

Minutes of Meeting

Monroe County Solid Waste Management District

Board of Directors

Nat U. Hill III Meeting Room, Monroe County Courthouse

Bloomington, Indiana

Thursday, September 3, 2009 11:30 am

Members present: Iris Kiesling, Mark Kruzan, Patrick Stoffers, Mark Stoops, Dan Swafford.

Members absent: Geoff McKim, Steve Volan.

Staff present: Larry Barker, Executive Director, Tom McGlasson, Environmental Compliance & Safety Director and Landfill Director, Shirley McMurry, Controller, Scott Morgan, Operations Director, Elisa Pokral, Media and Education Director, Brenda Strauss, Director of Employee Services and Administration.

Legal counsel present: Bob Mann.

CAC present: None.

Chairperson Stoffers called the meeting to order at 11:32 a.m.

Approval of Minutes – August 6, 2009. Kiesling motioned to approve; Stoops seconded. The verbal vote was unanimous (Kiesling, Stoffers, Stoops, Swafford).

Controller's Report – Payroll, Claims & Cash Flow. Kiesling motioned to approve; Swafford seconded. McMurry said the total for approval is \$144,233.21. The verbal vote was unanimous (Kiesling, Stoffers, Stoops, Swafford).

The cash flow is preliminary through August. McMurry said we have received the complete June settlement. We should have about \$1 million dollars at year end if the December settlement is received before the end of the year.

Stoffers talked about the financial information from 2003 to-date that he had requested saying McMurry could make it available for all members.

PUBLIC HEARING – Approval of 2010 Budget. McMurry said the budget is \$2,506,711 and includes a bid debt service of \$1,346,633 for property tax levy for general operation and \$280,876 for obligation bond which is the exact amount due in 2010. Stoffers confirmed revenues for orange bags have been factored in.

McMurry said the forms that will go to the state are included in the packet.

Kiesling confirmed capital outlay includes \$10,000 for MRF seed money.

Resolution 2009-10 Tax Levies – General Fund. Kiesling motioned to approve; Swafford seconded. McMurry said a 3.8% growth factor was used to raise \$1,346,633. The verbal vote was unanimous (Kiesling, Stoffers, Stoops, Swafford).

Resolution 2009-11 Tax Levies – General Obligation Bond. Kiesling motioned to approve; Swafford seconded. McMurry will add 'General Obligation Bond' to the title of the resolution. The \$280,876 is for principal and interest for the bond used for Landfill closure. The verbal vote was unanimous (Kiesling, Stoffers, Stoops, Swafford).

Resolution 2009-12 Appropriations. Kiesling motioned to approve; Stoops seconded. McMurry said this sets the budget amounts for the general fund and the general obligation bond fund. The verbal vote was unanimous (Kiesling, Stoffers, Stoops, Swafford).

Resolution 2009-13 Fixing Salaries. Kiesling motioned to approve; Swafford seconded. This is maximum for the number of employees and salaries. There is no increase from 2009. The verbal vote was unanimous (Kiesling, Stoffers, Stoops, Swafford).

Kruzan arrived at 11:42 a.m.

Status of Business Plan for a Materials Recovery Facility (MRF).

Morgan said the Recycling Summit, consisting of I.U., the City of Bloomington, Monroe County, and the District, met last week. Four private companies also attended the meeting. It is anticipated now that the building size requirement should be as much as 60,000 square feet to accommodate the volume of material from the cooperative, to allow room for growth, and to allow for the recycling of non-traditional items such as carpet and shingles. The next meeting is scheduled for late October or early November.

Kiesling and Morgan discussed that the District would work with other companies to augment their recycling of non-traditional items.

Contract Status for Recycling and Transportation. Morgan said Hoosier Disposal agreed to extend the existing contract for 12 months. The District would like to change some things in the contract and Hoosier has agreed to meet with us to polish the agreement, looking particularly at glass and plastics 1-7. Mann is reviewing but does not have an opinion at this time. Barker said if we continue with our current agreement there will be no disruption in service. Also, the details of the MRF have not been ironed out.

Kiesling asked if Mann had reviewed the amendments. Stoops noted we might hold off on approving the agreement until our amendments are agreed to. Barker said Hoosier Disposal has promised they will sit down and negotiate.

Morgan said the amendments are more of an update. There would be no rate change with the extension but could increase based on the CPI as written in the current contract. The CPI is currently negative.

Kiesling motioned to approve the extension of the existing contract. Stoops seconded.

Mann restated the motion and said he has not been able to consider the legal opinion. The question as he sees it is whether or not the parties have a legal right to extend a contract that has expired when the contract is pursuant to a RFP. He needs to look at it as a legal issue. Because the extension may not be valid he recommends we extend on a month-to-month basis under the terms of the agreement. Along with can the

contract be extended is the question of can it be amended, i.e. change the agreement terms. That is another legal issue to consider.

Kruzan said we have no binding agreement with Hoosier Disposal now and confirmed there is no month-to-month provision in the contract now. The arrangement seems to be appropriate under the circumstances given the RFPs have been rejected. It creates a valid basis that the District continues to look at the issue. Kruzan said with a month-to-month provision Hoosier Disposal is not obligated to do anything but it would be in their best interest to conduct business. Kruzan said the issue is if there would be any change in the rates i.e. in the agreement on rates that do not apply anymore. Mann said there should be some communication in writing between Hoosier and the District that there will be compliance on a month-to-month basis until the terms are worked out.

Kiesling withdrew her motion.

Kruzan said in the interim the good faith of both parties will continue. There was a motion that at the October meeting that we Bob said within a week to ten days the letter should be composed in writing so there is an established status quo until the issues can be presented back to the Board. Kruzan asked if we can authorize staff today by vote to enter into an agreement with Hoosier Disposal to take care of the interim time until amendments can be agreed on and it is determined if the extensions and amendments are, in fact, legal.

Kiesling said the Board's Chairman will sign the letter.

Stoops motioned that staff will pursue an agreement with Hoosier on a short term basis based on previous contract with the Board chair's signature. Mann confirmed this would be an understanding with Hoosier for an interim period of time to resolve contract issues, if possible. Kruzan seconded the motion.

Stoffers asked Mann to evaluate what the District is able to do now processing wise, according to Indiana code, relative to the kind of services we internalize in the context of the things we do now, the MRF and things. We need to evaluate before we start spending money and then find out it is not permitted.

Morgan clarified that the issue at hand deals with only the transportation and recycling agreement – it does not cover trash. The trash agreement is separate.

The verbal vote was unanimous.

Leachate Hauling Agreement. Kiesling motioned to approve; Stoops seconded. McGlasson said our agreement expired last month. We feel there could be a need for leachate hauling in case of heavy rains. The only significant change to the previous agreement is in the second paragraph relative to the new leachate treatment plant. Both Mann and our insurance carrier, the Hylant Group, have reviewed the agreement. The verbal vote was unanimous (Kiesling, Kruzan, Stoffers, Stoops, Swafford).

Reports from Staff.

McGlasson presented from his prepared report that is attached as a part of these minutes. Kiesling confirmed the repairs of the toe drain will not affect closure certification.

Morgan's report focused on the up-coming Pharmaceutical Collection event. See the report attached as a part of these minutes. Thanks to John Langley, City of Bloomington, about 23,000 inserts were mailed with the City water bills.

Kiesling asked about contacting physicians, medical offices, and hospitals. Morgan said a prescription workshop is being planned for November 19 that will target both medical collectors and providers. There will be speakers from the Indiana Board of Pharmacy and Butler.

Morgan said last weekend's Bulky Item Day numbers were comparable to those from the spring event. The spring and fall comparisons in tons are: 71.5 and 72.9 for trash and 10.6 and 11.41 for metal. The vehicle count last weekend exceeded 800. We'll do it again in the spring.

Stoops said pharmaceuticals are often dumped down the toilet. It's a problem. Morgan said there is no clear single message – there is no nationwide message of how to expose of these materials. We are fortunate that we have raised awareness in this community. Stoops confirmed what that large manufacturers like Baxter hire hazardous waste contractors.

Pokral added to her prepared report by saying there was an article in the IDS about Bulky Item Days as well as several articles in the Herald Times. WVNI radio, (Spirit 95), did a wonderful job of regularly announcing Bulky Item Days. Regarding the collaborative IU Science and Education research project there will be five sessions and a culminating project which the teacher and students will choose. The study utilizes the most recent research in project based environmental education. The project has been presented at an Environmental conference over the summer and upon completion it will be published. Pokral's report is attached as a part of these minutes.

Pokral announced the District has remaining ice packs to give away. They come in two sizes and are available at the Recycling and Reuse Center on South Walnut Street.

Pokral met with Ivy Tech, informed them of the business plan for a Materials Recovery Facility, and offered assistance with Green certification for Ivy Tech students. Ivy Tech is applying for a Federal 'go green' grant.

Citizen's Advisory Committee. There was no report.

Public Comment. There was none.

The meeting adjourned at 12:28 p.m.

Unless otherwise stated, all documents referenced in these minutes are considered a part of these minutes and are on file in an official record book in the District office. These minutes were offered for review to all Board members and Staff members who attended and participated in the meeting.

Signed - Board Member
Minutes of September 3, 2009