

RSWA BOARD OF DIRECTORS
Minutes of Regular Meeting
April 23, 2019

A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held on Tuesday, April 23, 2019 at 2:00 p.m. in the 2nd floor conference room, Administration Building, 695 Moores Creek Lane, Charlottesville, Virginia.

Board Members Present: Paul Oberdorfer, Mike Gaffney, Mike Murphy, Jeff Richardson, Liz Palmer, Trevor Henry.

Board Members Absent: Kathy Galvin.

Staff Present: Lonnie Wood, Jennifer Whitaker, Phil McKalips, David Rhoades, Steven Miller, Liz Coleman, Scott Schiller, Bill Morris, Victoria Fort, Dyon Vega, Austin Marrs, Andrea Terry, David Tungate, Michelle Simpson, Bill Mawyer, Katie McIlwee.

Also Present: Kurt Krueger, RSWA counsel, members of the public and media representatives.

1. CALL TO ORDER

Mr. Gaffney called the meeting to order at 2:02 p.m.

2. MINUTES OF PREVIOUS BOARD MEETING

Minutes of the Regular Meeting of the Board on March 26, 2019

Dr. Palmer moved to approve the RSWA Board meeting minutes of March 26, 2019 as presented. Mr. Richardson seconded the motion, which passed unanimously (6-0). Ms. Galvin was absent from the meeting and the vote.

3. RECOGNITION

Resolution of Appreciation for Mike Murphy

Mr. Gaffney read the joint resolution as follows:

WHEREAS, Mr. Murphy has served as a member of the Rivanna Water & Sewer Authority and Solid Waste Authority Boards of Directors since August of 2018; and

WHEREAS, over that same period Mr. Murphy has demonstrated leadership in water and sewer, solid waste and recycling services; and has been a valuable member of the Boards of Directors and a resource to the Authorities; and

WHEREAS, Mr. Murphy's understanding of the water, sewer, solid waste and recycling operations of the City of Charlottesville, the Water & Sewer Authority and the Solid Waste

46 Authority has supported a strategic decision-making process that provided benefits to the customers
47 served by the City of Charlottesville as well as the community as a whole.

48 **WHEREAS**, the Water & Sewer Authority and Solid Waste Authority Boards of Directors
49 are most grateful for the professional and personal contributions Mr. Murphy has provided to both
50 Authorities and to the community; and

51 **NOW, THEREFORE, BE IT RESOLVED** that the Rivanna Water & Sewer Authority
52 and the Rivanna Solid Waste Authority Boards of Directors recognize, thank, and commend Mr.
53 Murphy for his distinguished service, efforts, and achievements as a member of the Rivanna Water
54 & Sewer Authority and the Rivanna Solid Waste Authority, and present this Resolution as a token
55 of esteem, with their best wishes in his future endeavors.

56
57 **BE IT FURTHER RESOLVED** that this Resolution be entered upon both the
58 permanent Minutes of the Rivanna Water & Sewer Authority and the Rivanna Solid Waste
59 Authority.

60
61 **Dr. Palmer moved to adopt the resolution as presented and read into the record. Mr.**
62 **Richardson seconded the motion, which passed unanimously (6-0). Ms. Galvin was absent**
63 **from the meeting and the vote.**

64
65 Mr. Murphy accepted the resolution. He expressed appreciation to those who have served on the
66 Authority for a long time, particularly elected officials from the City and County.

67
68 **4. EXECUTIVE DIRECTOR'S REPORT**

69 Mr. Mawyer reported that the previous day was Earth Day, which they celebrated with a stream
70 cleanup behind Moose's Restaurant and the U-Haul site along Moores Creek in a partnership
71 with the Rivanna Conservation Alliance, RSWA, and RWSA. He stated that 10 employees
72 participated and they had a good turnout, collecting "all kinds of interesting things" that were
73 taken to the Ivy landfill. He presented a photo of the cleanup.

74
75 Mr. Mawyer informed the Board that recent vehicle counts at Ivy were 2,900 in February and
76 4,400 in March, with tonnage of 59 tons/day in February and 86 tons/day in March. He noted
77 that Phil McKalips had provided a lot of information in Item 7B of his report, and that in the five
78 Mondays the facility has been open, they have averaged 86 tons/per day, which is the
79 approximate break-even amount to account for the lower rates and the additional operating day.
80 He noted that they expected this figure to increase through the summer and felt positive about the
81 track they were on.

82
83 Mr. Mawyer reported that the Household Hazardous Waste and Bulky Waste Amnesty programs
84 began on Thursday and ran through the following weekend, with the schedule published in the
85 newspaper and on the Rivanna website. He reminded the Board that at last month's meeting,
86 staff had informed them that # 3-7 plastics were not being recycled, and the Board voted to
87 discontinue recycling of these products beginning in July. He noted that Staunton, Waynesboro,
88 and Augusta County had stopped processing some plastic and glass products and that
89 Harrisonburg, Rockingham, and Chesterfield Counties were considering changes to their
90 programs due to the "China effect", under which China is no longer accepting these products.
91

92 Mr. Mawyer informed the Board the General Assembly has passed legislation, with the
93 Governor recommending amendments, that created penalties for public employees and officials
94 who destroyed records in the FOIA process. He stated the legislation also created a penalty for a
95 public body that held a closed meeting that violated provisions of FOIA. He asked Mr. Krueger
96 to provide additional information.

97
98 Mr. Kurt Krueger explained that the Local Government Attorney's Association, VACO, and
99 some other legal organizations had critiques of the legislation, and after it had passed both the
100 Senate and House, they asked the Governor to make some edits -- essentially to the bill and sent
101 it back. He stated that he would review the two most significant edits and explained that the
102 original bill stipulated that if an attorney was present at a closed meeting, then a fine may apply,
103 which the Local Government Attorney's Association indicated would discourage public bodies
104 from having counsel present because penalties could be avoided by not having an attorney
105 present. He noted that this language was removed as the bill was enacted.

106
107 Mr. Krueger explained that the second change was that at the end of the second clause, which
108 dealt with penalties for miscertification of a closed meeting. He stated they have added language
109 to the effect that in determining if a penalty was appropriate, the court shall consider mitigating
110 factors, including reliance of members of the public body on opinions of the attorney general,
111 court cases substantially supporting the rationale of the public body, and published opinions of
112 the FOIA Advisory Council. He stated they had introduced the concept of mitigation if one is in
113 good faith relying on one of these things and noted that he had distributed copies of the enacted
114 legislation to Board members.

115
116 Mr. Mawyer reminded the Board the City and County had created a one-year Local Government
117 Support Agreement for Recycling Programs in 2011 to establish a payment formula for the City
118 and County to share recycling costs, to be renewed annually and which had been renewed seven
119 times. He suggested that the agreement be renewed automatically each year, with each locality
120 having the option to provide notice to opt out. He stated that Phil McKalips had spoken with Paul
121 Oberdorfer and Trevor Henry about this and they seemed to be in favor of it, and staff plan to
122 bring forth a proposal for a continuing agreement at next month's Board meeting.

123
124 Dr. Palmer recalled that she had asked if the agreement could be for five years and was told by legal
125 staff that this could not be done.

126
127 Mr. Henry remarked that they had conferred with the County Attorney and he stated the proposal
128 made sense as Rivanna suggested.

129
130 Mr. Mawyer noted that the Van Der Linde facility at Zion Crossroads has raised its MSW tipping
131 fee to \$52/ton, which his office would monitor this to see if there was an impact on the County's
132 competitiveness.

133
134 Mr. Mawyer informed the Board there had been a number of injuries at the landfill while staff
135 assisted customers with loading and unloading, including a broken arm and arm cut, which resulted
136 in lost work time. He stated they have instructed employees to not assist customers with unloading
137 and loading, unless approved by their supervisor, and he asked the Board for feedback.

138
139 Dr. Palmer remarked that this would be difficult for a lot of the employees because they were very
140 helpful. She asked if any customers had been hurt.

141
142 Mr. Mawyer commented that the concern was that staff or customers could be hurt with people
143 throwing things out of both sides of the vehicle, as anyone could get hit.
144
145 Dr. Palmer remarked that the transfer station had more individual users as compared to professional
146 haulers than most stations, which compounded the situation. She stated Phil McKalips has informed
147 her that many localities have convenience centers where individuals can take as long as they want to
148 unload their vehicles, whereas with Rivanna's facility, they force individuals to be around
149 professional haulers, which can create some issues.
150
151 Mr. Henry noted that the original design concept of the MUC had separated the individual and
152 commercial dropoffs, but this had been changed.
153
154 Dr. Palmer responded that a huge increase in trash had caused them to continuously analyze the
155 flow and make adjustments, and they may go back to that original plan somewhat, trying to get
156 some of the larger haulers to back in and to have a separate route. She stated that communication
157 was always a challenge when people were coming in and going out in a rush, and it would be an
158 ongoing process to figure out how this was going to work.
159
160 Mr. Mawyer stated that staff wouldn't abandon this issue, but for now would minimize it and see
161 how it could be improved.
162
163 Mr. Murphy expressed his understanding and asked if the risk management team would look into
164 training options or if they would instruct employees not to assist customers. He asked Mr. Mawyer
165 what the current official policy was for employees in terms of providing assistance to customers,
166 emphasizing that it needed to be consistent, without gray areas.
167
168 Mr. Mawyer explained that employees had been told they were not allowed to help load or unload,
169 and a sign would be posted with this policy for customers to read. He stated that if employees
170 noticed a circumstance they felt was different, they could assist if a supervisor gave approval, which
171 could be for unexpected circumstances or assisting the elderly and those with special needs.
172
173 Mr. Gaffney asked if the facility has ADA requirements.
174
175 Mr. Krueger responded that he did not know the answer to that.
176
177 Mr. Mawyer noted that the facility was ADA accessible, and the supervisor would likely allow an
178 exception for a customer with special needs.
179
180 Dr. Palmer invited Phil McKalips to address the Board on the matter.
181
182 Mr. McKalips explained that a supervisor could make an exception for those who needed special
183 assistance. He noted that a lot of the injuries were a result of the customer pushing at an inopportune
184 time, and there was no way to train customers to work in concert with staff to resolve this. He stated
185 the new policy may seem extreme, but they have tried other solutions and staff were still getting
186 hurt.
187

188 Mr. Murphy suggested that they have two Rivanna employees assist, instead of the customer, to be
189 sure they worked in concert. He emphasized that it was important to have a clear message as to what
190 people were supposed to do.

191

192 Dr. Palmer remarked that there had been discussion about having employees do the work
193 themselves and not working with the customer, which is when the problems occurred.

194

195

196

197 **5. ITEMS FROM THE PUBLIC**

198 Mr. Gaffney opened the the meeting to comments from the public. As no one came forward to
199 address the Board he closed this portion of the meeting.

200

201 **6. RESPONSES TO PUBLIC COMMENTS**

202 There were no responses to public comments.

203

204 **7. CONSENT AGENDA**

205 *a. Staff Report on Finance*

206

207 *b. Staff Report on Ivy Material Utilization Center/Recycling Operations Update*

208

209 *c. Staff Report on Ivy Landfill Environmental Status*

210

211 *d. Proposed Additional Holiday: July 5, 2019*

212

213 With respect to Item 7.d., Mr. Richardson asked if Rivanna had compared the number of holidays
214 offered by Rivanna to the number offered by other local governments across the state, when
215 considering the recommended extra Friday, July 5th holiday.

216

217 Mr. Mawyer replied that they tried to monitor that locally and knew that the ACSA was offering
218 July 5 as a day off, but staff was not yet able to find information on this from the State's website. He
219 added that Rivanna had not benchmarked against other localities except in the context of the
220 compensation studies.

221

222 Mr. Gaffney asked how this would impact commercial haulers.

223

224 Mr. Mawyer replied that the RSWA would be open to customers on July 5th, and staff at both the
225 landfill and recycling centers would be required to work on this day, with premium pay provided.

226

227 Dr. Palmer asked how much premium pay was.

228

229 Mr. Wood replied that it was time and a half to work holidays and days that an employee was not
230 scheduled to work.

231

232 Mr. Richardson asked if RWSA employees would get July 5th off.

233

234 Mr. Mawyer clarified that they would propose the same additional holiday to the RWSA Board, but
235 that was also challenging as water and wastewater plant operators worked around the clock and staff
236 were needed on every holiday. He stated that RSWA and RWSA administrative employees would

237 observe the holiday, and that to have parity employees who did work would receive premium pay to
238 keep the treatment plants, IMUC, and recycling facilities open.

239
240 Ms. Palmer asked for confirmation that RWSA staff received premium pay for July 4 and 5, the
241 RSWA transfer station would be closed on July 4, and RSWA staff would receive premium pay on
242 just July 5.

243
244 Mr. Mawyer replied that they would receive holiday time off on July 4, and premium pay on July 5,
245 because they will have worked that day.

246
247 Dr. Palmer asked if County employees would have off on July 5.

248
249 Mr. Richardson and Mr. Henry indicated they had not seen the calendar yet.

250
251 Mr. Richardson asked Mr. Mawyer if a similar situation to July 5 had occurred before.

252
253 Mr. Mawyer replied that they have had situations when an additional holiday has been granted when
254 a regular holiday fell during the middle of the week.

255
256 Dr. Palmer asked for confirmation that this situation was only for this year.

257
258 Mr. Mawyer confirmed this and noted that the ACSA had already approved July 5th as an additional
259 day off.

260
261 **Dr. Palmer moved that the Board approve the Consent Agenda. Mr. Oberdorfer seconded the**
262 **motion, which passed unanimously (6-0).**

263
264 **8. OTHER BUSINESS**

265 *a. Introduction of Fiscal Year 2019-2020 Budget and Adoption of the Preliminary Rate*
266 *Resolution – Bill Mawyer, Executive Director*

267 Mr. Bill Mawyer stated that the budget totaled \$4.2M for both revenues and expenditures. He
268 reviewed accomplishments over the past year, including the opening of the Ivy Transfer Station,
269 lowering of solid waste tipping fees, and addition of Mondays to days of operation, completion of
270 Ivy Master Plan, beginning of the design phase for the new Ivy convenience center, and planning
271 for a compost facility. He presented a photo of the interim convenience center at Ivy. He stated they
272 hoped to begin construction of the new convenience center next year, would continue to optimize
273 the transfer operations and recycling programs, and were conferring with Virginia Department of
274 Forestry on a potential forestry management plan for 150 acres of buffer around the landfill.

275
276 Mr. Mawyer stated that they would continue with household hazardous waste, electronic waste, and
277 compost programs. He returned to the budget, noting that the largest component was \$1.9M or 46%
278 for transfer operations, second was the environmental component at \$1M or 26%, followed by
279 recycling at \$668K, and then Operations. He emphasized that the budget was about \$1M more than
280 last year, largely due to increased revenues and costs from the transfer operation. He stated the
281 increase expenses of the transfer station were estimated to be \$585K as they moved from 30
282 tons/day to 80 tons/day, which would be offset by an estimated revenue increase of over \$600K,
283 which they expected would decrease the transfer operations deficit.

284

285 Mr. Mawyer stated that recycling expenses would increase as a result of proposed personnel
286 increases, increased costs of wood grinding, and equipment depreciation. He stated the landfill
287 environmental expenses were expected to increase, largely due to the need to regrade areas of the
288 cell caps as requested by the VA Department of Environmental Quality, at an estimated cost of
289 \$250K. He stated the cost to implement the e-waste program was around \$15K for each of the two
290 proposed days. He noted that they would use \$390K from the reserve to offset environmental costs
291 this year, which they would not be able to do next year and which was a driver of the budget
292 increase.

293
294 Mr. Mawyer explained that operations included yard and vegetative waste disposal, disposal of
295 tires, clean fill, and bulky waste, and that these expenses were funded by the County. He stated they
296 expected higher revenues from the Ivy Transfer Station along with higher expenses, with the
297 difference to be funded by the County. He noted that the costs of the recycling program were shared
298 by the City and County through the Local Support Agreement, and he presented a slide with
299 revenue and expense estimates. He explained that the environmental segment of the budget
300 represented groundwater and gas remediation, e-waste, household hazardous waste, and paint
301 disposal, which represented expenses shared by contract with the County, City and UVA, with no
302 revenue. He reminded the Board that UVA paid a fixed amount each year for environmental
303 remediation, while the County and City paid fixed percentages. He continued that expenses
304 included a 3% merit pool of \$18K for the 15 employees and a 2% increase in health insurance costs,
305 despite a premium increase of 10%, mitigated by the use of some savings from last year.

306
307 Mr. Richardson asked if the increase in the employee portion of health insurance might offset pay
308 increases.

309
310 Mr. Mawyer replied that this could happen, though they were trying to budget a small decrease in
311 employee premiums.

312
313 Mr. Mawyer stated they proposed to add three positions, two of which were needed to operate the
314 transfer station on Mondays during the pilot period and who had been hired through a temporary
315 agency, with the possibility of adding two full-time employees should they decide to continue with
316 Monday operations. He stated they would add 0.3 of an employee at the Ivy scale to cover the
317 additional need created by the addition of Mondays to the days of operation, and 0.75 of an
318 employee to support recycling operations by converting three part-time positions to two full-time
319 positions, which would total 3.05 FTEs at a cost of \$139K, of which a large part represented the
320 cost of health insurance and other benefits.

321
322 Mr. Mawyer reviewed expected revenues. He stated they expected tip fees and sales to equal almost
323 \$2M, with the balance supported through the local government support agreements with the City,
324 the County, and UVA. He noted that they would keep the tipping fees the same with the exception
325 of the cost for pallets, which increased to \$52 from the current \$10, as Rivanna would no longer
326 recycle them for mulch, as it has been determined that the grinding of pallets was detrimental. He
327 concluded and invited questions.

328
329 Dr. Palmer stated she had learned that the City did not contribute old tires, asked if the County paid
330 for the cost of tire amnesty day, and if the City participated.

331
332 Mr. Wood replied that they tracked the origin of the tires and billed accordingly to the City or
333 County.

334
335 Dr. Palmer asked if the City picked up tires in bulk pickups.
336
337 Mr. Oberdorfer responded that the City scheduled pickups of tires.
338
339 Dr. Palmer asked why UVA always paid the same amount for use of the landfill.
340
341 Mr. Gaffney responded that the agreement was for UVA to contribute 7% of the total budgeted
342 amount for the 30 years of landfill mitigation, and the percentage was not to be changed if
343 something new is found or if costs increase or decrease. He explained that it was determined that
344 UVA contributed 7% of the waste in the community.
345
346 Mr. Wood stated that at the time, there was a post-closure cost booked as a liability, so they had a
347 30-year cost estimate. He stated that they escalated that cost based on inflation, so the first five
348 years, they were paying a much larger amount and it fluctuated -- and after that first five years, the
349 \$79,000 was enacted, based on the 25-year cost estimate that was adjusted for inflation.
350
351 Mr. Mawyer noted that next year, 7% of the budgeted costs would be \$70,000, not \$79,000, so
352 UVA was paying more than 7%.
353
354 Mr. Gaffney stated that the year before, they had mitigated the cost for \$773K based on 2019, so
355 they were paying above 7%.
356
357 Mr. Gaffney asked if what was currently in cell three that had to be regraded was just regraded
358 based on what was already there, or if they had to add to bring it up to a specific level.
359
360 Mr. Mawyer responded that they would check the liner to make sure it was still intact and hadn't
361 separated, and they would restore it and replace the soil fill over top of it -- so they would be adding
362 soil, not just pushing around what was there. He emphasized that they needed to fill in the hole and
363 would likely have to add soil in order to do that, and some soil went down into the cell, so they
364 would have to add soil if they couldn't get it out.
365
366 Mr. Gaffney asked if this rate schedule was the same as previous years.
367
368 Mr. Mawyer responded that it was, except for the pallets being removed from this schedule as they
369 would be advertised.
370
371 **Dr. Palmer moved that the Board approve the resolution as the proposed rates to be**
372 **presented at the May RSWA Board meeting for public hearing, reflecting the removal of the**
373 **pallets. Mr. Richardson seconded the motion.**
374
375 Mr. Murphy observed that the City would have a total cost of \$491K, an increase from \$207K the
376 previous year, while the County's cost will increase from \$1.25M to \$1.7M -- and asked why the
377 City's cost would increase by a greater percentage than that of the County.
378
379 Mr. Mawyer explained that this was calculated with the use of a formula, with the City's portion
380 representing 30% of the total, by agreement, and this year the cost would not be subsidized with
381 reserves, which has driven both the City and County budgets higher.
382

383 Mr. Murphy commented that in looking at the budget in the year they were in, if the County was
384 over \$1.25 million and the City was at \$200K, that was a 6:1 ratio.

385
386 Mr. Gaffney stated that the previous year, they used \$390K in reserves.

387
388 Mr. Wood explained that the transfer station was lowering its deficit, of which the County was the
389 only payer, and the transfer station was going down by about \$70K and would benefit from this
390 deficit reduction dollar for dollar in the Ivy center. He added that this savings did not benefit the
391 City because they weren't a financial supporter of that center.

392
393 Mr. Murphy stated that he was still trying to process how this went from a 6:1 ratio in one year to a
394 3.5:1 ratio in the next, as it didn't seem to make sense to him.

395
396 Mr. Wood stated that after taking the UVA portion, it was 63.5% to the County and 36.5% to the
397 City.

398
399 Mr. Gaffney pointed out that the biggest number, the Ivy Transfer Station, went down for the
400 County -- with environmental and recycling being the same for the City and County. He noted that
401 the County would be paying \$2 million if the ratios were the same.

402
403 Mr. Murphy asked if they could advance this item to the next meeting for final approval.

404
405 **The motion passed unanimously (6-0). Ms. Galvin was absent from the meeting and the vote.**

406
407 **9. OTHER ITEMS FROM BOARD/STAFF NOT ON AGENDA**

408 Mr. Henry informed the Board he would be replaced on the Board by Lance Stewart, the new
409 Director of Facilities and Environmental Services, at the next meeting. He added that Mr. Stewart
410 would be a welcome addition.

411
412 **10. CLOSED MEETING**

413 There was no closed meeting held.

414
415 **11. ADJOURNMENT**

416 **Dr. Palmer moved to adjourn the meeting. Mr. Richardson seconded the motion, which**
417 **passed unanimously (6-0). Ms. Galvin was absent from the meeting and the vote.**

418
419 The RSWA Board adjourned its meeting at 2:56 p.m.

420
421 Respectfully submitted,



Dr. Tarron Richardson
Secretary - Treasurer