

BOARD OF DIRECTORS MEETING

March 28, 2008

9:00 a.m.

Don Hill County Administration Bldg.
Newark

Tim Bubb, Chair, called the meeting to order at 9:00 a.m.

ATTENDANCE

Attending: Thad Cooperrider, Gary Fischer, Jon Myers, Fred Shriner, Judy Shupe, Doug Smith, Larry Stahl, Mark Van Buren (not present for roll call, see note for arrival), Lonnie Wood and Tim Bubb.

Not attending: Mike Kiger and Dane Shryock.

Judy Shupe advised the Board that Commissioner Kiger was in the hospital.

APPROVAL OF MINUTES

Motion to approve the minutes from the January 25, 2008 meeting as submitted was made by Jon Myers and seconded by Thad Cooperrider. The motion carried without opposition.

(Note: Mark Van Buren arrived, 9:03)

COORDINATOR REPORT

Treasurer's Report – Carol advised the Board that the cash balance in the solid waste account at the end of February was \$4,024,932.39. Motion to approve the treasurer's report as presented made by Judy Shupe and seconded by Doug Smith. A roll vote was taken. Those voting yes were: Thad Cooperrider, Gary Fischer, Jon Myers, Fred Shriner, Judy Shupe, Doug Smith, Larry Stahl, Mark Van Buren, and Lonnie Wood. Those voting no were: none. The motion carried unanimously 9-0.

Policy Committee Update – Carol advised the Board that the Policy Committee met on March 14, 2008 and passed a resolution to amend the solid waste plan canceling a fee increase scheduled to begin January 1, 2009. The fee increase would raise the "in-district" fee from \$1.00/ton to \$2.00/ton. She further advised the Board that public hearings have been scheduled as part of the amendment process and the hearings will all take place during the week of April 21st. Tony Furgiuele (Pine Grove Landfill) addressed the Board and urged the members to pass the plan amendment and to also consider lowering the "out-of-district" fee which is currently \$4.00/ton. Frank Fello (Coshocton Landfill and Suburban South RDF) reiterated Tony's comments. Discussion ensued regarding the lowering of the fees at the landfill and the likelihood that the haulers (who would be benefactors of a fee decrease) would pass that decrease on their customers and the effect the decrease may have on jurisdictions that have contracted for waste hauling.

Licking County Driving Policy – A copy of the driving policy for Licking County employees was reviewed by the Board. Since the district has a vehicle (which is titled to Licking County) they are being asked to adopt the Licking County driving policy or create one of their own. Tim Bubb explained that this was upon the recommendation of CORSA in order to hold down insurance costs. Motion to adopt the policy for the district as presented was made by Jon Myers. Doug Smith seconded the motion. The motion carried without opposition.

OLD BUSINESS

NEWARK HEALTH DEPARTMENT VEHICLE DISPOSITION

At the January 25th meeting all equipment on the Newark Health Department inventory was approved by for disposition by means of City auction, with the exception of the Jeep Cherokee. At that time it there was question as to whether or not the Licking County Health Department might want the Jeep. Carol advised the Board that the only agency expressing interest and submitting a request for the Jeep was the Licking County Recycling & Litter Prevention Office. They would use it for the district contract program. Joe Ebel (Licking County Health Commissioner) stated that he had emailed Carol that morning and that the Licking County Health Department was would like to have the Jeep given to them at no cost but not for the solid waste program. Carol then reviewed the equipment disposition policy and contract language for the Board. The options for disposition are (listed in the following order): 1) the contractor may use the equipment for trade-in on new equipment to be used for the contract program, 2) the contractor (with assistance from the district office) will notify all district funded eligible entities that equipment is available at **no cost** (to be used for its original purpose under agreement with the district), 3) the contractor may **sell** the equipment to any interested bidder for its original intended purpose, and 4) the contractor may retain ownership of the equipment by reimbursing the District fair market value. Discussion ensued regarding the fact that giving the Jeep to the Health Department for non-solid waste use was not an option under the contract. Judy Shupe then made a motion to transfer the ownership of the Jeep to the Licking County Recycling & Litter Prevention Office. Larry Stahl seconded the motion. A roll vote was taken. Those voting yes were: Thad Cooperrider, Gary Fischer, Jon Myers, Fred Shriner, Judy Shupe, Doug Smith, Larry Stahl, Mark Van Buren, and Lonnie Wood. Those voting no were: none. The motion carried unanimously 9-0.

LEGAL UPDATE

David Northrop advised the Board that the Stark-Wayne-Tuscarawas Solid Waste District has implemented a rule requiring the three landfills in their district to refuse waste brought in from out-of-district, where the recycling rate of the exporting district is less than the recycling rate of their district. David further advised that this could affect our district as some of the waste from Coshocton County is taken to the Kimble landfill in Tuscarawas County. A lawsuit was filed in the Stark County Court of Common Pleas by the National Solid Waste Management Association on behalf of the landfill owners arguing that the rule is unlawful and should be vacated. The Court of Common Pleas upheld the rule in a decision rendered this past December. There are two arguments. The first one is that the Stark-Wayne-Tuscarawas Solid Waste District is operating under a plan written by the director of the OEPA, and by law those plans may not authorize local rules (solid waste plans may have rules if the district writes its own plan and has it approved by OEPA). However, the court said that there was a memorandum of understanding between the OEPA and the district which authorized local rules despite the fact that the plan was written by the director of the

OEPA. The court said that the memorandum should be given precedent over what the statute says. The other issue is that the landfill operator has no way of knowing what the recycling rates are in the generating district as compared to the Stark-Wayne-Tuscarawas district because the recycling rates are published by OEPA well after the recycling data is gathered by the district and submitted to the OEPA. The court avoided that issue by stating that it is premature to deal with it, as it is an implementation issue to be dealt with when the rule is implemented. The rule was to take effect January 1, 2008 but the court delayed the implementation date until June 1, 2009. The decision has been appealed. David has been approached to join in a friend of the court brief on behalf of this district and another district that he represents. Cuyahoga and Summit counties have also joined the brief.

NEW BUSINESS

LICKING HEALTH DEPARTMENT

The Licking County Health Department has submitted a request for additional funding in the amount of \$50,987.27. These additional funds are being requested due to the additional jurisdiction that the health department is now covering due to the recent merger. The Licking County Commissioners stated that the request included additional funding in the amount of \$1,800.00 for training and that they supported the request with a revision allowing \$600.00 in training, reducing the overall request by \$1,200.00 to \$49,787.27. Carl advised that the request is a legal use of district funds, is consistent with the solid waste plan, and that Licking County has sufficient funding available. Motion was made by Doug Smith to approve the request in the amount of \$49,787.27. Judy Shupe seconded the motion. A roll vote was taken. Those voting yes were: Thad Cooperrider, Gary Fischer, Jon Myers, Fred Shriner, Judy Shupe, Doug Smith, Larry Stahl, Mark Van Buren, and Lonnie Wood. Those voting no were: none. The motion carried unanimously 9-0. Doug Smith stated that Licking County was making great strides by combining the both (Newark & Licking County) health departments and the recycling & litter prevention programs.

HHW

Carol advised the board that RFPs were sent out and only one proposal was received. The proposal was from Environmental Enterprises, Inc. Heritage advised that they had conflicts with the dates we had scheduled, and Veolia (company used in 2007) sent a letter stating that they chose not to propose. Motion to approve hiring EEI to conduct the HHW Collection events was made by Jon Myers. Doug Smith seconded the motion. A roll vote was taken. Those voting yes were: Thad Cooperrider, Gary Fischer, Jon Myers, Fred Shriner, Judy Shupe, Doug Smith, Larry Stahl, Mark Van Buren, and Lonnie Wood. Those voting no were: none. The motion carried unanimously 9-0. Carol distributed a cost comparison. She noted that Perry and Coshocton counties might want to look at increasing their budgets. (Secretary's note: a request has been received from Coshocton County and will be presented at the May meeting).

EQUIPMENT DISPOSITION

1. Coshocton County Recycling & Litter has requested permission to dispose of a copier which is not working. They are asking to dispose of it through the county auction. Motion to approved disposition as requested was made by Doug Smith. Fred Shriner seconded the motion. The motion carried without opposition.
2. Coshocton County YWCA has changed ownership and is now the Maria Hay Forbes Centre.

They do not want the liability associated the playground equipment (being publicly accessible) which was purchased with district funds. The Lake Park Recreational Complex in Coshocton would like to have the equipment and is willing to move it. The Coshocton County Commissioners support the moving of the playground equipment to Lake Park. Motion to transfer the playground equipment from the Coshocton YWCA (now the Maria Hay Forbes Centre) to the Lake Park Recreational Complex was made by Gary Fischer. Larry Stahl seconded the motion. The motion carried without opposition.

3. City of Newark has requested permission to dispose of furniture/equipment used by the former Recycling & Litter Prevention office and the Compost Facility. Carol advised the Board that she had emailed the other recycling & litter prevention offices in the district with a list of equipment that is available, and emailed the compost facilities in the district with a list of compost equipment that is available. The Licking County Recycling & Litter Prevention office would like to have the furniture and equipment (an office chair, a desk, a work station, two computers, a laminator, a fax machine, a label printer, and a 1999 Chevy C35 pick-up truck) which belonged to the Newark Recycling & Litter Prevention office. Jim Hart (Perry County Recycling & Litter) had also expressed an interested in some of the furniture and equipment but stated that he would defer to Licking County so that the equipment could stay in the county for which it was purchased. Motion was made by Gary Fischer to transfer ownership of the office furniture and equipment to Licking County Recycling & Litter Prevention. Mark Van Buren seconded the motion. A roll vote was taken. Those voting yes were: Thad Cooperrider, Gary Fischer, Jon Myers, Fred Shriner, Judy Shupe, Doug Smith, Larry Stahl, Mark Van Buren, and Lonnie Wood. Those voting no were: none. The motion carried unanimously 9-0.

Discussion ensued regarding the equipment at the compost facility. Carol advised the board that there are three pieces of equipment available: a wheel loader, a compactor truck, and a windrow turner. She further stated that Tom Harvey of Hope Timber would like to have the wheel loader. According to the equipment policy the compactor truck (purchased over 10 years ago for less than \$10,000) would not require a monetary reimbursement. The windrow turner however does have a value. Further discussion ensued regarding what agencies/businesses were notified about the equipment. Motion was made by Doug Smith to transfer ownership of the wheel loader to Hope Timber. Mark Van Buren seconded the motion. A roll vote was taken. Those voting yes were: Thad Cooperrider, Gary Fischer, Jon Myers, Fred Shriner, Judy Shupe, Doug Smith, Larry Stahl, Mark Van Buren, and Lonnie Wood. Those voting no were: none. The motion carried unanimously 9-0.

Judy Shupe made a motion to table conversation on the compactor truck pending further advertisement. Doug Smith seconded the motion. The motion carried without opposition.

Carol suggested that the windrow turner be advertised for sale. Jon Myers made a motion that the windrow turner be advertised for sale on the open market. Judy Shupe seconded the motion. The motion carried without opposition. Carol asked if the board wanted to set a minimum price. She further stated that she has asked Newark how many hours are on the equipment. Consensus of the board was not to set a minimum price but to reserve the right to refuse any offers.

PUBLIC COMMENT

None

NEXT MEETING

The **next meeting** is scheduled for **May 23, 2008** at 9:00 a.m. (at the Don Hill County Administration Bldg., Room D (4th floor), in Newark.

Motion to adjourn was made by Thad Cooperrider, seconded by Gary Fischer. The meeting adjourned at 10:05 a.m.

Secretary, Kim Masters

Date Approved