

COUNTY COMMISSIONERS' MINUTES
WEDNESDAY, SEPTEMBER 7, 2016

The Board of County Commissioners met today in their weekly Commissioners' Meeting.

Present at today's meeting were:

Joshua G. Parsons, Vice Chairman
Craig E. Lehman
BOARD OF COUNTY COMMISSIONERS

Robert T. Still
CHIEF CLERK

Lisa Johnson
ASSISTANT CHIEF CLERK

Christina L. Hausner, Esquire
COUNTY SOLICITOR

Also present were:

Elizabeth Brennan, CFO and Treasurer
LUTHERCARE

Charles Douts, Director
FACILITIES MANAGEMENT

Jim Fasnacht, Senior Buyer
PURCHASING

Lawrence George, Executive Director
BEHAVIORAL HEALTH/DEVELOPMENTAL SERVICES

Russell Glass, Deputy Court Administrator
COURT ADMINISTRATION

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

James Noel, Esquire, McNees Wallace & Nurick, LLC
Solicitor to the Lancaster County Hospital Authority

David Twaddell, Esquire
RHOADS & SINON, LLP AND BOND COUNSEL TO LUTHERCARE

Mark Wilson, Chief
ADULT PROBATION AND PAROLE SERVICES

Commissioner Parsons called the meeting to order at 9:14 a.m. followed by the Pledge of Allegiance.

Commissioner Parsons announced the approval of June 29, 2016 Commissioners' Meeting Minutes, and July 20, 2016 Commissioners' Meeting Minutes, and postpone approval of August 17, 2016 Commissioners' Meeting Minutes, August 24, 2016 Commissioners' Meeting Minutes and August 31, 2016 Commissioners' Meeting Minutes.

Commissioner Parsons re-announced that there will be an evening Commissioners' Meeting 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.

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

Norman Bristol Colon, President and CEO of the Progreso Group

Mr. Bristol introduced members in attendance representing the Hispanic community and highlighted their contributions to Lancaster County community and businesses.

COUNTY OF LANCASTER, PENNSYLVANIA
RESOLUTION NO. 69 OF 2016

On motion of Commissioner Lehman, seconded by Commissioner Parsons;

-Continued-

**County Commissioners' Meeting Minutes
Wednesday, September 7, 2016**

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.

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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.

Motion passed.

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

RESOLUTION NO. 70 OF 2016

On motion of Commissioner Lehman, seconded by Commissioner Parsons;

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

Motion passed.

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

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RESOLUTION NO. 71 OF 2016

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

REVENUE ACCOUNT:

Magisterial District Courts - **\$55,000.00 (+)**
State Grants
B1600 21009 6321

EXPENDITURE ACCOUNT:

Magisterial District Courts - **\$55,000.00 (+)**
CCTV Equipment, Transaction Counters and Security Systems
B1600 21009 7336

Motion passed.

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

On motion of Commissioner Lehman, seconded by Commissioner Parsons, 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.

Motion passed.

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

On motion of Commissioner Lehman, seconded by Commissioner Parsons, it was agreed for the County of Lancaster, acting on behalf of Behavioral Health/Developmental Services (BH/DS), to approve the following:

1. **Agreement With:** Holcomb Associates, Inc.
Exton, Pennsylvania

Purpose: To operate the Acute Crisis Diversion Program for individuals in the Lancaster County Behavioral Health system.

Amount/Term: Not to exceed \$318,353.00 for Fiscal Year 2016-2017.

2. **Agreement With:** Lancaster General Health
dba Lancaster County Coalition to End Homelessness
Lancaster, Pennsylvania

Purpose: Pass-through U.S. Department of Housing and Urban Development (HUD) Continuum of Care grant for planning for the homeless system.

Amount/Term: Not to exceed \$31,200.00 for the period March 1, 2016 through February 28, 2017.

3. **Administrative Agreement With:** Capital Area Behavioral Health Collaborative (CABHC)
Harrisburg, Pennsylvania

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Purpose: To provide administration and management of Health Choices (Medical Assistance) funding.

Amount: Monthly transfer of 15.82% of Lancaster County's Health Choices' revenue.

Term: July 1, 2016 through June 30, 2017.

Motion passed.

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

On motion of Commissioner Lehman, seconded by Commissioner Parsons, 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

Motion passed.

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

On motion of Commissioner Lehman, seconded by Commissioner Parsons, the meeting adjourned at 9:51 a.m.

Motion passed.

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

Respectfully submitted,

Sara E. Glatfelter, Executive Assistant
Commissioners' Office