

SPECIAL

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OPENING OF MEETING

Mr. Rowan welcomed everyone this evening as it is an important decision for the trustees.

He welcomed Larry Barbieri, Township law director, and Catherine Cunningham, special counsel.

Ms. Rinehart called the meeting to order at 6:00PM. All Board members were in attendance.

Ms. Rinehart thanked everyone for coming. She said that we will have a calm discussion, which is orderly and peaceful, with no interruptions. She said the Board will only accept comment from Colerain residents and business owners.

PUBLIC HEARING

Mr. Ritter made a motion to open the public hearing and Mr. Deters offered the second. The roll was called:

Mr. Deters. "Aye"
Ms. Rinehart. "Aye"
Mr. Ritter. "Aye"

Mr. Ritter thanked everyone for their feedback and said this was the most difficult decision of his life. He asked that those speaking tonight make comments directed at question at hand – risk of going to trial versus benefits of settlement.

Mr. Deters also thanked those in attendance for coming and echoed Mr. Ritter's sentiment about this being a very difficult decision. He said this is about our community and our families. He said that he has met with community groups and happy to meet with more. He said that his decision is paramount to the future of the township.

Mr. Barbieri offered a presentation and said that the Board is required to have input from public. The Trustees have open minds at this point. He said Rumpke approached Colerain with this settlement and it has been heavily negotiated, with control and financial considerations. He said this is the best deal possible for the Township. He said they are not afraid of trying case, but feel we have the best offer. It is a good settlement and he recommends it to the Board. The Trustees have an open mind and seeking your input.

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Mr. Barbieri offered some background. He said that seven years and \$100s of thousands of dollars have been spent on this. In 2010, we almost lost the case when the Court of Appeals affirmed that Rumpke is a public utility. The Ohio Supreme Court reversed the decision. He said that litigation is uncertain and we were an eyelash from losing the case in 2010.

Mr. Barbieri discussed the legal issues in the case. This is not a simple matter of do or don't we want a landfill. We have risks, legal issues in the case. People and corporations have property rights in the Ohio and federal constitutions. Townships do have a right to zone to the extent that it has a relationship to health, safety and morals. Rumpke's position is to ask the court to declare our zoning unconstitutional. This is not as simple as Trustees saying yes or no to expansion. The judge can still rule that the zoning is unconstitutional. Then Colerain loses control and Rumpke can sue for damages.

Mr. Barbieri discussed some of the terms of the settlement. He said that 15 years will pass before dumping in new areas of the landfill. However, controls and payments begin immediately. The current landfill is not part of the litigation. As part of the controls, there will be no dumping of waste in northern part where the chemical reaction is happening. The Trustees are concerned that if it stops and more waste is put on top, it could start up again. We wouldn't get this control if we go to trial. There are monetary payments of \$1.5 million and an increase in tonnage fee. There is an incentive that if the landfill receives less than 1 million tons, the payment is reduced to \$750,000. There is no inflation kicker. The expansion will not go above 1109' above sea level. He said that a critical control portion of the settlement is a consultant will be hired by the Township to serve as liaison between residents and Rumpke. Rumpke agreed to give access to information. He said they have heard that it's hard to get action and there is no response to the complaints. With this, a Township employee will respond to your complaints and get action from Rumpke. He said the recommendation to settle is based on risks and rewards.

Mr. Rowan discusses some of the financial impacts of settlement. He said that the financial gain is a positive, but not the driving force for making the decision. He said that we would receive an estimated \$2.4 million should we settle, based upon current tonnage.

He said the Board established a voice mailbox and e-mail account to accept public comment. So far, they have received 300 e-mails and voice mails. The Board will meet on August 5, 2014, at 5:30 in chambers to offer a decision. There will be no public input at that time. The trial is set for September 22.

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The Board asked for comments from the public.

Jim Lay, chairman of the board of the Colerain chamber of commerce, expressed his support for the settlement. He said the Chamber is a potential beneficiary of the settlement, to enhance the quality of business community. He said that Rumpke is active investors in our community, schools and amenities. Both parties give something to the outcome and the settlement is the best possible outcome for the community in whole.

Thomas Stanton, a lifelong resident of township, supports the settlement. He said that litigation is a chancy thing and in 15 years, will be back here bickering over the same thing.

Dan Temming said that he supports Rumpke and our Township. He said they are good neighbors and the settlement is a win-win situation. Without the agreement, Rumpke would have free reins.

W. Bruce Peirano said that the settlement more than fair for the township. Rumpke has been here longer than many of us. "Not in my back yard," but the waste has to go somewhere. It's a pretty well managed site.

Dan Temming said he was on the zoning commission for 10 years and was a member during this zoning matter. He had to reclude himself because of a business relationship with the Rumpke companies. He is not offering an opinion on settlement acceptance or going to trial, but would like to comment about this process. Whether the matter is settled or goes to trial, what happens will determine the fate of Township for the next 50 years. The trustees have put their hearts and souls in this issue. The people in this room are not a statistically reliable sample of the township. The ballot is the true leveler to determine a true pulse about an issue.

Dr. Sky Shelby, a chiropractor for 25 years in Colerain, supports the settlement. Rumpke is an asset to the community. It is refreshing and comforting to know what we have a company that supports Colerain causes.

George Grubb owns a business and 5 other properties, and believes the Board should settle. Rumpke takes care of issues better than other waste companies.

Morgan Button is a geologist and his wife is a native to Colerain. He supports the effort for compromise. Landfills are interesting animals. Rumpke has a presence all over and it gives civic pride that they are a Colerain company. They are a good steward and know what they are doing.

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Bruce Carter provided prepared remarks to the Board. Where do we put the waste if don't allow them to expand? His recommendation is to settle. Trial is not an option. He doesn't agree with the expense of a trial.

Joe Epplen is a 50-year resident and watched Mr. Rumpke build. He could see the fire out back window and has put up with the smells. Rumpke has been good community supporter. The expansion will spread the dump to the street behind him. What does this do for property values? Who from Rumpke will buy this house or will his property value continue to decline?

Joe Kampf said the settlement funds would be used for improving streets and sidewalks, but nothing about schools, fire police. If we spend all of money on sidewalks, that seems like a waste. Residents should not need to pay for trash pick-up.

Diane Perry said she has a lot of respect for Rumpke family. She holds a PhD in chemistry and doesn't feel like they have done everything they can do to keep the site under control. The underground fire indicates that it is out of control. Don't make it bigger – that's not how to go about fixing things. She is against settlement. Making deeper and bigger is the wrong direction to make site under control. She said they should see if can work out bringing in engineers to look at this to bring under control, so have better quality of life in township.

Bernie Fiedelvey is a resident and business owner and was a Trustee for 8 years, which turned down the expansion plan. During the work on the comprehensive plan, 1/3 of the Township said no more landfill expansion. The zoning code spells out what Rumpke can do. The 2000 consent decree and the current proposal are worse than the Bengals deal. When will Trustees say enough is enough? We have the tools – the plan and code – that we should win.

Phyllis Pleiman asked for people to raise hands as those for and against the settlement. She is curious to know what the audience prefers. She also suggested a third show for going on the ballot.

Mr. Barbieri said that this can't go on the ballot.

Scott Stoll said the settlement sounds like a good deal for everybody. There is a lot to lose for the Township if don't win. Where else will garbage go?

Mary Coombs lives on Old Colerain, near the landfill. Township property values not increasing when others in different areas are. She said that we have heard the benefits

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from settlement. But, what would happen if we lose the lawsuit? There was nothing to compare. What if we don't settle and win?

Mary Ellen Moeller said that we are losing sight that the best possible outcome is to not live with landfill for 50 years – to win the case. Then, foster the great work going on in the township and increase small business and property values. She was on Land Use Advisory Board, when decision made to surround landfill with light industrial, which is a reasonable use around the landfill. She said they took a lot of time putting the zoning code in place and should go for the best possible outcome. Why is Rumpke willing to settle if they feel there is no chance we will win? The Township is not rural anymore and there is not a single farm in Hamilton County. An inappropriate use is Rumpke's expansion. She is concerned about the quality of their operation. Money doesn't adequately compensate us for taking away our future. The agreement should include that no further expansion is allowed.

Adam Moeller is a lifelong resident and concerned for the present for the future in Colerain Township. What does settlement mean for Rumpke when they want to expand yet again? Can they buy up more undervalued land? There are cleaner waste technologies. The settlement is just buying off the Township. Rumpke owns other landfills that they can use trash – away from our neighborhoods. He said that we should fight now while still have good chance of winning.

Linda Stryker lives 1 mile from the landfill and knew it was there when she moved in. Her concern with the agreement is that her issues are more environmental. The landfill is sitting right on an aquifer. What types of control and remediation are done by the Township? She would like to see reassurance of environmental impact.

Jim Brown, a resident and small business owner, supports the settlement. He said we face a great risk if don't accept something now. It seems to be a pretty good settlement. Rumpke is a great partner to businesses and schools.

Jeffrey Millard said that Rumpke is great business partner. He is the president and CEO of engineering firm. He feels this is a horrible consent decree, very slanted to Rumpke. The liaison doesn't have any power to act. He said the Township can't count on the payments. He said the compensation for reduction in tax income, due to reduction of property values, is basically a payoff. He said there is just as much risk as signing decree as going to trial.

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Tom Reininger said his are comments from lay person perspective and he doesn't envy the Trustees' position. The true cost is quality of life. It is time to share the responsibility of the landfill with others who receive the benefit.

Jim Acton said that Rumpke has been very good to the township, with fireworks sponsorships, etc. Mr. Barbieri and Mr. Rowan don't live in the township, so they don't know what we're facing. Rumpke owns so many landfills and transfer centers, so why does it need to come here? Colerain will hire a person to sit a board and we can call them -- another position that we will pay for. Where will we be 15 years down the road? Read all about the money – the biggest issue behind this whole thing, not about what it will be like for his grandchildren.

Bill Burwinkel supports the settlement. Rumpke is a great company and a great asset to the community.

Don Heuer lives on old Colerain. He toured the landfill and saw the recycling facility. He is in favor of the settlement.

Bruce Slattery said that he lives on his family's property and is not sure the 3rd generation would live on the same property. We are in this for the long haul and need to think beyond dollars. Greed brought dump to the size it is now. It has grown and grown from other people's trash. He opposes the expansion and the Board should make sure we don't have to live with this.

Randy Hasty asked about what will happen to lost tax revenue with the loss of jobs when the landfill closes in 15 years. Rumpke is also a partner with Northwest Schools. How much will property tax go up by losing Rumpke in 15 years? He is in favor of the settlement.

Bradley Dunn said that he loves Colerain and the way he can see red foxes at home then be at the mall in 5 minutes. He is in favor of the settlement and supports family owned business.

John Revelee said he lives less than a mile from the landfill. He lived behind the mall and had more traffic and noise. He supports the settlement.

Ken Stidham lives 2 miles of landfill and sees the settlement as an opportunity to bring in funds and keep a large business in Colerain Township. He said to move forward with settlement

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Steve Schaefer said he likes the idea of the settlement but we need to have some adjustments. He said there should be provisions to get the reaction under control and maybe postpone this until it is resolved. The agreement also needs to address what would happen if the family sells the business.

Brenda Davidson is for the settlement without reservation. They are expanding on their land only and Colerain Township would benefit from the settlement. If landfill closes, there will be a loss of jobs.

Darlene Douglas said that Rumpke is a great neighbor and she is for the settlement.

Jill Rengerning said that she appreciates everyone who supports the Rumpke family. The settlement is good for Colerain. Rumpke didn't create the garbage, we did. They should not give free garbage collection to Colerain residents. There were 920 complaints about Rumpke, from the 55,000 residents. She said that doesn't sound like much to her

Gary Schwartz said he has an engineering background. He said there is a leachate problem. It's not burning because of the absence of air. This is a byproduct of decaying matter. It is negligent that they say it will just go on as there are ways of controlling this and diffusing the leachate. He said it was astounding to see the number of violations since the early 2000s. They are supposed to have scrubber systems put in place, but it's not a very good system. When it was not working, they couldn't tell us when it stopped. Problems not addressed and they just keeping getting violations. Real question – how can we expand a dump that has so many problems not being addressed or cured? How can we expand with so many problems?

Carl Hafer is against the settlement. He wants us to go to trial because we have a damn good chance.

Peg Steinmann is against the settlement as it seems to be weighted for Rumpke. It is only costing them some money and they are a huge operation. It doesn't do anything for us smelling the underground fire and our loss of property values. There should be ways to address this fire. Their job is to control this fire.

Ann Powers is in favor of the settlement. There are the financial benefits, but it gives us some control over Rumpke. People don't recycle, but Rumpke has make it easy to do so.

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Carl Walter applauded both sides for working on a good faith effort. He supports the settlement. We get benefits from Rumpke on a daily basis. It makes economic sense for the township on a whole.

Randy Ellert is retired fire battalion chief and Rumpke employee and he supports the settlement. It will allow for infrastructure improvements.

The Board took a five minute recess.

Bob Viox is for the settlement. Why anyone would want to have a company leave the community that employs as many people as Rumpke does. They are building their headquarters on vacant property. This will help improve roads, schools, parks, fire and police.

Jesse Hack – pretty sure people who support the settlement don't live within the circle on the map. The odor was so bad Wednesday, he had to leave his home. He said he's pretty sure the Board will ok this since that's what the business community wants. He would like to leave and live in another neighborhood. He didn't move closer, the landfill did.

Bill Brichler said he's hearing some facts and some bullfeathers. This should put on the ballot. He said they need to get someone in who knows what they're doing with the fires.

Andy Biedron supports the settlement and said the risk/reward seem pretty obvious in favor of the settlement

Rich McVay said that he represents POWER and said they have deep concerns. He reminded the Board of their responsibilities to represent the residents. It's time to close this chapter and lay the ground work for healthful future. The landfill sucks the quality of life from township. Bevis Elementary was shut down due in part to proximity to landfill. This settlement stinks – it's disturbing and disconcerting. The settlement flies in the face of all the Board is doing to turn the township around. He said to fight for the families and do not look weak.

William Nordman said Rumpke was a pit and now it's a mountain. They are using the same techniques now as they did in 1945. They should be at the forefront for new techniques for handling trash and recycling. They should be using the best technology will reduce landfill sizes. If you accept decree, there is no more risk, already lost.

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Caren Whitcomb said that the Rumpke family is part of the 1% and that money comes from the landfill. She said they are using their political power to get the Township to allow expansion. No citizens were informed or allowed to participate when they agreement was started to be discussed. In Tullytown, Pennsylvania, the landfill gives \$6,000 to each property owner to compensate. She said there is one choice – Rumpke should abide by zoning laws and drop the lawsuit today.

Kurt Fischer said he lives across from street and lost \$20,000 in value of his home. He can't open windows because of the stench.

Bob Cuffe smells the burning garbage, on 275 between Colerain and Hamilton. This shows that it's spreading. Calls to the EPA can't tell you how long or how big it will burn. The settlement is great for infrastructure, but won't affect taxes. There is no payroll tax, so that won't affect anything.

Virginia Woycke said that one of her proudest moments as a resident was when the trustees said no to Rumpke. They have only done things because they get caught. She is against the settlement.

Jay Welch is favor of the settlement. He said he can't imagine the generosity and support of the Rumpke family to offer this. Quit wasting tax dollars on lawsuits and move forward.

John Kerr said that he has looked at all sides and all aspects of the decision. There is a daily assault of trucks, with odors and leaking. They have doubled down with the perfume smell. Yes, he was aware of the dump when he built his home, but he was under the notion that it had just a few years left, and then the southern expansion happened. Now, they want to expand past his children's lifetime. If they lose or win, the things that bother him won't change.

Kevin Gerbus said that every day, he drives by Rumpke and sees expansion, but that doesn't bother him. It's the odor that bothers him. He has five small kids to endure the smell. They want to go out to play, but can't because of the odor. Get the dump fixed. The smell is such a huge deal. Can't turn off the a/c and enjoy windows open. Need to correct problems first.

Mr. Ritter made a motion to close the public hearing and Mr. Deters offered the second. The roll was called:

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Mr. Deters. "Aye"
Ms. Rinehart. "Aye"
Mr. Ritter. "Aye"

ADJOURNMENT

With no further business to come before the Board, Mr. Deters motioned for adjournment. Mr. Ritter offered a second. The roll was called:

Mr. Deters. "Aye"
Ms. Rinehart. "Aye"
Mr. Ritter. "Aye"

Fiscal Officer

Trustee

Trustee

Trustee