

**JEFFERSON BELMONT REGIONAL SOLID WASTE AUTHORITY  
MINUTES FROM EXECUTIVE COMMITTEE MEETING OF DECEMBER 2, 2019**

**ROLL CALL:**

**PRESENT:** Nicole Balakos, Jerry Echemann, Scott Fabian, James Mavromatis,

**ABSENT:** Mark McVey

**OTHERS:** Joe Luckino, Anita Petrella, Natalie Lysle, Geary Bates, Al Bozich, Kim Bozich, April Vella Powell, Jane Orban, Keith Reynolds, Angela Mastros, Ed Gribbin, Lou Lewis, Mark Nelson

A quorum being present, Chair Scott Fabian called to order the Executive Committee meeting of the Jefferson Belmont Regional Solid Waste Authority at the Steubenville City Hall Pugliese Room, 115 S Third Street, Steubenville, Ohio at 5:00PM on, Monday, December 2, 2019.

Mr. Fabian stated the meeting was being held because a lot of information has been going around (about the company possibly applying to reopen the Crossridge Landfill), and a lot of that information is why they have not taken a position yet. It basically comes down to "Due Process", their attorney advised them that until that company files and applies for a permit the Jefferson Belmont Regional Solid Waste Authority/JB Green Team (JBRSWA/JBGT) must stay neutral, and cannot show preference one way or another. Mr. Fabian said the Attorney gave him an example of what happens when Due Process is violated, back in the 90's, German Township in Clark County had zoning when a Landfill was going in. Their prosecutor told them their zoning could stop the landfill, they enforced their zoning and stopped it before the company even applied for the license. In result, the Township was in litigation for about 10 years, costing them \$306,000 in legal fees. They had to sell a fire truck to pay those legal fees. With this example Mr. Fabian said the Solid Waste Board (JBRSWA/JBGT) will follow it's attorney's advice and stay neutral in its position and let the process play out.

Mr. Fabian explained in this process there are steps that have to happen:

1. The company has to apply for a permit through the EPA (if they don't apply this is all a mute point)
2. The company would have to submit their Plans to the JBGT Board for review
3. The Board would need to hire an engineering firm to review those Plans
4. Then the Board would go into their own Plan and evaluate everything from there

He realized a lot of people are asking the JB Green Team (Jefferson-Belmont Regional Solid Waste Authority) why they are not taking a position, it is because we cannot violate Due Process. There are entities have already taken a position, but some of those entities do not have the legal authority to stop it. There is a process in our Plan, the Board must follow it, they cannot take a legal position at this time.

Mark Law of the Herald Star asked Mr. Fabian to explain the process that is in the SW Plan, as far as whether the Board can accept or deny. Mr. Fabian explained their attorney said it looks at public entities, how it affects public entities, the traffic on roads, road repair costs, costs to do inspections, etc. As of right now the company has not applied for a permit. Mr. Law asked if the JBRSW Authority has a right to say no according to the SW Plan. Mr. Fabian stated yes, if there are things that are in violation of the SW Plan they could, but again as of right now the Board does not have a position. Mark Law asked what entities can say No. Mr. Fabian stated legally there are four: the EPA, the Board of Health, the JBRSWA Board and the Township. However, the Township has no legal say in this case because there is no zoning in Jefferson County.

Members of the public present were then allowed to speak or ask questions.