

AT A MEETING OF THE NEW RIVER RESOURCE AUTHORITY
HELD ON WEDNESDAY, AUGUST 28, 2024, AT NOON, NRRA
ADMINISTRATION BUILDING,
DUBLIN, VIRGINIA:

PRESENT: Mr. Paul Baker, Chairman
Mr. Steve Fijalkowski, Vice-Chairman
Mr. Robert Asbury, Secretary
Mr. Dirk Compton, Member
Mr. Barry Helms, Member
Mr. Tom Starnes, Member
Mr. Jonathan Sweet, Member
Mr. Tye Kirkner, Member

STAFF: Mr. Joseph Levine, NRRA Executive Director
Ms. Marjorie Atkins, NRRA Recording Secretary
Mr. Howard Estes, NRRA Legal Counsel
Mr. David Rupe, NRRA
Ms. Monica Furrow, NRRA
Mr. Brandon Atkins, NRRA
Mr. Isaac Wall, NRRA
Mr. William Ratcliffe, NRRA
Mr. Benjamin Coulson, NRRA

GUESTS: Mr. Andrew Monk, Thompson & Litton, Inc.
Ms. Edith Hampton, Town of Dublin
Mr. Darren Cullip, Town of Dublin
Ms. Laura Walters, Pulaski County

Chairman Baker called the meeting to order.

Approval of Agenda

The Agenda was presented. A motion to insert the word "Jurisdictions" to the August 28, 2024, Board meeting Agenda Item B. 1.h. so that it reads "Reimbursement to Member Jurisdictions with Employees serving on NRRA Board" and to approve the Agenda with that amendment was made by Mr. Sweet. The motion was seconded by Mr. Compton and approved by a recorded roll call vote of the Board of Directors of the Authority as follows:

Mr. Asbury	<u>yes</u>	Mr. Kirkner	<u>yes</u>
Mr. Compton	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Fijalkowski	<u>yes</u>	Mr. Sweet	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Baker	<u>yes</u>

Mr. Levine recognized Mr. Coulson and Mr. Ratcliffe for five years of service with NRRA.

Approval of Minutes

The motion to approve the minutes of the July 24, 2024, Board Meeting was made by Mr. Fijalkowski. The motion was seconded by Mr. Compton and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Mr. Kirkner	<u>yes</u>
Mr. Compton	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Fijalkowski	<u>yes</u>	Mr. Sweet	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Baker	<u>yes</u>

Old Business

In an update on the status of the Tazewell County Emergency Agreement, Mr. Levine reported that the Town of Dublin had tabled action. Mr. Sweet asked if Mr. Levine had reached out to anyone with the County. Mr. Levine answered that he had not had an update from Pulaski County.

New Business and Administrative Items of Consent

The Transaction by Vendor Report for the month of July 2024 was included in the Agenda and presented.

Mr. Sweet asked if the rate for legal services was \$350.00 per hour. Mr. Estes stated that the rate for legal services is \$345.00 per hour. Mr. Sweet asked if the bill included travel time. Mr. Estes stated that he did not bill for travel time. Mr. Sweet asked if he had ever billed for travel time. Mr. Estes replied no.

The motion to approve the Transaction by Vendor Report for the month of July 2024 was made by Mr. Fijalkowski. 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. Kirkner	<u>yes</u>
Mr. Compton	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Fijalkowski	<u>yes</u>	Mr. Sweet	<u>no</u>
Mr. Helms	<u>yes</u>	Mr. Baker	<u>yes</u>

The Draft Financial Statements as of July 31, 2024, were presented.

The motion to approve the Draft Financial Statements as of July 31, 2024, as presented, was made by Mr. Helms. The motion was seconded by Mr. Sweet and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Mr. Kirkner	<u>yes</u>
Mr. Compton	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Fijalkowski	<u>yes</u>	Mr. Sweet	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Baker	<u>yes</u>

Administrative Items

In regard to Items 1 and 2 on the Agenda included at the request of Pulaski County, the Chairman read the list and stated that these items under Item 1 should be referred to the Budget Committee and called for a motion to refer them to the Budget Committee. Following discussion, Mr. Baker withdrew the motion. Each item under Item 1 was then presented and discussed.

- a. Increase litter grant funding from \$5,000.00 to \$10,000.00 per year for member jurisdiction specific sanctioned or sponsored community clean up events.

Mr. Sweet stated the request was for all member jurisdictions. Mr. Compton added that it would benefit all member jurisdictions to pick up trash and would take the pressure off of the Authority. Mr. Asbury asked, how did Mr. Compton propose to fund the increase. Mr. Compton replied that

it can be the same way we have been funding operations. He then shared as an example that Tazewell County emergency waste stream could pay for the increase. Mr. Baker noted that the waste stream would be in an emergency situation, not an ongoing waste stream. Mr. Sweet stated that this is not the Authority's landfill, it is the member jurisdictions' landfill and that the Board members should be representing our respective communities and that the Board was not here to serve the Authority. Mr. Asbury noted that basing the funding on contingencies could lead to deficit spending. Mr. Sweet noted that it was simply an example of how to fund the program.

The motion to send the request for the litter grant funding increase from \$5,000.00 to \$10,000.00 per year to the Budget Committee was made by Mr. Helms. 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. Kirkner	<u>no</u>
Mr. Compton	<u>no</u>	Mr. Starnes	<u>yes</u>
Mr. Fijalkowski	<u>yes</u>	Mr. Sweet	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Baker	<u>yes</u>

- b. Waiving all tipping fees for tires, bags and other trash for member jurisdiction specific sanctioned or sponsored community clean-up events.

Mr. Asbury asked what type of events? Mr. Compton noted events such as clean-up of Peak Creek or Renew the New.

The motion to send the request for waiving of tip fees for Member Jurisdiction special events to the Budget Committee was made by Mr. Fijalkowski. The motion was seconded by Mr. Starnes and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Mr. Kirkner	<u>no</u>
Mr. Compton	<u>no</u>	Mr. Starnes	<u>yes</u>
Mr. Fijalkowski	<u>yes</u>	Mr. Sweet	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Baker	<u>yes</u>

- c. Provide a \$1,000.00 scholarship to each member jurisdiction annually upon request for incentives for community trash pick-up campaigns.

Mr. Asbury asked the purpose of the scholarship. Mr. Sweet stated the scholarships would provide an incentive to engage the school age population for community clean-ups, litter prevention, etc. Mr. Sweet noted that it would not have to be for graduating seniors and that it could be for summer camps or other creative ways to benefit youth. Mr. Asbury stated, "So the Authority funds the scholarships but makes no decision on how they are used?" Mr. Sweet replied that was not true, the Authority would set up the structure to provide \$1,000. As an example, Mr. Compton stated that if the Authority would set this up, the Authority could go to each jurisdiction and select the person receiving the scholarship. Mr. Helms noted that the Budget Committee would need a program structure before it could vote. Mr. Sweet stated that each member jurisdiction could provide their own program for the scholarship.

The motion to send the request to the Budget Committee once a program guideline has been set was made by Mr. Compton. The motion was seconded by Mr. Sweet and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Mr. Kirkner	<u>yes</u>
Mr. Compton	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Fijalkowski	<u>yes</u>	Mr. Sweet	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Baker	<u>yes</u>

- d. Provide annual educational displays/programs regarding litter prevention education and recycling in every school of member jurisdictions, to include but not be limited to, storyboards and displays, program presentations, and appropriate giveaways such as age-appropriate coloring books, reusable bags, reusable water bottles, etc.

Mr. Sweet stated that he understood that the Authority once had programs like this. The intent is to prevent littering and raising awareness on how to properly dispose of trash. Mr. Asbury stated that programs in the past had been based on availability of funds. Mr. Levine stated that it had not been budgeted for in years and that it was not for all schools or all community events. Mr. Sweet stated the amount of money that is saved from not providing compensation to Pulaski County Board member and the Town of Dublin member could be reinvested into these programs.

After an exchange of complaints among Board members as to costs incurred for various administrative matters, Mr. Kirkner stood up and announced that he would be talking to his Council and that he would not be part of this discussion. He left the meeting at 12:30 pm. Ms. Hampton and Mr. Cullip also left the meeting.

Mr. Helms stated that he had concerns on how much this might cost. There was a general discussion on how this proposed program would work.

The motion to refer the request of providing educational materials and displays to all of the schools in the member jurisdictions to the Budget Committee with more information was made by Mr. Helms. The motion was seconded by Mr. Starnes and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Compton	<u>yes</u>	Mr. Sweet	<u>yes</u>
Mr. Fijalkowski	<u>yes</u>	Mr. Baker	<u>yes</u>
Mr. Helms	<u>yes</u>		

- e. Offer annual landfill tours to all schools throughout the member jurisdictions.

Mr. Levine noted that the Authority provides tours to schools/groups upon request. No action was taken on this item.

- f. Open landfill on Saturday mornings or afternoons to receive trash and refuse from member jurisdictions' approved haulers and/or member jurisdiction residents.

Mr. Starnes recalled that the Authority had recently done a study on Saturday tonnage. Mr. Asbury answered there was a study and the Authority Board voted to close on Saturdays. There was a general discussion on staffing, costs and demand for Saturday hours.

The motion for the landfill to open on Saturdays for a four-month test period was made by Mr. Sweet. The motion was seconded by Mr. Compton and failed by a roll call vote of the Authority as follows:

Mr. Asbury	<u>no</u>	Mr. Starnes	<u>no</u>
Mr. Compton	<u>yes</u>	Mr. Sweet	<u>yes</u>
Mr. Fijalkowski	<u>no</u>	Mr. Baker	<u>no</u>
Mr. Helms	<u>no</u>		

- g. Provide the member jurisdictions with monthly billing reports that are reasonably formatted in Excel or CSV format, as opposed to PDF format which is not compatible with any billing systems currently operated by member jurisdictions to prevent manual transfer of data.

Mr. Sweet stated that the Pulaski County PSA, the Authority's second largest customer, was

requesting a different billing format that can be a consistent, transferable, billing report for higher transparency and higher accuracy. Mr. Asbury raised concerns with data being adjusted or manipulated and then asked for a recommendation from the administrative staff. Mr. Helms stated that the auditor should be asked. Mr. Levine noted that the auditor read the agenda and stated that this was not recommended since data could be manipulated. Also, WasteWORKS, the landfill software, does not allow statements to be exported to Excel therefore reports would have to be created. He lastly noted that the same statements are sent to all customers and members.

The motion for the Authority to continue billing in the current format was made by Mr. Helms. 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. Starnes	<u>yes</u>
Mr. Compton	<u>no</u>	Mr. Sweet	<u>no</u>
Mr. Fijalkowski	<u>yes</u>	Mr. Baker	<u>yes</u>
Mr. Helms	<u>yes</u>		

- h. Reimburse all member jurisdictions directly for Authority Board members who are not compensated by the NRRA.

Mr. Sweet reviewed the item requested for discussion.

Mr. Starnes requested to read a statement he had prepared. "If you have not reviewed the Articles of Incorporation and the amended Articles of Incorporation as well as the By Laws, I would encourage you to do so. The Articles of Incorporation were not only approved by the New River Resource Authority but also by the governing boards of the participating members of the Authority. The By Laws were approved by the New River Resource Authority Board. The purpose of the New River Resource Authority, as stated in the Articles of Incorporation, are to purchase, lease, construct, operate and maintain and finance a garbage or refuse collection and disposal system within and without or partially in City of Radford, the County of Pulaski and to otherwise have and assess and exercise the powers granted by the Act. The documents also address compensation of members for their services. Members may be compensated for their services in a manner provided by the Statute. Any member who is a full time, salaried employee of the political subdivision which has Authority membership shall not be entitled to compensation by reason of membership of the Authority." Mr. Starnes stated, "Again, this is what has been approved by the Authority and the governing bodies of the member jurisdictions. I am concerned that we are getting away from the stated purpose for which the Authority was envisioned and created. In my judgment the Authority was not created to hand out scholarships and to accomplish feel good deeds for its member jurisdictions. The Board should adhere to the purpose for which the Authority was created. This falls in line with items h and 2 on the agenda."

Mr. Sweet asked if youth tours of the landfill and litter grant are not included in the purpose the Authority. Mr. Starnes stated he had read what the purpose of the Authority was. Mr. Helms noted that when a member jurisdiction appoints an employee of the jurisdiction, they know that they will not get reimbursed. The option would be to appoint someone who is not an employee.

Mr. Starnes called on Mr. Estes, who advised the intent of the Articles was for no compensation for employees of member jurisdictions. Any type of reimbursement could be viewed as circumventing the Articles.

The motion to not approve the request to reimburse member jurisdictions for their employee NRRA Board members was made by Mr. Starnes. The motion was seconded by Mr. Fijalkowski and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Compton	<u>no</u>	Mr. Sweet	<u>yes</u>
Mr. Fijalkowski	<u>yes</u>	Mr. Baker	<u>yes</u>
Mr. Helms	<u>yes</u>		

Item 2, Board member compensation.

This item was discussed as to how compensation was set. Mr. Levine advised that the Budget Committee makes an annual recommendation for the amount of compensation during budget preparation. Mr. Baker noted that the amount is paid in monthly payments and had always been paid in the same manner. Mr. Levine noted it is an annual amount set in the budget and paid out monthly.

The motion for Board compensation to remain as is was made by Mr. Starnes. The motion was seconded by Mr. Fijalkowski and approved by a recorded roll call vote of the Authority as follows:

Mr. Asbury	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Compton	<u>yes</u>	Mr. Sweet	<u>abstain</u>
Mr. Fijalkowski	<u>yes</u>	Mr. Baker	<u>yes</u>
Mr. Helms	<u>yes</u>		

Mr. Levine presented the Executive Director's Report. The waste stream report for July was attached to the Report. Revenues to date were 2.7% above projections and expenses were 0.4% below projections. 19,048.30 tons of waste was managed in July. The tonnage did include some special "clean up" projects. An HHW day was held on August 10, 125 citizens participated. Robinson Farmer Cox concluded the on-site portion of the annual audit this week. Presentation of audit is tentatively scheduled for the November meeting.

Mr. Fijalkowski stated that he had a couple of questions regarding the report. Mr. Fijalkowski noted that on page two of the Director's report there was reference to Mr. Levine receiving a FOIA request on July 29 and delivering the response on July 30. Mr. Fijalkowski stated that he had part of the FOIA request with him and that it was an email from Mr. Sweet, "the request in the last email should be treated as a FOIA request thus I expect the information requested in the appropriate time allowed pursuant to the Act." Mr. Fijalkowski asked Mr. Levine if Mr. Sweet requested the information previously and not as a FOIA request? Mr. Levine answered that he did, in the first email and as requested by the Chairman, Mr. Levine asked Mr. Sweet to talk to the Chairman. Discussion was held regarding the procedures the Board had previously adopted regarding Board member requests for information. Mr. Sweet noted that the Chairman did not have the documents. Mr. Fijalkowski stated there were other avenues to obtain the information other than as a FOIA request.

Mr. Fijalkowski read another email to Mr. Levine from Mr. Sweet. "I am working late on NRRA matters and needed to follow up on a few things from today's Board meeting. Today in our meeting you explicitly stated that you have not talked to anyone from Tazewell about the agreement since you originally brought this up to the Board. Can you please reconfirm that is the case and furthermore confirm that you have not talked to anyone connected to Tazewell regarding the same". Mr. Fijalkowski asked if Mr. Sweet could explain why he needed to reconfirm what is reflected in minutes that were approved today. Mr. Compton stated that the Pulaski Board of Supervisors was receiving pressure from an outside source and a law firm also to vote on the Tazewell agreement. After verbal exchanges among Board members about whether there had been communications between various parties, Mr. Fijalkowski expressed his concern over wasting of Authority resources and closed by stating his view that the email exchange and document demand was insulting. Verbal exchanges ensued.

Mr. Levine next presented the Engineering section of the Agenda.

Mr. Monk reported that Thompson and Litton did not have a report for the month.

Mr. Compton asked for a report back as to any impact on the life of the landfill if the Tazewell Emergency Agreement is approved.

Mr. Sweet stated his view that approximately \$4.5 million of Pulaski, Dublin and Radford's accumulated reserve funds from the closed Ingles Mountain landfill was "homogenized" into a single reserve fund and that those funds were derived from a reduction in rebates due to those jurisdictions. He expressed again that funds should be "rebated" to these jurisdictions. Mr. Baker responded that the reserve funds are not any one jurisdiction's funds and that those reserve funds belong to the Authority to meet environmental liability.

Mr. Levine noted that the Tazewell Emergency Agreement would be on the next meeting's agenda. Mr. Compton stated that it most likely did not matter after today's meeting.


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

Mr. Asbury	<u>yes</u>		
Mr. Compton	<u>yes</u>	Mr. Starnes	<u>yes</u>
Mr. Fijalkowski	<u>yes</u>	Mr. Sweet	<u>yes</u>
Mr. Helms	<u>yes</u>	Mr. Baker	<u>yes</u>

The meeting adjourned at 1:25 pm.

The next scheduled meeting of the Authority is Wednesday, September 25, 2024, 12:00, (NOON), at 7100 Cloyd's Mountain Road.

Respectfully Submitted,


Marjorie W. Atkins
Recording Secretary

Approved at _____ Board Meeting.


Paul W. Baker, Chairman

ATTEST:


Robert P. Asbury, Secretary

NRRA
PUBLIC COMMENT
REGISTRATION
August 28, 2024

Please register below if you wish to speak during the "Public Comment" portion of the Agenda. Speakers are limited to five minutes.

NAME:	ADDRESS:	PHONE OR EMAIL:
1. <u>Tom SIMANES</u>		<u>540-320-2118</u>
2.		
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