

COUNTY COMMISSIONERS' WORK SESSION AGENDA
TUESDAY, FEBRUARY 9, 2016

9:00 A.M.:

EXECUTIVE SESSION:

9:00 a.m.

Crystal Clark, Esquire

10:00 A.M.:

PUBLIC SESSION:

Postpone approval of January 26, 2016 Work Session Minutes and February 2, 2016 Work Session Minutes.

Announcement:

There will be no Work Session held on Tuesday, February 23, 2016, and there will be no Commissioners' Meeting held on Wednesday, February 24, 2016.

10:00 a.m.

Paul Weiss, Administrator, Department of Parks and Recreation – Agreement (please refer to motion on tomorrow's agenda)

10:05 a.m.

Matthew Acker, Deputy Treasurer and Director of Tax Claim Bureau – Solicitor Appointment (please refer to motion on tomorrow's agenda) and Co-Solicitor Appointment (please refer to motion on tomorrow's agenda)

10:10 a.m.

Misty Witmer, Deputy Director IT Support Services, and John Bennawit, Records Specialist, Information Technology Department – Consultant Agreement (please refer to motion on tomorrow's agenda)

10:15 a.m.

Controller Brian Hurter, Sandra Thompson, Accountant, and Megan Walsh, Account/Auditor Senior, Controller's Office – Presentation and Discussion of the Audit Report of the East Lampeter Township Tax Collector performed by the Controller's Office

Other Discussion Items:

1. Appointments/Reappointments to County Boards
2. February 10, 2016 Commissioners' Meeting Agenda

Adjourn

On motion of Commissioner _____, seconded by Commissioner _____, it was agreed for the County of Lancaster, acting on behalf of the Department of Parks and Recreation, to approve the following:

Agreement With:

Central Park Trail Rides, LLC
Lancaster, Pennsylvania

Purpose:

To provide horses, equipment and staffing to provide guided horseback rides at the Lancaster County Central Park Equestrian Trail.

Schedule:

Fridays through Sundays from May 28, 2016 through September 5, 2016 and encompassing any holiday that falls on Monday within this time frame. Hourly rides will be conducted from 9:00 a.m. to 3:00 p.m. and half-hour rides will be conducted from 3:00 p.m. to 5:00 p.m.

Amount:

Central Park Trail Rides will be responsible for full administration of the program with 25% of the net revenue being paid to the County of Lancaster and the remaining 75% being paid to the Lancaster County SPCA (\$40.00 per person per one hour ride and \$25.00 per person per 30 minute ride).

2/10/16

COVER SHEET
FOR

CONTRACTS/AGREEMENTS/GRANT APPLICATIONS/ CHANGE ORDERS, ETC.

Submitted by: Name and Title: Paul Weiss
 Department: Parks and Recreation
 Date: 2/2/16

Board Action Requested: **Services Agreement** for the provision of guided horseback rides in Lancaster County Central Park.
 (Specify Agreement, Amended Agreement, Grant App., Change Order, Bid Award etc.)
 Central Park Trail Rides, LLC (a partner of the Lanc Co SPCA)
 848 South Prince Street
 Lancaster, PA 17603

Proposed Program Budget Information:

Service	2016 Amount to be Approved	2015 Amount	Amount Increase/ Decrease	Percent Increase/ Decrease	Percent Funding Source (Co., State, Fed)
Guided horseback rides in Lancaster County Central Park	25% of net revenue from program paid to County (approx. \$7,300 in 2016)	N/A	N/A	N/A	N/A

Term of Contract: Through December 31, 2016 and renewing annually thereafter.

Budget Comments: As the program was not finalized at the time, the corresponding revenue was not included in the 2016 budget.

Program Information:

Description of Service:

Central Park Trail Rides will provide the horses, equipment and staffing to provide guided horseback rides in Lancaster County Central Park. Hourly guided rides for up to six riders will be conducted Fridays – Sundays from Memorial Day through Labor Day. A Central Park Trail Rides staff member will ride the lead horse and two (2) Central Park Trail Rides staff will walk alongside of the six horses being ridden by members of the public. The horses will be stabled in the Park from Friday – Saturday (in portable stables provided by Central Park Trail Rides). The remainder of the week, they will be boarded in a nearby private pasture. Central Park Trail Rides will be responsible for full administration of the program with 25% of the net revenue being paid to the County and the remaining 75% going to the SPCA.

Complete sections pertaining to bid awards and Request for Proposals:

# of Bids Received	Is Proposed Contract to the Lowest Bidder (Y/N)	If No, Please Explain	Performance Bond Required?	Define Funding Source

Complete Sections Pertaining to Construction Projects:

Amount of Change Order	Amount of Original Budget	Revised Total Budget Reflecting Change	Define Funding Source

February 10, 2016

Date you would like the County Commissioners'

To take official action on this item?:

Who will be in attendance at the County Commissioners' Work Session? Please include name and title:

Paul Weiss, Parks and Recreation Administrator (Work Session)

Paul Weiss, Parks and Recreation Administrator
Sue Martin, Executive Director, Central Park Trail Rides and Lancaster County SPCA

This completed document must be submitted to the Chief Clerk by 9:00 am the Wednesday prior to the County Commissioners' Work Session and Commissioners' Meeting. Please don't wait until the deadline to submit the request. When there is a holiday, the request must be submitted no later than 12:00 noon on the Tuesday prior to the Meetings.

Exceptions to this deadline must be authorized by the Chief Administrator.

On motion of Commissioner _____, seconded by Commissioner _____, it was agreed for the County of Lancaster to approve the appointment of Nikolaus & Hohenadel, LLP, Lancaster, Pennsylvania, as Solicitor for the Lancaster County Tax Claim Bureau to provide legal representation in any and all legal matters pertaining to the Lancaster County Tax Claim Bureau, at an hourly rate of \$110.00.

2/10/16

On motion of Commissioner _____, seconded by Commissioner _____, it was agreed for the County of Lancaster to approve the appointment of D. Lynne Ferguson, Esquire, Mount Joy, Pennsylvania as Co-Solicitor for the Lancaster County Tax Claim Bureau to primarily handle bankruptcy cases and other legal matters, as required, pertaining to the Lancaster County Tax Claim Bureau, at an hourly rate of \$75.00.

2/10/16

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COVER SHEET FOR

CONTRACTS/AGREEMENTS/GRANT APPLICATIONS/ CHANGE ORDERS, ETC.

Submitted by: Name and Title: Matthew T. Acker, Deputy Treasurer/Director of the Tax Claim Bureau

Department: A1400-Office of the Treasurer-Tax Claim Bureau

Date: 01-27-2016

Board Action Requested:
 (Specify Agreement, Amended Agreement, Grant App., Change Order, Bid Award etc.)

Appointment of Nikolaus & Hohenadel as Solicitor and D. Lynne Ferguson Esq. as Co. Solicitor for the Lancaster Co. Tax Claim Bureau.

Provider Information: (Name, Address):

Proposed Program Budget Information:

Service	2015-16 Amount to be Approved	2014-2015 Amount	Amount Increase/ Decrease	Percent Increase/ Decrease	Percent Funding Source (Co., State, Fed)

Term of Contract: Indefinite

Budget Comments: Legal fees are paid out of the County Tax Claim Bureau's cost account. The Real Estate Tax Sale Law (RETSL) entitles the County to a five percent commission on delinquent real estate taxes that are collected for the govt. taxing bodies. This commission is used to assist in covering the expenses of operating the Tax Claim Bureau for the County including legal matters.

Program Information/Description of Service:

Complete sections pertaining to bid awards and Request for Proposals:

# of Bids Received	Is Proposed Contract to the Lowest Bidder (Y/N)	If No, Please Explain	Performance Bond Required?	Define Funding Source

Complete Sections Pertaining to Construction Projects:

Amount of Change Order	Amount of Original Budget	Revised Total Budget Reflecting Change	Define Funding Source

Date you would like the County Commissioners'

To take official action on this item?:

Who will be in attendance at the County Commissioners' Work Session? Please include name and title:

Matthew T. Acker Deputy Treasurer/Director of Tax Claim Bureau

Who will be in attendance at the County Commissioners Meeting to comment on this item? Please include name and title:

Matthew T. Acker Deputy Treasurer/Director of Tax Claim Bureau

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NIKOLAUS & HOHENADEL, LLP
ATTORNEYS AT LAW

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MATTHEW J. CREME, JR.
JOHN F. MARKEL
RICHARD G. GREINER
JEFFREY A. MILLS
MICHAEL S. GRAB
JOSEPH G. MUZIC, JR.*
LISA J. MCCOY
BARBARA REIST DILLON
BARRY A. SOLODKY
JOHN C. HOHENADEL
BERNADETTE M. HOHENADEL
WANDA S. WHARE
ROBERT S. CRONIN, JR.

MANDY LLOYD HEINZ
ANGEL E. TORRES
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FAX 717/806-5426

**Certified Civil Trial Specialist
By National Board of Trial Advocacy*

December 1, 2015

Matthew T. Acker
Chief Deputy Treasurer and Director
Lancaster County Tax Claim Bureau
150 North Queen Street
Lancaster, PA 17603

VIA HAND DELIVERY

Re: Scope of Representation

Dear Mr. Acker:

As a result of our earlier conversations, the purpose of this correspondence is to clarify the ongoing scope of Nikolaus & Hohenadel, LLP's representation of the Lancaster County Tax Claim Bureau in legal matters. At this point in time, our firm will continue and intends to provide the Lancaster County Tax Claim Bureau with ongoing legal representation in any and all general legal matters pertaining to the Tax Claim Bureau, including but not limited to all Upset Tax Sale proceedings, Judicial Tax Sale proceedings, and Surplus proceedings. At this time, I will continue to serve as the primary point of contact between the Tax Claim Bureau and Nikolaus & Hohenadel, LLP, and I will be primarily responsible for the legal work performed on behalf of the Tax Claim Bureau. We will continue to bill for our services consistent with our past practices at the rate of \$110 per hour.

Further, it is my understanding that the Tax Claim Bureau will be separately engaging the services of D. Lynne Ferguson, Esquire for representation of the Tax Claim Bureau regarding any bankruptcy proceedings. It is our understanding that Ms. Ferguson has made separate arrangements with the Tax Claim Bureau regarding the services she will provide which include the billing of her services. It is also my understanding that we are permitted and authorized by the Tax Claim Bureau to disclose, discuss or exchange information directly with Ms. Ferguson pertaining to Tax Claim matters that may be pertinent or necessary for either Ms. Ferguson's representation of the Tax Claim Bureau in bankruptcy matters or Nikolaus & Hohenadel's representation in all other legal matters of the Tax Claim Bureau. As Ms. Ferguson is no longer

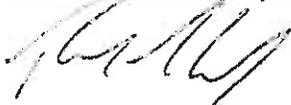
associated with Nikolaus & Hohenadel, LLP, in the event that we are required to have any communication with Ms. Ferguson as previously set forth, then any such costs or fees incurred by Nikolaus & Hohenadel, LLP will be billed to the Tax Claim Bureau consistent with the above and our past practices.

In the event that the Tax Claim Bureau's arrangements with Ms. Ferguson change in the future, our office is fully staffed and capable of representing the Tax Claim Bureau in any and all bankruptcy matters pertaining to Tax Claim Bureau cases and issues. Please contact me in such an event as we will then expand the scope of our representation of the Tax Claim Bureau to include any and all bankruptcy matters.

If you have any questions or would like to discuss any of the above further, please do not hesitate to contact me at my office. If you have no questions, please countersign this letter below acknowledging your agreement and understanding of these terms.

Very truly yours,

Nikolaus & Hohenadel, LLP



Robert S. Cronin, Jr.

RSC/jls

Matthew T. Acker Date
Chief Deputy Treasurer and Director
Lancaster County Tax Claim Bureau

D. Lynne Ferguson, Esq.
5148 Summerfield Dr.
Mount Joy, PA 17552
FergusonLaw@comcast.net
717-381-1255

November 25, 2015

Matthew T. Acker, Director
Lancaster County Tax Claim Bureau
150 N. Queen Street
Lancaster, PA

RE: Representation Agreement

Dear Matt:

This letter will serve to confirm our recent phone conversation. As you know, I have represented the Lancaster County Tax Claim Bureau for a total of 17 years. I will be ending my employment with Nikolaus & Hohenadel, LLP effective end of business day on November 25, 2015. Nikolaus & Hohenadel, LLP will continue to represent the Lancaster County Tax Claim Bureau in all matters other than bankruptcy matters. I, as a sole proprietor distinct from Nikolaus & Hohenadel, LLP, will serve the Tax Claim Bureau as "Assistant Solicitor," or Asst. Solicitor for legal services rendered at the rate of seventy-five dollars (\$75.00) per hour plus costs incurred related thereto.

I will also be available to Nikolaus & Hohenadel, LLP for consultations on any other Tax Claim Bureau matters as needed. All consultations will be billed at the rate of \$75.00/hour directly from me to the Tax Claim Bureau. The Tax Claim Bureau, as the client, is free to utilize its legal counsel as it desires as needed. To this end and as a condition of legal representation of the Tax Claim Bureau, there shall not be any "non-compete" agreement of any kind, inferred or actual, between the Bureau's Solicitor Nikolaus & Hohenadel, LLP and the Bureau's Asst. Solicitor D. Lynne Ferguson, Esq.

If the above terms are acceptable to the Tax Claim Bureau, please sign below. If the Tax Claim Bureau would like any changes to the above, please let me know.

I agree to the above terms:

I agree to the above terms:

DATE: _____

DATE: _____

Matthew T. Acker, Director
Lancaster County Tax Claim Bureau

D. Lynne Ferguson, Esq.
PA Supreme Ct I.D. 56365

On motion of Commissioner _____, seconded by Commissioner _____, it was agreed for the County of Lancaster, acting on behalf of the Information Technology Department, to approve the following:

Consultant Agreement With:

LancasterHistory.org
Lancaster, Pennsylvania

Purpose:

To protect and preserve historical documents for the County of Lancaster, including processing, indexing, preserving and accessing County records.

Amount/Term:

Not to exceed \$140,875.00 for the period January 1, 2016 through December 31, 2016.

2/10/16

This completed document must be submitted to the Chief Clerk by **9:00 am** the **Wednesday** prior to the County Commissioners' Work Session and Commissioners' Meeting. Please don't wait until the deadline to submit the request.

COVER SHEET FOR

CONTRACTS/AGREEMENTS/GRANT APPLICATIONS/ CHANGE ORDERS, ETC.

Submitted by: Name and Title: Misty Witmer, Deputy Director IT Support Services
 Department: Information Technology and Budget Services
 Date: 2/2/2016

Board Action Requested: Consultant Agreement
 (Specify Agreement, Amended Agreement, Grant App., Change Order, Bid Award etc.)

Provider Information: (Name, Address): LancasterHistory.org
 230 N President Ave
 Lancaster, PA 17603

Proposed Program Budget Information:

Service	2015-16 Amount to be Approved	2014-2015 Amount	Amount Increase/ Decrease	Percent Increase/ Decrease	Percent Funding Source (Co., State, Fed)
Document protection and preservation	140,875.00	140,875.00	0	0	County

Term of Contract: 1/1/2016-12/31/2016

Budget Comments: Allocated as part of annual Commissioners' grants, IT budget line item

Program Information/Description of Service:

LancasterHistory.org protects and preserves County historical records. This is mutually beneficial, as the County's climate-controlled storage facility for Archives cannot house all of the County's records. LancasterHistory.org maintains these records as part of larger collections available to the public and researchers. It allows for a more consistent and less time-consuming research experience for visitors to LancasterHistory.org and County Archives.

Complete sections pertaining to bid awards and Request for Proposals:

# of Bids Received	Is Proposed Contract to the Lowest Bidder (Y/N)	If No, Please Explain	Performance Bond Required?	Define Funding Source

Complete Sections Pertaining to Construction Projects:

Amount of Change Order	Amount of Original Budget	Revised Total Budget Reflecting Change	Define Funding Source

February 9-10, 2016

Date you would like the County Commissioners'

To take official action on this item?:

Who will be in attendance at the County Commissioners' Work Session? Please include name and title:

Misty Witmer, Deputy Director IT Support Services
John Bennawit, Records Specialist

Who will be in attendance at the County Commissioners Meeting to comment on this item? Please include name and title:

Misty Witmer, Deputy Director IT Support Services
John Bennawit, Records Specialist

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COVER SHEET FOR

CONTRACTS/AGREEMENTS/GRANT APPLICATIONS/ CHANGE ORDERS, ETC.

Submitted by: Name and Title: Brian K. Hurter
 Department: Controller
 Date: 2/3/16

Board Action Requested:

(Specify Agreement, Amended Agreement, Grant App., Change Order, Bid Award etc.)

Present and review the audit report of the East Lampeter Township Tax Collector Jeffrey Cutler performed by the Lancaster County Controller's Office for the period of January 1, 2014 through January 15, 2015 which resulted in examination of related documentation through October 2015. After the presentation of the report there needs to be a discussion if there needs to be any action taken and if so what action the Board is going to take.

Provider Information: (Name, Address):

Proposed Program Budget Information:

Service	2015-16 Amount to be Approved	2014-2015 Amount	Amount Increase/ Decrease	Percent Increase/ Decrease	Percent Funding Source (Co., State, Fed)

Term of Contract:

Budget Comments:

Program Information/Description of Service:

Complete sections pertaining to bid awards and Request for Proposals:

# of Bids Received	Is Proposed Contract to the Lowest Bidder (Y/N)	If No, Please Explain	Performance Bond Required?	Define Funding Source

Complete Sections Pertaining to Construction Projects:

Amount of Change Order	Amount of Original Budget	Revised Total Budget Reflecting Change	Define Funding Source

Date you would like the County Commissioners' To take official action on this item?:

If needed (see above) - February 10, 2016

Who will be in attendance at the County Commissioners' Work Session? Please include name and title:

Brian Hurter, Sandra Thompson, and Megan Walsh

Who will be in attendance at the County Commissioners Meeting to comment on this item? Please include name and title:

Brian Hurter, Sandra Thompson, and Megan Walsh

This completed document must be submitted to the Chief Clerk by 9:00 am the Wednesday prior to the County Commissioners' Work Session and Commissioners' Meeting. Please don't wait until the deadline to submit the request. When there is a holiday, the request must be submitted no later than 12:00 noon on the Tuesday prior to the Meetings.

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LANCASTER COUNTY COMMISSIONERS' MEETING

AGENDA

FEBRUARY 10, 2016



1. Meeting Called to Order: This morning's meeting will be conducted by Commissioner Dennis Stuckey.
2. Pledge of Allegiance
3. Minutes as Distributed: Postpone approval of January 20, 2016 Commissioners' Meeting Minutes, January 27, 2016 Commissioners' Meeting Minutes and February 3, 2016 Commissioners' Meeting Minutes.
4. Old Business:
5. New Business:
 - a. **Presentation of Black History Month Proclamation**
Blanding Watson, President, Lancaster Chapter of the NAACP
 - b. **Department of Parks and Recreation - Agreement**
Paul Weiss, Administrator, Department of Parks and Recreation
Sue Martin, Executive Director, Central Park Trail Rides and Lancaster County SPCA
 - c. **Tax Claim Bureau – Solicitor Appointment**
Matthew Acker, Deputy Treasurer and Director of Tax Claim Bureau
 - d. **Tax Claim Bureau – Co-Solicitor Appointment**
Matthew Acker, Deputy Treasurer and Director of Tax Claim Bureau
 - e. **Information Technology Department – Consultant Agreement**
Misty Witmer, Deputy Director, Information Technology Department
John Bennawit, Records Specialist, Information Technology Department
6. Business from Guests
7. Adjourn



Office of the Commissioner

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Lancaster, PA 17602
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Fax: 717-293-7200
www.co.lancaster.pa.us

County Commissioners
Dennis P. Stuckey, Chairman
Joshua G. Parsons, Vice-Chairman
Craig E. Lehman
Chief Clerk
Andrea M. McCue

PROCLAMATION

Black History Month

February 3, 2016

WHEREAS, Carter G. Woodson, noted African American scholar and historian, founded "Black History Week," the second week in February, on February 12, 1926; and

WHEREAS, In 1976, as part of the nation's bicentennial, "Black History Week" was expanded and established as "Black History Month" with the hope that through this special observance all Americans would be reminded of their ethnic roots and develop a mutual respect for the contributions of all racial groups in America; and

WHEREAS, The month of February is significant and recognized in African American history for the accomplishments and contributions of great African American pioneers and institutions, such as Frederick Douglass, W.E.B. DuBois, George Washington Carver, Langston Hughes, Eubie Blake, Ida B. Wells-Barnett, Mary McLeod Bethune, Harriet "Moses" Tubman, the NAACP, and Tuskegee Institute; and

WHEREAS, African Americans have endured tremendous personal, social, economic and political injustices since the dawn of their enslavement; and

WHEREAS, These injustices notwithstanding, African Americans have made limitless contributions to society in medicine, science, art, religion, education, entertainment and the humanities; and

WHEREAS, We owe a great deal of gratitude to African Americans for their contributions, and for their efforts to help pioneer the way toward social and economic equality and justice; and

WHEREAS, "Black History Month" draws our collective attention to the facts and experiences of African Americans in this country from slavery, through the abolitionist movement; through the backlash of the oppressive laws of "Jim Crow" and the legalized institutional separation of the races; through the Harlem Renaissance; through the Civil Rights movement; and to the numerous and significant gains of freedom by agents of change like Sojourner Truth, Reverend Dr. Martin Luther King, Jr., Madam CJ Walker, Medgar Evers, Rosa Parks, Thurgood Marshall, Fannie Lou Hamer and John Lewis; and

WHEREAS, We are all indebted to these leaders as well as to the victims and the silent heroes for their immeasurable struggles and sacrifices and to all who have worked and are working to end discrimination, hatred and bigotry throughout society.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LANCASTER COUNTY, PENNSYLVANIA, that the County of Lancaster does hereby celebrate the month of February 2016 as _____
Black History Month

in Lancaster County. The Lancaster County Board of Commissioners recognize and appreciate the many benefits of "Black History Month" to our citizenry and to our culture in general, and urge all Lancaster County residents to take the opportunity during this month to explore this rich history and to also make a personal commitment to help bring our nation closer to realizing racial equity.



Dennis P. Stuckey

Dennis P. Stuckey, Chairman

Joshua G. Parsons

Joshua G. Parsons, Vice Chairman

Craig E. Lehman

Craig E. Lehman

Board of Commissioners of
Lancaster County, Pennsylvania

