

LANCASTER COUNTY COMMISSIONERS' MEETING

AGENDA

SEPTEMBER 7, 2016



1. Meeting Called to Order: This morning's meeting will be conducted by Commissioner Joshua Parsons.
2. Pledge of Allegiance
3. Minutes as Distributed: Approval of June 29, 2016 Commissioners' Meeting Minutes and July 20, 2016 Commissioners' Meeting Minutes. Postpone approval of August 17, 2016 Commissioners' Meeting Minutes, August 24, 2016 Commissioners' Meeting Minutes and August 31, 2016 Commissioners' Meeting Minutes.
4. Old Business:
 - a. **Re-announcement:**
An evening Commissioners' Meeting will be held on Tuesday, September 13, 2016 at 7:00 p.m. at Colerain Township Municipal Building, 1803 Kirkwood Pike, Kirkwood, Pennsylvania. There will be no Commissioners' Meeting scheduled for Wednesday morning, September 14, 2016 at 9:15 a.m.
5. New Business:
 - a. **Presentation of Proclamation – National Hispanic Heritage Month**
Norman Bristol Colon, President and CEO of the Progreso Group
 - b. **Resolution No. 69 of 2016**
James Noel, Esquire, Solicitor to the Lancaster County Hospital Authority
David Twaddell, Esquire, Rhoads & Sinon, LLP and Bond Counsel to Luthercare
Elizabeth Brennan, CFO and Treasurer, Luthercare
 - c. **Resolution No. 70 of 2016**
Jim Fasnacht, Senior Buyer, Purchasing

"continued"

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d. **Resolution No. 71 of 2016**

Russell Glass, Deputy Court Administrator, Court Administration

e. **Adult Probation and Parole Services – Agreement**

Mark Wilson, Chief, Adult Probation and Parole Services

Teri Miller-Landon, Deputy Chief, Adult Probation and Parole Services

f. **Behavioral Health/Developmental Services – Agreements**

Lawrence George, Executive Director, Behavioral Health/Developmental Services, or

Judy Erb, Deputy Director of Administration, Behavioral Health/Developmental Services

g. **Facilities Management – Right-of-Way Agreement and Temporary Construction Easement Agreement**

Charles Douts, Director, Facilities Management

6. Business from Guests

7. Adjourn



Office of the Commissioner

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Lancaster, PA
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PROCLAMATION
National Hispanic Heritage Month
September 15 - October 15, 2016

September 7, 2016

County Commissioners
Dennis P. Stuckey, Chairman
Joshua G. Parsons, Vice Chairman
Craig E. Lehman

Chief Clerk
Robert T. Still

WHEREAS, In 1968, Congress passed Public Law 90-498 authorizing the President to issue an annual proclamation designating the week including September 15 and 16 as National Hispanic Heritage Week; and

WHEREAS In September 1968, President Lyndon B. Johnson issued the first such proclamation; and

WHEREAS, In 1988 Congress passed Public Law 100-402 establishing National Hispanic Heritage Month; and

WHEREAS, On September 14, 1989, President George H.W. Bush issued the first proclamation for National Hispanic Heritage Month; and

WHEREAS, Today more than 55 million Hispanics live in the United States making Hispanics the nation's largest ethnic minority with more than 48,000 living in Lancaster County; and

WHEREAS, As members of the United States Armed Forces, heroic Hispanic men and women have fought and died to defend the United States in every war since the American Revolution. Today there are more than 1.2 million veterans of the United States Armed Forces who are Hispanic and Latino; and

WHEREAS, Hispanics are leaders making valuable contributions to the County and Nation through business and industry, government and politics, education, the sciences, and the arts and by sharing strong family values, by recognizing the obligation to those less fortunate and by cherishing freedom.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LANCASTER COUNTY, PENNSYLVANIA, That we do hereby proclaim September 15-October 15, 2016 as ***National Hispanic Heritage Month*** in Lancaster County, Pennsylvania, and call upon all residents to observe this month with appropriate ceremonies, activities, and programs.




Dennis P. Stuckey, Chairman

Joshua G. Parsons, Vice Chairman

Craig E. Lehman

Board of Commissioners of
Lancaster County, Pennsylvania



COUNTY OF LANCASTER, PENNSYLVANIA

RESOLUTION NO. 69 OF 2016

On motion of Commissioner _____, seconded by Commissioner _____;

WHEREAS, LUTHERCARE, a corporation not-for-profit organized and existing under laws of the Commonwealth of Pennsylvania, owns and operates a continuing care retirement community and related health center and continuing care retirement community facilities known as LUTHERCARE at Luther Acres ("Luther Acres"), in the Borough of Lititz, Lancaster County, Pennsylvania, and LUTHERCARE at St. John's Herr Estate ("St. John's Herr"), in the Borough of Columbia, Lancaster County, Pennsylvania (collectively, the "Facilities"); and

WHEREAS, Lancaster County Hospital Authority (the "Authority"), a municipality authority organized by this County under the Pennsylvania Municipality Authorities Act of 1945, as amended, now the Municipality Authorities Act, 53 Pa.C.S. Chapter 56 (the "Authorities Act"), proposes to act as a conduit issuer and to issue tax-exempt obligations in the aggregate principal amount not to exceed \$54,000,000 (the "Obligations") to: (1) refinance the Authority's Variable Rate Demand Health Center Revenue Bonds (Luthercare Project), Series of 1999, and Variable Rate Demand Health Center Revenue Bonds (Luthercare Project), Series of 2010, and to refinance the Paradise Township Sewer Authority's Revenue Note, Series of 2013 (Luthercare Project), and Revenue Note, Series of 2014 (Luthercare Project), the proceeds of which were applied to the costs and expenses of alterations, renovations, and improvements to the continuing care retirement community facilities known as Luthercare at Luther Acres, located at 250 St. Luke Drive, Lititz, Lancaster County, Pennsylvania, St. John's Herr Estate, located at 200 Luther Lane, Columbia, Lancaster County, Pennsylvania, Spang Crest, located at 945 Duke Street, Lebanon, Pennsylvania, and the childcare and learning facilities known as the Reamstown Child Care & Learning center, located at 58 South Reamstown Road, Reamstown (East Cocalico Township), Lancaster County, Pennsylvania, and the Emma C. Berger Child Care & Learning Center, located at 40 South King Street, Annville, Lebanon, Pennsylvania; (2) to finance renovations, alteration, and additions to the three story, 120 apartment and 70 personal care unit building known as the Muhlenberg apartment building on the campus of Luthercare at Luther Acres, 250 St. Luke Drive, Lititz, Lancaster County, Pennsylvania; (3) to finance the design, acquisition, and installation of an emergency electricity generator to serve the assisted living facility at St. John's Herr Estate, located at 200 Luther Lane, Columbia., Lancaster County, Pennsylvania; and (4) to finance related costs and expenses of financing (collectively, the "Project"); and

WHEREAS, The financing of the Project by the Authority will constitute the financing of a "health center" operated by a "nonprofit corporation," all within the meaning of the Authorities Act; and

WHEREAS, Under the Authorities Act, the Authority may undertake to finance a health center to be leased, or financed with a loan or loans, to a nonprofit corporation serving the public only if this County, as the municipality that organized the Authority, declares by resolution or ordinance that it is desirable for the health, safety and welfare of the people in the area served by such health center facilities to have such facilities provided or financed by the Authority; and

WHEREAS, The Authority has requested that this County, by resolution or ordinance, declare that it is desirable for the health, safety and welfare of the people in the area served by the Facilities to have such facilities provided or financed by the Authority; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), provides that tax-exempt obligations may not be issued for the benefit of persons other than state and local governments unless the issue is approved by the "applicable elected representative" of a governmental unit having jurisdiction over the geographic location of the site of the facility to be financed and by the "applicable elected representative" of the governmental unit which will issue the tax-exempt obligations or, if such governmental unit has no elected officials, then by an "applicable elected representative" of the next higher governmental unit (with an "applicable elected representative"), in each case following a public hearing of which reasonable public notice is given; and

WHEREAS, The Authority has no elected representative, and this County, as the incorporating municipality of the Authority, is the next higher governmental unit with an elected representative, within the meaning of the Code; and

WHEREAS, Notice of a public hearing with respect to the Project and the proposed issuance of the Obligations by the Authority as tax-exempt obligations was published in the Intelligencer Journal-Lancaster New Era, of Lancaster, Pennsylvania, a newspaper of general circulation in the area to be served by the Project; and

WHEREAS, A public hearing with respect to the Project and the issuance of the Obligations was held on August 29, 2016, at the time and place set forth in such Notice, and a summary of public comments received at such hearing with respect to the issuance of the Obligations or the Project has been delivered to this meeting and been considered by the Board of Commissioners of this County; and

WHEREAS, The Authority has asked this County to declare the financing of the Project by this Authority to be desirable for the health, safety and welfare of the people in the area served by the Facilities and to approve the use of tax-exempt financing for the Project.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LANCASTER COUNTY PENNSYLVANIA as follows:

1. The Board of County Commissioners of this County does hereby find and declare that it is desirable for the health, safety and welfare of the people in the area served by the health center facilities to be acquired or constructed as part of the Project to have such facilities provided by or financed by the Authority.

2. The advertisement and conduct of a public hearing on behalf of this County regarding the Project and the issuance of the Obligations as tax-exempt obligations, as required by Section 147(f) of the Code, is hereby authorized, approved, and ratified.

3. The Board of County Commissioners of this County designates and authorizes its Chairman or Vice Chairman to execute and deliver on behalf of the Board of County Commissioners of this County a Certificate of Approval with respect to the Obligations, such Certificate of Approval to be substantially in the form attached hereto as Exhibit A.

4. The approval granted hereby shall not, in any way, pledge or obligate the credit or taxing power of the County, nor shall the County be liable for the payment of the principal of, or interest on, any obligations issued by the Authority as contemplated herein.

5. Nothing in this Resolution is intended to be, nor shall it be construed as, an approval of the Obligations or of the Project by this County for any purposes other than (1) the exception for health center projects set forth in Section 5607(b)(2)(iv) of the Authorities Act, 53 Pa.C.S. §5607(b)(2)(iv), and (2) the public approval requirement of Section 147(f) of the Code.

6. All prior actions of this County and of the Authority taken in conformity with the intent and purposes of this Resolution are ratified, confirmed and approved.

7. All prior resolutions or parts of resolutions, insofar as such shall be inconsistent herewith, shall be and the same expressly are repealed.

DULY ADOPTED this 7th day of September, 2016, by the Board of Commissioners of the County of Lancaster, Pennsylvania, in lawful session duly assembled.

ATTEST:

COUNTY OF LANCASTER, PENNSYLVANIA

Chief Clerk

(Vice) Chairman of the Board of Commissioners

(SEAL)

9/07/16

EXHIBIT A

(FORM OF CERTIFICATE OF APPROVAL)
**COUNTY OF LANCASTER,
Pennsylvania**

CERTIFICATE OF APPROVAL

The undersigned, being the applicable elected representative of the County of Lancaster (the "County"), a political subdivision of the Commonwealth of Pennsylvania, does hereby approve the use of tax-exempt financing in the maximum amount set forth below for a project of LUTHERCARE, that includes, *inter alia*, (1) refinance the Authority's Variable Rate Demand Health Center Revenue Bonds (Luthercare Project), Series of 1999, and Variable Rate Demand Health Center Revenue Bonds (Luthercare Project), Series of 2010, and to refinance the Paradise Township Sewer Authority's Revenue Note, Series of 2013 (Luthercare Project), and Revenue Note, Series of 2014 (Luthercare Project), the proceeds of which were applied to the costs and expenses of alterations, renovations, and improvements to the continuing care retirement community facilities known as Luthercare at Luther Acres, located at 250 St. Luke Drive, Lititz, Lancaster County, Pennsylvania, St. John's Herr Estate, located at 200 Luther Lane, Columbia, Lancaster County, Pennsylvania, Spang Crest, located at 945 Duke Street, Lebanon, Pennsylvania, and the childcare and learning facilities known as the Reamstown Child Care & Learning center, located at 58 South Reamstown Road, Reamstown (East Cocalico Township), Lancaster County, Pennsylvania, and the Emma C. Berger Child Care & Learning Center, located at 40 South King Street, Annville, Lebanon, Pennsylvania; (2) to finance renovations, alteration, and additions to the three story, 120 apartment and 70 personal care unit building known as the Muhlenberg apartment building on the campus of Luthercare at Luther Acres, 250 St. Luke Drive, Lititz, Lancaster County, Pennsylvania; (3) to finance the design, acquisition, and installation of an emergency electricity generator to serve the assisted living facility at St. John's Herr Estate, located at 200 Luther Lane, Columbia, Lancaster County, Pennsylvania; and (4) to finance related costs and expenses of financing (collectively, the "Project"). Such financing shall be evidenced by tax-exempt obligations to be issued by LANCASTER COUNTY HOSPITAL AUTHORITY (the "Authority"). This Approval is being given after due consideration of the minutes of a public hearing on the matter held on the date and at the time and place set forth below following reasonable public notice:

Applicant: LUTHERCARE

Operator or Manager of Facility: LUTHERCARE

Maximum Aggregate Face Amount of Tax-Exempt Obligations to be Issued With Respect to the Facility: \$54,000,000

Functional Description of the Type and Use of Facilities Being Financed: Personal care and nursing care facilities and residential facilities for the elderly

Location of Facilities being Financed: 250 St. Luke Drive in the Borough of Lititz, Lancaster County, Pennsylvania, and 200 Luther Lane, in the Borough of Columbia, Lancaster County, Pennsylvania and

Time, Date and Place of Public Hearing: 4:00 p.m., prevailing local time, Monday, August 29, 2016, at McNees Wallace & Nurick LLC, 570 Lausch Lane, Suite 200, Lancaster, Pennsylvania

Notice of Public Hearing: Notice of Hearing published August 14, 2016, in the Intelligencer Journal-Lancaster New Era.

Synopsis of Hearing: A Synopsis of the Hearing was prepared and submitted by the Solicitor to the Authority or his delegate and is on file with the Chief Clerk of the County.

Synopsis of Hearing: A Synopsis of the Hearing was prepared and submitted by the Solicitor to the Authority or his delegate and is on file with the Chief Clerk of the County.

This Approval is given by the County as the next higher governmental unit with elected representatives from which the Authority derives its authority to finance the Project and as the political subdivision in which the properties being financed extend, and solely for the purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended. The obligations to be issued shall not constitute a debt or obligation of the County, and the County hereby assumes no obligation whatsoever with respect to payment of the same. This Certificate of Approval is not intended to be, nor shall it be construed as, an approval of the obligations to be issued by the Authority or of the Project for any purpose other than the public approval requirement of Section 147(f) of the Code.

IN WITNESS WHEREOF, the undersigned, being duly authorized to act on behalf of the Board of County Commissioners of the County, has executed this Approval this 7th day of September, 2016.

(Vice) Chairman of the Board of County Commissioners
of the County of Lancaster, Pennsylvania

CERTIFICATE

I, the undersigned Chief Clerk of the County of Lancaster, Commonwealth of Pennsylvania (the "County"), certify: that the foregoing is a true and correct copy of a Resolution that duly was adopted by affirmative vote of a majority of all members of the Board of County Commissioners of the County at a meeting duly convened and held according to law on September 2016, at which meeting a quorum was present; that said Resolution duly has been recorded in the minutes of the said Board; and that said Resolution is in full force and effect, without amendment, alteration or repeal, as of the date of this Certificate.

I further certify that said Board met the advance notice and public comment requirements of the Sunshine Act, 65 Pa.C.S. §701, *et seq.*, by advertising the time and place of said meeting, by posting prominently a notice of said meeting at the principal office of the County or at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment at such meeting prior to adopting said Resolution, all as required by such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the County, this 7th day of September, 2016.

Chief Clerk

(SEAL)

RESOLUTION NO. 70 OF 2016

On motion of Commissioner _____, seconded by Commissioner _____;

WHEREAS, Sealed proposals were received by the County of Lancaster and publicly opened and read on Wednesday, August 17, 2016 at 11:00 a.m. for bulk road salt and bulk water treatment salt for the County of Lancaster and participating members of the Lancaster County Cooperative Purchasing Board for a one-year period commencing October 1, 2016 with up to three months' extension option.

NOW, THEREFORE, BE IT RESOLVED BY THE LANCASTER COUNTY BOARD OF COMMISSIONERS, That contracts be awarded to the following company, for the items and amounts specified, which are the lowest and/or best bids received, and are in accordance with the advertisements, specifications and bids received therefore, and contracts therefore directed to be drawn.

Contracts Awarded To:

For:

**Bulk Road Salt and Bulk Water Treatment
Salt for Lancaster County and Participating
Members of the Lancaster County Cooperative
Purchasing Board for a One-Year Period Commencing
October 1, 2016 with up to Three Months' Extension
Option:**

Eastern Salt Co., Inc.
Lowell, Massachusetts

Item #1: Bulk Road Salt: \$59.75/ton
Minimum tons: \$630,661.25
County's estimated share: \$ 4,481.25

Eastern Salt Co., Inc.
Lowell, Massachusetts

Item #2a – Bulk Water Treatment Salt -
Non-Pneumatic Delivery: \$59.75/ton
Minimum tons: \$170,287.50
County's share: -0-

Item #2b – Bulk Water Treatment Salt –
Pneumatic Delivery: \$79.00/ton
Minimum tons: \$225,150.00
County's share: -0-

Total for Items #2a and #2b \$395,437.50

9/07/16

RESOLUTION NO. 71 OF 2016

On motion of Commissioner _____, seconded by Commissioner _____, it was agreed for the County of Lancaster to approve the following budget adjustments:

REVENUE ACCOUNT:

Magisterial District Courts - State Grants B1600 21009 6321	<u>\$55,000.00 (+)</u>
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EXPENDITURE ACCOUNT:

Magisterial District Courts - CCTV Equipment, Transaction Counters and Security Systems B1600 21009 7336	<u>\$55,000.00 (+)</u>
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I, Robert T. Still, Chief Clerk to the County of Lancaster, Pennsylvania, do hereby affirm that the above motion was adopted by the Lancaster County Board of Commissioners at its regularly scheduled meeting held on the 7th day of September, 2016.

ATTEST: _____
Chief Clerk
County of Lancaster, Pennsylvania
Date: September 7, 2016

9/07/16

On motion of Commissioner _____, seconded by Commissioner _____, it was agreed for the County of Lancaster, acting on behalf of Adult Probation and Parole Services, to approve the following:

Agreement With:

Jerome I. Gottlieb, M.D.
Lebanon, Pennsylvania

Purpose:

To provide psychiatric evaluations and assessments with written summary and diagnosis, as well as treatment recommendations.

Amount/Term:

Not to exceed \$40,500.00 (\$900.00 per evaluation; \$175.00 per no show; and \$375.00 per hour for expert testimony) for the period October 1, 2016 through September 30, 2017.

9/07/16

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:

**Right-of-Way Agreement and
Temporary Construction
Easement Agreement With:**

Bradley D. and Lois A. Beiler
Gordonville, Pennsylvania

Purpose:

To convey to the County of Lancaster 0.224 acre of required right-of-way and 0.291 acre of temporary construction easement over certain property along Pequea Lane, Leacock Township (Tax Account No. 350-34869-0-0000) for the County's Pequea No. 5 Bridge replacement project in accordance with the terms and conditions set forth in the Agreement.

Amount:

\$6,034.50

Term:

Effective September 7, 2016

09/07/16