lancaster, Pennsylvania in lawful session duly assembled.

Motion passed unanimously.

RESOLUTION NO. 40 OF 2020

Authorizing the Request for Stay and Continuance of 2020 Upset Tax Sales

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

WHEREAS, the Governor of Pennsylvania issued a Proclamation of Disaster Emergency on March 6, 2020, pursuant to the Emergency Management Services Code, 35 Pa.C.S.A. § 7101 et seq., based upon the imminent threat of COVID-19 (novel coronavirus) pandemic; and

WHEREAS, the Governor ordered, by and through such Proclamation and subsequent actions, the closure of all Pennsylvania schools and non-life-sustaining businesses for an indefinite period; and

WHEREAS, the County of Lancaster issued a Declaration of Disaster Emergency through adoption of Resolution No. 25 of 2020 on March 17, 2020, and most municipalities within Lancaster County have adopted similar Declarations of Disaster Emergency as a result of the COVID-19 pandemic, authorizing officials to act as necessary to meet the current exigencies of this emergency; and

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WHEREAS, pursuant to the Real Estate Tax Sale Law, the Lancaster County Tax Claim Bureau (hereinafter the "Bureau") is required to expose certain real estate tax parcels to Upset Tax Sales which are presently scheduled to be held September 21, 2020, at 9:30 a.m. in the Lancaster County Government Center, 150 N. Queen Street, Room 102, Lancaster, Pennsylvania; and

WHEREAS, in this time of mandatory business closures, widespread unemployment and uncertainty in the financial markets, the livelihoods of many constituents, residents, and taxpayers in Lancaster County have been greatly diminished and are otherwise economically disadvantaged; and

WHEREAS, federal, state and local income tax deadlines have been postponed; and

WHEREAS, the municipalities in which the real estate tax parcels to be exposed to the 2020 Upset Tax Sales listed in the attached Petition believe that the effects of the COVID-19 pandemic and resulting economic loss warrant a continuance of the 2020 Upset Tax Sale.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LANCASTER, PENNSYLVANIA that the County of Lancaster Tax Claim Bureau join with the Lancaster County municipalities set forth in the attached petition in requesting that the Upset Tax Sales of the parcels on the 2020 Upset Tax Sale List be stayed and continued for a period not to exceed one year from the time fixed pursuant to 72 P.S. §5860.601(a) for such Upset Sales; and

AND BE IT FURTHER RESOLVED that the Solicitor for the Tax Claim Bureau be authorized to file such Petition seeking such relief with the Lancaster County Court of Common Pleas.

Motion passed unanimously.

Commissioner Lehman stated last week Commissioner D'Agostino put forth the structure related to CARES Act funding and to his credit Mr. Chairman tried to see if they could come to a consensus. He had initially suggested that they put the remaining balance that did not have supporting documentation in a budget reserve, an amount of \$31.1 million dollars, but that proposal did not garner consensus of the Board. Then he suggested they schedule virtual work sessions for people to submit proposals, have this be a staff and community driven process. He mentioned it at the press conference on Thursday and again on Monday, the 18th. It is pretty clear to him there is not full support from the Board, but this is very important to him and the process so he thought he would make one final attempt to see if they cannot forge some sort of compromise as his goal is for them to all be fully supportive of what they vote for, noting that kind of unity is important. He put together a revision to Commission D'Agostino's structure that would provide for a 15% reserve which would be specifically for a reserve, set aside for any COVID19 resurgence later in the year and provide some additional funds under the local government emergency response piece of this, which were the two issues he had raised last week. He thinks it is prudent to have some funds kept in reserve to make sure, in our rush to deal with the current situation, we do not short ourselves later this year when we might need additional resources to handle the needs in our community. He would also suggest they consider taking the part of the proposal he suggested previously and have proposals brought to a special work session that would be scheduled virtually or in session to deliberate on these proposals. He does not know whether there is consensus on part of the Board, but he joins with Chairman Parsons in trying to make sure things are not delayed unnecessarily because we do want to move forward with deliberate speed.

Commissioner D'Agostino said he too was going to revisit this today and noted it was a good idea to have a week to reflect. He said he was amenable to the idea of changing those amounts because what was most important is that there is some kind of framework; the amounts, based on estimates from the community, were secondary. The idea has been to engage the community and work with our great team here, our staff who know the guidance and information from the Treasury Department, to put together a proposal that would come to the Board at a public meeting and discuss how everyone sees this moving forward in terms of providing guidance on how to apply, what kind of information is needed and the monetary amounts. His role in this was to make contact with those groups and get information to help form the framework, noting he served on that leadership team thanks to the agreement of both Commissioners here. It is imperative the community understand how we are looking at this, working together transparently, to address those who come to the County Commissioners with their requests. He is not going to apologize for taking the initiative to work with our team, who jumped into action literally the day we got notified by Treasurer Martin that we had the money. He has already started to make some changes, appreciated Commissioner Lehman's thoughts, and looks forward to seeing his proposal.

Commissioner Parsons believed since the original framework was raised at a public meeting it is appropriate for them to discuss it at a public meeting. He appreciated Commissioner Lehman putting together a proposal on how to go forward, saying he is happy to consider it and asked him to share with the Board so they can put it on the agenda for next week. He is in agreement with having a special work session and probably multiple work sessions, noting they probably need to be in person and spaced out in a large room because of, as they have seen, the unwieldy nature of doing online meetings. Commissioner Parsons said we have to have some guidelines, if Commissioner Lehman does not want to call it a framework, or something around the process because if you do not you have 60 municipalities and potentially hundreds of other organizations all putting in requests and he does not think it can be first come, first serve; noting we owe it to the community to provide guidance and have some kind of system by which we analyze how we disperse these funds. He said there is obviously a lot of need in the community and our first priority is getting this economy going again, which involves the LGH and the EDC/Chamber proposals we are voting on today. He also pointed out there are other huge issues the County backs, the Convention Center and baseball stadium, in bonds worth about 60 million dollars. Commissioner Parsons said the ideal is for them to be all together, that is what they always strive for on this Board and he is hopeful, but there are a lot of moving pieces.

Announcements:

- The County Commissioners' Work Session scheduled for Tuesday, June 2, 2020 at 10:00 a.m. has been cancelled.

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- The Evening County Commissioners' Meeting scheduled for Wednesday, June 17, 2020 at 7:00 p.m. at Sadsbury Township Municipal Building has been cancelled and will be rescheduled at a later date.

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:

Proposal With: Benjamin Roberts, Ltd.
Lancaster, Pennsylvania

Purpose: To provide and install 132 desk mounted shields and guard barriers at several service counter areas at the Adult Probation and Parole Offices located at 40 East King Street and to provide and install 38 desk mounted shields at the Juvenile Probation Offices located at the Courthouse. These measures will provide an increased level of social distancing and guarding against potential cross contamination of the COVID-19 virus.

Amount: \$52,886.00 (100% CARES Act funding).

Motion passed unanimously.

On motion of Commissioner Lehman, seconded by Commissioner D'Agostino, it was agreed for the County of Lancaster to approve the following:

Services Agreement With: Lancaster General Hospital (LGH)
Lancaster, Pennsylvania

Purpose: To provide COVID-19 contact tracing and testing as described more fully in "Attachment A - Description of Services" of the attached Services Agreement.

Amount: The County shall utilize CARES Act funds to compensate LGH based on the direct and indirect costs incurred by LGH, plus a management fee of 4% of the total costs. The budget is more fully described in "Attachment B" of the attached Services Agreement. "Attachment B" identifies broad expense and revenue categories related to the services and the actual expenses and revenue may vary based on the volume of services provided and third-party payer mix.

Term: Effective May 20, 2020 and shall continue through December 15, 2020, unless terminated by either party in accordance with the terms and conditions set forth in the agreement.

Motion passed unanimously.

Discussion re: Services Agreement with Chamber of Commerce and the Economic Development Company:

Mr. George introduced Mr. Klinger to give an update on PPE for small businesses. Mr. Klinger said they will have a couple deliveries of masks, in the neighborhood of over 200,000, ready picked up today by Rock Lititz to transport to their warehouse for a holding position. He praised his staff for getting right on the project, noting they will begin to make other expenditures which they believe will potentially be delivered within the next week or two and they can begin the process of distribution. He also thanked their volunteer staff and all the people who have put this together which has moved things along very quickly.

Mr. Carter Walker, LNP Newspapers, asked what did Commissioner Lehman mean by his request that all businesses who receive funds be in compliance with Federal, State and Local laws that businesses opening in defiance of the Governor's order should not receive funds? Commissioner Lehman said it is standard practice in contracts and we should be not deviating from it. Commissioner D'Agostino agreed. Commissioner Parsons said he did review it and thinks it actually says statutes.

Mr. Walker asked when might we anticipate businesses being able to apply and where would they find the application? Ms. Riggs said they certainly appreciate the urgency but noted disbursement of funds would be contingent on the Commissioners approval next week of those guidelines based on the contract. The other piece they are working on is the development of the application portal as the majority of the applications they expect will be submitted through an on-line portal, but they are also mindful that not everyone in our community has access to that technology so they will have written applications available too. Those components cannot be started until they have the guidelines complete so at this point, they are targeting sometime during the first two weeks of June. The intent will be to heavily market where people can find the application both online and in print and they will have very clear application guidelines developed both in English and Spanish and distributed through the community.

Mr. Walker wondered if defiance of the Governors order would preclude a business from receiving funds or materials? Commissioner Parsons said not in his view and Commissioner D'Agostino agreed. Commissioner Lehman said if they are in compliance with the standard contracting language which says that you have to be in compliance with local, state and federal laws and regulations, then they eligible for services or grants under this program.

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Mr. Neil Ward, West Earl Township, wondered what does an in-person meeting mean and asked is there a virtual option for the public, citing the fact that seniors in particular are involved in an at-risk population? Commissioner Parsons said regarding Commissioners' Meetings he anticipates right now that we will transition back to what we had done previously to the pandemic, although we may have changes, more spread out or somewhat limited people in the room, like we did when we were scaling down, but we will continue to review that. Commissioner D'Agostino suggested maybe a hybrid where we do something in person and for a while still do virtual, allowing people who do not feel comfortable coming in person maybe do this, but said we should talk about that coming up.

Commissioner Lehman questioned what the date of February 28th means for the utilization of CARES Act funding, given the authorization is to use the funding ends by December 30th. Ms. Hausner said the agreement makes clear that funding is only good for expenses actually incurred, meaning paid for, through December 30th, but it was believed the administrative tasks associated with this might continue past the end of the year and Mr. Desmond agreed. Ms. Riggs and Mr. Baldrige confirmed for Commissioner Lehman even if there are administrative processes and costs associated with those processes that move into 2021, after the expiration of the CARES Fund Act, there will be no obligation on the part of the County or CARES Funding related to those administrative processes.

On motion of Commissioner D'Agostino, seconded by Commissioner Lehman, it was agreed for the County of Lancaster to approve the following:

Services Agreement With:

Lancaster Chamber of Commerce
Lancaster, Pennsylvania

and

Economic Development Company of Lancaster County
Lancaster, Pennsylvania

Purpose:

To provide services related to the COVID-19 Economic Recovery Plan as described more fully in the attached Services Agreement.

Amount:

The total amount of CARES Act funds shall not exceed \$33,400,000 to implement the Recovery Plan in the following manner, and in the following not to exceed amounts:

Six Million Dollars (\$6,000,000) towards bulk procurement and mass distribution of personal protective equipment, including, but not limited to, face masks, thermometers, face shields and gloves, which shall be distributed to Recovery Plan Recipients (RPRs).

Twenty-Five Million Dollars (\$25,000,000) towards a Small Business Recovery and Sustainability Fund, which will be distributed in one or more phases to RPRs.

One Million Five Hundred Thousand Dollars (\$1,500,000) towards an advertising and communications plan targeted at businesses, business owners and employees in the County in order to raise awareness of the Recovery Plan Funds and the Recovery Plan, including, but not limited to, television, print, direct mail, digital, radio, billboard and transit advertising, the Recovery Plan website development and maintenance, video production, branding, marketing and promotion, content development and public relations and translation services in order to market and implement the Recovery Plan.

Nine Hundred Thousand Dollars (\$900,000) towards administration expenses, which shall include \$750,000, or 3% payable to the Chamber towards the management, oversight and implementation of the Recovery Plan, including, but not limited to, program and online tool development and applicant review and recommendations and One Hundred Fifty Thousand Dollars (\$150,000), payable to the Chamber towards reimbursement of staff support and other related costs incurred by the Chamber for the operation and implementation of the Recovery Plan, including, but not limited to, reimbursement of personnel salary for efforts devoted to the Recovery Plan, legal fees and technology-related costs and other expenses incurred by the Chamber directly related to the Recovery Plan.

Term:

Effective May 20, 2020 and shall continue thereafter until February 28, 2021, unless sooner terminated by either party in accordance with the terms and conditions set forth in the agreement.

Mr. Baldrige added the Lancaster Chamber Board of Directors approved this document yesterday as did the Economic Development Company Executive Committee.

Motion passed unanimously.

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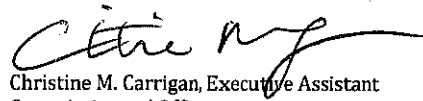
Business from Guests - Public Questions and Comments:

Mr. George said there were no other questions and confirmed for Mr. Walker that the Election Board meeting, which follows this meeting, is being livestreamed.

On motion of Commissioner D'Agostino, seconded by Commissioner Lehman, the meeting was adjourned at 10:49 a.m.

Motion passed unanimously.

Respectfully submitted,



Christine M. Carrigan, Executive Assistant
Commissioners' Office