

**BZA MINUTES****OCTOBER 18, 2004**

Members present: Charles Addington, Bill Davis, Gary Moore, Mike Blankley, James Trautman.

Members absent: Dale Clevenger, Jeff Prescott.

Staff present: Cathy Flatter, Executive Director, Jamie Stump, Recording Secretary.

Legal representation: Jason Welch.

Others present: See attached sheet.

The meeting was called to order by Chairman Charles Addington at 7:00 P.M.

Chr. Addington: Tonight the first thing on the agenda is, did all the board members receive the minutes from the last meeting? If you did, I need to get approval for the minutes of September the 13<sup>th</sup>.

B. Davis: So moved.

G. Moore: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). The minutes have been approved as written. Next thing, I will read this for the benefit of everyone here. The petitioner will be allowed to present the facts and arguments in support of his/her case without interruption by any other person. The board members will then be allowed to ask questions of the petitioner. Any interested person/parties sent a notice shall then be allowed to speak and present their facts and arguments uninterrupted. The board members may then ask questions of these interested parties. Other persons attending the meeting will then be allowed to speak to the board either presenting facts or questioning the board on any matter pertaining to the petition being heard.

BZA 2004-21-SP (Dave Hersberger, Ridgeville, IN)

Chr. Addington: First thing I want to do is ask you Mr. Hersberger, do you want to continue with this meeting or do you want to continue it until next month?

D. Hersberger: Yes I would like to continue it until next month.

Chr. Addington: Do I need to get approval from the board members?

J. Welch: He just wants to continue for one month?

Chr. Addington: Yes.

J. Welch: We generally just do that.

Chr. Addington: The next meeting is when? I don't have that.

J. Stump: November 15<sup>th</sup>.

Chr. Addington: November the 15<sup>th</sup> will be our next regularly scheduled meeting Dave if you want to continue it.

## BZA Minutes 10/18/04

D. Hersberger: Okay that is fine. Thank you.

## BZA 2004-22-SP (Rand. Co. Solid Waste Mgt., Winchester)

Chr. Addington: Next one on the agenda.

J. Welch: How many board members do you have?

Chr. Addington: Seven total. There has to be 4 at the meeting.

J. Welch: I was making sure.

Chr. Addington: If there wouldn't have been 4, we would have to continue the meeting. Bear with me for a minute. Next on the agenda is BZA 2004-22-SP, Randolph County Solid Waste Management, P.O. Box 443, Winchester, Indiana. The location is south side of Hwy. 32, beginning approximately 516 feet east of County Road 200 East. Special Exception to build a building for recycling. Steve Longnecker are you here? I couldn't see you back there. You need to identify yourself for the record. This is a recorded meeting.

S. Longnecker: My name is Steve Longnecker. I am the Director of the Randolph County Solid Waste Management District.

Chr. Addington: I need to ask you, did you send notices to all the surrounding property owners?

S. Longnecker: Yes I did.

Chr. Addington: Did you receive an Article V, Conduct of Hearing when you applied for the hearing?

S. Longnecker: Yes.

Chr. Addington: Jamie did we got those receipts back?

J. Stump: Yes we did.

Chr. Addington: Was it published in a timely manner?

J. Stump: Yes.

Chr. Addington: Okay Steve you can tell us what you would like to do.

S. Longnecker: There is a brief summary on the information I handed out to you. I guess I can read that to you but...

Chr. Addington: We've got that.

S. Longnecker: We are requesting a Special Exception primarily to rezone from agricultural use for this 1 acre of ground. We would like to put up approximately a 24' x 24', equivalent of a two car garage, to use as a receiving building. Right immediately behind that, put up a 12' x 24' building and that building may be a 10' x 20' depending on what we can afford of pre-fab storage building. Both these buildings would be on a concrete slab and the storage building would serve as temporary storage for materials collected until such times that we could have a contractor come in and remove the materials collected. The materials would be those identical to what we collect at the 4-H Fairgrounds for Tox-away day. I would estimate that we might have, it just depends on the turnout that we have on a year round basis but I would estimate that we would have perhaps 3 collections a year, where we have the contractor come in and pick up the materials that are in storage in the storage building. We anticipate 10 hours a month, 8 months out of the year for a total of 80 hours of operation a year.

## BZA Minutes 10/18/04

S. Longnecker: We think this gives a better opportunity or provides better service for the residents of Randolph County. We currently have a turn out of somewhere between 300 and 400 cars on a one day event. We just feel like that by offering this on a more of a year round basis, it serves to meet the convenience of the residents of Randolph County.

Chr. Addington: Board members any questions for Mr. Longnecker?

M. Blankley: What all does this include? Tires? Batteries?

S. Longnecker: Yes it would include, we take tires and appliances in addition to lead base paints, pesticides, insecticides, cleansers and that type of things. What we might do, we haven't worked out all the details yet but we might have special one item a weekend where maybe we would just take appliances in addition to the household products that we would take. On the 8 months out of the year we would be taking all the household waste products and the tires and automobile batteries.

M. Blankley: Correct me if I am wrong, but didn't we just give approval for Best Way to put one up in the old John Deere building?

Chr. Addington: That didn't work out some way did it Steve? I know in your testimony when we had the landfill meetings, you had testified that something happened, I don't know what?

S. Longnecker: We were negotiating with Best Way. On average it costs us about a little over \$22,000.00 by the time, for these one day events. Somewhere between \$22,000.00-\$23,000.00. That is what it has averaged the last 4 years. What we are trying to accomplish is we are trying to hold our costs about the same but offer service on a year round basis or closer to a year round basis. In negotiating with Best Way, the best possible price they offered us was \$27,500.00 just to man their facility. So essentially we would have been paying for the employee and they insisted that if they were going to provide the John Deere property for us that they wanted it on a year round basis. We don't think at this point at least, that there will be enough demand to have it open as many hours as they were proposing. We asked them to give us a quote on a per/hour basis and cut back to the 80 hour a year concept and see if there was the demand there and then if there was, why we might expand. They didn't seem interested in that. They said that the \$27,500.00 was the minimum they could go. It will cost us an estimated \$7 - \$8,000.00 a year to have the product removed. That was just to have a person manning, the \$27,500.00 was just a figure to have a person manning the site and collecting the items and then those items would have been in storage at that facility until we could have another contractor to remove them. That estimated cost on an annual basis is about \$7 - \$8,000.00. We would have been going from about \$23,000.00 figure up to a \$35,000.00 figure and that didn't include our promotion of it, I mean we will have an education effort and try to inform the residents of the County that this facility is available to them. We just didn't reach an agreement with Best Way on a price and we feel we have located this one acre of ground. Junior Burton currently owns that land and has roll-off bins there where folks can drop off white goods, appliances and such that they are finished with. One of the things we would like to accomplish with this, we recognize that this doesn't maybe create the best appearance as traffic comes in to the Winchester area from the east to see those roll off bins out there where scrap metal is being collected.

## BZA Minutes 10/18/04

S. Longnecker: We would like to move those roll off bins back around behind a hedge row that is out there and have a little better appearance for that particular acre of ground.

Chr. Addington: Is William Burton and Junior Burton, is that the same person?

S. Longnecker: Father and son.

Chr. Addington: Father and son, okay. The way I looked at this map, that would be south of the curve, where there is a driveway that curves around and goes back south? Would you be setting that in back of ....

S. Longnecker: Yes.

Chr. Addington: There is an old motor home sitting back there, it would be close to that?

S. Longnecker: The motor home is that the one that .....

Chr. Addington: Sits on the south side, I just saw it back there today. I didn't know it was back there.

S. Longnecker: Is that the one that faces, there is road 200 out there.....

Chr. Addington: No this one sits right there on the driveway. Just off the driveway going back south.

S. Longnecker: I think maybe Junior does have something back there.

Chr. Addington: I wondered if that was going to be where....

S. Longnecker: That would be removed also.

Chr. Addington: I knew it would be but I was wondering if that is about where the buildings will be sitting?

S. Longnecker: Yes. Actually the drive that is back there right now is only about 40 foot wide so we are going to about double the width of the drive and so our building would be back to the east of that home you are speaking of.

Chr. Addington: Those appliances that are sitting there now, is that stuff they have brought in that belongs to you guys?

S. Longnecker: Doesn't actually belong to us. Just residents have been taking it out there and dropping it off and then I think Burton has either been transporting it himself or having Richmond Recycling come up and pick it up.

Chr. Addington: Okay board members do you have any more questions?

G. Moore: Everything received out there would be stored inside?

S. Longnecker: All the chemicals, the pesticides, everything would be inside and here again, the tires create kind of a problem for us. Burton is going through the process of becoming registered with the State of Indiana as a tire processor and there are some strict regulations that are put on any tire processor in the state. The recent news events with CR3 over at Muncie, I think maybe most people are familiar with but they were violating some of those regulations and got in trouble. Burton doesn't intend to have the equipment to be able to process tires like that, they actually grind the tires up and create a crumb rubber product out of them or anything, he just has the equipment that he can quarter the tires so they can be shipped off the landfill and there might be times when tires would be collected out there and our plan is for those to be transported on back to the yard. I refer to the yard that was grandfathered in, I guess, when he purchased that land so he can process them and send them out to the landfill.

## BZA Minutes 10/18/04

S. Longnecker: There shouldn't be any, here again, the scrap metal is going to be back around behind, our intention is for it to be back around behind that hedgerow that is back there. My hope is that it is going to clean up the site, the appearance. There shouldn't be anything outside. We will have, for used oil and antifreeze or for those folks who choose to change their own oil and antifreeze, we will have containers out there where they can bring their oil and antifreeze out and put it in but those will be very similar to the containers or identical to the containers that we have at the county garage right now. We've got some other locations around the county, over at Farmland Auto Parts and so forth, but....

Chr. Addington: Are you going to have lights?

S. Longnecker: Yes we will have electricity.

Chr. Addington: Are you going to put a fence in?

S. Longnecker: On that crude drawing, we will have a fence around behind the back of the storage building, but as far as a fence around the entire acre, none is planned at the present time.

Chr. Addington: Tell me again about the lights.

S. Longnecker: Yes we plan to have electric service back there to that two car garage building.

Chr. Addington: Parking, will that be a problem?

S. Longnecker: I don't anticipate that it will. I don't think that this is going to be a facility that will have the kind of lines that we have at our tox-away days where we may have 8 to 10 cars in line waiting to get back there. That's, we hope one of the advantages to moving to an 8 month, 2 day a month operation where there are hours that folks can choose to come and drop off their materials. I would think three cars out there at one time would be kind of a crowd.

Chr. Addington: Any more questions board members? Thank you Steve. Any surrounding property owners that would like to speak about this? Please come up Sam.

S. Harris: I have a question.

Chr. Addington: Come up to the mike Sam because it is recorded so we have to help Jamie with her work here. Identify yourself for the record.

S. Harris: Sam Harris, I am representing my mother Irene Harris, who owns the ground directly across State Road 32 to the north. Is this going to be open to Randolph County residents only? Or is people from other counties and other states going to be able to.....

C. Flatter: Steve go ahead and come back up here and sit in that chair.

Chr. Addington: You can identify yourself again and answer Sam's question if you would.

S. Longnecker: Again, Steve Longnecker, Director of the District. It is only going to be open to county residents. We will ask for either drivers license or address, home address.

S. Harris: This is going to be manned by whom?

S. Longnecker: We will have two people there and in order to man this facility there is a 24 hour training that is offered, currently I am the only one that I know of at least in the county that has taken that training.

## BZA Minutes 10/18/04

S. Longnecker: We also intend to, Burton has, he himself and two of his employees will be taking the training in November, if we are approved for this so we will have four people on which we can draw on any two.

S. Harris: So you are talking about Hazmat training?

S. Longnecker: Yes.

S. Harris: Who is going to own the building?

S. Longnecker: The Solid Waste District will in agreement, own the land and the building. We've got an offer to purchase on the table but it hasn't been signed pending the results of your decision here.

S. Harris: So you are talking about an acre and a half of ground?

S. Longnecker: One acre.

S. Harris: One acre of ground. You are going to use the existing access to the wrecking yard off of State Road 32?

S. Longnecker: Correct.

S. Harris: Is that going to be a joint driveway for the Solid Waste Business and the wrecking yard?

S. Longnecker: Yes.

S. Harris: The county will purchase that acre of ground?

S. Longnecker: The county and the Solid Waste District are two separate entities. The Solid Waste District is negotiating for that piece of ground.

S. Harris: Has that ground been checked for tile ditches?

S. Longnecker: No not that I am aware of.

S. Harris: You have no intentions of tying into any county ditches then is that correct?

S. Longnecker: That is correct.

S. Harris: So there will be no restroom facility or water under pressure at that location?

S. Longnecker: For a restroom, as a matter of fact, I am looking into, I have talked to Howard Kindrift and I may be mispronouncing his last name, over at the State Board of Health, and explained to him the type of site we are going to have and his first suggestion was that we look into leasing port-a-potty to take care of it that way. I asked him if there would be any problems with either composting toilet or incineration unit and he said no, he thought those would work and gave me the name of the man over at the Department of Natural Resources, Tom, whom I've also talked to and he has had some experience with the composting toilets and he recommended them. He said that there are other spots around the state where they have those. He also indicated that he knew exactly what we were talking about in our drop off facility because he serves on a Citizens Advisory Committee, I believe, over in Boone County. As to your question on running water, I would like to have a well drilled so we do have running water out there. We will have to have an eye wash but we can have a free standing eye wash unit and...

Chr. Addington: Tell me what that is, will you please? The eye wash?

S. Longnecker: It is just in case somebody would ....

Chr. Addington: Oh I got you. I know.

## BZA Minutes 10/18/04

S. Longnecker: We will have to make arrangements for what they refer to as gray water or any water that would be, I guess in washing of hands or that type of thing. But it is my understanding also that we can have a storage tank for that type of water and then drain it. No more than two people out there and no more than it is going to be used 10 hours a month, I don't anticipate the generation of a lot of waste water.

S. Harris: I understand that. I believe the county needs something of this nature I would just like to make sure it is put up in a proper manner so it is safe for all residents around that area.

Chr. Addington: Board members do you have any questions? Thank you Sam. Anybody else that received a notice want to come up and talk to us about this?

C. Williams: My name is Charles Williams. My father owns the property right next.....

Chr. Addington: Please identify yourself at the mike.

C. Williams: My name is Charles Williams. My father owns the property right next to this hedgerow that you are talking about. I just became aware of this the other night because my dad is in West Virginia right now taking care of his uncle. I didn't know if this was a part of Burton's work and he didn't have a problem with it if it was closer back there to his facility but being right next to the property, the roll offs are right there, he said people come in all hours of the night throwing stuff away and I guess his basic concern is that, plus if you have an open ditch there a stone's throw away from that and that is basically his concern. Like the John Deere property, we thought that was already set up for recycling so he just wanted to make sure his point was expressed, I guess.

S. Longnecker: I guess if I could address one of those concerns, one way that we could possibly control some of that night drop off would be to put a gate out here at the front of this drive and eliminate the late night drop off. We will also have a security light out there at the garage building or what we are referring to as the receiving building, which might discourage or limit any mischievous activity out there late at night.

C. Williams: So you are talking about building right back straight behind here?

S. Longnecker: This one acre that we would have would be just adjacent to....

C. Williams: So you are right out on the highway then?

S. Longnecker: Yes. It is 200 feet of frontage on 32.

C. Williams: Okay. So when you were discussing it there earlier I thought you were talking about putting it all back behind.

S. Longnecker: We were discussing about moving the roll off bin that is currently right along here, moving it back here in this area.

C. Williams: I see what you are saying.

S. Longnecker: Here is the access drive right now and here is the roll off bin right there. If we move it around both to the west and to the south, around here....

C. Williams: That still isn't improving his opposition, I guess, but....

S. Longnecker: Would a gate up there that would prevent the late night....

C. Williams: I am sure a gate would help a lot of that going on all hours and stuff.

Chr. Addington: Do you think a night light would be helpful?

C. Williams: It wouldn't hurt but .....

## BZA Minutes 10/18/04

B. Davis: Steve to your knowledge is there a lot of items being dropped off right now?

S. Longnecker: I am sorry?

B. Davis: To your knowledge is there a lot of items being dropped off late at night?

S. Longnecker: I wasn't aware of the late night drop offs, no.

B. Davis: But you wouldn't know what time of hour they drop it off but are there people dropping.....

G. Moore: Other items appearing right now?

S. Longnecker: All through out the day, yes. Yes.

C. Williams: So it would be scheduled hours open?

S. Longnecker: I don't want to give the impression that someone is going to have to contact Burton or us and set up an appointed time to drop off items but I am hoping that we can have a little more control of the unscheduled drop off items that you are talking about right now.

C. Williams: I am saying you close the gates at 5:00 P.M., that type of deal?

S. Longnecker: I had not discussed that with Burton and we won't have an employee out there at the site every day although I drive right by this site as I leave work and I usually leave around 4:30 in the evening so I could stop off and close that gate if we had a gate up there.

Chr. Addington: Does Mr. Burton have to use that gate then after that?

S. Longnecker: Yes, well.....

Chr. Addington: But he could have a key or something to unlock it or whatever?

S. Longnecker: Right.

Chr. Addington: Any more questions from the board?

J. Trautman: Burton owns a junkyard back .....

S. Longnecker: By the airport.

J. Trautman: Okay but it is back away from this area then? On the photo is shows some stuff way back there. People are just pulling in there and dropping things off at the very front?

C. Williams: He's got a couple of roll offs sitting there for like stoves and refrigerators and stuff. People come way up.....

J. Trautman: And if those are moved to your side of the property, in back of the building then they won't be there for people to drop that stuff off. I mean they won't be able to see it right off without .....

S. Longnecker: Right, they won't be as visible.

J. Trautman: It could eliminate some of that and if it is posted that it is going to be on certain days, it is going to be open for that particular stuff then hopefully the people would not drop things off but that is another thing too.

S. Longnecker: We could include that in some of the education material that we send out or the way that we promote or advertise this that drop off of scrap metal will be accepted the day and a half that the facility is open. That will significantly, right now that is, as you know, open, I guess, all the time and year round.



## BZA Minutes 10/18/04

C. Williams: He has a cable he strings across on back there. It is still open to the roll offs. When his yard is closed he strings cable off.

Chr. Addington: Do you have a question Mike?

M. Blankley: Is that going to force people to just drop it off in the ditch out on 32? You can put a gate up there and lock it and everything else, but are they just going to pull along side and push it off the back end of the truck and go on?

S. Longnecker: It certainly would be a possibility. I can't speak for all people and I know that the last two years at least on tox-away day we've had folks bring some things out Friday night, the night before or we advertise that we will be open maybe at 9:00 and this year by 9:00 we had already had 30 cars go through the line to drop stuff off. Folks want to get there first and get there early. I certainly hope they wouldn't drop stuff off out there along 32. There is a church just down the road. Neudecker's is across the road. I can't offer any guarantee, I don't know.

Chr. Addington: Any more questions board members? Mr. Williams? Thank you. Who else wants to speak about this? Anybody else that is a surrounding property owner? Board members we are ready to.....

B. Davis: Charles I would just like to share my thoughts with the board.

Chr. Addington: Sure.

B. Davis: I liked the idea but I also would like to see a gate there with locks after....

Chr. Addington: I believe, if I am thinking right, he testimony would be part of the plan, is that right?

C. Flatter: Well, what one of the board members would need to do if they want to make that a stipulation with the motion to take action, they can do that and then that becomes a requirement of the approval.

Chr. Addington: It would also be part of the plan right?

C. Flatter: Yes.

Chr. Addington: His plan that he submitted on, I forget what page it is on here.

C. Flatter: Well yes, it would be right here on the second page. If the BZA wants to make it a stipulation it has to be done with the motion to take action and then it is a requirement, it is not just something that he said that he could do. He has to do that.

Chr. Addington: Sam do you want to come back up here? Identify yourself again please.

S. Harris: Sam Harris. Do you have a picture of the layout of where you want to set this at?

S. Longnecker: Here is 32 and here right now is where the roll off bins are sitting. That is about a 40 foot wide drive back there and we plan to get that drive wider so we would put the gate I would think all the way back here because as long as the roll off bins are situated back here, if we had, and that is pretty normal, 80 feet across there.....

G. Moore: Where are the roll offs now Steve?

S. Longnecker: The roll offs are sitting right here.

S. Harris: Right here is the existing property line. Correct?

S. Longnecker: Yes.

G. Moore: This is the Williams property here?

## BZA Minutes 10/18/04

S. Longnecker: Yes.

S. Harris: The distance .....

S. Longnecker: Two hundred feet from the property line over to where we want to put, it still allows 200 foot between our east property line and where the church is over here.

S. Harris: Okay. How far back from the road do you plan to establish this building?

Chr. Addington: You guys need to speak up a little bit we can't hear you.

S. Longnecker: Okay. The question is, "How far back from Highway 32 would the front of the 24' x 24' building be?" Approximately 150 feet back from 32.

Chr. Addington: One hundred and fifty feet back and that would be, those other buildings going to be, I see them here, one is going to be north and the other is going to be south of the other one, right?

S. Longnecker: Yes.

S. Harris: My biggest concern is there is a tile ditch runs right through here right underneath 32.

S. Longnecker: Okay.

S. Harris: Surface water will flow through that on a hard rain and if you have no way, undoubtedly you are going to have to have water under pressure. You are going to have to have a collection tank in case you ever have a spill, you are going to have to be able to contain it and clean it up. If it overflows during a hard rain, it is going to go right down through here.

S. Longnecker: Okay.

S. Harris: There is a culvert that sits right here underneath 32 and a tile ditch that runs from right here underneath 200 East and down to that creek.

S. Longnecker: This area right in here has been a bad area in times of heavy rain, right where the driveway is. We anticipated having to do some grading to relieve that problem.

S. Harris: Where are you going to put that water? Over on me? That is what I don't want.

S. Longnecker: Okay. I guess my hope was, and I am not enough of an engineer to know whether this can be accomplished or not, but my hope was that it could stay on this side of the road but not pool here or not form the pond that it does.

S. Harris: With that culvert directly in front of this gentleman's dad's house here, it is not going to pool it is going to go right underneath. The creek runs back in this area and there is a tile ditch that comes about, I believe, 2/3 of the way up to this lane, because this lane didn't used to be there. It was just all fields.

C. Flatter: Is this just a normal drainage tile? It is not a county ditch that you are talking about?

S. Harris: No, it is a culvert underneath the road.

C. Flatter: Okay. Is there a water problem now? Like on the north side of 32, is there a water problem?

S. Harris: I just put a new ditch in there last year.

C. Flatter: So you don't have standing water in the field across the highway?

BZA Minutes 10/18/04

S. Harris: If it does, it comes up and goes down. But I also don't want contaminated water flowing across that crop ground. I hope it never happens. I don't want to also be looking at that situation some time. That is my biggest concern, is the high water and where is it going to go? If you've got this contained so that your holding tank will hold 500 times whatever you'd have inside there, you know, water should not get in there but if something should happen, I would just like to be able to see it be contained.

C. Flatter: Obviously I missed out on the very first of the meeting, but are you regulated? Is this type of facility regulated through IDEM? Are you going to have to get any kind of approval through them? Did you, I don't know if you stated anything about that before I got here.

S. Longnecker: No I really didn't address any approval from IDEM. IDEM is encouraging districts to move away from these one day collection events and provide service on more of a year round basis. The type of storage building that these materials would be stored in, are approved. A prefab structure shall have nominal exterior dimensions, a 12' x 24' is the one that we are looking at, a portable building shall be designed as a separate detached structure intended for storage and containment of flammable and combustible liquids and household waste materials as defined by IDEM. The wall system shall be a 2 hour fire rated load bearing construction. The building will be equipped with one set of 60" x 80" high double doors that will also be fire rated doors. There will be an explosion relief construction type of building with secondary spill containment sump. The building shall be designed with an integral spill containment sump located beneath the floor deck. The floor shall be elevated to prevent stored containers from coming in contact with spilled materials in the secondary containment sump. The sump shall contain spills equal to 25% of the buildings total rated storage capacity. I don't anticipate that we would ever have the building stored to capacity because we are going to be having a contractor coming in and picking up the materials when it gets half full or  $\frac{3}{4}$  full.

Chr. Addington: Those contractors, are they dependable? They come when you ask them?

S. Longnecker: They have been very dependable for us. There are several contractors that we will probably get quotes from several different ones but Safety Clean is the one that we use for our oil and antifreeze containers that we have throughout the county. I don't know, we have called them and had them over on the same day. It depends a lot on whether it is a regular route pickup and they happen to be in the area or not. The 12' x 24' building has a capacity of 55, 55 gallon drums. If we go with the smaller building, the 10' x 20' building has a capacity of 36, 55 gallon drums. Now I am saying probably 18 to 25 drums and we would be calling them and asking them to come and get them.

Chr. Addington: You think there is a concern like Sam said here about if you have a heavy rain or something that that could, is there any contaminants that could get over on the Harris side?

S. Longnecker: Certainly not if they are stored properly and I mean, I am not going to make any guarantees.....

## BZA Minutes 10/18/04

C. Flatter: There are no guarantees.

Chr. Addington: No, I understand that. Your turn will be next.

J. Trautman: Most of your stuff then will be stored inside the building?

S. Longnecker: Yes.

J. Trautman: The contaminants will be in 55 gallon drums inside the building?

S. Longnecker: Right.

B. Davis: Steve even if you didn't get this building, you still have the right, if I am hearing this right, to allow the oil and antifreeze to be dropped off out there now?

S. Longnecker: No.

C. Flatter: He has different locations throughout the county that accepts it.

B. Davis: Right, but could he, if he wanted to ship it out there, could he have it out there without any storage at all? Without approval?

C. Flatter: Well if you don't know it? I can't stop something that I don't know but people are not supposed to do things like that. What they are dropping off now is scrap metal and things like that.

S. Longnecker: Yes they are.

B. Davis: Right but you have a place right now, the recycling bins right?

S. Longnecker: Yes.

B. Davis: Could you move those, I am just posing a question, could you move those out there where you are at? Without being....

C. Flatter: Like the ones that are at Marsh?

B. Davis: Right.

C. Flatter: Yes.

B. Davis: Okay does that hold the oil and everything?

C. Flatter: No.

G. Moore: Those are self contained.

S. Longnecker: Those bins are for paper and aluminum and plastic.

C. Flatter: This is just toxic.

B. Davis: My point was, I mean, I don't see how, I am in favor of this but I guess I am not seeing how the oil or anything could be transferred over to Harris's property if it is properly stored.

J. Trautman: Working in a factory, the facilities, you never know when, I don't know how you are going to move these tanks, if you are going to have fork trucks or whatever to lift these things or are you going to stack them on top of each other or are you going to palletize them? If you are going to have some kind of moving thing and there is just that possibility that that fork will go through a tank or a 55 gallon drum because even if they are plastic, they are really not that strong. You can get a spill real easy in a facility like that but as long as you have the socks and the stuff that actually stops it from getting out of the building, I don't see any problems, the problem would be the people inside.

C. Flatter: That is what the sump is for. That contains, what did you say, at least 25% of what the building would hold?

S. Longnecker: Yes.

Chr. Addington: All those barrels will be stored in that building right?

## BZA Minutes 10/18/04

J. Trautman: There is a way of an accident or a spill out there but if it is contained inside the building, unless you get the 100 year rain or the Noah flood, I don't really think it would get out of the building to the point where it would go to Mr. Harris's property.

G. Moore: The oil and the antifreeze containers actually won't be in, they are self contained units correct?

S. Longnecker: Yes.

G. Moore: They have, it has been a while since I have taken anything out to the county barn, but I believe it has a cover on the top and you push it up.

S. Longnecker: Right and those have gotten to the point where they look pretty bad sometimes just from spills and I am hoping this facility the ones will be a little more controlled, in other words, we may actually have those containers sitting inside the two car garage where whoever the attendant is or attendants, will be the ones pouring those materials into those containers.

Chr. Addington: They won't be able to bring those in any time they want to? It will be whenever those certain days are, certain hours?

S. Longnecker: Right.

G. Moore: I would also like to express and I think it is going to go along with what she came up here, the Solid Waste District is in business to dispose of waste properly, I mean, I don't want to lose track of that, so I don't think.....

C. Flatter: To prevent contaminations.

G. Moore: Right.

C. Flatter: That is what they are in business for.

G. Moore: Right tox-away days and stuff like that is all part of this organization. I don't want to lose sight that, I really believe that everything is going to be done properly and to the letter of the law of how it should be done.

S. Longnecker: We are calling the center of the pollution control and prevention center. We are really trying to put some control on the improper disposal of these materials.

Chr. Addington: Identify yourself please.

L. Orr: My name is Lynn Orr and I am the educator with the Solid Waste District. One thing, is it Sam?

S. Harris: Yes.

L. Orr: This building is self contained. It is not like a pre-fab thing that is put up. It is totally sealed. It is all self-contained. It is attached to a concrete pad but it is, I mean it just sets there on it. It is moveable. It is a self contained solid structure. It would really take a lot of something to leak out of the bottom of it. As far as, you are right, I mean, we are, that is what we are supposed to do is take care of some of these things that you don't want dumped down your drain or down the ditch or thrown all over. It will take some trial and error as far as taking care of the appliances and tires and that sort of thing. We don't know. I was expecting 500 cars out at tox-away day and we only had 400. I always want more so we may be overwhelmed with it. It is a starting place and it is something we have to do. The state is really pushing and advocating for these year round sites rather than the tox-away one day days.

## BZA Minutes 10/18/04

L. Orr: Look at out at the fairgrounds, they have had it out there for 9 years and they have never had a spill problem. It is something that we just have to do. We really don't have any choice. We have to make these things available and teach the people that this is the way to do it, instead of just throwing everything in the landfill.

B. Davis: Steve going back to my, I guess, what I am going to make a stipulation on, I would like to see a gate with a lock and no business after a certain hour. What would be a fair hour to lock it? Five, six or seven o'clock?

S. Longnecker: I would say that it would almost rotate in the summer I could say 7:00 or 7:30 P.M. or maybe even 8:00 P.M. But in the winter I would think you would want it closed by about 4:30 P.M. I just don't think you want people out there after dark.

G. Moore: Can we stipulate it to the fact like Bill is trying to say to work with Mr. Williams' father. Obviously you have talked to him about getting with him or his father and trying to work out his issues or concerns and I think you've done the same with Sam here. I don't know if we can put anything in there like that.

C. Flatter: Actually if you are going to make a stipulation you need to make it specific. But specific also could be with the seasonal darkness time.

G. Moore: Okay.

C. Flatter: So that would work but I wouldn't say just whenever it gets dark. Like in the summer, 7:30 P.M. and in the winter no later than 4:30 P.M. or 5:00 P.M. something like that.

S. Longnecker: The one concern that Mr. Burton has expressed to me was, and I think this goes along with the stipulation that there be a gate up there, would be that the gate would be far enough back that if a semi or one of his trucks or something came along and was trying to pull off of 32, it would have room to get all the way off of 32 so that it wouldn't be blocking traffic out there.

Chr. Addington: Maybe back about where the cable is now or something?

S. Longnecker: Yes.

C. Flatter: That only makes sense.

J. Trautman: That curved part there is a driveway right?

S. Longnecker: Yes. I was just trying to indicate that there is going to be some kind of a turn around that is not set in stone of that layout.

Chr. Addington: So go ahead with your statement .....

B. Davis: My stipulation.

Chr. Addington: Yes the part of the plan of action, I guess.

B. Davis: All right.

C. Flatter: This is a motion to take action. This is in the motion to take action. He is making a stipulation. So if we have no further questions.

Chr. Addington: Yes if there is not anymore. Are you, Miss Orr do you have anything else? Anybody else back there have anything? I guess not. Thanks.

B. Davis: My motion to take action would be to have a stipulation in this indicating that there be a gate with a lock and it would be locked at seasonable hours for darkness.

Chr. Addington: How about a light?

B. Davis: And with a security light as indicated.

BZA Minutes 10/18/04

Chr. Addington: Anything else you want to put in there? I'll need a second to that motion.

G. Moore: I'll second it.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Now I need a motion for a roll call vote.

G. Moore: So moved.

B. Davis: Second.

Chr. Addington: All in favor say aye. "Ayes". Opposed (none). Jamie we are ready for a roll call vote on BZA 2004-22-SP.

A roll call vote was taken: Dale Clevenger, absent; Charles Addington, yes; Mike Blankley, yes; Bill Davis, yes; Gary Moore, yes; Jeff Prescott, absent; James Trautman, yes.

Chr. Addington: Your petition has been granted.

S. Longnecker: Thank you very much.

Chr. Addington: Mr. Hersberger did you want to come back up for something?

D. Hersberger: No.

Chr. Addington: So your part is continued to the next meeting which is the 15<sup>th</sup>, is that right Jamie?


J. Stump: Yes.

Chr. Addington: Thank you. Is there anything else we need to discuss?


C. Flatter: I have nothing else.

The meeting adjourned at 7:55 P.M.

THE NEXT REGULARLY SCHEDULED MEETING WILL BE HELD NOVEMBER 15, 2004 AT 7:00 P.M. IN THE COMMISSIONERS CONFERENCE ROOM (ON THE 2<sup>ND</sup> FLOOR) OF THE RANDOLPH CENTER FOR FAMILY OPPORTUNITY, WINCHESTER, INDIANA.

  
Charles Addington, Chairman

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Mike Blankley, Vice Chairman

  
Jamie Stump, Recording Secretary

