



DAUPHIN COUNTY BOARD OF COMMISSIONERS

WORKSHOP MEETING

DECEMBER 22, 2004

10:00 A.M.

MEMBERS PRESENT

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

STAFF PRESENT

Chad Saylor, Chief Clerk; Marie Rebeck, Controller; Robert F. Dick, Treasurer; Gary Serhan, Deputy Controller; Stephen Farina, Prothonotary; Randy Baratucci, Director of Purchasing; Tom Guenther, Director of IT; Edgar Cohen, Director of Facilities; Kay Sinner, Personnel Office; Kelly Wolfe, Director of Solid Waste; William Tully, Esq., Solicitor's Office; Bruce Foreman, Esq., Solicitor's Office; Carolyn Thompson, Court Administrator; Garry Esworthy, Risk Manager; Mike Pries, Director of Safety & Security; Dan Robinson, Director of Community & Economic Development; Melanie McCaffrey, Solicitor's Office; Jena Wolgemuth, Commissioners' Office; Lena Martinez, Press Office and Richie Martz, Commissioners' Office

GUESTS PRESENT

Andrew Giorgione and Dan Lispi

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 five sets of Minutes that we will take up next week.

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 at this time? (There were none.)

PERSONNEL

Ms. Sinner: In the Personnel Packet, I have a Salary Board request to abolish a full-time custodian position at Spring Creek and create a part-time custodian position. I also have the Changes Listing. I have overtime reports and overtime requests for the Prison for Pay Period #1 for 2005. That is all that is in the Packet.

Mr. Haste: Any questions of Kay? (There were none.)

BID AWARD - PURCHASING

Mr. Baratucci: I do not have any purchase orders. There were no emergency requests that came through. If any come up between now and next Wednesday, I will direct them to the oversight Commissioner.

What we do every December is a yearly bid for our office supplies. Mainly it is for our central supplies. All the things that we buy in bulk and keep downstairs and hand out to the Departments as needed. It is divided into two parts. Part A is general office supplies, such as pens, paper, pencils, folders, etc. Part B is computer supplies such as ink cartridges, toners, etc. The reason we divide them is some companies only want to bid on one and do not want to bid on all. We do this as a bulk and the parts are awarded as a total. We have been doing it this way for a number of years. We get excellent pricing this way and we also get a lot of participation. In this particular bid, we received four bids on Part A and eight bids on Part B. All the vendors that are listed here were invited to bid and that comes from a bid list that we compile based on requests that come to us. I have circled the successful bidder on Part A. It is a company called Office Basics and the estimated total, which is based on quantities that we have used in the past, for 2005 is \$45,608.75. For Part B it is Corporate Express at

\$205,722.95. They are both the low bidders in each section. I would like if you could make a motion to accept these bids, because we have to do some paperwork to prepare for the ordering come January.

Mr. DiFrancesco: The changes that took place at the State this past year, the single source purchasing, does that get passed along through the State Purchase Piggy-back? How does this work against that? Are these a better price?

Mr. Baratucci: The State contracts, we are on top of those. We use all the State contracts that we can as far as getting good prices. Years ago, we did a comparison on the office supplies and we found that because of the type of things that you are requesting that the bids that we did get came in lower. That is basically what we do. We monitor those State contracts and if there is an item on there that is better, we will use it. We do use the contracts for things like furniture, copy machines, etc. In this particular case, we are able to tailor it a little bit to our needs and request items. The quality is good, but it is not the top of the line. We don't buy pens that you would see in the store that cost \$1.09. The pens that we have are about seven cents. They are BIC pens and they work fine. We try to monitor what we use. We have been really successful with this program. I do always monitor all the State contracts, even the newest ones. There have been numerous programs that they have started and every time we have checked we have been doing as good, if not better. It is because of the way that we set it up. We pick one vendor and they have to bid on all the items. They are guaranteed the business for one year. They hold the prices for the entire year and we order as we need to. We want to keep fresh things on our shelves and we have space limitations so we don't buy 500 cases of pens. We get it fresh all the time. It is just a program that has worked out really well. I am confident that this will be the best way to go at this point. We do monitor those all the time. I am on top of that.

Mr. Hartwick: You hear about the great contract that General Services negotiated with Office Max with the low prices that they received. But, are you telling me that the list of items that we are actually requesting are not the same things that the State negotiated with their contract?

Mr. Baratucci: I am sure some of the items are similar. I don't know all of the items that they have on there. The items that we have on ours are what our people use. We monitor what they use and any time we start to use something in different departments we add that to our list. We found that the prices are as good, if not better. I try to stay on top of this, but if any of you get any information from your colleagues and you want me to check it out I would be happy to do so. It could be something that I missed. Every time we checked in the past, this has worked out well for us. If you have anything pass it on.

It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board award the Office Supplies bid as follows: Part A – Office Basics at an estimated cost of \$45,608.75 and Part B – Corporate Express at an estimated cost of \$205,722.95; motion carried.

TRAINING PACKET

Mr. Haste: Is there anything additional for the Training Packet?

Mr. Saylor: No.

DIRECTORS/GUESTS

Andrew Giorgione, Esq.
Solid Waste Agreements

Mr. Giorgione: We are before you this morning and we apologize for loading you up with a bunch of different issues before the end of the year, but there are some matters that we need to clean up before the end of the year. I would also ask if we could discuss the Settlement of the County Plan Appeal at this time?

Commissioners: That is fine.

Mr. Giorgione: First, before you are Proposals that we received from our existing disposal facilities to serve as By-Pass Waste Facilities. We have called these Amended and Restated Disposal Agreements, but they are really By-Pass Waste Agreements. Under our 2004 Plan, going forward, the County will require all haulers in the future to take the waste to the Harrisburg Incinerator when it is available to take waste. What we have asked our existing facilities, we have put them on notice that their contracts will not be renewed and will expire May 16, 2006. We have asked them for a term of three years to continue to serve the County in a by-pass waste capacity. What that means is that if there are instances where the Incinerator cannot process the waste and burn it, either because of the content of the waste or because they have too much waste or they have a shut down of some sort, they by-pass the waste to another facility. What the County is doing is sort of taking control of the by-pass waste process by saying to the City here are the facilities that we want you to use. We have reached out to all our existing facilities that have served us for the last six years and said, "would you like to continue to work with us and be a by-pass waste facility"? We received four proposals on behalf of six facilities to provide that by-pass waste service. We have asked those facilities to commit a certain amount of capacity and a certain price going forward. Just so you understand, the prices that they offered are not to exceed prices. Meaning, they would negotiate with the City to try to get the by-pass waste, but the City would pick the entity that would give them the best price. There are caps and they can't go higher than what they have agreed in the not to exceed price. Waste Management of Pennsylvania, Inc. submitted a Proposal. We had to adjust their Proposal because they included facilities that are not currently permitted. So, they have only currently permitted facilities--Laurel Highlands, Shade and Southern Alleghenies. We also have the Keystone Sanitary Landfill, CES Landfill and the Modern Landfill. Waste Management offered to commit 800 tons per week. This may not be needed, this is what they said they would make available. Keystone offered 200 a week. CES is 200 a week and Modern offered 2500 a week. Waste Management offered a not to exceed price in

2006 of \$69.90, 2007 \$73.15, 2008 \$76.90 and 2009 \$80.50. Keystone was \$72, \$74, \$76 and \$78. CES was \$69, \$71, \$73 and \$75. Modern's initial price was \$65.29 so at least their cap is the lowest of all of them and their final price in 2009 was \$70.97. All of the contracts have been signed by the entities and are submitted to you for approval. These contracts have been discussed with our Solid Waste Advisory Committee. They know that we are going through this process and they are aware of it. The way that we are handling the plan, meaning the County is providing back-up capacity for the Incinerator, for the Incinerator to use. If this process works smoothly and the County and the City are content with it, we will continue to go forward with this process. Otherwise, after 2009, since the City has the responsibility to process the County's waste, we could always leave it to them to handle it any way they see fit, as long as the County is content. If this process works we might just continue it going forward. So, every three years we go out and ask for capacity assurance at not to exceed prices.

Mr. Haste: Let me clarify a point, we would sign a contract with all four, that allows then the City, on any given day or any given time or the operator of the facility, the ability to go to whichever one has the capacity that can deal with it at that time.

Mr. Giorgione: Yes, and the best price. Correct.

Mr. Haste: I didn't want someone to think that we had to go to the least of these four. The idea is that we are capping them and we have the ability to negotiate on any given day, not to exceed that amount. Two things will drive that – the price and capacity at that point in time.

Mr. Giorgione: I will note that in these agreements that we sent out, we required each facility that would sign this agreement to agree not to challenge the County Plan. That was a provision that we put into these documents. The paragraph reads "By signing the Amended Agreement, accepting the terms the contractor waives any rights it has or may have to challenge the legality of the Amended County Plan".

The second set of Contracts that you have before you involves the Construction and Demolition Waste. As you recall, we started this process a little while ago and we are finally getting around to moving it forward. That is to reserve capacity of construction and demolition waste in the County. Right now the County Plan deals with what we call "regulated waste" and what we really regulate right now is just MSW (Municipal Solid Waste), which does not include C&D waste. The law changed about a year or two ago where DEP said as you plan for municipal solid waste if you want you can expand those planning arrangements to also include construction and demolition waste. We decided to do it for a couple of different reasons. One is this County happens to generate a ton of construction demolition waste. Last year it was almost 93,000 tons, which is a big number. It might have to do with the fact that we have a lot of State offices and there is constantly rehabilitation of those offices. We are not really sure, but it seemed appropriate to reserve capacity and make sure we are capping prices similar to what we are doing with by-pass for that type of waste.

The second reason is that there might be an opportunity in the future to try to put a program together to find a way to start recycling this waste. Right now, it is being dumped in landfills. It can be recycled. There are sort of creative ways out there to recycle and we are looking at different programs. We have looked at programs and are evaluating programs right now, Kelly is, where you would charge a contractor a fairly good fee for construction and demolition waste, but then rebate back to them if they recycle. What that would do is bump our recycling numbers. We would, of course, take credit for that in our grant process and the contractor, if they recycle, gets their money back. It would encourage recycling. We are looking at a bunch of different ways that we can increase our recycling numbers. We have been working with our SWAC on the C&D. They will be part of the process. This is one of the first steps in the planning process, putting these contracts together. Eventually, we are going to have to do another plan amendment for the C&D waste and this will be a substantial plan amendment. This will require us to reach out to all the municipalities and get ratification from the municipalities to go through this process. I would note, so you understand, this is all grant eligible (90%). So, all our work would be recaptured through grants from DEP.

We received three proposals for Construction and Demolition Waste Capacity. Again, we are reserving capacity at not to exceed prices. The Proposals were received from Waste Management of Pennsylvania. Waste Management submitted, on behalf of several different landfills. We amended the contract to only existing permitted landfills that they own. Those facilities include: Phoenix Resources, which is strictly a C&D landfill, Mountainview, Laurel Highlands and Shade Landfill. Waste Management gave us a not to exceed price starting in 2006. The reason we are working with 2006 is because this is a substantial plan process we have to go through and will take a little while. It probably could take a good portion of next year. To be safe, we thought we would start this in January 2006. Waste Management gave us not to exceed starting in 2006 of \$68 and then in 2015 the not to exceed is \$100.83. These are ten year contracts. We also received a Proposal from Modern Landfill and their Proposal is \$56 a ton in 2006 and would escalate at 3% a year, eventually it would reach \$73 in 2015. CES Landfill was \$61.21 and then \$1.00 per year increase, so by the final year you would be at \$71.21. The facilities also provide a capacity assurance. Waste Management was 1925 tons beginning in 2006 and increasing by 10 tons per year. Modern was reserving 600 straight flat number for 10 years. CES was reserving 2100 straight and Republican was I believe 1500. We have plenty of capacity. It is going to be assured for much more than we generate. It is about 2000 per week that is generated. We will be working closely with SWAC going forward. The C&D waste, the County fee of \$4.90 would apply to the C&D waste. So, when the haulers take this waste to the facilities, they have to keep track of where it is disposed and then there is a fee paid back to the County of \$4.90.

Mr. Haste: You said there were two points in doing this and I was going to tell you three points. The other was the fee.

Mr. Giorgione: That fee doesn't impact on the price of the residents. It would pass through to the generators of the C&D waste.

Mr. Hartwick: When are we going to hear from the C&D waste side of the contractors? Is there going to be increased costs to them? Is there going to be transportation costs? What issues are they going to bring forward as a result of our movement here?

Mr. Giorgione: They have raised no issues with us. As a matter of fact, we talked to some of the haulers that pick up this waste and they raise no issues. As long as the fee applies to everybody, they are competing on a level playing field. They are going to bid for contracts on a level playing field with everyone else.

Mr. Hartwick: You said that you are going to provide an incentive of offering reimbursement for...

Mr. Giorgione: If we get into recycling.

Mr. Hartwick: Who is going to pick up the transportation costs? Is it going to be the contractor or are we going to provide the hauling?

Mr. Haste: They have to haul it some where now.

Ms. Wolf: Right.

Mr. Haste: We are just putting a plan together that says these are the facilities that we want you to take it to. They haul it now or it ends up somewhere else.

Mr. Giorgione: I would note one issue, Milton Grove Landfill takes a lot of the County's C&D waste and didn't put in a proposal. We are not sure why. Last year they took almost 50%.

Mr. Haste: Where is Milton Grove?

Mr. Giorgione: It is down near Elizabethtown.

Mr. Lispi: It is just inside Lancaster County.

Mr. Giorgione: The landfill used to be owned by Waste Management. It is owned by Onyx. I believe Waste Management developed it. It was then bought by Milton Grove and they went into bankruptcy and Onyx now owns it. We are not sure why they didn't propose.

Mr. Haste: Are they getting close to capacity?

Mr. Giorgione: No. With both the By-pass waste and C&D waste, there is an application process, any facility that wants to be part of these processes can apply to us

and provide these services going forward. They are not precluded because of the bid being forever shut out. So, if Milton Grove wakes up one day and realizes that they are not getting C&D any more and they call us we can send them an application and evaluate it. What we will do is we are going to apply averages of what we have in terms of prices and capacity and say we need to be on the same terms as everybody else. It is just an issue that we may be coming back to you.

The last issue before you is the Settlement of the County Plan Appeals.

Mr. Haste: This is Item H.

Mr. Giorgione: What you have before you is a Stipulation of Settlement Agreement and I drafted a Resolution approving this Stipulation. Procedurally, what happened here is we got a call the day before Thanksgiving from the Appellant saying they were dropping the Appeal. So, we were delighted to hear that. We drafted a Settlement Agreement that is before you for consideration. There are no real operative provisions in the Settlement Agreement. What they wanted is assurance from the County that with regard to C&D waste that they were going to treat it as a menu plan, meaning, selecting all available contractors to provide capacity and prices and that we would move forward with a Plan Revision consistent with that. We had already planned on doing that. We said fine as part of the Settlement we will agree to do it. You have heard us talk about By-Pass waste and C&D waste, there is a lot of waste planning going on in the County. I think the facilities that were appealing just wanted to remain part of the process. I think it is a good Settlement and I think we should sign it as soon as we can. We ask for your approval of the Settlement next week also.

Mr. Haste: Have you reviewed it Bill and are you okay with it?

Mr. Tully: I'm good with all of it. The only question that I have, in anticipation of next week, when you refer to the SWAC's, we do not want anyone to be surprised or blindsided.

Mr. Giorgione: They have before them all of the By-Pass and C&D waste. The Settlement Agreement, I don't think we have sent to them yet. Quite frankly, today is the first day that we have sort of discussed the Settlement publicly. Given that it was litigation I didn't feel comfortable sending it off to SWAC yet. I thought it would be appropriate to send it today so that they knew that there was a Settlement. SWAC is not involved in litigation matters. I think it is an information issue and I felt that you needed to hear it publicly first.

Mr. Tully: Sounds good.

Mr. Haste: Do we need to take action on any of these, the contracts today?

Mr. Giorgione: You don't need to. If you want to, I don't need to come back next week. If you are going to take action on anything I would say the Settlement.

Mr. Haste: If we take action on the Settlement are we accused of pulling a fast one?

Mr. Giorgione: Considering the terms of this one I really don't think there is any controversy.

Mr. Haste: My intent if no one raises an objection would be to vote on all three today, the Settlement and the two other contracts. I want to thank Andy, Dan and Kelly with regard to the Settlement. For those who know what work had to be done to get this completed, this is close to being a miracle. In fact, I remember when Andy called me that day. It was a pretty good phone call. We did not anticipate it coming that way. Although if you take time and sit back and look at it, it is a good Settlement all the way around. Obviously it is good for us, but also for those folks. Our relationship can continue and it is really truly beneficial to all parties.

Mr. Hartwick: I know we kind of went over this question. I just want to hear for the record again, we are not going to hear anything from the construction industry by coming in to begin to regulate and be involved with the waste management of this C&D waste?

Mr. Giorgione: I can't guarantee that, but I can tell you that we haven't heard anything. As a matter of fact, Mr. Cluck contacted some haulers and others about this as it was in the process and came to one of our SWAC meetings and said he had nothing to complain about, because they didn't complain to him. He thought they would raise concerns and then he could bring it to the meeting, but they raised no concerns.

Mr. Lispi: In order for this to be submitted to DEP, as Andy said, it would have to go through a substantial plan revision process. This would mean that all of the municipalities in the County will be asked to pass a resolution ratifying this change to the plan. Unless 50% of the municipalities, representing 50% of the population of the County, vote in the affirmative to ratify the plan then it can't go through. You are not taking a final action. Moreover even after that happens, it then has to go to DEP for approval. If there are complaints they could take it up with the municipalities as to why it is a bad idea to do this plan revision. I personally don't think it is a bad idea and I think it will be a level playing field. If issues come up we will try to deal with them. If you hear anything loop it back to us and we will try to deal with it.

Mr. Saylor: Dan, just for the benefit of our staff could you identify yourself for the record.

Mr. Lispi: I'm Dan Lispi with the Solid Waste Authority.

Mr. Hartwick: The only two things that come to my mind are any increased fees or any additional transportation costs would be the two issues that would be raised and you said that they have been adequately addressed.

Mr. Lispi: They are accustomed to the fees because they have been paying fees on all the disposal of municipal solid waste. So, it is not like we are introducing a completely radical concept. Most of the haulers and disposal facilities are accustomed to this arrangement and I don't see it raising to a level of something that is going to damage their business. The fee is relatively minor in comparison with the overall disposal fee. I think it will be alright. Transportation is a non-issue. The facilities who have been taking the C&D waste from the County are going to be entering into contracts so the haulers who often are the same companies who own disposal facilities are going to continue to haul to the same places as they were before. With the exception of Milton Grove and that maybe something that pops up once they realize what happens. They were notified that we were going ahead with this process. If they do come back, as Andy said, there is a process for them to become involved and be a designated disposal facility for C&D waste.

Mr. Giorgione: Kelly mailed to them directly a contract package. There is no issue with notice. They know that we were working on this.

Mr. Hartwick: Will you give me that letter today?

Ms. Wolf: Yes.

Mr. Haste: Is there a motion to approve the Agreements for Construction and Demolition Waste?

It was moved by Mr. DiFrancesco and seconded by Mr. Hartwick that the Board approve the Construction and Demolition Waste Processing & Disposal Capacity Agreements with the following facilities; motion carried.

1. **Waste Management, Inc.**
2. **Commonwealth Environmental Systems Landfill**
3. **Republic Services of PA d/b/a Modern Landfill**

Mr. Haste: Is there a motion to approve the By-Pass Disposal Agreements?

It was moved by Mr. DiFrancesco and seconded by Mr. Hartwick that the Board approve the By-Pass Waste Disposal Capacity Agreements with the following facilities; motion carried.

1. **Commonwealth Environmental Systems Landfill**
2. **Keystone Sanitary Landfill**
3. **Republic Services of PA d/b/a Modern Landfill**
4. **Waste Management of Pennsylvania, Inc.**

Mr. Haste: Is there a motion to adopt the Resolution, which is listed as Item H under Items for Discussion?

It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board adopt Resolution #47-2004, captioned as follows; motion carried.

A RESOLUTION OF THE COUNTY COMMISSIONERS OF DAUPHIN COUNTY AUTHORIZING AND APPROVING A SETTLEMENT OF APPEALS FILED WITH THE PENNSYLVANIA ENVIRONMENTAL HEARING BOARD BY THE PENNSYLVANIA WASTE INDUSTRIES ASSOCIATION, REPUBLIC SERVICES OF PENNSYLVANIA, LLC AND PENN WASTE, INC. REGARDING THE COUNTY'S 2002 AND 2004 REVISIONS TO ITS ACT 101 WASTE MANAGEMENT PLAN.

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

Mr. Haste: Kelly, you have one other item.

Ms. Wolf: I just wanted to let the Board know that I ordered those bins for Spring Creek and they should be recycling by January.

Mr. DiFrancesco: Hazardous waste?

Ms. Wolf: Taken care of. There were a few mandates that DEP put in our household hazardous waste contract and they just had to be resolved before they were able to continue picking up in Dauphin and Lebanon Counties. They are approved and everything should be up and normal within a week.

Mr. Haste: What about the Illusionmaker?

Ms. Wolf: That can be done next week, unless you want me to elaborate on it.

Steve Farina, Prothonotary
Tom Guenther, IT
Act 8 Committee Requests

Mr. Farina: I believe everybody is pretty well up to speed on Act 8 County Records Improvement Committee. Some people are actually starting to get excited about this Archives Historical Room. This has been in the works since 1998 and seven years later we can actually see something happening other than just paying some of the Iron Mountain bills. A couple of questions came up at our last Act 8 Committee Meeting. One of the big questions was would the Committee be billed any indirect expenses as far as electric, water and even rent? We are trying to get an idea of what the actual expenses will be for this room. These are issues that I believe depend on your response to that. What bills will this Committee see for this room? The other thing that was brought up was because of situations that have occurred in the past, the Committee has submitted the grant application. It is a \$15,000 State grant. I believe the Committee will be putting in \$28,000. Even before we spend this \$43,000 and get things up and rolling and ensure more funds down the road, the Committee's concern is that some where along the line somebody will come in and say okay it is now December 20 and by January 15 we want all this stuff out of here. We were wondering between

the Authority that actually owns the building at the moment and I guess the County whether some type of a long term lease could be established.

Mr. Haste: First, the Authority doesn't own the building yet. They will be purchasing it by mid-February. When I spoke to them they weren't really sure – some of the IDA members were not aware that we were moving Act 8 to the basement. So, we had to talk to them about that. I think what will happen as far as the building goes and when I had the discussion with the IDA and again they will be the owners of it, I told them that this is actually a cost savings to the County. It is a benefit for us to move you over there. I also think that there will be expenses and one of the things that is going to occur, we talked to them that once the IDA owns it to have an agreement with the County to maintain that building. Because, someone needs to take care of the maintenance, etc. We would look to whatever way possible to get reimbursed for those expenses, if in fact the revenue is there to do it. We are not going to ask them to pay us when there is not revenue coming off of other... The whole idea of this is to be able to get this building rented out to generate revenue. If there is no revenue coming in there is no sense billing someone for something that is not going to come in. The answer to the other question as to whether you are going to get a bill for electricity, water, etc. really depends on what funds you have available and if that is an allowable expense under Act 8. We do not want to turn around and have general fund dollars going back to this. That is just a shuffle game. If in fact it is an allowable expense and there are funds available through Act 8 and they help us offset the cost then obviously we want to do that. That really will come down to a negotiation between you folks and eventually the IDA and Edgar to some degree on what the cost will be.

Mr. Farina: So, we should be talking to IDA as a potential tenant and not yourselves?

Mr. Haste: Because come February they will own it. They are aware of all of this. What day was that Dan?

Mr. Robinson: Thursday.

Mr. Haste: On Thursday, I sat down with them and we talked to them about this. They are up to speed on this. I don't know what is allowable and what isn't allowable under Act 8.

Mr. Farina: I think the expenses would be.

Mr. Haste: That is one thing that has to be determined on how we handle it. If not, it will be something that we put over there and we will have to take care of it. We are trying to avoid using General Fund dollars as much as we can.

Mr. Farina: I can assure you that the Committee is too.

Mr. Haste: I am aware of that. The answer is and one of the early concerns was when you first talked to me and when I talked to the IDA they wondered where you were

going. You do have a space. What the arrangement is really would be what Act 8 can do. What those funds can do. If we can use those funds to offset general fund dollars, we want to do that. There is really no sense doing a bill because it is just a paper shuffle.

Mr. Farina: Should I meet with Dan to try to set something up?

Mr. Haste: Yes. Dan will want to have some other people there from the IDA that will help work that out. The main thing is you wanted to make sure you had a home.

Mr. Farina: We felt we might as well apply for the grant because we would not be informed until next July and it would be the fall until we see any money. If worst goes to worst and we lose the room, we can always give the money back.

Mr. Haste: The IDA knows what our intent is to move you there. I think there will be a long term lease, which I understand was the biggest issue is to make sure you have a home. The detail is really driven by what is allowable under Act 8. Our goal is to maximize those funds to offset general fund dollars.

Mr. Hartwick: Does that eliminate the interest of the daycare?

Mr. Robinson: It could.

Mr. Hartwick: They had an interest in the basement for a daycare center. It was clearly defined that the Act 8 folks were going to be taking over the basement, but we didn't want to lose them as a potential tenant.

Mr. Robinson: I guess Steve and I chatted briefly. We need to determine whether the potential daycare could move to a different floor or could Act 8 move to another floor. It would not be our intent to move them around or to shuffle any of the other tenants. We want to make long term leases and make the building profitable. In talking to the Budget Director and Commissioner Haste, we are looking at a significant cushion in monies owed the County and I think that will give us a little better handle on revenues and we are also looking at the inkind services that you already provide. As the Commissioner indicated, if we are paying ourselves for something that is already free we are shuffling the money.

Mr. Hartwick: Have you shown the daycare the other floors?

Mr. Robinson: We did. The basement floor is, you probably recall, is one of the lower rent floors. The higher up you go the more rent you would pay to lease that. They indicated that they had an interest in the lesser, but I believe we could work something out. Will the Archives need security? These are things that we will need to address with the Act 8 Committee. I believe security was tentatively scheduled to move out of that building when the IDA owns it. Will your Committee need that floor secured?

Mr. Haste: There are ways to secure that room by cards, etc. Technology has gotten to the point where we don't need as many bodies as we used to. Mr. Pries is very good at being able to minimize our security force, the actual physical bodies and still keep things secure by using technology.

Mr. DiFrancesco: The Archives, there is no clash with the IT infrastructure?

Mr. Guenther: The infrastructure is in the basement. As we are looking at designing the Archives, we have taken into consideration the technology that is still down there and how we would secure that area and the work that Edgar would have to do to partition that off to get that into place.

Mr. DiFrancesco: It will work.

Mr. Guenther: Yes.

ITEMS FOR DISCUSSION

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- A. Dauphin County Liquid Fuels Funds 2004 End-of-Year Encumbrances
 - 1. Resolution #45-2004 – County Bridge #122 (South Hanover/Derry Township) - \$1,175,000
 - 2. Resolution #46-2004 – 2005-2008 County-wide Bridge Inspection Program - \$125,000 (*****A VOTE IS REQUESTED 12/22/04*****)
- B. Supplemental Staffing Agreement with MileStone Staffing Services, Inc. for temporary staffing assignments at Spring Creek. (*****A VOTE IS REQUESTED 12/22/04*****)
- C. Change Orders for Phase I Renovations to the Dauphin County Courthouse:
 - 1. Change Order No. 2002-01-32 with Edwin L. Heim in a **credit** amt. of \$12,087.98.
 - 2. Change Order No. 2002-01-34 with Herre Brothers, Inc., in a **credit** amt. of \$95,395.99.
 - 3. Change Order No. 2002-01-33 with Jay R. Reynolds, Inc. in a **credit** amt. of \$75,957.31.
- D. Participation Agreement with AllHealth Group Purchasing Program for group purchasing at Spring Creek.
- E. Outpatient Dialysis Services Agreement between Spring Creek and FMA of the Capital Area for outpatient dialysis services for Spring Creek residents.
- F. Consent to Assignment of Laboratory Services Agreement between Spring Creek and Omega Medical Laboratories to Quest Diagnostics.

- G. Business Associate Agreement with Complete Healthcare Resources-Eastern, Inc., regarding access to protected health information at Spring Creek.
- H. Adopt a Resolution authorizing and approving a Settlement of Appeals filed with the Pennsylvania Environmental Hearing Board by the Pennsylvania Waste Industries Association, Republic Services of Pennsylvania, LLC and Penn Waste, Inc., regarding the County's 2002 and 2004 Revisions to its Act 101 Waste Management Plan.
- I. Proposal from Zelenkofske Axelrod LLC to extend audit services to Dauphin County for the years ending December 31, 2004, 2005 and 2006.

Mr. Haste: We have Items A through I, Item H we already voted on. I see there is a request for a vote on Items A and B. Item A is just encumbrances for County Liquid Fuels. That needs to be done by the end of the year so we are not in a forced distribution and B is for staffing over the holidays at Spring Creek.

Mr. DiFrancesco: Item B is just to add another company to our ranks in order to be able to get adequate staffing levels over the holidays. In reality, it is just a matter of if the vendors we use throughout the year can't meet the needs and demands of the holidays we have extra agencies so we can have adequate staffing.

Mr. Hartwick: Does it cost less or more than the people we contract with currently?

Mr. DiFrancesco: I have not seen the specifics on this one, but it is pretty much standard pricing. It matches the other vendors that we are using. Again, it is just a seasonal thing. If you would like I can get you a matrix that shows all of the agencies and the prices.

Mr. Hartwick: Obviously, like all of these we are not going to try to use them.

Mr. DiFrancesco: The goal is to keep it down, but with the holidays and the requests for leave it is just better to be safe than trying to catch up.

It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve Resolution #45-2004 – County Bridge #122 (South Hanover/Derry Township) - \$1,175,000 and Resolution #46-2004 – 2005-2008 County-wide Bridge Inspection Program - \$125,000; motion carried.

(The entire Resolutions are on file in the Commissioners' Office.)

It was moved by Mr. DiFrancesco and seconded by Mr. Hartwick that the Board approve a Supplemental Staffing Agreement with MileStone Staffing Services, Inc. for temporary staffing assignments at Spring Creek; motion carried.

SOLICITOR'S REPORT – WILLIAM TULLY, ESQ.

Mr. Tully: One thing to add in the form of a heads-up. We are going to add on the TMI Assessment Appeals Settlement. As you are probably aware, it has already been acted on by the Lower Dauphin School District and we expect Londonderry to be on board. We will have the particulars to you for consideration next week, if you are inclined to handle the Settlement at that time.

Mr. Hartwick: The A through D on your Report, those are only individuals who actually paid their taxes before the end of the year. Explain to me what those are. Number 2, A through D with individual property owners. They just say that the pay-off amount has been delivered to the County Treasurer.

Mr. Tully: Those are actually liens placed on properties in consideration for the grants that they received. When they are paid off, they want those to be satisfied. It is basically us receiving the money back. Just so there is no confusion, it is not taxes, it is money that was provided to them that they paid back.

Mr. Haste: This is under the Affordable Housing Program.

CHIEF CLERK'S REPORT – CHAD SAYLOR

Mr. Saylor: Commissioners, you have before you information regarding a proposed PILOT with the Pennsylvania Housing Finance Agency. This has been reviewed by Carl Wass, Steve Howe and also the Solicitor's Office. This is a PILOT whereby the County would receive \$20,000. This is somewhat timely. The sooner that we get this done the better. I would request a vote on this today, if you would.

It was moved by Mr. Hartwick and seconded by Mr. DiFrancesco that the Board approve and execute a PILOT Agreement with the Pennsylvania Housing Finance Agency for a payment in lieu of taxes; motion carried.

Mr. Saylor: The other item that I want to bring to your attention is Item C for discussion are the change orders for renovations. With the departure of Mr. Knupp, who was the lead solicitor on the renovations project, Solicitor Foreman has taken over and is getting caught up by reviewing all the contracts that we have with the projects, the dates of substantial completion, the daily logs of who was doing work passed the date of substantial completion and what the Contracts stipulate in terms of delay damages. We have been working with Mike Yohe in terms of what invoices are still outstanding and we still have been receiving from Buchart Horn allowance reduction requests and change orders. I think we are coming to the end of the tunnel in terms of how we are going to handle in bringing this project to a close. When we have something together we will definitely review it with you guys before we take steps.

Mr. Haste: I can't wait for that to happen.

Mr. Hartwick: When can we anticipate that briefing?

Mr. Saylor: Very soon. We had a very productive meeting with Buchart Horn in terms of going over the project. It is just a matter of getting all the information together and reviewing it in terms of what they are doing. Edgar is also involved in reviewing the punch lists and also the folks that occupy the Courthouse have some concerns about the quality of the work that is there and we are compiling that information as well. There is a lot of information being put together.

COMMISSIONERS' COMMENTS

Mr. DiFrancesco: I simply would like to wish everybody a very Happy Holiday Season.

Mr. Hartwick: Over the past year it has been interesting. There have been a lot of ups and downs. One of the things that has never been in question is the heart of my two colleagues and although we may have our disagreements about where we want to go I am proud to say that we have people who are interested in public service and not personal gain that sit at this table and it helps that I like you two jerks outside of government. Ultimately it has been a pleasure and I look forward, now that we got the bad stuff behind us. Happy Holidays.

Mr. Haste: I just echo my two colleagues comments and will try to move this meeting forward.

PUBLIC PARTICIPATION

(There was none.)

ADJOURNMENT

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

Transcribed by: Richie Martz
printed 2/01/05