



**DAUPHIN COUNTY BOARD OF COMMISSIONERS**

**LEGISLATIVE MEETING**

**NOVEMBER 21, 2007**

**10:00 A.M.**

**MEMBERS PRESENT**

Jeff Haste, Chairman  
Dominic D. DiFrancesco, II, Vice Chairman  
George P. Hartwick, III, Secretary

**STAFF PRESENT**

Chad Saylor, Chief Clerk; William Tully, Esq., Solicitor; Marie E. Rebeck, Controller; Robert F. Dick, Treasurer; Randy Baratucci, Director of Purchasing; Mike Yohe, Director of Budget & Finance; Edgar Cohen, Director of Facilities Maintenance; Kim Robison, Director of Domestic Relations; Carolyn Thompson, Court Administrator; Steve Suknaic, Director of Juvenile Probation; Jeff Patton, Juvenile Probation; Dave Schreiber, Personnel; Fred Lighty, Esq., Human Services Director's Office; August Memmi, Department of Community & Economic Development; Dan Eisenhauer, Director of MH/MR; Kay Lenge, Personnel; C. Doran Vance, Esq., Solicitor's Office; Greg Schneider, Budget & Finance; Diane McNaughton, Commissioners' Office; Amy Richards, Commissioners' Office; Leila McAdoo, Solicitor's Office; Elke Moyer, Human Services Director's Office; Jack Wright, Human Services Director's Office; Steve Chiavetta, Director of Registration & Elections; Graham Hetrick, Coroner; Rose Schultz, MH/MR; Jena Wolgemuth, Commissioners' Office; Brenda Hoffer, Commissioners' Office and Richie-Ann Martz, Commissioners' Office

**GUESTS PRESENT**

Glenda Keller, Tom Smida, Esq., Charles B. Zwally, Esq., Bill Cluck, Erica Bryce, Dan Caraccio, John Durbin, Robert Disabella, Rev. Earl Harris, Rev. Dr. R. L. Dowhower, Reginald Guy, Garry Lenton, Pat Cambri, Eric Veronikis, Michele Torres, James Ellison, Carol Cocheres and Glen Williard

**MINUTES**

## **CALL TO ORDER**

Mr. Haste, Chairman of the Board, called the meeting to order at 10:00 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. Hartwick and seconded by Mr. DiFrancesco that the Board approve the October 31, 2007 Workshop Meeting Minutes and the November 7, 2007 Legislative Meeting Minutes; motion carried.**

**It was moved by Mr. Hartwick and seconded by Ms. Rebeck that the Board approve the November 7, 2007 Salary Board Meeting Minutes; motion carried.**

## **EXECUTIVE SESSIONS HELD BETWEEN MEETINGS**

Mr. Saylor: As you know we met twice in Executive Session. We met on November 13<sup>th</sup> to discuss matters of litigation and again this morning, the 21<sup>st</sup>, to discuss potential matters of litigation.

## **PUBLIC PARTICIPATION**

Mr. Cluck: I'm here in my capacity as your citizen representative on the Dauphin County Solid Waste Advisory Committee. I brought with me a copy of the most recent version of the County Plan, the 2005 Substantial Revision. I'll read to you Section 12.2.2 on Page 123 entitled Advisory Committee. During the implementation of the County's Municipal Waste Management Plan, the Advisory Committee will continue to participate and provide input and advice into the plan implementation process. The County intends to meet with its advisory committee bi-annually to discuss implementation of the plan and in particular the County's efforts to increase recycling. The County is to be commended for their recycling efforts. You are doing a terrific job. We haven't met in two years however. We had absolutely no input on Ordinance #4, the \$30 million working capital loan and Resolution #30, in fact I haven't seen Resolution #30. I'm assuming that is the increase in the disposal rate that the Authority charges the County. I believe that failure to provide the public with copies of those two documents prior to the meeting is a violation of the Sunshine Law and that there has not been an adequate opportunity for public participation. Clearly, this opportunity to speak

before you is public participation, but I can't comment on those documents if I haven't seen them. What I do understand is the \$30 million in working capital does not include the \$11 million, I guess, to close or expand the ash landfill. I recall the County Commissioners said you wanted this fixed, you wanted a comprehensive plan and that you didn't want this done piecemeal. With the secondary guaranty of \$30 million you are not addressing the issue of the landfill. You are putting that off to the future. Who is going to pay to dispose of the ash this incinerator generates? My suggestion is reopen the Dauphin Meadows Landfill, transport that ash from the City of Harrisburg to northern Dauphin. Let the citizens of upper Dauphin County equally share the burden of the Harrisburg Incinerator. The way things are set up right now you closed that landfill and all the garbage comes down to Harrisburg. Not only all the garbage, but as I read in the newspaper, the citizens of Harrisburg are going to pay a substantial amount of increase in trash rates. That is not fair. You are favoring the County residents over the City residents and what you are going to lead to is an exodus of taxpayers and homeowners from the City, particularly senior citizens, people on fixed income who cannot afford this. Right now, an extra \$15 a month and as I look at the pro forma, we're talking about doubling that in a few years. That is not fair. What happens when the tax base of the City of Harrisburg declines as a result of your actions today? You are all part of the same problem. Please be part of the solution – treat us all equally. You are also not funding the steam line repairs. That is a significant source of revenue. If we don't fix the steam line we can't move the steam to NRG. Who will replace that revenue? All we are doing is setting this up for failure. Finally, as a lawyer I'm going to argue both sides. I'm going to put on my hat on behalf of Upper Dauphin non-City residents as a member of your SWAC and tell you that I still believe the \$4.90 County administrative fee is not authorized yet by law. I know the County Commissioners Association is advocating that the State Legislature provide that authority. If I recall, the last draft of that bill only allows up to \$4.00 per ton. The residents of Dauphin County need to understand \$4.90 of every ton they are being charged extra. They shouldn't be. You should be able to fund the County recycling programs by the revenue you generate from the recycling program. You shouldn't be paying contractors to take your recyclables. You should be making money from that. That is why you have a County recycling facility. On behalf of City residents arguing the other half, we are not affected by the \$4.90 administrative fee. We appreciate that. We think the old Board of the Harrisburg Authority did a good job negotiating that aspect. However, I do not believe \$61 per ton being charged to the County is fair to the City of Harrisburg. I think that contract between the County and the Authority provides for an uncontrollable circumstance. Section 10.04 provides and I said two years ago that the Authority should be able to increase the rates charged to the County to provide for the fix of the incinerator. That is what you have before you today. I think the citizens of Harrisburg are getting screwed. I wish you all a Happy Holiday. I thank you for your time. I do appreciate the indulgence of letting me the opportunity to speak before you today. The bottom line is we appreciate the County's secondary guaranty. Don't get me wrong. We appreciate your involvement. We are just not happy as rate payers. Thank you.

Commissioners: Thank you.

Rev. Harris: My name is Earl Harris, local clergy and Pastor at St. Paul's Baptist Church and part of the clergy coalition. With me is my colleague.

Rev. Dowhower: I'm Rev. Richard Dowhower, Messiah Lutheran Church, 6<sup>th</sup> & Forster Streets.

Rev. Harris: We want to thank you so much for allowing us to come before this body. We want to make a few statements relating to and concerning the matter relating to the incinerator. We wholeheartedly support the movement and the actions which are being taken by the Harrisburg Authority and the support for the management and the Board which is trying to move this thing forward. We appreciate very much in terms of the County Commissioners working collaboratively with the City. It is desperately needed. We would also like to bring to your attention that we believe that this matter, particularly because of its plan, that is being adopted at this time does not meet all of the issues that the incinerator is going to face, as well as the Authority is going to face, in the near future. We would hope that you would look at the part of developing a private/public sector approach to this particular matter. The same thing was done... Many people don't realize that the first urban renewal plan was the point in Pittsburgh. It was done by a private sector. The financial struggles of New York in the 70s with the Rockefellers and the private sector helped pull together the public sector in order to make that work. We need the public sector involved in this. The public sector consumes and uses, it doesn't produce it. We need the private sector engaged in the decision making process. Thirdly, again we hope that there is, on that particular item, that because of the statesman nature of the County Commissioners and also the other persons that you will take the initiative in bringing in CREDC and the schools that are dealing with urban planning and the economics, because I believe that they want to participate in this particular matter. This is not just a financial issue, because every \$1.00 that increases, in terms of taxes, water, sewer, etc. is a \$1.00 that many of these residents won't have to apply to healthcare, housing and food. So, it has an environmental impact of extraordinary significance. We are very disturbed that there just doesn't seem to be recognition that it is more than just dollars and cents and how many millions of dollars have been wasted so far. Another item that we would like to bring to your attention if we may and hopefully the Clergy Coalition would like to see put in place is again one, an owner's representative for the Harrisburg Housing Authority. It is so important that they have someone who is looking out for their interest and reporting directly to them. Covanta, who I'm sure are going to do an excellent job, but we should trust and then verify and make sure the construction draws are in keeping with the work that has been completed. Two, we are concerned in terms of the health environmental effect has not been adequately addressed. Again, so many are saying that because of new technology that the health issues have been handled, but the reality is if the plant doesn't function correctly then the health issues are something which is not just for south Harrisburg where it is located, but also this entire area where the wind blows. The third thing is there is a need for a citizens' advisory panel. Surely everyone must agree at this time that there has been a loss of trust in the public sector about how this has been handled. The way to help regain the trust is to appoint and to develop a citizens' advisory panel, citizens of prominence as well as those who are not of

prominence to work together and I'm thinking of may be a step forward in developing a more community approach, because we see a need to look at not only this issue, but also other issues and maybe this will help move that along. No one is trying to tell the public officials what to do or how to do it, but we would like to come along and see support for the actions and engagement, because if the public sector is supported by the citizens of the community then everyone can rally and make this thing work. The fourth item that we see a tremendous concern with is we see on a positive side that there are efforts being made for the general construction to address the minority endeavor being mentoring and participation goals. What we are really concerned with is the lack of professional support. We don't see the lawyers, engineers, architects or the construction management people. We don't see firms which are owned by persons of color. We see close to \$2 million in fees and not one firm is of color. At the same time the bulk of the costs and the risk is being handled by the City, which is over 65% persons of color. We find that quite distressing that this has not been addressed by the Authority, as well as the City Council and the County Commissioners. It is a matter of deep concern. We are interested not just in terms of goals and percentages. It is about building business capacity, about establishing the helping firms to be able to go further and become strong in this particular community and be able to hire people locally. The last item that we would like to bring to your attention is that the last time we tried to bill this without getting local labor involved. Let's have a project labor agreement and get labor involved, because they have the skills and talent and they are residents of this area. Let's get skilled people to handle it. They will be able to do a much better job than has been done in the past. Again, we want to thank you for allowing us to address this matter, because this is a regional environmental crisis, which has profound financial implications. It is an environmental crisis if you look at it solely in terms of finances you missed the boat. People in our church who are in their 80s they are on a fixed, fixed income. Everybody is on a fixed income, but they are on an income of less than \$1,200 a month to live on. You talk about an increase in garbage, water and sewer, etc. it is going to really push them to the wall. This has environmental health consequences. I believe if you get the private sector involved and the educational facilities involved they will address it. I believe that if we can get out of this very difficult disaster we can build a community. I hope that you will consider it. Thank you so much.

Commissioners: Thank you.

Mr. Disabella: My name is Bob Disabella of 104 North Duke Street, Hummelstown, PA. I concur with Rev. Harris about the project labor agreement. I have been harping on this even at the beginning of the construction, before they put bids out, in the original. A statement was made last night at City Council and I don't know if it is true or false, but to me personally it puts up a red flag. Supposedly in the City and possibly expanding into the County there are certain apartment complexes and certain commercial businesses that are not paying their fees into the Authority. If there is what is the reason why they are not contributing?

Mr. Haste: You would have to ask the Authority. I'm not aware of that.

Mr. Disabella: With them being in the City, I'm just looking for the whole. I'm the President of a Union. I'm going to get burned. I'm getting doubled when all said and done. The fee that we pay for four employees that work full time in my office, we are getting more than doubled in charge for this. Even though I live in Hummelstown and I'm getting a low rate over there. I think it should be evenly put out. Thank you.

## **DEPARTMENT DIRECTORS/GUESTS**

- A. **Charles B. Zwally, Esq., Mette, Evans & Woodside  
Harrisburg Incinerator**
1. **Ordinance #4-2007 approving incurring lease rental debt in the form of a Guaranty of a \$30 million working capital loan facility for the Harrisburg Authority.**
  2. **Resolution #30-2007 amending the Municipal Waste Combustion Processing/Disposal Agreement between the County and the Harrisburg Authority dated September 23, 2003.**

Mr. Zwally: I'm Charles Zwally with Mette, Evans & Woodside. We are Special Counsel on the Harrisburg Incinerator and the Retrofit Project. With me is my partner, Tom Smida. Jay Wenger is on his way. He has reviewed the matters which we will address for you. Before you is the latest version of a financial plan by the Harrisburg Authority dated November 21, 2007. It has a purple cover. This plan has been reviewed by us. It has been reviewed by Mr. Wenger in various versions. There have been adjustments and changes over the last several weeks. We have before us now what the Authority is presenting as the final plan and proposal. From our review we have concluded that this plan is consistent with Resolution #24-2007, which you recall you adopted back in August of this year in that it meets all of the requirements of Resolution #24-2007 with the respect of the working capital loan. At that time we estimated that the working capital loan would be in the amount of approximately \$23 million. You will note that the plan now before you calls for a working capital loan in the amount of \$30 million. Much of the difference between our estimate of \$23 million back in August and the current \$30 million is based upon the fact that in the interim the County has made an advance of \$2.2 million to the Authority to assist it in recovering past due payments to Covanta and it's contemplated that the County will make an additional advance of \$3.1 million to meet debt service due on December 1 of this year. That total of \$5.3 million then would be an addition to the \$23 million that we estimated back in August in Resolution #24-2007. So, it is reasonably consistent the other increase costs obviously occurred because of the delay in taking action on the plan. You are not being requested at this time to guarantee the construction loan. You will recall there will be a construction advance by Covanta, I believe in the amount of \$25.5 million that as I understand it will be guaranteed by the City of Harrisburg. Your guaranty is not being required at this time by Covanta. However, you must understand that within the next several years if this plan proceeds you will be requested undoubtably to guarantee a restructuring of these loans, both the working capital loan that you are looking at today, as well as the Covanta construction advance, which will be a loan directly by Covanta to the Authority.

You have before you for action Ordinance #4-2007, which is the Guaranty Ordinance. By this Ordinance you would approve incurring lease rental debt in the form of a Guaranty in the amount of \$30 million of certain notes to be issued by the Harrisburg Authority and that guaranty, of course, would be secondary to the guaranty of the City. The Ordinance would also authorize and approve a first addendum to the Tri-Party Agreement pursuant to which the County would advance the amount of \$3.1 million to the Authority for the purpose of paying the debt service payment which is due December 1, 2007. That amount would be repaid to you at the time of the closing on the working capital loan along with the prior advance of \$2.2 million. The Ordinance also authorizes a Reimbursement Agreement between the Authority, the City and the County. The Reimbursement Agreement sets up the terms and conditions for basically your right to recover any amounts which you may be required to advance pursuant to your guaranty. The highest priority on the Reimbursement Agreement is, of course, that of the County. We have also proposed in the Reimbursement Agreement certain terms and conditions, which we have requested the Authority to agree to. These terms and conditions may be considered somewhat restricted in terms of the action and discretion of the Authority, but given the history of this project and the situation that we are now in we believe them to be necessary. In many cases certain actions by the Authority will require the approval of the County or the County's consultants in certain cases.

The second action that we are proposing that you take today is the adoption of Resolution #30-2007. Resolution #30 would authorize an amendment to your Municipal Waste Recovery Disposal Agreement with the Harrisburg Authority. That Agreement is dated September 23, 2003 and pursuant to your action the tipping fee under that Agreement that is paid to the Harrisburg Authority would increase by the amount of \$10 effective January 1, 2008. The financial plan, which has been presented and based upon which the \$30 million working capital loan, is being requested contemplates both this increase and the County's rates as well as the increase in City rates, which we understand was approved by City Council last evening.

Finally we are recommending at this time that the action, which you take on both Ordinance #4 and Resolution #30, be conditioned upon the Authority's acceptance and approval of the terms and conditions which we have proposed in the Reimbursement Agreement and that Agreement acceptance be communicated to the County on or before 12 noon on November 26, 2007. Mr. Wenger has joined us and we can respond to any questions you may have.

Mr. Hartwick: I would like to offer a few comments. The first of which is trying to understand the County's role in this process has been a challenge from the newspaper perspective and from a public perspective. I think this Board of Commissioners has really attempted and the philosophy goes urban core and region so it doesn't follow the rest of the region as it relates to economic vitality and success. Therefore, based upon that, we have an obligation to be a partner in attempting to try to step up to the plate to be a second guarantor to a loan to be able to finish the retrofit of the Harrisburg City Incinerator. It is not Dauphin County's project. We are acting as we have in the beginning as a partner to attempt to fix a long standing albatross that has been around

the City of Harrisburg's neck since 1969. This is not a new problem. This has been one that has compounded in many ways through a number of decisions and there is enough blame to go around, but one that we have remained consistent and wanting to be a partner with. I have to also be clear in saying that the sewer rates and Federal regulations that are imposed, the sewer systems, the water systems are also not a County responsibility. Each municipality has a responsibility to be in charge of their own infrastructure systems. Quite frankly this is another indication of how the Federal government and State government regulates and mandates and the lack of investment in that infrastructure has caused major deterioration in some of our largest urban areas throughout the country. We need to redirect our emphasis from the President on down in attempting to address the serious infrastructure problems that exist in our urban municipalities. We are not going to have any success until we have an agenda that addresses those serious issues from a Federal level. That being said and I doubt that we will ever get it right in the news about what the County's actual role is in this process, but I can certainly make a number of attempts and will continue to. The second piece is that I agree with some of my colleagues related to the project labor agreement and try to involve our skilled workers in this region. I was an advocate for that early. That is why I also set up a meeting with Paul Bachman from the Building Trades, as well as, with the representatives of Covanta to talk about what services are provided and to engage in a project labor agreement and will continue to support that position. There are just two other issues. One relates to the operation agreement that Covanta has with the Authority. I know it has been brought up by City Council members, as well as Authority members as it relates to trying to position this facility in the best possible way for the open market to get the best price for the facility when it is in a position to be sold. I would encourage the free market system and competition to be able to be engaged in that process. By that meaning there is an agreement between the Authority and Covanta that starts January 1<sup>st</sup> and goes up to December 31, 2009 that Covanta has the exclusive right to purchase the facility. I think that particular point is mute at this time because the facility is not going to be operational until after 2009 and we need to understand how the proven technology is going to work and how the revenue systems and streams are going to work, what is going to be generated from that facility once it is up and operational, will it be known by the 2009 date. I am concerned that there is a lock in with Covanta between January 1, 2010 to December 31, 2012 they have the right of first refusal to be able to be involved if there is a bidding process that puts out the facility to be sold. Covanta has a 90-day right of first refusal which means that the competition who will want to be able to put up their best offer will probably be discouraged from doing so because of that provision in the contract. This gravely concerns me because we would like to see this facility eventually hopefully resolved in some sort of sales agreement and I tried to advance those concerns to our counsel who in turn talked to Covanta's counsel who was unwilling to negotiate or bend at all with those two provisions. I just wanted to go on record that I have grave concerns about those two provisions, in particular the one of the 90-day right of refusal. I will continue to be vocal in trying to attempt to come to a resolution on those particular issues. I don't have any additional questions that haven't been exhausted over the last 12 months related to the project.

Mr. DiFrancesco: The one question that I want to get on the record so that it is clear. The Agreement that we are talking about today, considering today, in all likelihood will bridge us to when?

Mr. Zwally: The working capital loan is a three year loan, I believe. Is that correct?

Mr. Smida: Correct.

Mr. Zwally: We have requested that any restructuring occur mid 2009 or at such other date that the Commissioners would approve. It would have to be, I would think, within three years certainly with respect to the working capital loan.

Mr. DiFrancesco: My only comments would be that again this is a challenging issue. I'm faced with a difficult decision today, because the bottom line is I voted against this once and for the life of me I'm not 100% certain what the right thing to do is. I understand what happens if this Board should vote no and this would go down I understand what the impact would be and that would be devastating. At the same time I'm not convinced that the right decisions will be made going forward. I said last time that this was a matter of creditability, not necessarily questioning anybody's creditability, but certainly not being comfortable with the partners that are at the table. The bottom line is as this is being presented today, and it is contingent on a certain agreement, that would be met I think that agreement takes into consideration many of my concerns. Moving forward the new Authority board members have that clean slate to operate and make good solid decisions and we would be convinced that again the County as a whole, our City constituents as well as the rest of the suburban constituents because they are all our constituents would also be protected within the confines of the agreement as we laid it on the table. With that comes some security that I could support this today. It is a challenging issue and one that we have talked about for a very long time.

Mr. Hartwick: I have great respect for Mr. Cluck, but I sort of take exception to him again feeding into the pitting the City versus the suburbs, the suburbs versus the City in this battle, which is I think a bit disingenuous because I haven't heard any of the suburban folks asking us to do this. They are also going to be effected by this move as well. Could you run us through the scenario if the County decided not to be a second guarantor what would happen to City taxpayers once this facility would go into default and have their property tax revenues directly affected rather than trash fees and being able to spread it around additionally find out the actual devastating impact that would happen to City residents through no other means but property tax increases, which would be far more devastating than the bills that they may have to incur howbeit very extremely difficult? We didn't put the City in this position, but I would like to see what the alternative would be if the County would not be a partner. Could you give us an idea of that just once again for the record?

Mr. Wenger: There is the December 1 payment which has to be made by November 26<sup>th</sup>. If there was a shortfall to pay the December 1 payment there would be a draw on

the Debt Service Reserve Fund, of which the County over the succeeding six months would have to replenish the Reserve Fund.

Mr. Zwally: The City first then the County.

Mr. Wenger: There are debt service payments in 2008 some of which are not guaranteed by the County, which would fall directly on the City.

Mr. Hartwick: You are explaining to me the process. I want the actual increase per a \$100,000 household?

Mr. Wenger: I can't give you that number off the top.

Mr. Hartwick: We have done calculations earlier it was about \$600 per household...

Mr. Wenger: Trash collection fees. I thought you were asking in millage. I believe it is about \$670 a year if it is all in trash fees.

Mr. Haste: George is looking for around \$800 per...

Mr. Zwally: The impact on millage rates. We did look at that. I apologize I don't think we have that here today.

Mr. Hartwick: There is a game being played about trash fee increases and talking about how that would impact you versus letting this facility go into default and seeing what those tax increases would be on residents.

Mr. Zwally: If you assumed that this plan was not successful for whatever reason the debt service burden would fall on the City and the City's general revenues. That would require increases in real estate taxes. That is their only source. Although we don't have the precise numbers here certainly the increases would be far above what is being anticipated for trash fees.

Mr. Hartwick: We have had many meetings throughout Dauphin County and have heard from residents from all sections of the County. The message that this Board preaches is we should not rejoice in the failures of any other municipality within Dauphin County. No one should sit there and say hey look at the City of Harrisburg they have financial problems, well they deserve those financial problems. Well, ultimately if the City of Harrisburg's finances go in the tank the rest of the 39 municipalities in Dauphin County will have to make up the difference. We should figure out a way to think of this in a holistic way as a County effort in order to partner with the City and individuals from public servants on down who want to put the City versus the County and the County versus the City I think are really missing the boat in showing the lack of leadership rather than trying to figure out how we can work together across political boundaries in order to try to resolve the issue and everybody share in some of that pain. It is unfortunate but those individuals who play those types of politics are really short on

solutions versus trying to resolve these comprehensive challenging issues that we all face. I just wanted to make that statement for the record.

Mr. Zwally: Would you like me to address that length of cost item?

Mr. Haste: Sure.

Mr. Zwally: I should have mentioned that the current plan before us does exclude certain capital items which were in prior plans. One is an expansion of the ash landfill and I believe the estimated cost was \$7.7 million. The other is the repair of the steam line and I believe that was approximately \$3.5 million. I note that there appears to be on Page 3 a typographical area on the reference to the landfill. I think the reference there to the landfill cost would be for design and preconstruction work I think that item was \$700,000 or should be \$700,000. In any event, the total cost has been estimated at \$7.7 and another in excess of \$3 million for the steam line. It is certainly likely that these projects may have to be or should be done for revenue producing purposes at some time in the future. It has been our thought, at this point in time, the priority on the Authority should be the completion of the retrofit and the completion of the plant and some assurance that it is going to be operating close to capacity before these additional amounts are authorized.

Mr. Haste: The reason I had asked Counsel to clarify it is because on Page 3 it appears to be the year inserted instead of the dollar amount.

Are there any other questions?

**It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board adopt Ordinance #4-2007, captioned as follows, subject to the Authority agreeing to the terms of our Reimbursement Agreement by 12:00 p.m. November 26, 2007; motion carried.**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF DAUPHIN, PENNSYLVANIA (THE "COUNTY"), AUTHORIZING AND APPROVING A CERTAIN PROJECT (THE "PROJECT") OF THE HARRISBURG AUTHORITY (THE "AUTHORITY") GENERALLY CONSISTING OF FINANCING THE COSTS OF FUNDING WORKING CAPITAL NEEDS FOR THE AUTHORITY'S RESOURCE RECOVERY FACILITY (THE "FACILITY") PENDING COMPLETION OF THE RETROFIT OF THE FACILITY, AND DETERMINING THE REALISTIC ESTIMATED USEFUL LIFE OF THE PROJECT; STATING THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF THE DEBT TO BE INCURRED BY THE AUTHORITY TO BE SECURED BY A SECONDARY COUNTY GUARANTY DESCRIBED HEREIN; STATING THAT THE DEBT IS TO BE INCURRED AS LEASE RENTAL DEBT IN THE MAXIMUM PRINCIPAL AMOUNT OF THIRTY MILLION DOLLARS (\$30,000,000) BY THE AUTHORITY BY ISSUANCE OF ITS \$20,964,000 AGGREGATE PRINCIPAL AMOUNT, GUARANTEED RESOURCE RECOVERY FACILITY LIMITED OBLIGATION NOTES, SERIES C OF 2007 AND ITS GUARANTEED FEDERALLY TAXABLE RESOURCE RECOVERY FACILITY LIMITED OBLIGATION NOTES, SERIES D OF 2007 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$9,036,000 (THE "2007 NOTES") PURSUANT TO THE PENNSYLVANIA LOCAL GOVERNMENT UNIT DEBT ACT, 53 PA. CONS. STAT. § 8001 ET SEQ., AS AMENDED (THE "DEBT ACT"); AUTHORIZING AND DIRECTING OFFICERS AND OFFICIALS OF THE COUNTY TO PREPARE AND VERIFY A DEBT STATEMENT REQUIRED BY SECTION 8110 OF THE DEBT ACT AND A BORROWING BASE CERTIFICATE; AND AUTHORIZING AND DIRECTING THE CHIEF CLERK TO**

FILE A TRANSCRIPT OF PROCEEDINGS REQUIRED BY SECTION 8111 OF THE DEBT ACT, INCLUDING A CERTIFIED COPY OF THIS ORDINANCE AND PROOFS OF PUBLICATION, WITH THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT AND TO CAUSE TO BE PAID ANY NECESSARY FILING FEES; APPROVING THE FORM, AND AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF THE GUARANTY AGREEMENT BETWEEN THE COUNTY AND THE AUTHORITY; AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF A REIMBURSEMENT AGREEMENT AMONG THE CITY OF HARRISBURG, DAUPHIN COUNTY, PENNSYLVANIA (THE "CITY", THE AUTHORITY AND THE COUNTY; ACKNOWLEDGING THE CITY GUARANTY OF THE DEBT OF THE AUTHORITY AND THE INCLUSION OF THE CITY AS A PARTY TO THE REIMBURSEMENT AGREEMENT; AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF A FIRST ADDENDUM AND SUPPLEMENT TO TRI-PARTY INTERIM FUNDING AGREEMENT AMONG THE AUTHORITY, THE CITY AND THE COUNTY; STATING THE MAXIMUM ANNUAL AMOUNTS TO BE PAID UNDER THE COUNTY GUARANTY, COVENANTING THE PAYMENT THEREOF AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE COUNTY THEREFOR; AUTHORIZING , TO THE EXTENT FEASIBLE, THE PREPARATION AND FILING OF STATEMENTS REQUIRED BY SECTION 8026 OF THE DEBT ACT WHICH ARE NECESSARY TO QUALIFY ALL OR A PORTION OF SUCH LEASE RENTAL DEBT FOR EXCLUSION FROM THE APPROPRIATE DEBT LIMITS AS SELF-LIQUIDATING DEBT; AUTHORIZING THE OFFICIALS OF THE COUNTY TO TAKE OTHER APPROPRIATE ACTION; REPEALING ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR SEVERABILITY OF PROVISIONS OF THIS ORDINANCE; AND STATING THE EFFECTIVE DATE OF THIS ORDINANCE.

(The entire Ordinance is on file in the Commissioners' Office.)

**It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board adopt Resolution #30-2007, as follows; motion carried.**

**Resolution #30-2007**

1. **RESOLVED** that the County of Dauphin hereby authorizes and approves an Amendment to the Municipal Waste Processing/Disposal Agreement dated September 23, 2003 (the "Agreement"), between the County and the Harrisburg Authority whereby the tipping fee set forth in section 4.01(b) of the Agreement shall be increased by the amount of Ten Dollars (\$10.00) per ton effective January 1, 2008.
2. **RESOLVED** that this Resolution shall become effective only in the event that The Harrisburg Authority accepts the terms and conditions proposed by the County within a certain Reimbursement Agreement approved this date by Ordinance #4-2007 of the County.

**B. Dan Eisenhauer, Administrator of MH/MR and Jack Wright, Human Services Director's Office**

1. **PCCD Grant**

Mr. Eisenhauer: I'm here representing Dauphin County MH/MR, Dauphin County Children and Youth, Dauphin County Juvenile Probation and the Human Services Department to request your approval for Dauphin County MH/MR Program to submit the PCCD Grant Application. The Dauphin County proposal that would be managed by Dauphin County MH/MR is to implement a functional family therapy evidenced based program in Dauphin County. The PCCD grant is a two-year grant. Our request is that we be funded to implement functional family therapy. The grant from PCCD does not

require County match so it would be a fully funded implementation. The plan for continuation of funding is that certain portions of the project would eventually be funded by medical assistance through the Health Choices Program and then we would have sufficient time throughout the grant period to request that the Children and Youth Department be funded through their Needs Based Funding project. I'm here again today to request your approval for us to submit the grant. Also with me is Jack Wright who will tell you in a little bit more detail on what the grant will accomplish and how it was put together.

Mr. Wright: If approved, the grant will fulfill several goals. I'll briefly mention three of them. First it would deliver needed mental health therapy which will be provided by our partner, Vision Quest. Secondly, it would reduce recidivism and thirdly we anticipate it will reduce youth and juvenile delinquent out of home placements. The grants targeted population will be male and female youths, ages 12 to 18 who will be referred from either the Juvenile Probation Office, Children and Youth or Case Management Unit. These youths normally are beginning to experience legal, mental health and substance abuse problems at home and in their neighborhood. This entire application process has truly been collaborative as evidenced by various individuals from several departments. Several of them are here today. Rose Schultz from MH/MR is here, along with Pat Cambria from Vision Quest, our partner. Also in the audience are Steve Suknaic and Jeff Patton from Juvenile Probation Office which contributed tremendously. Unfortunately other individuals who helped could not be here today like Lynn Pascoa of Mental Health, Michelle Horst from Children and Youth and Nicole Scott from Juvenile Probation Office. Thank you.

Mr. Haste: What is the amount of the grant?

Mr. Eisenhauer: It is \$250,000. It is a two-year period.

Mr. Haste: So it is \$125,000 each year or as you draw it down.

Mr. Eisenhauer: As drawn down. There is a start up and implementation phase.

Mr. Saylor: It is on the Agenda.

Mr. Eisenhauer: We just wanted to brief you on it. Jack will have to submit the grant through the E Grant System.

Mr. Hartwick: The reason why we wanted you to come forward is that we are trying to do all we can to identify resources in order to do as much as we can in order to gain the funding to try to deter kids from going into our formal system. This is just one example of hopefully many to come that we are going to be pursuing in order to meet that goal.

Mr. Eisenhauer: It is an evidenced based practice targeted for juvenile offenders who also have mental health diagnosis.

## **SALARY BOARD**

A complete set of Salary Board Minutes is on file in the Chief Clerk's Office.

## **PERSONNEL**

Ms. Lengle: I have an Addendum to the Personnel Packet. Are there any questions on the items in the Addendum? (There was none.)

Mr. Haste: Items #1, #2 and #3 are to be posted?

Ms. Lengle: Actually I think just #3 is going to be posted.

Mr. Haste: But the process is beginning...

Ms. Lengle: Right.

On the previous listing, Vacancy #5 is actually a part-time position, not full-time. Change #25 I have a correction to the rate and step. The rate should be \$17.46 p/h and the Step should be 11. Actually the effective date is December 31, 2007, which I made note of that last week.

**It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve the Personnel Packet as amended; motion carried.**

## **PURCHASE ORDERS**

Mr. Baratucci: The Purchase Order Packet has not changed since last week other than the adjustments necessary to cover the budget shortfalls. The Packet is there for your approval. All those budget issues have been resolved.

**It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve the Purchase Order Packet as presented; motion carried.**

Mr. Baratucci: Also on the Agenda are the two Remote Access Requisitions for Victim Witness that were presented last week.

Mr. Haste: These are no cost?

Mr. Baratucci: No cost to the County.

**It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve the two Remote Access Requisitions for Victim Witness; motion carried.**

Mr. DiFrancesco: My only comment being Mike, the burden may be on you for this, but I want to make certain too as these things move forward, especially these ones that are no burden to the County, that in next year's budget they don't find a way to become a line item in the budget. I don't know how else to flag it other than to have you flag it in your system.

Mr. Haste: It will show up as a new item in the budget.

Mr. DiFrancesco: I just didn't want it to get buried some place under IT costs where all of a sudden we are paying for these things.

Mr. Hartwick: That is an important point Mike.

### **REPORT FROM BUDGET & FINANCE – MIKE YOHE, BUDGET DIRECTOR**

Mr. Yohe: I have two items on the Agenda. I will get the routine Investment Report out of the way first.

#### **Report from the Office of Budget & Finance November 21, 2007**

- **November 9, 2007** transferred **\$5,572,402.12** to the **Payables** account and **\$1,772,018.73** to the **Payroll** account from the County's Concentration account for checks issued that week.
- **November 16, 2007** transferred **\$103,457.87** to the **Payables** account from the County's Concentration account for checks issued that week.
- **Total Term Investments – N/A**
- **Balance today in INVEST account \$138,735.02 rate 4.520%**
- **Balance today in Susquehanna Bank investment account \$53,250,289.79 rate 5.250%**  
(This rate is fixed for the month)
- **Balance today in Sovereign Bank investment account \$18,085,817.81 rate 4.600%** (This equals today's 1-month LIBOR rate of 4.650% minus 5 basis points)
- **Balance today in PNC Bank investment account \$1,000.00 rate 4.350%** (This equals today's Fed Funds rate of 4.500% minus 15 basis points)
- **Balance today in Graystone Bank investment account \$1,000.00 rate 4.400%** (This equals today's Fed Funds rate of 4.500% minus 10 basis points)
- **Balance today in Commerce Bank investment account \$1,000.00 rate 2.680%** (This equals today's 90-day T-Bill rate of 3.430% minus 75 basis points)

## **No T.R.A.N. Line of Credit required for 2007.**

Community Banks just changed their name to Susquehanna Bank this past Monday.

Are there any questions on the Report? (There was none.)

## **2008 Budget**

Mr. Yohe: Today is the day we advertised to make the 2008 Proposed Dauphin County Budget available for a 20-day public inspection period. (He provided handouts to the Commissioners.)

As you know this process started back in July when we sent the packets out. I met with all the department heads and some outside agencies in September and October of this year. We had our Public Hearings in October. Before you today is the result of all that compiling and meeting with everybody. For the record I will note that the total requests that came in, I'm only looking at the General Fund now, at about \$139 million dollars from departments back in August when I got everything in. As you can see we were successful in reducing that by a little over \$3 million over the course of these meetings and the public hearings.

What you are looking at, we have 10 funds that run on a January to December basis for Dauphin County. Obviously for the very first one, the General Fund is what we are going to focus on. That is the key. That is where all the tax money comes in. That fund supports all the other funds in the County. The Domestic Relations Fund, which is self-explanatory. The Liquid Fuels Fund is primarily used to repair, maintain or replace our County bridges. You are going to see a pretty high number in there for next year. It was anticipated this year there is a very large bridge replacement anticipated for next year. It is Bridge #122 out across Swatara Creek. Normally that fund isn't nearly in the \$5 million range. Low Income Housing Fund again is self-explanatory. You have the Hotel Tax Fund. I want to point out the Capital Projects Fund, we have a \$17 million budget anticipated. Most of that \$17 million is the continuation of the EMA Radio Project. Other than that the only monies earmarked in the Capital Projects Fund for next year are for some improvements around the Courthouse and the Dauphin County Prison. Most of that \$17 million is for the continuation of the EMA Project, which I think will extend into 2009. The EMA Communications Fund is their land line tariff fund. We have the Solid Waste Management Fund and then we have the Wireless Fund, which is the wireless tariff fund for EMA. So EMA actually has three different budgets throughout this process. There is one in the General Fund for administration and then these two funds. The last one is the Parking Garage Fund which covers all the operations of our Human Service Building. The total proposed for 2008 for all ten Funds is \$182,305,542, which is actually a \$1.6 million reduction. As you can see that is because of the Capital Projects Fund, we had a higher budget in 2007 for that EMA Radio Project than we are going to have for 2008. It is good news. I always like to see the overall budget coming down. Do you have any questions on the Funds?

The rest of my presentation is going to focus on the General Fund. The General Fund, we have a current budget of approximately \$131 million. We are proposing a \$136 million approximate budget for 2008, which is just under a \$5 million increase or 3.82%. In my experience here that is a very good increase. I don't know if we had too many budgets that were passed with under a 4% increase from year-to-year. I'm very happy with that.

The next section, first and foremost, is there is not going to be a tax increase for 2008. We have medical and prescription benefit costs budgeted next year at the maximum 7% increase that is allowed. I don't know if we are going to get to that point, but I haven't seen the numbers yet. Again, that is a reasonable increase compared to what we have been seeing in the last three or four years. It continues again with our \$600,000 vacancy adjustment that we implemented three years ago. It has been very successful. Again, I think we could increase that to \$1 million with what I have seen the last couple years by holding the vacancies open and primarily filling them just on the quarters. We have been very good at doing that, but again conservatively we have a \$600,000 adjustment built in. Probably the highlight of this budget, depending on which way you look at it, is there are 36 new positions included. We went into this knowing there were going to be some new positions and we tried to cover most of the costs. I'm anticipating that we are going to cover over half of the \$1.9 million salary costs and depending on how you look at some of the other areas maybe a little bit more than that. Even with the 36 new positions we were able to keep the overall increase to 3.82%, which I think is very good. The union wages budgeted per the contracts that we have available is still open as you know. We plugged in 4% for those, pretty much what we have for the nonunion for those contracts that are outstanding. As I mentioned before we do have some capital improvements to the Courthouse and Prison included in this budget. For the first time this year we have \$160,000 earmarked to go to the Revolving Loan Fund. We are going to start forwarding the rental incomes that we get from the various downtown buildings and the sites out at Paxton Street to a Revolving Loan Fund at Commissioner Haste's request. That is in there. We won't need a TRAN for next year, which is always nice. We do, in order to balance this, I did have to draw down \$520,000 of the Fund Balance I think until it all plays out next year that won't be the case. Just the way the numbers worked it does throw a little bit of a draw down on the Fund Balance for next year. Finally even after all of this my anticipation for the end of 2008 is about \$38 million of unreserved balance. Again conservatively if things work out as they have it might be a little higher than that.

The General Fund supports all the other County funds. If I was looking at this Budget from an outside standpoint I think all you would need to do is focus on the General Fund because that is where everything stems from. There are some increases here. We have seen that across the Board with just cuts in the Federal and State levels filtering down to our level, particularly in the Children and Youth Area.

Mr. Hartwick: Can I just ask you a question? Have you been talked to by Sandy Pintarch about the commitment that we got from the Deputy Secretary of Public Welfare to make this whole on our over match from the previous year?

Mr. Yohe: No. I am aware of that and this is worst case that I have in here.

Mr. Hartwick: We are supposed to be getting a commitment letter and a transfer of funds before December 31, 2007.

Mr. Yohe: I'll touch base with her. If we can get that in we can probably eliminate that fund balance for next year.

Mr. Hartwick: I was in a meeting on Sunday and I guess we got the commitment letter and I asked him about when we would expect to see the money actually come back to the County. He assured the entire group that it would be before December 31, 2007.

Mr. Yohe: Sandy did reference that when she gave me the \$10.1 million estimate that it could be lower depending on what happened. That is good news. I'll make sure to get that in before December 12<sup>th</sup>.

Do you have any questions on that again? We have \$16 million budgeted to go out to support the other Funds for next year. I mentioned before the 36 new positions. The next section details those positions. You can see there is a note at the end of each one. We have a couple for Facility Maintenance. That will be offset. They are doing a lot of cleaning efforts outside the County in bringing in new revenue. About half of that will be recovered through increases in revenue. The Sheriff has 7 new positions there. He did submit a plan that covers through increased revenue and decrease in overtime that covered those costs. I'm going to keep an eye on that.

Mr. DiFrancesco: I'm going to interrupt you for a second, because it is important to know for the record that once again this Board approved 36 new positions with the expectation that there was a plan in place to not necessarily offset 100% in some cases, but our expectations that these revenue projections will be met and if they are not met we will go back and revisit these new positions. We made it very clear during the budget process if you are asking for more find out a way to help fund it. People come in and give us assurances that in fact they can meet what is in here and they need to do that.

Mr. Hartwick: We are going to have a quarterly review and we are going to give them until mid-year and if they are off on the revenue projections then we are cutting positions.

Mr. Haste: 34 of the 36 positions are crime related. If you look at them 34 of the 36 are related to the criminal justice system in some way. Two are for maintaining the facilities that we have and 34 are for crime.

Mr. Yohe: The only one that I would touch on next, the Work Release Center. That is our biggest increase for next year. The impact on this Budget, through their visions and plans that I got through Mr. Stackhouse and the Courts, it will cost about \$80,000 for

this year for all these positions. Now that number will jump next year. It will go up to about \$400,000.

Mr. Haste: That means in the next year Kerry basically has a year to try to find additional revenues to try to minimize that, whether it is Kerry or the PFA getting better numbers on whatever that is. We have one year to work on trying to find a little better revenue stream for this, because I suspect if we don't I'm not sure we will have those same numbers next year. If we don't have dollars, we cut expenditures.

Mr. Yohe: Okay. Again, I was pleased that we were able to essentially add almost \$700,000 worth of positions for a cost of \$80,000 this year.

Mr. Haste: Make sure you convey that to Kerry so he doesn't think he can cruise for the next 12 months.

Mr. Yohe: The next ones are the Juvenile Probation positions that were approved. They are effective in January of 2008. They are in a sense new. They are not new to this budget, but they are new positions that are going to impact the County next year. At the Prison we have six new officers with the understanding and the Warden is very clear that we have to keep the overtime in line for next year. The cost of these positions is less than what we reduced the overtime for this year.

Mr. Hartwick: He put his career on it. I can't wait for that review.

Mr. DiFrancesco: While we are here, with Steve and Jeff being in the audience, as far as those six juvenile probation positions, while we didn't specifically look for revenue generation on those, what we are looking for is hopefully there aren't any dramatic changes to the system in the way we operate of keeping kids out of Schaffer. I'm trying to take pressure off there. More direct oversight. Also the creation where possible, through your creative knowledge and experience where we can find alternative programs in the community to place kids and get them out of this formal system. We are going to be looking for some creativity too to make sure that we drop down the recidivism rate with the juveniles and also find alternative methods that are less expensive so we can find cost savings in other areas.

Mr. Yohe: The next four pages on this summary and I want to point out that this whole summary I'm going over is available within the proposed budget document if anybody wants to review it. There are some pie charts that these are kind of carryovers from the old Commissioner Petrucci days. He liked pie charts. They do give you something to look at.

Mr. Hartwick: I came to the Budget Hearings, I don't need pie charts.

Mr. Yohe: I couldn't quite come to a conclusion yet, but on Page 5 you will see the salary and benefit line is 51% of the total General Fund. Just several years ago that was pushing 60%. That was consistent. The more I think about it, it is a good thing that

we are suppressing the salary and benefit costs as a percent of the total picture here. Again they are still rising. I guess maybe we are looking at the other costs are rising faster than the salary and benefit costs. That is down almost 10% from just a couple years ago.

Page 7 on the Expense side you can see the breakout between categories. I think that is always interesting. Public safety and the judicial sector make up almost 60% of the total budget. Again from your standpoint you don't really have a whole lot of control over that aspect of the budget. It is difficult. The Human Service total is 11%, which is the General Fund hit. Obviously you have the total County budget. Human Services is much greater than that. Of the tax base it is about 11% of the Human Service side of the operation. Again, there is no proposed tax increase in this budget. The millage rate would remain at 6.876 for the County's Real Estate portion and the Library tax would remain at .350 mills.

**It was moved by Mr. DiFrancesco and seconded by Mr. Hartwick that the 2008 Budget be laid on the table for the 20-day inspection period; motion carried.**

Mr. Haste: Just a point I would like to note in the record. It is interesting that we just sat here and talked about \$183 million that affects the County and the taxpayers and not one member of the media chose to remain for it. It is amazing what peaks the media's interest. Things that really get to us and effect us on a daily basis, 34 out of 36 positions dealing with crime, of course they will report the crime, but they won't report anything that we are trying to do to prevent it or control it. I just think it is rather ironic because all the media chose to leave.

Mr. Yohe: The budget will be available out at the Receptionist's desk until December 12 at which time we will have the final approval vote.

### **REPORT FROM CHIEF CLERK/CHIEF OF STAFF – CHAD SAYLOR**

Mr. Saylor: As you know it is the Thanksgiving Season and we all have a lot to be thankful for and I am thankful that I have nothing to report unless there are any questions of me. (There was none.)

### **SOLICITOR'S REPORT – WILLIAM TULLY, ESQ.**

Mr. Tully: All the matters that are listed for action have been reviewed and are ready to be acted upon. I would be happy to answer any questions you might have. (There was none.)

### **MATTERS REQUIRING BOARD ACTION**

- A. Training Packet.
- B. Dauphin County Vehicle Policy Procedure.

- C. Refund of 2007 Real Property Tax for Kinney Shoe Corporation (Foot Locker, Inc.) located in Keystone Opportunity Zone. Parcel Nos.: 45-021-004, 65-033-129, 65-033-130 and 65-033-189
- D. Statement of Compliance between Dauphin County (Contract No. ME-300-48) and the Commonwealth of Pennsylvania for the Dauphin County Library System project, to adhere to all applicable Redevelopment Assistance Capital Program funding terms, conditions, policies and procedures.
- E. Purchase of Service Agreement between Area Agency on Aging and Wyndham Healthcare, Inc. t/d/b/a Integrity Care.
- F. Purchase of Service Agreement Amendment #1 between Area Agency on Aging and Cumberland County Office of Aging and Community Services.
- G. Purchase of Service Agreements between Children and Youth and:
  - 1. Alternative Living Solutions
  - 2. Harborcreek Youth Services, Inc.
  - 3. Kidspace National Centers, Inc.
- H. Adoption Assistance Agreements #2007-22, #2007-23, #2007-24, #2007-25, #2007-26, #2007-27, #2007-28, #2007-29, #2007-30, #2007-31, #2007-33 and #2007-34.
- I. MH Purchase of Service Agreement between MH/MR and Lynch Homes-Montgomery County, Inc.
- J. MR Waiver Purchase of Service Agreement between MH/MR and Wyndham Healthcare, Inc. t/d/b/a IntegrityCare I.
- K. Purchase of Service Agreement Amendments between MH/MR and:
  - 1. Debra A. Ziegler, OTR/L – Amendment #1
  - 2. Lynch Homes-Montgomery County – Amendment #2
- L. Emergency Shelter Grant Agreements between MH/MR and:
  - 1. Catholic Charities of the Diocese of Harrisburg Pennsylvania, Inc.
  - 2. Shalom House
  - 3. YWCA of Greater Harrisburg
- M. Lease Agreement between Dauphin County and Donlo Partnership.
- N. Purchase of Service Agreement between Dauphin County and DataQuest, Inc.
- O. Tobacco Control Program Grant Agreement between Dauphin County and the Family Health Council of Central Pennsylvania, Inc.
- P. PCCD Juvenile Justice and Delinquency Prevention Grant Application.
- Q. Dental Renewal Agreement between Dauphin County and United Concordia for January 1, 2008 through December 31, 2009.
- R. Approval to appoint Roberta F. Walsh as Tax Collector for Susquehanna Township to collect County taxes. (Ms. Walsh is completing the unexpired term of Patricia Pacifico.)

- S. 2007 Environmental Review for Public Housing Capital Fund Program Projects.
- T. Resolution #29-2007 – DCIDA Yellow Breeches 2007 Note County TEFRA.
- U. Satisfaction Agreements for:
  - 1. Brent D. Morgan for property located at 2482 Rudy Road, Harrisburg, PA 17104 (\$3,200.00).
  - 2. Brian J. Graham for property located at 7727 A Manor Drive, Harrisburg, PA 17112 (\$5,000.00).
- V. Access Easement Agreement between the County of Dauphin, AutoZone and Turkey Hill, LLP, in cross easement and maintenance of property on Paxton Street.
- W. Lease Amendment for Turkey Hill and County of Dauphin for Paxton Street Site.
- X. Dental Renewal Agreement between Dauphin County and Delta Dental for Dauphin County/IBT Local 776: Prison Guards, Probation Officers, Schaffner Youth Center, County Court Related Non-Professional Employees. Policy period 1/1/08 – 12/31/08.

Mr. Haste: We have items A through X for Board action. Are there any items that need to be taken separately?

Mr. Hartwick: I said I wouldn't do it, but I would like to comment on one once the motion is made.

**It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve Matters Requiring Board Action Items A through X, listed above; motion carried.**

Mr. Hartwick: I would just like to comment on the lease agreement for northern Dauphin County. I'm trying to identify, it is actually M on the Agenda with Donlo Partnership to begin the process of starting to move forward with the upper end human service center. There will be a press release issued following today's meeting to talk about the details. There will be almost none, if any impact to the County's General Fund. Zero impact to the County General Fund.

### **FORMER BUSINESS**

(There was none.)

### **NEW BUSINESS**

Mr. DiFrancesco: Happy Thanksgiving!

### **COMMISSIONERS' DISCUSSION & ACTIONS**

(There was none.)

## **CORRESPONDENCE**

Mr. Haste: The correspondence is listed on the Agenda, A through J and it will be handled by the staff accordingly.

- A. Notification from Dawood Associates, Inc. advising that Girish Patel is applying to DEP for a General NPDES Permit for stormwater discharges associated with construction activities in West Hanover Township.
- B. Notification from Haines & Kibblehouse, Inc. advising that they are applying to DEP for a BAQ/GPA-GP-3 Portable Crusher Application and a BAQ/GPA-GP-9 Diesel Internal Combustion Engine Application for the temporary installation of a portable crushing plant in Hummelstown.
- C. Notification from the Pennsylvania Public Utility Commission that the correct date for the Initial In-Person Hearing regarding the Herr Street Bridge will be held on January 10, 2008.
- D. Notification from Pennsy Supply advising that they are applying to DEP for the renewal of their existing operating permit #22-05037 for the Paxton Street facility, Harrisburg.
- E. Notification from Dauphin Engineering Co. advising that Molinari & Ruble Partners are applying to DEP for a General Permit for a utility line stream crossing in Lower Paxton Township.
- F. Notification from Navarro & Wright advising that Fulling Mill, LLC is applying to DEP for a General NPDES Permit for stormwater discharges associated with construction activities in Lower Swatara Township.
- G. Notification from Alpha Consulting Engineers, Inc. advising that Jerry Edinger is applying to DEP for a General NPDES Permit for stormwater discharges associated with construction activities in Wayne Township.
- H. Notification from R. J. Fisher & Associates, Inc. advising that Francis McNaughton is applying to DEP for a General NPDES Permit for stormwater discharges associated with construction activities for Phases 2, 3, and 4 of The Townes at Margaret's Grove in Susquehanna Township.
- I. Notification from DEP that they reissued Game Commission Bank 264 Operation Permit No. 22030201C2 in Wiconisco Township. The purpose is to incorporate the utilization of biosolids as a soil supplement and to revise the existing post-mining land use from forestland to unmanaged natural habitat.
- J. Notification from Evans Engineering, Inc. advising that Pepsi Bottling Group is applying to DEP for a General NPDES Permit for stormwater discharges associated with construction activities at 941 Dana Drive, Union Square Industrial Park.

## **PUBLIC PARTICIPATION**

Mr. Haste: We are again at the point in time for public participation. Is there anyone in the audience that would like to address the Board?

Mr. Cluck: I'm Bill Cluck and I still live in Shipoke. First of all thank you for no tax increase next year. I am a citizen and taxpayer and I pay close attention to your actions. I appreciate the actions of this Board on most issues. Unfortunately your predecessors decided back in 2003 to enter into an exclusive flow control contract with the Harrisburg Authority committing 20 years of Dauphin County's trash to come to the incinerator. The whole rationale was we are locking in at one price. This is where the lawyer gets to talk out of both sides of his mouth. The side that says well gee that whole notion for flow control to keep the price low, we are just blowing it away with increasing it by \$10 a ton and in a couple years it will go up another couple dollars a ton and Commissioner Hartwick you are going to hear from the people when they get the trash bills. You are not hearing from them now. Nobody is paying any attention. The press doesn't cover it. You will hear from it as those contracts come up for renewal in townships and boroughs and everybody says it wasn't me it was the Commissioners and the Commissioners say it was the Authority, somebody say it is the Mayor, because nobody is taking any responsibility. We are all pushing it aside. I don't mean to pit City versus Suburb, I am very sensitive to that, but the reality is this taxpayer ratepayer I'm paying for everybody who sat around the table and negotiated this over the last six months. I'm paying for Chuck Zwally, who ran circles around the young and inexperienced attorneys for the Harrisburg Authority. I wish Chuck Zwally was advocating for me, but I'm paying for Chuck, Royce, Carol, the Engineers and Financial Consultants. But when you say who should pay how much it is the City residents who are paying by far substantially higher rates. I understand it is not your problem, but the reality is you did a number on us in the negotiation over the rates. You had to do the Guaranty. Don't get me wrong, thank you. But, next time I wouldn't let Linda meet with Jeff. I would drag her out of that room so that you two don't have to meet. I think she did a disservice to the citizens of Harrisburg by getting you folks upset. The reality is we have to find a way to be equitable, maybe not this time. There will be a next time. You know this issue is coming back. Next time I would like to be at that table. Happy Thanksgiving to everybody!

Commissioners: Thank you and same to you.

Mr. Hartwick: One reiteration to a comment. We have already been blamed even though there were no rate increases for higher trash at the last negotiations in every municipality in Dauphin County, so we suspect that we will hear the same tune. Everybody needs somebody to blame.

## **ADJOURNMENT**

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

Respectfully submitted,

Chad Saylor, Chief Clerk

Transcribed by: Richie-Ann Martz