

RECORD OF PROCEEDINGS

**Minutes of Franklin Township
Franklin County, Ohio**

Special Meeting

**Held via Teleconference
COVID-19 Emergency Declaration
Ohio's Open Meeting Act**

October 2, 2020

Call Meeting to Order:

Chairman Alex called the Special Meeting of the Franklin Township Board of Trustees to order at 2:00 p.m. on Friday, October 2, 2020, via teleconference (ZOOM).

Roll Call: Alex, yes; Fleshman, yes; Horn, yes.

Alex made a motion to suspend the pledge of allegiance and the reading of any past meeting minutes. Fleshman seconded the motion. With no discussion a vote was taken as follows: Alex, yes; Fleshman, yes; Horn, yes. The motion was passed.

Purpose of the Meeting: *To hold a public hearing regarding possible membership by Franklin Township into the Solid Waste Authority of Central Ohio (SWACO) Consortium II, for the purpose of having a common refuse hauler within the township.*

Alex explained that attorneys Joseph Durham & Mari Long from Eastman & Smith Ltd, (the legal team for SWACO), joined a recent public meeting on September 10, 2020 to present information related to Franklin Township joining Consortium II. Alex said he wanted to use this time to allow SWACO to recap any specifics from the September 10, 2020 meeting to bring Trustee Horn up-to-date. Mari Long, an attorney for SWACO provided the following information:

Consortium II consist of two bids from the following haulers with a five (5) year contract beginning on January 1, 2021:

Hauler #1: - Local Waste

- \$19.39 per month for trash service (plus fuel charges)
- \$1.60 quarter for billing service (if hauler does the billing)

This cost includes picking up residential solid waste, recycling and yard waste, said Long.

Alex asked Long if she had the cost for the second hauler. Long said she would need a few minutes but she would provide the cost of the Rumpke bid. While Long was looking for the Rumpke bid information Alex shared that as a current Local Waste customer his most recent quarterly trash bill for 2020 is \$73.92. This is substantially more than what the Consortium II is proposing, said Alex.

Long reminded everyone that if the hauler bills for the service they will charge \$1.60 per quarter per resident in addition to the \$19.39 per month.

Lauren DeGoricia, an attorney for SWACO, joined the meeting and provided the second hauler's bid amount as follows:

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Hauler #2: - Rumpke

- \$20.47 per month – Rumpke
- \$2.55 per quarter – billing service

Alex said that the Rumpke bid is even lower than what Local Waste customers are currently paying.

Alex asked Administrator Potts if there were any questions or comments received from the public.

Public Comment:

Potts read a comment from John Spencer who posted on Facebook asking how much will this raise trash removal and will seniors still receive a discount?

Alex said that based on his understanding those folks who are currently using Local Waste right now, this would actually be with either Local Waste or Rumpke, this would reduce their current bill. A senior discount is included, but Alex asked for clarification from one of the SWACO representatives on the call. Long explained that the senior discount within Consortium II is listed as a discount of either 10% or \$1.50 whichever is more.

Alex asked Potts for the next question/comment. Potts read a comment from Maryann Youngman who posted on Facebook asking the following: (1) Are we being forced to stay with Local Waste? (2) Why? They are not very good at picking up trash. I have lived here for over forty (40) years and they have broken our trash can. Every week after they have picked up our trash we have to go out and sweep up the street. (3) We pay by the year, so when will this new rule take effect? (4) Will seniors still get a discount?

Alex began with confirming that there will still be a senior discount offered. As far as being forced to stay with Local Waste, this will be a board decision, said Alex.

Potts continued by reading two (2) emails from resident, Tim Chaney.

Email #1 – resident Tim Chaney:

I am writing this letter to address you signing a five (5) year contract for trash pick up in our township. As you know in the past we have had Local Waste as our trash service provider with a signed five (5) year contract. The company gave poor service and poor customer service relations to many within the township. Some in the township discontinued service with them after the contract expired but many continued to have problems and lots went to other companies and left on bad terms. The problems both when in contract and not was they would not empty the entire trash can or not even pick up the person's trash at all. They would break glass and throw trash on the roadways, just slung it all over. They would leave trash cans in the road way when it was not a windy day and people would have to go around them. They told people they had to place their trash cans on the edge of the road or they couldn't pick it up. This is a safety issue in my

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opinion because it is hard enough to get two (2) vehicles through. At times they would come at just a little after 6:00 a.m. while kids were trying to wait on school buses and then a trash truck coming through. Sometimes when they would pick up the recycling, there would be only one driver, so they would jump out of the truck and would let the truck continue to roll with no one behind the wheel. Trustee Alex has seen this for himself. So, when people would call and complain to their customer service they acted as if it was the customer's fault. Local Waste has accused residents of putting their trash out after they had picked it up. You would always have to argue with them for not picking up your trash and they would say they would come back out on Monday to pick it up. I have spoken to both Trustee Horn and Trustee Alex in the past about this and they both agree that the service is not good. Trustee Alex could not get cooperation from their customer service when he tried. It may save a couple of dollars but it's not worth the hassle and hardship it brings to spend a few more dollars and get excellent service elsewhere. I am asking each of you, the trustees, how can you justify putting us back into this situation? I am requesting on behalf of myself and others within Franklin Township that this contract is not signed for the above issues. I am requesting that this letter be read today at your meeting to become public record, that each of you are aware and have been aware of the previous problems with Local Waste and that each will be held accountable for any such contract with a company that failed in the past. I thank you in advance for your time and consideration on this matter in hopes that each of you will make the correct decision.

Email #2 – resident Tim Chaney:

Gentleman,

I was under the understanding that the company was Local Waste, however, even though it is not, we are still vulnerable to the same type of service as before because once you sign a five (5) year contract you cannot get out of it. Like most long-term contracts of five (5) years, the first six (6) six months are good and the last year they want to renew, however, those years in between are subject to bad service. We the people would be contacting the trustees with complaints to be dealt with. Why would you want to subject yourselves to this, instead of being able to take your time and use it on something else more important in the township. If people don't have a contract and have poor service, they can change companies, if they are forced by a contract they are stuck. I do not think it is fair to dictate to an individual who they have to have. Rather good or bad, there is nothing they can do about it. If for some reason a person is not abiding by having a trash service then deal with that individual and do not make everyone else suffer because of it. Once again, I am asking for a no vote for a contractual agreement and allow the people to continue with their own company.

Potts said that he received a phone call from a gentleman named *Dwain Bowers* on Ransburg Avenue communicating that he has had problems with his personal trash cans being crushed by Local Waste and having problems getting replacements from them. He was generally against Local Waste and asked for his comments to be added to the record, said Potts.

Potts explained that he has received other calls before this meeting related to various problems the residents have had with Local Waste and their desire not to be tied down to one hauler.

Potts said, this is all of the comments he received prior to the meeting. Potts checked Facebook, email and text messages again before he opened up the phone lines for comments from the listeners attending the ZOOM conference call.

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Caller Janet Ward asked how is the previous non-payer issue going to be handled? Second, whoever the township goes with will the residents be required to purchase or rent the hauler's trash cans? What about yard waste? I thought our yard waste was being picked up by our township road crew? What is the process to set up the senior discount? As far as Local Waste things have been fine for the last couple of years, said Ward.

Alex deferred the questions to the SWACO representatives DeGoricia and Long, from Eastman & Smith, Ltd. DeGoricia said she heard a couple of questions one related to yard waste and that is covered under the contract, so you can utilize the contractor to pick up yard waste in this contract. Also, DeGoricia shared that there are terms in the contract that were included in the bid packet that allows for terminations of the contract if there is a breach in the contract such as, if there are twenty (20) complaints from residents in any given month. I wanted to share this for your consideration, said DeGoricia.

Alex asked if DeGoricia or Potts can share how this will be handled. Potts explained that Franklin County Public Health (FCPH) can step in for non-compliant properties and those non-compliant properties with non-payment then eventually will have a special assessment placed on their tax bill for the property owners, said Potts. Long from SWACO agreed that this was a possible solution provided at the last meeting. Potts said that non-compliant properties could be handled as House Bill 50 properties are currently handled.

Caller Mike Blevins shared that he does not want Local Waste but does not expect the board to do anything. The board has heard enough from the residents and they know what Local Waste services are. One of your employees who is in the office today was verbally assaulted by one of the Local Waste drivers in front of my home. What I would like to see happen with whomever you go with, is could the board see if they can get a point-person from the hauler? This would be someone that the residents can call or the residents can call the board and they can call the point person, not this shuffle the buffalo thing that goes on. Those ladies at Local Waste when I have called are very nice but you hear nothing after that. Thank you for listening, said Blevins.

Alex thanked Blevins for his comments and shared that he has had similar experiences himself in dealing with Local Waste.

Caller Janet Ward stated that one of her questions was not answered previously. She asked if the residents have to rent or buy the trash haulers trash cans if we go into Consortium II? Long from SWACO confirmed that residents do not have to buy/rent the haulers trash cans. The residents will have an option but it is not a requirement, said Long.

Assistant Fiscal Officer, Robyn Watkins commented as a township resident and shared that she was the township employee who was verbally assaulted by a Local Waste driver as Blevins previously mentioned. The driver was unaware that I am a current Local Waste customer myself when they assaulted me. I

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reported the incident to Local Waste and heard nothing back. The only reason I have not changed haulers is I am waiting on the board to decide related to Consortium II, Watkins said.

Caller Maryann Youngman said that she had an interaction with a Local Waste driver when she asked the driver to move the truck out of the middle of the road so she could get by to attend a funeral. Youngman said that the driver responded by saying that she should have left earlier for the funeral. Youngman said she thought this was important to share with the board.

Caller Robbyne Chaney asked the board if they had to vote for Local Waste or Rumpke as the exclusive hauler or can they just leave it alone? Alex agreed that a decision did not have to be made today.

Alex asked Potts if there were any other comments from the public before the board began their discussion. Potts checked with the audience on the call, social media, text messages and email and there were no further public comments.

Board Discussion:

Fleshman said that it is great that we have people in the township sharing comments on this call.

Horn said that he has been following the trash issue for a very long time. There are funds still owed to Local Waste from the previous contract. The township has to be able to guarantee payment to the hauler for those who do not pay their trash bill. The previous board of trustees made exemptions to some residents to not have to pay their trash bill for various reasons which ended up causing a really bad situation, said Horn.

Local Waste told the previous board of trustees that they would not entertain servicing Franklin Township until the outstanding money was paid and they were made whole. The township was unable to secure a consortium contract at the time their original contract expired and returned back to having no contract. Local Waste did not raise their rates to the residents who chose to remain with them after the contract expired, said Horn. Local Waste will still expect Franklin Township to make up for the lost revenue, Horn said.

Currently things are quiet as it relates to trash complaints. The township has a backup plan to work with the road department and others to address specific trash issues. Since the complaints have lessened if it's not broken then don't fix it, said Horn.

Horn said he thinks we will go back to some of the problems we used to have if we go into another contract.

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Alex said he hears the residents and understands the Local Waste issues. What he sees with Local Waste is most of the issues have occurred since the township has been out of contract. Currently, the township cannot do anything, but under a contract the township can hold the hauler accountable. The second item of concern is the possible increase in rates in the future. This is an opportunity to save our township residents money on trash removal, said Alex. Another concern is the increase in properties that currently do not have a trash hauler. The non-compliance number of properties has continued to increase without a contract. This increases the amount of trash in the community and illegal dumping that is happening. I have seen an increase in trash in our community and I think this is partially due to the township not having a contract and not complying. It is important that the township not be liable and it sounds like there is a process where the property owner will be liable. This is a change from previous years, said Alex.

Mark and our township have done a really good job over the last year on education, about recycling and the steps to get into compliance, and having people sign up for trash. I think this is the next step for our township in saving money for our residents in the long term and reducing the number of non-compliance residents in our township. I believe this is a good thing going forward, this is where I am at. I am inclined to move forward on this, said Alex.

Fleshman asked the chairman if the board is going to have another public meeting before the board moves to a vote? Fleshman said he thought there would be two (2) meetings for public comment, so he does not think it should go to a vote tonight. Fleshman said the next meeting would definitely be the time before the board votes, to listen one more time and then put it to a vote at that time.

Alex said that the board can present this to the public for a final time at the October 8, 2020, regular meeting. The public will have an opportunity to share their final thoughts before going to a vote.

Horn asked for clarification from Local Waste on the previous non-payers. We do not want to ask those who are paying their trash bill to support the non-payers. The township will need to ensure the hauler gets paid and there is no assurance if folks pay their property taxes timely.

Alex said the non-payers will be handled just like the township does for property owners with blighted homes/property through House Bill 50.

Fleshman thanked everyone who participated on the call.

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Adjournment:

With no further comments/discussion Alex adjourned the meeting at 2:42 p.m.

Signature on file with original document
Aryeh Alex, Chairman/Trustee

Signature on file with original document
John Fleshman, Vice-Chairman/Trustee

Signature on file with original document
Ralph Horn, Trustee

Signature on file with original document
Mary Rhinehart, Fiscal Officer