



DAUPHIN COUNTY BOARD OF COMMISSIONERS

LEGISLATIVE MEETING

AUGUST 1, 2012

10:00 A.M.

MEMBERS PRESENT

Jeff Haste, Chairman
Mike Pries, Vice Chairman
George P. Hartwick, III, Secretary

STAFF PRESENT

J. Scott Burford, Deputy Chief Clerk; Marie E. Rebeck, Controller; Janis Creason, Treasurer; Joseph A. Curcillo, III, Esq., Solicitor; Randy Baratucci, Director of Purchasing; Steve Suknaic, Chief Juvenile Probation Officer; C. Jeff Patton, Juvenile Probation; Mike Yohe, Director of Budget & Finance; Gary Serhan, Deputy Controller; Keith Kepler, Director of Solid Waste; Peter Vriens, Director of Human Services/Children & Youth; Leila Brown, Solicitor's Office; Mario Mellinger, Commissioners' Office; Nicole Corbo, Commissioners' Office; Catharine Kilgore, District Attorney's Office; Greg Schneider, Budget & Finance; Rudy Doub, Commissioners' Office; Jeff Woollam, Juvenile Probation; Chris Rhoad, Juvenile Probation; Mike Madden, Prison; Fred Lighty, Esq., Human Services Director's Office; Dave Schreiber, Human Resources; Kay Lenge, Human Resources; Amy Richards, Press Secretary; Abby Gabner, Commissioners' Office; Julie Mackey, Commissioners' Office and Richie-Ann Martz, Assistant Chief Clerk

GUESTS PRESENT

Dan Elby, Eric Epstein, James Roxbury, Leon Wilkerson, Harold B. Brantley; Lezerak Archer-Johnson, Rayquan Moore, Shawn Proctor, Thomas Cahill, Tremaine Corish, William Nash, Tristan Rogers, Recharad Saunders, Michael Slaughter, Joseph Taylor, Daquawn Tucker, Devante Washington, Alfred Cloud, Dennis Enos, Kevin Jackson, Nick Pogasic, Alcidez Vasquez and Burrell Whitworth

MINUTES

CALL TO ORDER

Mr. Haste, Chairman of the Board, called the meeting to order at 10:09 a.m.

MOMENT OF SILENCE

Everyone observed a moment of silence.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

APPROVAL OF MINUTES

It was moved by Mr. Pries and seconded by Mr. Hartwick that the Board approve the July 11, 2012 Workshop Meeting Minutes; motion carried.

It was moved by Ms. Rebeck and seconded by Mr. Pries that the Board approve the July 11, 2012 Salary Board Meeting Minutes; motion carried.

EXECUTIVE SESSIONS HELD BETWEEN MEETINGS

Mr. Burford indicated that there were no Executive Sessions held.

PUBLIC PARTICIPATION

Mr. Epstein reported on noncompliance issues afflicting the Harrisburg Steam Generating Facility renamed the Harrisburg Materials, Energy, Recycling and Resource Recovery Facility in 1992. The facility generated ash residue from the incineration of household municipal waste and non-hazardous industrial solid waste. Two years after the facility began operation, Site A was filled beyond capacity. The Office of Attorney General filed an Equity Complaint with the Commonwealth Court against the City of Harrisburg. The Attorney General alleged the facility continued to deposit incinerator residue at Site A and failed to have Site B properly prepared. In 1985 the PA Department of Resources notified the City that "the existing condition of residue disposal Sites A and B-1 causes concern for the potential impact on human health and the environment." The ash streams generated by the facility during the years 1984 and 1987 was technically and legally classified as "hazardous" waste under EP toxicity test used by the Environmental Protection Agency and the DER to determine the hazardousness of waste. The facility disposed of the ash in onsite pits designated Pit A and Pit B. Neither pit was qualified to receive hazardous waste. DER issued a Notice of Violation for the City's failure to close Site A and maintain a leachate collection system. Site B was issued a Notice of Violation for filling B-1 beyond capacity and failing to maintain a leachate treatment system or diversion channel. The City agreed to close Site A. The United States Supreme Court ruled that the ash residue from

resource recovery facilities is not exempt from the requirement that solid waste classified as hazardous requires disposal according to the Resource Conservation and Recovery Act's subtitle C regulation (governing handling of hazardous waste). The hazardous ash residue remaining in Pits A and B-1 should be disposed of in accordance with hazardous waste regulations.

As a result, there are several questions that remain to be answered.

1. Have these legacy environmental issues identified over 30 years at Pit A and Pit B been fully and completely remediated? If so, does the County possess manifests and where can citizens obtain the documentation and current status of environmental and groundwater monitoring?
2. The facility is a *de facto* hazardous waste site. Who or what is ultimately liable and responsible for maintaining, monitoring and remediating any future cleanup? Does the chain of custody end with City residents or County taxpayers?
3. The reuse value as well as the taxable value of this property is linked to the cleanup standard. Will this 20 acre property be cleaned up to a Brownfield or Greenfield standard?
4. Is there an external, segregated funding mechanism in place to ensure the cleanup of Harrisburg Materials, Energy, Recycling and Resource Recovery Facility is implemented? How much is in the fund and who controls it? Is there investment or withdraw limitations?

Commissioner Haste asked if these questions were provided to the Harrisburg Authority.

Mr. Epstein indicated that he was going to the Authority next, but that that the Commissioners should be asking these questions as well.

Mr. Roxbury questioned Item Z regarding McNees, Wallace & Nurick.

Mr. Curcillo indicated that it is to expand their services as special counsel.

DEPARTMENT DIRECTORS/GUESTS

A. Steve Suknaic and C. Jeff Patton of Juvenile Probation

1. Neighborhood Reporting Center Summer Work Program

Mr. Suknaic stated that the County has a great relationship with ARC. There were approximately 25 students that participated in the program thus far. The students learned vocations of landscaping, horticulture and painting. It is important to teach them the importance of being on time and having a positive attitude. The program is very

successful. The students earn money to pay their restitution. Approximately \$1,500 has been paid in restitution and fines. Commissioner Hartwick had a vision and it has paid off. There were 20 students from Neighborhood Reporting Center 1 and 15 students from Neighborhood Reporting Center 2.

Commissioner Haste questioned if the Department keeps track of these young adults with regard to the success of the program.

Mr. Patton indicated that the Department is going to in 2013. It is a very positive program. Very few get rearrested.

Commissioner Hartwick indicated that this program provides these young adults with an opportunity that they may not have had otherwise. It makes them stand up and make a difference.

Commissioner Pries echoed Commissioner Hartwick's comments and gave credit to George for his vision and commitment behind this program. These young adults have been given an opportunity and they need to make the most of it. This is a great program.

The Commissioners thanked all the young adults.

Mr. Elby thanked the Commissioners for their support and confidence. The ARC staff understands the background of these young men. The staff knows their families, which allows them to be role models. The challenge is they need to believe in themselves. Some of the services provided were at Fort Hunter, Camp Curtain YMCA and the garden spot.

(Applause was given and pictures were taken.)

SALARY BOARD

A complete set of Salary Board Meeting Minutes are on file in the Commissioners' Office.

HUMAN RESOURCES

It was moved by Mr. Hartwick and seconded by Mr. Pries that the Board approve the Personnel Packet.

Question: Mr. Haste – Aye; Mr. Pries – Aye and Mr. Hartwick – Aye; motion carried.

PURCHASE ORDERS

It was moved by Mr. Pries and seconded by Mr. Hartwick that the Board approve the Purchase Order Packet.

Question: Mr. Haste – Aye; Mr. Pries – Aye and Mr. Hartwick – Aye; motion carried.

REPORT FROM BUDGET & FINANCE – MIKE YOHE, BUDGET DIRECTOR

Mr. Yohe provided the following Report:

Report from the Office of Budget & Finance August 1, 2012

- **June 29, 2012** transferred **\$2,669,051.60** to the **Payables** account and **\$2,001,234.49** to the **Payroll** account from the County's Concentration account for checks issued that week.
- **July 6, 2012** transferred **\$2,103,869.65** to the **Payables** account from the County's Concentration account for checks issued that week.
- **July 13, 2012** transferred **\$2,945,443.41** to the **Payables** account and **\$2,363,260.82** to the **Payroll** account from the County's Concentration account for checks issued that week.
- **July 20, 2012** transferred **\$6,523,829.35** to the **Payables** account from the County's Concentration account for checks issued that week.
- **July 27, 2012** transferred **\$5,720,309.18** to the **Payables** account and **\$1,988,719.72** to the **Payroll** account from the County's Concentration account for checks issued that week.
- **Wire Payments since last report: \$23,581,593.32**
- **Debt Service Payments since last report: \$2,110,236.00**
- **Total Term Investments**
 - 3/29/12 - **\$10,010,286.55** 6-mo. CD - Susquehanna Bank – **0.400%** - matures 9/27/12
 - 4/19/12 - **\$10,085,854.15** 12-mo. CD - Susquehanna Bank – **0.550%** - matures 4/18/13
 - 4/19/12 - **\$10,006,990.54** 6-mo. CD - Susquehanna Bank – **0.350%** - matures 10/18/12
- **Balance today in PA INVEST account #2100017144860: \$1,378.79 rate 0.051%**

- **Balance today in Susquehanna Bank investment account #119002023: \$26,062,378.71**
rate 0.250%
- **Balance today in First National Bank investment account #97014743: \$7,518,476.23**
rate 0.450%
- **Balance today in Integrity Bank Money Market Checking account - #2206001209 - \$26,715,733.33** rate 0.360%
- **Balance today in PNC Bank investment account #5004319839: \$1,236.51** rate 0.100%
- **Balance today in Metro Bank investment account #0536557523: \$101.51** rate 0.090%

No T.R.A.N. Line of Credit required for 2012.

REPORT FROM DEPUTY CHIEF CLERK – J. SCOTT BURFORD

Mr. Burford reported on the Cultural Festival which will take place on August 3, 2012. There will be great entertainment and food. Market Street, from Front Street to Second Street, will be closed on Friday morning.

SOLICITOR’S REPORT – JOSEPH A. CURCILLO, III, SOLICITOR

Mr. Curcillo indicated that all items have been reviewed and are on the Agenda for approval.

MATTERS REQUIRING BOARD ACTION

- A. Training Packet.
- B. Subordination Agreements for:
 - 1. Joan L. Champ on the property located at 6764 Huntingdon Street, Harrisburg, PA 17111
 - 2. Andrew S. Norris on the property located at 2723 Booser Avenue, Harrisburg, Pa 17103
- C. Proposed Stipulation of Settlement – JC Penney Properties, Inc., 2009-CV-14254-TX, Tax Parcel #63-027-306 known as Highpointe Blvd. JC Penney Store.
- D. Memorandum of Understanding between Dauphin County and Bio-Team Mobile, LLC for medical waste disposal at the Work Release Center.
- E. Request for Exoneration of current and outstanding taxes:
 - 1. Christopher Lighty, 27 Letti Drive, Parcel #34-026-005-027-0574 - \$1,477.15
 - 2. Michael Albert, 161 Joan St., Parcel #34-06-005-161-0494 - \$428.61
 - 3. Allen Eaton, 73 Earl Drive, Parcel #34-026-005-073-0082 - \$1,664.54

- F. Repository Bid received from Claryn Gibson – Parcel #09-011-016 (28 N. Linden Street, Harrisburg) - \$500.
- G. Approval of Settlement Amount of \$15,000 in the matter of Bryant, Linta G., et al. v. William Vernoski, et al. and authority to execute Settlement Agreement consistent with the settlement reached on July 19, 2012.
- H. Amendment to Victim Witness Assistance Program VOCA Grant Funds.
- I. Community Development Block Grant Subrecipient Agreement with Penbrook Borough – community park improvement - \$29,910.
- J. Notification of Assignment of Natural Gas Sales Contract - #PA3749 between Dauphin County and CenterPoint Energy Services to South Jersey Energy Company.
- K. Approval of the Reallocation of \$54,648 of previously awarded local share grant funds to West Hanover Township for use in support of the approved project in, and subject to, the terms and conditions of Local Share Municipal Grant Agreement #2012-18 related to the payment of debt on West Hanover Township's new fire station.
- L. Purchase of Service Agreements between Dauphin County (Children & Youth) and:
 - 1. Concern-Professional Services for Children, Youth and Families, Inc.
 - 2. Lancaster County Youth Intervention Center
 - 3. National Mentor Healthcare, LLC t/d/b/a Pennsylvania Mentor, Inc.
 - 4. Valley Youth House Committee, Inc.
 - 5. Community Action Association of Pennsylvania, Inc.
 - 6. Community Action Commission, Inc.
 - 7. CONTACT Helpline, Inc.
 - 8. Easter Seals Interpreting Services, Inc.
 - 9. Family Support of Central Pennsylvania, Inc.
 - 10. International Service Center, Inc.
 - 11. YWCA of Greater Harrisburg, Inc.
- M. Amendments to Purchase of Service Agreements between Dauphin County (Children & Youth) and:
 - 1. Barak, Inc. – Amendment #1
 - 2. Community Action Commission – Amendment #1
- N. Adoption Assistance Agreements #2012-25, #2012-28, #2012-29, #2012-30, #2012-31 and #2012-33.
- O. Resolution #12-2012 authorizing the filing of an application for Emergency Solutions Grant funds to the Pennsylvania Department of Community & Economic Development.
- P. Purchase of Service Agreement between Dauphin County (Drug & Alcohol) and Dataquest, Inc.
- Q. State Food Purchase Program (SFPP) Agreement between the Pennsylvania Department of Agriculture and Dauphin County.
- R. Local Share Municipal Grant Agreement - No. 2012-35 – Dauphin County General Authority – rehabilitate the “brownfield” area on the Dauphin Highlands Golf Course - \$30,000.

- S. Resolution #13-2012 authorizing continuance of the Dauphin County Rental Assistance Program for an additional three (3) years.
- T. Community Housing Development Organization Agreements:
 - 1. Tri-County HDC, Ltd. – operational support including personnel and operating costs - \$19,782.
 - 2. Tri-County HDC, Ltd. – Dauphin County infill program by rehabilitation of dwellings for sale to low and moderate income households in Steelton Borough - \$59,346.
 - 3. Tri-County HDC, Ltd. – Dauphin County infill program by rehabilitation of dwellings for sale to low and moderate income households in Steelton Borough - \$79,128.
- U. Community Development Block Grant Subrecipient Agreements:
 - 1. Berrysburg Borough – replacement of wastewater treatment tanks and disinfection system - \$117,450.
 - 2. Community Action Commission – housing counseling services as a public service - \$19,575.
 - 3. Halifax Borough – sewer rehabilitation, curbing and sidewalk replacement and street pavement along Front Street - \$104,922.
 - 4. Highspire Borough – Rhoda Avenue reconstruction project (Phase 1) - \$78,300.
 - 5. Jump Street, Inc. – The Steelton Arts & Fitness Center - \$19,575.
 - 6. The Pinnacle Health Foundation – KidShape Program as a public service - \$19,575.
 - 7. Steelton Borough – salaries for Steelton Borough Code Enforcement as a public service – \$70,666.
 - 8. Steelton Borough – acquisition and elimination of slum and blight - \$57,942.
 - 9. Williamstown Borough – storm water management for West Street - \$78,300.
- V. Dauphin County Community Development Block Grant Disaster Recovery Assistance Action Plan and Resolution #14-2012 authorizing submission of the plan.
- W. Purchase of Service Agreement between Dauphin County (EMA) and Intergraph for Map Administrative Utility software for map administrative maintenance services.
- X. Proposed Change Orders (PC) for the New Judicial Center – Quandel Project No. 09411-C:
 - 1. PC 006 – eciConstruction, Inc. – add waterline isolation values - \$8,360.
 - 2. PC 007 – eciConstruction, Inc. – storm line revisions per RFI GC-007 - \$1,915.
 - 3. PC 010 – eciConstruction, Inc. – building foundation over-excavation - \$13,200
- Y. Submission of a Community Drug Abuse Prevention Grant Program application to the PA Attorney General's Office for Portable Breathalyzer Testing Machines.
- Z. McNees, Wallace & Nurick Letter of Engagement to expand their scope of representation as Special Counsel.
- AA. Satisfaction Piece for Andrea Daniels on the property located at 39 S. 24th Street, Harrisburg, PA 17103 (\$5,000.00).
- BB. Appointment of George Connor to the Dauphin County Housing Board. Mr. Connor's term will expire August 26, 2017.

It was moved by Mr. Hartwick and seconded by Mr. Pries that the Board approve Items A through BB listed above under Matters Requiring Board Action.

Question: Mr. Haste – Aye; Mr. Pries – Aye and Mr. Hartwick – Aye; motion carried.

FORMER BUSINESS

There was none.

NEW BUSINESS

There was none.

COMMISSIONERS' DISCUSSION & ACTIONS

There was none.

CORRESPONDENCE

The Commissioners' Office received the following correspondence, which will be handled by the staff appropriately.

- A. Notification from Pioneer Management, LLC advising that Cliff Weaver of Ridgewood Holdings, LLC is applying to DEP for a NPDES Permit for the construction of an 84-unit single family residential subdivision on 63.61 acres.
- B. Notification from Penn State Harrisburg advising that they are applying to DEP for a NPDES Permit for the construction of a new 2-story 48,551 square foot building consisting of classroom and lab space and the interior renovation of 17,525 square feet of an existing building.
- C. Receipt of a letter from Washington Township providing the Township's comments that were forwarded to DEP with regard to the major permit modification proposed at both Dauphin Meadows and Fulkroad Landfill.
- D. Receipt of a copy of a letter from DEP to The Harrisburg Authority regarding the permit renewal for Solid Waste Permit No. 100758 for the operation of the Harrisburg Materials, Energy, Recycling and Recovery Facility.
- E. Notification from Herbert, Rowland & Grubic advising that Susquehanna Township is applying to DEP for a General Permit 11 for the replacement of a 123' section of existing 48" corrugated metal pipe with an equal length of 54" corrugated metal pipe.
- F. Notification from the U.S. Department of Agriculture advising that they are applying to DEP for a NPDES Permit for a stream crossing project in Jackson Township at the Joel Steigman Farm located at 1188 Mountain House Road, Halifax.

- G. Notification from the U.S. Department of Agriculture advising that they are applying to DEP for a NPDES Permit for a stream crossing project in Upper Paxton Township at the Omar King Farm located at 376 Middle Road, Millersburg.

PUBLIC PARTICIPATION

There was none.

ADJOURNMENT

There being no further business, it was moved by Mr. Hartwick and seconded by Mr. Pries that the Board adjourn.

Transcribed by: Richie-Ann Martz