DAUPHIN COUNTY BOARD OF COMMISSIONERS

LEGISLATIVE MEETING

APRIL 22, 2015
10:00 A.M.

MEMBERS PRESENT

Jeff Haste, Chairman
Mike Pries, Vice Chairman
George P. Hartwick, III, Secretary

STAFF PRESENT

Chad Saylor, Chief Clerk; Janis Creason, Treasurer; Joseph A. Curcillo, III, Esq., Solicitor; Randy Baratucci, Director of Purchasing; August Memmi, Director of Community & Economic Development; Mike Yohe, Director of Budget & Finance; Steve Libhart, Director of EMA; Gerald Feaser, Jr., Director of Registration & Elections; Keith Kepler, Director of Solid Waste & Recycling; Amy Harinath, Press Secretary; J. Scott Burford, Deputy Chief Clerk; Jennifer Simpson, Court Administration; Gino Santamaria, Solid Waste & Recycling; Kay Lengle, Human Resources; Stacey Glickman, Controller’s Office; Greg Schneider, Budget & Finance; Melody Osborn, Commissioners’ Office; Julie Mackey, Commissioners’ Office and Richie-Ann Martz, Assistant Chief Clerk

GUESTS PRESENT

Leah Pearlman-Storch, James Roxbury, Barb Miller, Steve Letavic, John Devine, Kelly MacVane, Ralph Nelson, Dennis O’Donnell, David R. David, WGAL, WHP and WHTM

MINUTES

CALL TO ORDER

Mr. Haste, Chairman of the Board, called the meeting to order at 10:09 a.m.
MOMENT OF SILENCE

Everyone observed a moment of silence.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

APPROVAL OF MINUTES

It was moved by Mr. Pries and seconded by Mr. Hartwick that the Board approve the April 1, 2015 Workshop Meeting Minutes and the April 8, 2015 Legislative Meeting Minutes; motion carried.

It was moved by Mr. Hartwick and seconded by Mr. Pries that the Board approve the April 8, 2015 Salary Board Meeting Minutes; motion carried.

EXECUTIVE SESSIONS HELD BETWEEN MEETINGS

Mr. Saylor reported that there were no Executive Sessions held between meetings.

PUBLIC PARTICIPATION

There was none.

DEPARTMENT DIRECTORS/GUESTS

A. Keith Kepler, Director of Solid Waste & Recycling

   1. Presentation on Illegal Dumping and Non-Compliant Haulers

Mr. Kepler thanked the Board for letting him make a presentation. Roughly two years ago, the Board enacted the Illegal Dumping Task Force and from that time forward, the County has collected approximately $60,000 in fines. In 2013, it was around $40,000. There were 119 illegal dumping cases, 12 cases of out-of-county disposal of trash and 8 cases of unregistered haulers with a total of 139. In 2014, they had 157 cases, which most of them have been resolved, except for about 15 or 16. There were 145 illegal dumping cases, one out-of-county disposal and 11 unregistered haulers. The reason it is so important about out-of-county disposal is that the County has an obligation to the Incinerator of 126,650 tons. If the County doesn’t do that, the County is on the hook for that. Officer Santamaria focused very hard on getting the haulers to comply. It is a little easier for the haulers to comply, because it is a smaller group of people. Once some of them got cited, that is when they started to realize that the County is taking this very seriously. In 2013, 85% was illegal dumping, 6% unregistered haulers and 9% for out-of-county disposal. In 2014, there is only 1% for out-of-county disposal and they are still dealing with that gentleman. That will be resolved.
He provided a PowerPoint showing some examples of illegal dumping sites that they cleaned up (before and after pictures). Those sites that were worked on include Sullivan Alley (between Rudy Road & Swatara Street), 1900 Block of McCleaster Street, City of Harrisburg and one from Londonderry Township – 230 Diner.

Now that they are enforcing the illegal dumping, the residents are starting to give the Department a call. They check the sites to see if they can figure out who put the debris there. For the City of Harrisburg, they work with David West. He has been a big help. They let Mr. West know that they are going to investigate a site. After the investigation is complete, if they find or not find anything, then the City goes and picks it up. Steve Letavic from Londonderry Township contacted him and asked if there was anything that he could do to help with the 230 Diner. It was burned out and it completely turned into an eyesore. Once they found out who was responsible for the dumping, Officer Santamaria cited the gentleman (he lives in Lebanon County). The gentleman appeared before Magisterial District Justice Ken Lenker and he was found guilty. The gentleman was fined $500 and that was $2,126 in restitution, which goes to the Township. The Township incurred the cost of cleaning it up. The Department is making headway with the out-of-county disposal. This will be a process on the illegal dumping. They need the residents to give the Department a call (982-6772) to report it. The Department will investigate it and will work with that municipality to get it cleaned up. He asked if the Commissioners have any questions.

Mr. Haste stated that he has a follow-up on another site. With Earth Day and the awareness of this, he thanked Mr. Kepler for what they are doing and Gino for cranking up the enforcement. That is important. Last week, he walked the 14th Street area. At the end of 14th Street where it comes into the bank at Spring Creek is horrible. If you walk to that bank and look down the bank into Spring Creek there is stuff everywhere. As the Board starts to help work with whatever the future is of that area, one of the clear signs is if somebody can’t keep the neighborhood clean you know what that means to everything else in the neighborhood. He is worried about the neighborhood. That is a really bad section.

Mr. Kepler stated that they will definitely go out and take a look at the site.

Mr. Haste stated that the County has had partners in the community who have come forward and taken up clean-ups on their own. He thanked those folks as well.

Mr. Kepler stated that there are quite a few people from Allison Hill that have kicked in. There is a man up there that brings televisions in weekly. With Earth Day, the weekend before, Upper Paxton Township and Gratz Borough had clean-up. The Department ran 5 – 53 foot trailers, double stacked, last week out of the Recycling Center. He thanked the Commissioners for having the foresight for putting that Recycling Center there. The Center has turned into a premier electronics collection site on the East Coast.
Mr. Hartwick thanked Mr. Kepler and Gino. Through the Commissioners’ Office, they receive numerous concerns and complaints. They encourage residents to continue to use, from a constituent perspective, the Commissioners’ Office to be able to get directly to the Recycling Center. Mr. Kepler has been extremely responsive in every situation that was brought to his attention.

He asked if Mr. Kepler has a breakdown of the municipalities where these cases have occurred.

Mr. Kepler indicated that he does have a spreadsheet that lists the municipalities. He doesn’t have it with him today.

Mr. Hartwick stated that it is important that the County concentrate on the areas that have the major challenges, but also not neglect the areas that are more rural and certainly the environmental issues that happen next to streams and the County’s ability to work closely with those municipalities and residents to clean them up have also been successful.

Mr. Kepler stated that he doesn’t want to go off the top of his head. He can tell the municipalities that need the most attention.

Mr. Pries stated that it is occurring all over the County. Some specific areas are the City of Harrisburg. That is the hot spot.

Mr. Kepler indicated that they investigate the whole County when it comes to illegal dumping. Primarily it is Gino that goes out to investigate and then they work with the municipality. They first try to find out who put the stuff there, because they are going to clean it up. A lot of times you can't find out, so then they work with the municipality and in some cases they have actually gone out with their equipment to clean it up.

Mr. Hartwick stated that he knows the County has tried to streamline the process with the Magisterial District Justice Office in having certain individuals that have stepped up to make sure the County is expediting these cases and a court that has some expertise in this area.

Mr. Kepler stated that when they started doing this, he found that the Ordinances that are enforced are kind of specialized and not everyone was well versed in them. He went to Troy Petery to see if there was a way to streamline it or have one MDJ look at it. He was fortunate enough to get a meeting with, at that time, President Judge Hoover. The Judge issued an order that all of the citations are to go through MDJ Ken Lenker. They had a meeting with Mr. Lenker to go over the ordinances and Mr. Lenker is very well versed.

Mr. Hartwick stated that Mr. Kepler mentioned the requirement of bringing in trash based upon the Agreement, one of the decisions that this Board made and he is happy that it did, but is to maintain the County Recycling Program. That was also
contemplated in the whole transaction related to the City and their debt crisis and the Incinerator deal. The County chose to keep its own Recycling Center. He asked what the tonnage was for last year.

Mr. Kepler stated that the total tonnage for the electronics at the Recycling Center was 2.6 million pounds of electronics. Vintage Tech has been a great partner of the Center. A few years ago they lost their electronics recycler and Vintage stepped up and helped. Transportation by Graybill Equipment has been great.

Mr. Hartwick thanked Mr. Kepler, Gino and the staff for their continued efforts to try to keep Dauphin County clean.

Mr. Pries stated that he agrees with Mr. Haste and Mr. Hartwick. The staff does an awesome job. The electronics collection of 2.6 million that is a 162% increase from the 998,000 pounds the year before. It is a bad day for people when Gino shows up at the doorstep. When the Illegal Dumping Task Force was first rolled out, they found that person that dumped two truckloads of garbage in the church parking lot in Harrisburg. Gino sent the message from that day and he continues to send it. One person can make a difference. You mentioned the fellow from the City of Harrisburg who brings in several televisions a week. Folks need to keep their eyes open when they see something to call the Center. He thanked the media for the coverage of this important topic. He thanked the Illegal Dumping Task Force for their work as well.

B. John Devine, HDR; Kelly MacVane, HDR; Ralph Nelson, HDR; Dennis O'Donnell, Olympus Power; and David R. David, York Haven Power Company

1. Presentation on the Progress of the Proposed Nature-Like Fishway at the York Haven Hydroelectric Project

Mr. Haste stated that from someone who just caught a few walleyed just below there, he is very interested in hearing the presentation.

Mr. Devine thanked the Commissioners for allowing him to appear before the Board. He is with HDR Engineering. He is here today with and representing York Haven Power Company. He brought his colleagues with him as well. It was seven years ago that they started the relicensing of the York Haven Hydroelectric Project at York Haven Dam on the Susquehanna River. It is a trying process at times. Many stakeholders were involved, including Federal and State resource agencies and interested parties.

As a result, he is pleased to tell the Board that they are very close to receiving the new license for the project. As part of that license, the York Haven Power Company entered into a Comprehensive Agreement with State and Federal fishery agencies and non-governmental organizations. Part of that Agreement was to build a nature-like fishway at the York Haven Dam. The nature-like fishway is located at the apex, which is the corner of the Dam that meets Three Mile Island on the west side. It is done by removing a 300 foot section of the existing Dam at that location and building up with
rock and gravel, a set of rapids that is basically a continuation of existing rapids. That is why it is a nature-like fishway. This will allow the passage of fish that come up through the main channel of the Susquehanna River to continue passing up through the other set of rapids and upstream of the Dam. They believe that this is a way to substantially improve the fish passage at the Dam for American Shad, but other species as well, including resident species in the river. This will improve the connectivity from upstream to downstream and downstream to upstream for any fish that wants to migrate as part of their life cycle. The process is moving forward for the engineering and design of that right now and additional permitting. They are before the Corp. of Engineers and Pennsylvania DEP for additional permitting for this specific project. They are in close coordination with the towns and communities that are involved and would be potential affected, just by having it nearby and with Exelon and the folks at Three Mile Island. They are also before the County for a NPDES Permit. They hope to begin construction on this project in 2018. A unique part of this project is that they are using the natural rock and stone in the river. Large stones are being used to build the new rapids, which are found in the river. These rocks are perfectly suited for forming the rapids of the nature-like fishway. The nature-like fishway is also habitat in and of itself. They are rebuilding habitat using the natural rock of the river. The construction plan is to take the rock and retrieve it over a period of potentially up to three years. Once they are in the river, it will be during the dry season, the Susquehanna can react pretty quickly to rain storms. This may only take two years, but they are giving themselves three just in case they get washed out of the river. Once the rocks have been stored and in place, then the actual breaching of the dam will take place. The construction of the actual facility itself is expected to take only one year. They are planning to be done in 2020, with 2021 being the first year of passage over the nature-like fishway. It has been a very cooperative proceeding so far and they hope to continue that.

Mr. Haste asked if the fish will be able to migrate during low water times.

Mr. Devine stated yes. Part of the agreement is that there will always be at least a flow of 200 to 250 cfs flowing through a low part of the channel. It is not flat on the bottom. It is angled into the middle and there is a trough in the middle so there will always be flow year-round.

Mr. Hartwick stated that this is largely for the shad. He asked if this presents any other opportunities.

Mr. Devine stated that many species will use this facility – bass and walleye.

Mr. Haste stated even the eels.

Mr. Devine stated that they have an eel plan and they are working with the U.S. Fish & Wildlife Service on that over the long term of the project. Eels moving upstream will make ready use of this and they are hopeful that eels using downstream will also find this location. Any species that has a migratory stage will use this facility. Mussels, in
terms of that basically ride on the backs of fish to locate upstream and to colonize upstream locations would also have access.

Mr. Hartwick stated that he was in Oregon a couple of years ago and there was a big education area for the migration of their salmon and other species.

Mr. Devine stated the white sturgeon can be up to 10 feet long.

Mr. Hartwick indicated that they had some sturgeons in the tank that were enormous. He asked if there were any educational opportunities for local school districts or for even colleges.

Mr. Devin stated that is definitely an opportunity and a possibility. TMI has been very good about access to that location. They might have some sensitivity about how many people can be brought in and when, but they have found TMI to be very open as long as they are notified and approve of the presence on the Island in advance.

Mr. Haste stated that if anybody is following the eagle online, maybe an underwater webcam can be put in there so you can see the migration.

Mr. Devine stated that is a very good idea. They are trying to build in a counter of fish as well. That is a new technology. Part of the Agreement with agencies is to try to look at that technology and if it improves over time to have the ability to put it in there so the fish can automatically be counted as they go by a certain station in the nature-like fishway.

Mr. Haste stated that the key part of this is that it is a natural way, not a lift, which will make things better.

Mr. Devine thanked the Commissioners and he asked, if the Board feels it is appropriate, to provide a letter of support. It would be very much appreciated by the York Haven Power Company and all the parties.

Mr. Pries stated that he would support that. It was a fantastic presentation. It is safe to say that this is something that is a Tri-County plan – Lancaster, York and Dauphin will all benefit, as well as folks further downstream. This Board has, is and will continue to support inner-regional cooperation. It is fitting that on the document they have the entire state of Pennsylvania, from Pittsburgh over to Philadelphia. When this Board sees things out there, whether it is in Dauphin County or outside of it, this Board will support it as far as businesses or things that make sense, this Board will offer its support.

**SALARY BOARD**

A complete set of Salary Board Meeting Minutes are on file in the Commissioners’ Office.
HUMAN RESOURCES

Ms. Lengle asked if there were any questions on the Personnel Packet. (There was none.)

    It was moved by Mr. Hartwick and seconded by Mr. Pries that the Board approve the Personnel Packet.

    Question: Mr. Haste – Aye; Mr. Pries – Aye and Mr. Hartwick – Aye; motion carried.

PURCHASE ORDERS

Mr. Baratucci stated that the only change from last week is the very first page. Commissioner Haste authorized adding that to the Packet. The reason is that item is being purchased off the State contract and they are going to have a price increase on May 1, so this would save a few bucks.

    It was moved by Mr. Hartwick and seconded by Mr. Pries that the Board approve the Purchase Order Packet as presented.

    Question: Mr. Haste – Aye; Mr. Pries – Aye and Mr. Hartwick – Aye; motion carried.

REPORT FROM BUDGET & FINANCE DIRECTOR – MIKE YOHE

Mr. Yohe presented the following Report:

    Report from the Office of Budget & Finance
    April 22, 2015

    • April 10, 2015 transferred $4,475,959.98 to the Payables account from the County’s Concentration account for checks issued that week.

    • April 17, 2015 transferred $6,426,488.34 to the Payables account and $1,838,699.72 to the Payroll account from the County’s Concentration account for checks issued that week.

    • Wire Payments since last report: $10,619,133.88

    • Debt Service Payments since last report: $0.00

    • Term Investments
      • 3/25/15 - $2,000,000.00 6-month CD – Centric Bank – 0.35% - matures 9/25/15

    • Balance today in PA INVEST account #2100017144860: $1,380.87 rate 0.050%
• Balance today in Susquehanna Bank investment account #10013172621: $33,809,197.52 rate 0.250%

• Balance today in Susquehanna Bank investment account #119002023: $1,069.03 rate 0.050%

• Balance today in First National Bank investment account #97014743: $9,593,157.64 rate 0.300%

• Balance today in Integrity Bank Money Market Checking account #2206001209: $22,606,833.80 rate 0.300%

• Balance today in Santander Bank investment account #9551017714: $15,049,791.85 rate 0.300%

• Balance today in Metro Bank investment account #539014068: $10,007,051.89 rate 0.300%


Mr. Yohe stated that Customers Bank is in the process of getting some money.

Mr. Haste asked if that is the one that was emailed.

Mr. Yohe stated yes. They have a real good rate. He is going to put about $10 million in that bank.

Mr. Haste asked how long will that be in there.

Mr. Yohe stated that one will be six months and one at nine months. He hopes to have that on for the next meeting.

REPORT FROM CHIEF CLERK/CHIEF OF STAFF – CHAD SAYLOR

Mr. Saylor stated that he has nothing to report unless there are questions of him. (There was none.)

SOLICITOR’S REPORT – JOSEPH A. CURCILLO, III, ESQ.

Mr. Curcillo stated that everything on the list has been reviewed and ready for approval.
MATTERS REQUIRING BOARD ACTION

A. Satisfaction Piece for Carrie E. Mondorff on the property located at 3224 Pennwood Road, Harrisburg, PA 17110 - $5,000.

B. Resolution #15-2015 authorizing the submission of a PA Department of Conservation and Natural Resources land acquisition grant for $877,500 for the proposed Detweiler Park in Middle Paxton Township.

C. Repository Bid received from Rodney A. Webster – Parcel #69-009-043 (199 Plane Street) - $500.00.

D. Subordination Agreement for Lucy Molina on the property located at 164 N. Catherine Street, Middletown, PA 17057.


G. Partial Refund of 2015 Real Estate Taxes – Parcel #43-032-023 (320 Fishing Creek Valley Road) – Rodd Melzer - $428.44.

H. Resolution #16-2015 authorizing the support of cleaning Pennsylvania’s Streams and Rivers.

I. Purchase of Service Agreement between Dauphin County (Children & Youth) and Jewish Family Service of Greater Harrisburg, Inc.

J. Amendment #1 to Purchase of Service Agreement between Dauphin County (Children & Youth) and 120 Rider Avenue Operating Company, LP t/d/b/a Pediatric Specialty Care at Lancaster.

K. Subsidized Legal Custodianship Agreement #2015-03.

L. Child Welfare Education for Leadership (CWEL) Program Agreement between Dauphin County (Children & Youth), the University of Pittsburgh and Mylah N. Martin.

M. Purchase of Service Agreement between Dauphin County (Drug & Alcohol) and Dex Media.

N. Addendum #1 to Purchase of Service Agreement between Dauphin County (Drug & Alcohol) and Life Esteem, Inc.

O. Amendment #6 to HealthChoices Behavioral Health Grant Agreement between Commonwealth of Pennsylvania Department of Human Services and Dauphin County (MH/ID).

P. Resolution #14-2015 approving the refunding of certain outstanding bonds by the Cumberland County Municipal Authority for Diakon Lutheran Social Ministries, Inc. (Frey Village) as being desirable for the health, safety and welfare of the people of Dauphin County.
Q. Payment Processing Agreement between Dauphin County (Treasurer’s Office) and Forte Payment Systems, Inc.

R. Intragovernmental Transfer Agreement between Dauphin County and the City of Harrisburg for a 2006 GMC Vehicle.


T. Request to Refund 2014 County/Library penalties and cost – Parcel #11-007-011 – Scott & Maggie Young - $41.64.

U. Request to Waive 2014 County/Library penalties and cost – Parcel #63-022-053 – Flagger Force (TCS Property Management) - $1,368.50.


W. Request to Waive 2014 County/Library penalties and cost – Parcel #58-012-021 – Thomas L. Hoy - $52.58.

X. Budget Amendments for the quarter ending March 31, 2015.

Y. Submission of the State Fiscal Year 2015-2016 Hazardous Material Response Fund Grant Application.

Z. Training Packet.

It was moved by Mr. Pries and seconded by Mr. Hartwick that the Board approve Items A through Z, listed above under Matters Requiring Board Action.

Question: Mr. Haste – Aye; Mr. Pries – Aye and Mr. Hartwick – Aye; motion carried.

FORMER BUSINESS

There was none.

NEW BUSINESS

There was none.

COMMISSIONERS’ DISCUSSION & ACTIONS

Mr. Haste stated that as the Legislature continues to move daily on the 9-1-1 legislation, he wants to thank everyone who has been involved. They keep getting calls to reach out to folks. Hopefully that has been done. Mr. Libhart has been participating in a number of meetings outside, more regional than even the County.
CORRESPONDENCE

The following correspondence was received in the Commissioners’ Office and will be handled by the staff appropriately.

A. Notification from Mellott Engineering, Inc. advising that Kepler Land 18, LLC is applying to DEP for a Chapter 105 General Permit for a utility stream crossing associated with the water line extension proposed with the Kepler Center Project in Washington Township.

B. Notification from Site Design Concepts advising that Living Hope Church is applying to DEP for a NPDES Permit for a proposed House of Worship for Living Hope Church in Londonderry Township.

C. Notification from Herbert, Rowland & Grubic, Inc. advising that United Water is applying to DEP for a DEP Public Water Supply Permit Amendment and Water Quality Management Part II Permit for water and wastewater system disinfection modifications.

D. Receipt of a letter from the PA Department of Environmental Protection advising that the information submitted on December 16, 2014 in support of the bonding increment application for Noncoal Surface Mining Permit No. 7174SMI (Steelton Quarry Operation in Swatara Township and Steelton Borough) has been determined by both the Compliance and Technical Services Sections of the Pottsville District Mining Office, to adequately represent current and planned site operating conditions and is acceptable to the Department.

E. Receipt of a letter from the Federal Energy Regulatory Commission regarding the Final Programmatic Agreement for Section 106 Compliance with regard to the York Haven Hydroelectric Project, York Haven Power Company, LLC.

F. Notification from RGS Associates advising that they are applying to the DEP for a NPDES Permit for discharges of stormwater from construction activities for the Sheetz West Hanover Project in West Hanover Township.

G. Notification from Rettew advising that Cellico Partnership d/b/a Verizon Wireless is applying to DEP for a General Permit 5-Utility Line Stream Crossing for the HACC Small Cell Site Project in the City of Harrisburg.

H. Notification from Herbert, Rowland & Grubic, Inc. advising that Lower Swatara Township is applying for a Park Rehabilitation and Development Program Application from the PA Department of Conservation and Natural Resources for renovations to an existing playground with additions such as two rain gardens and a handicap compliant walking path or trail at Shope Gardens Park and Old Reliance Park.

I. Notification from Ganflec advising that the Pennsylvania Air National Guard is applying to DEP for a NPDES Permit for stormwater discharges associated with the construction of a temporary parking lot at Fort Indiantown Gap Military Reservation at Harrisburg International Airport in Lower Swatara Township.

PUBLIC PARTICIPATION

Mr. Letavic stated that he is the Manager at Londonderry Township. He thought it was appropriate to come today – a discussion was held earlier on illegal dumping and clean-up with Keith Kepler. Londonderry Township was fortunate enough to be able to
participate as a partner in that with the 230 Diner. Being able to work with County partners allows them to accomplish things that they cannot accomplish on their own. That site for them was very difficult for years, but within a very short time in working with Mr. Kepler and with Gino, who did a fantastic job, they were able to get the site cleaned up. In addition to that, once the site was cleaned up, then there was an impetus on the owner who actually came in and improved the property itself. For the Township, it has been a very positive and important partnership with the County. He wanted to come today to say thank you for not only the Board’s leadership on all these items, but in allowing the Township to be a partner. When the Township works with the County, it gets more done. It is good government and the Township appreciates it.

Mr. Haste thanked Mr. Letavic for everything he does.

**ADJOURNMENT**

> There being no further business, it was moved by Mr. Pries and seconded by Mr. Haste that the Board adjourn; motion carried.

Transcribed by: Richie-Ann Martz