

RSWA BOARD OF DIRECTORS
Minutes of Regular Meeting
August 27, 2001

A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held on Monday, August 27, 2001, at 3:37 p.m., in the Conference Room, Administration Building, 200 Franklin Street, Charlottesville, Virginia.

Board members present: Mr. Richard Collins, presiding, Mr. Mark Graham, Mr. Gary O'Connell, and Mr. Robert Tucker

Board member absent: Mrs. Judith Mueller

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

Also present: Mr. Kurt Krueger, RSWA Attorney, 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, August 27, 2001, at 3:37 p.m., and a quorum was present.

2.0 Minutes Of Previous Meeting

Upon motion by Mr. Tucker and seconded by Mr. O'Connell, the Board of Directors approved the minutes of the regular meeting held on Monday, July 30, 2001.

3.0 Items From The Public

Mr. Ed Strange, Ivy, Virginia, made several comments. The first being the amount of MSW and CDD received last month. He continued by saying the investment income seems to be declining every year and this year there is a lot more interest income than projected. He commented on the dried dirt on the road at the entrance of the landfill. He asked if there was going to be anything done with the trailers parked at the guardrail. He commented that the truck traffic is heavier than usual. Mr. Strange also asked for an update on the ash containment.

Mr. Hendrix stated the Authority staff had spoken with DEQ on the ash, and he is waiting on their response. Mr. Hendrix also said that the truck traffic will probably be horrendous this week due to people trying to meet the deadline of the closure of Cell 2 at the landfill this Friday. Mr. Hendrix said that they have submitted to the County the amendments to the landfill site plan **with respect to the transfer station** and as soon as this is approved we will move forward to make the changes. Mr. Wood said that most of the interest income is in the construction fund, and if Cell 2 closes quickly interest income will go down substantially.

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.

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

There were no comments on the Consent Agenda.

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

5.0 Other Business

In regards to item 5a), Citizens Advisory Committee Minutes for May 15, 2001, there was no discussion.

6.0 Other Items From Board/Staff Not On Agenda

Mr. Hendrix said that plans are being made to close Cell 2 at the end of this week, Friday, September 1, 2001. He asked the guidance of the Board regarding running an ad in the newspaper to inform the public of Cell 2 closure and to provide them with information on services the landfill will continue providing. The Board agreed that such an ad needed to be run to inform the public.

Mr. Hendrix said that he had previously given the Board a contract with Joyce Engineering to provide engineering services for the Cell 2 closure project. Mr. Hendrix stated that this project will need to be supervised by a qualified engineering firm because it will need to be certified to DEQ. Mr. Hendrix recommended the Board enter into a contract with Joyce Engineering for three tasks:

1. Consulting to close Cell 2
2. Erosion and Sediment Control Plan submitted to Albemarle County
3. Construction Quality Assurance and Certification.

A qualified person will have to be on site to make sure that the work is done in accordance with DEQ's regulations. Mr. Hendrix stated that the estimated cost is \$79,000.00.

Upon motion by Mr. Tucker and seconded by Mr. O'Connell, the Board of Directors authorized the Executive Director to sign a contract with Joyce Engineering under the master agreement [which runs for another 3-4 years] for professional engineering services for Cell 2 closure. All members voted aye.

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Mr. Hendrix stated on August 30, 2001, proposals will be received from consultants for the paint pit examination. He said due to the deadline to send a report to DEQ by December 15, 2001 a contract will need to be awarded as soon as possible. He said that he would like to engage a City staff and a County staff person to review these proposals from a technical perspective and get their advice.

Upon motion by Mr. Tucker and seconded by Mr. O'Connell, the Board of Directors approved that the Executive Director sign the contract for the paint pit examination up to \$150,000. All members voted aye.

7.0 Items From The Public

Mr. Ed Strange, Ivy, Virginia, asked what is the last day for receiving CDD at Cell 2, Friday or Saturday?

Mr. Hendrix stated that Friday will be the last day for burial of CDD.

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) (3) of the Code of Virginia, for consultation with legal counsel for consideration of the condition, acquisition or use of real property and § 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. Collins, presiding, Mr. Graham, Mr. O'Connell, Mr. Tucker, Mr. Krueger, Mr. Wood, Mr. Potter and Mr. Hendrix.

Board member absent: Mrs. Judith Mueller

9.0 Resumption of Open Meeting

Upon motion by Mr. Tucker and seconded by Mr. O'Connell, the Board of Directors voted to end the closed meeting and reconvene the open meeting at 5:14 p.m.

Mr. Tucker 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

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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:
Mr. O'Connell-Aye, Mr. Collins-Aye, Mr. Tucker-Aye, and Mr. Graham-Aye.

10.0 Comments From the Board of Directors

Upon motion by Mr. O'Connell and seconded by Mr. Tucker, the Board of Directors approved a settlement agreement in the Booth V. RSWA Interpleader Action in the terms set forth in the agreement passed to the Board of Directors pursuant to which the Authority shall pay to the Booths in the sum of \$160,000 in cash as full and final settlement of all monetary obligations under the June 16, 2000 Settlement Agreement [attached]. All members voted aye.

11.0 Adjournment

Mr. Tucker made a motion for adjournment and it was seconded by Mr. O'Connell. All voted aye. The meeting adjourned at 5:15 p.m.

Respectively Submitted,

Mr. Gary O'Connell
Secretary – Treasurer