

**OPEN SESSION MINUTES
WINNEBAGO COUNTY BOARD OF SUPERVISORS
SOLID WASTE MANAGEMENT BOARD**

DATE: November 6, 2013

TIME: 9:01 a.m.

LOCATION: Sunnyview Landfill
100 W. County Road Y
Oshkosh, WI

PRESENT: Pat O'Brien, Chairman
Ken Robl, Vice Chairman
Paul Eisen, Secretary
David Albrecht
Pat Brennand
Mike Easker (9:02 a.m. - 10:23 a.m.)
Gerry Konrad
Doug Nelson

EXCUSED: Jerry Finch

ALSO PRESENT: John Rabe, Director of Solid Waste
Kathy Hutter, Confidential Secretary
Kurt Pernsteiner, Facility Manager (9:01 a.m. - 9:34 a.m.)
Jennifer Semrau, Recycling Specialist
John Fink, County Executive Assistant (9:04 a.m. - 10:23 a.m.)

1. Call to Order: P. O'Brien called the meeting to order at 9:01 a.m.
2. Approve Agenda: Motion to approve the November 6, 2013 agenda, made by K. Robl and seconded by G. Konrad. Motion carried 7-0.
3. Public Comments on Agenda Items: None.
4. Announcement/Communications: J. Rabe announced that an article concerning the Tri-County Single Stream Recycling Facility's investment to expand and improve plastic recycling options was published in the Post-Crescent print edition on Saturday, November 2, 2013. J. Semrau noted that the article was positive, but the article's mention of the five staff members added for the 2nd shift expansion only included County positions, not sorting staff.

J. Rabe announced that the 2012 Solid Waste Management Board (SWMB) Annual Report was printed and distributed to SWMB Members. Copies are available to the public at the Landfill and Transfer Station Offices.

5. Approval of Minutes – October 16, 2013 Open Session: Motion to approve the October 16, 2013 open session minutes made by K. Robl and seconded by P. Brennand. Motion carried 7-0 (D. Nelson abstained).

6. Discussion/Action - AB444/SB355 Legislative Update: J. Semrau presented the Assembly Bill (AB)444/Senate Bill (SB)355 Legislative Update to the SWMB as follows:
 - A facility tour of Landfill Reduction and Recycling, Inc., Appleton, with a discussion of the Bill occurred on October 21, 2013. Members of the statewide recycling/solid waste organizations (Solid Waste Association of North America [SWANA], Associated Recyclers of Wisconsin [AROW], Wisconsin Counties Solid Waste Management Association [WCSWMA], etc.), Representative Bernard-Schaber, Senator Cowles, J. Rabe, P. O'Brien, Outagamie County Director of Solid Waste, Phil Stecker, and others attended.
 - The legislation, last discussed at the October 16, 2013 SWMB Meeting as Legislative Reference Bureau (LRB)-2983/1 and LRB-3246/1, has now been formally introduced as AB444 and SB355.
 - The legislation seeks to exempt certain materials from the \$13/ton in State surcharges assessed on each ton of solid waste disposed of in a Landfill.
 - There are 3 main areas of exemption:
 - Residual from Construction and Demolition (C&D) and traditional Material Recovery Facilities (MRFs)
 - Brownfields and remediation soils
 - Bad debt
 - The bi-partisan legislation was introduced on October 18, 2013 by Representative John Murtha (AB444) and on October 22, 2013 by Senator Robert Cowles (SB355), as well as 13 additional co-sponsors.
 - AB444 was referred to the Committee on Environment and Forestry and the public hearing was held on October 29, 2013.
 - J. Semrau testified in support of the legislation at the Assembly hearing based on the SWMB's approval of the legislative concept at the October 16, 2013 SWMB meeting and the various benefits to Winnebago County (WC) and the Brown, Outagamie and Winnebago Counties (BOW) solid waste partnership.
 - Others who testified in support included: Meleesa Johnson (Marathon County, AROW President, WCSWMA, and SWANA Board member), John Welch (Dane County), Jason Salisbury (Landfill Reduction and Recycling, Inc.), Matt Harter (Harter's Disposal) and Waste Management. Wisconsin Department of Natural Resources (WDNR) testified for information only. No one testified in opposition.
 - SB355 was referred to the Committee on Natural Resources and the public hearing was held on October 31, 2013.
 - Dane County, Landfill Reduction and Recycling, Inc., WCSWMA, and Waste Management testified in favor of the Bill at the Senate hearing.

- The fiscal estimate projects a decrease in State revenue from associated surcharges of nearly \$1.6 million/year, an increase in State costs for WDNR administering new fee exemptions of \$4,000/year and a decreased cost to local governments from tip fee exemptions of \$131,000/year.
- In 2013, the BOW MRF is projecting ~80,000 tons of recycling material. At a 5% residual rate, 4,000 tons of residual is generated and the proposed tip fee exemptions (\$13/ton) would save ~\$52,000/year.
- Plan for the Bills to be presented to WC Legislative Committee for support in November 2013.

M. Easker asked if the \$13/ton reduction in State fees will reduce SWMB disposal rates for the residual tonnage. J. Semrau explained that typically the savings would be passed on as a lower tip fee for the residual tonnage.

G. Konrad asked who else benefits from the proposed tip fee exemptions if the local governments share is only \$131,000/year of the anticipated \$1.6 million/year decrease in state revenue. J. Semrau explained that the private sector C&D and traditional MRFs would benefit from the remaining dollar amount.

Discussion ensued amongst the SWMB members.

7. Discussion/Action – Incident/Loss Reporting Procedures: J. Rabe reported that Kreilkamp Trucking (Kreilkamp) filed six truck damage claims with WC from November 2012 through August 2013. Three of these incidents were reported after the fact and could not be fully investigated by SWMB Staff. J. Rabe reviewed the Kreilkamp truck damage claims and worked with WC Finance and Human Resources Departments to update reporting and investigation procedures for Contract Hauler truck damage incidents. J. Rabe prepared a Solid Waste Incident/Loss Reporting Procedures Memo dated October 18, 2013, outlining procedural steps in reporting and investigating truck damage incidents. The Memo was distributed to WC Solid Waste Equipment Operators and Contracted Haulers (Kreilkamp and Van's Waste, Inc). No incidents have occurred since the implementation of procedures.

Discussion ensued amongst the SWMB members.

8. Discussion/Action – Pollution Liability Insurance Options: J. Rabe reported that the SWMB currently holds a Pollution Liability Insurance Policy through ACE which covers potential contamination incidents at the Sunnyview Landfill/Transfer Station, the Snell Road Landfill and the Engine/Generators located at the WC Sheriff's Office.

The current Pollution Liability Insurance Policy limits are \$20 Million/\$20 Million with a \$500,000 deductible and it expires on December 1, 2013. J. Rabe worked with WC Finance Department and Willis Group Insurance Broker, Chuck Zaher, to solicit quotes for a new Pollution Liability Insurance Policy to replace the expiring policy.

C. Zaher provided J. Rabe with a summary of quotes late in the day on November 5, 2013. J. Rabe presented the summary of quotes and C. Zaher's analysis to the SWMB.

P. O'Brien asked about the status of PCB dredge sediment indemnification from the Wisconsin Department of Natural Resources (WDNR) for the Sunnyview Landfill. J. Rabe stated that he believes it was never provided to the SWMB, but would look into this issue and provide the SWMB an update at the next meeting.

Discussion ensued amongst the SWMB members.

J. Rabe recommended that the SWMB defer action so he may complete further research on the quotes (policy limits, deductible options, broker recommendation, etc.) and schedule C. Zaher for a conference call during the next SWMB meeting.

9. Closed Session – Pursuant to 19.85(1)(e), Wisconsin Statutes for the purpose of deliberating or negotiating the purchase of public property, the investing of public funds, or conducting other specified public business whenever competitive or bargaining reasons require a closed session.
 - a. Container Lease Program – Reliable Refuse Removal

Motion made by K. Robl and seconded by P. Brennand at 10:01 a.m. to convene into closed session. Motion carried 8-0 by roll call vote.

10. Return to Open Session to Resume Regular Business: Motion to return to open session at 10:21 a.m. made by D. Albrecht and seconded by K. Robl. Motion carried 8-0 by roll call vote.

11. Discussion/Action – Consider Authorization of Container Lease for Reliable Refuse Removal: Motion made by D. Albrecht and seconded by K. Robl to authorize the purchase of 50 containers (not to exceed \$32,000) and enter into another lease with Reliable Refuse Removal. Motion carried 8-0.

12. Future Agenda Items: Pollution Liability Insurance Options

13. Set Next Meeting Date: The next SWMB meeting date will be November 20, 2013 at 9:00 a.m.

14. Adjournment: Motion to adjourn made by G. Konrad and seconded by K. Robl. Motion carried 8-0. Meeting was adjourned at 10:23 a.m.

Respectfully Submitted,

Kathryn Hutter
Confidential Secretary

Approved by SWMB – November 20, 2013