

**BERKS COUNTY SOLID WASTE AUTHORITY
MINUTES OF THE REGULAR MEETING OF
July 19, 2016**

A regular meeting of the Board of the Berks County Solid Waste Authority (the “Authority”) was called to order at 3:00 p.m. on July 19, 2016, in the Commissioners’ meeting room, 13th Floor, County Services Center, 633 Court Street, Reading, Pennsylvania.

The following members were present:

Mr. Charles Mowbray
Ms. Michelle Kircher
Mr. Brian Clements
Mr. Tony Sacco
John Pagerly, CPA
Ms. Dale-Ann Farina

Absent were Mr. Tony Rymar, Michael Gombar, Jr., Esquire and Charles Jones.

Also present:

Ms. Jane Meeks, Executive Director of the Berks County Solid Waste Authority
Douglas Paul Rauch, Esquire, Georgeadis/Setley

The Chairman declared a quorum was present and called the meeting to order.

PUBLIC COMMENT

Rick Brogan – General Manager, Republic Services
Maryanne Starr Garber – Legal Counsel, Land Air Water Legal Solutions, LLC

Maryanne Starr Garber introduced Rick Brogan and herself, as part of the new management team that has been looking at all costs involved in the operation of the Conestoga Landfill. Maryanne Starr Garber reviewed the history of the agreements between the Authority and the Conestoga Landfill, dating back to 1989. She indicated that their concern is being able to compete against other landfills, specifically Pioneer Crossing, that is not paying the \$3.00 per ton on out of county waste. She also believed that the Authority changed the type of Solid Waste Management Plan, in 2014 from a menu Plan to an open Plan, which would appear to allow any disposal facility to accept waste from Berks County. In actuality, neither the 2014 nor the 2004 Plans permit or prohibit any disposal facility to accept waste from Berks County although both Plans name the facilities with which the Authority had agreements to guarantee sufficient disposal capacity over the term of such Plan. Mr. Mowbray confirmed that the Authority’s obligation regarding each Plan was to demonstrate such sufficient disposal capacity and to meet certain recycling goals. The Board felt that the Plans fulfilled these goals.

Mr. Rick Brogan, expressed his concern with the cost of host fees paid by the Conestoga Landfill and the impact it has on their overall operational costs. He indicated that Republic Services has begun moving waste to their other facilities in order to control their costs and maintain their customers.

Ms. Meeks asked when Republic Services began diverting waste from the Conestoga Landfill. Mr. Brogan indicated that they began redirecting waste approximately two months ago.

Mr. Clements asked if Republic Services challenged the Pioneer Crossing permit application. Maryanne Starr Garber indicated that they had not. Mr. Clements then briefly explained the settlement of litigation and why the host fees were established back in 1989.

Mr. Pagerly asked the representative from Republic Services, what they are asking from the Authority. Maryanne Starr Garber indicated that they would like to see their host fee lowered and a host fee imposed on the Pioneer Crossing landfill to level the playing field.

Mr. Mowbray thanked the representatives from Republic Services for attending the meeting and indicated that he would establish a Committee to review this issue further and that our Solicitor would be in touch with her with our response. Mr. Mowbray appointed Mr. Clements, Ms. Meeks, Mr. Rauch and himself to this Committee.

MINUTES

Upon a motion by Ms. Kircher, seconded by Ms. Farina, the minutes of the regular meetings of May 17, 2016, were approved.

FINANCE

Treasurer's Report:

Ms. Meeks distributed the Treasurer's Report and invoices for payment and reviewed them with the Board. Upon a motion by Mr. Pagerly, seconded by Ms. Kircher, the Board unanimously approved the payment of all invoices and ratified the payment of invoices previously paid and accepted the Treasurer's Report.

SOLICITOR'S REPORT

Mr. Rauch reported that since the Authority's last Board meeting, he has been working on various Authority matters along with the Executive Director, including the meeting last week with Republic Services.

Mr. Rauch indicated that Reinsel Kuntz Leshner has completed the calculation of the arbitrage yield on the bonds for the Computation Period, the yield on non-purpose investments, the amount of excess earnings and the rebatable arbitrage, if any due as of April 1, 2016. We were not required to file the IRS Form 8038-T, since there was no excess earnings.

NEW BUSINESS

A. Update on Electronic Recycling

Ms. Meeks indicated that Cumberland County received bids on June 21st for a dismantler to handle their electronics from their proposed collection center. She indicated that only one bid was received, from a non-manufacturer dismantler with fees being charged for all items, included covered devices. Based on those bid numbers Ms. Meeks estimates that the cost of running our center would increase to \$377,000 from the current cost of \$101,000. Based on this information Ms. Meeks recommended not going out for bid at this time, but rather renewing our existing contract for one additional year, which is permitted under the Contract.

B. Update on improvements at Recycling Center

Ms. Meeks indicated that two new concrete pads have been completed at the bottom part of the Recycling Center. In addition, both stone walls at the Center have been repointed, which was in much worse shape than originally anticipated. All of these costs will be paid for through our 2013 902 Recycling grant, which will expire on July 21, 2016.

Status of Land Development Plan – Bern Township

Ms. Meeks indicated that the Land Development Planning process is moving forward nicely, with the Authority receiving Final Approval from the Planning Commission on July 12th and we anticipate receiving Final Approval from the Board of Supervisors at their meeting on August 2nd. The Planning Commission has authorized us to begin the building permit process, which will allow for less delay in this process.

Acceptance of 902 Recycling Grant

Ms. Meeks indicated that the Authority was awarded a grant in the amount of \$210,498 from our 2015 application. She indicated that due to unforeseen costs in 2015 related to the Land Development Plan and the installation of the new shed and paving, the project is estimated to be approximately \$50,000 over the original cost estimates. She indicated that since the Authority had not yet accepted the grant, DEP is permitting the Authority to move funds from our collection equipment category to cover these extra building costs. She indicated that a copy of the Fiscal Summary with both the old and new costs are included in the board packet. Upon a motion by Ms. Kircher, seconded by Ms. Farina, the Board unanimously approved accepting the grant and authorized their Chairman and Treasurer to sign the contract documents.

Award contracts for equipment and improvements

Ms. Meeks indicated that once the Land Development Plan is approved and the building permit issued the Authority will be able to move forward with the project and recommended awarding the following contracts to complete this project.

Contractor	Scope of Work	Cost
Forino	Demo shed, remove trees and grade	\$ 9,500.00
Forino	Fill & pour concrete slab	\$ 7,712.00
Berks Products	Concrete for slab - COSTAR Contract	\$ 5,777.00
Blatt & Zaffary	Electric for new shed	\$ 7,680.00
Bobcat	Skid-Steer with trade	\$ 13,559.00
Unknown	Storm water management	\$ 17,900.00
Unknown	Fill and topsoil	\$ 12,250.00
Geissler Tree Farms	Rake, seed, mulch and plant trees	\$ 3,859.40

Upon a motion by Mr. Clements, seconded by Mr. Sacco, the Board unanimously approved awarding these contracts, with the storm water management and fill and topsoil contracts still to be determined, with these costs as not to exceed numbers.

C. 901 Education Planning Grant

Ms. Meeks indicated that the Authority/County was awarded a \$74,518 grant from DEP for public education. This grant is for a two year period and is an 80% reimbursement grant. As part of that application the Authority included funding for web and mobile device programming. She indicated that recyclecoach is a web based application which allows residents to easily find out information on recycling opportunities in Berks County with a click of a button. It also allows us to export schedules to resident's calendars, send reminders of upcoming events and emergency notifications. Ms. Meeks recommended using recyclecoach at a cost of \$11,200 for the County education programming. In addition, Ms. Meeks indicated that our municipalities could then join into this program at an annual fee of between \$400 and \$450 each. She indicated that this type of program would be extremely helpful to our municipalities in helping to educate their residents and easily communicate with their residents.

Upon a motion by Ms. Farina, seconded by Ms. Kircher the Board unanimously approved moving forward with this project at an annual cost of \$11,200 for the first year.

D. Reimbursement requests

Ms. Meeks indicated that she has two reimbursement request to be submitted to DEP. The first in the amount of \$26,600.50 which is the balance of our spring hazardous waste collection costs, that exceeded our 2015-2016 allocation amount and the reimbursement request covering our second quarter of 2016 electronic recycling center costs for \$9,380.95.

Upon a motion by Mr. Pagerly, seconded by Mr. Clements the Board unanimously approved submitting these reimbursement requests.

OLD BUSINESS

Mr. Clements asked our Solicitor if he had heard any more from Reading Green who had contacted the Authority back in May regarding some type of issue. Solicitor Rauch indicated that he had not heard anything further from them since the original e-mails.

EXECUTIVE DIRECTOR

Ms. Meeks indicated that the Roll-off container located at Albany Township, as part of our rural recycling program, was stolen in May and has not been recovered. She indicated that our insurance company has reimbursed us for the cost of the container. She indicated that since we are uncertain on the direction we will be moving with the rural program, that container has not been replaced at this time. She indicated that if the container is not replaced 90% of those funds would need to be reimbursed to DEP, since the container was originally purchased through a 902 Recycling Grant.

Ms. Meeks indicated that the 2015 903 recycling grant which covers 50% of her salary and expenses was approved in the amount of \$58,631 and those funds should be received within the next few weeks.

Ms. Meeks indicated that the 2017 Authority allocation is expected to be increased from \$185,000 to \$294,000, to cover the excess operating costs of the recycling program. Although the County budget will not be finalized until early December, she believes this will be approved, based on conversations with both the County Commissioners and Budget Director.

She recommended that the following dates be set for our 2017 collections, using the same locations as the past two years:

Hazardous Waste Collection:

April 15, 2017 – Governor Mifflin Intermediate School

October 28, 2017 – FirstEnergy Stadium

Paper Shredding

April 22, 2017 – Governor Mifflin Intermediate School

October 21, 2017 – FirstEnergy Stadium

The Board unanimously approved these dates, assuming the sites are available

Ms. Meeks indicated that most of the other items outlined in her report have been discussed throughout today's meeting and offered to answer any questions that members may have, regarding her report.

Next Meeting Date

Mr. Mowbray indicated that the next Authority meeting will be held on Tuesday, September 20, 2016 at 3:00 PM in the Commissioners' meeting room.

ADJOURNMENT

At 4:25 p.m., upon a motion by Mr. Clements, seconded by Mr. Pagerly the Board unanimously resolved to adjourn.