

**JEFFERSON BELMONT REGIONAL SOLID WASTE AUTHORITY
MINUTES FROM REGULAR MEETING OF DECEMBER 13, 2021**

ROLL CALL:

PRESENT: Mike Bianconi, Chuck Dawson, Scott Fabian, Andrew Henry, George Irvin Jr, Joe Luckino, Mark McVey, Domenick Mucci, Rob Sproul

ABSENT: John Davies, Jerry Echemann, Tony Kolanski, Robert Krajnyak, James Mavromatis, Mitch Morelli

OTHERS: Anita Petrella, Dave Hays, Natalie Lysle, Tammy Shepherd, Chief Deputy Jim Zusack, Sheriff Dave Lucas (by phone)

A quorum being present, Chair Scott Fabian called to order the regular meeting of the Jefferson Belmont Regional Solid Waste Authority Board at the JB Green Team building, 67895 Pickering Road, St. Clairsville, Ohio at 5:30PM on, Monday, December 13, 2021.

MINUTES:

A motion to approve the November 8, 2021 regular monthly meeting minutes was made by Mr. Mucci, and seconded by Mr. McVey. **Vote: 6 said Aye, with Mr. Luckino, Mr. Irvin and Mr. Dawson abstaining. Motion passed.**

Mr. Mucci made a Motion to suspend the Agenda and move the Belmont County Sheriffs Contract up for discussion. Mr. Sproul seconded. **Vote: All said Aye. Motion passed.**

Anita explained the vehicle currently being used by the Belmont County Deputy for Litter Enforcement is the old vehicle given to the Sheriff's Department in 2014. According to the Contract the Authority will buy a new vehicle and trailer and it would be titled to the Authority and is to be left in this building in evenings, but the Sheriff doesn't want to do that. He wants the vehicle to be taken home by the Deputy, and the old vehicle will be given to another Deputy.

Chief Deputy Jim Zusack said they are willing to pay for the gas for the vehicle if it would be allowed to be taken home by the Deputy. Adding it would not be used for anything else, just strictly litter enforcement, emergency or back up for something would be the only reason the Deputy would have to use it. A take home vehicle is contractual with the Sheriff's office, it's a perk for gas.

Board members explained their reasons were because of a history of another Sheriff Deputy using the vehicle to run radar and other non-litter reasons. Mr. Mcvey said the Authority has a problem legally, with 10 allowable expenses it cannot be used after hours while not on the clock for the Authority. They cannot use it for other duties by state law, it must be used for litter enforcement only. Mr. Fabian explained that the older vehicles were given to the Sheriff Departments due to the rail at Apex being shut down right after purchasing and labeling them. The change in rail waste affected the Authority funding and our ability to fund the Litter Enforcement Program. The County Commissioners picked up the salaries. Now that the Authority is paying for everything, we must go by our Attorney's advice on what is allowable. The Authority cannot pay for an officer but can pay for an Environmental Enforcement Officer.

Mr. Mucci stated the reasons the Authority went through the sheriff's office was to show more enforcement authority and improve the flow with cooperation of the courts and prosecutors, but that has not happened and suggested the Authority could take another look at hiring and having its own enforcement officer as previously discussed by the Board. Ms. Petrella stated that Mr. Polaski has been

working for us without a contract or us paying his salary since May 11th. Mr. Hays pointed out that Attorney Bauer wrote the Contracts for both Counties addressing all the legal issues.

Mr. Luckino pointed out that it would be the Sheriff's Department that is breaking the law if the vehicle is used after hours, not the Authority, while making it a breach of contract. The Board discussed adding the verbiage in the Contract that if the contract is breached the vehicle would then be required to be parked here at the building after hours.

Chief Deputy Jim Zusack reached Sheriff Lucas on the phone allowing him to participate in the discussion using his phone speaker. The Sheriff was briefly updated, then stated he doesn't remember the contract stating that the vehicle has to come back to the office, if it had he wouldn't have signed it. If his deputy can't take it home it is a deal breaker, because of his contract and their union. Mr. Fabian stated the after-hours restriction is not written in the Belmont Contract. Sheriff Lucas stated it would only be used after hours for emergencies as written in contract and is willing to put an addendum in the Contract to not use the vehicle after hours for other work. This Contract expires December 31, 2021.

STAFF REPORTS:

Fiscal Report:

Mr. Hays reported November revenues of \$270,006.08, with expenditures of \$401,160.26 and net loss of \$131,154.18. The loss was due to the \$284,657 spent on the new truck.

Non-Payroll Expenditures were reviewed. Mr. Mcvey asked about the disinfecting fogging. Ms. Petrella explained it was disinfecting for possible Covid exposure. Mr. McVey questioned the pest control. Ms. Petrella explained there were large rats at the Cell and mice and insects at the Jefferson office. Mr. McVey asked if Belmont had any rodent problems, Mrs. Shepherd said they do and she previously had an exterminator, but she prefers to handle them herself as she is a naturalist.

Apex tonnage report shows 10,921.03 In-District Tonnage, 16,817.03 Out-of-District tonnage, 114,919.39 Out-of-State tonnage for a total of 142,657.45 tons for \$216,934.18.

A motion to accept the fiscal officer's report and approve Expenditures for November 2021 was made by Mr. Mucci and seconded by Mr. Henry. **VOTE: Unanimous, Yea, by roll call. Motion passed.**

Credit card Policy:

Mr. Hays explained a new state statute that addresses credit cards includes new control requirements, and this policy covers all the required control procedures. A Compliance Officer will oversee expenditures. He spoke to J.P. Morgan Chase, and they have a credit card with a nice control features. For example, whoever is in control can lock the card until it is ready to be used. There will be just one card kept in the office. A motion without a Resolution can be done but requires $\frac{3}{4}$ Board votes in the affirmative. Who the Compliance Officer would be was discussed.

Mr. Luckino made a motion to appoint Natalie Lysle, Administrative Assistant to be the Compliance Officer. Seconded by Mr. Dawson. **Roll call Vote: All said Yes.** Mr. Hays added there is a of maximum credit on the card of \$5,000.

Mr. Mucci made a motion for the Board to approve the credit card account and the credit card policy with the exception of a change in the first paragraph of the policy document regarding the word "resolution" be changed to "through a unanimous consent of a board" by roll call on December 13, 2021. Mr. Irvin seconded. **Roll call Vote: All said Yes. Motion approved**

Year-end Appropriation adjustments:

Mr. Hays stated as explained last meeting there was a problem with the budgetary worksheet formula causing a shortfall in the Health Care Premiums and Payroll Taxes line items. He asked the Board for permission to transfer appropriations from Contract Services of \$7,200 into the Health Care line item \$7,000 and Payroll Taxes \$200.

Mr. Bianconi made a motion to transfer appropriations from Contract Services in the amount of \$7,200, to Health Care \$7,000 and Payroll Taxes \$200. Mr. Mucci seconded. **Roll call Vote: All said Yes. Motion approved.**

Year-end Transfer to Rates & Charges:

Mr. Hays explained a 2015 Rates and Charges lawsuit settlement agreement required the Authority to have a separate Rates & Charges fund. If the Rates & Charges Fund cash is not sufficient to cover expenditures and at year-end, a cash transfer from the General Fund to the Rates & Charges Fund is required to eliminate a Fund deficit. The current deficit in the Rates & Charges Fund is \$717,044.

A Motion to transfer cash not to exceed \$800,000 from the General Fund to the Rates & Charges Fund was made by Mr. Irvin, seconded by Mr. Sproul. **Roll call Vote: All said yes. Motion approved.**

Mr. Hays reported that OSWDO held a meeting because the Ohio EPA has drafted some rule changes. If a landfill also owns a transfer station that's transporting waste to their own landfill, they can request that mixed waste be reclassified. Currently it is all classified as MSW for which the Authority gets the fees. What our attorney is concerned about is these draft rules don't talk about pulverized loads and can be classified as CD&D. Attorney Bauer suggested the Authority get in contact with the Policy Group to help get a rule established. We have until December 23rd to comment on the proposed rules, but that date may be extended. Attorney Bauer plans to comment to the EPA on behalf of the Authority. Ms. Petrella stated there is a remote meeting scheduled for this Wednesday at 2pm with the EPA and all the Solid Waste Districts. Mr. Hays said there was a public hearing held by Ohio EPA regarding the Kimble transfer station that is proposed for a property in St. Clairsville between Mehlman's Restaurant and the Ebbert Farm Market. A few board members were present. There were a few comments from the public about expected issues with odor and traffic. The EPA said they can't do anything about odor and if ODOT approves the traffic permits, it will out of their hands. The Board discussed briefly.

Director's Report:

Mr. Mcvey was presented with a plaque in appreciation for his years of service on the Board since this would be his last meeting, he has been on the Board since 2005.

Ms. Petrella stated after donating the truck to Belmont County Adult Probation for their litter cleanups, a photo was taken Friday with Ed Gorrance, Judge Fregiato, the truck, and the probation officers which will be in Time Leader Newspaper. Afterwards Mr. Gorrance took Ms. Petrella around showing her some of the cleanups and asked her to thank the Board.

Board member renewals were briefly discussed.

Stock the pantry in Belmont County had very low participation as it's first year, she hopes that will improve with some changes they will make for next year. Mr. Biasi donated to help this year. Jefferson County pantries will get \$200 each, and Belmont's \$50 each.

Stream debris.

Ms. Irene Moore from Jefferson County Soil and Water came to Ms. Petrella about a program she is proposing. She is trying to get every Jefferson County Agency on board to donate \$3,500 for a stream debris cleanup program. The Authority would then cover the cost of roll offs for the approved cleanups. Soil and Water would be accepting applications from landowners with a \$50 fee. Ms. Petrella spoke to Attorney Bauer, and he advised it would be a positive move at a low cost. The program comes under the general scope of our many programs, and cost is very small regarding the Solid Waste budget. Documentation of the assistance would be needed as an assurance that the funds are used for the specific purpose and there is protection for JBRSWA against liability arising out of the placement and use of the roll-offs. A written agreement to document that this support is provided and that JCSW takes full responsibility for the placement and use of roll offs. Board members discussed the proposal. Mr. McVey asked that they reach out to the Belmont Soil & Water to offer the same if they have this program. Mrs. Shepherd stated the Belmont Soil & Water has asked her about assistance with tires, which they bring to the tire collections. She was unclear of what type of assistance they were wanting.

Mr. Dawson made a motion to donate the \$3,500 and cost of the roll-offs to the Jefferson County Soil and Water Agency for the Stream Debris cleanup program, and to the Belmont County Soil and Water Agency if they have the same program. Mr. Luckino seconded. Mr. Fabian stated he felt it shouldn't be donated because it is always sandbars and trees clogging the creeks, the reason they are in there is because of the policies that were made over the years not allowing anyone to go in and clean creeks and streams. Mr. Dawson disagreed stating he has seen dumped items in the creeks and streams. **Roll Call Vote: 8 said Yes, Mr. Fabian No. Motion approved.**

EXECUTIVE COMMITTEE REPORT: Scott Fabian

No report.

FINANCE COMMITTEE REPORT: Rob Sproul

No report.

PERSONNEL COMMITTEE REPORT: Mark McVey

Mr. McVey stated the Committee did meet and asks the Board for a Motion to rescind the motion of Mr. Hays pay raise at last month's meeting because of a salary discrepancy. The amount was figured for his salary for his first year in the contract of \$47,000 not \$49,000. Mr. Mucci stated after that meeting it was discovered that Mr. Hays contract had expired and would need extended first.

A Motion was made by Mr. Mucci to approve an extension of the Fiscal Officers Contract for 1 year through 2022, seconded by Mr. Henry. **Vote by Roll: All said Yes. Motion approved.**

A Motion was made by Mr. Mucci to rescind the motion made at the last Board Meeting for Mr. Hays's pay adjustment because of a salary discrepancy. Seconded by Mr. Bianconi. **Roll call Vote: All said Yes. Motion approved.**

Mr. Mcvey said the Committee had decided for a raise for Mr. Hays of \$2,080 for 2022 for a total of \$51,252.76.

A Motion was made by Mr. Bianconi to approve a salary adjustment for Mr. Hays in the amount of \$2,080 for total of \$51,252.76 for 2022, seconded by Mr. Luckino. **Roll call Vote: All said Yes. Motion approved.**

PLANNING COMMITTEE REPORT: Jim Mavromatis

No report.

GRANTS/SPECIAL EVENTS COMMITTEE REPORT: Mike Bianconi

No report.

SEARCH COMMITTEE REPORT: Joe Luckino

No report.

LANDFILL REPORT: Andrew Henry

Mr. Henry reported for the month of November Apex had 145,836 tons of MSW, and 62,878 tons of CD&D. Two (2) odor complaints in November with no notices of violations. Odor intensity continues to be down, practically nonexistent for our sanitarians. Next week the Health Department Board is expected to approve the Apex operational license for next year. Mr. Bianconi stated members had discussed the length of time left for the landfill was thought to be 25 years, he had since talked to Dave Cieply. As Mr. Hays mentioned early the OEPA doesn't do anything about odors, and asked Mr. Henry what they can do about ODORS. Mr. Henry explained if an odor complaint is received, they call the landfill about it, they will usually have a reasoning behind it, or will investigate the odor and get back to the Health Dept. They then get back to the person that made the complaint. The longevity was 30-33 years. Mr. Fabian said he checked into it after that discussion because it was said to be 40 plus years. They have 19 years left of active land, they can still go up 90 feet, and also have a lot more undeveloped land, so they have over 30 years. The new cover helping with the odor complaints was discussed.

OLD BUSINESS:

GPG Contract is up for renewal and needs a motion for another year. It would be the same contract for the same amount.

Mr. Mucci made a Motion to renew the same contract for another year with GPG for \$3,000 a month. Mr. Bianconi seconded. **VOTE: 8 Yea votes by roll call. Motion passed.**

The \$3,000 was a retainer fee and any additional costs would have to be approved by the Board.

Mr. Mcvey stated he had wanted a larger flagpole at the Belmont building not the one recently installed on the building. He gave a name of a company he would like for Mrs. Shepherd to contact for a larger flagpole, and that the Authority could donate the one installed to an organization. Mrs. Shepherd explained that Mr. Rice from Signs Unlimited came down and advised her that there would be issues with overhead wires if a large flagpole was installed there. Mr. Mcvey suggested she talk to this company.

NEW BUSINESS:

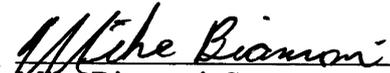
Next meeting set for Monday, January 10, 2022 at the Jefferson JB Green Team building at 5:30pm.

ADJOURNMENT: With no further business to come before the board, the meeting was adjourned at 7:30 pm. with a motion by Mr. Bianconi and a second by Mr. Luckino. All said Aye.

ATTEST:



Scott Fabian, Chair



Mike Bianconi, Secretary