



DAUPHIN COUNTY BOARD OF COMMISSIONERS

WORKSHOP MEETING

TUESDAY, SEPTEMBER 16, 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; Phil Spaseff, Recorder of Deeds; Marie Rebuck, Controller; Robert Dick, Treasurer; Bill Tully, Esq., Solicitor; Bruce Foreman, Esq., Solicitor's Office; Faye Fisher, Personnel Director; Richie Martz, Commissioners' Office; Jane Gordon, Commissioners' Office; Kacey Truax, Commissioners' Office; Jennifer Kocher, Communications; Diane McNaughton, Communications; Sharon Ludwig, Personnel; Garry Esworthy, Risk Manager; Randy Baratucci, Purchasing Director; Edgar Cohen, Facility Maintenance; Shari Eagle, Information Technology; Greg Schneider, Budget & Finance

GUESTS PRESENT

Marcia Breinich; Bill Cluck; Chris Fegley; Frank Divonzo; Barb Morgan; Adelaide Helen Steely; Dan Lispi; Andrew Gorginio

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 before us for review for next week the minutes from the September 4, 2003 TEFRA Hearing; September 4, 2003 Workshop Meeting; and the September 4, 2003 Election Board Meeting.

PUBLIC PARTICIPATION

Mr. Haste: We are at the time and place in our meeting for public participation. Is there anyone in the audience that would like to address the Board at this time?

Mr. Cluck: I'm here to discuss with you public participation, once again. I applaud the County Commissioners for attempting to seek out public comment on the proposed contract between the City of Harrisburg and Dauphin County. I note on the web page there is now a sample agreement, which I believe is the proposed contract. Unfortunately, it doesn't say, this is subject to public comment. So if a visitor comes to the website, they don't know that that document was subject to public comment. Frankly, at this point in time, I've been whining and moaning about this for weeks and weeks and weeks, I give up.

The comment that I have is, I would like to see the Solid Waste Advisory Committee meet. I think it's required by law. I think it is necessary for implementing the County Plan. We have not met. That's all I have today.

Mr. Haste: I think people do know to comment, everywhere I go I get comments. I think the public knows to comment. Is there anybody else for public participation?

PERSONNEL

Ms. Fisher: There is one Salary Board item in the packet for today for facility maintenance. It's to create a part-time custodian position. Moving into the regular personnel packet, we have the workshop agenda vacancies listing.

Mr. Petrucci: Do we already have some part-time custodian positions?

Ms. Fisher: We do have other part-time custodian positions. I don't believe there are any vacant part-time custodian positions.

Mr. Petrucci: This is a creation of a new part-time position?

Ms. Fisher: That is correct.

Mr. Haste: Edgar, do you want to speak to that?

Mr. Cohen: This is to add to the part-time positions. Actually a gentleman's hours have been cut and we need to add an additional position.

Mr. Petrucci: Okay.

Ms. Fisher: Next we have the workshop agenda new hires listing and next is the workshop agenda changes listing. Mike Yohe has provided feedback on all of these transactions this morning. Next is the overtime report for pay period #17. Finally, we have an overtime request for the Prison.

Mr. Haste: Are there any questions for Faye?

TRAINING PACKET

Mr. Burns: The packet has ten requests today. They've all been preapproved by the oversight Commissioner. They can all be carried over to the Legislative Meeting for action.

PURCHASE ORDERS

Mr. Baratucci: You should have all received a purchase order packet this morning. There are no changes to it at this point. There are some budget issues that Mike and I will work through between now and Tuesday. Unless you have any questions, it's there for your review and approval for next week.

Mr. Haste: Are there any questions for Randy?

DEPARTMENT DIRECTORS

Mr. Haste: Are there any Department Directors that would like to address the Board at this time?

ITEMS FOR DISCUSSION

Mr. Haste: We have Items A thru E. I see Items A & B need a vote today. I assume Item A is because we need to get the contracts in.

Mr. Tully: We actually have someone that has been placed there already so we need to have the paperwork catch-up and the contract as well.

- A. Approval of FY02/03 & FY03/04 per diem rates between the Children & Youth Agency and High Pointe-Education \$70.00/day.
(*NEEDS VOTED ON 9/16/03)**
- B. Approval of a Proposal from Public Financial Management to serve as financial advisor to the County for analysis of a potential County Guarantee of the Harrisburg Authority Bond Issue pertaining to the Harrisburg Incinerator Project. **(***NEEDS VOTED ON 9/16/03)**
- C. Correct September 9, 2003 agenda item - The County Treasurer shall be authorized to accept payment of 2003 taxes in the flat amount through December 31, 2003. The September 9, 2003 agenda inadvertently authorized acceptance in the discounted amt.
- D. Proposed Municipal Waste Combustion Disposal Agreement between The Harrisburg Authority and Dauphin County.
- E. Request to exonerate 2001 & 2002 real estate taxes for Derry Township, on parcels #24-094-049 & 24-094-050 in the amt. of \$1,836.80 and exoneration of 2001 real estate taxes on parcel #24-052-044 in an approx. amt. of \$265.00.

Mr. Haste: Is there a motion to approve Item A?

- A. Approval of FY02/03 & FY03/04 per diem rates between the Children & Youth Agency and High Pointe-Education \$70.00/day.
(*NEEDS VOTED ON 9/16/03)**

Mr. Henry: So moved.

Mr. Haste: Is there a second?

Mr. Petrucci: Second.

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

All: Aye.

Mr. Haste: Motion carries. Item B, Mr. Tully?

Mr. Tully: The follow-up on this was a matter that we discussed last week. Essentially, we are relying upon special counsel to assist us in evaluating the bond proposal in cooperation with backing up the City's bond on the incinerator. In order to get the best possible opinion as to whether we go forward, they say they require not only engineering, which was approved, but also the financial aspect, which is an important part to the formula. So therefore, if that's required for his giving us his best opinion, we

pretty much need to provide that. I understand and I think there is a consensus that needs to be done. The question is who it is. This is the individual that was selected by Chuck Zwally and we are inclined to recommend going through with his recommendation.

Mr. Haste: Is there a motion to approve?

- B. Approval of a Proposal from Public Financial Management to serve as financial advisor to the County for analysis of a potential County Guarantee of the Harrisburg Authority Bond Issue pertaining to the Harrisburg Incinerator Project. **(***NEEDS VOTED ON 9/16/03)**

Mr. Petrucci: So moved.

Mr. Haste: Is there a second? I'll second it. Discussion.

Mr. Petrucci: I am making this motion this week even though I refused to put forward a second last week because I still am concerned about who it is that ultimately is bringing forth the decisions or the recommendation for decisions about the contractors, the subcontractors, and all the vendors that are going to assist us in this bond issue, even though we are just guaranteeing it. I still am somewhat concerned about the level of discussion where the recommendations are emanating from. I am sensitive to Mr. Cluck's concern that Boards and groups of advisors are not necessarily specifically considered to assist in making recommendations to this Board. But, I did receive significant enough correspondence and phone calls to put forward today this motion to have Public Financial Management assist in looking at it. But I will continue to question, where the information that is brought to us is generated from and hope that it will include all the advisory boards and proper steps before it gets here.

Mr. Henry: I'll restate my opposition to the hiring of PFM. I agree we need a financial consultant. Obviously if we are going to enter into an agreement of this scale, we should have the best financial advice possible. My objections are actually threefold. First of all, the fee is excessive. Second of all, I think the firm has done considerable business with the City of Harrisburg and I do not believe that we are going to get unbiased advice. On top of that, I personally have not been pleased with past services by this firm. I'm not objecting to the fact that we need a financial advisor. But, I'm objecting to the hiring of this particular firm at this particular price.

Mr. Haste: Is there any further discussion?

Mr. Petrucci: In response to that, I would like to state that I too had experiences with Public Financial Management. They have done several issues advising the County and I thought that they did a very good job in explaining complicated issues to us and to the public. Also, I have looked at the issue of the cost on this and given the complicated nature of this particular guarantee in which there are multiple bond issues to look, I did not feel that the fee was out of align. Therefore, I am making the motion.

Mr. Haste: There has been a motion and a second. All those in favor say, aye.

Mr. Haste & Mr. Petrucci: Aye.

Mr. Henry: Opposed.

Mr. Haste: Motion carries. We have items C, D, & E. It is my understanding that we will take those up next week.

Mr. Burns: Correct, Mr. Chairman.

SOLICITOR'S REPORT

Mr. Tully: I have nothing to add to the report that was submitted.

Mr. Haste: Are there any questions of Mr. Tully at this time?

COMMISSIONERS' COMMENTS

Mr. Haste: Is there anything that the Board would like to bring up at this point in time?

Mr. Petrucci: I have two issues that I would like to bring up for discussion with the Board. At HACC I ran across one of our members of Friends of Wildwood. They received a letter from our Parks & Recreation Department indicating that the Board of Commissioners advised that no volunteers under the age of eighteen should be used to do work in our parks and the Parks & Recreation Department. I don't recall as a commissioner ever having issued such a rule or a mandate. Obviously, children need to be taken a little more care in regard to their volunteer efforts but our high schools are allowing our high school students to go out and work and do volunteer work and get high school credit for it. I'm wondering why the county would not allow volunteers under the age of eighteen to work with it. Surely, we could come up with the extra effort to assist our young as they would like to volunteer. I think we have a lot of departments that could take advantage of volunteer effort. I would like to see that we fully consider eighteen year olds as volunteers as well. I'm asking if the commissioners recall or know anything about a rule to have our departments not accept eighteen year old volunteers or under.

Mr. Haste: I don't remember anything. But, that almost sounds like an insurance issue. Is it Garry?

Mr. Esworthy: The only exception using volunteers under the age of eighteen would be to limit their use of vehicles or power equipment. We have waivers for them to sign along with the parents.

Mr. Henry: There was a situation that arose and I'm not going to comment on whether the reaction to it was right or wrong. Commissioner Payne, when he had oversight of Parks & Recreation, had an issue and I don't recall all the details exactly, very early in our term relative to a volunteer who I think was directing traffic or something along those lines who was under eighteen. Insurance concerns came up and at that point John made the decision that he simply wouldn't have volunteers under the age of eighteen. Insurance concerns, training and oversight were the issues. It has been in place since that particular time. Whether there would be a way to design it that we could in fact have people under eighteen, maybe Garry could work up some guidelines for us. To my recollection, that is what spawned that rule in that department. I don't know whether it necessarily applies to any other department in county government but John had made that decision relative to Fort Hunter.

Mr. Haste: I will have a discussion with Mr. Chubb. I was not aware of it.

Mr. Petrucci: I guess it is something that we can clear up. I appreciate it.

Mr. Haste: I'll let you know next week what I find out.

Mr. Petrucci: The other issue that I would like to raise for the Board's discussion is that as state and local governments across America look for ways to try and meet their budget allocations and revenue shortfalls, we have seen in our case rises in our personnel cost with prescription drugs, with medical benefits, and things like that. I took effort on many occasions to comment about this but I am delighted to see that there is some governor in the state of Illinois that is pursuing some financial savings by having his state employees get their prescriptions filled in Canada. I would like to see the county with our three basic departments of Area Agency on Aging, Spring Creek, and our personnel department try and assume some similar kind of initiative for reducing the costs of our prescription drugs. I think our A.A.A. department instead of taking bus loads of seniors generally of a higher income group to Atlantic City to spend their money there instead of here, should be organizing bus trips of seniors of our lower income group to go to Canada and get cheaper prescription drugs. I think that Spring Creek should be looking at ordering it's massive amount of drugs out of Canada instead of high cost from monopolistic produced drugs here in the United States. I think that our personnel department should look at ways to assist our 2,100 employees at getting cheaper drugs rather than pay the high extortion price that the pharmaceutical industry is able to ask of us here. I would ask the Board to consider asking those departments to investigate opportunities for making financial savings by looking at opportunities to purchase these prescription drugs at cheaper locations even if they are out of the country. That's all I have for discussion today.

Mr. Haste: I know people have been paying attention to the upcoming storm. I had discussion with our EMA and some of our other departments. They are getting prepared and ready for whatever may occur. As we move forward, I feel comfortable that our county departments that are responsible for certain things are in fact on top of it. We'll be responding appropriately. Even at the Prison, they are taking some

precautions for high water that may occur along Mall Road and what it may do to that facility. As we move forward, I'm sure they will keep us updated. Is there anything else from the Board?

PUBLIC PARTICIPATION

Mr. Haste: Is there anyone from the audience that would like to address the Board?

Ms. Steely: I want to say something about the incinerator but I would like to comment on the issue of the drugs. I believe that the state AFSCME sent some information home with their people about Canadian drugs. Your county might want to connect with them. I'm not sure if we are allowed to import drugs or whether we will be doing a federal felony. Mr. Ashcroft will get us under the Patriot Act but somebody else will have to look into that.

My thing with the incinerator is that a lot of people talk about asthma being a problem. I read an article just this morning in my Discover Magazine, the September issue from 2003. It mentions that 50% of black children get asthma. They have discovered that it is not a question of nutrition. It is not a question of dirty homes. It is not a question of something that the parents are doing. It happens to be a genetic thing. It's something that has evolved over the eons among the black people of Africa. The tracheal tubes close up when they detect an invader. That's why it is such a horrible incidence among black children. Why it is increasing, it may be that people are noticing it more. It's like the sickle cell problem. This is why we shouldn't have this down there. Also, the hurricane coming this weekend, we could have another flood like Agnes. I went through Agnes and all of you did. Of course, the incinerator is presently in the floodplain. We should think about moving it out of the floodplain and somewhere else in the county and making it an entire county facility, not just the City of Harrisburg so that we have control of it. And we don't have anyone able to get the money because it's not tax dollars, it will be income. You could have someone that would be getting a hold of this money for various asunder purposes. So be it.

Mr. Petrucci: Thank you, Helen.

Mr. Henry: I think for the record the incinerator is not located in the floodplain.

Mr. Haste: If it is, we're all in trouble.

Mr. Henry: If it floods to that point, we'll have bigger troubles than the incinerator.

Mr. Haste: Is there anything else for public participation?

Mr. Frank Divonzo: I'm a resident of Paxtang Borough. I have some questions particularly about Item D that was under Items for Discussion. Generally speaking, when you say that it's put off until next week. Can you explain what that means?

Mr. Haste: This is a Workshop Meeting and normally we put things on the agenda that will be voted on next week. They are there for discussion and comment.

Mr. Divonzo: Since it wasn't discussed or commented on, is it going to be up for vote next week?

Mr. Haste: Yes.

Mr. Divonzo: I find that rather interesting that it was passed by and then is going to be put on the agenda next week to be voted on.

Mr. Henry: That gives us a week.

Mr. Haste: It has been here about four weeks.

Mr. Divonzo: This particular item has been on the workshop agenda...

Mr. Haste: Yes, almost on every meeting agenda since we started discussing it.

Mr. Divonzo: I'm sorry, this is my first time here. I've been out of town and this is the first time getting my hands on an agenda.

Mr. Petrucci: If I may interrupt you for just a moment, I did want to bring up an issue in regard to Item D, as well. I received from Bob Burns today responses to some of the municipalities who have responded about this issue, the direction of trash control. I never saw the actual communications from the municipalities. I see that you made three responses to three groups that have responded but I didn't get to see what they wrote. Can I get a copy of what it is that they communicated to us?

Mr. Burns: Yes, I will copy you.

Mr. Divonzo: Actually, I had a question on that as well. How many letters have you received, what is the nature of the letters and how many have been in opposition to the plan?

Mr. Burns: That was discussed last week but to reiterate, we received four letters from Williams, Washington, Upper Paxton and Middle Paxton Townships. We also appeared before three municipalities, Lower Swatara, Hummelstown and Susquehanna Townships. The general question that every municipality has had is, what will that contract with the City incinerator do to their local trash bill. That is the main question we've gotten.

Mr. Divonzo: How many letters of opposition have you actually received?

Mr. Burns: We received one letter of opposition that was from Washington Township and we received a series of petitions from individuals. I don't recall if they gave their addresses or not. I think most of them reside within the city.

Mr. Divonzo: You brought earlier and I'm sorry again, a lot of this stuff is going to be rehashed, but if you don't mind bear with me. You mentioned that you have hired, if I'm not mistaken, you have agreed to go forward with an engineering consultant. Now today it is a financial consultant. Has it also been if I'm not mistaken, I thought I read a legal consultant who was hired? Can you explain who that is and what the purpose is?

Mr. Haste: Chuck Zwally.

Mr. Divonzo: The purpose for....

Mr. Haste: To look at the bond issue.

Mr. Divonzo: That person is to look at the bond issue.

Mr. Haste: Correct.

Mr. Divonzo: Not, PFM is also looking at the bond issue?

Mr. Haste: Correct.

Mr. Divonzo: Mr. Zwally, is that right?

Mr. Haste: Right, he does bond counsel work. He's going to look at the bond issue from a legal aspect. PFM will look at it from the financial aspect and the revenues to make sure that in fact they are as the city is proposing. It is another set of eyes to make sure what we have been presented is accurate.

Mr. Divonzo: How about the issue that is on today's agenda and will be on next week's agenda, Item D, the disposal agreement, is Mr. Zwally or legal counsel looking at that at all?

Mr. Haste: That is our Solicitor's Office.

Mr. Divonzo: Okay, I think there is something else about the agreement and I don't know if it is appropriate at this time, giving that it hasn't actually been decided upon, I think following up on Mr. Cluck's point earlier, the one thing that I would have liked to have seen and would like to see is with the agreement is a sample agreement the one that is on the website. There is some pertinent information obviously that is not available by that sample agreement particularly the most important thing is the sheet, essentially the not to exceed projected fees page. It is the one that lists the fees by year and what they are projected to be or not to exceed down the line. I think the blank copies the unfilled version is in there. But if there is something that is already filled out

that is being proposed by the City, we've heard the starting amount of \$50.00 a ton. I would like to see the projection over the course of the contract.

Mr. Burns: We have a copy of that contract at our front desk.

Mr. Divonzo: I would like to get a hard copy of that but I'm thinking it would be nice to have that on or even just that portion is scanned as an addendum as to what is on the internet site so people can actually view that when they go in there.

Mr. Burns: Actually, year one of the contract in 2006 calls for a tipping fee of \$50.00 a ton and every year thereafter it's tied to a cost of living increase.

Mr. Divonzo: There is no not to exceed figure? It's always tied to the CPI?

Mr. Burns: Yes.

Mr. Divonzo: I will try to get that hard copy before I leave. I guess it doesn't leave a whole lot of time, based on Mr. Petrucci's comment, if I understand him clearly about getting all the information from the various sources, I certainly think and hoping to have an opportunity to speak more about the agreement and also about the bond issue. I would ask Mr. Petrucci as well as all the other Commissioners if you consider among those other sources possibly meeting with individuals in the community one on one directly or even a group of representatives particularly speaking of myself. Because again a meeting like this unfortunately doesn't allow a lot of time to discuss these issues particularly talking about the numbers and some of the other issues. If you would entertain that at some point, I would appreciate it if we could have some communication on that. If not, you can just say so, but I would appreciate an opportunity to speak more at length about the incinerator issue.

Mr. Haste: I have been to a couple of public hearings. I've heard your comments at the public hearings.

Mr. Divonzo: There are a ton more, public hearings and public meetings like this unfortunately they afford very little time to essentially share the information that I have, hard copy documents and things like that. If you would entertain that I would appreciate it. I would say lastly the one and only point that I would try to make this morning then about Item D, is in light of the legal challenge that is why I asked about the retaining of the attorney, I guess this is more appropriate for you all and the solicitor, that is going on currently regarding the county waste plan. I personally think it is premature to move on this issue, Item D, with the agreement. I'm not going to say at this time my opinion about Item D is. I could say that I'm not thrilled with it but I actually think as a matter of course right now that with that legal challenge by Pennsylvania Waste Industries still bound up wherever it is with AAHP right now that it might be premature to move on Item D. I'm not sure and I'm not a lawyer, but it may in fact open the county up to additional challenges. I think it would be wise if the county would withhold voting on that at this time until that shakes out. That is my point on the matter for now.

Mr. Haste: Is there anyone else that would like to address the Board?

Mr. Disabella: My name is Bob Disabella and I'm president of Labor Local 1180 here in Harrisburg. I spoke before you. All I want to say, if and when this incinerator project does come to fruition, I would like to sit down with either you or your solicitor and have a meeting to see how the Building Trades of Central Pennsylvania can help you with your bond and finance your bond. This way it will alleviate some of the burdens from the local taxpayers. I'm not saying that we can do it, but I know that we have, myself and Building Trades, access to the monies that might be able to help you in your bonding if this does happen.

Mr. Haste: Have you had that discussion with the City?

Mr. Disabella: Yes.

Mr. Haste: It is actually their project. We would be backing it. They are the ones who are going to architect this.

Mr. Disabella: What I understand with what the solicitor said earlier, that this is a backup bonding.

Mr. Haste: We will back it, which means we will lend our guarantee. It is like co-signing.

Mr. Henry: It is not a separate bonding.

Mr. Haste: It will be their issue and we're backing it.

Mr. Disabella: I did discuss it at public meetings and with City Council.

Mr. Haste: Thank you, and is there anything else under public participation?

ADJOURNMENT

Mr. Haste: Do I hear a motion to adjourn?

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: Meeting adjourned.

Printed 11/19/03

Transcribed: Tuesday, September 16, 2003

Respectfully submitted,

Robert Burns, Chief Clerk/Chief of Staff