DAUPHIN COUNTY BOARD OF COMMISSIONERS

LEGISLATIVE MEETING

SEPTEMBER 9, 2015
10:00 A.M.

MEMBERS PRESENT

Jeff Haste, Chairman
George P. Hartwick, III, Secretary

Mike Pries, Vice Chairman (ABSENT)

STAFF PRESENT

Chad Saylor, Chief Clerk; Janis Creason, Treasurer; Joseph A. Curcillo, III, Esq., Solicitor; Fred Lighty, Esq., Solicitor’s Office; Mike Yohe, Director of Budget & Finance; Randy Baratucci, Director of Purchasing; Gerald Feaser, Jr., Director of Registration & Elections; Joe Rittner, Director of Security; Jennifer Simpson, Court Administration; Deb Freeman, Court Administration; Faye Fisher, Director of Human Resources; George Connor, Community & Economic Development; Greg Schneider, Budget & Finance; Amy Harinath, Press Secretary; Jack Wright, Human Services; Kay Lengle, Human Resources; Janelle Weidner, Human Resources; Jean Marfizo King, Register of Wills; Jack Lotwick, Sheriff; Keith Kepler, Director of Solid Waste & Recycling; Ruby Doub, Commissioners’ Office; Melody Osborn, Commissioners’ Office; Julie Mackey, Commissioners’ Office and Richie-Ann Martz, Assistant Chief Clerk

GUESTS PRESENT

Barb Miller, James Roxbury, Dave Black, Stan Lawson, Karl Singleton, LaToya Winfield Bellamy, Pat McKenna, John Hargroves, Leah Eppinger and news media

MINUTES
CALL TO ORDER

Mr. Haste, Chairman of the Board, called the meeting to order at 10:08 a.m.

MOMENT OF SILENCE

Everyone observed a moment of silence.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

APPROVAL OF MINUTES

It was moved by Mr. Hartwick and seconded by Mr. Haste that the Board approve the August 19, 2015 Workshop Meeting Minutes and the August 26, 2015 Legislative Meeting Minutes; motion carried.

It was moved by Mr. Hartwick and seconded by Mr. Haste that the Board approve the August 26, 2015 Salary Board Meeting Minutes; motion carried.

EXECUTIVE SESSIONS HELD BETWEEN MEETINGS

Mr. Saylor reported that there were no Executive Sessions held between meetings.

PUBLIC PARTICIPATION

(There was none.)

DEPARTMENT DIRECTORS/GUESTS

A. Faye Fisher, Jack Wright, Dave Black & Stan Lawson

1. Presentation on “Ban the Box” Policy

Ms. Fisher stated that “Ban the Box” is a program that governments and companies nationwide have adopted and implemented. What this program does is it removes unfair barriers to employment in company hiring processes by removing the question on the employment application regarding an individual’s criminal history and deferring background checks until later in the hiring process. This gives applicants with criminal backgrounds the opportunity to be considered and interviewed for positions based on their qualifications and not automatically disqualified as a result of information learned on their initial employment applications. Jack Wright, Grants and HSDF Manager of Human Services and David Black, President and CEO of the Harrisburg Regional Chamber and CREDC, will present specific details on “Ban the Box” program, the
reasons for it and its benefits. County personnel are working on a proposed policy in the event the Board decides to adopt this type of program for the County.

Mr. Wright indicated that he and Dave Black are here to present a Powerpoint presentation. Following the presentation, Mr. Black will introduce two advocates of the “Ban the Box” concept.

The problem is that thousands of individuals are released each year from Pennsylvania’s prisons after finishing their sentences and they need to find jobs obviously. Also part of the problem is that there is discrimination against those released. That is a huge barrier in terms of getting jobs and staying out of prison.

The solution to the problem is to adopt a Dauphin County “Ban the Box” policy/procedure.

A “Ban the Box” policy/procedure would delete the criminal history question on Dauphin County’s employment application. When formerly incarcerated individuals check the box that they have had a criminal conviction, they often lose their chance at jobs they are fully qualified to perform. Employers often automatically discard applications which show criminal records.

Studies have shown that if job seekers can have an in-person interview before their history is disclosed, they are significantly more likely to land the job. Applicants would not have to worry that their applications would be stigmatized by a mistake which may have been committed many, many years ago.

Without the opportunity to earn an income, returning citizens cannot rebuild their lives and will likely wind up incarcerated all over again. Employment discrimination hurts the families and children who much depend on their loved ones for financial support. Employment discrimination hurts African-Americans particularly hard, since 10% of all non-incarcerated black men have felony records.

With “Ban the Box” criminal background checks will continue to take place. Dauphin County will continue to complete background checks on all employees before they are hired.

Mr. Black thanked the Commissioners for considering this today. There are a number of people who have made mistakes when they were younger. There is no reason for them to pay for that their entire life. In most cases, they have served their time and are trying to lead productive lives, support their families and contribute to what goes on in their communities. It is a small step, but it is part of a continuing effort to reintegrate folks that have spent time in prison back into the community. This will hopefully result in some of these folks getting jobs and not being immediately eliminated by just removing the simple box. There are benefits – lower crime rate. It will hopefully return folks back to meaningful jobs and that obviously contributes taxes, which helps the general economy. There are States that have banned the box and cities that have also banned
the box. In Pennsylvania, Allegheny was the first and hopefully Dauphin County will be
the second county to “Ban the Box”. There are also some cities in Pennsylvania that
have banned the box.

From an employer’s point of view, it doesn’t mean that there won’t be criminal
background checks. It removes that initial stigma as you are looking through a stack of
applications that you just don’t automatically set those aside. When he reached out to
the Boards to find out where they were on this, a lot of the folks have not paid attention
to it. They still have it on their applications, not because there is an attempt to check
everybody. They are just old applications. Target and Walmart are two national
retailers who have removed boxes from their employment applications. It is a first step.
It is not all that needs to be done, but it is a first step.

Mr. Black noted Vladimir Beaufils, who has been part of the ex-offenders coalition here
in Dauphin County. He is working to try to reintegrate ex-offenders back into society. It
is a very good program. He introduced Stan Lawson, who is President of the NAACP
and Victor Parziale of Gaudenzia.

Mr. Lawson thanked the Commissioners for reviewing this proposal. He noticed the
diversity that takes place in the County. Today, this is a very serious thing. The
Commonwealth of Pennsylvania will build more prisons, but they won’t build more
schools. This is one way to allow some of these people to rehabilitate themselves.
There are women in prison as well. When these individuals are released from prison, it
shouldn’t be a revolving door. People have to eat and pay their bills and taxes. He is
asking the Board to consider giving these individuals a second chance. City Council
approved “Ban the Box”. It is the right thing to do.

Mr. Parziale stated that he appreciates the opportunity to speak with the Board. Today,
he actually works for a non-profit. He works with DrugFree Workplace PA where he
assists workplaces across the State to help them set up “drug free” workplace policies
and procedures. A lot of companies are looking at that in order to address the issues of
hiring ex-offenders and how to deal with those issues. He is in recovery and actually
went to prison. When he was in prison he had a lot of time to think. He looked at how
many prisoners actually had issues with drug addiction. It is a high percentage. It is
important to be able to give them a second or third chance. Companies are looking at
how to address their behaviors and performances. It is important to “Ban the Box”
because a lot of times folks get out of prison and they don’t know where to get a job.
He knows personally that when he was in the halfway house applying for a job online,
he filled out the application and got to the section where you check a box if you have a
criminal record, as soon as he checked the box it through him out of the system. They
didn’t know what he did. He served his time and paid his dues. He went through a
prison recovery program. They pay all their dues and they just need a chance. How
can they take care of themselves with their families if they don’t have that chance. He
hopes the Board supports this effort.
Mr. Haste indicated that this will be considered at an upcoming meeting. He thanked everyone who participated in this - Vladimir and John from the Prison Society and everybody else who has worked with the County on this. The key thing is for folks out there to understand that this is not going to ease the requirements in those areas that it is required. There are areas where certain requirements must be met. Certain crimes prohibit it. If anybody were to sit here and say that they don’t know someone who is in this category isn’t being honest. He supports this. Some departments still need to have that indicator on there. You don’t want to give someone a false sense of hope. If someone is applying for the job and they think they did a great job and then find out they are disqualified because of something right up front. He would rather be truthful with them and let them know that this isn’t a position to apply for and that there are other positions to apply for. As this is worked through, he believes the County will come up with a good program. If folks don’t get a chance, they sometimes end up going back to the same location they were in before. If you don’t have a job you end up hanging out with the same folks that got you into that problem to begin with. This is an opportunity for them to change their lives. He asked Ms. Fisher where the County is at with the departments.

Ms. Fisher indicated that she sent out an email to every department head talking about “Ban the Box” concept. She invited them to provide feedback. She heard from about 13 of them. The biggest question now is which departments should be excluded. She doesn’t know if the County can have just one policy that will work Countywide. If it can’t, there will need to be two applications, one with a box and one without. They are going to meet again to talk about the responses and to decide which departments should be excluded.

Mr. Hartwick thanked everyone for the work that was done on this project. Process wise, the County wants to get to a point where it is right and meaningful. It is not just about banning the box, it is about finding real opportunities for folks who have returned and paid their debt to society. If there is no food on the table you have to survive. When you have folks who have a history it doesn’t mean that tomorrow cannot change your future by those decisions. We have all made significant mistakes and the idea about making sure that residents are safe, kids are safe and there are certain regulations based upon Federal and State funding, the County needs to make sure that it is working through in order to meet those requirements. Moving forward and beginning this first step, in a County that has the highest recidivism rate in the State of Pennsylvania, seven criminal correction facilities and a real challenge related to employment and reemployment, this is a natural step to figure out ways that we can turn individuals as clients and consumers into providers for families. It is not government’s role to raise kids. He receives calls every week from individuals who are seeking employment and trying to find an opportunity to be engaged in a meaningful way. If there are no opportunities for them to do that in a legitimate way, they are forced to do whatever is necessary to survive. This is not making Dauphin County soft on crime. The County is providing a pathway, hopefully, for individuals who made mistakes to be able to find meaningful employment and hopefully be back on their feet. This is one step in the right direction for folks who are serious about getting their life squared away.
He thanked all those that are passionate about this. This is a good business decision to do this. They may be your best employee, if you give them a chance.

Mr. Haste stated that the system requires them to pay their restitution, fines and child support and it is really tough to do that without a job. It makes sense. There are certain job skills out there that we are having difficulty filling. This gives another work pool that is available. He looks forward to the updates as this moves forward.

**SALARY BOARD**

A complete set of Salary Board Meeting Minutes are on file in the Commissioners’ Office.

**HUMAN RESOURCES**

Ms. Lengle asked that Items #10, #11 and #13 be pulled. They will be listed in next week’s Personnel Transactions Listing for a vote. She asked if there were any questions. (There was none.)

> It was moved by Mr. Hartwick and seconded by Mr. Haste that the Board approve the Personnel Packet, noting that Items #10, #11 and #13 are pulled.

> Question: Mr. Haste – Aye and Mr. Hartwick – Aye; motion carried.

**PURCHASE ORDERS**

Mr. Baratucci stated that everything in the Packet is ready for Board approval. He is asking to include one for the Coroner’s Office. It came in late. The County gets deals out at State or Federal surplus. About a month ago the Coroner got a call regarding microscopes and an ultrasound machine. It is first come, first serve. The Coroner sent Mr. Baratucci some information. The Coroner got the items, but forgot to put through the paperwork that is needed to pay the bill. Rather than wait for 2 weeks he is requesting that it be added to the Packet. It is a savings and it is coming out of the Automation Fund.

Mr. Hartwick asked if they are operational.

Mr. Baratucci indicated that they are. Mr. Hetrick goes and checks them out to make sure that they are operational.

Mr. Hartwick asked if other folks can bid on these items.

Mr. Baratucci stated that it is mostly for governments. You would have to apply.
It was moved by Mr. Hartwick and seconded by Mr. Haste that the Board approve the Purchase Order Packet as amended (adding the Coroner’s request).

**Question:** Mr. Haste – Aye and Mr. Hartwick – Aye; motion carried.

**REPORT FROM BUDGET & FINANCE DIRECTOR – MIKE YOHE**

Mr. Hartwick asked if Mr. Yohe has a State budget update.

Mr. Yohe indicated that he sent it out this morning. He did not bring a copy with him. The County is up to about $8.6 million. He does not have Children & Youth factored into that. They are so focused on the money that they are owed up through June 30. They don’t get a lot up front anyway from the State.

Mr. Hartwick stated that would be a perfect example of some of the dispute they heard between the Legislature and the Board related to the numbers that they discussed about the Children & Youth budget. If you don’t approve a 4th quarter allotment and you push it forward through an accounting mechanism to the next year, there would be no way to pay those 4th quarter allocations until a budget was passed. They say we’ll pay you in the 1st quarter of next year, even though they are not going to budget for it in the 4th quarter of the year that it is supposed to be for. What the State is attempting to do, regardless of how they position it, is attempting to push off the 4th quarter amounts that they would be paying for Children & Youth into a new fiscal year, which is a significant reduction in the overall amount that they would be expending. Also, it is a promise for future allocations that may never be realized based upon their track record. If the State was going to pass a budget with a Children & Youth budget that did not allow for 4th quarter payments to exist, right now the County would not be able to receive any allocations, because there would be no budgeted money for 4th quarter allocations that would be available for counties in a State budget crisis.

Mr. Yohe stated that they did just get word that the County is getting some monies from prior to June 30th of last year.

Mr. Haste stated that is Children & Youth money.

Mr. Hartwick stated that Children & Youth, up until this year and this accounting mechanism that is being proposed all 4th quarters were approved in a State Fiscal Year. Right now, they are trying to push, in this year, the 4th quarter payment for their current budget into the following fiscal year, which means you would not be eligible for that drawdown until the State would decide what that amount would be.

Mr. Yohe stated that when they get that information to him that will be included as part of what the County is waiting for. He has not heard from them.
Mr. Haste stated that the whole reallocation process probably goes away under this system.

Mr. Hartwick stated that even under the current system where they budgeted for four quarters to go back and demonstrate the amount of increase in the actual referrals, they reduced the overall budget by $1.8 million and they are not reopening, even though they have money that has been unspent. It is an accounting smoke and mirrors mechanism for them to save significant dollars and put counties and taxpayers at risk.

Mr. Yohe provided the following Investment Report:

**Report from the Office of Budget & Finance**
**September 9, 2015**

- **August 28, 2015** transferred $1,497,771.08 to the Payables account from the County’s Concentration account for checks issued that week.

- **September 4, 2015** transferred $2,648,023.11 to the Payables account and $1,804,468.53 to the Payroll account from the County’s Concentration account for checks issued that week.

- **Wire Payments since last report:** $2,996,931.35

- **Debt Service Payments since last report:** $144,599.54

- **Term Investments**
  - 3/25/15 - $2,000,000.00 6-month CD – Centric Bank – 0.35% - matures 9/25/15
  - 5/12/15 - $5,000,000.00 9-month CD – Customers Bank – 0.59% - matures 2/6/16
  - 5/12/15 - $5,000,000.00 12-month CD – Customers Bank – 0.84% - matures 5/11/16

- **Balance today in PA INVEST account #2100017144860:** $1,381.17 rate 0.050%

- **Balance today in Susquehanna Bank investment account #10013172621:** $4,734,717.33 rate 0.250%

- **Balance today in Susquehanna Bank investment account #119002023:** $1,069.24 rate 0.060%

- **Balance today in First National Bank investment account #97014743:** $9,605,227.44 rate 0.300%

- **Balance today in Integrity Bank Money Market Checking account #2206001209:** $11,029,506.36 rate 0.300%
• Balance today in Santander Bank investment account #9551017714: $15,064,888.55 rate 0.300%

• Balance today in Metro Bank investment account #539014068: $10,019,382.20 rate 0.300%


REPORT FROM CHIEF CLERK/CHIEF OF STAFF – CHAD SAYLOR

Mr. Saylor reported on Item CC on the Agenda. It is the Local Share Municipal Grant Applications. This is part of the process where in order to be considered for a grant, an applicant must be either sponsored by a municipality that is contiguous to the casino itself or by the County. This list will be the non-contiguous applicants who are requesting County approval. It does not mean that they are getting the money. It just means that the County is sponsoring them for consideration going forward. The total is approximately $13.5 million in requests and the County is projecting about $6.4 million in gaming revenues to be available. The Gaming Advisory Board will definitely have their work cut out for them.

Mr. Haste stated that this advances them to the Gaming Advisory Board for review.

REPORT FROM SOLICITOR – JOSEPH A. CURCILLO, III, ESQ.

Mr. Curcillo stated that unless there are any questions, everything is ready for approval today. (There was none.)

MATTERS REQUIRING BOARD ACTION

A. Appointment of Shannon Fellin of Marshall Dennehey as Special Counsel.

B. Independent Contractor Agreement between Dauphin County (Parks & Recreation) and Tyna Warren – 5th Annual Fitness Festival Instructor (October 10, 2015) - $1,100.00.

C. Performance Agreement between Dauphin County (Parks & Recreation) and Cara Martinez-Williams – Wildflower Walk (October 16, 2015) - $50.00.

D. Contract between Dauphin County (EMA-South Central Task Force) and Dell Marketing, LP for the SAP Crystal Reports Server.

E. Contract between Dauphin County (EMA-South Central Task Force) and ManTech Advanced Systems International, Inc. for additional funding from the 2014 grant year.

F. Resolution #27-2015 authorizing the sale of excess kitchen equipment owned by the County of Dauphin.

G. Satisfaction Piece for Javian O. Baker on the property located at 3214 Derry Street, Harrisburg, PA 17111 - $2,701.21.
H. Purchase of Service Agreement between Dauphin County (AAA) and Mohler Senior Center.

I. Purchase of Service Agreements between Dauphin County (Children & Youth) and:
   1. Harrisburg Area Community College
   2. Harborcreek Youth Services, Inc.
   3. Valley Youth House Committee, Inc.
   4. Youth Excel, Inc.

J. Adoption Assistance Agreements #2015-14; #2015-15; #2015-16; #2015-17 and #2015-22.

K. Adoption Assistance Agreement #2012-39 – Amendment #1.

L. Purchase of Service Agreement between Dauphin County (Drugs & Alcohol) and Pennsylvania Counseling Services, Inc.

M. SAP Memorandums of Understanding between Dauphin County (Drugs & Alcohol) and:
   a. Derry Township School District
   b. Central Dauphin School District
   c. Lower Dauphin School District
   d. Upper Dauphin Area School District
   e. Middletown Area School District
   f. Halifax Area School District

N. Purchase of Service Agreement between Dauphin County (MH/ID) and Building Blocks Therapy, LLC.

O. Amendments to the following Purchase of Service Agreements between Dauphin County (MH/ID) and:
   a. Drexel University College of Medicine – Amendment #1
   b. Philhaven, Inc. – Amendment #1

P. ITF Medicaid Waiver Service Agreement between Dauphin County (MH/ID) and Building Blocks Therapy, LLC.

Q. Participation Grant Agreement & Assurance of Compliance between Dauphin County and Commonwealth of Pennsylvania, Department of Human Services, Bureau of Managed Care Operations, Division of Medical Assistance Transportation Program (MATP).

R. Grant Agreement between Dauphin County (MH/ID) and Commonwealth of Pennsylvania, Department of Human Services, for the Medical Assistance Transportation Program.

S. Lease Agreement between Dauphin County and De Lage Landen Financial Services, Inc. for the Lanier MPCW2200sp Digital Wide Format Color Copy System in IT.

T. Partial Refund of 2015 Real Estate Taxes – Parcel #35-037-012 (Ethel Street) – Berks County Real Estate Associates III LP - $9,463.70.

U. Repository Bid received from David Remmel – Parcel #62-033-103-029-0048 - $500.00.

V. Repository Bid received from Jason Snelbaker – Parcel #35-088-119 - $500.00.
W. Declaration of Restrictive Covenants between County of Dauphin, SC Funding Corp. and Spring Creek Management, LP regarding Parcel #63-024-292.

X. Waiver of Right of First Offer regarding the Spring Creek Rehabilitation and Health Care Center and its operations.

Y. Stipulation of Settlement – Manada Golf Club – Parcel #25-007-019 & #25-007-004 (609 Golf Lane) Docket #2014-CV-9269-TX.


AA. Grant Agreement between the Commonwealth of Pennsylvania Department of Drug and Alcohol Programs and Dauphin County.

BB. Resolution #28-2015 authorizing the receipt of 911 subscriber and consumer fees for local use as provided by 35 Pa.C.S. §5306.1 of Chapter 53 (911 Emergency Communication Services) of Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes.

CC. Approval of County sponsorship, for eligibility purposes only, of Local Share Municipal Gaming Grant Applications from the entities identified in the Solicitor’s Report.

DD. Training Packet

It was moved by Mr. Hartwick and seconded by Mr. Haste that the Board approve Items A through DD, listed above under Matters Requiring Board Action.

Question: Mr. Haste – Aye and Mr. Hartwick – Aye; motion carried.

FORMER BUSINESS

There was none.

NEW BUSINESS

There was none.

COMMISSIONERS’ DISCUSSION & ACTIONS

Mr. Haste stated that Mr. Connor and folks are moving ahead with the County’s HUD Application on flood mitigation. They have been very active with meetings throughout the County. They just had the one in the City. They now will be moving into discussions with municipal managers on particular projects. The target date is October 27th as the Federal deadline for application.
CORRESPONDENCE

The following correspondence was received in the Commissioners’ Office that will be handled by the staff appropriately.

A. Notification from Plenary Walsh Keystone Partners advising that they are applying to DEP for a Bureau of Waterways Engineering and Wetlands General Permit 11 for the repair of a structurally deficient culvert that intersects Deep Creek in Lykens Township.

B. Notification from Harrisburg International Airport advising that SARAA is renewing its NPDES Brine Waste Discharge Industrial Waste permit for the facility at the Airport in Lower Swatara Township.

C. Receipt of a copy of a letter from GHD to the PA Public Utility Commission advising that Capital Region Water proposes to replace an existing water main located along Paxton Street that aerially crosses railroad tracks, City of Harrisburg.

D. Notification from Act One & Associates advising that Hershey Conewago Recreaground, LLC is applying to DEP for a Water Quality Management Permit for the removal and replacement of wastewater treatment plant components at their site in Conewago Township.

E. Receipt of a letter from DEP to RR Coal, Inc. advising that the following Transfer Applications from Meadowbrook Coal Company, Inc. Applications #22851602T; 22851602GP104 and 22-305-001GP12 are being returned per the attorney’s withdrawal request dated August 13, 2015.

F. Notification from Borton Lawson advising that PPL Electric Utilities, Inc. is applying to DEP for a General Permit 8 Temporary Road Crossing for the CTag Pole Replacement: DAUP-CAPA 1 (Rock Tap) in Susquehanna Township.

G. Notification from LSCdesign advising that the PA Department of General Services is applying to DEP for a General Permit 5 – Utility Crossing for the Renovation of the existing I-81 Rest Area, Southbound project.

H. Notification from Advantage Engineering Services, LLC advising that J & B Ranch, LLP is applying to DEP for permits with regard to the proposed Gibson Street Warehouse in Swatara Township.

PUBLIC PARTICIPATION

Mr. McKenna was the former Deputy Director of the Dauphin County Judicial Center. He was present to recap his meeting that he had with Commissioner Haste regarding the request for his resignation as the Deputy Director.

ADJOURNMENT

There being no further business, it was moved by Mr. Hartwick and seconded by Mr. Haste that the Board adjourn; motion carried.

Transcribed by: Richie-Ann Martz