

**JEFFERSON BELMONT REGIONAL SOLID WASTE AUTHORITY
MINUTES FROM REGULAR MEETING OF MONDAY, JUNE 8, 2015**

ROLL CALL:

PRESENT: Tom Bottorf, Ginny Favede, Scott Fabian, Barbara Godwin, Tony Kolanski, Mark McVey, Bruce Misselwitz, Paul Riethmiller, Robert Sproul

ABSENT: Terry Bell, Tim Boland, Chuck Dawson, Curt Hazelip, Bill Weekley

OTHERS: Dave Hays, John Mascio and Natalie Lysle

A quorum being present, Chair Ginny Favede called to order the regular meeting of the Jefferson Belmont Regional Solid Waste Authority Board at the Steubenville City Hall, 115 S 3rd Street, Steubenville, Ohio at 5:30PM on Monday, June 8, 2015.

MINUTES: A motion to approve the March 23rd, 2015 Special meeting minutes as presented was made by Ms. Godwin, seconded by Mr. Fabian. **Vote: 7 said Aye and Mr. Sproul abstained. Motion carried, minutes approved.**

Mr. McVey entered the meeting.

A motion to approve the May 11, 2015 meeting minutes was made by Mr. Bottorf, seconded by Mr. Riethmiller. **Vote: 8 said Aye, Ms. Godwin abstained. Motion passed.**

Ms. Godwin made a motion to approve the May 28th, 2015 Special meeting minutes, seconded by Mr. Fabian. **Vote: All said Aye. Motion passed.**

STAFF REPORTS:

Fiscal Report: Dave Hays

Mr. Hays reported revenues for May \$117,020.02, with expenditures of \$199,416.17 and net operating loss of \$82,395.25. Adding that there is one correction; the \$2,904.09 Equipment Capital is posted on the wrong line item, should be on the Rental & Lease.

Debt Service Report – principal balance now on the debt for the trucks is \$137,671.14

Non-payroll Expenditures Report – had normal operating expenses and the fiber payouts, with no questions.

Landfill tonnage Report – 52,863.09 tons reported for April, receiving \$80,168.76 in May. Mr. Hays stated that in April 2014 they only had roughly 52,000.

A motion to accept the fiscal officer's report and approve Expenditures for May 2015 was made by Mr. Fabian and seconded by Ms. Godwin. **VOTE: Unanimous, Yea, by roll call. Motion passed.**

Appropriations

Mr. Hays stated they needed to take care of some appropriation increases, that they had sufficient funds in the unencumbered fund balances to do so. Professional Contract Services needs increased for Day Ketterer legal services in the amount of \$5,000 for the designation fee services and \$10,000 to \$15,000 for continuing litigation. Mrs. Favede stated there are two separate legal issues. One is the contract the Authority will sign tonight for the designation work estimated at \$3,000-\$3,500. The Lawsuit fees have already cost \$12,000 so the Board will need to authorize

more funds for the litigation, estimated to be \$10,000-\$15,000 above the original \$10,000 approved in March.

A motion to increase the Professional Service appropriation fund balance for the Rates and Charges Lawsuit and Designation fee process in the amount of \$20,000 was made by Mr. McVey, seconded by Mr. Kolanski. **Vote by roll call: All said Yes. Motion carried.**

Mr. Hays stated that the postage account appropriation balance was only budgeted at \$1,000 and estimated it will need an additional \$1,400. Mr. Hays explained the cost expected for the remainder of the year.

Mr. Bottorf made a motion to increase the Postage fund balance by \$1,400 out of the unencumbered balance, Mr. Fabian seconded. **Vote by Roll call: 8 voting Yes, Mr. McVey abstained. Motion carried.**

Mr. Hays stated the educators asked for \$2,298 to purchase promotional items, explaining there was nothing budgeted in the Education & Advertising fund. The Board discussed briefly.

Mr. Bottorf made a motion to budget \$2,500 towards Advertising and Promotional items. Mr. McVey seconded. **Vote by Roll call. All said Yes. Motion carried.**

Interim Director's Report: Dave Hays

Household Hazardous Waste collection - paint

Mr. Hays explained that the company that collected latex paint for free last year, just recently notified the staff that they will have to charge us .50 cents per can this year, and now they can't collect the paint at all. He stated that the company Stericycle that will be collecting the other hazardous materials that day can do it at .20 per pound. They must ship it to Detroit to use it for energy. The hauling cost for the paint will be \$1,700 plus the .20 per pound, and we never know how much paint we will get.

Mr. Bottorf made motion to use Stericycle to do entire HHW collection with the latex, Ms. Godwin seconded. **Vote by Roll call: All said Yes. Motion carried.**

Township cleanups

Mr. Hays stated there had been an issue with one of the Townships in Jefferson County. They thought the Collection was going to be tires only. Turned out to be that someone not affiliated with the JB Green Team advised the wrong information, the issue was resolved quickly on Friday.

Mr. Misselwitz reviewed an Apex Material First Quarter Report that had been asked to be provided to the Board by a Board member. He explained the totals at the bottom include C&D materials.

Designation Fees

Ms. Favade explained they will be having a conference call with Attorney Albin Bauer from Day Ketterer for him to walk them through the Designation process. There would need to be a motion afterwards for the Contract. Mr. Mascio stated there is a resolution that the Board will have to pass after the conference call with Attorney Bauer.

A conference call began with Attorney Bauer.

Mr. Mascio asked Mr. Bauer in regards to the Legal Services Agreement, if the services include meetings with Mr. Hays as Fiscal Officer at some point and addressing the controls they had discussed about expenditures? Attorney Bauer stated that the regulatory fee according to the statute is restricted on what the funds can be used for, the same with the Improved Parcel rates & charges. The designation fee and contract surcharge with Apex are both funds unrestricted on how they can be used, for any proper purpose of the District. He could have that conversation with Mr. Hays but it is really the least restricted pool of revenue the Authority would have. The management controls he mentioned to Mr. Mascio had to do with the litigation and the improved parcel charge. Mr. Bauer will at some point sit down with Mr. Hays and create some guidelines and controls for the expenditures, that he feels would be beneficial to the District.

Mr. Bauer stated in regards to the Designation Fee process he has prepared a tentative schedule for the process timeline. The Authority should have a standard waiver agreement. There is a fair amount of documentation that goes along with the Designation process.

Mr. Mascio asked Mr. Bauer if the notices should be sent by certified mail. Mr. Bauer stated the mailing notification process should be done as it was for notification of the 50 largest generators when updating the Plan six months ago. Mr. Bauer will check to see if it is mandated that they have to be sent certified and will let the Authority know.

Mr. Mascio stated they needed to get the Public Hearing dates set, Mr. Bauer stated the Authority should try to have one in each county even though it is not required by statute, but a matter of preference, and he did recommend having a hearing in each county.

Ms. Favade asked Mr. Bauer for a quick overview of the process:

Mr. Bauer explained that designating public and private landfills set 343.014 is a complicated process that requires four separate resolutions that will have to be adopted while going through this process. First on is the Board letting the public and the regulated community know that the Board is contemplating doing the designating process and inviting public for feedback.

After getting input from the public you then have a resolution of preliminary designation. This is the one where the Board will determine what criteria it will use to do designation. In general and with others in state that he's worked with, the criteria is not intended to be the strictest criteria, intended to put the transfer stations and landfills on notice that the District is willing to designate any facility that agrees to enter into an Agreement with Jefferson-Belmont, whereby the entity will keep track of all waste that is taken to the facility and pay \$2 per ton fee back to the District in the required time frame, which is usually by the end of the month, following the month that the waste came in. The Authority can include rights to audit the books of the facility, and other record keeping requirements. It works best the simpler that you keep it.

After you adopt the Resolution and send out the invitation to the facilities to be designated, giving about 20 days for those facilities to send their request back to become designated. Then compile the information and make a list of those willing to enter a contract. The third Resolution is a list of the facilities that the Authority is considering to give designation to, that list is published and written comments are allowed from public, for 10-20 days usually. Board considers the comments that are submitted, decides of any changes of the list of facilities to be designated, then adopts the Resolution of final Designation which ends the process. The Designation goes into effect 50 days after the date of final Resolution.

According to his time frame if resolution is passed, the whole process takes about 110 days. It should be completed and revenue could start arriving as soon as November.

Mr. Mascio suggested executive session prior to the lawsuit discussion with Attorney Bauer.

A Motion to go into Executive Session was made pursuant to ORC 121.22 (G)(3) Court Action Exception to confer with its attorney concerning a dispute for pending litigation was made by Mr. Fabian, Mr. Riethmiller seconded. **Vote by Roll Call. All said Yes. Motion passed.**

The Board entered into Executive Session.

The Board exited Executive session by a motion made by Mr. Fabian and seconded by Ms. Godwin. **Vote by Roll Call, All said Yes. Motion passed.**

Ms. Favade stated that as a result of Executive Session there will be no action taken, they do have some business regarding the Designation Fees.

Mr. Mascio stated he needs a motion to enter into in a Legal Service Agreement with Day Ketterer for purposes of implementing the Designation Fees and the amount not to exceed \$5,000.

Mr. McVey made the motion to enter into in a Legal Service Agreement with Day Ketterer for purposes of implementing the Designation Fees and the amount not to exceed \$5,000. Seconded by Mr. Riethmiller. **Vote: All said Aye. Motion carried.**

The Resolution was read by Mr. Mascio of the Intent to Designate Facilities to Receive Solid Waste Generated within the Jefferson-Belmont Regional Solid Waste Authority. Some of which read the Board intends to designate one or more facility entering into an agreement(s) to pay the Authority \$2.00/ton designation fee for each ton of solid waste generated within the Authority as provided by the Plan and Section 343.01(1) and 343.0014 of the Ohio Revised Code. The Board shall notify with date, time and location of public hearings published in a the two largest newspapers, and delivered by mail to the fifty industrial, commercial, and institutional generators of solid waste within the district that generate the largest quantities of solid wastes, as determined by the Board, and to their local trade associations; legislative authority of each municipal corporation and township within the Authority; and Director of Ohio EPA. The dates, times, and locations of the public hearings yet to be determined, with one in each County.

Mr. McVey made a motion to adopt the Resolution 2015-03 as read by Mr. Mascio, seconded by Mr. Fabian. Members briefly discussed if this might affect Apex Landfill. **Vote by roll call: Seven (7) said Yes. Mr. Bottorf voting No. Mr. Misselwitz abstained. Motion carried.**

Mr. Mascio stated they need dates, times and locations of public hearings. Members discussed possible locations. Ms. Favade will contact and let Mr. Hays and Mascio know if Wednesday, June 17th at 7 p.m. at Belmont College in the Horizon Hall is scheduled. Mr. Bottorf recommended they get the notice mailings done as soon as possible, Mrs. Favade asked that it be done by tomorrow. Mr. Bottorf would check tomorrow morning on the Eastern Gateway College to schedule a room for June 16th at 7 p.m.

A Special Board meeting will be held on Thursday, June 18th at 5:30 PM in Martins Ferry Council Chambers to consider the comments and make the decision on whether to proceed.

Mr. Hays will provide the confirmed schedule to the Members.

NEW BUSINESS:

None.

OLD BUSINESS:

None.

EXECUTIVE COMMITTEE REPORT: Ginny Favede

No report.

FINANCE COMMITTEE REPORT: Rob Sproul

Mr. Sproul stated that at a meeting Mr. Hays handed out a report showing the budget vs. actual, which was very good, and they discussed going back to monthly operating statement on cash basis. Mr. Hays explained how Mr. Meyer had changed how Mr. Hays reported and that he wanted to get back to cash basis. Members discussed and agreed with Mr. Hays.

They had discussed the budgets for next year, about being conservative and they will talk more about it at the next meeting. Some topics were whether to keep programs or scale back, which included the Plan mandated programs vs. complimentary programs.

PLANNING COMMITTEE REPORT: Tom Bottorf

No report.

PERSONNEL COMMITTEE REPORT: Tim Boland

Mr. Riethmiller stated the Personnel Committee meeting is rescheduled for Monday, June 15th at 5:30 to discuss the Executive Director Contract, there was an issue of being able to have everyone there at the same time. He will have all of the references done and background checks done by then. They need to discuss pay scale, contract length, evaluations, etc., with possibly changes the severance package from 3 months to 6 weeks. Mr. Mascio explained the language was fine needs to look at length of time.

SPECIAL EVENTS/GRANTS COMMITTEE REPORT: Barbara Godwin

Ms. Godwin reported that the approved acceptance letters have gone out and as the signed Agreements are received they will send out the checks.

LANDFILL REPORT: Bruce Misselwitz

Mr. Misselwitz reported 2 inspections of Apex, 2 monitorings and 35 odor complaints. The report he discussed earlier in the meeting will be sent out every month.

CHAIRMAN COMMENTS: Ginny Favede

ADJOURNMENT: With no further business to come before the board, the meeting was adjourned at 6:56 pm.

ATTEST:

Ginny Favede, Chair

Bruce Misselwitz, Secretary