



# PORTAGE COUNTY SOLID WASTE MANAGEMENT DISTRICT

District Recycling Center  
3588 Mogadore Road  
Kent, Ohio 44240  
(330) 678-8808

Solid Waste Management District Commissioners  
Vicki A. Kline, Kathleen Clyde, Sabrina Christian-Bennett

William G. Steiner II, Director

***The Solid Waste District Board of Commissioners' meeting minutes are summarized. The entire proceeding has been audio recorded and is available at the Commissioners' Office at cost.***

The Solid Waste Management District Board of Commissioners met in regular session on February 28, 2019 at 9:02 AM with the following members present:

Attendee Name	Title	Status
Vicki A. Kline	President	Present
Kathleen Clyde	Vice President	Present
Sabrina Christian-Bennett	Board Member	Present

Also Present: Director Bill Steiner, Water Resources Director Gene Roberts, Deputy Director Laura Weber, Internal Services Director JoAnn Townend, Human Resources Department Director Janet Kovick, Attorney Ron Habowski, Department of Budget & Financial Management Director Todd Bragg, Attorney David Garnier, Clerk Amy Hutchinson, Barb Tittle, and Diane Smith, Record Courier

Commissioner Christian-Bennett asked about the City of Kent contract and noted the Board originally requested \$5.75 and Director Steiner replied the contract will start out at \$5.50 with an increase of 3% each year. Since the agreement hasn't been signed by the City yet, Director Steiner suggests the Board pull Item E from the Consent Agenda.

A motion was made by Sabrina Christian-Bennett to pull Item E. from the Consent Agenda

## **RESOLUTIONS**

*E. Authorize the Portage County Solid Waste Management District for services to provide curbside collection services to the City of Kent for a five-year period).* **/PULLED FROM THE CONSENT AGENDA.**

Commissioner Clyde pointed out the year is missing in the title of the Resolution and Director Steiner will ensure the title reads March 1, 2019-February 28, 2024.

## **CONSENT AGENDA**

February 28, 2019

### **1. Approval of Minutes February 21, 2019**

### **2. Resolutions**

A. Approve the March 5, 2019 bills as presented by the County Auditor and reviewed by the Department of Budget and Finance./19-025

B. Approve the March 5, 2019 Journal Vouchers./19-026

C. Approve the March 5, 2019 Then & Now certification as presented by the County Auditor./19-027

D. Amendment to the 2019 annual appropriation Resolution No. 18-185, adopted December 13, 2018./19-028

**E. Approve the five (5) year contract with the City of Kent./ *PULLED FROM THE CONSENT AGENDA.***

**Motion:** by Sabrina Christian-Bennett, seconded by Kathleen Clyde to approve the Consent Agenda for February 28, 2019 as amended.

Roll call vote: Commissioner Christian-Bennett, Yea;  
Commissioner Clyde, Yea;  
Commissioner Kline, Yea;

**RESOLUTION NO. 19-025 - RE: BILLS APPROVED AND CERTIFIED TO THE PORTAGE COUNTY AUDITOR FOR PAYMENT.**

It was moved by Sabrina Christian-Bennett, seconded by Kathleen Clyde that the following resolution be adopted:

**RESOLVED,** that the bills were approved and certified to the County Auditor for payment, contingent upon the review of the Portage County Department of Budget and Financial Management, Department of Internal Services or other designee on March 5, 2019 in the total payment amount of **\$3,232.69 for Funds 8300-8399** as set forth in the Accounts Payable Warrant Report on file in the office of the Portage County Auditor; and be it further

**RESOLVED,** that the District Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Kathleen Clyde, Yea;

**RESOLUTION NO. 19-026 - RE: APPROVAL OF JOURNAL VOUCHERS/ENTRIES.**

It was moved by Sabrina Christian-Bennett, seconded by Kathleen Clyde that the following Resolution be adopted:

**WHEREAS,** the Ohio Revised Code requires that warrants be approved by the District Board of Commissioners for the Portage County Solid Waste Management District prior to their issuance, and

**WHEREAS,** there are other similar financial transactions defined as journal vouchers/entries that are dissimilar in that they are used to pay for charges for services from one county department and/or fund to another department and/or fund and thus are processed in lieu of issuing a warrant, and

**WHEREAS,** the Journal Vouchers/Entries are submitted by the Solid Waste Management District Director for review by the District Board of Commissioners; now therefore be it

03/05/19	2	\$ 484.65
03/05/19	3	514.83
03/05/19	4	49.76
03/05/19	40	188.55
Total		\$ 1,237.79

**RESOLVED,** that the District Board of Commissioners approves the attached Journal Vouchers/Entries, and be it further

**RESOLVED,** that the District Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call vote as follows:

Vicki A. Kline, Yea;            Sabrina Christian-Bennett, Yea;            Kathleen Clyde, Yea;

**RESOLUTION NO. 19-027            -            RE:    ACCEPTANCE OF THEN AND NOW  
CERTIFICATIONS FOR PAYMENT.**

It was moved by Sabrina Christian-Bennett, seconded by Kathleen Clyde that the following resolution be adopted:

**WHEREAS,** Ohio Revised Code Section 5705.41 (D)(1) authorizes the expenditure of moneys, provided a certificate of the County Auditor is supplied stating that there was at the time of the making of such contract or order and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances (Then and Now Certification), and

**WHEREAS,** the Then and Now Certification is recommended by the State Auditor’s Office, the Portage County Auditor’s Office, and the Portage County Prosecutor’s Office, and

**WHEREAS,** a listing of expenditures, attached hereto as Exhibit “A” and incorporated herein by reference, has been certified by the County Auditor according to Ohio Revised Code section 5705.41 (D)(1); now therefore be it

**RESOLVED,** that the expenditures listed herein are properly certified by the County Auditor in the amount of **\$ 1,099.51** dated **March 5, 2019** as set forth in Exhibit “A” shall be paid; and be it further

**RESOLVED,** that the District Board of Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call vote as follows:

Vicki A. Kline, Yea; Sabrina Christian-Bennett, Yea; Kathleen Clyde, Yea;

**RESOLUTION NO. 19-028 - RE: AMENDMENT TO THE 2019 ANNUAL APPROPRIATION RESOLUTION NO. 18-185 ADOPTED DECEMBER 13, 2018.**

It was moved by Sabrina Christian-Bennett, seconded by Kathleen Clyde that the following resolution be adopted:

**RESOLVED,** that it has become necessary to amend the 2019 Annual Appropriation in the amounts and for the purposes set forth in the enumeration shown below as reviewed and recommended by the Director of the Dept. of Budget & Financial management:

	Increase	Decrease
Solid Waste General Admin		
<b>Fund: 8300</b>		
<b>901 Solid Waste Management District</b>		
83007	663	\$0
<b>MEMO TOTAL</b>	<b>\$ 663</b>	<b>\$0</b>

; and be it further

**RESOLVED,** that the notes of explanation in this resolution are for informational purposes only and are not intended to restrict the expenditure of those appropriated funds to any single purpose. Such funds are for the use of all expenditures that are lawful under the approved appropriation; and be it further

**RESOLVED,** that a certified copy of this resolution be filed with the County Auditor; and be it further

**RESOLVED**, that the Board of District Commissioners finds and determines that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meeting open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call vote as follows:

Vicki Kline, Yea;                      Kathleen Clyde, Yea;                      Sabrina Christian-Bennett, Yea;

**RESOLUTION NO. 19-029                      -                      RE:    APPROVE SETTLEMENT AGREEMENT FOR DAVID HEISLER**

It was moved by Sabrina Christian-Bennett, seconded by Kathleen Clyde that the following resolution be adopted:

**WHEREAS**,                      the Portage County Solid Waste Management District (hereinafter “the Employer”) and Teamsters Local Union No. 24 (hereinafter “the Union”), are parties to a collective bargaining agreement of certain employees of the Solid Waste Management District; and

**WHEREAS**,                      the Union filed a grievance, on behalf of former Solid Waste District employee David Heisler (hereinafter “the Grievant”), disputing the Employer’s actions in returning a junior employee to a 30 hour per week position as a Laborer after a layoff, in lieu of the Grievant; and

**WHEREAS**,                      the grievance was presented at arbitration resulting in an award in favor of the Union and the Grievant that ordered certain relief and remedies; and

**WHEREAS**,                      the Employer disputed the propriety of the arbitration award, and the Portage County Board of Commissioners filed an action to vacate that award in the Portage County Court of Common Pleas (Case No. 2018-CV-954); and

**WHEREAS**,                      the Employer and the Union mutually desire to resolve and settle all disputes and/or allegations contained in Case No. 2018-CV-954 and underlying grievance; now therefore be it

**RESOLVED**,                      that the Board of Solid Waste Commissioners agrees to accept and sign a Settlement Agreement upon the terms and conditions set forth in the attached Settlement Agreement (Exhibit A); and be it further

**RESOLVED**,                      that the District Board of Commissioners finds and determines that all formal actions of this Board concerning end relating to the adoption of this resolution were taken in an open meeting of this Board and that all deliberations of this Board that resulted in those formal actions were in meetings open to the public in compliance with the law including Section 121.22 of the Ohio Revised Code.

Roll call vote as follows:

Vicki Kline, Yea;                      Kathleen Clyde, Yea;                      Sabrina Christian-Bennett, Yea;

## SETTLEMENT AGREEMENT

WHEREAS, the Portage County Solid Waste Management District (hereinafter "the Employer") and Teamsters Local Union No. 24 (hereinafter "the Union") are parties to a collective bargaining agreement covering the terms and conditions of employment of certain employees of the Solid Waste District and;

WHEREAS, the Union filed and processed a grievance under the collective bargaining agreement on behalf of former Solid Waste District employee David Heisler (hereinafter "the Grievant"), disputing the Employer's actions in returning a junior employee to a 30-hour-per week position as a Laborer after a layoff, in lieu of the Grievant; and

WHEREAS, the grievance was presented at arbitration to Arbitrator Harry Graham, resulting in an award in favor of the Union and the Grievant that ordered certain relief and remedies; and

WHEREAS, the Employer disputed the propriety of the arbitration award, and the Portage County Board of Commissioners filed an action to vacate that award in the Portage County Court of Common Pleas, Case No. 2018-CV-954, and;

WHEREAS, the Employer and the Union mutually desire to resolve and settle any and all disputes and/or allegations contained in Case No. 2018-CV-954 and the underlying grievance;

THEREFORE, the Employer and the Union agree to settle Case No. 2018-CV-954 upon the following terms and conditions:

1. The Employer shall file a Motion to Dismiss with prejudice its Application to vacate the arbitrator's award not later than three business days after receipt of a signed copy of this Settlement Agreement from the Union, with the Employer to be responsible for the court costs.
2. The Employer shall pay the Grievant the sum of Three Thousand Five Hundred Dollars (\$3,500.00) not later than two weeks after Case No. 2018-CV-954 is dismissed by the Common Pleas Court. The payment shall be considered to be in settlement of Case No. 2018-CV-954 and the underlying grievance, will be deemed to be partial compensation for unpaid benefits and for waiver of contractual claims, and will not be deemed to be for lost wages. The payment will be without deductions for taxes or otherwise and will be documented by an IRS form 1099 issued to the Grievant. The payment check will be sent or delivered to the Grievant in care of Teamsters Local 24, 3070 West Market St., Suite 201, Akron, Ohio 44333.
3. This Settlement Agreement is without prejudice to the Union's right to claim as a bargaining unit position any full-time job position at the Solid Waste District that performs the same or similar to work as has been performed in the past by bargaining unit members. Likewise, this Settlement Agreement is without prejudice to any contrary position on the part of the

Employer. Entering into this Settlement Agreement shall not be construed as an admission of any kind by either the Employer or the Union.

4. The Grievant hereby waives any and all rights and/or entitlements he may have under the collective bargaining agreement or the arbitration award to return to employment at the Solid Waste District, for back pay or for back benefits. The Grievant acknowledges that this Settlement Agreement fully and finally resolves all such claims he has or may have had. The Grievant further acknowledges that he is signing this Settlement Agreement voluntarily and of his own free will, that he has the right to review this Settlement Agreement with an attorney if he so wishes and that he has been fairly represented by the Union in this matter.

FOR THE EMPLOYER:

Alex A. Klein 3/5/19  
Date

Deanna Bennett  
Deanna Bennett 3/5/19  
Date

Kathleen Ogle 3/5/19  
Date

FOR THE UNION:

David Richards 2/25/19  
Date

GRIEVANT:

David Heisler 2-19-19  
Date



Alicia Thompson  
Alicia Thompson  
My Commission expires 10-25-22

### 3. Discussion

#### A. Scrap Tire Collection Events

During the 2018 annual tire collection event, the District experienced a very significant increase in the volume of tires and a substantial increase in expenses.

Director Steiner has prepared draft correspondence to Elected Officials regarding the scrap tire collection program, which includes the recommended changes:

1. A strict limit of 10 tires per vehicle will be accepted at the collection event as Ohio EPA requires a "Tire Manifest" for anyone transporting more than 10 tires per load. Ohio Revised Code Sections 3734.74 and 3734.83 indicates that transporting more than 10 tires without appropriate documentation is a felony.
2. Passenger tires with rims will be accepted.
3. Tractor tires with rims will be accepted.
4. Cut/sheared tires will not be accepted.
5. No tires that are muddy or filled with dirt.
6. No semi tires.
7. No heavy equipment tires or treads from mini excavators.
8. No chunks of rubber.
9. No inner tubes.
10. No tires will be accepted from commercial businesses.
11. Tires cannot be stacked over the sides of the container.

The Board approved the revisions to the program and approved the correspondence.

9:10 AM In accordance with the Ohio Rev. Code 121.22(G)(3), it was moved by Sabrina Christian-Bennett, seconded by Kathleen Clyde that the Board of Commissioners move into executive session for conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. Also present: Director Bill Steiner, Human Resources Department Director Janet Kovick and Ron Habowski. Roll call vote: Sabrina Christian-Bennett, Yea; Kathleen Clyde, Yea; Vicki A. Kline, Yea;

9:30 AM Upon conclusion of the above referenced discussion, it was moved by Sabrina Christian-Bennett, seconded by Kathleen Clyde that the Board of Commissioners moves out of executive session. Roll call vote: Sabrina Christian-Bennett, Yea; Kathleen Clyde, Yea; Vicki A. Kline, Yea;

After exiting executive session, the Board adopting Resolution No. 19-029.



**Motion:** by Sabrina Christian-Bennett, seconded by Kathleen Clyde to approve a Settlement Agreement for David Heisler./ 19-029

Roll call vote: Commissioner Christian-Bennett, Yea;  
Commissioner Clyde, Yea;  
Commissioner Kline, Yea;

**Motion:** by Sabrina Christian-Bennett, seconded by Kathleen Clyde to adjourn the Official Meeting of February 28, 2019 at 9:31 AM

Roll call vote: Commissioner Christian-Bennett, Yea;  
Commissioner Clyde, Yea;  
Commissioner Kline, Yea;

We do hereby certify that the foregoing is a true and correct record of the Portage County Board of Solid Waste Management District Commissioners' meeting.

\_\_\_\_\_  
Vicki A. Kline, President

\_\_\_\_\_  
Kathleen Clyde, Vice President

\_\_\_\_\_  
Sabrina Christian-Bennett, Board Member

\_\_\_\_\_  
Amy Hutchinson, Clerk