

MINUTES OF MEETING
MONTGOMERY REGIONAL SOLID WASTE AUTHORITY
October 19, 2023

Chair Chris Kiwus called the meeting to order at 1:30 p.m. in the conference room of the Authority's Recycling Center Building and declared the existence of a quorum. Present were Authority Board members Dr. Chris Kiwus, Mr. Steve Fijalkowski, Mr. Barry Helms, and Mr. John Boyer. Ms. Sharon Scott participated by telephone. Also present were Mr. Alan Cummins, MRSWA Executive Director, and Ms. Kim Stafford, MRSWA Administrative Coordinator.

At this time, Ms. Scott explained why she could not attend the meeting. She was in Florida for work. She requested approval to participate and vote by telephone. Mr. Fijalkowski moved that Ms. Scott be allowed to participate and vote during the meeting by telephone. Mr. Helms seconded the motion, which passed unanimously.

Consent items were reviewed. There were no changes offered to the agenda or the MRSWA Board minutes dated September 21, 2023. Mr. Cummins reported expenses for September were 1.05% below projections and there were no transfers. Mr. Cummins noted several VRSA invoices stating that MRSWA now pays worker's compensation, property, and vehicle insurance coverage quarterly. He also noted invoices for the transfer station and closed landfill permit fees, pump station liner project fees, and the Milliman fee for the GASB 74 and 75 report needed for MRSWA's audit. The monthly financial statement was presented for informational purposes. Mr. Helms moved the consent items be approved. Mr. Boyer seconded the motion, which passed unanimously.

The Solid Waste and Recycling Tonnage Reports for September were reviewed. Mr. Cummins said solid waste tonnages totaled 6,972 tons bringing the fiscal year total to 21,905. This is 1,301 more tons when compared to last fiscal year. Meridian Waste brought in 495 tons of construction material and 165 tons of municipal solid waste. Mr. Cummins said according to his calculations, Meridian should start bringing all their municipal solid waste to MRSWA per flow control guidelines. Mr. Cummins and Mr. Jacobson, Authority Counsel, are writing a letter on this matter which will be sent to the attorneys of the Town of Blacksburg and Montgomery County.

Recycling tonnages for September were 514 tons bringing the fiscal year total to 1,574. This is a decrease of 161 tons when compared to last year. Mr. Cummins said single stream tonnages are 114 tons lower than last year. The rejection rate in September for single stream was .21%, bringing the fiscal year rejection rate to .15%. Single stream pricing increased from \$51.54 per ton to \$57.42 per ton. Mr. Cummins mentioned that the RDS contract for processing the Authority's single stream ends June 30, 2024. He has started negotiations with RDS since the budget process is quickly approaching. Mr. Fijalkowski asked if any of the new fiber recycling plants across the region, that were discussed in previous meetings, have begun operations. Mr. Cummins said several new paper mills and expansions have come online which has helped with the increase in cardboard commodity pricing.

September revenues were discussed. Mr. Cummins stated revenues were 3.45% above projections. A transfer of \$5,219 was made to pay for three computers to be upgraded. The recycling profit loss report showed expenses exceeded revenues by \$7,344. For the fiscal year, revenues exceeded expenses by \$11,759. This brings the recycling position to \$37,508.

The next item up for Board approval was the New River Computing Agreement. Mr. Cummins said three quotes were received and New River Computing, the Authority's current provider, provided the lowest quote. The other quotes were from Advanced Logic and Tech Squared. Mr. Cummins said the agreement is for one year with two, yearly options after that. This falls within small purchasing procurement guidelines. Mr. Jacobson has reviewed and approved the agreement. Mr. Cummins asked for Board approval of the agreement. Mr. Helms moved for approval of the agreement. Mr. Fijalkowski seconded the motion, which passed unanimously.

Mr. Cummins' next item for Board approval was the Governmental Entity Resolution to Lease, Purchase and/or Finance. Mr. Cummins said this is part of the process to acquire the 2023 Cat 950 Wheel Loader under a lease-purchase process that the Board approved in September. The resolution needs approval from the Board. Mr. Jacobson has reviewed the resolution. Mr. Boyer moved for approval of the resolution. Mr. Fijalkowski seconded the motion, which passed unanimously.

A Request for a FY 23/24 Budget Transfer was discussed. Mr. Cummins explained that there is no monetary change in the budget transfer. He is requesting the amount budgeted for the Wheel Loader purchase be broken down into principal and interest line items. Mr. Helms moved approval of the line item change as requested in the current FY 23/24 budget. Mr. Fijalkowski seconded the motion, which passed unanimously.

Mr. Helms gave the update for NRRA. He stated NRRA will have a meeting October 25, 2023.

There were no public comments.

During the Board comments, everyone expressed appreciation to Dr. Kiwus for his service on the MRSWA Board. Mr. Fijalkowski read a resolution of appreciation and presented it to Dr. Kiwus. A resolution copy is attached to be included in the minutes. Dr. Kiwus said he would miss this Board and gave an update on who may be his replacement.

The next item on the agenda was a Closed Meeting. On motion of Mr. Fijalkowski, seconded by Mr. Helms, the Board unanimously approved going into Closed Meeting to discuss (pursuant to Virginia Code §2.2-3711 A.8)- consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pertaining to agreements related to the proposed solar facility - and (pursuant to Virginia Code §2.2-3711 A.29) the award of a public contract involving the expenditure of public funds. The roll call vote to go into a Closed Meeting was as follows: Dr, Kiwus, Aye, Mr. Fijalkowski, Aye, Mr. Helms, Aye, Mr. Boyer, Aye, and Ms. Scott, Aye.

The Board then went into Closed Meeting. Dr. Kiwus, Mr. Fijalkowski, Mr. Helms, Mr. Boyer, and Mr. Cummins were present for the closed meeting. Ms. Scott and Authority Counsel Mr. Jacobson participated by telephone. At the end of the Closed Meeting, Mr. Fijalkowski moved that the Board return to Open Meeting and Mr. Boyer seconded the motion. A roll call vote was taken to approve reconvening in Open Meeting. Dr. Kiwus, Aye; Mr. Fijalkowski, Aye; Mr. Helms, Aye; Mr. Boyer, Aye, and Ms. Scott, Aye. All Board members present (Dr. Kiwus, Mr. Fijalkowski, Mr. Helms, Ms. Scott, and Mr. Boyer) each individually approved the following certification resolution:

WHEREAS, the Board of the Montgomery Regional Solid Waste Authority convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the Board of the Montgomery Regional Solid Waste Authority that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the Board of the Montgomery Regional Solid Waste Authority hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies; and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Before the roll call vote was taken on this certification resolution Dr. Kiwus asked if there was any member of the Board who believed there was a departure from the requirements of number (1) or number (2) above, and no member made any such statement. A roll call vote was taken as follows to certify the resolution. Dr. Kiwus, Aye; Mr. Fijalkowski, Aye; Mr. Helms, Aye; Mr. Boyer, Aye; and Ms. Scott, "Aye." The certification resolution passed.

Once back in open session, Ms. Scott moved approval of adding an agenda item to include discussion of the landfill solar project resolution. Mr. Boyer seconded the motion, which passed unanimously.

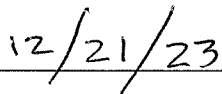
The resolution was presented that approves an Interim Agreement and the Option and Lease Agreement between MRSWA and Sun Tribe. It also authorizes the Board Chair, Vice Chair, and the MRSWA Executive Director to execute and deliver the Interim Agreement and the Option and Lease Agreement on behalf of MRSWA, with any changes, insertions and omissions as may be approved by the Board Chair, Vice Chair of the Executive Director. Mr. Fijalkowski motioned to approve the resolution. Mr. Boyer seconded the motion, which passed unanimously.

There being no further business, the meeting was adjourned.

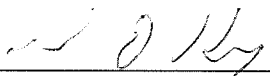
Accepted:



MRSWA Chair



Date



MRSWA Secretary

