

**BERKS COUNTY SOLID WASTE AUTHORITY
MINUTES OF THE REGULAR MEETING OF
January 20, 2015**

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 January 20, 2015, 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
Ms. Dale-Ann Farina
Mr. Brian Clements
Mr. Tony Sacco
Mr. Tony Rymar
John Pagerly, CPA
Michael Gombar, Jr., Esquire
Charles Jones, PE

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

No members of the public chose to speak.

Reorganization

a. Election of Officers:

The Nominating Committee submitted the following slate of officers for 2015:

Charles Mowbray – Chairman
Michelle Kircher – Vice Chairman
John Pagerly – Treasurer
Dale-Ann Farina – Secretary
Tony Sacco – Assistant Secretary

Mr. Jones moved and Mr. Sacco seconded the closing of nominations.

Upon a motion by Mr. Jones, seconded by Mr. Sacco, the above slate of officers were unanimously elected and approved.

b. Appointment of Solicitor:

Upon a motion by Mr. Jones, seconded by Mr. Clements, the Board unanimously resolved to retain the services of Georgeadis Setley Attorneys and Advisors, for the fiscal year 2015, at an annual retainer of \$25,000. It was also agreed that Georgeadis Setley will invoice the Authority separately for any unknown large projects that will require the assistance of Georgeadis Setley that are not anticipated at this time, as was the case in 2014.

c. Appointment of Auditor:

Upon a motion by Mr. Jones, seconded by Mr. Sacco, the Board unanimously resolved to retain the services of Reinsel Kuntz Leshner, to conduct our 2014 Audit, at a rate of \$7,600 and to authorize the Chairman to sign the engagement letters.

Minutes

Upon a motion by Ms. Kircher, seconded by Ms. Farina, the minutes of the regular meetings of November 18, 2014, were approved.

Finance

a. Treasurer's Report:

Ms. Meeks distributed the Treasurer's Report and reviewed it with the Board. Upon a motion by Ms. Kircher, seconded by Mr. Rymar, the Board unanimously approved the payment of all invoices, ratified the payment of invoices previously paid and accepted the Year End Treasurer's Report, subject to Audit.

b. Transferring Funds:

Ms. Meeks reported that she has been in contact with a number of local Banks and Credit Unions, in an attempt to increase the amount of interest we are currently receiving on our available funds. She indicated that First National Bank is offering .45% interest on our funds, up from .10% we are currently receiving at Metro Bank. Ms. Meeks indicated that these funds will exceed the \$250,000 Federally Insured amount and will need to be collateralized under Act 72, which First National Bank is aware of. She indicated that the Finance Committee has discussed this during our 2015 Budget discussions and recommends moving \$420,000 from Metro Bank to First National Bank, with a current interest rate of .45%.

Upon a motion by Mr. Clements, Seconded by Mr. Pagerly, the Board approved opening this account and transferring those funds. Mr. Sacco and Ms. Farina both abstained from this vote.

c. 2015 Authority Budget

Ms. Meeks indicated that the Finance Committee, which is made up of Mr. Pagerly, Mr. Mowbray and Mr. Jones met to review and develop the 2015 Authority Budget. She then reviewed the revenue and expenses, with the Board. Ms. Meeks indicated that the Authority has received the \$185,000 allocation from the County, for 2015, which is one of our largest revenue sources.

Mr. Mowbray recommended that we discuss the Electronic Recycling Contract issues and how that will affect our 2015 Budget, prior to taking a vote.

New Business

A. Update on Electronic Recycling Contract

Ms. Meeks indicated ECOvanta our Electronic Recycling Contractor has been in contact with the Authority regarding a Uncontrollable Circumstance as defined under our existing Contract. She indicated that she and Doug Rauch have had numerous phone conversations and e-mail communications regarding problems they are encountering, as it relates to the revenues they are receiving for dismantling covered devices, as well as the weight limits the manufacturers are placing on their Company.

Ms. Meeks reviewed the background of electronic recycling in Berks with the Board, in an attempt to give them a greater understanding of this issue.

Ms. Meeks reported that from April of 2007 through April 2010, the Authority operated spring and fall collection events and in June of 2010 opened our full-time electronic recycling center on Hilltop Rd. in Leesport. From June of 2010 through December 31, 2011, AERC accepted our electronics free of charge and the Authority charged a small user fee to residents using our center, to offset some of our operating costs. In January of 2012, the Covered Device Act went into effect, which prohibited the Authority from charging user fees for computer equipment and televisions and put the responsibility on the manufacturers to pay for the collection, transportation and processing of that material and to make collection programs available. In January of 2013, the disposal ban went into effect in Pennsylvania, prohibiting those electronics from being disposed of in solid waste disposal facilities in Pennsylvania.

In March of 2014, the Authority entered into a Contract with ECOvanta, who would rebate the Authority for our electronics, through December 31, 2016. ECOvanta has rebated the Authority approximately \$37,000 for our electronics from March 2014 through December 31, 2014. In November of 2014, ECOvanta approached the Authority to discuss proposed changes to our Contract, effective January 2015.

Ms. Meeks indicated that ECOvanta is proposing to eliminate all rebates and limit the amount of televisions and computer monitors they are willing to accept under our Contract, in 2015. Ms. Meeks indicated that Berks County was one of three Counties in our area that are continuing to have their materials accepted through the CDRA program. She indicated that

Philadelphia, Montgomery, Bucks and most Counties in Southeastern Pennsylvania have been rejected from the programs and have had to terminate their program or pay in excess of \$2,200 per truck to have the materials recycled.

Doug Rauch reviewed the proposed Amendment, including the changes that the Authority has requested.

Mr. Clements questioned what other Counties are doing in response to this problem. Ms. Meeks indicated that she has spoken to both York and Lancaster Counties who are also under Contract with ECOvanta and both are in the process of approving similar Contract Amendments.

Mr. Mowbray request that their Executive Director and Solicitor continue exploring alternative disposal facilities as a contingency plan and requested that this issue remain on each Agenda for further updates and discussions.

Mr. Gombar questioned if our Solicitor thought that ECOvanta may terminate our Agreement before our next Board meeting. Mr. Rauch indicated that he believes that that would only happen in the event of another uncontrollable circumstance.

Upon a motion by Mr. Clements, seconded by Ms. Kircher the Board unanimously gave conditional approval of this Amendment, assuming that all of our changes are agreed to by ECOvanta. If they are not, then the Board requested that future discussion on this issue be held by e-mail or phone conversations, prior to our next Board meeting.

2015 Authority Budget – Continued:

Upon a motion by Ms. Kircher, seconded by Mr. Sacco, the Board unanimously approved the 2015 Budget, as proposed. A copy of the Budget is attached hereto.

Solicitor's Report

Mr. Rauch reported that since the Authority's last Board meeting, he has been working on various matters including a Business Private Tax issue, the ECOvanta Contract Amendments, the Amendment to the Authority Personnel Code, which adds clarification on how vacation days are earned throughout the year, but does not change the number of days of eligibility. Mr. Mowbray clarified that this section of the Code and Amendment only apply to our two full-time employees. Attached is a copy of the Amendment.

Upon a motion by Mr. Clements, seconded by Mr. Jones the Board unanimously approved this Amendment.

B. 2014 Year End Report

Mr. Mowbray indicated that a copy of the 2014 Annual Report had previously been distributed electronically to the Board and asked if anyone had any comments at this time. Mr. Mowbray indicated that he thinks the Report is helpful in clarifying the role of the Authority and the projects undertaken by this Board. Mr. Mowbray requested that the Board review the Report prior to our March Board meeting, for further discussion and approval at that time. Mr. Mowbray indicated that the Report will be shared with the County Commissioners, after our March Board meeting.

Old Business

A. Paving project at Electronic Recycling Center

Ms. Meeks recommended that we move forward with the permitting and engineering of site work for possible paving later this year, depending on funding availability.

Upon a motion by Ms. Kircher, seconded by Mr. Sacco the Board unanimously approved moving forward with this permitting work.

Executive Director's Report

Ms. Meeks reported that ten municipalities in Berks County were recently awarded \$1.6 million in 902 recycling grants. Those municipalities were primarily small Boroughs and indicated she will continue to work with our municipalities to encourage greater participation.

Ms. Meeks informed the Board that the Department of Agriculture has agreed to pay for a portion of our 2015 Pesticides collected at our spring and fall collection events, up to a maximum of \$ 14,000. This amount will be finalized in March and is substantially less than we have received in the past, however it is certainly better than having to pay these costs ourselves.

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, March 17, 2015 at 3:00 PM in the Commissioners' meeting room.

Adjournment

At 4:35p.m., upon a motion by Ms. Kircher, seconded by Mr. Clements, the Board unanimously resolved to adjourn.