



DAUPHIN COUNTY BOARD OF COMMISSIONERS

LEGISLATIVE MEETING

TUESDAY, AUGUST 12, 2003 (10:00 A.M.)

MEMBERS PRESENT

Jeff Haste, Chairman
Lowman Henry, Vice-Chairman
Anthony Petrucci, Secretary

STAFF PRESENT

Robert Burns, Chief Clerk/Chief of Staff; Julia E. Nace, Assistant Chief Clerk; Billy Tully, Esq., Solicitor; Marie Rebuck, Controller; Robert Dick, Treasurer; Robert Knupp, Esq., Solicitor's Office; Mike Pries, Security Director; Sandy Moore, Children & Youth Administrator; Sandy Pintarch, Children & Youth; Faye Fisher, Personnel Director; Richie Martz, Commissioners' Office; Jane Gordon, Commissioners' Office; Kacey Truax, Commissioners' Office; Garry Esworthy, Risk Manager; Randy Baratucci, Purchasing Director; Edgar Cohen, Facility Maintenance Director; Jennifer Kocher, Communications Director; Kelly Wolfe, Recycling Coordinator; Warden Dominick DeRose; Sue Pinti; Human Services Office; Carolyn Thompson, Court Administrator, Shari Eagle, Information Technology.

GUESTS PRESENT

Bill Cluck; Robert Disabella; Robert Grubic; Dan Lispi; Ron Bowmore; Tom Smida; Chuck Zwally; Loretta Barbee-Dare; Mary Webber

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: The first thing we have is the approval of the Minutes from the July 15, 2003 Workshop Meeting. Is there a motion to approve?

Mr. Henry: So approved.

Mr. Petrucci: Second.

Mr. Haste: Is there any discussion? All those in favor say, aye. Motion carries.

EXECUTIVE SESSIONS HELD BETWEEN MEETINGS

Mr. Haste: Mr. Burns.

Mr. Burns: Mr. Chairman there was an executive session held on July 22, 2003 to discuss matters in litigation.

PUBLIC PARTICIPATION

Mr. Haste: Now is the point in time on the agenda for public participation. Is there any one in the audience that would like to address the Board on any matter before us today? Please come forward and state your name for the record.

Mr. Cluck: Good morning, Commissioners. I'm attorney Bill Cluck. I live in Shipoke. I was here last Thursday at the Workshop Meeting and congratulated the Commissioners on the settlement of the litigation over the County's Act 101 Plan. I made some comments about the resolution guaranteeing the \$125,000,000 financing. I'm not sure where it is on the agenda. I understand that it is still here.

Mr. Petrucci: Item D.

Mr. Cluck: The only comment I have is two comments. If in fact you do go forward with this and if there is a million dollars that the County receives as a result, to the extent that that money is not necessary to balance the budget in 2004, I would respectfully request that you give due consideration to putting that money into the Harrisburg Credit Union and have that money available for economic development and recycling education program in the city.

The second comment relates to same Item D. I asked the question last Thursday about a waste shed analysis. Mr. Zwally gave a response which I believe he said it is some type of study of a regional impact on landfills if the county were to go forward with this project with the city. I still question what is a waste shed analysis? Why is it required? How much will it cost? Who will perform it? I'm not saying I'm in favor or opposed. I still don't understand its purpose when it comes to guaranteeing or providing secondary guaranty for financing.

I see there will be a report on the possibility of a contract with the Harrisburg Authority. Since that contract is not on the agenda, I will reserve and wait until the end of the meeting after hearing from I assume, Mr. Baratucci. I thank you for your time.

Mr. Haste: Thank you. Is there anybody else in the audience and if so please come forward to the table?

Mr. Disabella: Good morning. My name is Bob Disabella. I'm the president of Labor Local 1180 here in Harrisburg, PA. I put some pamphlets on your desk. Why I'm here today is to review overviews on the labor union and on the all the buildings. The second pamphlet is on all the building trades as their record and ratio. A report of contracts in the state of Pennsylvania. Recently there has been stuff in the Harrisburg Patriot about central Pennsylvania's building and trade counsel getting involved in county and city wide and other different developments. We're not only willing to have our people perform the work but we have options too, if need be if the county is looking for any kind of bonding money or investment money. We are willing to step forward and bring some people forward to help with investing with any project, the incinerator or anything else that's coming up. I left the booklets and my cards for you. Feel free to call me any time. Thank you.

Mr. Haste: Thank you.

Mr. Petrucci: Thank you Mr. Disabella.

Mr. Haste: Is there anybody else that would like to address the Board of Commissioners? Hearing none we'll move on.

DEPARTMENT DIRECTORS/GUESTS

Mr. Haste: Mr. Baratucci and Mr. Grubic. Mr. Zwally would you like to come forward also and maybe we could answer some of these questions right after they are done.

Mr. Zwally: Yes.

- A. Randy Baratucci, Purchasing Director & Robert Grubic, Herbert, Rowland & Grubic, Inc.

1. Bid Award and Contract to the Harrisburg Authority for Municipal Waste Combustion Services.

Mr. Baratucci: Hopefully, the Commissioners received a copy of the letter from Herbert, Rowland & Grubic from Bob detailing their review of the bids. I'm here to start by saying that we put a bid package together for this municipal waste combustion processing and disposal services. The bids were sent out. The bids were opened on August 1st. We advertised the bids as required by law. We also advertised them in a national publication, I believe is called *Waste News*. We ended up sending out to 33 total incinerators, for the lack of a better word. Some of them we had from a list provided by the Solid Waste Department, some responded to the ads. But there were a total of 33. I have a copy of that if anybody is interested in as to who all they were sent to. We received, what I would consider 1 ½ proposals. We did receive two but the one proposal from TransRiver Marketing did not include various items, most importantly did not include a bid bond. All of our bids are required to have a bid bond. In this case it was \$100,000. Legally, if a bid comes in without a bid bond, we don't even consider it. Because of the nature of this project, I think we still took a look at their bid. On Bob's letter and I'll let him elaborate, he listed many, many other items where they did not comply with the specifications. In effect that left us with one valid bid from the Harrisburg Authority. Their bid was \$50.00 a ton. They did comply with all of the requirements of the bid package. Today we are here to recommend that you accept their bid and move forward with negotiating or signing or approving whatever you want to call it, a contract. Bob had detailed it. He is the independent engineer. That was the requirement of DEP that we have that done. We were to have someone independently review the bid packages along with the people here at the county. We did that and Bob did a thorough review and he can answer any questions on the letter. I believe that Kelly is here also from our Solid Waste Department to answer any questions that you might have of her. That is my quick summary. I'll let Bob elaborate on his review.

Mr. Grubic: As Randy indicated we did perform a review of the proposals for the municipal waste combustion processing and disposal services. There are two main items that we review for request for proposals and the proposed agreement between the county and the successful bidder. There were two proposals submitted. TransRiver Marketing Company LP from Montvale, New Jersey and the Harrisburg Authority here in Harrisburg.

What we did was do a point by point comparison of the technical and contractual requirements of the Request for Proposal and we presented them in tabular form on the report that the Commissioners have before them this morning. We most briefly reviewed them on a point by point basis. The term of the processing and disposal agreement per the request for proposals was twenty years with a five year renewal period. TransRiver proposed a ten year term which was not in accordance with contract documents. Harrisburg Authority proposed a twenty year term which was in accordance with the RFP.

The County system fee was not addressed by TransRiver and was by the Harrisburg Authority. The State and local mandated fees were addressed by TransRiver and

addressed by the Harrisburg Authority. The tipping fees, TransRiver proposed \$49.50 a ton with a 5% annual increase. The Harrisburg Authority proposed a \$50.00 a ton tipping fee with annual increases at the consumer price index. The consumer price index is significantly lower than 5% currently.

The capacity assurance was not addressed by TransRiver and was addressed by the Harrisburg Authority. The proposer's experience and operating history was peripherally addressed by TransRiver and completely addressed by the Harrisburg Authority. I might add that the proposal from TransRiver was a two page proposal with very very sketchy information and was backed up by what amounted to brochure material as opposed to anything that specifically addressed the contract requirements.

The consideration of the request for proposal terms and conditions was not addressed by TransRiver and addressed by the Authority. The signed proposal form for regulated waste processing and disposal was not included by TransRiver but was included by the Harrisburg Authority.

The \$100,000 proposal bond was not included by TransRiver and was included by the Harrisburg Authority as was the non-collusion affidavit and the municipal waste processing and disposal facility questionnaire not included by TransRiver included by the Authority. Based on our review, it is our opinion that the TransRiver proposal is non-responsive due to the lack of many items that were required in the RFP. The proposal submitted by the Authority as we mentioned was \$50.00 a ton beginning on January 1, 2006 with adjustments based on the consumer price index.

It should be noted that the Authority's proposal when compared with surrounding counties is very competitive. For example, Lancaster County currently charges \$68.00 per ton tipping fee while York County charges \$56.00 a ton. Of course, these are current rates as of August of 2003. The \$50.00 per ton tipping fee proposed by the Authority will begin in accordance with the contract term which is January 1, 2006.

Based on our review and evaluation proposals with respect to the compliance with the request for proposals and the proposed agreement, we are in the opinion that the most advantageous proposal for the County was the one submitted by the Harrisburg Authority.

Mr. Haste: Thank you, Bob. Are there any questions for Mr. Grubic?

Mr. Petrucci: Would you say that the reason why you only got two proposals out of 33 is that most of those others are fairly well full with contracts already?

Mr. Grubic: I have received several calls, Commissioner, and one of the major comments that the people made was the distant. Some of these were in state, there were several calls from out of state people as well. I would say that it was just the matter of the market conditions right now. Certainly, we would have expected more

proposals but it was a competitive open bidding procedure. As Randy indicated, there were 33 letters sent out, invitations to proposal. We only got two proposals.

Mr. Petrucci: Thank you.

Mr. Haste: Are there any other questions? Any comments?

I would like to throw a comment out and ask the Board to consider it. One of the things that I have noticed in some of the comments that I got was the criticism of not having public review for this. I wrestled with that a little bit. It was not on our Workshop agenda and since it is somewhat of a critical nature for us, I would wonder if it would be possible for us to sort of signal an intent to go ahead with this contract based upon the review that has been done but ask that we put it on the table for 30 days. Post it on the web and then if our Solid Waste Department could issue a letter to the municipalities and to the advisory board letting them know of this proposal that is before us that our intent would be to take it up in 30 days. Part of that would follow and I know that the Commissioners in November and maybe then again in January sent letters out to the municipalities indicating our direction in moving to this. I believe at that time four municipalities had responded. They should be somewhat aware of the trend moving from landfill to incineration. It probably would not hurt if we would put them on notice that we are now following through with that trend that was put out there that in 30 days we would be planning to take final action on this RFP. I'm thinking that might be a way again to answer some of the concerns about having something out there for public review.

Mr. Petrucci: I have no problem with that.

Mr. Haste: Does that cause anybody else a problem? Solicitor?

Mr. Tully: No.

Mr. Haste: If I could then, I would make a motion that we take the RFP and take the recommendation of Mr. Grubic and Mr. Baratucci, and table it for 30 days, put it for an action item on our first legislative meeting in September and in the mean time have our Solid Waste Authority see that it is posted on the web and that notice go out to the municipalities and the advisory board. That is in the form of a motion.

Mr. Henry: I'll second the motion.

Mr. Haste: Are there any discussions on the motion? All those in favor say, aye.

All: Aye.

Mr. Haste: Motion carries. Thank you, excellent job you two.

SALARY BOARD

The Salary Board Minutes are on file in the Commissioners' Office.

PERSONNEL

Ms. Fisher: There is an addendum to the Personnel packet which is two new hires approved by Commissioner Henry. The rest of the Personnel packet stands as presented.

Mr. Haste: I spoke with Mr. Yohe and thankfully everybody did come in with a plan to stay on budget. The Courts actually came in with a plan that shows a revenue increase and I think they are to the good of about \$50,000-\$60,000 something like that on the plus side. The only thing that I would ask regarding the Security positions is that the intent is to go out and recruit. I think we can give the permission to go ahead and recruit, but I would ask that you not look to fill those positions until your budget allows you to do so. Are there any questions or any other comments on the Personnel packet?

Is there a motion to approve?

Mr. Henry: So moved.

Mr. Haste: Is there a second?

Mr. Petrucci: Second.

Mr. Haste: All those in favor say, aye.

All: Aye.

Mr. Haste: Motion carries.

PURCHASE ORDERS

Mr. Baratucci: There have been a few changes, a few last minute items that came up. I'll address those now. You received a purchase order packet yesterday. The first change is on page 16, actually this is a reduction in cost. There is a purchase of five computers and five monitors for AAA. There was a special promotion going on from Hewlett Packard. Those costs will be reduced down to \$31,095 for the first items on page 16 and \$600 for the second item. That is for five units. If you want to make those changes, that will reduce the cost by a little over \$1,000 to that total purchase.

Second, back on page 30 for Spring Creek there were two items on the top of page 30 which involved some repair work being done by Harrisburg Wall and Floor. The second item, that says replace some flooring in the maintenance shop can be cancelled. Jane

Gordon saw me this morning and said that they found some different ways to do that. That item can be pulled from the packet. The first item is staying.

With those two things said, unfortunately, there was also some news that came out of Spring Creek. I have a copy of the proposal. This also was given to me by Jane. She said there was an emergency meeting to do some work in McBride Building on a fan coil unit that is described in the proposal from G. R. Sponaugle. It is in the amount of \$14,750. My understanding is that it's work that is absolutely necessary to be done and as soon as possible. I did review this with Mr. Tully prior to the meeting and there is no problem approving it since it is maintenance work for the facility. With your indulgence, I would like to add that to the packet and have a purchase order done for that so the work can proceed. Possibly Commissioner Henry could add something to that if you have any questions. I guess it was found late yesterday or something, is that correct?

Mr. Henry: Yes, and it costs less actually to replace the unit than to repair it. It's \$2,000 more to repair it because it's so old the parts need to be fabricated, so replacement was the less expensive option. We now have a building there that is approaching forty years old and some of these systems are going to need to be addressed. We wanted to bring it as quickly as possible because obviously keeping the building appropriately air conditioned during the month of August is very critical for our residents.

Mr. Baratucci: Both of the costs are identified on the proposal and we are recommending the lower one.

So with those changes everything else would be the same as was presented at the Workshop. If you agree with those, I ask that you would pass the purchase order packet with the changes that we just talked about unless you have any other questions. All the budget issues have been resolved.

Mr. Haste: Are there any questions for Randy? Is there a motion to approve the Purchase Order packet with those three addendums?

Mr. Henry: So moved.

Mr. Haste: Is there a second?

Mr. Petrucci: Second.

Mr. Haste: All those in favor say, aye.

All: Aye.

Mr. Haste: Motion carried.

REPORT FROM BUDGET & FINANCE – MIKE YOHE, BUDGET DIRECTOR

Mr. Yohe: Commissioners, I have two items on the agenda today. The first is my biweekly investment report as follows:

Report from the Office of Budget & Finance August 12, 2003

- **July 25, 2003** transferred \$9,932,336.31 to the **Payables** account and \$1,769,902.13 to the **Payroll** account **from the County's Concentration account** for checks issued that week.
- **August 1, 2003** transferred \$549,142.98 to the **Payables** account **from the County's Concentration account** for checks issued that week.
- **August 8, 2003** transferred \$8,515,998.94 to the **Payables** account and \$1,848,343.52 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** \$120,632.53 rate 1.01%
- **Balance today in Northwest Savings Bank Money Market account** \$47,958,243.74 rate 2.5%

I had some discussion with Northwest and that will be dropping to around 2% effective September 1, 2003. I also talked with another bank and they couldn't even approach the 2%. I'm going to be looking at all the other institutions around, checking CD rates to see how that's going to compare with 2% but based on the reaction that I got from the one I talked to so far, what you see is still twice as much as what the market rate is right now. Are there any questions on the investment report?

The second item on the agenda is the quarterly budget amendments report. Several weeks ago you each should have received a packet with two different reports. One on the calendar funds and one on the fiscal funds. Obviously, the calendar funds are through half of the year and the fiscal funds are for the year that just ended June 30th. That would be the final numbers on that fund. Again, this just highlights any changes to the bottom line. If there are no questions, I would ask for your approval.

Mr. Haste: Are there any questions for Mr. Yohe?

Mr. Petrucci: On the next to the last page are a list of state and federal grants and other funds that still come in. I note that on our workshop we had a proposal that was coming in regard to some efforts by our Chairman to try to increase some of the grants flowing to Dauphin County. There is probably an effort to try to get about three more into Dauphin County. I appreciate the fact that some of those grants are in the corrections

field so we do have a chance for some more revenue to show up even though it is late in the year. If some of this can occur this can improve the picture in a positive way.

Mr. Yohe: As they show up they will be reflected on this report.

Mr. Haste: Any questions for Mike?

Is there a motion to approve the second quarter budget figures for the calendar year and the fourth quarter budget figures for the fiscal year?

Mr. Henry: So moved.

Mr. Petrucci: Second.

Mr. Haste: All those in favor say, aye.

All: Aye.

Mr. Haste: Motion carries.

REPORT FROM CHIEF CLERK/CHIEF OF STAFF – ROBERT BURNS

Mr. Burns: Mr. Chairman, I have nothing to report today.

SOLICITOR'S REPORT

Mr. Haste: Are there any questions of the Solicitor's report or Bill is there anything else you would like to bring to our attention?

Mr. Tully: There are no changes since August 7 but I would be happy to respond to any questions.

MATTERS REQUIRING BOARD ACTION

Mr. Haste: We are now at Matters Requiring Board action. First is the training packet.

Mr. Burns: There was one addendum to last week's training packet and I believe it was emailed to you this morning. It was a request for the Crisis Response Team and there is no charge involved.

Mr. Haste: Are there any questions for Bob on the training packet?

Mr. Petrucci: The last addition that was just put on, Bob, the Crisis Response Team is this a group that would....why would they need wire tapping and electronic surveillance training?

Mr. Burns: I think Commissioner it's part of C.I.D.

Mr. Haste: Right.

Mr. Burns: As opposed to MH/MR or Crisis Intervention.

Mr. Tully: That was one of the changes that was put in with the new legislation expanding electronic surveillance capabilities of anti-terrorist organization law enforcement response teams. The CRT Team would fall within that and so that training would be kind of required in order to satisfy some of the other grants that would come in under that.

Mr. Petrucci: So this response team is with our Criminal Investigation Division and not with MH/MR or Human Services Department?

Mr. Tully: Correct.

Mr. Haste: This is that team that was put together of not only C.I.D. members but members from other police forces throughout the County.

Mr. Henry: Municipal police forces.

Mr. Haste: Right.

Mr. Petrucci: Thank you.

Mr. Haste: We do have Items A through LL. I know we want to pull out Item D and bring Mr. Zwally forward and have some discussion on that. Are there any other items that we need to pull out?

Mr. Zwally: Good morning, Commissioners.

Mr. Haste: Why don't you begin to address Resolution #16-2003.

Mr. Zwally: We presented the resolution in the form in front of you today at your workshop meeting on August 7th. We have not received any questions or inquiries. I will respond to Mr. Cluck's inquiry on the waste shed analysis. It is an analysis which will be made to analyze the competitive factors. It's not so much a technical requirement as a financing requirement. In words the purchasers of the bonds, and quite frankly the county should it proceed with the guarantee, will want information before them concerning the competitive factors in the region. It will analyze all the regional facilities whether they are landfill or combustion. It will analyze tipping fees. It will look at any proposed expansions or new facilities where they may arise in terms of time and cost. I believe it is probably important information for certainly the purchasers of the bonds to have in front of them and also for the county as well. The cost of the study would be paid by the City. It would be one of the costs of the financing.

Mr. Haste: Who would be doing this study?

Mr. Zwally: It would be done by a consultant. I'm not sure who that is. It will be somebody retained by the Authority.

Mr. Haste: Any questions for Mr. Zwally on the resolution?

Mr. Henry: When would we anticipate that a final vote by this Board would be required?

Mr. Zwally: I believe the schedule is sometime in September or early October. It is our understanding that the vote by the Board of Commissioners would not occur until City Council has acted.

Mr. Haste: And all those requirements set forth in that resolution are met.

Mr. Zwally: That is correct.

Mr. Henry: If we are going to pledge our good faith and credit to the effort, the City Council ought to pledge their good faith and credit...they have to first. It's for the City. Fortunately, the county is in such solid financial shape that we can be of assistance in this matter. But the City Council needs to come to the table as well.

Mr. Zwally: Obviously, it's vital for the County that the City be first in line in terms of the guarantee. I would also suggest in light of your action taken earlier, that you might want to add a condition being the County's award of the contract for combustion services to the Authority. Certainly, if you don't take that action I think it puts a different light on the intent and the proposed action.

Mr. Henry: It is my understanding that our delay was to allow for public review and public inspection and public comment. At least in my part didn't signal a change in attitude toward final approval but to accommodate public input.

Mr. Zwally: It's just a suggestion and certainly it seems to be an important part of the County going forward. That action I understand is probably imminent but at least delayed.

Mr. Haste: Is that even necessary in this resolution since this is an intent resolution?

Mr. Zwally: No it is not. Frankly, there are enough of other conditions that I think would encompass that and certainly the last condition which would be our recommendations is pretty much all encompassing. So it's probably not critical. I don't want the Board to be criticized for taking this action and differing the other action because they are somewhat related.

Mr. Henry: This is not a final action. As you just said, we would be looking for final action on the guaranty in late September early October which gives us 30 days to review the other proposal and then they both can be finally acted upon rather concurrently.

Mr. Zwally: Right, they can.

Mr. Haste: Since this is an intent resolution, I feel comfortable. I would concur with you if it was a final vote. Since it is not...

Mr. Zwally: No, it certainly is not.

Mr. Haste: Before I would make my final vote, I want to make sure what the financial numbers may be after this has gone out to the bond market, as soon as possible. I would like to have those numbers presented to Mr. Yohe so that we can have people review it. I would like that reviewed. I trust everything else that everybody is saying but I would like an independent review by Mr. Yohe and people that he may rely on prior to our final vote.

Mr. Zwally: I agree.

Mr. Haste: Please allow that time in there.

Mr. Zwally: We certainly want that too. We are not financial consultants. That's not an area that we are not going to cover. We would appreciate any help we could have on that.

Mr. Haste: Just again, put that in the time line and try to make sure that we get that to Mike as soon as possible. Are there any other questions for Mr. Zwally? Thank you.

Mr. Zwally: Thank you.

Mr. Haste: Are there any other items that we need to pull out for discussion or a separate vote?

Mr. Petrucci: I would like to make a comment in regard to Item D before we do vote. I do want to say that there are several things that I like about the proposal that we are confronting with the City. I like the fact that we will be dealing with a public facility rather than a private sector one that's based on profit. I like the fact that they were able to come in quite a bit lower in regard to a tipping fee and that we will be able to plug in a very stable long term low price for the residents of Dauphin County should this come to fruition. I also like the fact that we will be helping a municipality, one municipality in particular, with this act as it goes forward. We will be helping 39 other municipalities in our county indirectly as we go forward with the prices. I also am enlivened by the fact that this will allow us the chance to increase our recycling of waste. There is evidence of that incineration does lead to five maybe ten percent increase in recycling capacity.

We do have plans to augment recycling even potentially at the site where the incinerator is. To me this is the greatest benefit out of all of this would be the ability to focus on our recycling stream and increase that. So for those reasons, I am looking forward to voting yes on this proposal.

Mr. Haste: Actually, I brought this along, Jennifer showed me this, this morning. Mr. Baratucci brings in a lot of things from New York. It was interesting and right to that point...the headline in today's daily news is in fact "Get Used to Trash". I think what we are doing is just the opposite of what the city of New York has done where they cut back on recycling. They laid off 114 workers. What they have had to do was go to recycling every other week. People talk about and I heard different things out there that we should be doing more recycling, we should be doing more of this, we should be doing more of that...and we should, however, we need to keep in mind the ease of the consumer because all good intentions go array when the consumer doesn't know what to do with it because it gets put out at the sidewalk because that is what we have conditioned them to do. I think with this comprehensive approach that we are taking to incinerate to lower that down and increase our recycling in the County hopefully, we won't see a headline like this.

Is there anything else that needs to be brought out separately or discussed for a vote? Hearing none, if there is a motion to approve Items A through LL, I will entertain it.

- A. Training Packet
- B. Approval of FY03/04 Per Diem Rates between the Children & Youth Agency and:
(per distributed list)
 - 1. Cornell Abraxas Group, Inc.
 - 2. Clear Brook, Inc.
 - 3. Adelphoi Village, Inc.
 - 4. Families United Network, Inc.
 - 5. Glade Run Lutheran Services
 - 6. George Junior Republic of PA
 - 7. Laurel Youth Services
 - 8. Concern Professional Services for Children, Youth, & Families
 - 9. CHOR Youth & Family Services, Inc.
 - 10. White Deer Run, Inc. d.b.a. Cove PREP
 - 11. Tressler Lutheran Services d.b.a. TresslerCare
 - 12. Boy's and Girl's Club of Central Pennsylvania, Inc.
 - 13. Bradley Center, Inc.
 - 14. Family Care for Children and Youth, Inc.
 - 15. Hoffman Homes, Inc.
 - 16. Holy Family Institute
 - 17. National Center on Institution and Alternatives
 - 18. The Summit School, Inc.
 - 19. Children's Home of York
 - 20. Southwood Psychiatric Hospital
- C. Real Estate Tax Refunds:
 - 1. Partial Refund of 2002/2003 Real Estate Taxes to

- Yingst Homes, Inc., 7759 Hanoverdale Dr., Harrisburg, parcel #68-047-075, in the amt. of \$1,025.78.
2. Partial Refund of 2003 Real Estate Taxes to Allen & Kathy Bilder, 7759 Hanoverdale Dr., Harrisburg, parcel #68-047-075, in the amt. of \$160.26.
 3. Partial Refund of 2003 & July-December 2002 Interim Real Estate Taxes to Roger & Tamara Hummel, 1193 Balthaser St., Harrisburg, parcel #35-080-159, in the amt. of \$219.58.
 4. Real Estate Refund to Lereta Corp. Refunds Dept. for parcels #11-007-078 & #12-014-011, in the amt. of \$576.63. (duplicate payments)
 5. Real Estate Refund to Transamerica Real Estate Tax Service for parcels #12-013-016, #13-015-033, #01-060-030, & #13-088-022, in the amt. of \$1,302.25. (duplicate payments)
 6. Partial Refund of 2002 & 2003 Real Estate Taxes to Lester S. Miller, Jr., c/o Feeser's Inc., 5561 & 5581 Grayson Rd., for parcels #63-015-057 & #63-015-040, in the amt. of \$3,547.17.
 7. Partial Refund of 2002 & 2003 Real Estate Taxes to Patton Recreational Properties, 3904 Corey Road, Mechanicsburg, parcel #62-040-057, in the amt. of \$5,622.41.
- D. Adopt Resolution No. 16-2003 of the County expressing an intent to provide a Guaranty of the Harrisburg's Retrofit Bonds subject to and upon fulfillment of conditions specified in the Resolution. In an amount not to exceed \$125,000,000.
- E. Adopt Resolution No. 17-2003 authorizing a Nursing Home Intergovernmental Transfer Program pursuant to the Commonwealth Agreement and Cooperation Agreement; and further granting authorization for any and all lawful actions necessary to effectuate Dauphin County's participation in the Program.
- F. Adopt Resolution No. 18-2003 authorizing the issuance of a Tax and Revenue Anticipation Note in the maximum principal amount of \$31,948,716 accepting the Mellon Bank proposal and authorizing the filing with the PA Dept. of Community and Economic Development relating to the FY03/04 Nursing Home Intergovernmental Transfer.
- G. Adopt Resolution No. 19-2003 authorizing and approving a settlement of Appeals filed with the PA Environmental Hearing Board by Waste Management of PA, Inc., and William J. Cluck regarding the County's 2002 Revision to and Consolidation of its Act 101 Waste Management Plan.
- H. Adopt Resolution No. 20-2003 appointing William Cluck and Robert Grubic to the County Solid Waste Advisory Committee.
- I. Authorization to sell 206 parcels from the Repository List to the City of Harrisburg. (Per list distributed)
- J. Exoneration of all County Real Estate Taxes for Years 2002/2003 in the amt. of \$1,751.16 owed by Good Shepherd Evangelical Congregational Church.
- K. Approval of a Proposal from Kerry Pae Auctioneers to hold an auction on August 15, 2003 of the Repository Properties.
- L. Reappoint Nancy Thompson to the Board of Housing and Redevelopment Authorities. Term to expire 8/26/08.

- M. Rescind Contract with Black, Davis & Shue dated June 10, 2003 and approve an Agreement with Black, Davis & Shue to represent Dauphin County for vision, prescription and dental insurance plans for the amount of \$15,000 to be paid at a fee of \$3,000 monthly and expires December 31, 2003.
- N. Change Order #09 with Alexander Constructors, Inc., construction manager, for the Dauphin Manor Nursing Home renovations, in an add amt. of \$106,132.00. (This Change Order includes the following cost event #'s: 125, 131, 137, 141, 142, 143, 144, 145, 146, 149, 150, 152, 153, 154, 155, 156, 157, 158, 159, 161, 162, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, & 181. (Paid by owner.)
- O. Renew Grant-in-Aid Application and Grant Agreement with the Pennsylvania Board of Probation and Parole for financial support for the improvement of Criminal Court Probation Services. (Covers salaries of Adult Probation Staff in an amt. of \$4,262,225.00 for a period of 7/01/03 through 6/30/04).
- P. Satisfaction of Mortgage with Ms. Fetter for property located at 118 Hillside Avenue, Middletown, PA, in the amt. of \$3,114.00.
- Q. Subordination Agreements:
1. Ms. Roth for property located at 2532 Canby St., Harrisburg.
 2. Ms. Paluscio for property located at 961 Monroe St., Steelton.
 3. Ms. J. M. Clark and Ms. J. M. Scott for property located at 2206 North 5th St., Harrisburg.
- R. Agreement for professional Engineering Services with Herbert, Rowland & Grubic, Inc., to provide consultant services to the County for review of the proposals for municipal waste combustion capacity. Payment for services will be \$5,000.
- S. Agreement between EMA and Intergraph Public Safety to install web based software and implementation service to replace failing in-house built system.
- T. Addendum to Agreement between Dauphin County and Nextel Partners, Inc., for additional three (3) phones at a cost of \$1,295.00 with the term of the Agreement to expire December 31, 2003.
- U. Agreement between Dauphin County Weatherization and PA Dept. of Community and Economic Development for the receipt of a grant in the amt. of \$632,818.00 to be used for the Weatherization Assistance for Low Income Persons Program.
- V. Lease Agreement between Dauphin County and Marianna and Michael Clogherly for the lease of office space for D. J. Bill Wenner.
- W. Approval of Stipulation of Settlement for the Szeles Investment Company Tax Assessment Appeal, Tax Parcel #35-074-038.
- X. Agreement between Dauphin County and LegalEdge Software for software that will be installed in the Public Defender's Office. (This is part of a matching grant from CCAP.)
- Y. Equipment Lease Agreement between Information Technology and Unisys Leasing Corporation for computer equipment for EMA.

- Z. Agreement between Dauphin County and Otis Elevator Company to provide the services, labor and material to install emergency unlocking devices in the Veterans Building elevators.

- AA. Agreement between Human Services Adult and Family Services and the U. S. Housing and Urban Development for the Homeless Management Information System in the amt. of \$326,097.

- BB. Human Services Development Fund Agreements for FY03/04 between Human Services Adult and Family Services and:
 - 1. Visiting Nurse Association of Central PA
 - 2. ACCEPT Supportive Care, Inc.
 - 3. Lee's Industries, Inc.
 - 4. Courteous Rentals
 - 5. Addus Health Care, Inc.

- CC. Purchase of Service Agreements for FY03/04 between Dauphin County Area Agency on Aging and:
 - 1. Masonic Homes' Adult Daily Living Center
 - 2. The Harrisburg Housing Authority for the Jackson Lick Towers Senior Center
 - 3. The Harrisburg Housing Authority
 - 4. The Cumberland County Office of Aging and Community Services
 - 5. Capitol Area Transit (CAT)
 - 6. Pinnacle Health Medical Services, Inc.

- DD. Adoption Assistance Agreements:
 - 1. #2003-11
 - 2. #2004-12
 - 3. #2004-13
 - 4. #2003-14

- EE. Subsidized Legal Custodianship Agreement #2003-2.

- FF. Dauphin County Children & Youth Services and Juvenile Justice Services Needs-Based Plan: Implementation Plan for FY03/04 and Needs Based Plan for FY04/05 submitted to PA Dept. of Public Welfare.

- GG. Purchase of Service Agreements for FY03/04 between Children & Youth Agency and:
 - 1. Greater Harrisburg Foundation
 - 2. Christina Parrino/University of Pittsburgh
 - 3. Muhsinah Abdullah/University of Pittsburgh
 - 4. Parent's Anonymous
 - 5. Harmony Center
 - 6. Neighborhood Center of the Central PA Conference of the United Church of Christ
 - 7. United Methodist Home for Children Emergency Shelter for Youth, Inc.
 - 8. Youth Services Agency
 - 9. William M. Shreve, Esq.
 - 10. Jason P. Kutulakis, Esq.
 - 11. Life Management Associates

12. Northern Dauphin County Branch-YMCA
13. Northern Home for Children
14. Chariots LLC
15. United Methodist Home for Children Residential Care, Inc.
16. Hempfield Counseling Associates, Inc.
17. Alternative Rehabilitation Communities, Inc.
18. YMCA Harrisburg Area East Shore Branch
19. Bowling Brook Preparatory School, Inc.
20. Family Service Partners d.b.a. Family and Children's Services
21. Alternative Behavioral Services t/d/b/a/ The Pines Residential Treatment Facility
22. SummitQuest Academy, a division of ViaQuest Behavioral Health, LLC
23. Glen Mills School
24. Drug and Alcohol Rehabilitative Services, Inc.

HH. Purchase of Service Agreements for FY03/04 between MH/MR and:

1. Elizabeth Solon Frantz
2. Best Buddies International, Inc.
3. Cornell Abraxas Group, Inc.
4. Diakon Lutheran Social Ministries
5. NAMI of Pennsylvania
6. Keystone Service System, Inc.
7. 106 Walnut Law Offices

II. Amendment #1 to FY03/04 Purchase of Services Agreements between MH/MR and:

1. Joanne P. Peters, OTR/L
2. Cherie Rodger, SLP-CCC, MA dba 2 Communik *
3. Portraits of Life Adult Day Services, Inc.
4. Quest, Inc.
5. Grayson View, Inc.
6. TMB Developmental Therapy & Infant Massage
7. Red Rose Transit Authority
8. Gaudenzia, Inc.
9. Keystone Community Resources, Inc.

JJ. The Change Order approved August 7, 2003 for the Fort Hunter Project includes the contractor, The Horst Group.

KK. Approval to pay a pro-rata share of \$988.00 of the appraisal fee for the Governor Hotel Partnership (Governor Hotel Apartments) Tax Assessment Appeal – tax parcel #03-001-067.

LL. Amended and Restated Healthchoices Behavioral Health Agreement between Dauphin County and the Commonwealth of PA.

Mr. Henry: So moved.

Mr. Petrucci: Second.

Mr. Haste: Is there any other discussion before the vote? All those in favor say, aye.

All: Aye.

Mr. Haste: Motion carries.

FORMER BUSINESS

Mr. Haste: Is there anything before us that needs discussion?

Mr. Petrucci: I have a report that I would like to make before the Board in regard to two of my oversights. The library and the Susquehanna Employment Corporation.

This last week there was the conclusion of a project that the county has funded for the last five years which is Jump Street that used to be formerly MetroArts. We give \$15,000 or \$20,000 a year to Jump Street for a specific project that works with at risk children in the city during the summer. This year they had fifteen youth at William Penn High School who constructed tables and chairs and then artistically painted those tables and chairs, eight sets of them, and then donated those tables and chairs to the Dauphin County Libraries. Each one of our branches will receive one of these tables and chairs done by these kids. This was an effort that combined four basic organizations. SEC paid the kids a minimum wage of \$5.15 an hour because we have to compete with Burger King, McDonalds and others to get kids into the programs. They were paid. It was run by the nonprofit organization Jump Street which has contact with artist and craftsman to give these skills to the children. It was operated out of the Harrisburg School System at the William Penn School. Of course, in part funded by Dauphin County. The fifteen kids at their graduation indicated how much they appreciated the fact that they were given this opportunity to enhance their skills. I think it was a very valuable program. Several of the news stations were there to cover it and I wished that I have contacted our public relations department and have them come out and do a press release about it. But maybe we can follow up as these tables get into our county libraries. They really did an excellent job and our libraries will be the beneficiaries of those kids work. I just wanted to report that very successful program.

Mr. Haste: Is there anything else under former business?

NEW BUSINESS

Mr. Haste: Do we have anything for new business?

COMMISSIONERS DISCUSSION & ACTIONS

Mr. Haste: Is there anything for under Commissioners' discussion or actions?

CORRESPONDENCE

Mr. Haste: Next you will see before you the list of correspondence that we have received over the past week which will be handled appropriately by the staff.

- A. Received a copy of a letter from the United State Nuclear Regulatory Commission in reference TMI's proposed alternatives to the requirements of

Title 10 of the Code of Federal Regulations concerning the American Society of Mechanical Engineers Boiler and Pressure Vessel Code for inservice inspection programs.

- B. Notification from Light-Heigel & Associates, Inc., on behalf of the Hummelstown Borough, indicating they will be applying to DEP for a Joint Permit Application for encroachment on a waterway associated with disturbance during nature trail improvements encircling the Borough Park along Swatara Creek.
- C. Notification from Jess King indicating he will be applying to DEP for a General NPDES Permit for the construction of a retail store with parking facilities and septic system located Lykens Township, Dauphin County.
- D. Notification from Light-Heigel & Associates, Inc., on behalf of the Hershey Entertainment & Resorts Company, indicating they will be applying to DEP for a NPDES General Permit for discharge of stormwater associated with disturbance during construction activities at the resort in Hershey, Dauphin County.
- E. Notification from Light-Heigel & Associates, Inc., indicating that Middle Paxton Township intends to apply for minor road crossing general permit.
- F. Notification from Pennsylvania American Water indicating they will be applying to DEP for an erosion and sediment pollution control permit in reference to construction of a fish passageway (fish ladder) to allow passage of American Shad and River Herring at the Swatara Creek Dam, Hershey, Dauphin County.
- G. Notification from Mid Penn Bank indicating they will be applying to DEP for a general NPDES permit in reference to a four lot subdivision to create four single family residential lots, Armstrong Valley Road & Rutter Road, Halifax, Dauphin County.
- H. Notification from Light-Heigel & Associates, Inc., indicating that UGI Utilities will be applying to DEP for a General Permit for a utility stream crossing at the culvert, north side, 7230 Block of Sandy Hollow Road, West Hanover Township, Dauphin County.
- I. Notification from Dauphin Engineering Co., on behalf of Natale Realty Company, indicating they intend to submit an application to DEP for a Notice of Intent for coverage under the PA General Permit for discharges of storm water from construction activities of a new commercial building (warehouse), 421 Amity Road, Swatara Township, Dauphin County.

PUBLIC PARTICIPATION

Mr. Haste: We are back again at public participation. Is there anyone in the audience that would like to address the Board? Please come forward.

Mr. Cluck: I appreciate your action today. I think it is critical that the public has an opportunity to participate in governmental decision making particularly when it affects their pocketbooks and potentially public health, safety and welfare.

One of the concerns that I have is whether you are putting the cart before the horse. I would suggest if you accept free legal advice, I think someone needs to take a very critical look at Act 101 and determine whether or not you can move forward and execute a contract even after a 30 day public comment period before you go through the process of revising the county waste plan. You went through the process of revising the county waste plan just last year and in December, 2002, you approved the plan that calls for a competitive menu approach among a number of facilities. I heard someone say notice was recently given to local municipalities about the county's intent to move towards flow control. I've not seen that letter. I would be interested in seeing it. My understanding is, I think you need to revise the plan before you move forward and execute contracts. I do think you can express an intent, I think for purposes of financing you can do what you did today. I would hate to see litigation result and this would not be for me, but I suspect there are companies out there looking at this very closely. This falls apart because of procedural errors under Act 101. One of the substantive concerns I have is was the RFP published in the *Pennsylvania Bulletin*? I did a quick check last night, it wasn't thorough, it may have been published, I may have missed it but I'm pretty good about every Friday checking the *Pennsylvania Bulletin*. If it was not published in the *Pennsylvania Bulletin*, there may be a couple of reasons why not. One would be that the County has not made a determination that it needs additional capacity. My understanding is the RFP is because you want additional capacity for county waste. If so, then it was required to be submitted to DEP and published in the bulletin under 272.225D of DEP's regulations. Substantively, yes, you're going to go with a public authority, yes, you have a long term stable rate, \$50 is a terrific rate, but that doesn't apply to me in the city of Harrisburg. That only applies to the rest of Dauphin County. According to the Burchart Horn reports submitted to city council I'm going to pay \$76 a ton. I suspect if there is an economic down turn, if enough steam is not generated, if enough electricity is not generated and purchased, during those down times, I'm the one who is going to see the increase in garbage rates and not the county. I don't think that is fair to the City of Harrisburg taxpayers and I think that is something you need to give consideration to. I understand from the County's perspective, great deal, go for it.

Thank you for your time. I thank you for public participation and I look forward to submitting comments.

Mr. Haste: Thank you.

Mr. Petrucci: Thank you, Bill.

Mr. Haste: I would ask the Solicitor's Office, could you please take a close look at the issues raised by Mr. Cluck and make sure that we are aware of that before our vote.

Mr. Tully: I actually had a conversation with him before the meeting. He's been kind enough to say he's going to email me a list of his concerns and then we'll review that before Commissioners are asked to vote.

Mr. Haste: Thank you. Is there anyone else that would like to address the Board of Commissioners at this time?

ADJOURNMENT

Mr. Haste: Is there a motion to adjourn?

Mr. Henry: So moved.

Mr. Petrucci: Second.

Mr. Haste: All those in favor say, aye.

All: Aye.

Mr. Haste: This meeting is now adjourned.

Respectfully submitted,

Robert Burns, Chief Clerk/Chief of Staff

Transcribed by: Shari Eagle
August 12, 2003

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