

**JEFFERSON BELMONT REGIONAL SOLID WASTE AUTHORITY
MINUTES FROM REGULAR MEETING OF FEBRUARY 13, 2023**

ROLL CALL:

PRESENT: Mike Bianconi, John Davies, Chuck Dawson, Jerry Echemann, Scott Fabian, Andrew Henry, George Irvin Jr, Tony Kolanski, Robert Krajnyak, Joe Luckino, Dan Lima, James Mavromatis, Rob Sproul

ABSENT: Mitch Morelli

OTHERS: Anita Petrella, Dave Hays, Natalie Lysle, Tammy Shepherd, Sharon Malin, Albin Bauer, Nathan Vaughan, Grant Kimble, Keith Kimble, David Lucas, Babette Mavromatis, Shawn Albaugh

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, February 13, 2023.

MINUTES:

A motion to approve the January 9, 2023 Executive Session meeting was made by Mr. Sproul, seconded by Mr. Krajnyak. **Vote: All said aye. Motion passed.**

A motion to approve the January 9, 2023 Reorganization Meeting Minutes was made by Mr. Echemann, seconded by Mr. Irvin. **Vote: All said Aye. Motion passed.**

A motion to approve the January 9, 2023 regular monthly meeting minutes was made by Mr. Henry, seconded by Mr. Krajnyak. **Vote: Twelve said Aye, with Mr. Dawson abstaining. Motion passed.**

GUEST SPEAKERS

Kimble Company Transfer Facility Application

Attorney Albin Bauer stated he had written up and provided Board members a detailed explanation of the Kimble company Application and is prepared to go over it with them.

Keith Kimble introduced himself, his son Grant who is an Engineer, and his Legal Counsel Nathan Vaughan to the Board. He stated that they were here to answer any questions the Board may have regarding their submitted application asking for approval from the Board to construct a transfer station in St. Clairsville.

Mr. Bauer continued stating all Board members should have received 1) the Memo he provided regarding the Supplemental Application submitted by Kimble, 2) the criteria under the Solid Waste Districts rule for approval of a proposal for constructing a new solid waste facility in the jurisdiction of the Solid Waste Authority, and 3) his discussion and explanation of the contents of the Application by provided by himself and Mike Stepic of Seneca Engineering. Mr. Stepic had identified some additional considerations for which they had requested additional information from Kimble, which was provided to Mr. Stepic within 48 hours. Mr. Bauer reviewed the highlights of the Siting Review Process of the proposed project to the Board, explaining that Kimble had applied to the OEPA in June of 2020 which was approved by the EPA in December 2021. He reminded the Board that the Authority had originally adopted it's Rule requiring Board approval of general plans and specifications for proposed new or expanded solid waste facilities inside the District back in mid-2016. Under the original configuration of the Rule it said "that determining whether the plans and specification comply with the plan"

would be based on the requirements of the Siting Strategy that was part of the Solid Waste Plan that was in existence at that time, which was the 2015 Solid Waste Plan. The Siting Strategy was changed under the new Solid Waste Plan that went into effect upon the EPA's approval in September/October of 2021. So based upon that, there is no question that Kimble had submitted their Application to the EPA for their Facility well before the current 2021 Solid Waste Plan was approved. So, under the 2015 Solid Waste Plan standards the four requirements are explained in his Memo as follows:

- (1) not have significant adverse impacts upon the Board's ability to finance and implement the Plan Update;
- (2) not interfere with the Board's obligation to provide for the maximum feasible utilization of existing in-Authority Solid Waste Facilities;
- (3) not materially and adversely affect the quality of life of residents within 300 feet of the proposed facility; or
- (4) not have material adverse impacts upon the local community, including commercial businesses within 500 feet of the proposed facility and the adequacy of existing infrastructure to serve the proposed facility.

Mr. Bauer stated that according to the most recent OEPA data reports, Kimble handles approximately 26,000-27,000 tons of residential municipal solid waste within the District, about 126,000-130,000 tons of solid waste generated from commercial and industrial waste for a total of about 150,000 tons per year or more. The amount of waste tonnage they already handle each year would be sufficient to meet tonnage needed for the proposed Transfer Station Facility and would be more efficient than running individual trucks to the landfill in Dover. Part of the application discusses the facility capacity to be about 800 tons per day, and their estimated actual tonnage is about 500 tons per day of municipal solid waste. They would also be handling approximately 250 tons per day of recyclable materials. The business they do, the size of the facility, and their estimates of what they expect to process is highly consistent with the core mission of the Solid Waste Authority Plan. The Authority won't be adversely impacted on its ability to implement or finance it's Solid Waste Plan because the Authority is already receiving fees on all of that waste. A lot of the waste to go through the Transfer Station will be the waste currently being taken to the Dover landfill. The authority generation fees would not change, they would be paid by the transfer station instead of the landfill in Tuscarawas County. The construction is state-of-the-art, it's a steel and concrete building, it would be a totally enclosed facility with weight scales, a fire suppression system and meet all applicable building standards. They plan to submit an application to ODOT to make sure they are on board with pavement work to the facility. In general, he has little negative comments in regard to the proposed facility. Adding that many of the earlier concerns were regarding potential impact on the Mehlman's Restaurant, but because it's enclosed with state of art processing it would not likely be an unreasonable amount of noise, dust, debris or odors coming out of the waste handling area.

Based on the criteria, the case of finding that there will be adverse impact on the community or unreasonable burdens on the existing infrastructure is unlikely. Due to that he and the Engineer recommend the proposed facility Application be approved by the Board.

Mr. Echemann disagreed, stating he has negative feedback and feels it would be a terrible place for the facility, that it needs to be a couple of miles out in the country. He is sure the iconic restaurant Mehlman's does not want it there. The adverse effects are unknown, there are also Divisional Courts and the Board of Elections nearby, even with low odor the traffic pattern there is a concern for accidents

without the facility, and adding all the truck traffic would make it worse. The closest business is Ebbert's Banquet Hall which hosts a lot of weddings. He is sure the Kimble family is a good family and runs their business as best as they possibly can, but the location is too close to town.

Mr. Bauer stated that even landfills under Ohio law do not have those types of buffer requirements. It is 300 feet from occupied residents, and 1,000 feet from drinking wells and landfills are considered more controversial. Zoning is an option for the local communities to dictate land use and harmoniousness with its local culture. The OEPA and the Health Department regulate these facilities, and make sure they are in compliance. The Solid Waste Authority has ability to deal with some local concerns, but their primary concern is the impact on the Solid Waste Plan. Each of those entities have their own responsibilities and cannot overlap or override each other's authority/role. The Solid Waste Authority is not responsible for the community zoning. It is not practical to try to draw a buffer zone line of half a mile to two miles around the facility.

Mr. Lima agreed with Mr. Echemann that the site is bad regarding the traffic causing some frustration issues. He was wondering why the site is so ideal for Kimble, since on 40 west there was a lot more space, access, and less traffic. The trucks maneuvering around commercial businesses may be a hinderance on current traffic and facility trucks, two to three miles down the road might be better. Mr. Bauer estimates it would only be about 20 trucks per day and they would be coming off the interstate. Mr. Irvin stated the facility plans are amazing and they are doing their best to be a good neighbor, but his issue is #4 the material adverse effects on local community and businesses.

Keith Kimble stated the siting location and what the facility will do is all detailed in EPA Application process. He has been in this market for 40 years, and had helped get the existing transfer station up and running back in 1990 when it was shut down. Kimble serves the general area around St. Clairsville. The industrial waste volumes will be coming from local oil & gas drilling, mostly dirt with some fluids that need to be landfilled. They service the residential, industrial and commercial solid waste. They have looked around for a site for years, for one not in a flood zone, not near a house, not on county/township roads that would be torn up with truck traffic, and has access to sewer and water. They are serving the local area and wanting to put in facility that has good road access, and route 40 is a very good location with plenty of turning radius and site visibility. They have made arrangements for the golf club business to move down the road and they will remove that building giving more visibility on the road. The property is currently being excavated and graded, and you won't be able to see the facility from anywhere on Mehlman's property. It will be indoors so it won't be very noisy. They wanted to get near a sewer system for the expected leachate which is lacking at other sites in the area, there is a sewer line, and adequate water for the fire suppression system at this site.

Mr. Kimble stated he had just spoken to the owners of the Ebbert property, and they have made a cooperative agreement with them. Kimble has agreed to keep the house they use for wedding photos and will renovate the old house so it can continue to be a feature on that property, and they will put up a fence like ones you see on an interstate to hide the facility in photos. They do meet criteria for distances for the OEPA at that location and have done site modeling, it will be attractive. They will just be unloading small trucks to put on bigger trucks to be hauled away. Mr. Echemann asked about rats and other vermin as result of it. Mr. Kimble said they receive what is put on the curb and their job is to clean the facility periodically and they will have doors on the facility. This will be the only facility in the County that has walls, roof, doors, a durable floor and leachate collection. They will run 6 days a week. Congestion at current transfer station facility makes it difficult for Kimble trucks to get into the facility without wasting hours with the trucks having to wait so long, plus they are not open on Saturdays. He believes those in the hauling business will be happy and it would provide some competition for the current facility. He thanked the Board for their consideration.

Mr. Bianconi spoke about the current transfer station being like a war zone and the long delays for the trucks to get emptied and feels adding this new facility would be beneficial and is needed. Richland Township did not do anything in regard to the zoning. Mr. Echemann spoke about Ebbert's owner not wanting the facility. Mr. Davies stated he owned a trucking company for about 40 years and that he'd rather see them on 40 than a county/township road because most of your accidents/rollover happen on the smaller narrow roads. He likes the idea of some competition because his City trucks do wait a lot at the current transfer station, sometimes 2-3 hours at a time, they have their own compact station they sometimes use, but if they can get in and out of a facility quicker especially on Holiday weeks it would be a lot better for the City.

Mr. Bauer stated if project would come to fruition the District could benefit with its volumes locally instead of shipping out of the area. Mr. Dawson asked about acceptable materials. Mr. Kimble stated it's all about the economics and they can't receive hazardous or liquid waste, they have to abide by EPA requirements and what they feel secure in managing, but they can assist with some hard to get rid of items such as mattresses, and maybe work out some collection days with the District. They plan to begin erecting steel and pour footers first of April 2023, and expect it to take 2-3 months to do construction, so they may be open the fourth quarter of this year. They will continue to haul to their own disposal facility in Dover from the facility.

Based on the recommendation from the Authority's legal counsel and engineering consultant, Mr. Bianconi moved to adopt a resolution approving the general plans and specifications for the proposed Kimble transfer station facility as complying with the Solid Waste Plan. Mr. Dawson seconded the motion. **Roll call Vote: 11 said Yes, and 2 said No. Motion passed.**

Environmental Enforcement Officer – Sheriff Dave Lucas

Sheriff Lucas spoke to board about the EEO 2023 contract, he has an up-to-date contract no different than the 2022 contract. They follow guidelines of their union contract and due to their raises the full package cost has increased and will be \$86,487.16. Last years amount was \$60,000, but his insurance and other items were not calculated in it. He provided a breakdown of costs to the Board that he obtained from his fiscal officer. Article IV 4.1 amount would be the only change from the 2022 contract.

Mr. Bianconi made a motion to accept the 2023 Contract with the new package cost amount of \$86,487.16. Mr. Echemann seconded. **Roll call Vote: 12 said Yes, 1 said No. Motion passed.**

Bianconi asked if the Environmental Enforcement lettering will be on the vehicle. Sheriff Lucas stated because the Solid Waste Board pays for deputy, truck, insurance, etc. he has no problem putting it on the truck. Mr. Bauer will update the Contract. Ms. Petrella asked if the Belmont officer could bring prisoner from the jail for labor at our Special Cleanups. Sheriff Lucas stated that now the majority if not all prisoners are drug related and they have difficulty finding trustees, but if they get people to meet the criteria they will provide them. He cannot let them without the Judges blessing to go outside of the jail.

Mr. Bianconi asked Sheriff Lucas about garbage found with names to be used to prosecute. The Sheriff explained that the Prosecutor gets the information from Officer Gehrig and then decides if it warrants prosecution, but a name found in the garbage is not 100% proof they put it there, adding the Prosecutors Office is overwhelmed with big cases making these cases low profile.

CORRESPONDENCE: Scott Fabian

Mr. Fabian stated they received letters from St. Vincent and Friendship Room food pantries thanking the Board for the donations.

Mr. Fabian addressed the letter received from sheriff Abdalla Jr. that was already provided to the Board stating that he was moving on. Mr. Bianconi clarified that with him the Contract issue is with the vehicle lettering. Mr. Luckino stated he wished the Board had the same relationship with the Jefferson County Sheriff as it does the Belmont County Sheriff, and that the Board should compromise about the lettering on the vehicle out of respect for the Sheriff's safety concerns. He spoke about the safety concerns and the other ways the Authority can achieve awareness for the program. He felt the lettering should not be mandatory. Mr. Mavromatis spoke about need of having the officer for Jefferson County residents, and the Sheriff's safety concerns. Adding that his City has a Code Enforcement Officer and his vehicle does not have special lettering other than police. He explained the Sheriffs concerns in regard to the Ohio Revised Code restrictions. He advised Board members to ask themselves how important the program need is to them for Jefferson County. He felt that program awareness with the lettering was not purpose of the vehicle, that it is for the work done by the officer. He added that Mr. Lucas not conforming to the State's code is his decision. The Board does not have the authority to have a policeman, which is why it goes through the Sheriff's office.

Mr. Hays explained that the mix up because the Sheriff had said he didn't want the officer working without the contract but sent the Deputy to the office, and Ms. Petrella asked Mr. Hays and Mr. Fabian what to do. They both told her that we have an open item on the Contract and to wait until after this meeting to address it. Mr. Luckino stated that the Deputy worked without a contract all year last year and the Sheriff sent him out in good faith. Mr. Fabian stated the Sheriff sent out a letter stating he would not send an officer without a contract. Mr. Bauer stated there are sheriff department uniform marking requirements, with nothing in them that approves marking like this or any other type, but County Sheriff Departments are doing it. Discussion on programs prosecution history followed. Mr. Fabian stated the County Commissioners provided a lot of false information to the news about the program, which included that we clean up dumps which we don't, that the vehicles were purchased with Grant funds which was not the case, and that the disagreement was about money which it is not. He gave an interview today to try to clarify. Adding that last year's approved contract included the lettering requirement. Mr. Luckino questioned why it was not an issue when the Sheriff was at the December meeting. Mr. Fabian stated that they did say they wanted the lettering at that meeting and would check on if it was legal to do from the Board Attorney. Mr. Luckino stated the lettering is not a need but a want and suggested voting to make the lettering optional for the 2023 Contract, then address it for the following year.

Mr. Echemann asked about other alternative option mentioned at a previous meeting. Mr. Bauer answered that enforcement authority is needed which the Health Department does have, but we would have to have prosecutory buy in. Mr. Henry stated they could not accomplish it for \$86,000, and would take a lot of time to get there, nor does he have man power to do it. Mr. Fabian expressed concern of using the vehicle for things other than litter, as it has been in past history. and if used outside of litter enforcement it would end the program. Mr. Mavromatis asked about the results of last year's officers work, Ms. Petrella stated it was good. Mr. Luckino asked the Board to give the program a year to see if the Sheriff can make it work. Ms. Petrella said it should be explained and made clear to the Sheriff that the vehicle is not to be used after hours for other than litter enforcement.

Mr. Irvin said with the Authority paying the salary, benefits, vehicles, insurance, etc, it is a lot of money for what he feels is a bad program that accomplishes very little. He stated there has to be a better way to utilize the money to do this, and the Board should scrap this and look into different options to make up for the program. Mr. Echemann agreed. Mr. Mavromatis explained it goes to courts, so the legislative things are what needs to be changed for the program to work. Mr. Irvin felt with the vehicle titled to the Authority, adding a couple of words shouldn't be a major issue, and does seem necessary because of past issues.

Mr. Luckino made a motion to make the Environmental Enforcement lettering on the Jefferson County vehicle optional for the 2023 year Contract. Mr. Bianconi seconded. **VOTE by Roll call: 7 said Yes, 5 said No. Mr. Dawson abstained because he was not at the previous meeting. Motion passed.**

STAFF REPORTS:

Fiscal Report:

Mr. Hays reported January net income of \$107,901.92. Non-payroll expenditures were reviewed with no questions. The tonnage report shows 138,119.95 tons for December, yielding \$212,259.36.

A motion to accept the fiscal officer's report and approve Expenditures for January 2023 was made by Mr. Krajnyak and seconded by Mr. Henry. **VOTE: Unanimous, Yea, by roll call. Motion passed.**

Director's Report:

EOCC Service Workers

Ms. Petrella explained to the Board the need to start paying for labor from the Eastern Ohio Corrections Center (EOCC) to help with Special Cleanup Collections in Jefferson County since we cannot get workers without doing so anymore. Getting help is rare now and none of them want to volunteer. Without a Deputy to bring trustees from the jail it will be more difficult than ever. The cost is \$10 per hour per person. Estimated at 7-8 hours each collection day for cost of \$240-260 per cleanup. The collections cannot be held without labor, since the Townships don't always provide it or enough of it. Tires are still collected at the Jefferson Collections with Belmont only able to have one per year and pays Liberty for labor for the same reason and Jefferson County is headed in the same direction for tires.

A Motion was made by Mr. Henry to pay Eastern Ohio Correction Center for labor at \$10 per hour for the 2023 Jefferson County Collections as requested. Seconded by Mr. Dawson. **Roll call Vote: All said Yes. Motion passed.**

Additional Roll Off Containers

Ms. Petrella informed the Board that the program is working much better with the new 40 yard roll-offs. She stated we have purchased two and since they are smaller are filling up faster so we could use two more, and asked for permission to purchase two more.

Mr. Luckino made a motion to purchase two (2) more 40 yard roll-off containers, Mr. Mavromatis seconded. **Vote by Roll call: All said Yes. Motion approved.**

The overtime policy will be addressed by the Committee.

ADR

Ms. Petrella stated it is time to hire for the Annual District Report for which she obtained two bids. She recommended to the Board to stay consistent and hire RRS again for less than \$6,500. They did the Solid Waste Plan, and last years ADR and are also currently doing the Special Recycling Efficiency Study.

Mr. Sproul made a motion to hire RRS for up to \$6,500 to complete the Annual District Report. Mr. Krajnyak seconded. **Vote by Roll call. All said Yes. Motion approved.**

EXECUTIVE COMMITTEE REPORT: Scott Fabian

None.

FINANCE COMMITTEE REPORT: Rob Sproul

Mr. Sproul stated the Committee met and recommends to the Board to invest \$2.2 million additional into the Star Ohio Program. Mr. Hays stated the rate is now 4.89%.

A motion was made by Mr. Bianconi to invest \$2.2 million additional into the Star Ohio Program as recommended. Seconded by Mr. Luckino. **Roll Call Vote: All said Yes. Motion approved.**

PERSONNEL COMMITTEE REPORT: George Irvin

Mr. Irvin stated they meet in combination with the Finance Committee and have two recommendations for the Board. The first is the need for an additional temporary CDL Driver to fill in while a Belmont County employee is off for 3–6 months. They would work full time hours and receive hospitalization benefits.

Mr. Henry made a Motion to hire a full time temporary CDL driver for up to six (6) months full time with hospitalization as recommended. Mr. Sproul seconded. **Roll Call Vote: All said Yes. Motion.**

Mr. Irvin reminded the board that at the December meeting the discussion on the raises also included changing the language for employee overtime in regards Holidays and leave time. The Committee has a proposal that they recommend which states the language in the last lines of Section 4.01 (D) to be amended to “All overtime work must be scheduled and approve by Executive Director. Vacation, sick leave or other paid leave i.e. Holiday leave, shall be counted as hours actually worked for purposes of determining an employee’s eligibility for overtime.” Effective retroactively from January 1, 2023.

Mr. Dawson made a motion to amend the Overtime language in the Personnel Manual, Section 4.01 (D) as recommended by the Committees to say “All overtime work must be scheduled and approve by Executive Director. Vacation, sick leave or other paid leave i.e. Holiday leave, shall be counted as hours actually worked for purposes of determining an employee’s eligibility for overtime.” Effective retroactively from January 1, 2023. Mr. Henry seconded. **Roll Call Vote: All said Yes. Motion.**

PLANNING COMMITTEE REPORT: Jim Mavromatis

None.

GRANTS/SPECIAL EVENTS COMMITTEE REPORT: Mike Bianconi

None.

SEARCH COMMITTEE REPORT: Joe Luckino

No report but Mr. Luckino asked Mr. Bianconi about the status of the cost to excavating the hillside. Mr. Bianconi reported he spoke to ODOT but has to find out about costs to have the curb cut out, and the trees cut out and that it is a long process.

LANDFILL REPORT: Andrew Henry

Mr. Henry reported the Apex Landfill for January 2023 reports shows 144,000 tons of MSW, 76,000 tons of C&D. There were no Notice of Violations, but there was an uptick in odor complaints compared to January 2022 which they attribute a lot of to the class action lawsuit. Staff did investigate them and did not verify any odors.

OLD BUSINESS:

Already discussed.

NEW BUSINESS:

Next meeting set for Monday, March 13, 2023 at the Jefferson/Belmont JB Green Team building

ADJOURNMENT: With no further business to come before the board, the meeting was adjourned at 7:40 pm. with a motion from Mr. Echemann, seconded by Mr. Irvin, **Vote: all Said Aye.**

ATTEST:


Scott Fabian, Chair


Mike Bianconi, Secretary