

**BERKS COUNTY SOLID WASTE AUTHORITY
MINUTES OF THE REGULAR MEETING OF
January 15, 2019**

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 15, 2019, 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 W. Clements
Charles Jones, PE
John Pagerly, CPA
Michael Gombar, Jr., Esquire

Absent were Mr. Tony Sacco and Mr. Tony Rymar.

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.

Reorganization

a. Election of Officers:

The Nominating Committee submitted the following slate of officers for 2019:

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

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

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

b. Appointment of Solicitor:

Upon a motion by Mr. Gombar, seconded by Mr. Clements, the Board unanimously resolved to retain the services of Georgeadis Setley Attorneys and Advisors, for the fiscal year 2019, at an annual retainer of \$25,000. It was also agreed that Georgeadis Setley will invoice the Authority separately for any large projects that will require the assistance of Georgeadis Setley that are or are not anticipated at this time, as was the case in 2014 through 2018.

c. Appointment of Auditor:

Mr. Pagerly indicated that he had researched possible qualified audit firms in the Reading area that might be interested in completing the Authority's 2018 Audit, as discussed at our November Board meeting. Ms. Meeks indicated that she had a conversation with the County CFO, Mr. Robert Patrizio to discuss his thoughts on the Authority hiring a smaller local firm to conduct our 2018 audit and Mr. Patrizio was not in favor of this option, since he was unfamiliar with the small company that was recommended and preferred that we continue with RKL, at least until the County goes out for bid for this service. Upon a motion by Mr. Pagerly, seconded by Ms. Farina, the Board unanimously resolved to retain the services of RKL, to conduct our 2018 Audit, at a rate of \$8,500.

Minutes

Upon a motion by Ms. Kircher, seconded by Mr. Jones, the minutes of the regular meetings of November 20, 2018, were approved.

Finance

a. Treasurer's Report:

Ms. Meeks distributed the Treasurer's Report and reviewed it with the Board. Upon a motion by Mr. Jones, seconded by Ms. Farina, 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. 2019 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 2019 Authority Budget. She then reviewed the projected revenue and expenses for the proposed 2019 operating budget with the Board. Ms. Meeks indicated that the 2019 Budget as presented anticipates the use of approximately \$30,000 of reserve funds to balance the proposed budget. Ms. Meeks indicated that the Authority has received \$250,000 of the \$278,000 allocation from the County for 2019, with the remaining \$28,000, to be authorized after completion of the Authority 2018 Audit.

Upon a motion by Mr. Clements, seconded by Mr. Pagerly, the Board unanimously approved the 2019 Budget, as proposed. A copy of the 2019 operating Budget is attached hereto.

Solicitor's Report

Mr. Rauch indicated that the bidding limits have increased for the year 2019 with the following new limits:

- Under \$11,100– No requirements
- Between \$11,100 and \$20,600 – Three quotes
- Over \$20,600 – Required to be bid

Mr. Rauch reviewed the Scheduling Order assigned by Judge Fudeman on October 11, 2018, which ends Discovery in our litigation with New Morgan Landfill Company, Inc. on March 15, 2019 and sets a three week jury trial date of September 9, 2019.

Mr. Rauch then reviewed the draft of the revised By-Laws that were previously circulated to the Board, reviewing the changes between the existing By-Laws and the proposed By-Laws. Mr. Rauch requested that the Board submit any comments and recommendations to him prior to the next Board meeting and that he will be sending a final draft out within ten days of our March Board meeting, which notice is required by law.

Mr. Rauch then recommended that the Board enter into Executive Session to discuss the current litigation with New Morgan Landfill Company.

The Board entered into Executive Session and reconvened at 3:40 PM.

New Business

A. 902 Recycling Grant

Ms. Meeks indicated that the Authority has received the Contract documents from PADEP for our grant that was submitted in April of 2018 in the amount of \$85,545 and requested that the Authority authorize acceptance of this grant. She indicated that this grant will cover the relocation costs of the baler from the City of Reading, renovations to our existing recycling center for housing the baler and the construction of new canopy areas, purchase an electric pallet jack and reimburse costs to both the Authority and Upper Tulpehocken for the construction of the Upper Tulpehocken Township recycling drop-off center in 2018.

Upon a motion by Ms. Kircher, seconded by Mr. Gombar the Board unanimously authorized the execution of the Contract documents and the acceptance of this grant.

B. Foam Recovery Grant

Ms. Meeks indicated that as a follow up to our November 20, 2018 Board meeting, she had been in contact with our representative from the Foodservice Packaging Institute, Inc. related to the three (3) year commitment of operating a foam recovery program, as a condition of our Foam Recovery Grant. She indicated that Mr. Todd indicated that they are unable to reduce the

term of our commitment and reiterated that they have not yet had any grant recipients interested in terminating the program, once started. I explained to Mr. Todd our concern with the unknown labor costs and contamination issues that we might face at an unstaffed center.

Ms. Meeks indicated that in the mean time she had met with Lower Heidelberg Township who currently accepts foam for recycling at the Township Building every workday between the hours of 9:00 AM and 2:00 PM and that Lower Heidelberg may be interested in taking over the operation of this program. Ms. Meeks indicated that the Board of Supervisors are scheduled to meet on Monday, January 21, 2019 and this issue will be discussed at that time. Ms. Meeks recommended that the Authority have our Solicitor draft a Inter-municipal Agreement with Lower Heidelberg Township, similar to the Agreement with the City of Reading School District relating to the baler that is currently used at the High School. Ms. Meeks recommended that the Authority pay for the electric service to be run to the unit, as part of our commitment to the project.

Upon a motion by Ms. Kircher, seconded by Ms. Farina the Board unanimously authorized their Solicitor to draft the Inter-municipal Agreement and authorized the Chairman to enter into the Agreement, contingent upon both Lower Heidelberg Township and the Authority agreeing on the terms of that Agreement.

Executive Director's Report

Ms. Meeks indicated that DEP currently has another round of 902 recycling grants, which are due March 22, 2019. She indicated that there are currently 10 municipalities in Berks County that are interested in applying and are scheduled for their mandatory pre-application meetings with DEP on February 13th and 14th, at the Berks County Agricultural Center. Ms. Meeks briefly reviewed some of the projects that are anticipated under these grant applications, mostly having to do with the implementation of new leaf waste collection programs. In addition, Ms. Meeks indicated that she will be assisting the eighteen (18) municipalities that were awarded grants in November of 2018, to complete their Contracts and assist with the implementation of those grants.

Ms. Meeks indicated that our DEP Regional Coordinator, Chris Bosnyak has left DEP and has moved to PA Emergency Response. She indicated that Tony Rathfon, Program Manager for the Waste Management Program will be our point of contact in the interim and that five representatives from PADEP including Chris Bosnyak and Tony Rathfon will be present for our mandatory pre-application meetings.

Ms. Meeks reported that 21,400 residents have used our electronic recycling center in 2018, recycling 1.6 million pounds of material, which is 400 more residents than 2017 but 100,000 pounds less material, which shows the decline in the weight of most items being brought in for recycling. 118,300 residents have used the site since opening in 2010 recycling over 10.2 million pounds of electronics.

Ms. Meeks indicated that there has been a slight delay in the renovations at the Recycling Center for the relocation of the baler from the City of Reading, but we are back on schedule with a projected start date of mid February.

Ms. Meeks indicated that the 2018 Annual Recycling reports are due on April 1, 2019 from our 73 municipalities.

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 19, 2019 at 3:00 PM in the Commissioners' meeting room.

Adjournment

At 4:15 p.m., upon a motion by Mr. Gombar, seconded by Ms. Kircher, the Board unanimously resolved to adjourn.