

**JEFFERSON BELMONT REGIONAL SOLID WASTE AUTHORITY
MINUTES FROM REGULAR MEETING OF OCTOBER 7, 2024**

ROLL CALL:

PRESENT: Bob Baird, John Davies, Chuck Dawson, Scott Fabian, Andrew Henry, Tony Kolanski, Robert Krajnyak, Joe Luckino, Dan Lima, James Mavromatis, Rob Sproul

ABSENT: Mike Bianconi, Jerry Echemann, George Irvin Jr, Mitch Morelli

OTHERS: Anita Petrella, Scott Renforth, Natalie Lysle, Albin Bauer, Loretta Hannahs, Bobbi McMillen, Shawn Albaugh, Eric Lilly

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 5:33PM on, Monday, October 7, 2024.

MINUTES: A motion to approve the September 9, 2024 regular monthly meeting minutes was made by Mr. Krajnyak, and seconded by Mr. Baird. **Vote: 8 said Aye, with Mr. Davies, Mr. Kolanski and Mr. Luckino abstaining. Motion passed.**

Mr. Fabian asked for a motion to change the Agenda and move Authority Attorney Albin Bauer up next in the order. Mr. Lima made the motion to move Attorney Bauer up in the Agenda order, Mr. Baird seconded. **VOTE: All said aye. Motion approved.**

Mr. Krajnyak made a motion to go into Executive Session siting under ORC 121.22(G)(1) Personnel Exception for possible discipline and complaints against public employee of the Authority and for ORC 121 121.22(G)(3) Court Action Exception regarding threaten litigation. Mr. Mavromatis seconded. **Roll Call Vote: All said Yes. Motion approved.**

Mr. Krajnyak made a motion to exit Executive Session, Mr. Henry seconded. **Roll Call Vote: All said Yes. Motion approved.**

Mr. Fabian then turned the meeting over to Attorney Bauer. Mr. Bauer reported that the Board went into Executive Session in part to discuss possible discipline and complaints against a public employee of Authority. In connection with that he discussed with Board the provisions of the Authority's written Personnel Policy Manual, which has very detailed and explicit procedures for addressing alleged complaints. There is more than one in the Manual, and a process that applies to complaints that are alleging race, color, disability, gender, age and religion discrimination and then another procedure that applies to complaints that don't involve that kind of discrimination.

In that regard Mr. Bauer's stated his recommendation to the Board was that the complaints they were dealing with here were not discrimination complaints, and that the procedure called for in the Policy Manual has not been followed for initiating and then pursuing those complaints. So, the Board should not use executive session to officially delve into the substance of the complaints but should actually require that they be processed in accordance with the Policy Manual. For that reason, the Board came out of Executive Session without doing anything to specifically address the substance the allegations/complaints reported to the Board. The Boards expectation is a follow up will be made with employees who have made complaints to discuss with them what the procedure is under the Policy Manual so that they can properly submit those complaints and get them addressed in accordance with the Personnel Policy Manual.

CORRESPONDENCE: Scott Fabian

Mr. Fabian read a thank you card from the family of Janie Davies (wife of Board member John Davies) for the mums and support from the Board and staff after her passing.

STAFF REPORTS:

Fiscal Report:

Mr. Petrella gave Mr. Renforth's report since he was not able to attend. She reported September revenues of \$374,399.11, with expenditures of \$279,558.07 and net income of \$94,841.04. Both Payroll and Non-Payroll expenses were provided for review.

Apex Tonnage Report reflected 11,150.73 In-District tonnage, 31,957.89 Out-of-District tonnage, and 146,621.17 Out-of-state tonnage, for total \$294,998.27 in fees.

With no questions a motion to accept the fiscal officer's report and approve Expenditures for September 2024 was made by Mr. Henry and seconded by Mr. Mavromatis. **VOTE: Unanimous, Yea, by roll call. Motion passed.**

Director's Report:

Belmont Property-drainage construction

Ms. Petrella read an email she had received from Jeff Vaughn with an update on the work being done at the Belmont building for the water runoff. Mr. Vaughn wrote "The Contractor has installed 6" perforated underdrain piping and 6" downspout solid wall piping in the ground on three sides of the building – N, E, and S. These lines were connected into a 1,000-gallon precast concrete septic tank. The ground surface has been regraded on the three sides to allow effective surface drainage. If the pumps did not operate, an overflow pipe in the piping will allow collected water to flow out of the system and onto the ground away from the building before the water would flood the stone beneath the building floor slab. The pumps convey the collected water through a 2" pressure line which discharges into a catch basin. A 6" ductile iron pipe drains the catch basin onto a concrete apron near the SW corner of the concrete driveway. The water will flow into Pickering Road's drainage swale down to US 40.

Two precast concrete blocks will be set around the catch basin area and two blocks will be set in front of the buried septic tank to prevent anyone from driving over these two areas.

Today, the Contractor will install the pumping system in the tank. The electrician will visit the site Tuesday to review the power connection needed for the pumps. After the power is installed, the system will be operational. This should occur by next week. If you have any questions, please let us know."

Ms. Petrella passed a photo of the project he had included in the email for the Board members to see.

Belmont Property-adjoining property purchase

Ms. Petrella turn the meeting over to Mr. Luckino. Mr. Luckino explained that they closed on the purchase of the property next door a week and a half ago. The renter will remain living there for now, they did increase his rent a little, but it is still under market on rent, but we didn't purchase the property for rental income. He had sent Attorney Bauer a blank lease today for his review and approval before the renter's information is inserted. Mr. Luckino will have the renter sign a month-to-month lease or whatever the Board approves. He explained that the purchase of the property will be a big benefit for the building, giving it an extra footprint.

Contracts

Ms. Petrella passed around the Jefferson County Environmental Officers report for the Boards review. She stated that we did issue three (3) out of the five (5) Annual Contracts early this year, Jefferson Sheriff's Department, Belmont Sheriffs Department and the Jefferson Health Department. The Jefferson County Sheriff will get back to her since they are currently under contract negotiations, and Belmont County Sheriffs Department sent theirs back and asked for the contract amount to be increased to \$89,098.13. She explained that last year theirs was adjusted from \$80,000 to \$86,000. Jefferson is still in middle of negotiations so we don't yet know what their amount will be. After a brief discussion the Board tabled the Belmont Contract until next meeting when Jeffersons Contract is expected to be back. Mr. Mavromatis asked Ms. Petrella for copy of the Belmont Contract. Mr. Fabian asked Ms. Petrella to get a copy of the wage cost breakdown like last year from them as well. She will send both to the Board.

Ms. Petrella reported that former employee Tammy Shepherd's mother passed away this past weekend. As many members may remember, her mother had skydived last year at the age of 90.

Grant Reporting

Ms. Petrella stated she sent the information to all of the Board members regarding a JBGT 2024 Grant Report from Eastern Central Ohio Educational Service Center, which included administrative costs as part of their match funds under labor. Labor has always been physical work such as assembling benches, etc. Since this has never come up before she asked if the Board wants to start accepting administrative costs as part of a Grant Recipients match percentage. Members discussed briefly and agreed to not allow administrative as part of the grants. Attorney Bauer added that he couldn't think of any of Districts that allow that either.

Mr. Dawson made a motion to not allow administrative costs to be allowable for expenditures for the annual JBGT Grant Funds and match funds. **Mr. Sproul seconded. VOTE: All said aye. Motion passed.**

Ms. Petrella reminded that Board that in March last year spoke to the Board about applying for a grant for front loading bins. Once prior Mrs. Shepherd was able to get 50 front load bins through a grant, which was divided up between the two Counties. We are both in need of more bins and has already informed Ms. McMillen before she went off that she would need to apply again, Ms. McMillen had informed her it was on her list to get done. The cost has increased from \$1,000 in 2020 to \$1,350 in 2024. If we don't get the grant Ms. Petrella will be requesting the funds from the Board to purchase the bins we need. Ms. Petrella added that she is leery because on the education grant for the Education Kiosks that was applied for it was alluded to us to be careful asking for grant funding when the Authority has so much money in the bank. For this reason, we don't apply for smaller grants. The front load bins are expected to cost \$1,350 each, plus signage cost of another \$100 each.

Ms. Petrella stated that last year the Jefferson Office hosted thanksgiving dinner inviting all staff and Board members. She purchases the food at her own cost. Belmont opted to have their own, but Mr. Echemann did come. She stated that this year it will be on November 21st and again all staff and Board members are welcome to come.

EXECUTIVE COMMITTEE REPORT:

None.

FINANCE COMMITTEE REPORT: Rob Sproul

None.

PERSONNEL COMMITTEE REPORT:

None.

PLANNING COMMITTEE REPORT: Jim Mavromatis

None.

GRANTS/SPECIAL EVENTS COMMITTEE REPORT:

None.

SEARCH COMMITTEE REPORT: Joe Luckino

None.

LANDFILL REPORT: Andrew Henry

Mr. Henry reported 17 odor complaints for September, so once again it is tracking in a positive direction. MSW tonnage for September was 163,551.48 tons, and 103,535.81 tons of C&D. very high compared to where they have been due to the Gondola building. Odor intensity detected by his staff on two occasions were significant. There have been no Notice of Violations. The EPA will be going with his staff tomorrow to both Crossridge Landfill and Apex Landfill for the yearly survey of his staff for compliance operating the program.

Mr. Bauer asked about the high volume of tonnage. Mr. Henry stated that Apex is applying for expansion soon, right now with the amount they are taking in the landfill life is going down quickly. When he first started the landfill life was at 30 years, their space is plummeting to currently being closer to 15 years.

OLD BUSINESS:

None.

NEW BUSINESS:

Mr. Bauer explained he is aware that there have been discussions about possibly funding assistant county prosecutors in each County that would be dedicated to enforcing environmental laws. One question that came up is whether or not the Solid Waste Authority has the authority to provide funding for that kind of position. There is nothing specific in the ORC that says you can fund a county prosecutor position. There are provisions under ORC 3734.57(G) that allow the Board to provide financial assistance to local law enforcement agencies, which he believes that the County Prosecutors Office is one. The Board always has the authority to fund the implementation of the Districts Solid Waste Plan. The board also has the ability to enforce the implementation, compliance and enforcement of local district rules. The current Solid Waste Plan has another three (3) more years before it gets updated. But if you would update it now on more than just the budget, you would have to go through the lengthy process to get the EPA's blessing on it. He believes it would be better if it was part of the overall comprehensive Solid Waste Plan update, instead of an amendment to the current plan. He can't recommend the investment and energy it takes to do an amendment on something like this.

Mr. Bauer explained that the Board has a very modest rules package that is currently part of Plan. Having rules that address things like scavenging, goes hand in hand with having an

environmental prosecutor. If you have the rules in place and then there is a violation, there are consequences. It could be a fine of up to \$500 a day for each violation and be as a non-specified misdemeanor. He remembers previous discussions about using the Authority's resources to focus more on preventing improper disposal or storage of scrap auto's on properties, and thinks rule making would be a good opportunity to delineate that. Then you would have rules, and a prosecutor to enforce them. That would give the Authority the funding hook. Same thing with other rules that would help give a little more teeth to obtain compliance. He recommended that if you're going to fund a prosecutor ideally you should have enough rules and regulations there for enforcement to keep them somewhat busy. It's just a matter of getting them written up in a way that is reasonable. The process of implementing them is to adopt them and publish them once in a local newspaper. A legal notice with a general reference to the rule and the link to the website that provides rule in its entirety, then enforce the rules.

Mr. Lima asked if judges would need to be involved in this process. The Prosecutors office currently has the ability to enforce nuisance laws, but they don't have the staff to do it, a funded prosecutor would give them the resources and be part of their staff. There is no deadline, but you would want the rules in place at or around time prosecutor funding goes into place. Mr. Luckino asked about doing a pilot program testing this in one County first. Mr. Fabian stated the Authority could start with either one, Belmont County has already showed interest but his is not sure about Jefferson yet. Mr. Bauer stated he recalls that a couple of years ago the Jefferson County Commissioners were frustrated that there wasn't more coordination with the Authority particularly with the issues of improperly stored and disposed automobiles and the blighted housing.

Mr. Henry asked if Jefferson County is outsiders with the lack of enforcement. Mr. Bauer answered No that there are only two counties in Ohio that have under the Revised Code environmental court, Cuyahoga County is funded by their district, and Franklin County funded by SWACO. In order to set up a Division of the Municipal Court that specifically deals with environmental cases it took an act of general assembly in order to approve that. There is some but not a lot of enforcement outside of those two County's. Clark County has officers similar to the Authority's, but then they also pursue prosecution. Scott reminded the board this was the easier route the Board decided on rather than trying to change State Laws to allow for environmental courts in Jefferson and Belmont Counties. Board members further discussed possible specifics of how funding a prosecutor would work with Attorney Bauer.

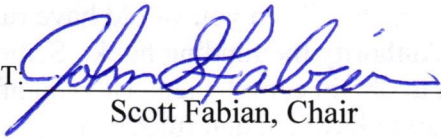
Mr. Fabian asked the Board if they wished to move forward in getting rule packages in place prior to prosecutors' office funding. Mr. Henry stated he likes the idea because the County Health Board has expressed interest in helping fund it if it can help with their public health nuisances and could help to keep the prosecutor busy. Mr. Bauer said the Health Department would connect pretty well with this because the Authority has the ability to provide funding to support the Health Departments enforcement of Chapter 3734. Part of what the Authority is funding the Health Department to do is also to pursue enforcement of solid waste violations so this would overlap and could possibly be a three party agreement. The Board agreed to move forward and have Mr. Bauer draft up some rules for the Board to consider. Mr. Fabian will send them to the Board when he receives them.

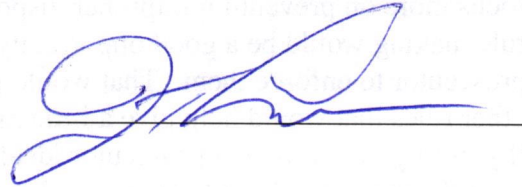
Next meeting was set for Monday, November 4, 2024 at the Jefferson JB Green Team building at 5:30pm.

ADJOURNMENT:

With no further business to come before the board, the meeting was adjourned at 7:24pm. with a motion from Mr. Mavromatis, seconded by Mr. Krajnyak. All said Aye.

ATTEST:


Scott Fabian, Chair



Joseph T. Luctino
Printed name