

RSWA BOARD OF DIRECTORS
Minutes of Regular Meeting
June 24, 2002

A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held on Monday, June 24, 2002 at 2:41 p.m., in the Conference Room, Administration Building, 200 Franklin Street, Charlottesville, Virginia.

Board members present: Dr. Richard Collins – Presiding, Mr. Mark Graham, Mrs. Judith Mueller, and Mr. Gary O’Connell

Board member absent: Mr. Robert Tucker

Authority staff present: Mr. Lawrence Tropea, Mr. Cole Hendrix, Mr. Wayne Stephens, Mr. Lonnie Wood, Mr. Bruce Edmonds, and Mrs. Mary Knowles

Also present: Mr. Kurt Krueger – RSWA Attorney, Mr. Chris Gensic – RSWA Citizens Advisory Committee Vice Chairman, 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 Dr. Richard Collins on Monday, June 24, 2002 at 2:41 p.m., and a quorum was present.

2.0 Minutes Of Previous Meeting

Upon a motion by Mr. O’Connell, and seconded by Mr. Graham, the Board of Directors voted to approve the minutes of the regular Board meeting held on Monday, May 20, 2002. All members voted aye.

3.0 Executive Director’s Report

Mr. Tropea reported on the following items:

CITIZENS ADVISORY COMMITTEE PUBLIC MEETING: Mr. Tropea stated that the Vice Chairman of the RSWA Citizens Advisory Committee will be reporting today on the public meeting held on May 22, 2002 on the revised proposed FY 2003 RSWA budget.

ENVIRONMENTAL REMEDIATION STATUS AT IVY:

Mr. Tropea stated that our technical team is making good progress on the ACM report. He further stated that Environmental Standards, Inc., had visited the Ivy site in early June and sampled a number of the Nature and Extent wells, which had not been sampled since 1997, since they are not part of the compliance monitoring network. He added that the pump and treat system, along the western boundary, is being evaluated

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by the ACM technical team, and Malcolm Pirnie is researching new and innovative technologies to consider as part of the revised ACM. Mr. Tropea commented that RSWA is on target to meet the October 27, 2002 deadline to submit the revised ACM to DEQ.

Mr. Tropea reported that RSWA is initiating voluntary remedial action on the former paint pit, which he felt was a very positive step forward in the Ivy site remediation process. He stated that RSWA would be using one of the new local wells, which was installed as part of the paint pit investigation, as a collection point for liquids which would then be directed to the pump and treat system. He further stated that the second remedial action entails the collection of VOC's located in the soil gases and directing them to the existing on-site flare.

Mr. Tropea stated that, as the Board is aware, letters have been sent to the settling parties concerning the planned addition of new sentinel wells. He further stated that two different settling parties had expressed interest in participating in the process, and a third settling party had requested that RSWA wait before initiating the installation of any wells near the northern site boundary. He added that RSWA is still awaiting other responses to its letter, and he hoped to make a decision in a month or so on the type of action RSWA would be taking with the new sentinel wells. Mr. Tropea commented that his personal feeling is that RSWA should move ahead and install the wells now because they are an important early alert system.

Mr. Tropea reported that great progress has been made in the last week on the closure of Cell 2 (unlined) at the Ivy site. He stated that the landfill gas plan was approved by DEQ on June 21, 2002. He further stated that the Authority has given a notice to proceed to both the GCL contractor and final cover soil contractor, who will be starting site activity on or about July 1, 2002. He added that the contractor for the landfill gas system will begin work a week or so later. Mr. Tropea also stated that bids are currently being requested for the seeding and fertilization. He commented that RSWA is on track to meet the August 30, 2002 deadline submitted to DEQ to complete the closure.

In response to a question from Mr. Graham, Mr. Tropea stated that the initial landfill gas plan proposal was modified at the request of DEQ. Mr. Tropea explained that the primary change involved installing 6 of the 23 vents to 80 percent of the depth of waste, at an additional cost of approximately \$10,000. He added that RSWA felt that the modification was a fair request by DEQ. Mr. Tropea clarified for Dr. Collins that a passive gas system would be installed for Cell 2 (unlined).

Dr. Collins inquired as to the possible reasons for a settling party to object to the installation of additional sentinel wells. During the ensuing discussion, Mr. Tropea

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stated that there could be some disagreement as to where the wells would be located, but he felt there should be agreement on the need to install the additional wells.

4.0 Consent Agenda

Dr. Collins asked if there were any items that the Board members would like to pull for discussion regarding the Consent Agenda.

- 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) Staff Report on Employee Safety
- e) Cell 2 (unlined) Status Report
- f) Summary of May 22, 2002 Public Meeting on the revised Proposed FY 2003 Budget
- g) Proposed Schedule for 2002 Household Hazardous Waste Day

In regards to Item 4e), Cell 2 (unlined) Status Report, Mr. O'Connell inquired if he was interpreting the report correctly that the cost for obtaining soil on-site and from a newly identified off-site source was the same cost per cubic yard. Mr. Hendrix stated that the soil contractor had approached RSWA that he might have soil available at an advantageous cost as a result of another possible contract. Mr. Hendrix added that at this point it is not clear if the soil will be available, but it is an attractive option if it comes to fruition.

On a motion by Mrs. Mueller, and seconded by Mr. Graham, the Board of Directors voted to approve Items 4a), b), c), d), e), f), and g) of the Consent Agenda. All members voted aye.

5.0 Other Business

In regards to Item 5a1) and Item 5a2, the Approved Minutes of May 14, 2002 CAC Meeting, and the Draft Minutes of June 11, 2002 CAC Meeting were accepted. No Board action was required.

In regards to Item 5a3, CAC Vice Chairman's Presentation on the May 22, 2002 Public Meeting, Mr. Tropea introduced Mr. Chris Gensic, CAC Vice Chairman, who was in attendance to present the CAC report. Mr. Gensic stated that attendance at the public meeting held at the Jefferson School was much smaller than the turnout for the April 22, 2002 public hearing, and he attributed this to the revisions made to the proposed budget. He then summarized the public comments, which included suggestions for opening the Ivy Transfer Station a half hour earlier than the current 8:00 a.m. time and extending the afternoon hours. Mr. Gensic commented that based

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on the turnout, he felt the community was in support of maintaining all the current recycling services and not making the changes that were first proposed.

Dr. Collins inquired if the Citizens Advisory Committee had reviewed the public comments submitted at the April 22 public hearing. Mr. Gensic stated that the Committee would be evaluating the comments over the next few months to develop some recommendations for the next budget cycle. Mrs. Mueller commented that she felt this study would be helpful in identifying other possible sources for providing services that the community desires but for which continued funding may not be possible in the future.

Mr. Tropea and Dr. Collins, on behalf of the Board, thanked Mr. Gensic for his report.

In regards to Item 5b, Public Hearing on Revised Proposed FY 2003 Budget and Tipping Fee Increases, Dr. Collins opened the public hearing at 2:55 p.m.

Ms. Joy Matthews, speaking on behalf of the League of Women Voters, stated that the League is grateful for RSWA's response to the community's concerns by reinstating the recycling services. She further stated that she felt this action reinforces the City and County's commitment to recycling during a fiscally challenging time, and she hoped that RSWA would keep the community informed on available services. Ms. Matthews added that the League looks forward to working with RSWA on future budgets and other activities.

As there were no other members of the public in attendance who wished to comment on the revised proposed FY 2003 Budget and Tipping Fee increases, Dr. Collins therefore closed the public hearing at 2:59 p.m.

Upon a motion by Mrs. Mueller, and seconded by Mr. Graham, the Board of Directors voted to approve the revised proposed FY 2003 Budget and Tipping Fee increases. All members voted aye.

In regards to Item 5c), upon a motion by Mr. Graham, and seconded by Dr. Collins, the Board of Directors voted to approve July 5, 2002 as a special holiday for RSWA staff. Dr. Collins and Mr. Graham voted aye, with Mrs. Mueller and Mr. O'Connell abstaining from the vote.

6.0 Other Items From Board/Staff Not On Agenda

Mr. Tropea stated that he agreed with Ms. Matthews' statement that the community needs to be kept better informed of the services provided by the Authority, and he plans to disseminate this information within the next 30 or so days. Mrs. Mueller suggested that RSWA write an article for "City Notes," which is received by every City household.

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7.0 Items From The Public

There were no items from the public.

8.0 Closed Meeting

Mr. O'Connell moved, and Mr. Graham seconded, that the Board of Directors of the Rivanna Solid Waste Authority 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 actual or probable litigation, or other specific legal matters requiring the provision of legal advice by counsel. All members voted aye.

Attendees: Dr. Collins - Presiding, Mr. Graham, Mrs. Mueller, Mr. O'Connell, Mr. Krueger, Mr. Hendrix, Mr. Tropea, and Mr. Wood.

9.0 Resumption of Open Meeting

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

“WHEREAS, the Rivanna Solid Waste Authority 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 that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rivanna Solid Waste Authority 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 executive meeting to which this certification resolution applies, (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, a roll call vote was held:
Mrs. Mueller-Aye, Mr. O'Connell-Aye, Dr. Collins-Aye, and Mr. Graham-Aye.

Mr. O'Connell moved that the following resolution be adopted:

“That the Authority enter into an agreement tolling the statutes of limitations applicable to the claims currently being pursued by Michael and Gertrude Weber for a period of up to one year, conditioned upon the Weber's agreement not to file or pursue litigation against the Authority during that period unless and until the Rivanna Solid

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Waste Authority's Assessment for Corrective Measures has been approved by the Virginia Department of Environmental Quality."

Mrs. Mueller seconded the motion, and the resolution was adopted by unanimous vote of the Board.

10.0 Adjournment

Mrs. Mueller made a motion, which was seconded by Mr. O'Connell, to adjourn the meeting at 3:25 p.m.

Respectfully submitted,

Mr. Gary O'Connell
Secretary – Treasurer