



KENT COUNTY BOARD OF PUBLIC WORKS

August 6, 2020

8:30 A.M.

**Earl G. Woodworth Building
Meeting Room Chambers
1500 Scribner Avenue NW
Grand Rapids, Michigan 49504**

MEMBERS PRESENT: Commissioner Brieve, Janes, Skaggs, Yonker, Bulkowski, Vonk, Antor

MEMBERS ABSENT:

OTHERS PRESENT: Darwin Baas, Director; Kimberly Williams, Finance Division Director; Alisha Barber, Office Manager; Nic VanderVinne, Resource Recovery and Recycling Manager; Molly Sherwood, Environmental Compliance Manager; Dan Rose, Solid Waste Operations Manager; Kristen Wieland, Marketing & Communications Manager; Katelynn Nettler, Resource Recovery Specialist; Constance Westgate, Environmental Engineer Technician; Linda Howell, Corporate Counsel; Craig Paull, Assistant Corporate Counsel II; Calvin Brinks, Purchasing/Fleet Services Manager; Steve Faber, Byrum & Fisk; Russ Boersma, Arrowwaste; Diane Druckenmiller, Arrowwaste; Charles Hauser, Granger Waste Services; Kelly Baker, Plunkett Cooney; Robert Swain, City of Grand Rapids

I. Call to Order

Meeting called to order at 8:30 a.m. by Chair Emily Brieve.

II. Consent Agenda

- A. Review and Approval of Minutes
- B. Approval of Monetary Outlays

Motion

It was moved by Commissioner Vonk and seconded by Commissioner Antor to approve the Consent Agenda.

The Consent Agenda was approved by the following vote:

YEAS: Commissioners Brieve, Janes, Skaggs, Yonker, Bulkowski, Vonk, Antor

ABSENT: None

NAYS: None

III. Administration

A. Service Awards

1. Molly Sherwood – Environmental Compliance Manager – 20 years
Director Baas presented staff member Molly Sherwood with a 20 years of service pin from Kent County.
2. Jeff Velthouse – Transfer Station Operator – 20 years
Director Baas presented staff member Jeff Velthouse with a 20 years of service pin from Kent County.
3. Kim Williams – Finance Director – 10 years
Director Baas presented staff member Kim Williams with a 10 years of service pin from Kent County.

B. Closed Session for Purposes of Discussing Litigation Strategy

Motion

It was moved by Commissioner Janes and seconded by Commissioner Vonk to meet in closed session pursuant to MCL 15.268(e) to consult with legal counsel regarding litigation in connection with a PFAS-related lawsuit, as an open meeting would have a detrimental financial effect on the litigation position of the Department of Public Works.

Roll call vote, time in at 8:41 a.m.

YEAS: Commissioners Brieve, Janes, Skaggs, Yonker, Bulkowski, Vonk, Antor

ABSENT: None

NAYS: None

Motion

It was moved by Commissioner Janes and seconded by Commissioner Bulkowski to end closed session and continue in open session.

Roll call vote, time out at 9:20 a.m.

YEAS: Commissioners Brieve, Janes, Skaggs, Yonker, Bulkowski, Vonk, Antor

ABSENT: None

NAYS: None

C. North Kent Landfill PFAS Cost Recovery – AR

Director Baas reviewed the action request. The Kent County DPW began accepting waste deemed nonhazardous, that contained PFAS-related contaminants, from Wolverine World Wide in December 1980 for disposal at the North Kent Landfill. This practice continued until the closure of the landfill at the end of 1986. Since closure, DPW discovered high levels of PFAS-related compounds in landfill leachate and surface water discharges. Ground water impacts affecting water supplies of nearby businesses and homes near the landfill have also been found. PFAS compounds have demonstrated adverse health effect and PFAS levels discharged from the landfill exceed surface water discharge regulatory limits and acceptable PFAS levels in water supplies. In response, the DPW tested and supplied several homes with whole-house filter systems and is planning to spend over \$3 million to install a pretreatment system to remove PFAS contaminants prior to discharge to the North Kent Sewer System or surface water. PFAS contamination from the landfill can be traced to the waste material received from Wolverine World Wide and DPW seeks to recover past and future costs of PFAS mitigation from the company. In consultation with Corporate Counsel and outside counsel, staff recommends pursuing a legal strategy against Wolverine World Wide regarding those costs.

Motion

It was moved by Commissioner Skaggs and seconded by Commissioner Bulkowski to approve the Department of Public Works (DPW) pursue a legal strategy, including potential litigation, against Wolverine World Wide to recover its past and projected future costs related to the PFAS-contaminated waste accepted from Wolverine World Wide at the North Kent Landfill.

The Action Request was approved by the following vote:

YEAS: Commissioners Brieve, Janes, Skaggs, Yonker, Bulkowski, Vonk, Antor

ABSENT: None

NAYS: None

D. Solid Waste Management Enforcement – AR

Motion

It was moved by Commissioner Vonk and seconded by Commissioner Antor to remove agenda item III-D.

The removal of III-D was approved by the following vote:

YEAS: Commissioners Brieve, Janes, Skaggs, Yonker, Bulkowski, Vonk, Antor

ABSENT: None

NAYS: None

IV. Environmental Compliance Management

A. 2019 Annual Surcharge Report

Director Baas discussed the 2019 Annual Surcharge Report. The report is done annually by DPW and is required by the Solid Waste Management Ordinance. It provides an accounting of the funds and an overview of the work completed in the past year. A copy was provided to the Board of Public Works and a copy will be mailed to haulers.

V. Waste to Energy Facility Operations

A. Refuse Crane Replacement – AR

Director Baas reviewed the action request. The Waste to Energy facility began commercial operation in 1990. The two refuse cranes feeding refuse to the boilers and transfer compactor have been in continual use for 30 years and are at the end of their service life.

In 2018, under the provisions of the operating agreement with Covanta Energy, DPW initiated an engineering review of structural, electrical, mechanical and control components of the existing cranes components to determine if refurbishment or replacement was warranted and how best to minimize disruption to the operations during the project.

DPW staff recommends crane replacement and to contract with Covanta Energy as the project manager on a cost-plus basis. The project duration is estimated to be 18 months. Total capital cost estimate is \$6,652,580, with a ten (10) percent contingency of \$665,258 budgeted for the project.

Motion

It was moved by Commissioner Janes and seconded by Commissioner Vonk to approve contracting with Covanta Energy for WTE refuse crane replacement on a cost plus basis in the amount of \$6,652,580 with a \$665,258 contingency budgeted for the project.

The Action Request was approved by the following vote:

YEAS: Commissioners Brieve, Janes, Skaggs, Yonker, Bulkowski, Vonk, Antor

ABSENT: None

NAYS: None

VI. Accounting & Finance

A. Adoption of DPW 2021 Accrual Budget – AR

Director Baas reviewed the action request. Each year the Department of Public Works prepares a Rate Study for its operations. This rate study is a cash basis income statement and its primary use is to set disposal rates to cover cash expenditures including wages, benefits, operating expenses, capital improvements and debt payments.

The budget submitted to the Controller's Office is a full accrual basis budget and audited financial statements are filed on this basis. Therefore, the rate study has adjustments for capital improvement plan expenditures, principle payments, landfill cell construction reserves and internal fund contributions.

Annual approval of a full accrual basis budget by the Board of Public Works streamlines and enables the Board to make any needed budget adjustments instead of bringing these requests to the full Board of Commissioners and was recommended by the County Budget Director for DPW enterprise funds.

Motion

It was moved by Commissioner Janes and seconded by Commissioner Antor to adopt the 2021 Accrual Budget for the Department of Public Works showing revenues of \$52,345,206 and expense of \$52,345,206.

The Action Request was approved by the following vote:

YEAS: Commissioners Brieve, Janes, Skaggs, Yonker, Bulkowski, Vonk, Antor

ABSENT: None

NAYS: None

VII. Director's Report

A. Recycling and Education Center Process Line Staffing

Director Baas provided an update on the Recycling and Education Center Process Line Staffing. Back in March, the Sherriff's Department suspended the Work Release Program because of COVID. With the unprecedented times, we are unable to gauge when this program would be reinstated. DPW adjusted by hiring temporary workers through the temp agency, FETTIG and will continue with this process for the foreseeable future.

B. Administrative Offices/SafeChem Update

Director Baas provided an update on the Administrative Office and Safe Chem.

- Progressive AE and Granger are working to make some changes to the building to reduce some costs. A refreshed concept will be provided soon.
- DPW and Corporate Counsel has started discussions with the City of Grand Rapids in changing the cul-de-sac to make room for a drive into the parking lot.
- After many discussions with Steve Warren from the Road Commission and understanding their trajectory, DPW is on track with preparing the site and building the offices to move in sometime next year.

VIII. Public Comment/Miscellaneous

Commissioner Bulkowski asked for an update on the Sustainable Business Park and movement towards request for proposal.

Director Baas stated that The Right Place held a business development meeting the day before and there were upwards of 40 plus questions submitted by offerors that are looking to respond to the RFP. The Sustainable Business Park – RFP responses are due September 30.

IX. Adjournment

The meeting was adjourned at 9:52 a.m.