

AT A MEETING OF THE NEW RIVER RESOURCE AUTHORITY  
HELD ON JULY 28, 2021 AT NOON,  
NRRRA ADMINISTRATION BUILDING,  
DUBLIN, VIRGINIA:

PRESENT: Mr. Barry Helms, Chairman  
Mr. Paul Baker, Vice-Chair  
Mr. Robert Asbury, Member  
Dr. Chris Kiwus, Member  
Mr. Andy McCready, Member  
Mr. Tom Starnes, Member  
Mr. Jonathan Sweet, Member

ABSENT: Mr. Tye Kirkner, Member

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

ATTENDEES/  
GUESTS: Mr. Brian Tew, Thompson & Litton

Chairman Helms called the meeting to order at noon.

The motion to approve the July 28, 2021 Agenda was made by Mr. Baker. The motion was seconded by Mr. Asbury and approved by a recorded roll call vote of the Board as follows:

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

Mr. Levine noted that Mr. Charles Simmons had been an equipment operator with NRRRA for twenty years but was unable to attend the meeting.

The Chairman invited Public Comments.

No Public Comments were presented.

The motion for the Authority Board to convene in Closed Meeting for the purpose of consultation with legal counsel regarding FOIA compliance and data issues pursuant to Virginia Code Section 2.2-37711(A) (8) was made by Mr. Starnes. The motion was seconded by Mr. McCready and approved by a recorded roll call vote of the Board as follows:

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

The Board went into closed session. Mr. Levine, Mr. Estes and Ms. Atkins were asked to join the Board in closed session.

The Board reconvened in open session and regular meeting. The public was invited back into the meeting room.

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. Asbury and approved by a recorded roll call vote of the Authority as follows:

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

Mr. Baker stated that he would like to make a motion.

The motion for NRRRA to ask Pulaski County and the Town of Dublin to pay for the two FOIA requests was made by Mr. Baker. The motion was seconded by Mr. Asbury.

In discussion on the motion, Mr. Asbury asked if all of the costs related to the FOIA production had been tallied. Mr. Levine stated that they had not. Mr. Asbury suggested that a total be presented to the Board before a vote. Dr. Kiwus noted that the Authority should present the requestor with an estimate of costs so that they are aware of the costs, before fulfilling the request. Mr. Estes stated that the Pulaski County Attorney said that the requestors were making the request under FOIA to ensure that NRRRA responded within a certain time frame, even though as a member jurisdiction Pulaski County was entitled to all the information. Mr. Estes noted that the production of the volume of material was a tremendous burden to staff. Mr. Sweet asked "Where is this on the agenda?" Mr. Baker stated that other members should not have to pay for the costs. Mr. Sweet answered that as a member they were entitled to the information. Mr. Sweet stated that the other member jurisdiction involved was not represented at the meeting and that he could not find this item on the agenda. Mr. McCready interrupted saying that the Board had other business from the closed meeting. He suggested the Board table the discussion on this matter until the next meeting.

The motion to table the motion until the August meeting was made by Mr. Asbury. The motion was seconded by Dr. Kiwus and approved by a recorded roll call vote of the Board as follows:

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

The motion for the Board to release the "Investigative Report into Matters Related to Compliance with the Virginia Freedom of Information Act" prepared by Mr. Estes into the public record. The Authority's staff and legal team had a very extensive request for information. The result of this investigation was that the Board has investigated and found that NRRRA was in compliance with the Virginia Freedom of Information Act. As with all things, it was a learning process and some errors were made and commended the legal counsel, Executive Director and all of the staff for a good job dealing with this complex matter. The motion was seconded by Mr. Starnes and approved by a recorded roll call vote of the Board as follows:

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

Mr. Baker made a motion to terminate the MOU for IT services with Pulaski County.

Mr. Asbury asked if an advertisement for services needed to be posted. Mr. Levine answered under purchasing policy, it would be considered a small purchase and would not need to go through procurement procedures.

Mr. Estes added that as a small contract it is in the Executive Director's purview to handle such contracts as part of Authority operations. Mr. Estes also explained that this would allow the Authority to reduce the number of vendors working on various aspects of the Authority's systems, streamline services, take care of security issues and that Mr. Levine had found firms that could implement those goals.

Mr. Sweet noted the report did not mention security issues.

Mr. Estes noted that there were obviously security issues because Pulaski County IT staff had remotely logged into the Authority's computers using Authority employees' user names and passwords.

Mr. McCready said he moved to table the matter until the report regarding IT issues is complete and received by the Board. Mr. Asbury agreed saying let's move forward, the report has been ordered.

Mr. Sweet said he could make this simple that he would vote yes to the motion that was originally made, not because of security issues referenced by Mr. Estes, but to consolidate services. Mr. Sweet referenced Mr. Estes previous statements that "he did not have expertise in IT technical matters".

Mr. Asbury noted that consolidating services was all he needed to hear on the matter.

Mr. McCready stated that the Executive Director has the Authority to handle this matter without a motion and that the Board does not need to take action.

Mr. Estes confirmed that the Executive Director can move forward with managing IT services without further Board input.

No further action on the motion was made.

The motion to approve the minutes of the June 9, 2021 Board was made by Mr. Starnes. The motion was seconded by Mr. Baker and approved by a recorded roll call vote of the Board as follows:

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

The motion to approve the Check List for the month of June 2021 was made by Mr. McCready. The motion was seconded by Mr. Baker and approved by a recorded roll call vote of the Board as follows:

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

The motion to approve the Financial Statement for the month of June 2021 was made by Mr. Asbury. The motion was seconded by Mr. Sweet and approved by a recorded roll call vote of the Board as follows:

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

Mr. Levine presented the Executive Director's Report. 36,088.36 tons of waste was managed in June. Mr. Levine noted that with the additional tonnage from Roanoke Valley Regional Authority (RVRA) in April, May and June revenues were only 26.8% above projections. Without the additional tonnage the Authority would have been below projections for the fiscal year. Expenses were 9.1% below projections. Mr. McCready noted that he and Mr. Levine had conversations regarding the RVRA waste stream being financially beneficial to the Authority along with the need for a new compactor and the tub grinder issues. He suggested that using the RVRA revenue to make a couple of capital purchases and if there would be money remaining might there be a way for the members could directly benefit from them. Mr. Levine noted that the purchase of a new compactor is currently being reviewed and that other equipment purchase/replacement is constantly reviewed by staff. Thompson and Litton was updating the conceptual plan because of the additional waste brought in by RVRA. The new plan will update the opening/closing dates of cells and the construction schedule for Area E. In the review, Thompson and Litton has pulled sixteen years' worth of waste data. A study regarding tires is being reviewed also. All of this information along with an updated tip fee analysis will be presented to the Board. Mr. Levine concluded with a report that approximately on half of an acre burned at the working face of the landfill over the weekend. He noted that the Authority would make a donation to the area fire departments that responded.

The motion to ratify Area D, Pay Request 12, in the amount of \$213,891.20 was made by Mr. Baker. The motion was seconded by Mr. Starnes and approved by a recorded roll call vote of the Board as follows:

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

The motion to approve Area D, Pay Request 13 in the amount of \$126,644.01 was made by Mr. Asbury. The motion was seconded by Mr. Baker and approved by a recorded roll call vote of the Board as follows:

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

Nominations for the Audit Committee were Mr. Asbury and Dr. Kiwus. Nominations for the Budget Committee were Mr. Baker, Mr. Starnes and Mr. Sweet.

The motion to elect Mr. Asbury and Dr. Kiwus to the Audit Committee was made by Mr. Baker. The motion was seconded by Mr. McCready and approved by a recorded roll call vote of the Board as follows:

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

The motion to elect Mr. Baker, Mr. Starnes and Mr. Sweet to the Budget Committee was made by Mr. Asbury. The motion was seconded by Mr. McCready and approved by a recorded roll call vote of the Board as follows:

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

Mr. Levine presented the Engineering Section of the Agenda.

Ingles Mountain – No report. Routine maintenance and mowing.

NRSWMA – Mr. Levine reported that recent leachate testing had exceeded limits for ammonia nitrate. After retesting, it was within limits and is now in compliance. Thompson and Litton had been performing a study before this finding. Mr. Levine stated that he was alarmed by the findings because of the potential of additional infrastructure needed to address the leachate. He advised that the Authority wants to be proactive regarding monitoring levels. Regulations are constantly changing and the Authority is now testing underdrains and new constituents are being added to testing and that he worried about what the parameters will be. Mr. Asbury asked what was done with sediment from leachate ponds. Mr. Levine answered that if it is dried, it can be landfilled. Mr. Tew added that the Regulations are constantly changing and they will only get more stringent; Thompson and Litton is helping the Authority address those issues. He also reported that Area D construction was going well and that the contractors for installing the liner should be onsite in mid-September.

West Fork – No report.

Mr. Asbury asked about the years of life remaining at the landfill.

Mr. Tew answered that would be included in the report from Thompson and Litton.

Mr. Levine noted that now the Authority has a survey by drone done every three months to reduce a chance of a surprise regarding space remaining.

Mr. Asbury noted that at the tour last month, he was surprised at the "new mountain" in the landfill. Mr. Levine agreed. He stated that seven new gas wells have been added with the construction project and that the Authority will be closing some areas to balance the new financial assurance required (\$4 to \$5 million) when Area D is completed (sixteen acres).

With no further business to come before the Board, the motion to adjourn was made by Mr. McCready, seconded by Mr. Baker and passed by unanimous consent.

The meeting adjourned at 1:21 pm.

The next regularly scheduled meeting of the Board of Directors of the Authority is scheduled for Wednesday, August 25, 2021, 10:30 am, with a Board Work Session then the regularly scheduled business meeting at 12:00 noon at 7100 Cloyd's Mountain Road.

Respectfully Submitted,

Marjorie W. Atkins  
NRRA Recording Secretary

Approved at \_\_\_\_\_ Board Meeting.

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Barry Helms, Chair