

Minutes of the Monthly  
Meeting of the  
Lancaster County Prison Board  
November 18, 2021

The meeting was called to order by Commissioner Joshua Parsons at 9:15 a.m. in the Public Meeting Room at the Lancaster County Administrative Office Building.

Members Present: Commissioner Joshua Parsons, Commissioner Ray D'Agostino, Commissioner Craig Lehman, Judge Leonard Brown, District Attorney Heather Adams, Sheriff Chris Leppler, and Controller Brian Hurter.

Not Present: President Judge David Ashworth.

Others Present: Cheryl Steberger, William Aberts, Joseph Shiffer, Kim Wolfe, Arla Brown, Larry George, Bob Devonshire, Kathleen Morrison, Jackie Pfursich, Louis Chirichello, Stacie Dixon, Jonathan Fox, Kent Kroehler, Shayne Goodman, Michelle Gallo, Neil Ward, Chris Tallarico, Kelly Ehrich, Carrie Kurtz, Todd Haskins, Chris Carrigan, Carter Walker, Miguel Albino, Marcus Jones, and Kathy Kunkel.

Commissioner Parsons stated that the Prison Board met in executive session on Thursday, November 18, 2021 at 8:45 a.m. to discuss litigation and labor negotiation matters. Specifically under litigation, the Board discussed the Gbotee (20-00890) and Silva (18-11127) cases.

Controller Hurter moved to approve the minutes of the October 21, 2021 Prison Board Meeting. Commissioner D'Agostino seconded. The motion carried unanimously.

Cheryl Steberger, Warden; William Aberts, Deputy Warden for Operations; Joseph Shiffer, Deputy Warden for Inmate Services; Arla Brown, Director of Administration; and Bob Devonshire, Director of Facilities; gave reports on their areas of responsibility. All of these reports, including operations and statistical information, are posted on the County's website.

Cheryl Steberger, Warden, provided an update on the staffing crisis that they continue to face at the facility. At last month's meeting she reported the staffing complement: allotment of 228, staffing of 144. She reported the current staffing complement: allotment of 228, current staffing of 142. Warden Steberger stated that since the October meeting, ten Correctional Officers have resigned and eight have been hired. Warden Steberger reported that of ten Officers who left, their service time was: less than one year (3), one to two years (2), four to seven years (3), and with ten plus years (2). She stated that for the Correctional Officers that responded, the reason they gave for terminating employment was for higher pay.

Warden Steberger reported that interviews continue daily at the Prison. As reported last month, the Prison is advertising through social media, outdoor banners, job fairs, and

local papers. The Warden and training Officer Hersh spoke at two colleges, F&M and Millersville, on career opportunities at the Prison. She stated that she met with the Human Resources Director, Michelle Gallo, and a marketing firm, which interviewed eight staff members at the Prison, including the Warden, on November 8, 2021. The firm took photos of both the inside and outside of the facility. The firm will be providing information in the form of social media, broadcastings, and commercials. Warden Steberger noted that the hiring and retention incentive package approved by the Commissioners has been implemented with a payout of \$7,500 to new officers and \$7,500 to \$12,500 to current Correctional Officers depending on their length of service. She noted that since the plan was implemented, only eight new Correctional Officers were hired and an additional 30 have left. Warden Steberger asked that the County consider opening a side agreement to implement a wage increase. She stated that she was fully aware that her request was unprecedented, but it is one that is desperately needed and one that should come and come swiftly. She reported that they continue to discuss negotiations regarding wages with their union officials and a meeting is scheduled for tomorrow. Warden Steberger stated that she feels the current starting wage at \$18.50 an hour is part of the issue.

Warden Steberger reported the inmate population this morning is 738. The inmate population in October 2021 was 752 and 659 on October 2020.

Warden Steberger reported that on November 9, 2021, the Records Department conducted a semi-annual audit of their records. This was done because of a recommendation from a previous Controller's Office audit. She thanked both the Records Department and the Controller's Office for their efforts. She stated that approximately 6,000 individuals come into the Prison and are released each year. She thanked Brian Secor, Lieutenant / Prison Records, for his work as well.

Jonathan Fox, Have A Heart, asked if there is anything else that can be done in addition to raising current wages at the Prison and if anyone has considered the current physical plant. The Warden stated that she thinks about working conditions often. She noted that there is no air conditioning and summer will be here soon.

Deputy Warden Aberts reported that the control panel project remains very slow. He noted that they have a meeting with Purchasing and the Solicitor to discuss how to move forward and that the vendor, Southern Folger, will be on site December 6, 2021 to review the main control center and issues with programming.

Deputy Warden Aberts stated they have a meeting scheduled on November 23, 2021 to discuss the new constable medical transport contract. He noted that with the current staffing problems, this will alleviate the medical trips Correctional Officers provide for inmates.

Joseph Shiffer, Deputy Warden for Inmate Services, provided a COVID update. Deputy Warden Shiffer reported that there has been a total of 273 positive cases in the inmate population since January 1, 2021, which includes 228 cases since August 1, 2021. Deputy Warden Shiffer reported that there are currently no hospitalizations related to COVID issues. He reported that there was a vaccination clinic held earlier this week and to date there have been 394 COVID vaccinated inmates. Deputy Warden Shiffer reported that currently there are five active positive cases with staff who are out of the building. He noted that since January 1, 2021, 7,800 tests have been conducted at the facility.

Deputy Warden Shiffer provided a staffing update on his department. He reported that there continues to be three open positions, as the two offers they made were turned down by the applicants.

In response to Craig Lehman's question at last month's meeting regarding an update from the Prison staff on providing the data of first-time offenders versus non-violent offenders, Deputy Warden Shiffer stated that they are working on pulling together the information that was requested. He noted that they are in the process of looking up the charges. He stated that he plans to have the information by the January PrisonStat meeting.

Deputy Warden Shiffer provided a reentry services update. He reported on the new Pathways Home Grant that will give inmates pre-employment counseling prior to leaving the facility. In addition, his staff met with the County Judges and shared this information for ways to develop a program for inmates to become eligible for work release. Part of the Pathways Program is data casting, which requires an open-air signal. He noted they are currently working with the IU13 and WITF to install equipment on the outside of the facility which will allow the system to be downloaded. Deputy Warden Shiffer said this will enable skills training on a tablet that the inmate can take to their cell. He noted there is no internet connection with this system.

Arla Brown, Director of Administration, noted that since the last Prison Board Meeting, they received approval to consolidate two part-time Corrections Mail Clerk positions into one position with the added duties of receptionist. Ms. Brown hoped that an increase in the grade and pay, along with the availability of benefits, will attract a viable candidate. She noted that the reclassification leaves two vacancies within the department.

Ms. Brown stated that the Title 37 inspection took place on November 16, 2021. She stated that no deficiencies were found. She reported that a few minor items were noted for improvement, such as, tile work, shower updates, the janitorial supply inventory, and key controls. Ms. Brown reported that those items have already been corrected.

Ms. Brown reported that the statistical data is available on the Prison website for viewing. She noted that this month's report includes data regarding separation numbers to date.

Bob Devonshire, Director of Facilities Management, reported on his area of responsibilities:

- CGL is currently fully staffed.
- They continue to work with Purchasing to put the Prison maintenance RFP out for bid as the five-year contract is up next spring.
- They continue to work with Deputy Warden Aberts on the door access control system upgrades.
- There were 118 work orders closed in October, with 1,496 closed year-to-date. This is an average of 150 work orders at the Prison closed per month for 2021 and 173 closed work orders per month in a five-year average.

In response to Jonathan Fox's question on Facilities Management's involvement in the design of the new prison, Mr. Devonshire stated that they will have a big role.

Commissioner D'Agostino, who is leading the land acquisition process, provided a summary of the Correctional Facility – Due Diligence Overview Kreider Tracts – Lancaster Township report issued by Rettew Associates, Inc. He noted that the Commissioners' voted to accept and approve the report on November 17, 2021. He stated the nine areas were evaluated in the report.

Environmental Site Assessment – No past present or conditional recognized environmental conditions.

Wetland Delineation – Field investigations identified no on-site watercourses or wetlands.

Threatened & Endangered Species Review – The presence of isopods and amphipods which are not currently threatened or endangered species. In stream work is not anticipated. All recommended construction techniques can easily be accommodated.

Boundary Survey – The deed for Tract I was 75 acres and the results in Tract 1 survey were 69.8 acres. Tract 2 lists the site as 3.16 acres and the survey resulted in a 3.174 site. The less acreage is no impact to development.

Water & Sewer Feasibility Study – The City of Lancaster will serve the site for both water and sewer. The hydraulic models indicate the City’s system can accommodate the facility.

Top of Rock Survey – The site is underlain by limestone typical of Lancaster County with the bedrock ranging in depths of 10 and 30 below ground. There is no history of sinkholes indicated. Excessive rock excavation is not expected. There was a small quarry noted.

Preliminary / Limited Geotechnical Subsurface Exploration – A legacy quarry was on the site’s northern edge. The quarry was 460 x 280 feet and is backfilled with construction debris. As a result, building on this section will face some engineering challenges but none that are insurmountable. Parking lots and access drives are permitted over the quarry area only if proper mitigation measures are implemented. Any building over the quarry area must consist of deep foundations. Conventional shallow building foundations appear suitable for buildings outside of the quarry area.

Cultural Resources Investigation – The Phase 1 archeological survey found artifacts typical of Lancaster County farms and the site would not be considered a significant historical site. The County is completing a Phase II archeological investigation to definitively rule out the possibility.

Transportation & Highway Access Evaluation – A Highway Occupancy Permit (HOP) is being issued to construct the prison’s right-in / right-out access to Highland Avenue. Also, a primary entrance drive of adequate width must be constructed which will require the acquisition of an easement or a strip of land from an adjacent property. Lancaster Township’s ordinances require a second or emergency access.

Miscellaneous items: Lancaster Township’s zoning ordinance and map must be amended to accommodate a correctional facility. Required off-site property and easements should be acquired as soon as possible. FEMA has completed a detailed study to map the floodplain along the Conestoga River. Along with avoiding / minimizing floodplain impacts, tree removal with the floodplain should be avoided / minimized.

The overall risk summary for developing the Kreider tracts as a correctional facility appears to be manageable if the project is executed with proper planning, programming, design, engineering, and oversight.

Commissioner D’Agostino stated that the next step will come on December 13, 2021 when the Lancaster Township Board of Supervisors are scheduled to vote on the

County's request to rezone the land for use as a prison. If the Township Supervisors approve the County's request, the County will then move to close on the land deal within 30 days, after which the facility design work can begin.

Commissioner Lehman wished to emphasize that trees will be removed just for the widening of roads and the tree canopy along the Conestoga River will not be disturbed. In addition, he noted that flood plain issues are not a concern and building the new facility will have no impact to the Conestoga River.

Commissioner Parsons reported that the next PrisonStat meeting is scheduled for January 25, 2022 at 1:30 p.m. in the Public Meeting Room at the Lancaster County Administrative Office Building.

In business from guests, Miguel Albino, President of the Correctional Officers' union, told the Commissioners that the Correctional Officers are mandated to work overtime three to five days per week. He stated that often they only see the schedule for mandatory overtime the day before. He noted that the crisis is ruining families and endangering the lives of the remaining Correctional Officers. Mr. Albino said that back-to-back shifts are taking a physical and emotional toll on him and his Officers. He stated that he himself recently had a near-death experience driving home from a double shift, when he fell asleep and rear-ended an 18-wheeler, demolishing his vehicle. He stated that the job is stressful and Correctional Officers should not have to choose between their job and their families. He stated that the County needs to be more competitive and needs to find a solution to the staffing crisis. Mr. Albino feels that the current retention and new hire bonus package approved in September was unsuccessful in retaining Officers.

Commissioner Lehman stated that the Berks County jail only has 30 vacancies while we have 84 and noted that they are more competitive.

Commissioner D'Agostino and Commissioner Parsons stated that this has been an ongoing process and the Commissioners have worked with the union throughout. They noted that the retention and sign on bonus package, which was unique to Lancaster County, was developed after discussion with the union. Commissioner Parsons stated that there are now discussions between the County and the union on the starting pay rate issue. He noted that there are also going to be discussions on the new contract and the remedy is working with the union and to come back to the table to discuss. Commissioner Parsons stated it is a step-by-step process. In addition, he feels there has to be better advertising of the bonus package.

Controller Hurter stated that this situation is more challenging because there is a union contract to oversee the agreement between the County and the Correctional Officers. He noted that everything has to go through the union contract and even with that in place the County worked quickly to implement the incentive package. He also noted

that the incentive package was completed after discussion with the union. He stated that unfortunately the incentive package did not play out as the County or union had hoped and agreed with looking at other options.

Carter Walker, LNP, asked if the starting pay rate could be negotiated before the end of the contract. Commissioner Parsons said they are open to addressing wages sooner than that if that is what is necessary and where conversations with the union lead. He noted that union leaders and County officials are currently in talks over this issue.

Mr. Walker asked if the County will respond to the Lancaster Township's Board of Supervisors comments regarding the County's commitment to safety, removing barriers for individuals looking to turn their lives around, providing health and mental health services, addressing policies contributing to racial inequity, and having a commitment to social and racial justice that extends beyond the prison. Commissioner D'Agostino stated that those issues will be addressed at the time of the hearing.

Neil Ward, Have A Heart, asked how many applicants were turned away because of Act 57 requirements. There is new legal guidance that while Act 57 applies to the police, it does not apply to Correctional Officers. Mr. Ward asked if those that were disqualified due to Act 57 requirements are now eligible to be hired. Warden Steberger stated that HR is reaching out to them.

Mr. Ward stressed the urgency of doing something about this horrible situation and that he knows the Commissioners care about the Prison staff. He suggested that they meet with staff over a few days to hear them out and listen to show them they care.

Mr. Ward stated that with regards to the future prison site, the Commissioners should look for parking lots that have a gravel base with blocks, which enable the water to slowly run through the road to reduce any runoff into the Conestoga River.

Kent Kroehler, Have A Heart, commented regarding the staffing crisis and that the Prison's mission is to provide humane and secure care, custody, and control, and it is inhumane to allow unlimited overtime indefinitely. He stated at the last Prison Board meeting, Judge Ashworth asked him what changes he would make. Mr. Kroehler said thinking "outside the box" he came up with the following:

- Speed up the payment of bonuses to the staff.
- Provide hazard pay assuming this would be for a limited term.
- For those inmates sentenced over 1 year, consider sending to state prisons like Franklin County has done.
- Provide information about good pay and availability of double shifts.

Mr. Kroehler stated that he still thinks that they should be considering ways to reduce the inmate population and asked why that is not a vital issue in this crisis. In reviewing

the Prison's statistical reports, he noticed a 20% increase in incarcerations since June 2021.

Commissioner Lehman stated that when the recruitment and retention bonuses were first proposed, he was encouraging the County to increase the starting rate and implement hazard pay because he thought that the starting pay was the problem. He agrees with Commissioner Parsons that there is an inflation problem, but if it's just inflation, the Lancaster County vacancies would be nearly the same as Berks County, not more than double. He believes job market competitiveness is still the issue. He stated that Lancaster County has a problem, and we need to address it.

Commissioner Lehman stated that he strongly disagrees with Mr. Kroehler's suggestion that Lancaster County consider sending inmates with a county sentence to the state correctional system. Commissioner Lehman said it is a bad policy to send sentenced low-level offenders to serve their sentence with higher level offenders in state prison. District Attorney Adams stated that any sentence of twelve months or greater is a state sentence. Commissioner Lehman responded that while that may be true, a few years ago, it was established that the place of confinement for two years or less to be a county jail. He noted that has been the process Lancaster County has been following since that law was put into place. He said that just because Franklin County may be doing that it doesn't mean that Lancaster County should.

In response to Kent Kroehler's question on the impact of the recent census data and possibility of the County moving from a 3rd Class County to a Class 2A County, Commissioner Parsons stated that the Board of Commissioners can elect to move to Class 2A and have until February 2022 to make that decision. He stated that the question on the composition of a prison board under Class 2A is unclear, as there is no statute for a Class 2A County.

Jackie Pfursich, County Solicitor, stated that she will present a comprehensive overview to the Commissioners in the next few weeks to review the County's options for moving Class 2A County or staying as a 3<sup>rd</sup> Class County. She noted that House Bill 343 was introduced in January 2021 but no action was taken. She also noted that the PA Local Government Commission is working to address this oversight and are suggesting legislation that will allow the current composition of the Prison Board to stay as it is if the Commissioners vote to become a Class 2A County.

Mr. Kroehler wanted to reiterate that the County needs to have the most forward-looking facility. He suggested that the County team review newly built prisons.

Marcus Jones, Vice-President of the Correctional Officers' union, reiterated a lot of the previous statements made by Miguel Albino. He said that he feels like we are inching our way up to a higher wage. He stated that no one is coming in and no one is staying

and that the Correctional Officers have turned into part-time parents. He noted they are 80 to 90 officers short, and don't have months to wait. He stated that there needs to be something done soon.

Commissioner D'Agostino moved to adjourn the meeting at 11:00 a.m. Commissioner Lehman seconded. The motion carried unanimously. The next meeting is December 16, 2021, at 9:15 a.m.

Respectfully submitted,

Brian K. Hurter  
Secretary