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Commissioners won't answer Sunday News questions.

Dick Shellenberger is pulled into turmoil surrounding Calvary Church. Commissioner Molly Henderson was glaring at Commissioner Pete Shaub, at the other end of the table.

"I am well aware of my role as a commissioner, Mr. Shaub," Henderson said icily.

The place: The commissioners' meeting room on the fifth floor of the courthouse.

The date: Thursday, Nov. 3.

The scene: Shaub, the odd man out on the board, had been chastising Commissioner Chairman Dick Shellenberger for making public comments on the Conestoga View sale, via a letter, despite a pending lawsuit.

And the barely concealed hostilities among the three commissioners began to boil over.

Henderson, the Democrat, thought Shaub was aiming his criticism at her.

Shaub tried to clarify what he meant.

Shellenberger said the letter, to Republican committee members, was just a restatement of things he has said before and that he cleared it with attorney Joanne Judge.

But Judge doesn't represent the county in the lawsuit, Shaub replied.

Henderson objected to interference in any of the commissioners' outside political activities.

At one point Shaub asked Henderson if she wanted to see the letter.

"I don't need the letter," she shot back, clearly angry.

"I'm not a Republican committeeperson."

And so went another morning at the helm of county government.

A year ago, the courthouse was being rocked by discontent over the way Shaub, then the commission chairman, was managing county affairs.

Just before Christmas, Shellenberger, with Henderson's backing, effectively staged a coup and

took over the chairmanship, pledging an end to "rancor and incivility" on the fifth floor.

But a year later, not only are things no better &#8212; they're worse.

A year's worth of controversies is ending with the district attorney, Don Totaro, hauling the commissioners before a grand jury to investigate possible violations of the law connected with the hiring of Gary Heinke as chief services officer.

Witnesses may begin testifying this week, according to sources.

Heinke resigned in October after former Lancaster mayor Art Morris discovered multiple discrepancies in Heinke's resume.

Later, it emerged that Heinke was pushed up in the interviewing process with the help of Shellenberger, who knew Heinke from a previous job and from Calvary Church.

And that's not the only problem.

The controversial sale of Conestoga View, the county nursing home, continues to roil the community, particularly as questions about Heinke's role in the sale remain unanswered and apparently unanticipated repercussions on the county's general fund emerge.

After taking the former Armstrong building on Lancaster Square through eminent domain, the commissioners find themselves facing yet another lawsuit by the former owner, seeking more money.

City officials are furious that the commissioners seem to be frustrating economic development on several fronts.

Shellenberger's and Henderson's drive to stop the Penn Square convention center/hotel has alienated some key supporters, while winning them new backing among opponents of the \$134 million project.

Community leaders are fearful that the commissioners intend to kill the Sunnyside housing development and keep all the land on the peninsula for county offices and a new jail.

Even the social conservatives who helped propel Shaub and Shellenberger into office say they're "disappointed" in the commissioners' performance.

The Sunday News sent an e-mailed list of questions about this story to each commissioner.

Shaub declined comment; Shellenberger and Henderson did not answer the questions but replied with a list of county accomplishments in the past year (see related story on A10).

"I've never seen so many lawsuits," state Sen.

Gib E.

Armstrong, a key supporters of the convention center, said.

As Friends of Better Government, a Republican political action committee, asked acidly on its Web site last month: "A question for our local historians: Was a board of commissioners in Lancaster County ever under criminal investigation by the district attorney &#8212; that is, before 2005?" Before 2005, affairs on the fifth floor already were spiraling out of control.

Shaub, the only returning commissioner on the board, was alienating not only his colleagues but employees and the community with a hard-charging leadership style.

He yelled.

He was viewed as the catalyst behind county planning chief Ron Bailey quitting.

Farm preservationists worried he was tilting toward development interests.

Southern-end municipal officials were furious about the county's decision to seize the Enola Low-Grade Line through eminent domain.

He was the subject of a package of Sunday News stories almost exactly a year ago about the ways he was alienating people.

When Shellenberger announced, in a press conference last Dec. 18, that he was taking over, many sighed in relief.

But the honeymoon didn't last long.

First, Shellenberger, backed by Henderson, began questioning, and then fighting, plans for a convention center and hotel on Penn Square.

On July 1, the commissioners announced plans to sell Conestoga View to its operator, Complete HealthCare Resources, for \$8.5 million.

Opposition began to build, but the commissioners said they couldn't back out of the deal without losing millions of dollars.

Former Lancaster mayor Art Morris began to ask questions about the sale, which was finalized Oct. 1.

In the process, he discovered that the county apparently had not known the "residual costs" that the sale would impose on the general fund, starting in 2006.

County Controller Dennis Stuckey has estimated that residual costs will be more than \$1.2 million a year.

Then Morris started asking questions about Gary Heinke's qualifications for the job.

Morris found that Heinke's resume wasn't accurate on a number of points.

Before being hired for what eventually became a new \$97,000-a-year post heading all the county's social services, he had been as an educational assistant in a Minnesota school district.

He said he was "assistant superintendent" for a time, but that was an unpaid internship.

Finally, allegations were raised that Shellenberger, who knew Heinke when Heinke worked for a ministry that placed chaplains in businesses, including the restaurant where Shellenberger worked, propelled Heinke's resume into the top-ranked group.

The county human resources department had filed Heinke in the "B" list.

Morris obtained a copy of Heinke's job application &#8212; which carries a warning noting that misinformation may be punished under the state's unsworn falsification law &#8212; in which he lists his most recent job as assistant superintendent of the Pillager, Minn., district, with no qualifier that the post was an internship.

By November, Totaro had stunned the courthouse with a wave of subpoenas to appear before a grand jury investigating the Heinke hiring.

Sources said the DA, who is notoriously tight-lipped about investigations, issued 82 subpoenas in one batch and then sent out another batch sometime after that.

Everyone in the commissioners' office, some employees in the controller's office and a range of other county workers have been asked to testify.

People outside the courthouse have been "invited" to appear as well.

Talk at the courthouse is that the grand jury will begin hearing witnesses on Thursday.

"I am not at liberty to comment on pending investigations," Totaro said last week.

Speculation is rampant about Totaro's intentions.

He generally uses grand juries to investigate unsolved murders and other violent crimes; employing one for a doctored resume seems unusual to those who know him.

"I don't think Don would form a grand jury if he didn't think he had anything," Sen.

Armstrong said.

In a show of grim humor, some county employees have begun making up their own "doctored"

resumes and fake diplomas for their walls.

Wags in the community have coined the phrase "Heinke-panky."

It's funny, one courthouse source said, but it's also an indication of just how bad things have gotten.

Some employees say it's embarrassing to be working for the county.

Morale is said to be worse than ever.

Art Morris is a fixture at the courthouse, ferreting out documents and asking pointed questions at weekly commissioners' meetings.

Former commissioner Jim Huber has been dogging the board, too, charging they are violating the state open meetings law by holding "administrative meetings" on Mondays and talking about issues.

Morris, and other critics, complain that the commissioners won't answer them.

When Morris asks questions at public meetings, he is often greeted with silence from the commissioners.

"Can you answer it or not?" he demanded at the Nov. 23 meeting when no one responded to a question about Heinke's job application.

Wednesday, Morris told the commissioners he was angry that Shellenberger and Henderson had publicly blamed his Conestoga View questions on his support for the convention center.

Morris said after the meeting that Conestoga View was the impetus for his interest in county government: "As a result of the answers (or lack thereof) to my questions, I became increasingly concerned with the manner in which the county commissioners were managing the county."

Among those concerns: "the manner in which they refuse to answer questions and hide things from the public"; "their utter disregard for public input &#8212; particularly when a person has a differing view"; "their constant infighting"; and "their lack of understanding and their lack of skill in regard to governance of this county." "I get a lot of feedback," he said, "and there is great discontent &#8212; across the county. People are upset with the entire collection of commissioners."

Supporters of Shellenberger and Henderson, many of them opponents of the convention center, have backed the commissioners as well on Conestoga View and see criticism as motivated by convention center interests.

Shellenberger and Henderson have been quoted recently as saying the divisions on the board started over the convention center &#8212; although, as Shellenberger's takeover as chairman

shows, the seeds had been sown in the controversies of 2004.

On some issues, the commissioners have clammed up because of the wave of lawsuits.

The county recently lost a case over its seizure of the low-grade line last year.

Still pending are the city/county medical society's lawsuit to overturn the sale of Conestoga View and one filed by Dr.

Ira Trocki, the former owner of 150 N.

Queen St., arguing that the county shortchanged him by paying him only \$8.3 million in the eminent domain seizure.

Shellenberger and Henderson are engaged in legal battles to block the convention center project as well.

And the grand jury has put a damper on discussion of the Heinke hiring.

"Lawsuits are a sign of a dysfunctional organization," one source said.

Church leaders who know Shaub and Shellenberger have tried to mediate the dispute, and Republican leaders' efforts to patch up the rift ended fruitlessly.

But sources said all three commissioners, stung by an outpouring of criticism, now are hoping for a fresh start toward courthouse cooperation.

It won't be easy to mend fences, not just in the commissioners' office but in the community.

Armstrong and outgoing city Mayor Charlie Smithgall have feuded publicly with Shellenberger and Henderson, mainly on the convention center, although Smithgall also has been angered by the commissioners' actions in seizing the former Armstrong building and by their reluctance to proceed with the Sunnyside housing development.

It's so bad, one community leader said "many people didn't want to be identified for fear of repercussions; that it's almost impossible to get all the parties together in one room to talk about other issues and projects.

Armstrong, and other convention center proponents, have said their disenchantment arose from several instances when Shellenberger said one thing in private and then acted differently in public.

"They break their word," Armstrong said.

Shellenberger has "lied to me several times."

As for Henderson, "I've never seen an elected official, ever, like Molly, who refuses to answer questions."

Armstrong, who knew Shellenberger from Calvary Church as well as politics, was one of Shellenberger's key early supporters in 2003.

Shaub had hand-picked Shellenberger as his running mate.

Now, though, the senator said, "They're hurting the Republican Party."

Republicans say party leadership is trying to paper over the split.

They note that at a recent meeting of elected officials and area GOP committee chairmen, Shellenberger and Congressman Joe Pitts appealed to Republicans to stick together.

But at least one area chairman, Bob Bensing of Ephrata, had a statement read at the meeting in which he criticized the party's candidate selection process.

"The Republican Party is being embarrassed by some of the candidates we have been endorsing and helping to get elected," Bensing said last week.

"It is high time we start looking at the fundamentals of good business practices in locating qualified candidates for elected positions and hold them accountable to the party and electorate. We have allowed special-interest groups to control the party, which has resulted in the party being completely ineffective in the representation of regular Republicans in the county."

Sources said Lancaster County ACTION, the Christian-conservative PAC that endorsed Shaub and Shellenberger two years ago, tried to intervene, without success until recently.

"We have been very disappointed with the commissioners' office," ACTION Vice President Kirk Radanovic said.

"We have strongly encouraged both Republicans to work together, as they promised to do during the election. Anything less is unacceptable. Commissioner Shaub must put things behind him and cooperate with the other commissioners. They both have the potential to do great things for the county but will be ineffective until the hostility and mistrust within the office ends."

Republican area chairmen reportedly have told Shaub to stop running to the press with problems and Shellenberger to stop cutting his fellow Republican out of the loop.

Some want Shellenberger to stick to the deal he agreed to a year ago in which he and Shaub would rotate the chairmanship.

Shellenberger abrogated that arrangement in his press conference last year.

The divisive political atmosphere surrounds Henderson too.

Other Democrats have expressed frustration at what they perceive as her willingness to vote with Shellenberger even on issues that Democrats expected her to view in a different light &#8212; Conestoga View, for instance.

She has split with key party officials, in particular state Rep.

Mike Sturla and former commissioner Ron Ford, on the convention center project.

Her hesitance on a proposed housing development on county-owned land on the Sunnyside peninsula &#8212; now there is talk of a new prison next to the Youth Intervention Center &#8212; has infuriated Democrats in the city's Southeast.

One said recently that she'll never vote for Henderson again.

Another source said the commissioners, Henderson in particular, may be underestimating the volatility of the Sunnyside issue in a community that has been a dumping ground for unpopular projects over the years.

But Democrats, the perpetual underdogs in this county, tend to circle the wagons reflexively and so have kept their differences private.

Not so the Republicans who backed Henderson in 2003, many of whom did so because they feared convention center opponent Jim Clymer, the Constitution Party nominee, might win the minority seat on the board.

The moderate Republicans thought Henderson was supporting the project.

Now, between that and Conestoga View, Henderson has taken her lumps from Friends of Better Government, the leadership PAC founded by former Republican commissioner Paul Thibault, on [fbgonline.com](http://fbgonline.com).

"The word 'lame' does not begin to describe Molly Henderson's nervous attempts to distance herself from the disaster that is The Great Conestoga View Fiasco," the site, edited by Sunday News columnist (and former Armstrong World Industries CEO) Bill Adams, said last month.

Henderson has maintained public silence on issues that observers thought would upset her &#8212; for instance, revelations that Shellenberger and Shaub met with Heinke even before Shellenberger took office and that Shellenberger had a prior relationship with Heinke

Sources speculate she's holding her fire because she wants Shellenberger's continued support on the convention center battle.

Most of the visible animosity involves Shaub and Henderson, although Shaub is still clearly piqued at Shellenberger's takeover.

If the commissioners do try to patch up their differences, one public figure said the damage to the county's reputation isn't irreparable.

Morris said "the only way the bleeding ends" is for the commissioners to try to work together, take responsibility for actions, "hear the public" and hire well-qualified people for the county's top administrative jobs.

Wednesday, Morris congratulated the commissioners for going two meetings in a row &#8212; counting Tuesday evening's budget hearing &#8212; with no arguments breaking out.

Then Morris criticized Shellenberger and Henderson for painting him as a convention center apologist.

Shaub began to tell Morris that the depiction was wrong.

Henderson tried to move for adjournment while Shaub was talking.

At the Nov. 23 meeting, Henderson was trying to make a statement at the end of a long meeting when Shaub cut her off with a motion for adjournment.

"Do all three of them remain for the next two years?" one community leader wondered last week.

"That's the million-dollar question. I suspect Don Totaro might have a lot to do with that."