

COUNTY COMMISSIONERS' MINUTES
WEDNESDAY, SEPTEMBER 28, 2022

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

Present at today's meeting were:

Ray D'Agostino, Chairman
Joshua G. Parsons, Vice-Chairman
John B. Trescot
BOARD OF COUNTY COMMISSIONERS

Lawrence M. George
CHIEF CLERK/COUNTY ADMINISTRATOR

Jacquelyn Pfursich, Esquire
COUNTY SOLICITOR

Also present were:

William Aberts, Deputy Warden
PRISON

Arla Brown, Director of Administration
PRISON

George Custer, Director of Administration
BEHAVIORAL HEALTH/DEVELOPMENT SERVICES

Carolyn Gabriel, Senior Buyer
PURCHASING

Michelle Gallo, Director
HUMAN RESOURCES

Mark Lauriello, CEO
RETTEW ASSOCIATES

Tom Lisi, Reporter
LNP

Anna Ramos, Executive Director
WORKFORCE DEVELOPMENT BOARD

Claudia Shank, Attorney
MCNEES WALLACE & NURICK

Joel Saint, Pastor
IRBC

Tim Stuhldreher, Writer
ONE UNITED LANCASTER

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

Commissioner D'Agostino announced approval of the September 21, 2022, Commissioners' Meeting Minutes.

RESOLUTION NO. 90 OF 2022

RESOLUTION OF THE LANCASTER COUNTY BOARD OF COMMISSIONERS APPROVING CONDEMNATION OF APPROXIMATELY 5 ACRES OF LAND LOCATED IN LANCASTER TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA, BEING LANCASTER COUNTY TAX PARCEL ID NO. 340-16454-0-0000, IN THE CURRENT OWNERSHIP OF THE RED ROSE LODGE #16 FRATERNAL ORDER OF POLICE.

On motion of Commissioner Parsons, seconded by Commissioner Trescot;

WHEREAS, the Lancaster County Prison has significant systemic limitations and deficiencies; and

WHEREAS, renovating or adding to the existing facility on the current site is not feasible; and

WHEREAS, the need for a new prison facility has been demonstrated; and

WHEREAS, to facilitate the construction of a new prison facility, by Deed dated and recorded on February 11, 2022, in the Lancaster County Recorder of Deeds Office at Instrument No. 6663861, the County acquired approximately 78.16 acres of property from Clyde and Shirley Kreider located at 100 Greenwood Avenue in Lancaster Township, being Lancaster County Tax Parcels 340-31394-0-0000 and 340-03297-0-0000 (the "Kreider Property"); and

- Continued -

WHEREAS, Red Rose Lodge #16 Fraternal Order of Police company ("FOP") is the owner of an approximately 5 acre tract of land adjoining the Kreider Property to the west (the "FOP Property") by Deed dated February 15, 1968 recorded in the Lancaster County Recorder of Deeds Office on February 23, 1986 in Deed Book P-57, Page 93, being Lancaster County Tax Parcel 340-16454-0-0000; and

WHEREAS, it is necessary for the County to acquire the FOP Property to provide adequate access from the Kreider Property to Highland Avenue/ S.R. 222; and

WHEREAS, FOP agreed to convey the FOP Property to the County subject to the terms and conditions of a Standard Agreement for the Sale of Real Estate and Addendum thereto, (the "Agreement"); and

WHEREAS, following the execution of the Agreement by the FOP, Wanda Jean Nye (formerly Wanda Jean Shelley) asserted a disputed claim for a right of first refusal against the FOP Property; and

WHEREAS, due to the nature of the disputed claim over the FOP Property and the County's need to possess the FOP Property to facilitate the construction of the new prison facility, it is necessary for the County to condemn the FOP Property; and

WHEREAS, the County desires to condemn the FOP Property in order to possess same.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LANCASTER COUNTY, PENNSYLVANIA to consent to and approve the condemnation of the FOP Property to acquire title to the FOP Property in fee simple absolute as well as any conditional interests in the FOP Property, the filing of a Declaration of Taking to facilitate same, and to further authorize County staff and officials, working in connection with outside consultants, to take all necessary steps to facilitate condemnation of the FOP Property.

Motion passed unanimously.

RESOLUTION NO. 91 OF 2022

RESOLUTION OF THE LANCASTER COUNTY BOARD OF COMMISSIONERS APPROVING TERMINATION OF AN AGREEMENT OF SALE WITH RED ROSE LODGE #16 FRATERNAL ORDER OF POLICE FOR THE PURCHASE OF APPROXIMATELY 5 ACRES OF LAND LOCATED IN LANCASTER TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA, BEING LANCASTER COUNTY TAX PARCEL ID NO. 340-16454-0-0000.

On motion of Commissioner Trescot, seconded by Commissioner Parsons;

WHEREAS, the Lancaster County Prison has significant systemic limitations and deficiencies; and

WHEREAS, renovating or adding to the existing facility on the current site is not feasible; and

WHEREAS, the need for a new prison facility has been demonstrated; and

WHEREAS, to facilitate the construction of a new prison facility, by Deed dated and recorded on February 11, 2022, in the Lancaster County Recorder of Deeds Office at Instrument No. 6663861, the County acquired approximately 78.16 acres of property from Clyde and Shirley Kreider located at 100 Greenwood Avenue in Lancaster Township, being Lancaster County Tax Parcels 340-31394-0-0000 and 340-03297-0-0000 (the "Kreider Property"); and

WHEREAS, Red Rose Lodge #16 Fraternal Order of Police company ("FOP") is the owner of an approximately 5 acre tract of land adjoining the Kreider Property to the west (the "FOP Property") by Deed dated February 15, 1968 recorded in the Lancaster County Recorder of Deeds Office on February 23, 1986 in Deed Book P-57, Page 93, being Lancaster County Tax Parcel 340-16454-0-0000; and

WHEREAS, it is necessary for the County to acquire the FOP Property to provide adequate access from the Kreider Property to Highland Avenue/ S.R. 222; and

WHEREAS, FOP agreed to convey the FOP Property to the County subject to the terms and conditions of a Standard Agreement for the Sale of Real Estate and Addendum thereto dated August 24, 2022, (the "Agreement"); and

WHEREAS, FOP agreed to convey the FOP Property to the County subject to the terms and conditions of a Standard Agreement for the Sale of Real Estate and Addendum thereto dated August 24, 2022, (the "Agreement"); and

WHEREAS, following the execution of the Agreement by the FOP, Wanda Jean Nye (formerly Wanda Jean Shelley) asserted a disputed claim for a right of first refusal against the FOP Property; and

WHEREAS, due to the nature of the disputed claim over the FOP Property and the County's need to possess the FOP Property to facilitate the construction of the new prison facility, it is necessary for the County to condemn the FOP Property; and

WHEREAS, contemporaneously herewith, the County has adopted a resolution to condemn the FOP Property in order to possess same; and

WHEREAS, in light of the condemnation, the County desires to terminate the Agreement with the FOP, as authorized by Paragraph 1(c) of the Addendum.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF LANCASTER COUNTY, PENNSYLVANIA to terminate the Agreement to purchase the FOP Property as authorized by Paragraph 1(c) of the Addendum, and to further authorize County staff and officials, working in connection with outside consultants, to take all necessary steps to facilitate the termination of the Agreement.

Ms. Shank explained that the next steps include sending a letter to the Fraternal Order of Police terminating the agreement and then a declaration of taking will be filed in the Court of Common Pleas for the property. That will initiate the litigation process that has to take place in order for the condemnation to occur.

Motion passed unanimously.

On motion of Commissioner Parsons, seconded by Commissioner Trescot, it was agreed for the County of Lancaster, acting on behalf of the Human Resources Department, to approve a Memorandum of Understanding between the County of Lancaster, Michael Withka and the American Federation of State, County and Municipal Employees, (AFSCME) District Council 89, Local 1738, in that the parties agree if Michael Withka leaves the employ of the County, or otherwise voluntarily quits the role of K9 officer, he will repay the County for the associated training certifying him as a K9 officer as outlined in the side letter to the collective bargaining agreement.

Motion passed unanimously.

On motion of Commissioner Trescot, seconded by Commissioner Parsons, it was agreed for the County of Lancaster, acting on behalf of Purchasing, to approve the following:

<u>Contract Awards With:</u>	Apex Asset Management, LLC, Lancaster, PA and Coast Professional, Inc, Geneseo, NY
<u>Purpose:</u>	To provide collection services for Lancaster County's Court of Common Pleas and Magisterial District Courts (group 1) and the Sheriff, Prothonotary, BH/DS and Prison (group 2) through RFP (22-008).
<u>Amount:</u>	Compensation fee of 18% for the primary vendor (Apex Asset Management, LLC) and 17.5% for the secondary vendor (Coast Professional, Inc.).
<u>Term:</u>	Base contract of three years from January 8, 2023, through January 7, 2026, with two one-year options to extend.
<u>Funding:</u>	Act 104 of 1996 provides that collection fees not to exceed twenty five percent (25%) are added to all delinquent defendants' bills and are not costs incurred by the County of Lancaster.

Motion passed unanimously.

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

<u>Renewal Agreement With:</u>	Person Directed Supports, Inc., Whitehall, PA
<u>Purpose:</u>	To provide family aide and community support services to individuals being served by Lancaster County Intellectual & Developmental Disabilities.
<u>Amount/Term:</u>	\$62,542.75 for the period July 1, 2022, to June 30, 2023.
<u>Funding:</u>	Budgeted in the Human Services Block Grant. Decrease of 1.60%.

Motion passed unanimously.

Mr. Saint, a pastor, spoke about morality.

On motion of Commissioner Parsons, seconded by Commissioner Trescot, the meeting adjourned at 9:34 a.m.

Motion passed unanimously.

Respectfully submitted,



Lynn Commero, Executive Secretary
Commissioners' Office