

**SOLID WASTE AUTHORITY OF CENTRAL OHIO
BOARD OF TRUSTEES MEETING**



October 6, 2009

**4239 London-Groveport Road
Grove City, Ohio 43123**

MINUTES

1. **Call to order of the regular October 6, 2009 meeting at 2:38 p.m.**
2. **Mr. Mills led the Pledge of Allegiance**
3. **Roll Call** - the Secretary called the roll and the following members were present: Paula Brooks, Bill Lotz, Mark Kelsey, Jackie LaMuth, Steve Shepard and Vice Chairman (Acting Chairman) Dave Bush. Bob Clemons and Brad Frick joined the meeting in progress.

Staff in attendance: Ron Mills, Jeff Cahill, Harold Anderson, Paul Koehler, John Remy, Rick Dodge, Joe Roush, Bonni Trice, Letitia Pleasant, Kristi Higginbotham, Jack Stacy and Terri Merriman.

4. **Approval of September 1, 2009 Board of Trustees Meeting** - Paula Brooks moved to approve the September 1, 2009 meeting minutes; seconded by Bill Lotz. Approved 7 - 0.

5. **Election of Board Positions**

Entertain nominations for two Board of Trustees positions that expire November 1, 2009:

Colleen Briscoe made a motion to table the board elections until Bob Clemons arrives and precede with the Audit and Finance resolutions presentation; seconded by Paula Brooks. Approved 7-0. Mr. Clemons arrived shortly after the vote and the trustees continued with the nominations portion of the meeting. Applicants in attendance at the meeting addressed the board to detail their qualifications.

While votes were being tallied, Jackie LaMuth was recognized and thanked for her 16 years of service as a SWACO Board Member.

- i. **Member representing industrial, commercial & institutional waste generators.**

1. Robert Clemons
 2. Kathie Trent

Colleen Briscoe made a motion to close the nominations for the board member representing the industrial, commercial and institutional waste generators; seconded by Paula Brooks.

ii. **Member representing the general interest of citizens.**

1. Philip Honsey
2. Aparna Dial

Bill Lotz made a motion to close the nominations for the board member representing the general interest of citizens; seconded by Mark Kelsey.

Board of Trustees Resolutions

Resolution 126-09 appointing Robert J. Clemons to the Board of Trustees representing industrial, commercial or institutional waste generators for the two year term beginning November 2, 2009 and ending November 1, 2011.

Colleen Briscoe made a motion to adopt Resolution 126-09; seconded by Paula Brooks. Approved 9 – 0.

Resolution 127-09 appointing Philip Honsey to the Board of Trustees representing the general interest of citizens for the two year term beginning November 2, 2009 and ending November 1, 2011.

Bill Lotz made a motion to adopt Resolution 127-09; seconded by Mark Kelsey. Approved 9 – 0.

6. **Executive Session**

Resolution 108-09 to convene into executive session in accordance with Ohio Revised Code 121.22 (G)(3) to consider pending or threatened litigation.

Colleen Briscoe made a motion to convene into Executive Session for personnel issues; seconded by Jackie LaMuth. Approved by roll call vote 8-0. The board members moved into Executive Session at 3:00 p.m. At the completion of this Executive Session, members reassembled and Dave Bush made a motion to convene into Executive Session for pending or threatened litigation; seconded by Mark Kelsey. Approved by roll call vote 8-0. The board members moved into Executive Session at 3:15 p.m. Colleen Briscoe made a motion to convene out of Executive Session; seconded by Paula Brooks. Approved 8-0. The board meeting resumed at 4:02 p.m.

Resolution 128-09 authorizing a contract modification with Kurtz Brothers LLC and the City of Columbus (\$16,950,000).

Resolution 128-09 was one of the topics of the Executive Session by the Board of Trustees. After negotiations an agreement to the Kurtz Bros. contract has been agreed upon. The modification will put a cap on SWACO's yearly payments to Kurtz Bros. in the amount of \$1.2 million dollars. In addition, SWACO will receive immediate relief in its payments for yard waste processed by Kurtz during 2009 by capping the total amount at \$1.35 million dollars.

7. **New Business**

Audit & Finance Committee

Resolution 109-09 appointing investment banking firms to provide investment banking and financial services to SWACO.

Paul Koehler explained that notes or bonds will be purchased by spring of next year, which will include the funding for the expansion of the landfill. SWACO received proposals from eight of the eleven firms solicited. The top four candidates were interviewed. SWACO staff recommends the appointment of all four candidates to be used as a pool of firms eligible to serve as co-manager for SWACO's debt issues over the next three to five years.

Resolution 110-09 appointing Law Firms to serve as SWACO Bond and Project Finance Counsel.

Paul Koehler continued. In preparation for issuing bonds, staff received proposals from six law firms. Following historical policy, staff recommends a pool of five law firms who can provide the necessary legal counsel for each project. The firms will be used on an as needed basis.

Resolution 111-09 declaring that SWACO has surplus property which is not needed for public use and authorizing the sale, trade-in, and disposal thereof.

Paul Koehler reviewed the list of surplus property for the board members.

Resolution 112-09 authorizing a modification to SWACO's benefits tier and employee contributions for Health Care Insurance.

Letitia Pleasant brought four recommendations to the board to help defray the cost of healthcare insurance. Currently, exempt employees pay \$80 per month for healthcare and non-exempt pay \$50. Human Resources recommended the following structure.

| | |
|---------------------|-------|
| Employee Only | \$ 80 |
| Employee + Children | \$ 90 |
| Employee + Spouse | \$110 |
| Employee + Family | \$135 |

Resolution 113-09 authorizing the elimination of Benefits Allowance effective December 31, 2010.

Letitia Pleasant addressed the board about SWACO's current policy of compensating employees 41% of the monthly premium (the current 2009 rate SWACO pays per employee is \$1,004) to offset benefit premiums or out of the pocket expenses towards healthcare from other sources. In an effort to reduce health care costs the Human Resource Department and staff recommends the elimination of the Benefits Allowance effective January 1, 2011.

Planning & Programs Committee

Resolution 114-09 authorizing the Executive Director to submit an application and enter into an agreement with the Ohio Department of Development for the purpose of acquiring a Roadwork Development Account 629 Grant.

Bonni Trice explained that this resolution gives staff the ability to apply for the grant. The money would be used for the Young Road Improvement Project which is necessary for the alternative

fuel projects development and will prevent the rapid deterioration of the existing roadway surface which would be caused by the additional heavy vehicle usage. If awarded the grant, SWACO is responsible for a 50% match.

Engineering, Operation & Compliance Committee

Resolution 115-09 authorizing a contract with Mike's Trucking LTD for aggregate materials for SWACO facilities (\$360,000).

Jack Stacy explained this two year contract will be used to purchase aggregate material for constructing and maintaining access roads, truck turn around areas and related repairs for the landfill and transfer operations. Mike's Trucking submitted the lowest and best responsive bid.

Resolution 116-09 authorizing a contract with Oil Distributing Company to purchase oils, lubricants and antifreeze for SWACO equipment (\$300,000).

Jack Stacy continued explaining this three-year contract is being awarded through a State of Ohio competitively bid contract. Funding is included in the approved 2009 budget.

Resolution 117-09 authorizing a contract with American Plastic Pipe and Supply, LLC for the purchase of pipe and related services (\$200,000).

Paul Flory explained that plastic piping and related services are needed for the gas collection and control system and the leachate collection system to stay in compliance with environmental regulations and SWACO's Landfill Gas Purchase Agreement with FirmGreen Fuels of Ohio. Funding for this project is in the approved 2009 budget.

Resolution 118-09 authorizing a contract with Lee Supply Company, Inc. for the purchase of pipe and related services (\$200,000).

See the explanation for Resolution 117-09.

Resolution 119-09 authorizing a contract with ISCO Industries LLC for the purchase of pipe and related services (\$200,000).

See the explanation for Resolution 117-09.

Resolution 120-09 authorizing a contract with Ferguson Industrial Plastics for the purchase of pipe and related services (\$200,000).

See the explanation for Resolution 117-09.

Resolution 121-09 authorizing the Executive Director to enter into a Lease-Purchase contract or contracts with Green Solutions Technologies, LLC to undertake a water pollution control project at the Franklin County Sanitary Landfill.

Rick Dodge presented both Resolutions 121-09 and 122-09. The first resolution is a Lease-Purchase contract with Green Solutions Technologies (GST). He reminded the Board that staff is requesting the competitive process be waived for this project. The SWACO team has been working with GST diligently. The proposed term sheet adds no additional cost to SWACO, other than staff time. It is an environmental improvement and there is a potential revenue source to SWACO.

We have to pledge a dedicated repayment loan to receive the funds from OWDA. The financial assurance we are asking from GST is what staff is hoping will work as the repayment guarantee. There is a meeting planned with OWDA to work this out. Board members discussed. Staff will update the Board of Trustees every board meeting, as the project progresses.

Resolution 122-09 authorizing the Executive Director to enter into a Land Lease contract with Green Solutions Technologies, LLC to undertake a water pollution control project at the Franklin County Sanitary Landfill.

Before SWACO can obtain the funds from the Federal Stimulus Bill funds and the loan from the Ohio Environmental Protection Agency, we must enter into a contract(s) with GST to lease property to construct the proposed treatment system. The proposed terms of the Land Lease is detailed in Resolution 121-09. The proposed schedule is as follows:

| | |
|--------------------|--|
| February 16, 2010 | Project Funds released by OEPA |
| December 10, 2009 | OWDA Approval of Project Loan |
| November 15, 2009 | OEPA Approval of Loan Agreement |
| November 1, 2009 | GST/SWACO Agreements Finalized |
| October 6, 2009 | SWACO Board of Trustees Authorization of Lease Purchase and Land Lease Agreements - Proposed |
| October 1, 2009 | Submit Facility Plan to OEPA - Imminent |
| September 15, 2009 | Submitted Site Dwg. & Project Overview to OEPA |
| August 14, 2009 | Submitted WPLCF Application to OEPA - Responding to Comments |
| April, 2009 | Project made WPLCF - ARRA Intended Project List |
| March, 2009 | Submitted WPLCF Nomination Form |
| February, 2009 | Submitted Project to State of Ohio - Federal Stimulus Program |

The equipment will be ordered shortly after the money is received. Staff expects the project to be up and working in November 2010. Bill Lotz commended Rick Dodge and his staff for their diligent work with GST on this project.

Legislative & Legal Committee

Resolution 123-09 authorizing the Executive Director to modify the existing legal services agreement regarding the RASTRA Project with the law firm of Baker & Hostetler LLP, increasing the agreement by \$75,000, from \$25,000 to \$100,000.

Harold Anderson explained that this is a modification to the contract with Baker & Hostetler. SWACO is involved with litigation on the RASTRA project which Baker & Hostetler is working on with staff. They are representing not only SWACO but the City of Columbus also. This is sufficient money for the necessary legal actions.

Resolution 124-09 authorizing the Executive Director to enter into a Settlement Agreement with Alexander T. Hay for damage sustained to his vehicle (\$500).

Mr. Hay was driving a vehicle on August 3 which was involved in a three-vehicle accident on I-71 northbound, caused by a SWACO transfer truck. Mr. Hay's vehicle was a total loss. The \$500

authorized by this resolution is to reimburse Mr. Hay the \$500 deductible he paid to his insurance carrier, State Farm.

Resolution 125-09 authorizing the Executive Director to enter into a Settlement Agreement with Christy L. Jordan for a damaged rear bumper (\$250).

Ms. Jordan was in the same accident described in Resolution 124-09. SWACO is reimbursing Ms. Jordan the \$250 deductible she paid to her insurance company.

Consent Agenda

Mr. Koehler read the resolution numbers on today's consent agenda. Bill Lotz moved to adopt the consent agenda; seconded by Paula Brooks. The consent agenda was adopted by roll call vote, Trustees Briscoe, Brooks, Clemons, Kelsey, LaMuth, Lotz, Shepard and Acting Chairman Bush voting aye. Resolutions 109-09, 110-09, 111-09, 112-09, 113-09, 114-09, 115-09, 116-09, 117-09, 118-09, 119-09, 120-09, 121-09, 122-09, 123-09, 124-09, 125-09 and 128-09 were adopted 8-0. Colleen Briscoe made a motion to adopt the consent agenda; seconded by Paula Brooks. Approved 8-0.

Resolutions Removed from Consent Agenda

Jackie LaMuth made a motion to adopt Resolution 121-09; seconded by Paula Brooks. Approved 7-0-1 with Steve Shepard abstaining.

Jackie LaMuth made a motion to adopt Resolution 122-09; seconded by Paula Brooks. Approved 7-0-1 with Steve Shepard abstaining.

8. **Board Discussion**

9. **Executive Staff's Report**

A. **Columbus Yard Waste Program**

Ron Mills asked if anyone read the yard waste article in the Columbus Dispatch (10-6-09). He explained to the members that the article is not accurate. The newspaper incorrectly wrote that the six new drop-off locations for yard waste during the fall is a SWACO initiative instead of a City of Columbus initiative. The City of Columbus, because of budgetary issues decided to suspend the yard waste collection program throughout the city, earlier this year. The City of Columbus, Department of Public Service developed a plan and presented it to the staff. The credit for the program and its approach goes to Director Kelsey and his staff. SWACO offered to support the city through our existing operations and our contracts with Ohio Mulch and Kurtz Bros. The program will run each Saturday from October 31 through December 5 from 9:00 am to 3:00 pm.

Director Mark Kelsey addressed the board members and audience clarifying that we are all partners in this collection, unlike what was written in the Dispatch story. He thanked everyone for allowing him to set the record straight. The sites are posted on the City of Columbus website as well as SWACO's.

B. E3: Columbus

Kristi Higginbotham reported on the public/private partnership E3: Columbus program. In 2008 SWACO, the City of Columbus and AEP agreed to partner on the program. E3: represents Economy, Energy and Environment. There are six companies participating in the program beginning with a "Lean and Clean Audit." After the audit the company is provided with a list of items they can do to improve. The kick-off event is October 27. Afterwards phase two will be implemented which will solicit more companies to participate. Ron Mills explained that this program is viewed as a significant initiative by USEPA, using Columbus as its demonstration ground. If the program is successful here it will be rolled out nationally.

C. Ron Mills asked John Remy to present an award SWACO recently received. SWACO received the **2009 Innovation Award** from the Solid Waste Association of North America. The award is for the Green Energy Center and explained that this award is given only occasionally. And then only if the program is innovative in its industry.

D. H1N1 Flu – Emergency Plan

Ron Duda explained the Emergency Plan for SWACO in response to the H1N1 plan, which would be put into play if necessary. Essential staff has been identified and Mr. Mills can declare an emergency if necessary. Plans to continue daily operations including the different departments are included in the plan. Employees are being cross-trained and contractors are in place to help with uninterrupted service. SWACO employees will receive the seasonal flu shot this Friday. H1N1 shots will not be available until early 2010. Employees are being trained on health issues for H1N1 and an ample amount of hand sanitizer is available. Employees are requested to stay home if they are sick. Supplies such as latex gloves and masks will be provided as needed.

10. Staff Approved Contracts and Expenditures

11. Public Comment Period

No one from the public requested to speak.

12. Upcoming Meetings

Joint Committee Meeting
Planning and Programs Committee
Engineering and Operations Committee
October 20, 2009 – 2:30 p.m.
SWACO Administrative Office Building
4239 London-Groveport Road
Grove City, Ohio

Administrative Services Committee

October 20, 2009 – 5:00 p.m.

Frick Law Building

1265 Neil Avenue

Columbus, Ohio

Board of Trustees Meeting

November 3, 2009 – 2:30 p.m.

Solid Waste Authority of Central Ohio

4239 London-Groveport Road

Grove City, Ohio 43123

Audit and Finance Committee

October 26, 2009 – 3:00 p.m.

Bank of America

10 W. Broad Street

Suite 2250

Columbus, Ohio 43215-3418

Legal and Legislative Committee

To be determined

13. **Adjourn** - Mr. Shepard made a motion to adjourn; seconded by Mr. Kelsey. Approved 8-0.

