

COUNTY COMMISSIONERS' WORK SESSION MINUTES
TUESDAY, MARCH 29, 2016

The Board of County Commissioners met today in their weekly Work Session.

Present at today's meeting were:

Dennis P. Stuckey, Chairman
Joshua G. Parsons, Vice-Chairman
BOARD OF COUNTY COMMISSIONERS

Robert T. Still
CHIEF CLERK

Lisa Johnson
ASSISTANT CHIEF CLERK

Crystal Clark, Esquire
COUNTY SOLICITOR

Also present were:

Dale Brubaker, Grant Specialist

Randy Gockley, Coordinator
EMERGENCY MANAGEMENT AGENCY

Benjamin Lefever, Lieutenant
PRISON

Teri Miller-Landon, Deputy Director
ADULT PROBATION AND PAROLE SERVICES

Sue Martin, Executive Director
CENTRAL PARK TRAIL RIDES AND LANCASTER COUNTY SPCA

Randy Patterson, Director
ECONOMIC DEVELOPMENT AND NEIGHBORHOOD REVITALIZATION, CITY OF LANCASTER

E. William Peters, Director
HUMAN RESOURCES

Cheryl Steberger, Warden
PRISON

Paul Weiss, Administrator
DEPARTMENT OF PARKS AND RECREATION

Commissioner Stuckey called the meeting to order at 10:11 a.m.

Commissioner Stuckey announced that the Board of Commissioners met in Executive Session on Tuesday, March 29, 2016 at 9:05 a.m. to discuss litigation matters including the Benjamin case, Noviho case, Burgess Case, Shell's Disposal case and the Kanney case, potential litigation, personnel matters, including the hiring, discipline and investigation of employees and labor matters, including grievances.

Commissioner Stuckey announced that Commissioner Lehman will not be present due to having to pick up his daughter from school who isn't feeling well and personally bad news from a death of a family member of a close friend.

Commissioner Stuckey announced the approval of the February 9, 2016 Work Session Minutes, and March 1, 2016 Work Session Minutes and postponed the approval of the March 8, 2016 Work Session Minutes and March 22, 2016 Work Session Minutes.

1. Randy Gockley, Coordinator, presented the following on behalf of the Emergency Management Agency:

- Annual Report on Hazardous Materials Emergency Response Preparedness for 2015.

On motion of Commissioner Parsons, seconded by Commissioner Stuckey, it was agreed for the County of Lancaster, acting on behalf of the Emergency Management Agency, to adopt the Annual Report on Hazardous Materials Emergency Response Preparedness for Lancaster County for calendar year 2015.

Commissioner Parsons thanked Mr. Gockley for all of his work on this and stated that he works hard on the oil train issue and its importance. Commissioner Parsons also stated that at some point he is going to stop being okay with approving motions on the Work Session day. He feels that it is important that public has both the Work Session day and the actual Wednesday Meeting to express its opinions on these issues

Motion passed.

Commissioner Stuckey	Yes
Commissioner Parsons	Yes
Commissioner Lehman	Absent for the vote

-Continued-

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- Grant Agreement

NOTE: For more information please refer to the County Commissioners' Meeting Minutes dates March 30, 2016.

2. Teri Miller-Landon, Deputy Director, and Dale Brubaker, Grant Specialist, presented Approval to Submit Grant Modification on behalf of Adult Probation and Parole.

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

Approval to Submit Grant Modification With:	Pennsylvania Commission on Crime and Delinquency Harrisburg, Pennsylvania
Purpose:	To submit a modification for the Specialized Behavioral Health Training for Law Enforcement and Justice Practitioners grant as follows:
	(1) To extend the term of the grant from March 31, 2016 through March 31, 2017 to allow for additional expenditures.
	(2) To allow for a Crisis Intervention Team (CIT) curriculum for Lancaster County Prison by shifting the funds earmarked for CIT-Veteran curriculum to CIT-Jail curriculum.
Amount:	There is no change in original grant amount which remains at \$24,938.00

Commissioner Parsons stated that he wanted to reemphasize that in the future the Board needs to consider agenda items at the Work Session and act on them on Wednesday's meeting.

Motion passed.

Commissioner Stuckey	Yes
Commissioner Parsons	Yes
Commissioner Lehman	Absent for the vote

3. Cheryl Steberger, Warden, and Benjamin Lefever, Lieutenant, presented a Request for Use of Funds from the Prison's Store Account on behalf of the Prison.

NOTE: For more information please refer to the County Commissioners' Meeting Minutes dated March 30, 2016.

4. E. William Peters, Director, presented Revision to Employment of Relatives Policy on behalf of Human Resources.

NOTE: For more information please refer to the County Commissioners' Meeting Minutes dated March 30, 2016.

5. Paul Weiss, Administrator, and Sue Martin, Director of Lancaster SPCA, discussed the Proposed Insurance Coverage Changes with Central Park Trail Rides Agreement (approved February 17, 2016) for Guided Horseback Rides in Lancaster County Central Park on behalf of the Department of Parks and Recreation.

NOTE: Official action will be considered at the County Commissioners' Meeting on April 5, 2016.

6. Randy Patterson, Director, presented a Request to Support Granting Tax-exempt Status to the Masonic Center Property on behalf of Economic Development and Neighborhood Revitalization, City of Lancaster.

NOTE: For more information please refer to the County Commissioner' Meeting Minutes dates March 30, 2016.

7. Discussion regarding Legal Consultant Agreement – Second Amendment.

Commissioner Parsons asked Mr. Peters to give an update on the process to appoint a new county solicitor. Mr. Peters stated that the Commissioners had just made a decision regarding a new solicitor, who just agreed to accept the position and needs some time to unwind her current position. He also stated that the County will need some type of bridge between March 31st and May 2nd and probably some type of short transition period after May 2nd to make sure the new solicitor is on board.

Commissioner Parsons then asked Mr. Peters if any of the transition could take place during the April timeframe. Mr. Peters stated that he was sure that some of the transition could take place then to minimize the time after May 2nd, but he's not sure that all of it could happen before.

Commissioner Stuckey stated that he was thinking that the County could come up with a new proposal to appoint Solicitor Clark through the month of April with some time in there for consultation services for the new solicitor, who will be appointed tomorrow, at a reduced rate, which was our original agreement, for the consultation period.

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Solicitor Clark stated that there was some misperception in the original legal consultant agreement which did include consultation time for about four weeks; and that consultation time was not at a reduced and was actually at \$235 an hour. The way the original agreement was structured was that she was going to work at \$61.61 an hour until a new County Solicitor was appointed and then once the new County Solicitor was appointed there would be four weeks of consultation at the regular rate of \$235 an hour.

Commissioner Parsons asked Solicitor Clark what the basis was for going from \$61.61 an hour to \$235 an hour. Solicitor Clark stated that the \$235 per hour is the rate that is paid to all of the other outside attorneys. She also stated that she agreed to charge the \$61.61 an hour for a period of time, even though she had given thirty days' notice that she was leaving because it was clear that the County would not be able to get a new solicitor hired within the thirty days, so she agreed to stay on as a favor to the County and agreed to be paid at the same hourly rate that she was basically being paid as a County Solicitor employee. Once the County hires a new Solicitor, in accordance with the negotiated agreement, then Attorney Clark would be like any other attorney doing work for the County at the \$235 rate.

Commissioner Parsons asked Solicitor Clark if she was willing to work the month of April for \$61.61 an hour. Solicitor Clark answered no. Solicitor Clark explained that what she is willing to do is work until the 18th of April at twenty-five hours a week and then reduce the maximum number in the last two weeks of April through when the new Solicitor is appointed to fifteen hours a week at the \$235 an hour rate. In addition, she would be willing to work five hours a week for two weeks for the purpose of bringing the new Solicitor on board at \$61.61 an hour. Commissioner Parsons stated that he was not willing to do that but he is willing to do Commissioner Stuckey's proposal which is \$61.61 an hour. Commissioner Stuckey stated that \$61.61 an hour was only for consultation purposes.

Commissioner Stuckey asked Commissioner Parsons what he was willing to pay for legal services and Commissioner Parsons answered that he was willing to pay \$61.61 an hour. Commissioner Stuckey asked Commissioner Parsons if that was all the higher he was willing to go and Commissioner Parsons answered that he may be willing to go a little higher than that. Commissioner Stuckey stated that the County's standard rate is \$235 for legal services, that's what the County pays everyone else and if Solicitor Clark is unwilling to do that than the County will have no solicitor for the month of April.

Commissioner Parsons stated that this has been going on for a long time and he would think that Solicitor Clark would be willing to work with the County to continue this on for one month and that if she or McNee's wants to sever this relationship that is her choice, but he would expect that given the issues and that this has gone on for some time that she would be willing to work with the County this last month.

Solicitor Clark stated she can appreciate that this has been going on for a long time for the County but it too has been going on for a long time for her as well. She stated that she gave her notice back in August that she was leaving as a County employee and it has been about eight months since she has given her notice. It has impacted her ability to go out and start her private practice, which is what she had intended to do. She also stated that she certainly does not want this to end on a sour note by any stretch of the imagination and that she has tremendous respect for all three commissioners and has enjoyed her time at the County immensely. She certainly has agreed to stay on for a very lengthy amount of time despite some delays that were both timing decisions that the commissioners made about how they were going to proceed with the hiring.

Commissioner Parsons stated that he wasn't part of any those decisions and that he is where the County is now. He also stated that if Solicitor Clark was maybe willing to meet the Commissioners somewhere in the middle that he may be willing to listen, but it doesn't seem that the \$235 rate is where they would be.

Chief Clerk Still stated that based on the current amendment contract as of April 1st, the County will not have a head solicitor. Commissioner Stuckey stated that if Solicitor Clark or McNee's are not willing to make any concessions on fee then we will not have a solicitor.

NOTE: For more information please refer to the County Commissioners' Meeting Minutes dated March 30, 2016.

- 8. Announcement: The appointment of Christina Hausner as County Solicitor will be considered at tomorrow's Commissioners' Meeting.

NOTE: For more information please refer to the County Commissioners' Meeting Minutes dated March 30, 2016.

- 9. On motion of Commissioner Stuckey, seconded by Commissioner Parsons, the following appointment was made to the Lancaster County Library System Board for a three year term appointment from April 1, 2016 through April 30, 2019:

Appointment for a three year 1st term from April 1, 2016 through April 30, 2019.

G. Kenneth Kohlmaier JD, CFP
12 Oakwood Lane
Lititz, PA 17543

Motion passed.

Commissioner Stuckey	Yes
Commissioner Parsons	Yes
Commissioner Lehman	Absent for the vote

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10. Lisa Johnson, Assistant Chief Clerk, presented the March 30, 2016 Commissioners' Meeting Agenda and Election Board Meeting Agenda noting no changes to either meeting agenda

11. On motion of Commissioner Parsons, seconded by Commissioner Stuckey, the meeting was adjourned at 11:00 a.m.

Motion passed.

Commissioner Stuckey	Yes
Commissioner Parsons	Yes
Commissioner Lehman	Absent for the vote

Respectfully submitted,

Sara E. Glatfelter, Executive Assistant
Commissioners' Office