

COUNTY COMMISSIONERS' WORK SESSION MINUTES  
TUESDAY, JUNE 23, 2020

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

Present at 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**

Also present were:

**Heather Adams, District Attorney**  
**DISTRICT ATTORNEY'S OFFICE**

**Bob Bini, Director for Transportation Planning**  
**PLANNING COMMISSION**

**Robert Devonshire, Interim Director**  
**FACILITIES MANAGEMENT**

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

**Jim Fasnacht, Senior Buyer**  
**PURCHASING**

**Brian Hurter, Controller**  
**CONTROLLER'S OFFICE**

**Rick Kastner, Executive Director**  
**DRUG AND ALCOHOL COMMISSION**

**Donna Kreiser, Esq., Bond Counsel**  
**MCNEES WALLACE & NURICK, LLC**

**Mark Lauriello, County Engineer**  
**RETTEW**

**Kevin C. McCarthy, Chief**  
**EAST EARL TOWNSHIP POLICE DEPARTMENT**

**Tammy Moyer, Director of Administration**  
**PRISON**

**Cody Scheid, Business Manager**  
**PRISON**

**Linda Schreiner, Senior Buyer**  
**PURCHASING**

**Joe Stauffer, Chief**  
**MANHEIM BOROUGH POLICE DEPARTMENT**

**Matthew Sternberg, Executive Director**  
**REDEVELOPMENT AUTHORITY OF LANCASTER COUNTY**

**John Stygler, Director of Administration**  
**BEHAVIORAL HEALTH/DEVELOPMENTAL SERVICES**

**Mike Weaver, Director**  
**LANCASTER COUNTY-WIDE COMMUNICATIONS**

**Jay Wenger, Managing Director**  
**SUSQUEHANNA GROUP ADVISORS**

**Lancaster County Commissioners' Work Session  
Tuesday, June 23, 2020**

**Lon Wible, Executive Director  
OFFICE OF AGING**

Commissioner Parsons called the meeting to order at 10:00 a.m.

Commissioner Parsons announced that the Board of Commissioners met in Executive Session on Monday, June 22, 2020 at 10:00 a.m. to discuss Personnel matters, as well as Litigation, which is the Dwayne Tyler vs. Lancaster County case, United States District Court, Eastern District, docket number 2919-2020. They also discussed Potential Litigation.

Commissioner Parsons announced the postponement of approval of the June 9, 2020 Work Session Minutes and June 16, 2020 Work Session Minutes.

1. Mr. Wenger, Managing Director, presented a Proposed Refunding Summary which covered:
  - Bonds to be Refunded
  - Proposed Refunding Bonds and
  - Savings

This bond refunding was approved in the original parameters Ordinance No. 144 on January 29, 2020 as part of the prior financing, so this is just a market update that does not require any action from the Commissioners. The savings will be structured in fiscal years 2021, 2022 and 2023, which is over \$400,000/year savings in those three years.

Ms. Kreiser, Bond Counsel, briefly commented on the discussion that took place about terminating the Sinking Fund Commission. She stated they can continue to meet with the Sinking Fund Commission in connection with each bond financing, or as an alternative, but because it is not required by the County Code, she offered to prepare a Resolution to extinguish the sinking fund and pass it before the bond financing closes.

The Board was in agreement to extinguish the sinking fund since it is not required by law and there is no need for the sinking fund.

2. Mr. Sternberg, Executive Director, and Mr. Eby, Housing and Community Development Director, presented a Designation of Redevelopment Authority as Lead Agency for Pennsylvania CARES Rent Relief Program.  
**NOTE:** For more information please refer to the County Commissioners' Meeting Minutes dated June 24, 2020.
3. Ms. Moyer, Director of Administration, and Mr. Scheid, Business Manager, presented Budget Adjustments on behalf of the Prison.  
**NOTE:** For more information please refer to the County Commissioners' Meeting Minutes dated June 24, 2020.
4. Mr. Devonshire, Interim Director, and Mr. Lauriello, County Engineer, presented a Right-of-Way and Temporary Construction Easements for Replacement of Pequea No. 6 Bridge and Change Orders for Replacement of East Octoraro No. 1 Bridge on behalf of the Facilities Management Department.  
**NOTE:** For more information please refer to the County Commissioners' Meeting Minutes dated June 24, 2020.
5. Mr. Bini, Director for Transportation Planning, and Mr. Fasnacht, Senior Buyer, presented a Supplemental Agreement to PennDOT Agreement, Work Order No. 3 re. Travel Demand Model on behalf of the Planning Commission.  
**NOTE:** For more information please refer to the County Commissioners' Meeting Minutes dated June 24, 2020.
6. Mr. Bini, Director of Transportation, presented a Subcontract of PennDOT Agreement, Work Order No. 3 re. Transportation Planning and Programming; Work Order Amendment to PennDOT Contract re. Additional Funding for Lancaster MPO's Transportation Improvement Program, and Budget Adjustments on behalf of the Planning Commission.  
**NOTE:** For more information please refer to the County Commissioners' Meeting Minutes dated June 24, 2020.  

Commissioner Lehman noted that he has not been in favor of continuing with the Transportation Authority because it is not critical to local project delivery, so he is going to be a "No" vote to, once again, voice his opposition to the continued existence of the Transportation Authority.
7. Ms. Schreiner, Senior Buyer, and Mr. Stygler, Director of Administration, presented an Addendum to Agreement for Collection Services on behalf of the Purchasing Department.  
**NOTE:** For more information please refer to the County Commissioners' Meeting Minutes dated June 24, 2020.
8. Ms. Schreiner, Senior Buyer, and Mr. Wible, Executive Director, presented a Request for Proposal Awards for Various Office of Aging Services.  
**NOTE:** For more information please refer to the County Commissioners' Meeting Minutes dated June 24, 2020.

Lancaster County Commissioners' Work Session  
Tuesday, June 23, 2020

9. Mr. Kastner, Executive Director, presented Amended Agreements for Fiscal Year 2019-2020 on behalf of the Drug and Alcohol Commission.

**NOTE:** For more information please refer to the County Commissioners' Meeting Minutes dated June 24, 2020.

10. Commissioner Parsons opened the Discussion regarding Encryption of Police Dispatches with the following statement:

"When we last had a hearing on this issue three years ago in June of 2017, for me the decision to encrypt police radios was a fairly close call. I believe strongly in government transparency, but I also worry a lot about police officer safety.

At that time, the officer safety argument weighed in favor of encryption. However, I will note two important pieces to that decision:

First, I do not believe we had any ambulance or fire personnel speak out at that time at our original hearing. I have heard from many since that time who do not like the encryption.

Second, the officer safety argument was based largely on the Chiefs of Police Association's credibility. We thought at that time that when the chiefs speak, it was wise to listen carefully as they had a lot of credibility with us and the community. Unfortunately, that credibility as an organization has been largely destroyed. Let me explain why.

District Attorney Heather Adams' recent statement that \$150,000 is missing from the Drug Task Force (DTF) in what she described as likely "internal theft" is undoubtably stunning and disturbing to the community. Unfortunately, however, given the issues exposed over the last year, no one who was paying attention should be too surprised.

The Lancaster County Drug Task Force – the premier and elite law enforcement entity in the county – is under investigation by the Attorney General's Office. We are on the cusp of what is perhaps the biggest law enforcement and government scandal in a generation in Lancaster County.

This is exactly the reason the Board of Commissioners fought so hard last year for transparency and ethical behavior. We wanted access to the Drug Task Force financial records for ourselves and for the public. We wanted to know where the money was going.

I am proud this Board, and the last Board, although we disagree from time to time, we have always been on the same side when it comes to good government, ethical government, and opposition to improper behavior or corruption. We took a lot of criticism from many corners for doing so, including from the Chiefs of Police Association. They should have been supporting our fight for ethical behavior, not opposing it.

Let me recap some of this. In Fall of 2018 we had a budget hearing with the former District Attorney about the future of the DTF. He indicated it was running out of money and would need more funding in the future. We agreed to address that issue as part of the 2019 budget process.

Then, at the end of November 2018, without a phone call to us, or any prior warning whatsoever, the DA sent out a letter to all municipalities essentially attacking the Board of Commissioners for supposedly not funding the DTF properly and also had a press conference doing the same. We learned of this through the media.

Given that the DA's office budget (of which DTF is a part) had grown at a very fast rate over the previous years and we had just agreed to work with him to find a solution to the problem for 2020, this attack was perplexing – to say the least. We could not figure out why he was initiating such a false narrative.

As a result of the former DA's statements, and assertions that DTF was running out of money, the press sought to find out what he was actually spending forfeiture money on. Where was the money all going? This seems like a logical question. LNP did some very exhaustive reporting on this, including through many right to know requests.

The former DA then used his offices resources to fight those Right to Know requests. This despite the fact that the PA Office of Open Records ruled the financial records are public and must be released. Another court in the Commonwealth had also ruled this way on a similar request.

As that case played out, the former DA shifted his position: making various offers to release some records here and there under various conditions. These conditions did not comply with the right to know law, the underlying idea of which is really pretty simple. Citizens have a right to know what government is spending money on. As a strong conservative, I agree with this idea. The people own their government, not vice versa.

Later, Judge Brown in the Court of Common Pleas of Lancaster County ruled that the statute the former DA was relying on does not in fact block release of the documents.

Throughout 2019 we learned more. We learned that the former DA leased a \$44,000 SUV for himself with forfeiture money that was supposed to go to fund DTF. And that he took improper mileage reimbursement on top of that. He then "self-disclosed" these improper reimbursements after the press put in right to know requests about it.

The former District Attorney then sued the Board of Commissioners. This case was an outrageous abuse of taxpayer money, and was later dismissed by the new District Attorney Heather Adams when she took office.

After taking office, District Attorney Adams also began a top to bottom review of DTF and fired the County detective in charge of the DTF.

Throughout 2019, as was stated to me in a meeting with the leadership of the Chiefs of Police Association by Northern Regional Chief of Police Steffen, the Chiefs of Police Association was "used" by the former District Attorney and his allies.

At the Chief's Association regular meetings, filled with chiefs and guests, they reportedly allowed the former DA and allies to regularly attack the Board of Commissioners for doing our job of standing up against improper conduct in County government. These attacks, unfortunately, were not about substantive policy disagreement, but rather about diverting attention, ginning up a manufactured crisis, and silencing critics.

During our 2019 contentious budget hearing over DTF, the former DA was caught on a hot microphone bizarrely ordering chiefs of police to get up and defend him. And at his prodding, get up they did. I am not sure what strange hold he had over them. Was it some twisted sense of personal loyalty, fear of his position and its impact on them, or something else? This budget hearing is really worth watching now that we know \$150,000 is missing as a likely "internal theft." It is fascinating. You can find it at:

[www.facebook.com/watch/?v=487580608562692](https://www.facebook.com/watch/?v=487580608562692)

Where was the money going? We thought citizens had a right to know. We asked questions. We got back in return shouted statements like: "There is no misappropriation of funds, there is nothing wrong!" 24 minute mark. And "We have to be the asset seizure task force." 43 minute mark. And Chief Wiczkowski asking "What did you know and when did you know it?" Incidentally, that is a good question for everyone involved that day who was pushing against transparency and for more money for the DTF without accountability.

Lancaster County Commissioners' Work Session  
Tuesday, June 23, 2020

Also, notable is that DA Adams has indicated the "audits" cited by the former DA are not audits in the accounting sense at all. She has said those "audits" could not identify the sources of the problem that her staff subsequently found.

For a long time, the Board of Commissioners remained silent about the attacks on us for demanding transparency and good government. Criticism, even unfair criticism, is part of our jobs. However, at some point when the unprofessional conduct gets bad enough, it cannot be left unaddressed. An attempt must be made to restore professionalism.

Because of Chief Wiczkowski's unprofessional attacks on the Board of Commissioners, including on TV, after discussing the issue with my colleagues, I talked with a West Lampeter township Supervisor and informed him that we believed it was unprofessional to have a staff member who was officially representing West Lampeter Township attacking the Board of Commissioners when we were fighting for ethical behavior. Further, that if West Lampeter had a dispute with the Board of Commissioners, the elected officials should resolve that dispute amicably together.

I further stated that we have no problem with criticism, but the repeated and false nature of the attacks was unhelpful. The supervisor agreed. In response to that I received a letter from Chief Kevin McCarthy of East Earl Township, supposedly on behalf of the Chiefs' Association, describing my actions to restore professionalism as "corrupt."

However, in delivering that letter I was told by Chief Steffen that members of the Association did not want to send the letter and I should throw it away without reading it. He further said that the Association had been "used" by the former DA and his allies. So, one must ask, why was it used? Why was there what now appears to be a coordinated campaign of misdirection by some senior members of the law enforcement community?

Even a casual observer at that time – even before we knew \$150,000 was gone – could see that there were disturbing things happening. Why did some senior law enforcement officials create a false narrative and argue that the only problem with DTF was the County was not allocating them enough money?

I am both a former Army officer and a former prosecutor. There is no group that I hold in higher esteem than police. But that means honest, ethical police. We have a major problem here. We have a lot of questions to be answered. Obviously, we need to know where the \$150,000 went. But we also need to know every single person who was involved – either directly or indirectly aiding improper conduct. Is more money missing from other cases? Are there drugs or weapons missing? We already knew way back in early 2019 that DTF resources were being used improperly. They were not being treated like they belonged to the citizens of Lancaster County. Why was there a coordinated campaign of misdirection to obscure this and to attack the commissioners?

This is the type of alleged corruption – including any who committed it and any who enabled it – that is extremely corrosive to trust in government and law enforcement.

I hope that the Attorney General's investigation will be thorough. The County and its employees stand ready to assist in any way necessary. An infected wound once opened must be thoroughly cleaned until all infection is removed.

I am proud of the Board of Commissioners for standing for good government despite attacks. Attacks by people who should be standing for good honest government and not against it. The public, as well as all the honest, ethical police officers who are holding the line across Lancaster County deserve better.

Therefore, because of these things, the credibility of the Chiefs of Police Association has been seriously undermined. That does not mean the credibility of all the individual chiefs. There may have been a group driving this agenda and a group willing to go along with it. Regardless, I hope they will begin to rebuild it today. A first step is apologizing to the Board of Commissioners and to the citizens of Lancaster County and explaining why they were led down this path. If they are not willing to do this, I am not sure how we can take anything they say seriously.

None of this means I am automatically going to vote to unencrypt the police radios. I am going to study all aspects of it. Especially the impact on the officers on the street, the vast, vast majority of whom are amazing public servants who care about the citizens of Lancaster County. But it is important to understand that when then Commissioner Stuckey and I agreed to do it, it was based largely on the chiefs' credibility and on the assumption they were acting in good faith. That trust has been broken. There also appears to be a broken leadership culture among some of the chiefs. I hope the township supervisors and borough leaders of the county work to fix this – and I will continue to talk to them about it."

Commissioner D'Agostino appreciated the history and stated that this is a very important discussion to have and an important decision to make, not just for the police, but everyone else who is affected in terms of radio communication. He is looking forward to hearing information and facts from everyone in the community so that the Board can make a proper decision.

Commissioner Lehman recalled the 2017 discussion regarding the encryption of police dispatches that the Board of Commissioners has agreed to, despite his objections to encrypt police dispatch transmissions. His argument then was that the encryption will give law enforcement a false sense of security and it will isolate law enforcement from the community. He believes that reversing the encryption decision is the right thing to do because it removes a false sense of security for law enforcement and it is the only way to begin to make sure that lack of trust does not undermine public confidence in law enforcement.

District Attorney Adams brought to Commissioners' attention the Courts Public Access Policy that restricts information that is available to the public. It redacts information such as: driver's license information, social security information, state identification numbers, etc. She stated that this is the type of information that is excluded from disclosure of the Right-To-Know law and this same type of information is frequently broadcast over the radio. Ms. Adams thinks that the correct decision was reached in 2017 when the Board decided to encrypt police dispatches and she does not know whether it is fair to expect the police to have to disclose information when the courts and other laws are protecting the same type of information, as in this day and age this type of information can be widely abused. She said that with respect to confidentiality for victims, witnesses and also defendants, she wanted to bring this to Commissioners' attention and let the Board know where she stands.

Chief McCarthy, East Earl Township Police Department, apologized to Commissioner Parsons and the Board of Commissioners on his behalf and on behalf of the Chiefs of Police Association for what has taken place. He stated in his entire life and especially in his law enforcement career, he does not mean to offend anyone as his job is to help people and to be transparent. The Chief said it was a blind faith because he looked to the District Attorney as the leader and that he did not know about the missing Drug Task Force money. He stated there were certain things he did not know until the budget hearing on October 29, 2019.

Lancaster County Commissioners' Work Session  
Tuesday, June 23, 2020

Chief Stauffer, Manheim Borough Police Department, distributed handouts with facts regarding radio encryption for the Board to consider. He said that as he did his research, he wanted to be fair and give both sides because it is an important decision that the Board is making. His presentation covered the following:

- Encryption of Lancaster and surrounding Counties.
- Encryption Negatives (Public's ability to hear police communications; News media's access to immediate events that are broadcasted by emergency dispatches; Hobbyists who listen and record public safety calls; Individuals who monitor activities to ensure accountability; Transparency.)
- Encryption Positives (Criminal History Record Information Act - CHRIA; Victim and Witness protections; HIPPA - Overdoses, drownings, unattended deaths, suicides, mental health warrants and crisis intervention calls; Officer Safety.)
- Individuals who are listening to police scanner apps (Responding to scenes of crimes or traffic stops to film or engage officers in protected freedom of information acts, or to elicit responses from the officers for their social media posts; Conducting Crimes; Ambushes; Organized Crime; Terrorist events/Active shooters.)
- Optional mitigating technology (Streaming delays; Updated Computer Aided Dispatch.)

Chief Stauffer discussed the streaming delays of police activity, stating there are ways to decrypt the system and still remain safe. He said that some California agencies stream emergency radio traffic with 2-4 minute delays. The new Computer Aided Dispatch (CAD) offers secure technology for dispatchers and first responders to speak remotely within the CAD system without the need to broadcast CHRIA/HIPPA protected information on the radio.

Commissioner Lehman went back to the compromise that he offered in 2017 to, at least, give media access to the transmissions, so there is somebody that is monitoring these transmissions. He does not think that the media is the best choice, but if the streaming delay is not the answer, giving the media access to transmissions may be the only choice that allows for some transparency in terms of what is going on here in Lancaster County as it relates to law enforcement. The Commissioner said they need to step up and figure out how they can provide for additional transparency on this issue.

Ms. Hausner, County Solicitor, stated more legal research can be done about the information that is being sent out over the police radio, but she believes that the Courts Public Access Policy and HIPPA would not limit decryption of police radio.

Mr. Weaver, Director, explained that in order to decrypt police dispatches, each of the radio would have to be physically touched again and the estimated cost would be \$100,000. First, the code plug, which is the computer program, needs to be rewritten by the vendor, and then those code plugs need to be put into the radios.

Commissioner Parsons stated he would like to hear comments regarding this issue from Fire and EMS, as well as from the police officers on the street - how this impacts them. He is not prepared to make a decision today or tomorrow because he anticipates that there will be more people that wish to voice their opinion on this.

Commissioner D'Agostino stated he is not ready to make a decision also, and the reason is that they need to have the balance of transparency, public safety, and the law. He has many questions for this conversation, which need to be answered in order for him to vote. He does not want to make a rushed decision because he does not want to jeopardize public safety and the law for the sake of transparency.

Commissioner Lehman proposed that a decision be made by the Board at its August 4 or August 5 public meeting. The Board agreed to this timeline.

11. Ms. Johnson presented the June 24, 2020 Commissioners' Meeting Agenda noting no changes or additions.

On motion of Commissioner D'Agostino, seconded by Commissioner Lehman, the meeting was adjourned at 12:05 p.m.

Motion passed unanimously.

Respectfully submitted,



Lydia Kovalchuk, Executive Assistant  
Commissioners' Office