

COUNTY COMMISSIONERS' MINUTES
WEDNESDAY, MAY 6, 2020

The Board of County Commissioners met today for a Commissioners' Meeting.

The Commissioners' Meeting was conducted remotely during the COVID-19 pandemic State of Emergency declaration. The public was invited to view and participate in a live, moderated broadcast.

Participating in today's meeting were:

Joshua G. Parsons, Chairman
Ray D'Agostino, Vice-Chairman
Craig E. Lehman
BOARD OF COUNTY COMMISSIONERS

Lawrence M. George
CHIEF CLERK

Lisa Johnson
ASSISTANT CHIEF CLERK

Christina Hausner, Esquire
COUNTY SOLICITOR

Other participants were:

Tom Baldrige, President & CEO
LANCASTE CHAMBER

Bob Devonshire, Interim Director
FACILITIES MANAGEMENT

Justin Eby, Director of Housing and Community Development
LANCASTER COUNTY REDEVELOPMENT AUTHORITY

Mark Lauriello, County Engineer
RETTEW

Amber Martin, County Treasurer
TREASURER OFFICE

Tammy Moyer, Director of Administration
PRISON

Patrick Mulligan, Director
BUDGET SERVICES

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BUDGET SERVICES

Lisa Riggs, President
ECONOMIC DEVELOPMENT COMPANY

Cheryl Steberger, Warden
PRISON

Matthew Sternberg, Executive Director
LANCASTER COUNTY REDEVELOPMENT AUTHORITY

Randall Wenger, Chief Clerk/Chief Registrar
ELECTION AND VOTER REGISTRATION

Commissioner Parsons called the meeting to order at 9:15 a.m. followed by the Pledge of Allegiance.

Commissioner Parsons announced the approval of the January 15, 2020 Commissioners' Meeting Minutes and March 25, 2020 Commissioners' Meeting Minutes and the postponement approval of the March 11, 2020 Commissioners' Meeting Minutes, April 1, 2020 Commissioners' Meeting Minutes, April 8, 2020 Commissioners' Meeting Minutes, April 8, 2020 Commissioners' Meeting Minutes, April 15, 2020 Commissioners' Meeting Minutes, and April 22, 2020 Commissioners' Meeting Minutes.

Commissioner Parsons announced that the Board of Commissioners met in an Executive Session on Monday, April 27, 2020 at 9:30 a.m. to discuss litigation, Sellers vs. Lancaster County Children & Youth Agency (Eastern District Pennsylvania Federal Court, Docket #1414-2020)) and also possible litigation personnel and labor matters.

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On April 30, 2020, the Board met in an Executive Session at 9:30 a.m. to discuss personnel matters and possible litigation. On May 4, 2020 the Board met in an Executive Session at 9:20 a.m. to discuss personnel Matters, labor matters, possible litigation and litigation which included the Rodriguez Case (Eastern District, Docket #3988-2019) and the Cox Case (Common Pleas Court of Lancaster County, Docket #8525-2018)

Commissioner D'Agostino thanked those again in the front line during this crisis and providing services at different businesses around the County and of course all County staff and team members, particularly those working for the 24-hour departments (Facilities, Prison, YIC). Also, a special shout out to the Elections Department in receiving guidelines from the state and prepping for the scheduled Election on June 2, 2020.

Commissioner Lehman echoed his colleague Commissioner D'Agostino on thanking County staff, stating that is has been nothing short of extraordinary how county government has pivoted to remote operations and our IT Department has really led the way with that regard. To our 24-hour departments, facilities are doing an incredible job, day in and day out under very stressful situations. Commissioner Lehman thanked those at home doing the right thing, following the guidelines, social distancing as it is making a difference. It is certainly a stressful time, but if we work together, we can get through this.

Commissioner Parsons thanked all staff working through this crisis during this difficult time.

Lancaster County Property Tax Collection – Discussion:

Commissioner Parsons stated this discussion is about the Lancaster County Property Tax Collection which also involves tax collections from all 60 municipalities. This was discussed before regarding extending the base period for payment of real-estate taxes through the end of the year, but obviously there needs to be a consensus among the county, boroughs and townships.

Ms. Martin provided background information and an update to the Board on tax numbers to date as follows:

- \$186,258 – 2020 taxable parcels
- \$163,374 – Collected as of April 30th
 - o Paid and deposited
 - o 88% collected and received at the end of the discount period
- \$22,884 – Taxing parcels left to collect for 2020
 - o \$16,043 - County portion
 - o \$6,841 - Tax Collectors

Treasurer Martin reported as of right now they go by taxing districts because some municipalities have a different taxing code, based upon if they split school districts. We have 65 taxing districts. Previously the Commissioners asked that we respect what municipalities want to do. Forty-one out of the 65 taxing districts want to extend the base to December 31, 2020 and waive all penalties. Fifteen want to extend the base to November 30, 2020 and only assess a 10% penalty for payments received after December 1, 2020. One wants to extend the base to September 30, 2020 and assess a 10% penalty beginning October 1, 2020. Two meetings are scheduled this week and there were 6 no responses, but Ms. Martin received a few emails with those stating they will go along with the County's decision. It is split and divided on what everybody wants to do. The Treasurer's Office has been working with DevNet and stated if the County wants to extend the base to December 31, 2020, they are able to do that. If we want to allow our municipal partners who want to extend to November 30, 2020, we can do that. DevNet can reconfigure the system for collections. The only difference it would make is taxpayers would have to send two checks if they do anything different than what the County does; however, we are set up internally that if there are three different dates that municipalities want to choose from and the County sticks with the end of December and waive penalties we can make it work. The Treasurer's Office is equipped to do whatever the Commissioners deemed necessary.

Commissioner D'Agostino commended Ms. Martin and her staff for their hard work. Initially most municipalities chose the December 31, 2020 date, but as of lately, in talking with different municipalities there is more of a coalescence around November 30, 2020 date. The County and municipalities should be on the same page and states it is prudent to come up with one date.

Commissioner Lehman agreed with the November 30, 2020 date. Given the report that Ms. Martin provided it seems that all the municipalities support November 30th or later except one municipality that wants September 30, 2020 extension. Seems to him, more than likely we can get a consensus if we choose the November 30, 2020 date given the decisions the municipalities have already made. November 30, 2020 is a reasonable date and those who did not respond will be on board with whatever the County decides.

Commissioner Parsons stated we have a majority consensus from both the County and Municipalities. The County Solicitor will draft a resolution with the November 30, 2020 extension date and hopefully we can get everyone on board with that date. If we cannot, at least we have a majority consensus. The Treasurer's Office will reach out to municipalities, change operating policy with Fulton Lockbox and internally to reflect the changes outline in the resolution.

Treasurer Martin mentioned a previous discussion that talked about postponing the 2020 Upset Tax Sale, to date of all of the School Districts are in agreement, they are currently waiting on six municipalities all of which are supposed to have meetings to agree. If the Board of Commissioners agree, then the Court can be petitioned in order to postpone the 2020 Upset Tax Sale.

Commissioner Parsons made the following announcement:

- The County Commissioners' Work Sessions scheduled for May 12, 2020, May 19, 2020 and May 26, 2020 at 10:00 a.m. have been cancelled.

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RESOLUTION NO. 30 OF 2020

EMERGENCY TEMPORARY AMENDMENT TO THE PRIMECARE MEDICAL INC. CONTRACT TO HOLD THE REVERSE PER DIEM PROVISION IN ABATEMENT UNTIL 90 DAYS AFTER THE COVID-19 PANDEMIC IS DECLARED OVER

On motion of Commissioner D'Agostino, seconded by Commissioner Lehman;

WHEREAS, on or about March 11, 2020 the Center for Disease Control and Prevention ("CDC") and the World Health Organization ("WHO") declared the COVID-19 disease to be a global pandemic; and

WHEREAS, the County of Lancaster ("County") entered into an Agreement for health care services at the Lancaster County Prison ("LCP") and the Lancaster County Youth Intervention Center ("LCYIC") with PrimeCare Medical Inc. effective as of February 1, 2019 through December 31, 2022 ("the Agreement"); and

WHEREAS, Agreement provides that a reverse *per diem* of \$0.52 will be applied to the monthly cost of the health care services for each inmate that the Average Daily Population of CCP drops below 900 and \$0.52 for each resident that the Average Daily Population of LCYIC drops below 40, See Agreement Section XII.B. and Attachment B; and

WHEREAS, in an effort to reduce the adverse impact of the pandemic the County has taken appropriate steps to temporarily reduce the inmate and resident population at LCP and LCYIC; and

WHEREAS, despite the reduction of the inmate and resident population, PrimeCare will not be able to reduce its staffing at LCP or LCYIC and, in fact, has had to devote substantial additional resources in its effort to combat the pandemic; and

WHEREAS, enforcement of the reverse *per diem* during the temporary reduction of the inmate and resident population during the pandemic will have significant adverse consequences on PrimeCare and could adversely impact its ability to provide necessary appropriate care to the inmate and resident population at LCP and LCYIC; and

WHEREAS, PrimeCare is making a similar request of all facilities that have a reverse *per diem* in their contract to hold the same in abatement during the pandemic and for a period of 90 days after the pandemic is officially declared over; and

WHEREAS, Section XXXVII of the Agreement requires that any amendment to the Agreement must be in writing signed by authorized representatives of the parties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LANCASTER, PENNSYLVANIA, That the Board hereby approves the Emergency Temporary Amendment between the County of Lancaster, on behalf of the Lancaster County Prison and the Lancaster County Youth Intervention Center, and PrimeCare Medical Inc. as follows:

1. For the period from the date WHO declared a pandemic on March 11, 2020 until 90 days after the pandemic is declared over by either the CDC or WHO, the reverse *per diem* provision of the Agreement shall be held in abatement and no reverse *per diem* shall be charged against PrimeCare.
2. In the event the inmate or detainee population returns to the same level as the average population for the three month period immediately preceding the pandemic declaration and the pandemic has not been declared over by either the CDC or WHO, the parties agree to meet to negotiate the possible reinstatement of the reverse *per diem*.
3. All other provisions of the Agreement remain in full force and effect.

ADOPTED this 6th day of May, 2020 by the Board of Commissioners of the County of Lancaster, Pennsylvania in lawful session duly assembled.

Motion passed unanimously.

On motion of Commissioner Lehman, seconded by Commissioner D'Agostino, it was agreed for the County of Lancaster to approve the following:

Administrative Agreement With:

Redevelopment Authority of Lancaster County
Lancaster, Pennsylvania

Purpose:

To designate the Redevelopment Authority of Lancaster County to administer the U.S. Department of Housing and Urban Development (HUD) Grant Programs for grant year 2020 in conformance with applicable program regulations for the Community Development Block Grant Program, the HOME

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Investment Partnerships Program, and the Emergency Solutions Grant Program and all other applicable local, state and federal laws, rules and regulations. This Agreement also includes the CARES Act funding language for audit purposes.

Motion passed unanimously.

RESOLUTION NO. 31 OF 2020

**RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING
AN AMENDMENT TO THE LANCASTER COUNTY'S ENTITLEMENT
GRANT PROGRAM CITIZEN PARTICIPATION PLAN**

On motion of Commissioner D'Agostino, seconded by Commissioner Lehman;

WHEREAS, the Lancaster County Redevelopment Authority (Authority), on behalf of the County of Lancaster, created a Citizen Participation Plan to outline the rights and responsibilities of the public; to provide an approach for citizen involvement that is conducted in an open manner; to offer freedom of access for all interested persons in the planning, development, and evaluation of the County's Entitlement Grant Programs; and

WHEREAS, the Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136) enables the County to obtain waivers from the U.S. Department of Housing and Urban Development (HUD) to amend the public participation requirements for the use of Community Development Block Grant Coronavirus (CDBG-CV) and Emergency Solutions Grant Coronavirus (ESG-CV) funds including amendments to Fiscal Years 2019 and 2020 Annual Action Plans in order to prevent, prepare for and prevent COVID-19; and

WHEREAS, the Authority recommends amending the County's Citizen Participation Plan to update the policies and procedures for citizen participation that complies with the CARES Act and allows for expedited public participation to enable immediate use of CDBG-CV and ESG-CV funds.

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

to approve the amended Lancaster County Citizen Participation Plan as enabled by the Coronavirus Aid, Relief and Economic Security Act for the use of Community Development Block Grant Coronavirus (CDBG-CV) and Emergency Solutions Block Grant Coronavirus (ESG-CV) funding to prevent, prepare for and respond to COVID-19.

Motion passed unanimously.

RESOLUTION NO. 32 OF 2020

**RESOLUTION OF THE BOARD OF COMMISSIONERS APPROVING A SUBSTANTIAL
CHANGE AMENDMENT TO LANCASTER COUNTY'S 2016-2020 CONSOLIDATED
PLAN AND ANNUAL ACTION PLAN FOR FISCAL YEAR 2019**

On motion of Commissioner Lehman, seconded by Commissioner D'Agostino;

WHEREAS, the County of Lancaster (the County) has been designated as an entitlement community under the Community Development Block Grant (CDBG) Program, the HOME Investment Partnerships (HOME) Program and the Emergency Solutions Grant (ESG) Program by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Public Law 116-136) has provided the County with an additional allocation of \$1,724,064 in Community Development Block Grant Coronavirus funds (CDBG-CV) and \$854,500 in Emergency Solutions Grant Coronavirus (ESG-CV) funds, to prevent, prepare for and respond to COVID-19; and

WHEREAS, through the CARES Act, the Lancaster County Redevelopment Authority, on behalf of the County, may request waivers from HUD for public participation and planning requirements for program years 2019 and 2020 to allow flexibility in the use of CDBG-CV and ESG-CV funds; and

WHEREAS, the Lancaster County Board of Commissioners approved the 2019 Annual Action Plan to implement the goals and objectives described in the 2016-2020 Consolidated Plan; and

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WHEREAS, in accordance with the federal regulations governing the use of CDBG and ESG funds, the County's Substantial Change Policy, and the CARES Act, the *Lancaster County's 2016-2020 Consolidated Plan and 2019 Annual Action Plan* will be amended to include the intended expenditure of CDBG-CV and ESG-CV funds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF LANCASTER, PENNSYLVANIA, to approve the Substantial Change Amendment to the 2016-2020 Consolidate Plan and 2019 Annual Action Plan to include the Community Development Block Grant Coronavirus (CDBG-CV) and Emergency Solutions Block Grant Coronavirus (ESG-CV) funding to prevent, prepare for and respond to COVID-19.

ADOPTED this 6th day of May, 2020 by the Board of Commissioners of the County of Lancaster, Pennsylvania in lawful session duly assembled.

Motion passed unanimously

RESOLUTION NO. 33 OF 2020

On motion of Commissioner D'Agostino, seconded by Commissioner Lehman, it was agreed for the County of Lancaster to transfer \$400,000 from the COVID-19 Response Account in the Commissioner's Office to the Lancaster County Unrestricted General Fund Balance (Fund-A). The purpose of this request is to refund the County's initial funding allocation utilized to address those immediate, extraordinary, and direct costs incurred by the County during the early stages of the COVID-19 emergency declaration as is being done since CARES Act fund have been received by the County for the same purposes.

FROM:

Commissioners' Office -
COVID-19 Response Account
7300-A-A1111-45006

\$400,000.00 (-)

TO:

Lancaster County-
Unrestricted General Fund Balance (Fund-A)
2951 A A1111 45006

\$400,000.00 (+)

In addition, it is further agreed to have the County of Lancaster realize \$5,224,629.70 from the total amount allocated in Federal CARES Act revenues for its initial purposes. Of the initial realized amount, \$1,000,000 of those CARES Act funds are being allocated for spending to address immediate and necessary expenditures. Those expenditures meet the criteria established for eligibility established under the CARES Act and represent only a segment of the eligible costs expected to be incurred by the County of Lancaster to address the COVID 19 pandemic.

REVENUE ACCOUNT:

Lancaster County-
COVID 19 Revenue Account
6311 A A1111 45006

\$5,224,629.70(+)

EXPENDITURE ACCOUNTS:

Commissioners' Office -
COVID-19 Response Account
7200 A A1111 45006

\$ 500,000.00(+)

Commissioners' Office -
COVID-19 Response Account
7300 A A1111 45006

\$ 500,000.00(+)

Motion passed unanimously.

RESOLUTION NO. 34 OF 2020

Notice of Intent - Requesting Election Security Grant Funds

On motion of Commissioner Lehman, seconded by Commissioner D'Agostino;

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BE IT RESOLVED BY the Board of Commissioners of Lancaster County, Pennsylvania to request and accept Election Security Grant Funds from the Pennsylvania Department of State pursuant to the Consolidated Appropriations Act of 2020 (Public Law 116-93), to "make payments to states for activities to improve the administration of elections for Federal office, including to enhance election technology and make election security improvements, as authorized under sections 101, 103, and 104 of [HAVA]." The Board of Commissioners understands these funds must be used for permissible expenditures occurring between December 21, 2019 and December 31, 2022, and preferably for expenditures related to the 2020 elections. Funds must be used for measures such as:

- Increased personnel, equipment, and/or other approved expenditures related to Act 77 and expansion of the provision and administration of election services;
- Ransomware, DDOS Protections, and other cyber security measures;
- Increased security of voting systems and ballots; and/or
- Increased expenditures to expand vote by mail and other voter services

BE IT FURTHER RESOLVED that Joshua G. Parsons, Chairman of the Lancaster County Board of Commissioners, is hereby authorized to contract and execute the Election Security grant funds on behalf of the County of Lancaster, Pennsylvania.

Motion passed unanimously.

RESOLUTION NO. 35 OF 2020

Notice of Intent - Requesting CARES Act Grant Funds

On motion of Commissioner D'Agostino, seconded by Commissioner Lehman;

BE IT RESOLVED BY the Board of Commissioners of Lancaster County, Pennsylvania to request and accept CARES Act Grant Funds pursuant to the Coronavirus Aid, Relief and Economic Security ("CARES") Act (Pub. L. 116-136), to be used for the prevention of, preparation for, and response to COVID-19, both domestically or internationally, for matters relating to the 2020 Federal election cycle. The Board of Commissioners understands these funds must be used for expenses incurred between January 20, 2020 and December 31, 2020 and must be used for measures and increased expenditures arising due to COVID-19, including but not limited to voter notifications and education, increased costs related to mail-in and absentee voting, supplies to mitigate the spread of COVID-19, and increased equipment, staffing, training, or other needs permissible under the CARES Act.

The Board of Commissioners also understands that within 20 days after each election in the 2020 Federal election cycle, including after the primary election, it will need to provide accurate accounting of its expenditures, for the required report of the state and counties' use of the funds and an explanation of how such uses allowed Pennsylvania to prevent, prepare for, and respond to the coronavirus.

BE IT FURTHER RESOLVED that Joshua G. Parsons, Chairman of the Lancaster County Board of Commissioners, is hereby authorized to contract and execute the CARES Act grant funds on behalf of the County of Lancaster, Pennsylvania.

Motion passed unanimously.

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

Change Order No. 2 With:

Rylind Construction Company, Inc.
Lewisberry, Pennsylvania

Purpose:

This change order reflects a compromise on a payment amount to Rylind Construction Company, Inc. for extra, unanticipated rock encountered during the Conoy No. 1 Bridge Replacement project. Upon payment of this \$20,000.00 change order, Rylind Construction Company, Inc. releases the County of Lancaster (including its agents, employees and officials) from any claim or action for any additional payment for its work performed on this project, except for the balance of its contract amount.

Total Change Order:

Add \$20,000.00

Total Project Cost:

\$969,334.00 (Act 13 funding)

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Motion passed.

Commissioner Parsons:	No
Commissioner D'Agostino:	Yes
Commissioner Lehman:	Yes

Commissioner Parsons voted no noting in previous Commissioners Meetings he was opposed because of the procedural aspect of putting a change order in after the work was completed and was appropriated in the contract and he still is opposed, although this resolution is much better than the previous request and is not unreasonable.

On motion of Commissioner D'Agostino, seconded by Commissioner Lehman, the following appointment was made to the Lancaster County Workforce Development Board - Business representative for a three-year term through June 30, 2022.

Kristi N. Casey
Strategic Human Resources Business Partner
Penn Medicine Lancaster General Health
Lancaster, PA 17602

Berks County resident.

Motion passed unanimously.

Ms. Riggs and Mr. Baldrige made comments regarding Resolution No. 33, COVID-19 Response Account and Federal CARES Act Funding. Ms. Riggs appreciated the framework that Commissioner D'Agostino provided. She added that EDC and Lancaster Chamber released a significant document that is calling for recovery plan to support businesses in Lancaster County. Since the publishing there has been an extraordinary effort that is occurring that is revving up private and public sectors looking at what it will take to get businesses back up and running at the same time while navigating through this crisis. They are happy to share any plans and details and to engage as many as possible during the process. Mr. Baldrige commended Ms. Riggs and Commissioner D'Agostino for the layout. He added that in his twenty years at the Chamber he has been so inspired and encouraged by the mobilization of volunteers around the table. He is appreciative with the number of County employees and advisors who have been a part of this discussion and looking forward to executing on whatever they can do to be a part of this plan and as a partner of the county as quickly and possibly as they can.

Neil Ward, resident from West Earl Township asked if we have a progress report from Ed Hurston and asked if the Prison will be engaging in contact tracing and testing. Chief Clerk Larry George stated that Ed Hurston said he anticipates having a progress report available for next week's meeting. The prison has engaged in significant testing with staff and inmates, noting they are the most advanced department with regards to those processes.


Carter Walker, LNP News asked about the economic recovery use for CARE funds, which he understands that those funds will first go through a non-profit and then the non-profit will dole it out to businesses based on need. Will that be EDC? How can businesses apply for that relief funds and how will businesses receiving funds be made public? Commissioner D'Agostino stated they will likely work with EDC and the Chamber on the plan and how that money will flow still has to be determined. In any case, ultimately the Board of Commissioners' will approve of these grants which will be public information. The transparency and the approval in terms of the County being involved in that process must be there. Commissioner Parsons stated we get put on a general plan, from there approve a framework and then a greater detail drilling down the specifics, how it would look and how it works. He adds that County government is not really set up to distribute funds to the community, and that will have to be a collaboration for execution. Commissioner Lehman added, we need to be transparent moving forward as the funds are public money regardless of who is doing the administration portion.

Neil Ward, resident from West Earl, had a follow up question regarding Prison testing. He asked whether all inmates and all staff will be tested. Chief Clerk Larry George stated all female inmates have been tested to date. The Prison has 9 confirmed employees and 16 confirmed inmates. The reason for all female inmates being tested is due to 15 out of the 16 confirmed cases are females.

On motion of Commissioner D'Agostino, seconded by Commissioner Lehman, the meeting adjourned at 11:20 a.m.

Motion passed unanimously.

Respectfully submitted,


Latoya Westbrook-Thomas, Executive Assistant
Commissioners' Office