

AT A MEETING OF THE NEW RIVER RESOURCE AUTHORITY
HELD ON JANUARY 27, 2021 AT NOON,
NRRRA ADMINISTRATION BUILDING,
DUBLIN, VIRGINIA:

PRESENT: Mr. Tom Starnes, Chairman
Mr. Barry Helms, Vice-Chair
Mr. Paul Baker, Secretary
Mr. Robert Asbury, Member
Ms. Peggy Hemmings, Member
Dr. Chris Kiwus, Member
Mr. Andy McCready, Member
Mr. Jonathan Sweet, Member (after 12:14; as referenced below)

STAFF: Mr. Joseph Levine, NRRRA Executive Director
Ms. Marjorie Atkins, NRRRA Recording Secretary
Mr. David Rupe, NRRRA Purchasing & Compliance
Mr. Howard Estes, NRRRA Legal Counsel

GUESTS: Mr. Brian Tew, Thompson & Litton
Mr. Andrew Monk, Thompson & Litton
Mr. Tye Kirkner, Town of Dublin
Mr. Jared Linkous, Pulaski County

Mr. Starnes called the meeting to order.

The motion to approve the January 27, 2021 Agenda was made by Mr. McCready . The motion was seconded by Mr. Asbury and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	---
Ms. Hemmings	<u>yes</u>	Mr. Starnes	<u>yes</u>

Mr. Starnes noted that Election of Officers for the next two years was next on the Agenda.

The motion to elect Mr. Helms as Chair; Mr. Baker as Vice-Chair and Ms. Hemmings as Secretary was made by Mr. McCready. The motion was seconded by Mr. Baker and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	---
Ms. Hemmings	<u>yes</u>	Mr. Starnes	<u>yes</u>

The motion to approve the minutes of the January 14, 2021 Budget Committee Meeting was made by Mr. Asbury. The motion was seconded by Mr. McCready and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	---
Ms. Hemmings	<u>abstain</u>	Mr. Starnes	<u>yes</u>

The motion to approve the minutes of the November 18, 2020 Audit Committee Meeting was made by Mr. Helms. The motion was seconded by Mr. Baker and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	<u>----</u>
Ms. Hemmings	<u>abstain</u>	Mr. Starnes	<u>yes</u>

The motion to approve the minutes of the minutes of the November 18, 2020 Board Meeting was made by Mr. Baker. The motion was seconded by Mr. McCready and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	<u>----</u>
Ms. Hemmings	<u>abstain</u>	Mr. Starnes	<u>yes</u>

The Check Lists for the months of November and December 2020 were presented.

Mr. Sweet joined the meeting in progress.

The motion to approve the Check List for November was made by Ms. Hemmings. The motion was seconded by Mr. Baker and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	<u>yes</u>
Ms. Hemmings	<u>yes</u>	Mr. Starnes	<u>yes</u>

The motion to approve the Check List for December 2020 was made by Ms. Hemmings. The motion was seconded by Mr. Baker and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	<u>yes</u>
Ms. Hemmings	<u>yes</u>	Mr. Starnes	<u>yes</u>

Draft Financial Statements as of November 30, 2020 and December 31, 2020 were included in the Agenda Package.

The motion to approve the draft Financial Statements as of November 30, 2020 as presented was made by Mr. Helms. The motion was seconded by Ms. Hemmings and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	<u>yes</u>
Ms. Hemmings	<u>yes</u>	Mr. Starnes	<u>yes</u>

The motion to approve the draft Financial Statements as of December 31, 2020 as presented was made by Ms. Hemmings. The motion was seconded by Mr. Asbury and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	<u>yes</u>
Ms. Hemmings	<u>yes</u>	Mr. Starnes	<u>yes</u>

Mr. Levine presented the Executive Director's Report. Revenue was 5.7% above projections; expenses were 5.8% below projections. 27,826.02 tons of waste was managed in the month of November (13,404.50 tons from Roanoke Valley Resource Authority); 14,097.41 tons managed in December (1,023.70 tons from Roanoke Valley Resource Authority). The Audit Committee met before the regular meeting in November. Staff met with the Board's Human Resources Liaison (Mr. Helms, Vice-Chair) the same day for the annual review of the personnel policies. On December 23, 2020 DEQ conducted an unannounced inspection. No violations were reported.

The motion to ratify the Area D Phase I Project Pay Request 6 in the amount of \$706,266.34 was made by Mr. Helms. The motion was seconded by Mr. Baker and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	<u>yes</u>
Ms. Hemmings	<u>yes</u>	Mr. Starnes	<u>yes</u>

The motion to approve the Area D Phase I Project Pay Request 7 in the amount of \$410,438.46 was made by Ms. Hemmings. The motion was seconded by Mr. Baker and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	<u>yes</u>
Ms. Hemmings	<u>yes</u>	Mr. Starnes	<u>yes</u>

Mr. Starnes reported that the Budget Committee met (teleconference) on January 14, 2021 and reviewed the draft budget included on the Agenda. The Committee recommended approving the budget as presented.

Mr. Levine noted that the budget and rates were based on information and presentations by Labella Engineering (Operations Review) and Rate Study (Thompson and Litton) last year. Tonnages continue trend lower. The budget changes the "User Rebate" term to "Member Rate" and all members would pay \$24.00 per ton for MSW and CD.

Mr. Sweet commented that Mr. Levine should have worked with the staff of member jurisdictions to review any proposed budget impacts and that Pulaski County had not had time to process the impact. He added that Pulaski County was working on contracts, to be announced in the next week, that would impact the Authority and would positively impact the budget. Mr. Levine stated that the Authority had to base budget projections on history, that it could not be based on what might be. Mr. McCready added that approving the rate hearing advertisement did not lock the Authority into the rates, they would be advertised as a "not to exceed" amount and that the proposed budget would not be adopted until after the public hearing. Mr. Sweet requested that Mr. Jared Linkous be allowed to ask questions about the budget. Mr. Starnes noted that he could be heard during public comments.

Mr. Estes reviewed the handout guidance to be published with the proposed rates for the public hearing. The document provided guidance for persons wishing to participate in the hearing either virtually or in person.

PUBLIC HEARING POLICY

In accordance with Virginia Code § 2.2-3708.2 and Chapter 1289 of the 2020 Acts of Assembly as amended, a virtual and in person Public Hearing of the Board of Directors will be held on _____ at _____, or as soon thereafter as may be heard. A staff briefing on the _____ will be held prior to the public hearing. This public hearing will also be held by electronic communication means. All interested parties are invited to participate by following the two-step process provided below.

The following is scheduled to be heard:

- 1.
- 2.

If you wish to make comments virtually or in person during the public hearing, please follow the two-step process provided below:

1. Register with the Administrative Office by calling (540) 674-1677 or via email at matkins@wildblue.net prior to 3:30 p.m. on _____, _____, 2021.
2. For in person - arrive at the Administrative Offices of NRRA at least 30 minutes prior to the meeting. You will receive instructions on how to attend the meeting at that time.

If you would like to provide comments on the public hearing subject matters, please feel free to fax us at (540) 674-1431, mail a letter to the Administrative Office, Attention: Office Manager, at P.O. Box 1246, 7100 Cloyd's Mountain Road, Dublin VA 24084, or email us at matkins@wildblue.net. Please submit correspondence prior to the public hearing day.

Copies of the proposed _____ are on file and may be examined by appointment in the Administrative Office at 7100 Cloyd's Mountain Road, Dublin VA 24084 or online at www.newriverresourceauthority.org. For more information, you may contact the Office Manager by calling (540) 674-1677. Staff Reports will be available on the webpage 5 days prior to the meeting. If you require a reasonable accommodation for this meeting due to a disability, please call the Office Manager at (540) 674-1677. If you are hearing impaired, you can contact Virginia Relay at 711 for TDD service.

The motion to adopt the public hearing policy for all NRRA public hearings was made by Mr. McCready. The motion was seconded by Mr. Helms and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	<u>yes</u>
Ms. Hemmings	<u>yes</u>	Mr. Starnes	<u>yes</u>

PUBLIC NOTICE

THE NEW RIVER RESOURCE AUTHORITY will hold a rate hearing as part of its March 24, 2021, 12:00 Noon, meeting located at the Authority's administrative office at 7100 Cloyd's Mountain Road, Dublin, Virginia.

In accordance with Virginia Code § 2.2-3708.2 and Chapter 1289 of the 2020 Acts of Assembly as amended, a virtual and in person Public Hearing of the Board of Directors will be held on March 24, 2021 at Noon, or as soon thereafter as may be heard. A staff briefing on the rates and budget will be held prior to the public hearing. This public hearing will also be held by electronic communication means. All interested parties are invited to participate by following the two-step process provided below.

The following is scheduled to be heard:

3. Rates, Fees and Charge to be Effective July 1, 2021
4. FY 2021/2022 Budget for the New River Resource Authority

If you wish to make comments virtually or in person during the public hearing, please follow the two-step process provided below:

3. Register with the Administrative Office by calling (540) 674-1677 or via email at matkins@wildblue.net prior to 3:30 p.m. on Monday, March 23, 2021.
4. For in person - arrive at the Administrative Offices of NRRA at least 30 minutes prior to the meeting. You will receive instructions on how to attend the meeting at that time.

If you would like to provide comments on the public hearing subject matters, please feel free to fax us at (540) 674-1431, mail a letter to the Administrative Office, Attention: Office Manager, at P.O. Box 1246, 7100 Cloyd's Mountain Road, Dublin VA 24084, or email us at matkins@wildblue.net. Please submit correspondence prior to the public hearing day.

Copies of the proposed rates, fees, charges and FY 2021/2022 budget are on file and may be examined by appointment in the Administrative Office at 7100 Cloyd's Mountain Road, Dublin VA 24084 or online at www.newriverresourceauthority.org. For more information, you may contact the Office Manager by calling (540) 674-1677. Staff Reports will be available on the webpage 5 days prior to the meeting. If you require a reasonable accommodation for this meeting due to a disability, please call the Office Manager at (540) 674-1677. If you are hearing impaired, you can contact Virginia Relay at 711 for TDD service.

The purpose of the hearing will be to consider a revision of the disposal rates to be effective July 1, 2021, at the New River Solid Waste Management Area. The following rates will be considered for adoption.

1. Municipal Solid Waste from \$32.00 per ton to a not to exceed rate of \$34.00 per ton.
2. Debris Waste from \$32.00 per ton to a not to exceed rate of \$34.00 per ton.
3. Alternative Daily Cover Material from \$17.00 per ton to an amount not to exceed \$22.00 per ton.
4. Virginia Tech Ash Alternative Daily Cover from \$7.00 per ton to an amount not to exceed \$10.00 per ton.

5. *Clean Wood (delivered to mulch facility) from \$20.00 per ton to a not to exceed rate of \$25.00 per ton.*
6. *White good (appliances) from \$32.00 per ton to a not to exceed rate of \$34.00 per ton.*
7. *Recycling from \$32.00 per ton to a not to exceed rate of \$60.00 per ton.*

Current rates that are not proposed to change are:

1. *Uncovered/unsecured loads \$25.00 per incident.*
2. *A minimum ticket charge of \$5.00 per ticket.*
3. *Administrative fee of \$0.25 per copy (extra copies of scale tickets, files, etc.)*
4. *Non friable asbestos \$54.00 per ton (Rate used when Certification is needed by hauler/owner.)*
5. *Tires \$0.10 per pound (or \$200 per ton).*
6. *Special waste rate determined by the Executive Director based on conditional and density basis.*

The hearing was authorized in accordance with Section 15.2-5136 of the Code of Virginia, 1950, as amended and by action of the New River Resource Authority at its January 27, 2021 meeting.

**NEW RIVER RESOURCE AUTHORITY
7100 CLOYD'S MOUNTAIN ROAD
POST OFFICE BOX 1246
DUBLIN, VIRGINIA 24084**

540-674-1677

The motion to schedule the public hearing for the proposed budget and rate schedule for the March 24, 2021 meeting was made by Mr. Baker. The motion was seconded by Mr. Asbury and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. McCreedy	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	<u>yes</u>
Ms. Hemmings	<u>yes</u>	Mr. Starnes	<u>yes</u>

A "Reserve Funds Policy" was reviewed by the Budget Committee and the Committee recommended that the full Board adopt the policy. Ms. Hemmings stated that she had been asked by the Town of Dublin to make a motion to table the Policy because it did not address issues previously requested. Mr. Sweet seconded the motion. Mr. McCreedy asked Mr. Estes if the policy had been reviewed in conjunction with the membership agreements. Mr. Estes stated it had and the current member agreements do not address funds or policies regarding funds.

Mr. Estes further stated that the policy would be a first step and would continue to be a work in progress and would be continually reviewed by budget committee. Member Agreements do not address NRRRA's funds/assets. The funds have been built over time from revenues and management and Board decisions regarding the desire to not have long term debt had led to the accumulation of funds. No agreements exist to allocate funds to individual members. Mr. McCready stated that he had supported adoption of the policy but he had received additional information and he was concerned. Mr. Asbury asked if the motion was to table the policy indefinitely, or six months? Mr. Sweet stated the policy was promulgated from a direct request five months ago; the concept was refined enough that a month should be enough time. The following amended motion was made.

A substitute motion to table the Reserve Funds Policy until no later than the March 2021 meeting was made by Mr. McCready. The motion was seconded by Mr. Sweet and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>no</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>no</u>	Mr. McCready	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	<u>yes</u>
Ms. Hemmings	<u>yes</u>	Mr. Starnes	<u>no</u>

The approved budgets have included money for the Area D landfill expansion project. Phase I of the project is currently under construction. On Friday, October 30, 2020 NRRRA received an unsolicited PPEA Proposal from Thompson & Litton for the Area D Expansion (Phase II) and Partial Closure Number 3. The Board directed staff at the November meeting to follow PPEA Guidelines and advertise the project. Four firms expressed interest but no bids were received. Mr. Levine recommended that the contract be awarded to Thompson & Litton for Area D Expansion Phase II and Partial Closure No. 3 project for \$3,963,993.

The motion to award Thompson & Litton the Area D Expansion Phase II and Partial Closure No. 3 project for \$3,963,993 and to authorize the Executive Director to execute the documents after review by legal counsel was made by Mr. Helms. The motion was seconded by Mr. McCready and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	<u>yes</u>
Ms. Hemmings	<u>yes</u>	Mr. Starnes	<u>yes</u>

Mr. Levine presented the Engineering Section of the Agenda.

Ingles Mountain – Routine flare maintenance was done in December.

NRSWMA – As noted DEQ inspection in December. Title V Air Permit inspection also in December went well. Due to new CAR protocols, Mr. David Rupe worked with SCS in verifying 2019 carbon credits and the Authority will be able to monetize most of those credits.

Mr. Monk updated Area D construction progress. Main Street's projected completion date is March 8.

West Fork – Mr. Monk reported that DEQ and the Army Corps have confirmed receipt of Year Three reporting.

Mr. Levine noted a copy of a letter to Delegates and Senators had been given to each Board member opposing current legislation for a "trash tax".

The Chairman invited Public Comments.

Mr. Jared Linkous from Pulaski County/Pulaski County PSA. The PSA is beginning budget process and, he stated, he would like to have rate information communicated better so that he can explain it to his board. He stated the PSA would be regaining some business as of February 1. He wanted to fully understand the rate structure. The PSA has spent a lot of money on four new trucks and twenty containers and the PSA will be hiring four new drivers. Mr. Linkous noted that the PSA currently receives statements with user rebate on the statement. He asked the Authority to consider a "member rate" for all waste. Mr. Linkous thanked the Board for the time.

Mr. Sweet stated that the Board should not consider Mr. Linkous a member of public because he should be considered a member of the Authority since he is an alternate and the PSA Director. Mr. Sweet asked that the Board give him the respect as a member. Mr. Starnes replied that he was not sure what Mr. Sweet was asking.

Mr. Estes noted that during meetings, the Board has a process and procedures. Discussions and explanations that Mr. Linkous sought were appropriate for work sessions such as Budget Committee meetings. During the meetings there is an agenda and a process. Mr. Sweet stated that he would step out of the room and allow Mr. Linkous (alternate) to have the floor. Mr. Estes announced that it was not appropriate.

Mr. McCready stated," I move that the Board of Directors of the New River Resource Authority convene in closed session for the purpose of discussion of a personnel matter relating to the evaluation and compensation of employees, where such discussion will necessarily involve specific individuals, pursuant to the exemption set forth in Virginia Code Section 2.2-3711(A)(1)". The motion was seconded by Mr. Baker and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	<u>yes</u>
Ms. Hemmings	<u>yes</u>	Mr. Starnes	<u>yes</u>

Mr. McCready," I hereby move to reconvene the regular meeting and for certification pursuant to Section 2.2-3712(D) of the Code of Virginia, that the Board of Directors, to the best of each Director's knowledge, heard, discussed or considered only public business matters lawfully exempted from open meeting requirements by the Freedom of Information Act in the closed meeting of this date, and only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Directors of the New River Resource Authority". The motion was seconded by Mr. Baker and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	<u>yes</u>
Ms. Hemmings	<u>yes</u>	Mr. Starnes	<u>yes</u>

The motion to increase the Executive Director's salary by two percent (2%), effective March 1, 2021 (includes COLA) was made by Mr. McCready. The motion was seconded by Mr. Baker and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	<u>no</u>
Ms. Hemmings	<u>yes</u>	Mr. Starnes	<u>yes</u>

The motion to adjourn the meeting was made by Mr. Asbury, seconded by Mr. Baker and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Dr. Kiwus	<u>yes</u>
Mr. Baker	<u>yes</u>	Mr. McCready	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Sweet	<u>yes</u>
Ms. Hemmings	<u>yes</u>	Mr. Starnes	<u>yes</u>


The meeting adjourned at 1:15 pm.

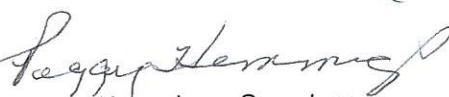
The next scheduled meeting of the Authority is scheduled for Wednesday, February 25, 2021, 12:00, NOON at 7100 Cloyd's Mountain Road.

Respectfully Submitted,

Marjorie W. Atkins
NRRA Recording Secretary

Approved at 02/24/21 Board Meeting.


Barry Helms, Chair


Peggy Hemmings, Secretary