

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



**April 5, 2011**

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

**MINUTES**

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1. The regular April Board meeting was called to order at 2:30 p.m. on April 5, 2011.
2. Ron Mills led the **Pledge of Allegiance**.
3. In the absence of the Chair and Vice-Chair, Bill Lotz proposed the meeting be convened as a meeting of the Committee of the Whole and the members determine who will be Acting Chair for the purpose of conducting the Board of Trustees meeting. Colleen Briscoe made a motion to convene as a Committee of the Whole; seconded by Bob Clemons, the motion was unanimously approved.

Immediately following the vote to meet as a Committee of the Whole, Bill Lotz asked for a nomination for Acting Chair. Bob Clemons nominated Colleen Briscoe. Bob Clemons made a motion to close the nominations for Acting Chair; seconded by Ken Wilson, the motion was unanimously approved. A motion was made by Mark Kelsey to appoint Colleen Briscoe as Acting Chair; seconded by Bob Clemons, the motion was unanimously approved.

4. **Roll Call** – Board Secretary, Lynda Sudderberg, called the roll and the following Board Members were present: Bob Clemons, Bill Lotz, Phil Honsey, Marilyn Brown, Mark Kelsey, and Colleen Briscoe who chaired the meeting.
5. **Approval of March 1, 2011 minutes** – Mr. Clemons moved to approve the March 1, 2011 meeting minutes; seconded by Ms. Briscoe, the motion was unanimously approved.
6. **Old Business** - Ms. Briscoe reports that there is no old business.
7. **New Business**  
Executive Director Mills introduced Valenda Osborne as the new Records Administrator, currently being trained to take the place of Norma James upon her retirement in August 2011.

## Audit & Finance Committee

### **Resolution No. 037-11 authorizing agreements with Huntington National Bank for banking and related services (\$15,000).**

**Ms. Lynda Sudderberg** reported that SWACO requested proposals from eligible depository banks to provide banking, depository, and related services to SWACO for a three-year period with an option of two additional one-year terms upon the mutual agreement of the parties. Staff evaluated the proposals and determined Huntington National Bank (“Huntington”) submitted the best proposal for banking services based on a number of criteria including proposed fees, availability of services, and overnight investment rates.

Huntington is currently designated as an eligible depository for receipt of active and interim deposits of SWACO through November 12, 2011 at limits of \$5,000,000 each.

The Executive Director, or his designee, is authorized to enter into a contract with Huntington National Bank for banking services for a three-year period beginning May 1, 2011, and to execute such documents as may be necessary to implement this Resolution.

SWACO is authorized to expend an amount not to exceed \$15,000 pursuant to such contract.

The Executive Director or the Chief Financial Officer is authorized to enter into an Agreement for Deposit of Public Funds with Huntington National Bank.

Mr. Clemons asked why we are paying the bank money. Ms. Sudderberg replied that \$15,000 is for any incidental expenses that may occur. The actual contract itself does not call for the payment of any fees. They are covered by a compensating /minimum balance. Ms. Briscoe asked if legal counsel had reviewed the agreement. Ms. Sudderberg replied that once all agreements from The Huntington are received, they will be reviewed by legal counsel.

## Planning & Programs Committee

### **Resolution No. 038-11 authorizing a contract modification with Phyllis VanArsdale (DBA VanArsdale Management) for event management of SWACO’s Emerald Awards (\$25,000).**

**John Remy, Director of Communications** reported that this contract is with VanArsdale Management. The 2011 Emeralds Awards luncheon is May 17, 2011 in The Ohio Union at The Ohio State University.

In prior years, SWACO contracted for an Event Manager to assist in coordinating the annual salute those who excel in waste reduction and recycling. The manager also coordinates the sale of sponsorships to offset the cost of the event to SWACO.

This resolution is a modification of the initial \$25,000 contract to enable SWACO to write commission checks to VanArsdale for their sale of sponsorships for the event.

As VanArsdale acquires sponsorship dollars to defray the cost of the Emeralds, SWACO pays commission to VanArsdale on those agreements. This resolution authorizes SWACO to pay the commissions.

### **Engineering, Operations & Compliance Committee**

#### **Resolution No. 039-11 authorizing a modification to the contract with Mining and Reclamation, Inc. for seeding, fertilizing, and mulching at the Franklin County Sanitary Landfill.**

Jack Stacy, Sr. Director of Landfill and Development stated that Mining and Reclamation Inc. takes care of mulching, seeding and fertilizing the landfill. This resolution is a time modification to the contract since it will expire in the spring.

#### **Resolution No. 040-11 authorizing a contract with Catskill Remedial Contracting Services, Inc. for Phase H3 Stage 1 Separatory Liner Construction at the Franklin County Sanitary Landfill (\$3,035,000).**

Mr. Stacy reported that Catskill Remedial contracting Services submitted the lowest and best bid for construction of the separatory liner at the landfill. Mr. Stacy's presentation included a photo of the liner and discussion about the vertical expansion, stating that it will rise another 40 feet. There was discussion about the expansion and the use of tire chips. Commissioner Brown stated that the use of tire chips is an excellent idea. Mr. Honsey asked for more detail on the clay liner and membrane.

#### **Resolution No. 041-11 authorizing a contract with Ohio Machinery Company dba Ohio CAT to purchase a Caterpillar D-6 dozer for the Franklin County Sanitary Landfill (\$275,000).**

Mr. Stacy explained this is a dirt machine which is a smaller dozer, to push up our daily cover and soil piles. It enables soil to be placed on the outer slopes at the correct grade. This purchase, which is on the state term contract, replaces a dozer that was purchased in 2005.

#### **Resolution No. 042-11 authorizing a modification to the contract with Beems BP Distributing, Inc. for the purchase of bulk fuels for fleet and waste handling equipment (\$500,000).**

Mr. Stacy stated that this is a contingency contract for the purchase of bulk fuels for fleet and waste handling equipment. Current pricing is based on the Franklin County contract. If that contract is not renewed, SWACO would lose the ability to receive these prices. By having this contingency contract, Beems BP will honor current terms and pricing, until we negotiate a new contract.

**Resolution No. 043-11 authorizing a contract with Columbia Industries, LLC for the purchasing of a low-profile trailer tipper for the Franklin County Sanitary Landfill and to waive competitive sealed bids (\$367,000).**

Mr. Stacy explained that this trailer tipper is a 53-foot semi-trailer that lifts trailers in the air and enables them to dump 20 tons of trash in about 45 seconds. SWACO operates two of these tippers that tip approximately 1,800 to 2,000 tons each day. The tipper that needs to be replaced is over ten years old, which is the useful life of the machine. It has been rebuilt once. Mr. Stacy added that the tipper can be refurbished to enable low-volume trash dumping. Commissioner Brown asked how we can resell it. Mr. Stacy responded that equipment brokers could resell the tipper

**Resolution No. 044-11 authorizing a contract with Liberty Tire Recycling, LLC to purchase tire chips for the Franklin County Sanitary Landfill and to waive competitive sealed bids (\$110,000).**

Mr. Stacy stated that SWACO has the need to purchase tire chips for the Separatory Liner Construction project. This product will be used for the Leachate drainage layer and the gas system project. This use of tire chips has a cost benefit of over \$400,000 dollars when compared to the use of aggregates.

### **Legal & Legislative Committee**

**Resolution No. 045-11 authorizing the Executive Director to enter into a new legal services agreement for labor and employment matters with the law firm of Isaac, Brant, Ledman & Teetor, LLP (\$25,000).**

**Sarah E. Lynn, Assistant Chief Counsel** explained that SWACO has a contract with the law firm of Isaac, Brant, Ledman & Teetor, LLP, specialists in employment law. As a result of several modifications to the contract over the years, the current terms of the contract are not clear. This resolution cancels the past contract and establishes a new agreement. The new contract will have a “not to exceed” amount of \$25,000.

**Resolution No. 046-11 authorizing the Executive Director to enter into a Settlement Agreement with Republic Services of Ohio III, LLC.**

**Danielle Kuskowski, Rules Enforcement & Planning Manager** stated that this resolution authorizes the Executive Director to enter into an order to resolve the disputed claims with Republic Services without an admission of fact or liability. Republic has agreed to the settlement amount, which is a total of \$375,508.88. Of this total, SWACO will be made whole as to the amount of fees owed for the tons of solid waste which were delivered to Republic’s Pine Grove Landfill for disposal, recovering a total of \$309,284.01 in waiver fees. Additionally, SWACO will receive \$66,224.87 for lost revenues and settlement of alleged violations. Republic has agreed to these terms, and it is Staff’s recommendation that the Board adopt this resolution.

**Resolution No. 047-11 authorizing the Executive Director to enter into a Waiver Agreement with Republic Services of Ohio III, LLC**

Ms. Kuskowski explained that Republic Services has requested a waiver relating to the operation of their Reynolds Avenue Transfer Station facility. The request proposes to substitute or "trade" the right to deliver Out of District Solid Waste and Construction and Demolition Debris to the Franklin County Sanitary Landfill instead of only those Solid Wastes generated within the District. However, after discussing the terms to be included in the Waiver Agreement, the parties have reached an impasse. Specifically, Republic has refused to agree to a provision that should a violation of the proposed Waiver Agreement occur, and the claim was litigated in the Court of Common Pleas and Republic found to be at fault, SWACO would be entitled to stipulated damages, including the statutory penalty provided for in the Ohio Revised Code Section 343.99. This Agreement contains the same language as previous waiver agreements entered into with Republic, but in light of the Settlement Agreement just presented to the Board and the fact that SWACO would be entering into such an agreement with a known alleged violator, Staff pushed for the stipulated damages provision to be included in the agreement. Due to Republic's refusal to agree to such terms, Staff therefore recommended the Board deny the Waiver Request.

Mr. Honsey asked if the waiver is structured so that a "yes" vote is required. Mr. Mills stated that we have a written request seeking the waiver, which will require a decision by this Board. Mr. Mills discussed the process of the waiver and explained why staff recommends a "no" vote.

**Resolution No. 048-11 amending Resolution No. 110-08, to amend District Rule 9-2008 "Unacceptable Waste Rule".**

SWACO Staff (Ms. Kuskowski) requested that this Resolution be tabled until the May 3, 2011 Board meeting.

**Board of Trustees Resolutions**

None presented.

**Consent Agenda**

Mr. Clemons requested Resolution No. 048-11 be removed from the consent agenda. Mr. Shepard requested Resolution 036-11 be removed from the consent agenda. Ms. Sudderberg read the remaining resolution numbers on the Consent Agenda. Mr. Shepard moved to adopt the Consent Agenda; seconded by Mr. Kelsey, the following resolutions were unanimously adopted by roll call vote: Resolution Numbers 037-11, 038-11, 039-11, 040-11, 041-11, 042-11, 043-11, 044-11, 045-11, 046-11, and 047-11.

**8. Board Discussion**

No additional discussion

**9. Executive Staff Reports**

**A. Nationwide Children's Hospital Waste Diversion Presentation – Kristi Higginbotham, Outreach & Programs Manager** introduced the presenters.

Tim Schooley, Director of Environmental Services, and Debbie Sheppard, Director of Constituent Giving, made a presentation about the waste diversion program at Nationwide Children's Hospital. The PowerPoint presentation can be viewed on the SWACO intranet site under Board Information Portal/ Draft Resolutions.

**B. Emeralds Awards - John Remy, Director of Communications**

John Remy reviewed the SWACO 2011 Emeralds Awards program that begins at 11:30 a.m. Tuesday, May 17, 2011 in the Archie Griffin Ballroom of the Ohio Union at The Ohio State University. The speaker is Ron Sega, OSU Vice President and Enterprise Executive for Energy and the Environment, former NASA astronaut, and Under Secretary of the U.S. Air Force.

**C. Field Trip To Medina "Dirty MRF" - John Remy, Director of Communications**

Friday, May 6, 2011 members of the SWACO Board of Trustees are invited to join the staff and other interested parties in the community on a tour of the dirty material recovery facility ("dirty MRF") in Medina, Ohio. This facility has been operating since July 1993 and diverts approximately 24% of recyclables from their waste stream. A chartered motor coach will provide transportation, departing at 8 a.m. from the Ohio Historical Society and returning by 4 p.m.

**Staff Approved Contracts and Expenditures**

The Board reviewed the Staff Approved Contracts and Expenditures.

**10. Public Comment Period**

There were no requests to address the Board.

**11. Upcoming Meetings**

**Joint Committee Meeting**

**Planning & Programs Committee**

**Engineering & Operations Committee**

April 19, 2011 (Tuesday) – 2:30 pm

SWACO Administrative Office Building

4239 London-Groveport Road

Grove City, Ohio 43123

**Administrative Services Committee**

April 19, 2011 (Tuesday) – 5:00 pm  
Frick Law Building  
1265 Neil Avenue  
Columbus, Ohio 43201

**Audit & Finance Committee**

April 28, 2011 (Thursday) – 3:30 p.m.  
PNC Bank  
155 E. Broad Street – 7<sup>th</sup> Floor  
Columbus, Ohio 43215

**Board of Trustees Meeting**

May 3, 2011 (Tuesday) – 2:30 p.m.  
Solid Waste Authority of Central Ohio  
4239 London-Groveport Road  
Grove City, Ohio 43123

**Legal & Legislative Committee**

To be determined

12. **Adjourn** - Ms. Briscoe moved to adjourn; seconded by Mr. Honsey, the motion was unanimously passed. The meeting adjourned at 3:30 pm.

