LANCASTER COUNTY COMMISSIONERS' MEETING
AGENDA
JUNE 15, 2016
7:00 P.M.
ELIZABETHTOWN BOROUGH MUNICIPAL BUILDING

1. Meeting Called to Order: This evening's meeting will be conducted by Commissioner Joshua Parsons.

2. Pledge of Allegiance

3. Minutes as Distributed: Postpone approval of May 18, 2016 Commissioners' Meeting Minutes, May 25, 2016 Commissioners' Meeting Minutes, June 1, 2016 Commissioners' Meeting Minutes and June 8, 2016 Commissioners' Meeting Minutes.

4. Welcome and Thank You

5. Old Business:

   a. **Re-announcement:**
   The County of Lancaster will conduct public hearings to discuss the County's proposed Human Services Block Grant categorical funding allocations for Fiscal Year 2016-2017 on the following date:

   Wednesday, June 29, 2016 at 9:15 a.m. during the County Commissioners' Meeting, Room 701, 150 North Queen Street, Lancaster, at which time the Board of Commissioners will consider the adoption of the Human Services Block Grant categorical funding allocations for Fiscal Year 2016-2017.

   The block grant encompasses mental health and intellectual disabilities base funds, Act 152 drug and alcohol funds, behavioral health services initiative funds, Human Services Development Fund, child welfare special grants and homeless assistance funding.

   Public participation is invited.

6. New Business:

   a. **Elizabethtown Borough Presentation**
   Marc Hershey, President, Elizabethtown Borough Council

   b. **Ordinance No. 120 re. Creation of Land Bank Authority**

"continued"

c. **Facilities Management – Temporary Construction Easement Agreements**
Charles Douts, Director, Facilities Management

d. **Facilities Management – Addendum to Agreement**
Charles Douts, Director, Facilities Management
Scott Russell, County Engineer, RETTEW

7. Questions and Answers from Public

8. Adjourn

ORDINANCE NO. 120

On motion of Commissioner _____, seconded by Commissioner _____;

AN ORDINANCE OF THE LANCASTER COUNTY, PENNSYLVANIA, BOARD OF COMMISSIONERS CREATING THE LANCASTER COUNTY LAND BANK AUTHORITY

WHEREAS, this Ordinance is enacted in accordance with the provisions of Act 153 of 2012, enacted by the Pennsylvania General Assembly and signed into law by the Governor on October 24, 2012, 68 Pa.C.S.§2101 et seq.; and

WHEREAS, the Lancaster County Land Bank, hereinafter "Land Bank", shall possess all powers and duties permitted to it under state law; and

WHEREAS, the Board of Commissioners of the County of Lancaster finds and declares that there is a need for a land bank to function within the territorial limits of the County of Lancaster (hereinafter "County" or "Lancaster County"), exclusive of the City of Lancaster; and

WHEREAS, the mission of the Land Bank is to deter blight and to return vacant property to productive status using a unified, predictable, and transparent process, thereby revitalizing neighborhoods and strengthening the County's tax base.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF LANCASTER COUNTY, PENNSYLVANIA:

§1. Creation and Purpose

1.1 The purpose of this Ordinance is to create the Lancaster County Land Bank, which will use available resources to facilitate the return of vacant, blighted, abandoned and/or tax-delinquent properties to productive use, thereby combating community deterioration, creating economic growth and stabilizing the housing and job market.

1.2 The Land Bank will acquire, hold, and transfer interest in real property throughout Lancaster County as approved by its Board of Directors for the following purposes, including but not limited to: to deter the spread of blight; or to promote redevelopment and reuse of vacant, abandoned, and/or tax-delinquent properties; to support targeted efforts to stabilize neighborhoods; or to stimulate residential, commercial and industrial development; all in ways that are consistent with goals and priorities established by this Ordinance, local government partners and other community stakeholders.

1.3. The County of Lancaster and the Redevelopment Authority of the County of Lancaster (hereinafter "Redevelopment Authority") shall work with the Land Bank and its member municipalities to identify all surplus vacant property owned by these entities and property these entities wish the Land Bank to acquire.

§2. Definitions

2.1 The following words and phrases when used in this Ordinance shall have the meanings set forth below and in Act 153 of 2012, 68 Pa.C.S.§2103.

Municipal Tax — Any real property tax imposed and billed by the Municipal, School District and County governments.

Owner-occupant — A natural person with a legal or equitable ownership interest in property which was the primary residence of the person for at least three consecutive months at any point in the year preceding the date of initial delinquency.

Real property — Land and all structures and fixtures thereon and all estates and interests in land, including easements, covenants and leaseholders.

Financial institution — A bank, savings associations, operating subsidiary of a bank or savings association, credit union, or an association licensed to originate mortgage loans or an assignee of a mortgage or note originated by such an institution.

Land Bank — A public body and a body corporate and politic established under the Act of October 24, 2012, PL. 1239, No. 153 (68 Pa.C.S. §§2101, et seq.) and this Ordinance.

Member Municipality – A municipality within Lancaster County that chooses to join the Land Bank and enter into an Intergovernmental Cooperation Agreement relative to the operations of the Land Bank.

§3. Board of Directors

3.1 All personnel, facilities, equipment and supplies within the Land Bank shall be governed by a Board of Directors as provided herein.

3.2 The Land Bank Board of Directors shall be comprised of seven (7) members. Each member of the Redevelopment Authority Board of Directors on the date of creation of the Land Bank shall serve as a Director on the Land Bank Board for the same term as his or her term on the Redevelopment Authority. The Lancaster County Board of Commissioners shall appoint two additional members who are residents of Lancaster County, at least one of whom is a resident of Lancaster County, is not a public official or municipal employee and maintains membership with a recognized civic organization in Lancaster County.

3.3 Each Director on the Redevelopment Authority Board shall serve on the Land Bank Board for so long as he/she serves on the board of the Redevelopment Authority, accounting for five of the seven Land Bank Board seats. The Lancaster County Board of Commissioners

shall appoint the two additional members who shall serve five (5) year terms measured from January 1, 2016 through December 31, 2021. Newly appointed members of the Redevelopment Authority shall automatically be members of the Land Bank Board for a term the same as his or her term on the Redevelopment Authority.

3.4 The initial members of the Board of Directors of the Land Bank Board, in accordance with Paragraphs 3.2 and 3.3 above, shall be:

3.4.1 Edward C. Fisher for a term ending 12/31/19
3.4.2 Gerald S. Robinson, Esq. for a term ending 12-31-21
3.4.3 James Williams for a term ending 12-31-2017
3.4.4 Jim Eby for a term ending 12-31-21
3.4.5 Mary Glazier for a term ending 12-31-16
3.4.6 County designee for a term ending 12/31/21
3.4.7 County designee for a term ending 12/31/21

3.5 Members shall continue to serve until their successors have been appointed and confirmed.

3.6 Members shall serve without compensation and may seek reimbursement for expenses associated with duties relating to the Land Bank activities.

3.7 Members of the Land Bank Board and its employees shall be subject to the Act of July 19, 1957 (P.L. 101), No. 451, known as the State Adverse Interest Act and the ethical standards and disclosure requirements of 65 Pa.C.S. Chapter 11 and any other supplemental rules and guidelines adopted by the Land Bank.

3.8 The Land Bank Board shall elect officers to serve as Chair, Vice Chair, Secretary and Treasurer to serve one (1) year terms. Members may be re-elected to serve successive terms. The duties of officers shall be established by the Board according to law.

3.9 Any vacancy in the two members appointed by the Lancaster County Board of Commissioners shall be filled by appointment by the Lancaster County Board of Commissioners. Vacancies of members serving by virtue of appointment to the Redevelopment Authority Board shall be filled by the Redevelopment Authority in conjunction with the Board of Commissioners' appointment of a replacement Redevelopment Authority director.

3.10 Rules: The Land Bank Board shall establish rules for the following:

3.10.1 Duties of officers.
3.10.2 Attendance and participation of members in its regular and special meetings.
3.10.3 A procedure to remove a member by a majority vote of the other

members for failure to comply with a rule.

3.10.4 Other matters necessary to govern the conduct of a land bank.

3.11 Meetings:

3.11.1 The Land Bank Board shall hold regular public meetings, and shall allow for public comment on matters under deliberation at each such public meeting. The place, date and time of the Land Bank Board meetings shall be determined at the discretion of the Land Bank Board. All meetings of the Land Bank Board shall comply with the Pennsylvania Sunshine Act.

3.11.2 The Chair of the Land Bank Board may call special meetings by written notice of at least twenty-four (24) hours to each Board member and in accordance with the Pennsylvania Sunshine Act.

3.12 Quorum: A quorum shall be necessary for the transaction of any business by the Board of Directors. A majority of the Members of the Board of Directors, excluding vacancies on the Board, shall constitute a quorum. The Board of Directors shall act by a majority vote of the Members at a meeting at which a quorum is present, except as otherwise provided in this Ordinance. No voting by proxy shall be permitted.

3.13 Minutes: Minutes of all meetings of the Board of Directors and its Committees shall be made and maintained.

3.14 Committees: The Board of Directors may establish such committees as may be needed to assist the Board in conducting the business of the Land Bank. Committee members shall be appointed by the Chair, and each Committee shall include at least one member of the Board of Directors. Any business proposed by a Committee shall require approval by the Board of Directors.

3.15 Fiduciary Duty: The Members of Board of Directors of the Land Bank are under a fiduciary duty to conduct the activities and affairs of the Land Bank in the best interests of the residents of the County of Lancaster, including the safekeeping and use of all Land Bank monies and assets. The Board of Directors shall discharge their duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

3.16 Open Meetings and Right-to-Know Law: The Land Bank is subject to 65 Pa.C.S. Chapter 7 (relating to Open Meetings); and the Act of February 14, 2008 (P.L.6, No. 3), 65 P.S. 67.101 et seq. known as the Right-to-Know Law.

§4. Land Bank Powers

4.1 The powers of the Land Bank shall be those delineated in Act 153 of 2012, 68 Pa.C.S.A. §2107, as amended.

4.2 The Land Bank may exercise its powers in any municipality of Lancaster County other than the City of Lancaster.

§5. Land Bank Staff

5.1 Employees: The Land Bank may employ or enter into a contract for an executive director, counsel and legal staff, technical experts and other individuals, and may determine the qualifications and fix the compensation and benefits of those employees. The Land Bank may arrange for any such staff in conjunction with the Redevelopment Authority of the County of Lancaster or other partnering public entities.

5.2 Municipal Contracts for Services: The Land Bank may enter into an intergovernmental cooperation agreement with a municipality for:

a. The municipality to provide staffing services to the Land Bank; or

b. The Land Bank to provide staffing services to the municipality.

§6. Acquisition of Property

6.1 The Land Bank is authorized to acquire real property or interests in real property through donation, gift, purchase, or any other legal means, including tax sale or judicial sale or by transfer from the Tax Claim Bureau. The Land Bank shall hold in its own name all real property it acquires. The Land Bank may acquire real property located in Lancaster County, excluding property located in whole or in part within the City of Lancaster.

6.2 When the Land Bank acquires residential properties that are occupied at the time of acquisition, it shall be the policy of the Land Bank to show a preference for keeping the former owner-occupants in the property, whenever feasible.

§7. Inventory

7.1 The Land Bank shall maintain and make publicly accessible online, and at its offices during normal business hours, the following information:

a. An up-to-date inventory of property owned or held by the Land Bank;
b. A record of all properties conveyed by the Land Bank to other parties within the previous and current calendar year.

§8. Discharge and Abatement of Real Estate Taxes and Other Municipal Claims

8.1 The Land Bank is authorized and the County agrees that the Land Bank may discharge liens and other municipal claims, charges or fines of Lancaster County.

8.2 The Land Bank may seek to enter into an agreement for discharges from the applicable municipal body against the properties it acquires.

8.3 For the duration of the time a property is held by the Land Bank, the Land Bank is authorized to abate all real estate taxes, water and sewer charges, and other municipal charges by the County of Lancaster and to the extent necessary, may seek abatement or non-taxable status from other applicable government entities.

8.4 The County hereby assents to real estate tax payment allocation to the Land Bank for properties returned to the tax rolls after Land Bank ownership with regard to County real estate taxes to the extent allowed by state law, and the Land Bank Authority is authorized to seek allocation of real estate taxes on return of land to the tax rolls after Land Bank ownership by agreement with other applicable taxing authorities;

§9. Disposition of Property

9.1 The Land Bank is authorized to convey, exchange, sell, transfer, lease, grant, or mortgage interests in real property of the Land Bank in the form and by the method determined to be in the best interests of the Land Bank, except where expressly limited in this Section.

9.2 The Board of Directors may delegate this disposition authority to the staff of the Land Bank except in the following circumstances in which the Board itself must review and approve transfers of property at a public meeting:

a. The proposed terms of the transaction conflict with the Land Bank's published policies or procedures; or

b. When otherwise required by law.

§10. Pricing

10.1 Market Value shall be determined by up-to-date data, and by using the valuation method that the Land Bank or its staff has determined is most appropriate given the particular conditions of the property and surrounding market.

10.2 As determined by the Board of Directors and as set forth in policies and procedures, consideration may take the form of monetary payments and secured financial obligations, covenants and conditions related to the present and future use of the property, contractual commitments of the transferee and other forms of consideration determined to be in the best interest of the Land Bank. Nominal or reduced price disposition shall be an option for any property owned by the Land Bank.

§11. Policies

11.1 Policies of the Land Bank shall initially be adopted and thereafter reviewed at least every other year by the Board of Directors of the Land Bank, with opportunity for public input and comment. Policies shall be published online.

11.2 County Residents shall have the following means of supplying input into the Land Bank decision-making process:

a. Any individual or organization may submit recommendations for Board Membership to the Board of County Commissioners for consideration in making appointments.
b. Any individual or organization may submit recommendations to the Land Bank Board or staff for real properties that could be acquired by the Land Bank, and the purpose for which such properties could be developed.

§12. Financial Provisions

12.1 To the extent allowed by law, the Land Bank shall retain proceeds from the sale of any properties to cover or contribute to operating costs, maintenance of inventory, and to support additional strategic property acquisition.

12.2 The Land Bank may finance its operations through any means authorized in Section 2111 and 2112 of the Act of October 24, 2012, PL. 1239, No. 153 (68 Pa. C.S. §§2111 and 2112).

§13. Dissolution; Distribution of Assets in Case of Dissolution

13.1 The Land Bank may be dissolved according to the requirements of Section 2114 of the Act, and upon a finding adopted by a two thirds majority of the Board of Directors and approved by the Lancaster County Board of Commissioners that there is no longer any need for a land bank to function within the territorial limits of the County of Lancaster. Assets, upon dissolution of the Land Bank, shall be distributed according to law.

§14. Insurance and Indemnification

14.1 The Land Bank shall obtain insurance to defend and indemnify the Land Bank and the Members of the Board of Directors with respect to all claims or judgments arising out of their activities as Board Members with respect to all negligence claims, and claims or judgments arising out of Land Bank activities performed on behalf of the Land Bank or County. Insurance may be through coverage by the County of Lancaster.

14.2 To be eligible for defense and indemnification, a Land Bank Board Member shall be obligated to:

a. Notify, within five days of receipt, the Board Chair of the Land Bank, and the Executive Director of the Redevelopment Authority of the County of Lancaster, about any claim made against the Member and deliver all written demands, complaints and other legal papers received with respect to such claim.

b. Cooperate during the investigation and defense of any claim against the County, the Land Bank or any Member of the Land Bank, including, but not limited to,

preparing for and attending depositions, hearings and trials and otherwise assisting in securing and giving evidence.

§15. Filing with Commonwealth Departments

15.1 Upon adoption of this Ordinance, the Chief Clerk shall file a copy of the Ordinance with the Pennsylvania Department of Community and Economic Development and with the Pennsylvania Department of State.

§16. Repealer

16.1 All Ordinances and parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar as they are inconsistent herewith.

§17. Effective Date

17.1 This Ordinance shall become effective immediately.

DULY ADOPTED this _____ day of _____, 2016 by the Lancaster County Board of Commissioners, Lancaster County Pennsylvania.

ATTEST:

_____
Dennis P. Stuckey, Chairman

_____
Robert T. Still, Chief Clerk
County of Lancaster, PA

_____
Joshua G. Parsons, Vice-Chairman

Date:

_____
Craig E. Lehman

Board of Commissioners of
Lancaster County, Pennsylvania

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

1.	**Temporary Construction Easement Agreement With:**	Titus M. and Ada Z. Reiff East Earl, Pennsylvania
	Purpose:	To grant and convey to the County of Lancaster a temporary construction easement over certain property abutting Iron Bridge Road, East Earl Township (Tax Account No. 200-81115-0-0000) for the purpose of allowing the County to complete the Big Conestoga #3 maintenance project in accordance with the terms and conditions set forth in the Agreement.
	Amount:	$344.50 for 689 square feet.
	Term:	Effective June 15, 2016 through completion of project.
2.	**Temporary Construction Easement Agreement With:**	Titus M. and Ada Z. Reiff East Earl, Pennsylvania
	Purpose:	To grant and convey to the County of Lancaster a temporary construction easement over certain property abutting Iron Bridge Road, East Earl Township (Tax Account No. 200-96653-0-0000) for the purpose of allowing the County to complete the Big Conestoga #3 maintenance project in accordance with the terms and conditions set forth in the Agreement.
	Amount:	$61.50 for 123 square feet.
	Term:	Effective June 15, 2016 through completion of project.
3.	**Temporary Construction Easement Agreement With:**	Alvin W. and Linda H. Zimmerman East Earl, Pennsylvania
	Purpose:	To grant and convey to the County of Lancaster a temporary construction easement over certain property abutting Iron Bridge Road, East Earl Township (Tax Account No. 200-60632-0-0000) for the purpose of allowing the County to complete the Big Conestoga #3 maintenance project in accordance with the terms and conditions set forth in the Agreement.
	Amount:	$156.50 for 313 square feet.
	Term:	Effective June 15, 2016 through completion of project.

"continued"

4.	**Temporary Construction Easement Agreement With:**	Jonathan S. and Louise M. Weaver East Earl, Pennsylvania
	Purpose:	To grant and convey to the County of Lancaster a temporary construction easement over certain property abutting Iron Bridge Road, East Earl Township (Tax Account No. 200-96937-0-0000) for the purpose of allowing the County to complete the Big Conestoga #3 maintenance project in accordance with the terms and conditions set forth in the Agreement.
	Amount:	$837.50 for 1,675 square feet.
	Term:	Effective June 15, 2016 through completion of project.

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

Addendum #1 to Agreement With:	RETTEW Lancaster, Pennsylvania
Purpose:	To provide construction administrative services for the Big Conestoga #3 Bridge replacement project including pre-construction meeting; review and approval or disapproval of submissions, shop drawings, material certifications and supplier questions, as appropriate; engineering review and analysis of contractor field surveys; review and approval or disapproval of payment applications; and perform part-time construction observation services.
Amount/Term:	Increase the amount of the existing agreement by $39,000.00, for a total contract amount not to exceed $88,800.00 through completion of project (Liquid Fuels funds).

6/15/16