

**RSWA BOARD OF DIRECTORS**  
**Minutes of Regular Meeting**  
**June 25, 2019**

A regular meeting of the Rivanna Solid Waste Authority (RSWA) Board of Directors was held on Tuesday, June 25, 2019 at 2:01 p.m. in the 2<sup>nd</sup> floor conference room, Administration Building, 695 Moores Creek Lane, Charlottesville, Virginia.

**Board Members Present:** Liz Palmer (arrived at 2:03 p.m.), Paul Oberdorfer, Mike Gaffney, Lance Stewart, Kathy Galvin, Tarron Richardson (left at 4:20 p.m.), Jeff Richardson.

**Rivanna Staff Present:** Lonnie Wood, Jennifer Whitaker, Phil McKalips, Liz Coleman, Scott Schiller, Austin Marrs, Andrea Terry, David Tungate, Michelle Simpson, Grace Hopkins, David Rhoades, Mike Ralston, Mike Haley, Dyon Vega, Bill Mawyer, Katie McIlwee.

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

**1. CALL TO ORDER**

Mr. Gaffney convened the June 25, 2019 meeting of the Rivanna Solid Waste Authority at 2:01 p.m.

**2. MINUTES OF PREVIOUS BOARD MEETING**

*Minutes of the Regular Meeting of the Board on April 23, 2019*

Mr. Gaffney asked Board members if they had comments or changes. None were presented.

**Ms. Galvin moved that the Board approve the minutes of the previous Board meeting. The motion was seconded by Mr. Oberdorfer and passed unanimously (6-0). Dr. Palmer had not yet arrived at the meeting and was absent from the vote.**

**3. RECOGNITIONS**

Mr. Gaffney stated that they did not have any recognitions.

**4. EXECUTIVE DIRECTOR'S REPORT**

Mr. Bill Mawyer presented to the Board. He stated they have enhanced their security after the Virginia Beach tragedy and would now have a County police officer present at Board meetings. He listed the following security measures to be implemented: lock the visitor door and manage and control access, though they still welcome people to attend the meetings, install locks on the engineering trailer, require employees to wear badges, install a card access system to the building, employees viewed an active shooter training video a couple of weeks ago and they would have an FBI agent provide active shooter training tomorrow.

Mr. Mawyer reported that over 5,000 vehicles had visited the Ivy Materials Utilization Center (MUC) in May, the facility averaged over 100 tons/day during the month, the facility has averaged 97 tons on Mondays since they added this day, use of McIntire Recycling Center has increased from the same time last year by over 840 vehicles — or 40%, for the same week in June this year versus last year. He observed that there was an error in Item 7b of the Ivy MUC Report as the reported 8,200 tons of waste was actually 4,265 tons.

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**5. ITEMS FROM THE PUBLIC**

Ms. Patricia Slahoda, resident of Ivy, addressed the Board. She stated she lives next to the facility, that for the past 18 years she has requested a transfer of division rights to her property, and asked the Board if it has made a decision.

Mr. Gaffney replied that a discussion of this issue would be held during today's meeting.

Ms. Slahoda asked if they need any information from her.

Mr. Gaffney replied that, should they have any questions, they would let her know during that portion of the meeting.

Mr. Larry Miller asked the Board for the status of the new leases at Buck Mountain.

Mr. Gaffney responded that this matter is related to the Rivanna Water and Sewer Authority, which is the next meeting.

Mr. Gaffney closed the Items from the Public portion of the meeting.

**6. RESPONSES TO PUBLIC COMMENT**

There were no responses.

**7. CONSENT AGENDA**

Mr. Gaffney asked members if there were any items they would like to pull from the Consent Agenda. There were none.

**Ms. Galvin moved that the Board adopt the Consent Agenda. The motion was seconded by Dr. Palmer and passed unanimously (7-0).**

**8. OTHER BUSINESS**

*a. Presentation: Development Rights, Property near the Ivy Material Utilization Center; Phil McKalips, Director of Solid Waste*

Mr. McKalips stated that he would give a presentation on the history, layout, and process so the Board would have some background to make a decision. He stated that the Slahoda's property is on the western side of the Ivy landfill, though not adjacent to it. He recounted that the Slahodas came to the Board in 2005 and requested that the Authority transfer a development right to them. He explained that this development right was purchased as part of the Booth Farm purchase along the western side of the landfill in 2000 to provide a buffer because of the upcoming remediation. He stated the farmhouse has been removed from the Booth property and only a barn remains, with hay being cut periodically.

Mr. McKalips explained that at the time, because of a large groundwater remediation program, the Board asked the Slahodas to come back in 18 months to revisit the situation and they reached out to him this March 2019 and asked that the Board consider this. He pointed to the landfill property, the new transfer station, the Booth farm parcels, and surrounding landmarks on a map and noted that one of the Booth parcels is just over 20 acres while the second is 5 acres. He noted that the Slahodas reside on parcel 17c, while the Booth parcels are 17d and 17e. He explained that the should the

98 Board wish to transfer the development right, the Authority would have to re-plot the subdivision by  
99 combining parcels 17d and 17e into one 26-acre parcel, which would create an unassigned  
100 development right that could then be reassigned to the Slahota parcel.

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102 Mr. McKalips stated that a surveyor would conduct a re-platting process, at a cost of about \$2,500,  
103 and Albemarle County would impose a boundary line adjustment fee of \$215 to allow this  
104 assignment of the development right from the Authority to the Slahodas. He noted that staff believes  
105 it would facilitate additional development in the area of the landfill. He stated that there is some  
106 value to the development right which has not been taken into account, though they have not yet  
107 looked into this. He explained that the Booth Farm was purchased as a buffer to address  
108 groundwater issues, which the staff recommendation takes into consideration.

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110 Mr. McKalips stated that the Board has the option to do one of three things: decide not to do  
111 anything and think about it for a time, decline the request, or agree to move forward and investigate  
112 it without committing to it. If the third option is chosen, he stated, staff would obtain an appraisal of  
113 the value of the development right and then the Board could enter into negotiations with the  
114 Slahodas. He stated that staff's recommendation is to decline, as a buffer is hard to get back once it  
115 has been given away, and he would love to have more buffer around the landfill.

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117 Dr. Palmer asked for confirmation that what is on the GIS map of the property is not accurate, as it  
118 shows the presence of three buildings.

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120 Mr. McKalips replied that he knows the house was torn down.

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122 Dr. Palmer inquired about the condition of the buildings.

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124 Mr. McKalips replied that the barn would need some repair work to be safe or have to be torn down.  
125 He noted that the farmer stores hay from the Booth property and from Ivy in the barn.

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127 Ms. Galvin remarked that the term "development right" suggests that something can be developed  
128 there and asked what could be developed.

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130 Mr. McKalips replied that each of the Booth parcels is already developable as a standalone parcel.  
131 He stated that, should they transfer a development right, they would have to re-plot the parcels. He  
132 stated the two parcels have some intrinsic value to the Authority, though he does not know how to  
133 determine the value of the development right. He speculated that there is probably more value with  
134 two parcels than with one.

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136 Mr. Mawyer added that the owner of the development right would meet all of the County's criteria  
137 to develop another lot.

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139 Mr. McKalips noted that the Slahodas are interested in developing a parcel.

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141 Mr. Gaffney remarked that we are 19 years into a 30-year remediation plan and asked if we have  
142 any test sites or test wells on the Booth property.

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144 Mr. McKalips confirmed that we do and pointed to the area on a map where a pair of monitoring  
145 wells are located. He stated we have a variety of wells on the Ivy parcel along a green line he  
146 pointed to on the map. He stated the wells show impacts but they believe the plume is on the Ivy  
147 MUC property and not off site.

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149 Mr. Gaffney remarked that we hope it is still not moving.  
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151 Mr. McKalips remarked that we think it has retracted because the remedial efforts brought it back  
152 on to the footprint of the landfill property. He acknowledged that he does not know what tomorrow  
153 would bring as we are looking at emerging pollutants every day.  
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155 Mr. Gaffney remarked that emerging pollutants could be things we are not testing for.  
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157 Mr. McKalips agreed.  
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159 Dr. Palmer added that we don't know what we don't know. She expressed appreciation to Mr.  
160 McKalips for bringing the Board a recommendation. Dr. Palmer expressed that, though we don't  
161 now have an idea as to what the land would be used for, as the Authority expands services it seems  
162 like it would not be a good idea to relinquish the property, as the holding of a development right  
163 may come in handy.  
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165 Mr. Gaffney recognized that we have a fiduciary responsibility to research its value.  
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167 Ms. Galvin agreed that we should determine its value.  
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169 Mr. Gaffney asked what the properties are assessed by the County.  
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171 Dr. Palmer informed the Board that the smaller parcel is assessed at \$91K and the larger at \$467K.  
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173 Mr. Gaffney asked about the land value, noting that there are \$225K in improvements on it.  
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175 Mr. McKalips stated that Parcel 18e is 2.97 acres, with an assessed land value of \$110K, and Parcel  
176 18b is 2 acres and assessed at \$105K, or about \$100K per two acres.  
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178 Dr. Palmer expressed agreement with the staff recommendation to keep the land, at least for the  
179 remainder of the 30-year remediation period.  
180  
181 Ms. Galvin asked if the transfer of rights was going to be a giveaway or if we were going to sell the  
182 land.  
183  
184 Mr. McKalips replied that it was a request. He explained that we would not be transferring any land  
185 but a right to subdivide their own property.  
186  
187 Ms. Galvin remarked that it is staff that is responsible for maintaining health and safety around the  
188 landfill and she took their recommendation that the buffer is needed seriously.  
189  
190 Mr. Richardson stated his understanding is that no land would exchange hands and they would not  
191 be allowed to build on the property but would simply give the right. He stated the value of the buffer  
192 from a community protection standpoint doesn't change because they would not lose land.  
193  
194 Mr. McKalips confirmed this, adding that to transfer the right would be fostering development in  
195 the area closer to the landfill. He stated the philosophical question is whether or not they want to  
196 foster development closer to the landfill.  
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198 Mr. Krueger stated Mr. Booth claimed that one of his drinking wells had contaminants in it, the  
199 Authority was not able to confirm this, and the Authority's monitoring wells have not picked up  
200 contaminants, however, if neighbors of a landfill end up with contaminants in their drinking wells  
201 the Authority typically has to do something and the development of a house on that lot would add  
202 one more drinking water well that they would have to worry about.

203  
204 Dr. Palmer expressed concern that the Authority might one day wish to put something on the parcel,  
205 though she cannot imagine what it could be, and she is reluctant to give it away, though she  
206 acknowledged that they are not giving up land but a buffer in a broader sense, and a development  
207 right is valuable.

208  
209 Mr. Gaffney remarked that it seems as if members would either like to take no action and defer the  
210 decision to the future or to decline the request.

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212 Dr. Palmer remarked that a future Board could take up this request again.

213  
214 Mr. Krueger agreed that declining the request now would not prevent the Slahodas from coming  
215 back in the future and making a request to another Board.

216  
217 Ms. Galvin stated she found Mr. Krueger's comment about adding another drinking water well in  
218 the area of the landfill to be compelling.

219  
220 **Dr. Palmer motioned that the Board decline the request. The motion was seconded by Ms.**  
221 **Galvin and passed unanimously (7-0).**

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

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226 There were no other items.

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228 **At 2:31 p.m., Dr. Palmer moved to recess the Rivanna Solid Waste Authority Board meeting.**  
229 **The motion was seconded by Ms. Galvin and passed unanimously (7-0).**

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231 Mr. Gaffney reconvened the meeting of the Rivanna Solid Waste Authority.

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233 **At 3:33 p.m., Ms. Galvin moved that the Board reconvene the Rivanna Solid Waste Authority**  
234 **meeting. The motion was seconded by Dr. Richardson and passed unanimously (7-0).**

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236 **10. CLOSED MEETING: (JOINT SESSION WITH THE RWSA)**

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238 Mr. Gaffney announced that both RSWA and RWSA were convened together.

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240 **At 3:33 p.m., Ms. Galvin moved that the Board of Directors of the Rivanna Solid Waste**  
241 **Authority enter into a joint closed meeting with Rivanna Water and Sewer Authority Board**  
242 **to discuss confidential personnel matters, as permitted by Section 2.2-3711A.1. of the Code of**  
243 **Virginia. The motion was seconded by Dr. Palmer and passed unanimously (7-0).**

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245 Dr. Richardson left the meeting at 4:20 p.m.

246  
247 The Board returned to open session at 4:34 p.m. Mr. Krueger read the following closed meeting  
248 certification:

247           **WHEREAS**, the Rivanna Solid Waste Board has convened a joint closed meeting with the  
248 Rivanna Water and Sewer Authority on this date, pursuant to an affirmative recorded vote and in  
249 accordance with the provisions of the Virginia Freedom of Information Act and,

250           **WHEREAS**, Section 2.2-3712.D. of the Code of Virginia requires certification by the  
251 Rivanna Solid Waste Authority that such a closed meeting was conducted in conformity with  
252 Virginia law.

253           **NOW THEREFORE BE IT RESOLVED**, that the Rivanna Solid Waste Authority hereby  
254 certifies that, to the best of each member's knowledge, only public business matters lawfully  
255 exempted from the open meeting requirements by Virginia law were discussed in the executive  
256 meeting to which this certification resolution applies and only such public business matters as were  
257 identified in the motion convening the closed meeting were heard, discussed, or considered by the  
258 Rivanna Solid Waste Authority.

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260           **At 4:33 p.m., Dr. Palmer moved that the RSWA Board certify the closed meeting. The motion**  
261 **was seconded by Ms. Galvin and passed unanimously (6-0). Dr. Richardson was absent from**  
262 **the vote.**

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264           **Dr. Palmer moved that the Boards of the Rivanna Solid Waste Authority and Rivanna Water**  
265 **and Sewer Authority approve a 4.5% salary increase for Executive Director Bill Mawyer. The**  
266 **motion was seconded by Ms. Galvin and was passed by the RSWA Board unanimously (6-0).**  
267 **Mr. O'Connell and Dr. Richardson were absent from the meeting and the vote.**

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269           **11. Adjournment**

270           **At 4:35 p.m., Ms. Galvin moved to adjourn the meeting of the Rivanna Solid Waste**  
271 **Authority. The motion was seconded by Mr. Richardson and passed unanimously (6-0). Dr.**  
272 **Richardson was absent from the vote.**

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275           Respectfully submitted,

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**Dr. Tarron Richardson**  
**Secretary - Treasurer**