

**RSWA BOARD OF DIRECTORS**  
**Minutes of Regular Meeting**  
**July 30, 2001**

A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held on Monday, July 30, 2001, at 3:20 p.m., in the Conference Room, Administration Building, 200 Franklin Street, Charlottesville, Virginia.

Board members present: Mr. Richard Collins, presiding, Mr. Jack Kelsey, Mrs. Judith Mueller, Mr. Gary O'Connell, and Mr. Robert Tucker

Authority staff present: Mr. Cole Hendrix, Mr. Lonnie Wood, Mr. Wayne Stephens, Mr. Bruce Edmonds, and Ms. Carol Wiles

Also present: Mr. Kurt Krueger, RSWA Attorney, the media, and the public

**1.0    Call To Order**

The regular meeting of the RSWA Board of Directors was called to order by Mr. Richard Collins, Chairman, on Monday, July 30, 2001, at 3:20 p.m., and a quorum was present.

**2.0    Minutes Of Previous Meeting**

Upon motion by Mr. Tucker and seconded by Mrs. Mueller, the Board of Directors approved the minutes of the regular meeting held on Monday, June 25, 2001.

Upon motion by Mr. O'Connell and seconded by Mr. Tucker, the Board of Directors approved the minutes of the special meeting held on Thursday, July 12, 2001.

**3.0    Items From The Public**

Mr. Ed Strange, Ivy, Virginia, commented that there is mud on the road outside the entrance of the landfill.

Mr. Strange expressed his concerns on the way the coal ash material is being stored at the landfill, and stated that he would like to see this contained. He also commented that he reviewed the tipping fee for 1991 and realized that it is cheaper to dispose of ash today than it was in 1991.

Mr. Strange commented on the year end figures for the Financial Trust Fund. Mr. Strange stated if Rivanna cannot make a profit on an unlined cell then why would Rivanna consider building a new cell.

**4.0    Consent Agenda**

Mr. Collins asked if there were any items that the Board members would like to discuss regarding the Consent Agenda items.

RSWA Board Minutes  
4.0 Consent Agenda Continued  
July 30, 2001

- a) Staff Report on Finance
- b) Material Utilization Center Manager's Report
- c) McIntire Road Recycling Center/Paper Sort Recycling Operations Manager's Report

Upon motion by Mr. Tucker and seconded by Mrs. Mueller, the Board of Directors approved items a), b), and c) on the Consent Agenda.

**5.0 Other Business**

In regards to item 5a) Letter of Credit Discussion and Approval, Mr. Wood briefed the Board on the Letter of Credit and it was noted that a moral obligation from the City and the County will be needed to move forward. Mr. Wood also commented that the delay in Cell 5 makes this less urgent.

**6.0 Other Items From Board/Staff Not On Agenda**

Mr. Hendrix, stated that on Friday, July 27, 2001, he had received a letter from the Commonwealth of Virginia, Department of Environmental Quality (DEQ) in regards to the ACM [Attached]. Mr. Hendrix stated that he will propose to develop a Request For Proposal to be sent to the four firms that RSWA initially requested proposals from and ask them to respond within a couple of weeks. Mr. Hendrix said that then he will present the responses at the next Board meeting.

Mr. Hendrix said that he had also received a letter from DEQ in response to former Delegate Harris' letter [Attached].

Mr. Hendrix reported that the well monitoring project that was a part of the settlement agreement of last fall has now been accomplished. He stated that this was completed in accordance with the timetable set for monitoring of the sentinel wells and domestic drinking water wells of certain plaintiffs in that lawsuit. Mr. Hendrix said that he was happy to report that there were no organic target compounds detected in any of the sentinel wells.

Mr. Hendrix said that if Cell 5 were to be pursued and permitted the earliest opening date would be about May 1, 2002.

Mr. Hendrix also reported that the staff is working on alternatives for the disposal of CDD. He stated that they hope to have some of the alternatives worked out and sent to the Board within the next week to ten days. He said that Cell 2 will be closed on September 1, 2001.

**7.0 Items From The Public**

Mr. Ed Strange, Ivy, Virginia, stated that RSWA is going to have more delays and more expenses, and Cell 5 might not happen by May 1, 2002. Mr. Strange stated that the Public Procurement Act states that any project that is over \$5,000 has to be put out for Bid.

## **8.0 Closed Meeting**

Mr. O'Connell moved and Mr. Tucker seconded a motion that the Board of Directors of the RSWA enter into a closed meeting for matters permitted by § 2.1-344 (A) (7) of the Code of Virginia, for consultation with legal counsel and briefings by staff members, consultants or attorneys, pertaining to the Ivy Landfill litigation, or other specific legal matters requiring the provision of legal advice by counsel. All voted aye.

Attendees: Mr. Tucker, presiding, Mr. Kelsey, Mr. Graham, Mr. O'Connell, Mrs. Mueller, Mr. Krueger, Mr. Wood, and Mr. Hendrix.

## **9.0 Resumption of Open Meeting**

Upon motion by Mrs. Mueller and seconded by Mr. O'Connell, the Board of Directors voted to end the closed meeting and reconvene the open meeting at 4:55 p.m.

Mrs. Mueller made the following motion, which was seconded by Mr. O'Connell:

WHEREAS, the Rivanna Solid Waste Authority Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the Rivanna Solid Waste Authority Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rivanna Solid Waste Authority Board hereby certifies that, to the best of each member's knowledge, ( i ) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Rivanna Solid Waste Authority.

There being no further discussion, Mr. Collins called for a roll call vote: Mrs. Mueller-Aye, Mr. O'Connell-Aye, Mr. Collins-Aye, Mr. Tucker-Aye, and Mr. Kelsey-Aye.

## **10.0 Comments From the Board of Directors**

Mr. Tucker made a motion and Mrs. Mueller seconded, that the Board of Directors approve the form of the First Amendment to Agreement of the Municipal Solid Waste Disposal between the Rivanna Solid Waste Authority and BFI in the draft presented to the Board of Directors on this day with such further changes as the Executive Director may negotiate with BFI. All voted aye.

**11.0 Adjournment**

Mrs. Mueller made a motion for adjournment and it was seconded by Mr. Kelsey. All voted aye. The meeting adjourned at 5:57 p.m.

Respectively Submitted,

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Mr. Gary O'Connell  
Secretary – Treasurer