

RSWA BOARD OF DIRECTORS
Minutes of Regular Meeting
October 22, 2001

A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held on Monday, October 22, 2001, at 3:55 p.m., in the Conference Room, Administration Building, 200 Franklin Street, Charlottesville, Virginia.

Board members present: Mr. Richard Collins, presiding, Mr. Mark Graham, Mrs. Judith Mueller, and Mr. Robert Tucker. Board member Mr. Gary O'Connell joined the Board during the meeting.

Authority staff present: Mr. Lawrence Tropea, Mr. Gene Potter, Mr. Wayne Stephens, Mr. Lonnie Wood, Mr. Bruce Edmonds, and Ms. Carol Wiles.

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

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, October 22, 2001, at 3:55 p.m. and a quorum was present.

Mr. Collins stated that like many individuals and groups, the Board of Directors would like to express their condolences in regards to the passing of Senator Emily Couric.

2.0 Minutes Of Previous Meeting

Upon motion by Mr. Tucker, and seconded by Mrs. Mueller, the Board of Directors voted to approve the minutes of the regular Board meeting held on Monday, September 24, 2001.

Upon motion by Mr. Tucker, and seconded by Mrs. Mueller, the Board of Directors voted to approve the minutes of the special joint Board meeting held on Monday, October 9, 2001.

3.0 Items From The Public

Mr. Ed Strange, Ivy, Virginia, commented on the April 2001 levels of contaminants found in the groundwater monitoring wells at the landfill. He also asked for an update on the paint pit investigation. Mr. Strange also asked about the 14 tons of CDD that was reported in the September 2001 financial report. Mr. Strange continued by asking about a new expense item appearing for Cell 5. Mr. Strange also suggested to the Board of Directors that they look into having the Tires/White Goods segregated for revenue purposes (attached).

3.0 Items From The Public Continued

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Mr. Tropea committed to reviewing the groundwater monitoring data.

Mr. Hendrix stated that RSWA is moving forward on the paint pit study and that the consultants should start fieldwork in the near future.

Mr. Hendrix explained that RSWA still receives small pickup loads of CDD at the Ivy Landfill.

Mr. Hendrix explained that the Cell 5 expenses are for bills that RSWA is still receiving from consultants for past work.

Mr. O'Connell asked the staff for additional information on the pickup truck loads in regards to the amount of CDD that the landfill is currently receiving.

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
- d) Reaffirming Resolution Passed Regarding the Employment of the New Executive Director

In regards to item c), the McIntire Road Recycling Center/Paper Sort Recycling Operations Manager's Report, Mrs. Mueller asked the staff to see what it would take to perform a survey in the near future on the number of vehicles and their origins that use the center and present this to the Board as soon as possible.

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

5.0 **Other Business**

In regards to item 5a), the Resolution of Appreciation, Mr. Collins presented a Board of Director's Resolution of Appreciation to the previous Citizens Advisory Committee members as follows: Ms. Lisa Briskey and Mr. Jeff Bialy (attached).

Upon motion by Mr. Tucker, and seconded by Mr. O'Connell, the Board of Directors approved the Resolutions as presented. All members voted aye.

In regards to item 5b), the Policy on Employee Transfers, Mr. Tropea stated that the draft procedure was to ensure that the Authority had specific procedures in place if it was to transfer employees from one Authority to the other as its needs and requirements change. Mr. Tropea stated that he would like the Board to formally

approve this policy so that we can move forward in the future should we have an occasion to transfer employees.

Upon motion by Mr. Tucker, and seconded by Mrs. Mueller, the Board of Directors approved the Policy on Employee Transfers. All members voted aye

In regards to item 5c), the Letter of Credit, Mr. Wood stated that the Department of Environmental Quality (DEQ) has amended the regulations concerning financial assurance for solid waste facilities (9VAC 20-70), such as the Ivy Landfill, which are experiencing exceedances of groundwater protection standards. He said that DEQ, effective November 21, 2001, will require that a facility which exceeds these standards pledge an additional \$1,000,000 in financial assurance. He stated that we plan to get a letter of credit to meet this new \$1,000,000 requirement.

Mr. Tucker made the following motion, which was seconded by Mrs. Mueller:

RESOLVED that the Rivanna Solid Waste Authority (the "Authority") obtain from Bank of America, N.A. (the "Bank") a letter of credit in an amount not to exceed \$1,000,000 for the benefit of the Virginia Department of Environmental Quality ("DEQ") in satisfaction of DEQ's requirement that the Authority post such amount in DEQ's financial assurance fund; and

RESOLVED that in connection with obtaining the letter of credit, the Authority execute and deliver to the Bank a letter of credit application and a reimbursement agreement; and

RESOLVED that the Chairman of the Board, the Executive Director, the Secretary and the Assistant Secretary are each hereby authorized in the name of and on behalf of the Authority to execute and deliver the letter of credit application and reimbursement agreement and such other security documents and other documents and instruments and to take such other and further actions as may be in any way necessary or appropriate to obtain the letter of credit and to effectuate the foregoing resolutions and to carry out the purposes thereof, and that the taking of any such action and the execution by such individuals of any such additional documents or instruments shall conclusively evidence the due authorization thereof by the Authority.

By unanimous vote, the Board approved the motion.

6.0 Other Items From Board/Staff Not On Agenda

Mr. Hendrix presented the RSWA study on the financial costs for the various landfill options (attached). There was discussion of the options by the Board but no action was taken on this report at this meeting.

7.0 Items From The Public

Mr. Ed Strange, Ivy, Virginia, questioned how the various landfill options would affect the RSWA contract for UVA trash. Mr. Strange also commented on Mr. Hendrix's presentation on the Landfill Operations (attached).

Mrs. Sally Thomas asked how the various options would potentially affect RSWA

meeting applicable recycling goals. Further, she cautioned that RSWA must keep in mind the county planning and zoning requirements in its evaluation of alternatives.

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 members voted aye.

Attendees: Mr. Collins, presiding, Mr. Graham, Mr. O'Connell, Mr. Tucker, Mrs. Mueller, Mr. Krueger, and Mr. Tropea.

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 5:30 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 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 Board of 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. Graham-Aye.

10.0 Comments From the Board of Directors

There were no comments from the Board of Directors.

11.0 Adjournment

Mr. Tucker made a motion, which was seconded by Mrs. Mueller, to adjourn this meeting at 5:30 p.m.

Respectively Submitted,

Mr. Gary O'Connell
Secretary – Treasurer