



DAUPHIN COUNTY BOARD OF COMMISSIONERS

Commissioner's Legislative Meeting

Wednesday, February 9, 2005 (10:00AM)

MEMBERS PRESENT

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

STAFF PRESENT

Chad Saylor, Chief Clerk/Chief of Staff; Bill Tully, Esq., Solicitor; Bob Dick, Treasurer; Bruce Foreman, Assistant Solicitor; Elke Moyer, Human Services Directors Office; Shari Eagle, IT; Greg Schneider, Budget Office; Edgar Cohen, Director of Facilities Maintenance; Randy Baratucci, Purchasing Director; Diane McNaughton, Press Secretary; Kacey Truax, Commissioners' Office; Carolyn Thompson, Court Administrator; Julia E. Nace, Asst. Chief Clerk; Lena Martinez, Commissioners Office; Jena Wolgemuth, Commissioners' Office; Steve Chiavetta, Director of Registration and Elections; Kelly Wolf, Manager of Solid Waste/Recycling; Kay Sinner, Personnel; Lisa Zieger, Economic Development

GUESTS PRESENT

Andrew Giorgione, Esquire; Jack Sherzer, Patriot News

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

Mr. Haste: We have the January 19, 2005 Workshop Meeting, January 19, 2005 Salary Board Meeting, January 26, 2005 Legislative Meeting and the January 26, 2005 Salary Board Meeting minutes. Is there a motion to approve these four minutes?

Mr. Hartwick made the motion to approve January 19, 2005 Workshop Meeting, January 19, 2005 Salary Board Meeting, January 26, 2005 Legislative Meeting and the January 26, 2005 Salary Board Meeting minutes. Mr. DiFrancesco seconded the motion. All were in favor. Motion carried.

EXECUTIVE SESSIONS HELD BETWEEN MEETINGS

Mr. Saylor: There was one Executive Session held on February 7, 2005 regarding labor negotiations and personnel issues.

PUBLIC PARTICIPATION

Mr. Haste: We are at the point in time in the meeting for public participation. Is there anyone in the audience that would like to address the Board? (There was none.)

DEPARTMENT DIRECTORS/GUESTS

A. Andrew Giorgione, Esq.

1. Approval of a revised Stipulation Settlement between Pennsylvania Waste Industries Association, Republic Services of Pennsylvania, LLC and Penn Waste, Inc; and Dauphin County (Solid Waste).

Mr. Giorgione: I am back again to quickly talk about the settlement that we reached in the Pennsylvania Waste Industries Association appeal of the County's plan. These are consolidated appeals of the 2003 revision of the plan and the 2004 plan. I was before you on December 22, 2004 and you approved a settlement that date and we have had difficulties implementing signatures in that settlement. DEP didn't want to sign it. I can't really articulate why because I really do not understand their position. They said that they felt that they didn't have any role to play in this settlement. They did not have any action items to take so they did not want to sign it. We went back to the appellants and worked through the issue. Their biggest concern was if there was a breach in the settlement if DEP was not a signatory, where would jurisdiction lie for purposes of enforcement. We added a new paragraph that provides that Dauphin County Court would be the proper form to bring in enforcement action if there was a breach. Nothing

else in the settlement changed except DEP is no longer a signatory and their lines were removed from the document.

Mr. Hartwick: Isn't that unusual that they chose not to participate in the agreement?

Mr. Giorgione: I found it to be a little bizarre. When pressed on this issue back and forth, they said they just did not want to sign it. They have done that in other cases and I am not aware what cases they would be since the principal appellee is DEP. We are obviously an interested party because it involves our County plan.

Mr. Hartwick: Is that what we say to DEP when they come down on us for painting restriction or pollutions that we just do not want to get involved? I would like to find out why they chose not to be a signatory on this agreement.

Mr. Giorgione: The only substantive answer I received is that they felt that nothing was required of them by the settlement. I went over last time with you what is required of the County, which is that we proceed with our future planning consistent of what we told our appellants what we were going to do. We have a C&D based waste plan and will move forward. We agree there is a substantial plan revision and it will be implemented in the matter that we told them. DEP basically said that there is nothing for us to do here, you do your planning work and get it to us, if it is acceptable, we will approve it. No action item is required of us so we do not see any reason for us to sign it.

Mr. Haste: This is another example of the quality of leadership we have out of this Department, there is none.

SALARY BOARD

(A full report of Salary Board minutes is on file in the Chief Clerk's office.)

PERSONNEL

Mr. Haste: As we heard, we have pulled items 1 and 2 from the addendum in the personnel packet. Is there anything else you need to go over Kay?

Ms. Sinner: No.

Mr. Haste: Is there a motion to approve the Personnel Packet as amended?

Mr. Hartwick made the motion to approve the Personnel Packet as amended. Mr. DiFrancesco seconded the motion. All were in favor. Motion carries.

PURCHASE ORDERS

Mr. Baratucci: There were four items added from last week and all have been run by the appropriate oversight. They are on page two and six. They are orders for accounts payable and payroll checks. Our Controller's Office and Personnel Department have

gone together for a better pricing deal and we needed to order them as soon as possible. They have asked Commissioner Haste and Hartwick for pre-approval. There was another request from Information Technology on page ten for the Egovernment Services proposal. Page 18 is an order for service pins from your Department that was also asked to be added. There are no budget problems.

Mr. DiFrancesco made the motion to approve the Purchase Order packet. Mr. Hartwick seconded the motion. All were in favor. Motion carries.

REPORT FROM BUDGET & FINANCE – GREG SCHNEIDER

Report from the Office of Budget & Finance February 9, 2005

- **January 28, 2005** transferred **\$2,113,892.34** to the **Payables** account **from the County's Concentration account** for checks issued that week.
- **February 4, 2005** transferred **\$8,762,259.59** to the **Payables** account **and \$1,869,365.30** to the **Payroll** account **from the County's Concentration account** for checks issued that week.
- **Total Term Investments – N/A**
- **Balance today in INVEST account \$150,812.75 rate 2.27%**
- **Balance today in Community Banks investment account \$5,400,170.84 rate 2.55%** (This rate is good through 2/28/05)
- **Balance today in Commerce Bank investment account \$10,800,810.72 rate 2.66%** (This rate is good through 2/28/05)
- **Balance today in Waypoint Bank investment account \$5,415,229.84 rate 2.60%** (This rate is good through 2/28/05)

Mr. Hartwick: I am going to throw you for a loop. Do we have to draw from TRAN? It looks like our fund balances are okay but is there a projected time that we may have to?

Mr. Schneider: As of this time, we do not have to draw from the TRAN.

Mr. Haste: Could you ask Mike or who ever prepares this, that each report from here on forward, put the TRAN on there like he did last year? This way we know the status of the TRAN.

Mr. Schneider: Sure.

REPORT FROM CHIEF CLERK/CHIEF OF STAFF – CHAD SAYLOR

Mr. Saylor: Tomorrow is the monthly meeting of the Dauphin County Poverty Forum which I am told is the longest running Collaborative meeting in the area. It has been going on for nearly thirty years. This is an opportunity for providers from a variety of community services in our area to come together and discuss issues of importance for Dauphin County. The issue tomorrow is County Government and the three of you will be speaking. This is tomorrow morning at the Drug and Alcohol building on Cameron Street.

If you could please include Mr. Giorgione's presentation when you vote today for Matters Requiring Board Action.

SOLICITOR'S REPORT—BILL TULLY, ESQ., SOLICITOR

Mr. Tully: Nothing to add to the actual Solicitor's report, but I'd be happy to answer questions.

MATTERS REQUIRING BOARD ACTION

Mr. Haste: Matters Requiring Board Action, we have Items A through O plus approval of the signing of the stipulation settlement Mr. Giorgione discussed today. I think it is important to bring up Item N. Item N is a resolution that our County Commissioners Association has asked us to pass. Monday in the Capitol Rotunda, there will be legislators, as well as, the County Commissioners Association, speaking about the unfairness of the current tax situation; the real estate property tax that Counties have to follow. At that point in time, CCAP will be presenting what they call their tax fairness program. They started to circulate it through the Legislature last time. They went into a new legislative session and those bills will be reintroduced and hopefully in enough time that the Legislature and the Governor will take it seriously and look at it. But particularly Jack, I hope someone is there from the Patriot. As you heard us talk in this room about how unfair and archaic the system is, I think you are going to see real clear that other Counties are in that same situation. Few weeks go by without something being reported in the media about a county and its problem. Yesterday or today there was something reported about a county going before a Judge on their millage rate. The Judge did not approve the full request that the County had submitted and how the problems that are facing that County. Hopefully someone is there and they pay attention to what is being said. It will be our responsibility, as well as, CCAP's, to keep the pressure on the Legislature for reform.

Mr. Hartwick: I completely concur with Commissioner Haste's comments. This was voted the number one issue with the Counties and CCAP. I know Commissioner Haste has been an outspoken advocate and rightfully so. I do not see the situation improving from the Federal Government side. We saw a list of proposed federal budget cuts which include Housing Development, Human Services and CDBG, which are the love brunt of communities and counties as it relates to our ability to invest in our communities

and to help those who need it the most. Ultimately we need to figure out, from the County's perspective, how we are going to deal with these issues as they come down from the Commonwealth then to the Counties for us to be able to provide the level of services with decreased funding. The tax issue is going to become more and more of an issue as these issues begin to unfold. I will be at the Capitol that day as well.

Mr. DiFrancesco: This is one of the most critical issues that we are dealing with. The first step is this resolution that we are going to pass. The second is to take action. We are at the start of a new legislative session and we see on a daily basis residents who are extremely concerned about this tax issue. Now is the right time to take this battle to Capitol Hill. This resolution is certainly a significant fact on this Board's part but probably the most important things that we can do in our term in office is to advocate and win tax reform before the state legislature. This plan calls for tax flexibility. This would give each county an opportunity to evaluate which tax base works best within that economic structure to fund the important services that Dauphin County and all of the other counties carry out. Quite honestly, you have heard it before, you have heard it from each member of this Board, the property tax that we are forced to live on right now, is a very dangerous tax, it is archaic and long over due to be changed. As we are forced to fund more and more programs without adequate revenue from the State, every time we have to make the very difficult decision to raise taxes, people lose their homes. That is a destabilizing factor in this County and Pennsylvania. It makes our communities worse not better. We need to have the opportunity to fund county government in a way that best suits the area and this resolution is the first step. I will go one step further and say that we will be very vocal on this issue and we urge the community to stand up and get involved now early on in the legislative session. Now is when we can take the battle up and give it a chance at life. As time goes by, there is less opportunity for this to pass and it needs to happen and it needs to happen now.

Mr. Haste: Is there anything that needs to be pulled out separately or discussed?
(There was none.)

Mr. DiFrancesco made the motion to approve Items A through O, as well as, the Stipulation Settlement with the Pennsylvania Waste Industries Association. Mr. Hartwick seconded the motion. All were in favor. Motion carries.

- A. Training Packet
- B. Subordination Agreement between Rickey Staff and Dauphin County Economic Development/Affordable Housing Program for property located at 1845 Mulberry Street, Harrisburg.
- C. Satisfaction Piece between Jill R. Flores and Dauphin County Economic Development/Affordable Housing Program for property located at 595 Cardinal Drive, Harrisburg.
- D. Off-Campus Agreement between Dauphin County and HACC for Student Workers to participate in a Federal Work Study Program on a part-time basis in the Registration and Elections Department.

- E. Agreement with Schaffner Youth Center, the American Corrections Association (ACA) and Cornell Companies, on behalf of Dauphin County, to participate in the Accreditation Program offered by ACA.
 - F. Approval of Proposed Settlement for the Raymond Manrai, et.ux. Tax Assessment Appeal--120 Governor Road, Derry Twp. – Tax Parcel No. 24-045-014.
 - G. Approval of the Radiological Emergency Response Procedures Annex to the Dauphin County Emergency Operations Plan for Dauphin County Emergency Management Agency to be submitted with the Federal Emergency Management Agency.
 - H. Purchase of Service Agreement for FY04/05 between Dauphin County Children and Youth Agency and Jump Street.
 - I. Function Agreement between Dauphin County Social Services for Children and Youth Agency and The Holiday Inn Grantville for the Foster Parents Banquet on Friday, May 20, 2005.
 - J. Amendment to Purchase of Service Agreements for FY04/05 between Dauphin County Social Services for Children and Youth Agency and :
 - a. Cornell Abraxas Group, Inc. – Amendment #2
 - b. YMCA Camp Curtain Branch, Inc. – Amendment #1
 - c. Boys and Girls Club of Central Pennsylvania, Inc. – Amendment #1
 - K. Approval of FY04/05 Per Diem Rates between Dauphin County Social Services for Children and Youth Agency and Northwestern Youth Services at \$225.00/day.
 - L. Reappoint Alfredo Gonzalez to the Mental Health/Mental Retardation Advisory Board. (Term will expire December 31, 2008)
 - M. Acknowledgement Agreement between City of Harrisburg, The Harrisburg Authority, and County of Dauphin in reference to the Harrisburg Incinerator.
 - N. Adopt Resolution No. 4-2005 a tax fairness resolution advocating the General Assembly to enact a statewide tax reform.
 - O. Proclamation adopting the FY05 National Incident Management System (NIMS) implementation requirements for Dauphin County Emergency Management Agency.
- Approval of a revised Stipulation Settlement between Pennsylvania Waste Industries Association, Republic Services of Pennsylvania, LLC and Penn Waste, Inc.; and Dauphin County (Solid Waste).

FORMER BUSINESS

(There was none.)

NEW BUSINESS

(There was none.)

COMMISSIONERS' DISCUSSION & ACTIONS

Mr. Haste: Just a reminder that there is Prison Board today at 1:30.

Mr. DiFrancesco: The wellness committee meets again tomorrow and I will have an update for the Board.

CORRESPONDENCE

Mr. Haste: You see the items of correspondence received by the Board lettered A through I that will be handled by the staff appropriately.

- A. Notification from United States Board on Geographic Names indicating at its Dec. 14, 2004 meeting they approved the proposed name change to an unnamed stream located within Conewago Township in Dauphin County, Gallagher Run.
- B. Notification from DAWOOD ENGINEERING, INC. providing that notification is being given for the application to Dauphin County Conservation District for an NPDES General Permit for the Maclay Street Units.
- C. Notification from Raudenbush Engineering, Inc. indicating they are preparing an erosion and sedimentation control plan for a land development project located at 128 N. Hershey Road.
- D. Notification from Civil & Environmental Consultants, Inc. indicating they intend to submit a Notice of Intent (NOI) for a National Pollutant Discharge Elimination System (NPDES) General Permit for CEC Project 230984.
- E. Notification from CET Engineering Services indicating Lykens Borough Authority is submitting a Public Water Supply permit application to the Pennsylvania Department of Environmental Protection (DEP) relative to the minor permit modification regarding the change in chemical coagulant from ferric chloride to polyaluminum chloride.
- F. Notification from Swatara Township Authority indicating they are applying to the Pennsylvania Department of Environmental Resources for renewal of their National Pollution Discharge Elimination System (NPDES) Permit. The current permit, NPDES #PA0026735, expires September 1, 2005.
- G. Notification from Glace Associates, Inc. indicating the Pillow Water Authority Water Storage Tank project is being reviewed by the Pennsylvania Department of Environmental Protection (DEP).
- H. Notification from Akens Engineering Associates, Inc. demonstrating compliance with Act 67/68 for Pennsy Supply, Inc. location. They have requested renewal of existing permit #PAR213511 from the Department of Environmental Protection.
- I. Notification from Hershey Foods Corporation indicating they have submitted an application to DEP for a Title V permit which requests issuance of an operating permit to ensure continued operation.

PUBLIC PARTICIPATION

(There was none.)

ADJOURNMENT

Mr. Haste: Is there a motion to adjourn?

Mr. DiFrancesco made the motion to adjourn. Mr. Hartwick seconded the motion. All were in favor. Meeting adjourned.

Transcribed by: Kacey Truax

Respectfully submitted,

Chad Saylor, Chief Clerk/Chief of Staff

printed 7/13/05