

WARRICK COUNTY SOLID WASTE  
MANAGEMENT DISTRICT  
BOARD MEETING MINUTES 04-13-16  
12:00 p.m.

The Warrick County Solid Waste Management District meeting was called to order with Marlin Weisheit presiding. The call of roll showed the following to be present: Kristi Adams, Richard Reid, Greg Richmond, David Talley, Marlin Weisheit and Don Williams. Also present were Todd Glass-District Attorney, Scott Anslinger, Jamie Kessner, Freddie Rowland, Michele Wallace and Trayce Wilson. Not in attendance was Mayor Charlie Wyatt.

Public Comment: There was no public comment.

Minutes: Don Williams made motion to approve the March 17, 2016 minutes as submitted. David Talley seconded motion. Motion carried 6-0.

Controller's Report and Claims:

Trayce Wilson reported as of March 31, 2016 the District ended with a balance of \$1,134,135.15. Trayce also reported this past Monday April 11th an auditor from Indiana State Board of Accounts (SBOA) met with her, Scott Anslinger and Marlin Weisheit to conduct the exit interview; Trayce reported there were no major issues identified and overall the SBOA was pleased. The SBOA Examination Report for Warrick County Solid Waste Mgmt. District will be publicly released online in May 2016. Trayce reported the District has claims totaling \$157,277.87 that need to be approved for payment. Greg Richmond made motion to approve the Controller's Report as submitted and to approve payment on all properly documented claims. Don Williams seconded motion. Motion carried 6-0.

Operations Manager's Report: Michele Wallace presented a printed informational report to the board. Michele informed the board about yard waste containers being returned to Newburgh Recycle, Casey Road and Chandler. Michele stated that Lynnville usually gets a container as well but last year it was never filled to the point of needing emptied; Michele requested approval from the board to not return the yard waste container to Lynnville and to evaluate the need for the future. The board recommended starting Spring 2016 with no yard waste container at the Lynnville Site and to "play it by ear."

Michele also presented the board with a picture of the repaired scales at the Disposal Center; the District hired contractor Dennis Orth to add steel sheathing to the concrete apron of the scale to protect it from further damage. Michele stated the repairs will add a couple more years of usage to the current scale system.

Superintendent's Report:  
Scott Anslinger reported:

**A. Recycling, Sorting, Processing and Warehouse Facility:**

- a. **Operations:** Scott stated over the last month the District has identified a deficiency in the sorting line that has resulted in damage to the electromagnet's belt; the electromagnet uses a rubber belt with metal cleats to move metal cans and other metals to collection containers. Scott stated S & S Machine Shop Inc. will be replacing the belt and raising the electromagnetic to improve clearance and avoid future damage. Scott also stated the glass grinder is fully operational. Scott presented the board with recycling tonnages and revenue for the first quarter of 2016; revenues generated for the sale of recyclables in January,

February and March 2016 is \$21,007.27. Freddie Rowland stated currently there is approximately 130,000-140,000 pounds (65-70 tons) of recyclables warehoused in the Processing Center waiting for shipment to market.

- b. **Staffing - Express Employment:** Last month the board listened to a presentation by Gregory Schulten from Express Employment; Express is willing to assist the District in providing employees for the Processing Center. Scott stated the current unemployment rate in Warrick County is between 3.5% and 4.5% which is proving difficult in hiring qualified employees. Scott stated Express Employment could provide the District with a full-time, prescreened workforce that would meet specific needs and those employees would be offered benefits to help maintain a consistent workforce; employees would be compensated by Express Employment. Scott stated the Personnel and Finance Committees reviewed the proposal and concluded that Express offered a viable employment tool that could assist the District in meeting goals by accepting more recyclable materials from the remainder of Warrick County. Scott stated there would be no specific contract term with Express Employment. David Talley made motion to approve the District entering into an employment agreement with Express Employment Professionals. Kristi Adams seconded motion. Motion carried 5-1. (NAY-Richard Reid)
- B. **Curbside Trash & Recycling Program Update:** Jordan Aigner addressed the board; Mr. Aigner informed the board about safety concerns for some current customers within the curb-to-door service in the curbside program. Mr. Aigner stated about 5 or 6 qualifying customers will be having their individual address assessed for the best effective and efficient way to provide that service. Richard Reid asked Mr. Aigner how many customers Renewable Resources has; Mr. Aigner replied 5,100 approximately.
- C. **Solid Waste Management Plan - Linda Bailey:** Scott stated the Finance Committee also reviewed updating the District's Solid Waste Management Plan; the committee concluded that although it was desirable to have the plan completely overhauled, the District does not have the funds in 2016's budget to do so using an outside source. Scott stated due to budgetary constraints the committee could not recommend Linda Bailey's \$21,000 proposal for a complete redraft of the current master plan, originally adopted in 1991. Scott stated the Finance Committee did recommend creating a subcommittee to review and update information to the current Solid Waste Management Plan. Don Williams, David Talley and Greg Richmond volunteered to serve on the Solid Waste Management Plan Committee to review the current outdated 20 year plan paragraph by paragraph.
- D. **Axiom Marketing Status (Mailer & Contract):** Marlin Weisheit presented the board with copies of the informational direct mailer to be sent out by Axiom Marketing; the direct mailer was previously approved by the board at the February 18, 2016 SWMD meeting. Commissioner Weisheit informed the board he has reviewed and approved, as the SWMD Board President, the mailer prepared by Axiom; the direct mailer will be sent out to 17,000 Warrick County households. The mailer includes information about ways the curbside program and its services can benefit you, Warrick County and the future of our environment. The mailer also includes information regarding the recent court ruling. Commissioner Weisheit asked the board if they saw any

changes that needed to be made to the mailer before distribution. The board has moved on without any need to extend another monthly contract between Axiom and the District.

- E. **Other:** Richard Reid asked Scott about the status of the Henderson County recycling facility closing, Freddie Rowland responded. Mr. Rowland stated his understanding of the closure is due to budgetary cuts in Henderson County and the City of Henderson. Tri-County Recycling is an alliance between the City of Henderson and the counties of Henderson, Webster and Union in which all four entities form and fund Tri-County Recycling and its budget. The City of Henderson was the largest contributor to the Tri-County alliance, since contributions are based on populations.

Attorney's Report:

Todd Glass reported:

- A. **Review Court Preliminary Order (Ruling on Findings of Fact and Statute Interpretation):** Mr. Glass presented the board with complete copies of the order from District Court and copies of the press release distributed on March 30, 2016. Mr. Glass stated the order is a preliminary order and not a final judgment of any kind; the preliminary order concluded that there might not have been findings sufficient to satisfy what the Judge was reading the statute to require. Mr. Glass stated the order means the SWMD Board is restrained from fully implementing the resolution that implemented the countywide curbside collection program as the board resolved it to be last fall. Mr. Glass stated the order did not conclude the District's curbside program violated any Constitutional issue, was a monopoly, or violated any bidding statute through the process. The Court also found no mandatory waste flow and no intent to implement such in Warrick County. The Court ruling did not do anything that impacts the curbside program contract with Renewable Resources or the District Processing Center.

Mr. Glass stated going forward the District will need to open up a dialogue with the other parties, which he has already began. Mr. Glass stated the discussions with the other parties would be to see if a framework can be agreed upon, in essence, to resolve the court matters to avoid any further proceedings. David Talley made motion to approve Todd Glass as District Attorney to proceed in discussions to resolve court issues with the other parties counsel. Kristi Adams seconded motion. Motion carried 6-0.

Mr. Glass remarked when public officials are making public statements about what this Court decision did, said and means it should be accurate and not misleading or misrepresenting. Mr. Glass stated he would explain the Court ruling further with any SWMD Board Member that wants more clarification.

Other Business:

Commissioner Weisheit asked Commissioner Reid if immediately after a SWMD Executive Session held on August 25, 2015 where SWMD Board Members were discussing and being briefed by District Attorney Todd Glass on the preliminary injunction and upcoming court hearing call Scott Bradshaw, General Manager Advanced Disposal, to advise him on everything that was discussed in that meeting.

*Commissioner Reid: "I don't believe so."*

*Commissioner Weisheit: "Scott is here and I am glad he is here because I want to address it and we have an email here {copies were passed out to all board members & attached to these minutes} that I think we all have a problem with that."*

*Commissioner Weisheit: "This is an email from Scott Bradshaw to his legal counsel, that was passed onto me, that stated after the meeting he spoke to Commissioner Reid and he did ask that I respect our confidentiality in regards to a Solid Waste closed door meeting today."*

*Commissioner Weisheit: "The email goes onto say what was discussed in that meeting, it wasn't a lot discussed but it's the idea that you (Reid) and him (Bradshaw) spoke after that meeting by phone."*

*Commissioner Reid: "It's not dated either so I don't know when this was talking about."*

*Commissioner Weisheit: "Well it says 8/25/15 it's on the email."*

*Commissioner Reid: "I don't believe I spoke to him then but uh Scott and I are friends but I haven't said anything to him about that and I don't see anything on their that's confidential."*

*Attorney Todd Glass: "Well you do have an issue if Mr. Bradshaw was inaccurate, but it strikes me that confidential conversations between this board and their legal counsel was shared with a party in a soon to be pending litigation."*

*Commissioner Reid: "I don't believe I said any of this."*

*Attorney Todd Glass: "You cannot advise a client Mr. President (Weisheit) effectively as legal counsel if you can't talk to your client about thinking through issues and how best to address them from a legal perspective. Everybody has the right to speak with their lawyer about that in confidence to have honest discussions with honest ideas. I don't know what other parties have said to their lawyers and I don't want to know or try to find out, but if one member of this body breaches that trust you cannot efficiently and effectively have discussions and make decisions that have to be made for the best interest of the County and/or District. It strikes me as a grave breach of trust."*

*Commissioner Reid: "As I've said before I don't think I said anything to him uh in those lines, I am not sure why that would be dated that time either and I have never asked him to do anything confidential either so {addressing the gallery} Scott (Bradshaw) do you know anything about that."*

*Attorney Todd Glass: "He doesn't need to be asked any questions about that because he didn't do anything wrong."*

*Commissioner Reid: "Okay, okay that's fine, right that's true, but I am not really sure I don't see anything in here {reading from the email} that the lawsuit is forthcoming, well yeah I think everyone knew that it was coming along."*

*Commissioner Reid: "I don't think I ever told him that, I think he knew about it better than I did because he..."*

*Commissioner Williams: "So what you are saying then is that in all likelihood that you probably did not do this."*

*Commissioner Reid: "I most likely didn't, no."*

*Commissioner Williams: "and that Mr. Bradshaw was just flat out lying to his hierarchy."*

*Commissioner Reid: "Um no I wouldn't say that either but I didn't say any of this stuff so I'm not sure what he was surmising at all."*

*Attorney Todd Glass: "I just want moving forward because there is more discussions Mr. President (Weisheit) that will need to be had by the SWMD Board and I hope we can have an honest discourse amongst the board members, it's their legal right to be able to do that. Frankly at the moment I don't know how we can have those discussions with confidence that they'll be our own discussions. We'll do those legally, of course, if there is a need to do it we'll do so legally in Executive Session and we'll only limit that discussion to those issues that can be discussed. If we do need to do something like that I just hope that we can confidently have a confidential discussion."*

*Commissioner Weisheit: "Thank you, I am proud to serve on this board by statute, there are seven members on this board by statute, who are required to be on here and some of us have kind of volunteered to sit on this board and we thank them. I think we are united, I know Rick disagrees on a lot of things with us, but most of us are working very hard and we have a lot of challenges, we are doing our best to make this work. We have an obligation to make this work for the residents of Warrick County, I work at this every day, I usually see Freddie or Scott (Anslinger) every day and I try to report to everybody else what is going on, you know it's a work in progress. Jordan (Aigner) back there touches base with us on a regular basis, he has got challenges and he has been a pleasure to work with but when you have somebody that is saying a lot of negative stuff, that I feel is untrue, and they are not willing to put the time in to do this job that we are required to do it just hurts every resident in this County. I thank the other five members that stick with me and work with me and understand our challenges, I appreciate your continued support and hopefully someday we will all be on the same team."*

*Commissioner Williams: "I am troubled by this email, maybe it's my military and security background, but at the very least the email was a breach of trust, I think it was immoral, I think it was unethical, treacherous and treasonous. That's what I think about it and I think it was wrong, I've been a commissioner for 15+ years, I've been on this board for 15+ years and I have had many things against what I wanted to do but once it was done I fell in line to support it because it had to be done and I just wish you would do the same thing."*

*Commissioner Reid: "Well Don I think there is a political thing and I think you want me off the commissioners, you've done everything you can."*

*Commissioner Williams: "I'll be honest with you, if you can't do things without doing things like this you not only should resign from this board but I would ask that you resign from the Board of Commissioners."*

*Commissioner Reid: "Don there is nothing in here, the one quote that's in here says that Todd Glass acknowledged that lawsuits were probably forthcoming from the NWRA, I think everyone knew that. So I don't think that's anything, nothing I would have told him, I never said those three/four initials ever at one time at all. So I don't think, I am not sure where that email came from, I don't know why Scott (Bradshaw) would have said that."*

*Commissioner Williams: "Well it was discovered as you know when people are sued, one side goes to the other side and says give me all your files and emails on this subject and the other side does the same thing and this showed up during discovery from Scott Bradshaw to his hierarchy, the subject is Warrick County talking about the action we took on our closed session August 25,*

2015, this email was sent the same day and it says spoke with Commissioner Reid and he did ask that I respect his confidentiality in regards to Solid Waste closed meeting today."

Commissioner Reid: "I don't ever remember talking to Scott about that though. I don't think I ever said that."

Commissioner Williams: "Well then one of you is not telling the truth, it's that simple."

Commissioner Reid: "Okay, that's fine. I don't think I ever said that."

Commissioner Weisheit: "Well we can argue it all day, let's try to put it behind us and all of us move together as a board and do what's right for the citizens here in Warrick County."

The next regular SWMD Board Meeting will be on May 19, 2016 at noon in the commissioner's meeting room.

Adjournment: Don Williams made motion to adjourn, seconded by Kristi Adams. Motion carried.

Submitted By:  
Jamie Kessner  
Administrative Assistant

*Don Williams*

*Charles R. Wyatt*

*Don A. Talley*

*Paul A. Red*

*Kristi Adams*

*Marli Weisheit*

*Greg Richmond*

## Message

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**From:** Scott L. Bradshaw [Scott.Bradshaw@advanceddisposal.com]  
**Sent:** 8/25/2015 7:12:49 PM  
**To:** Peggy Macenas [/O=EIA/OU=First Administrative Group/cn=Recipients/cn=peggy.m]  
**CC:** Melissa Bachhuber [melissa.bachhuber@advanceddisposal.com]; Mary O'Brien [m.obrien@advanceddisposal.com]; Lee E. Messler [Lee.Messler@advanceddisposal.com]; Hardee Horne [Hardee.Horne@advanceddisposal.com]  
**Subject:** Warrick County - Scott's 8/25/2015 Action Items Afternoon,

Spoke with Commissioner Reid and he did ask that I respect our confidentiality with regards to:

1. Solid Waste Closed Meeting Today:
  - a. Todd Glass acknowledged that lawsuits were probably forthcoming from the NWRA.
  - b. Todd is preparing his response but no date as to when he will respond to the NWRA letter. Todd referenced a like Flow Control issues that was upheld not sure what one. (In Scott Bradshaw's opinion I would look into the Daviess County, KY Flow Control matter.)
2. District had updated their website to better inform the public.
  - a. <http://www.warrickrecycles.org/curbside-recycling.html>

Not a lot of information but Warrick County, under the advise and leadership of Todd Glass, feel they will prevail.

Scott Bradshaw | General Manager



12900 Warrick County Line Road | Evansville | IN 47725  
T: 812-868-1100 | F: 812-867-2899 | M: 281-512-1549 | E: [Scott.Bradshaw@AdvancedDisposal.com](mailto:Scott.Bradshaw@AdvancedDisposal.com)  
Connect with us: [AdvancedDisposal.com](http://AdvancedDisposal.com) [Facebook](#) [YouTube](#)

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