

**BERKS COUNTY SOLID WASTE AUTHORITY
MINUTES OF THE REGULAR MEETING OF
March 19, 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 March 19, 2019, in the Commissioners' meeting room, 13th Floor, County Services Center, 633 Court Street, Reading, Pennsylvania.

The following members were present:

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

Absent were Mr. Tony Sacco and Ms. Michelle Kircher

Also present:

Ms. Jane Meeks, Executive Director of the Berks County Solid Waste Authority
Douglas Paul Rauch, Esquire, Geortheadis Setley Attorneys and Advisors

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

PUBLIC COMMENT

No members of the public chose to speak.

MINUTES

Upon a motion by Mr. Gombar, seconded by Ms. Farina, the minutes of the regular meetings of January 15, 2019, were unanimously 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. Jones, seconded by Mr. Rymar, the Board approved the payment of all invoices, ratified the payment of invoices previously paid and accepted the Treasurer's Report.

SOLICITOR'S REPORT

Mr. Rauch indicated that he had drafted the Lease Agreement with Lower Heidelberg Township for the foam densifier that was discussed at our January Board meeting and sent it to their solicitor, for review and comment. He indicated that this Agreement is very similar to prior Lease Agreements with Conrad Weiser and Reading School District for the baler lease, which requires the Township to insure and maintain the unit, as part of the Agreement. He indicated that he has not yet received any comments back from the Township.

Mr. Clements indicated that during a prior unrelated meeting with Lower Heidelberg Township they indicated that the Township is still working on the electric requirements and that they were concerned with the cost of that installation. Mr. Clements indicated and Mr. Gombar confirmed that Lower Heidelberg Township appears to be under the understanding that that cost would be the responsibility of the Township rather than the Authority, as previously discussed. Ms. Meeks indicated that under the Agreement that responsibility would be the Authority's and that is consistent with all prior discussions, with them. Ms. Meeks will reach out to Lower Heidelberg Township to confirm this understanding.

Mr. Rauch then began to discuss the changes in the By-Laws which had previously been discussed at our January board meeting and indicated that they cannot be approved at today's meeting, since he had not provided the 10 day notice to the Board, which is required. In addition, Mr. Rauch indicated that he had a conversation with Ms. Kircher regarding Article IV of the By-Laws related to the Committee structure. Mr. Rauch reported that Ms. Kircher is interested in making sure that all matters of the Authority are acted on by the full Authority Board. She was also interested in limiting the term of members to sit on Committees and would like to see greater turnover.

Mr. Mowbray reviewed the existing roll of each of the standing committees with the Board. The first standing committee is the Nominating Committee, being made up of two board members which are currently Mr. Sacco and Mr. Jones, who develop the slate of officers to be presented to the Board during our January reorganization meeting. The second standing committee is the Finance Committee which is currently made up of three Board members, those being the Chairman of the Board, Mr. Pagerly as the Treasurer and Mr. Jones. That committee typically meets twice per year, once to develop the draft budget for presentation to the authority board and the second time to meet with the Auditors to review the Financial Statement prior to presentation to the Board. This committee's role is to review and make recommendations to the full Board for approval. Mr. Mowbray clarified that any board member can volunteer to sit on the committees during our January reorganizational meeting and that anyone that is interested in being appointed should contact the Nominating Committee prior to the January meeting or simply add their name to the slate during the time of the vote.

Mr. Pagerly indicated that the By-Laws allow for the creation of more committees and thought that perhaps an Audit Committee would be appropriate.

After much discussion the Board recommended that Mr. Rauch notify the Board of the By-Law vote for our May Board meeting, ten days prior to such meeting and that the issue be further discussed at that meeting, with Ms. Kircher present to present her concerns.

Mr. Rauch recommended that the Board enter into Executive Session to discuss the current litigation with New Morgan Landfill Company. The meeting reconvened at 3:45 PM.

NEW BUSINESS

A. BCSWA 2018 Annual Report

Ms. Meeks reported that a copy of the draft 2018 Annual Report was previously sent to all Board members in electronic format and that the two page summary has been included in their Board package for discussion at today's meeting. Ms. Meeks briefly reviewed the summary with the Board. Mr. Clements recommended adding a statement in the Annual Report regarding our concern with the glut of recyclable materials, as well as the problem with marketing materials due to stringent quality control issues, which could affect our recycling rate in future years. Ms. Meeks indicated that she would add such language and requested that the Board get any other comments or suggestions to her by April 1, 2019.

B. DEP 902 Recycling Grants

Municipal applications

Ms. Meeks reported that there are ten municipalities in Berks County that will be submitting applications for the DEP 902 Recycling Grants on or before the March 22, 2019 deadline. Ms. Meeks briefly reviewed the applicants and types of projects they are looking to fund. Ms. Meeks reported that the grant applications, from Berks County, total approximately \$2.1 million dollars and that there is \$16 million dollars available statewide. Ms. Meeks reported that due to the large number of grant applications that were awarded in October of 2018 there is not a large number of applicants that are expected to apply for this grant round. Ms. Meeks indicated that anyone applying for grant funds under the last round of grants that were approved in October of 2018, are not eligible to apply at this time. Attached is a spreadsheet of the grant applicants and the total amount requested, per applicant.

OLD BUSINESS

a. Update on Foam Recycling Program

Ms. Meeks indicated that as reported by our Solicitor we are continuing to work with Lower Heidelberg Township on the foam densifier project. Ms. Meeks indicated that we are still working on the electrical quotes to get the proper three phase power to the unit. Ms. Meeks indicated that until that issue is resolved we will not move forward with the project, however she did request permission to have our Chairman sign the Lease Agreement, accept the grant from the Foodservice Packaging Institute, Inc. and to advertise for bids for the densifier equipment, once the electrical issue is resolved satisfactorily.

Upon a motion by Mr. Pagerly, seconded by Mr. Rymar the Board authorized their Executive Director to move forward with the executions of the Grant Agreement with the Foodservice Packaging Institute, Inc. in the amount of \$50,000 to cover the cost of the densifier equipment and to advertise for such equipment.

b. Update on upcoming collection events

Ms. Meeks indicated that she has submitted all of the necessary registrations for our spring collections. She indicated that the advertisements will begin running in the Reading Eagle on April 7th. She indicated that we will also be running splash advertisements for our HHW event, which will run on April 12th and 13th, on the Reading Eagle website. Ms. Meeks reported that Jon Ramsey who has supervised our hazardous waste collection events for MXI over the past number of years is experiencing health issues and has stepped down from his position with MXI. She indicated that Craig Potter, Regional Vice President of MXI will be in charge of our events and she feels confident that MXI will ensure a smooth transition. Ms. Meeks indicated that Berks is one of their largest events in Pa and is confident they will provide the adequate staffing to ensure a successful collection.

Ms. Meeks indicated that the Department of Agriculture has set a \$20,000 limit on the amount of pesticide disposal they will pay for, from our household hazardous waste collections in 2019. She indicated that in 2018, the Department of Agriculture paid \$21,500 of the pesticide disposal costs. She indicated that any pesticides over the \$20,000 limit, will be reimbursed at the 50% rate by DEP, through our Act 190 grant.

Ms. Meeks indicated that she is still recruiting volunteers but already has a number of volunteers signed up including the Conrad Weiser Football Team to assist with our paper shredding event on April 20, 2019.

c. Update on BCSWA 902 Equipment Grant

Ms. Meeks reported that the Authority has received our fully executed Grant Contract from DEP for the work to be completed at the Recycling Center which includes moving the baler from the City of Reading, improvements to the Recycling Center buildings and the costs that were previously incurred in the construction of the Upper Tulpehocken Township recycling drop-off site. The total approved cost is \$95,081 with \$85,545 being DEP share.

Ms. Meeks indicated that we are scheduled to begin the renovation project for the relocation of the baler next week and anticipates the baler being in location by early May.

EXECUTIVE DIRECTOR

Ms. Meeks reported that as discussed at our January Board meeting the County is requiring the Authority to transfer off of the County e-mail server and hire our own IS firm to assist with this project. Ms. Meeks indicated that she has been in contact with LYNX Computer Technologies, Inc. who will provide this service to the Authority. The initial set up costs including our five year Domain Name Registration is \$985, and will include a \$180 annual costs for LYNX to host our site.

Ms. Meeks reported that the annual recycling reports are due by April 1st, from all municipalities in the County. This information needs to be entered into the State database in order for the County and our municipalities to be in compliance with Act 101. She indicated that at this time, only a few municipalities have not yet filed their reports.

Ms. Meeks indicated that RKL will bring our 2018 Audit on April 15th and should have a final Audit report for our July Board meeting.

Ms. Meeks indicated that approximately 21,500 residents used our electronic recycling center in 2018, recycling 1.6 million pounds of electronics. Over 10 million pounds of electronics have been recycled through our site since opening in July of 2010.

Ms. Meeks indicated that the Authority receives monthly reports from Google My Business. During January and February of 2019, 26,468 people found us through Google, 512 asked for directions, 1,321 visited our website from their link and 136 texted or called the Authority.

Mr. Mowbray indicated that the Board members have been invited to attend a meeting of Berks Nature to discuss the State of the Environment report, as it relates to waste in Berks County. He indicated that the purpose of the meeting is to discuss the indicators. The one indicator deals with the amount of trash that is being disposed of in Berks County landfills, something that cannot be controlled under the Commerce Clause. The second indicator deals with the amount of waste that is generated by Berks County and stated that again, this indicator is not a fair indicator since it does not take into account population growth, rain conditions and other contributing factors. The third indicator dealing with our recycling rate also is misleading due to the high number of non-mandated municipalities in Berks. Mr. Mowbray indicated that the County has surpassed the state goal of 35% when including all recyclable materials, which is what the DEP goal references. Mr. Clements agreed that the rain fall amounts have a huge impact on the amount of trash generation and indicated that when he was in business they would track weather events due to this issue.

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 which is attached.

Next Meeting Date

Mr. Mowbray indicated that the next Authority meeting will be held on Tuesday, May 21, 2019 at 3:00 PM in the Commissioners' meeting room.

ADJOURNMENT

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