

COUNTY COMMISSIONERS' WORK SESSION MINUTES
TUESDAY, JUNE 14, 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
Craig E. Lehman
BOARD OF COUNTY COMMISSIONERS

Robert T. Still
CHIEF CLERK

Lisa Johnson
ASSISTANT CHIEF CLERK

Christina Hausner, Esquire
SOLICITOR

Also present were:

George Alspach, Solicitor
CONTROLLER'S OFFICE

Bruce Clark, Resident
NEW HOLLAND

Jeffrey Cutler
EAST LAMPETER TOWNSHIP TAX COLLECTOR

Charles Douts, Director
FACILITIES MANAGEMENT

Justin Eby, Community Development Director
LANCASTER COUNTY HOUSING AND REDEVELOPMENT AUTHORITIES

Brian Hurter
CONTROLLER

Angie Platis
TREASURER'S OFFICE

Scott Russell, County Engineer
RETTEW

Matthew Sternberg, Executive Director
LANCASTER COUNTY HOUSING AND REDEVELOPMENT AUTHORITIES

Commissioner Stuckey called the meeting to order at 10:05 a.m.

Commissioner Stuckey announced that the Board of Commissioners met in Executive Session on Monday, June 13, 2016 at 9:15 a.m. to discuss Litigation including the Burgess case and get an update on the sale of real estate at 2270 Erin Court.

Commissioner Stuckey postponed approval of May 17, 2016 Work Session Minutes, May 24, 2016 Work Session Minutes, May 31, 2016 Work Session Minutes and June 7, 2016 Work Session Minutes.

Commissioner Stuckey announced the County of Lancaster will conduct a public hearing 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.

Commissioner Stuckey announced an evening Commissioners' Meeting will be held on Wednesday, June 15, 2016 at 7:00 p.m. at Elizabethtown Borough Municipal Building, 600 South Hanover Street, Elizabethtown, Pennsylvania. Consequently, there will be no Commissioners' Meeting scheduled for Wednesday morning, June 15, 2016 at 9:15 a.m.

1. Mr. Douts, Director, presented Temporary Construction Easement Agreements on behalf of Facilities Management.

NOTE: For more information please refer to the County Commissioners' Meeting Minutes dated June 15, 2016.

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2. Mr. Douts, Director, and Mr. Russell, County Engineer, presented an Addendum to Agreement on behalf of Facilities Management.

NOTE: For more information please refer to the County Commissioners' Meeting Minutes dated June 15, 2016.

3. Mr. Sternberg, Executive Director, and Mr. Eby, Community Development Director, presented Ordinance No. 120 for Creation of Lancaster County Land Bank Authority.

The purpose of the Land Bank was discussed and Mr. Sternberg clarified that participation is voluntarily for all municipalities. The Board expressed some concerns and agreed to postpone adoption of the Ordinance to allow for additional time to review the County designee appointments, which will be discussed at next week's Work Session.

NOTE: For more information please refer to the County Commissioners' Meeting Minutes dated June 15, 2016.

4. Mr. Hurter, Controller, and Mr. Alspach, Solicitor, presented 2014/2015 Tax Collector Summary Audit and 2015 East Lampeter Tax Collector Audit.

Mr. Hurter concluded taxes were collected and accounted for properly and timely from the 29 other elected tax collectors in Lancaster County. Mr. Hurter shared findings from the more detailed report of East Lampeter Township, which included: untimely submission, no payment documentation, ending balance in the tax collector account, transfers of funds between the tax collector and administrator accounts, double payments not refunded, property owners who were erroneously sent to the tax claim bureau, assigned unauthorized collection of fees for postage of processing and inappropriate use of the tax collector account. Mr. Hurter expressed concern that Mr. Cutler has not followed the Controller's Offices recommendations and failed to follow good business and fiscal practices, disregarding proper accounting procedures. The amount owed to Lancaster County is \$19,187.00 for 2015, in addition to the \$18,000 calculated for 2014. Mr. Hurter has been subpoenaed for a civil suit on Friday, June 17th.

Mr. Cutler admitted he has made some mistakes, but has purchased software to deal with our computer systems significant errors.

Commissioner Lehman pointed out Mr. Cutler's rebuttal is that it is always somebody else's fault, but obviously no other tax collector is having the same difficulty. Commissioner Lehman noted Mr. Cutler's recalcitrance and resistance to even being open to the idea of what they are suggesting, which is thoroughly reasonable, and said Mr. Cutler is wasting time and resources because he fails to take responsibility for his performance as tax collector, which has gotten worse. Commissioner Lehman wants Mr. Cutler to do his job properly or turn over those duties to someone who can, to ensure the taxpayers of East Lampeter Township are being dealt with fairly and equitably going forward.

Commissioner Parsons asked what next steps can be taken and if the solicitor has considered the legal aspects, if this has crossed over to criminal conduct. Mr. Alspach said it becomes a decision that merits further discussion with the District Attorney's Office the longer this is not resolved.

Mr. Clark noted he would like to see this issue resolved without spending any more money and with Mr. Cutler's help.

Ms. Platis responded to Mr. Cutler's accusation that the Treasurer's Office is not depositing a check for over \$500,000.00, explaining the check had over \$326,000.00 which belongs to the municipality, and is clearly stated on the summary report from Devnet, so the reason they do not want to accept it is because they do not want to mingle funds. The Treasurer's Office has offered to assist Mr. Cutler but he has not been cooperative.

The Board thanked staff for their hard work put into this serious issue and will consult with the Solicitor regarding any possible legal action.

A copy of the audit report is on file in the Controller's Office.

5. On motion of Commissioner Lehman, seconded by Commissioner Parsons, the following re-appointment was made to the Children and Youth Agency Citizens' Advisory Board for a three year, 2nd term from July 1, 2016 through July 31, 2019:

Brett I. Cole
680 Wallingford Road, Apt 105
Lititz, PA 17543

Lancaster County Resident

Motion passed unanimously.

6. Ms. Johnson presented the June 15, 2016 County Commissioners' Meeting Agenda noting no changes.

7. On motion of Commissioner Lehman, seconded by Commissioner Parsons, the meeting was adjourned at 11:31 a.m.

Motion passed unanimously.

Respectfully submitted,

Christine M. Carrigan, Executive Assistant
Commissioners' Office