

NEW RIVER SOLID WASTE ASSOCIATION
REGULAR BOARD MEETING MINUTES
October 12, 2017

The New River Solid Waste Association Board of Directors met in regular session on October 12, 2017 with the following members present:

Commissioner Karen Cossey, Chairwoman
Commissioner James Croft, Vice-Chairman
Commissioner Kenny Thompson, Secretary/Treasurer
Commissioner Chris Dougherty
Commissioner Bobby Steele
Commissioner Jimmy Tallman

Others present were: Darrell O'Neal, Executive Director
Perry Kent, Assistant Director
Melissa Waters, Finance Officer
Lydia Greene, Office Manager/Admin. Asst.
Russell Wade, Attorney

Chairwoman Cossey called the meeting to order. Prayer was led by Commissioner Croft followed by the Pledge of Allegiance. Mr. O'Neal introduced Commissioner Bobby Steele, the alternate from Baker County.

Chairwoman Cossey called for a motion on agenda item #2, Approval of Expenditures for August and September 2017. Commissioner Thompson made a motion to approve the expenditures for August and September 2017. Commissioner Tallman seconded the motion. The motion carried unanimously.

Chairwoman Cossey called for a motion on agenda item #3, Approval of Regular Board Minutes for August 10, 2017. Commissioner Thompson made a motion to approve the minutes for the Regular Board Minutes for August 10, 2017. Commissioner Dougherty seconded the motion. The motion carried unanimously.

Chairwoman Cossey asked if there were any questions or comments from the public. There were none.

Chairwoman Cossey called for discussion of agenda item #5, Engineering Updates. Mr. O'Neal asked Mr. Woolsey, Jones Edmunds to update the board on any engineering items.

Mr. Woolsey said there are a number of Work Orders for the new fiscal year that he would like to present to the board tonight.

Work Order #78 is for annual Groundwater and Environmental Monitoring services as required by the FDEP in the permit in the amount of \$68,000.

Chairwoman Cossey called for a motion to approve Work Order #78 for Groundwater and Environmental Monitoring in the amount of \$68,000. Commissioner Croft made a motion to approve the work order. Commissioner Thompson seconded the motion. The motion carried unanimously.

Work Order #79 is for Gas Collection and Control System which requires expansion of the gas collection system as the landfill grows. This work order provides for assisting staff with the gas collection system in addition to the permit modifications required in the amount of \$50,000.

Chairwoman Cossey asked for a motion on Work Order #79, Gas Collection and Control System Expansion in the amount of \$50,000. Commissioner Dougherty made a motion to approve Work Order #79. Commissioner Steele seconded the motion. The motion carried unanimously.

Work Order #80 is for the Gas System Compliance which covers all permitting and reporting required for Title V Compliance for EPA and DEP in the amount of \$120,000.

Chairwoman Cossey called for a motion to approve Work Order #80 for Gas System Compliance and Reporting in the amount of \$120,000. Commissioner Thompson made a motion to approve Work Order #80. Commissioner Dougherty seconded the motion. The motion carried unanimously.

Work Order #81 is for Miscellaneous Engineering Services is for an amount of \$125,000 and covers a number of solid waste permitting, compliance and financial assurance projects and reporting requirements for DEP, in addition to any board directed projects that might come up during the year.

Chairwoman Cossey asked for a motion to approve Work Order #81 for Miscellaneous Engineering Services in the amount of \$125,000. Commissioner Croft made a motion to approve Work Order #81. Commissioner Dougherty seconded the motion. The motion carried unanimously.

Work Order #82 is for Landfill Gas to Energy Engineering Assistance in the amount of \$50,000. Mr. Woolsey stated that New River has been contacted recently by developers about other ways of developing a landfill gas to energy project. Mr. Woolsey said there is currently interest in cleaning up our landfill gas and putting it into the gas pipeline along with use in connection with a CNG fueling station. Mr. O'Neal added that this work order will be discussed in more detail with agenda item #8. If we do not go forward with the gas to energy projects, this work order will not be needed.

Chairwoman Cossey called for a motion to approve Work Order #82 in the amount of \$50,000 for Landfill Gas to Energy Engineering Assistance. Commissioner Thompson made a motion to approve Work Order #82. Commissioner Tallman seconded the motion. The motion carried unanimously.

Mr. Woolsey said for Agenda Item B, Asbestos Relocation, this a project we have been talking about for some time. Mr. O'Neal said we will be required to relocate the asbestos before the design for Cell 7 can be completed as this material is currently part of that portion of the landfill. All of the Class III material has already been relocated to the Class I landfill except for the asbestos which is less than 1 acre in size. Mr. O'Neal stated that we had bid out for removal of the asbestos material a while back but that the one bid received had been rejected due to cost. Mr. O'Neal said after that, the plan was for staff to relocate the asbestos. Mr. Woolsey said DEP has recently informed New River that this could not be done by staff due to rules in place for asbestos abatement and that a certified asbestos contractor would be required. Mr. Woolsey said this would require the project to be bid out to a contractor who would assume all liability. Mr. O'Neal said last time this was bid out we received one response and the hopes are that we would receive more interest this time. Mr. O'Neal asked for board approval to issue an RFP for Asbestos Relocation.

Chairwoman Cossey asked for a motion to approve issuing an RFP for Asbestos Relocation. Commissioner Dougherty made a motion to issue an RFP for Asbestos Relocation. Commissioner Steele seconded the motion. The motion carried unanimously.

Chairwoman Cossey called for discussion of Agenda Item #6, Discuss Budget Amendments for FY 2016-17 and FY 2017-18. Mr. O'Neal asked Mrs. Waters to discuss the budget amendments. Mrs. Waters said that budget amendment #2 for FY 2016-17 was to remove balances for

Engineering Work Orders #68 (Cell 7), #74 (EGC), and #76 (Asbestos Relocation) in the amount of \$195,337 and that budget amendment #1 for FY 2017-18 was to provide for these work order balances to be brought forward to the current budget year.

Chairwoman Cossey called for a motion to approve budget amendment #2 for FY 2016-17 and budget amendment #1 for FY 2017-18 as presented. Commissioner Croft made a motion to approve the budget amendments. Commissioner Dougherty seconded the motion. The motion carried unanimously.

Chairwoman Cossey called for discussion for Agenda Item #7, Discuss extending contract with DDF CPA Group for Auditing Services. Ms. Lora Douglas with DDF CPA Group spoke to the board and advised that it is again time to conduct the audits required by statute for New River. She would like to request an extension of their contract for auditing services with no increase in contract amount and also no CPI increases.

Chairwoman Cossey asked for a motion to extend the contract with DDF for auditing services. Commissioner Tallman made a motion to approve extending the contract with DDF for auditing services. Commissioner Dougherty seconded the motion. The motion carried unanimously.

Chairwoman Cossey asked for discussion for Agenda Item #8, Discuss developing a landfill gas fueling station and other landfill gas projects. Mr. O'Neal said that New River has a history of attempts to create a landfill gas to energy project. The first LGTE project awarded was to clean up our gas and put it into a gas transmission pipeline out to California. Soon after the project was awarded, California decided not to have any landfill gas projects and there were no other gas pipeline projects available to us at that time. The landfill gas to energy project was re-bid and the project to produce electricity was awarded to another developer but we could never come to an agreement on prices or the contract and so went on to the #2 ranked vendor. Mr. O'Neal said that their proposal was for a design build, which was completed, and for New River to own and operate the operation. The problem was selling the electricity. The power companies were very interested, however, the wheeling charges were too expensive making the project unfeasible. The production of electricity could still happen provided energy prices change along with federal laws. Mr. O'Neal said the decision was made not to go forward at that time due to fact we would be losing money. New River has been contacted recently about

cleaning up our landfill gas to put it into the local gas pipeline. Mr. O'Neal said he advised that company we would have to issue another RFP for a landfill gas project. An additional landfill gas project he would like to discuss is a CNG fueling station here at New River. This may put us in a better position to negotiate a long-term contract with Alachua County as they are looking into using CNG as fuel to help them achieve their county's comp plan goals for reducing fossil fuel usage along with the county's recycling goals. A CNG fueling station at New River would be beneficial to Alachua County's fleet if the decision is made to go forward with CNG for fuel. Mr. O'Neal said there are a lot of landfill gas to energy companies and it would be hard to select the right one for New River unless an RFP is issued. He would like to make the RFP broad enough to get responses for all possible landfill gas projects along with hard numbers. If approved for issue, we would bring the RFP responses back to the board for direction. Mr. Woolsey added that there are markets for the RINs (Renewable Identification Numbers) which are available when producing fuel or natural gas from landfill gas. This is a way to generate additional revenue from these projects. Mr. O'Neal added that he had spoken with Congressman Yoho's staff about help with any grant opportunities for a project of this nature but has not heard back yet. Commissioner Dougherty asked about any surplus gas and if it could be stored or would have to be flared off. Mr. O'Neal said that the amount of gas used would depend on the project that is implemented and that he is hoping for multiple gas projects since we generate enough gas for both the fueling station and for putting gas into the pipeline. Mr. Woolsey added that the technology is the same for both of those landfill gas projects and the same company may develop both. Mr. O'Neal said he would like to know if the board is interested in issuing an RFP for a landfill gas to energy project.

Chairwoman Cossey called for a motion to approve issuing an RFP for a landfill gas to energy project. Commissioner Dougherty made a motion to approve issuing an RFP for a landfill gas to energy project. Commissioner Thompson seconded the motion. The motion carried unanimously.

Chairwoman Cossey asked for discussion under agenda item #9, Discuss status of Alachua County contract. Mr. O'Neal asked Ms. Palmi, Director, Alachua County Solid Waste, to update the board on the status of the contract with Alachua County for solid waste disposal. Ms. Palmi said the RFP rankings resulted in New River being ranked number 1 by all of the reviewers of the RFPs submitted. After the RFP rankings were presented to their board it was brought to everyone's attention that the site tours were not

recorded nor were minutes taken so this was considered a violation of the sunshine law. The result was a recommendation to throw out this RFP and reissue another one. There was a lot of conversation with the members of their board about the scoring for the Environmental portion of the RFP. Ms. Palmi said this had been discussed pretty thoroughly at the pre-bid meeting and the fact that the environmental factors were very important issues for Alachua County. When presenting the scoring to the board they were not clear as to how points were awarded and has requested that the RFP be reissued with better definition of the aspects to be scored along with assigning a point value to each section within this portion of the RFP. The plan is for staff to present the revised RFP to the board on October 24th with a request for direction from the board. Mr. O'Neal said that this is disappointing because RFPs have already submitted so all the numbers are out there. New River has spent over \$20,000 on the RFP and devoted a lot of time for the presentation and the site tour. Mr. O'Neal added he feels this is unfair to New River given we were ranked number 1 by all of the evaluators even without including the environmental category. Mr. O'Neal advised Chairwoman Cossey that he would like to suggest drafting a letter to the Alachua County BOCC asking them to negotiate with New River as government to government organizations now that the RFP has been rejected. We are the only responder who is in a position to request contract negotiations for an extension of the current contract or for a new contract. Commissioner Croft asked when the current contract with Alachua County expired. Mr. O'Neal said it would expire in December 2018. Commissioner Croft asked Ms. Palmi who ruled this was a sunshine law violation. Ms. Palmi replied it was the county attorney who advised their board of the sunshine law violation and that this is frustrating for their staff as well. Commissioner Croft said after being ranked number 1 by all of the evaluators it almost seems like someone is looking for a way to disqualify New River. Mr. O'Neal said the other companies are telling Alachua County that they can save them money, meanwhile New River has offered Alachua \$2.1 million in savings for an early renewal of the contract which is more than the other RFP responders are now saying they can save the county. This offer was rejected by the County Manager. Mr. O'Neal asked whether transportation would be part of the 2nd RFP. Ms. Palmi said it had not been finalized but it has been discussed for the next RFP to include a requirement that everyone bid on transportation. Mr. O'Neal said that would not apply to New River since we are only 35 miles away. Ms. Palmi said they had calculated transportation based on a benchmark of their cost to haul to New River in order to use this to compare to bids for transportation. The

one bid received from ACMS for transportation was based on tipping trailers instead of the type of trailer now being used so it came in lower, this was unacceptable. They are still looking at how to compare transportation costs fairly.

Commissioner Croft stated he feels this is an example of why government is talked badly about and why citizens have a reason to distrust government in general. The interlocal agreement between New River and Alachua County is a proven relationship that produces cost savings for their citizens while not being just about profit. Commissioner Croft said New River Regional Landfill is a shining example of how governments working together can solve problems and it's sad that a proven system is no longer valued. Mr. Woolsey added that he lives in Alachua County and is embarrassed by this situation. Being in this business he knows how RFPs go and now that our information is out there even to the private landfills he feels New River has to make a plea to that board stating our case since staying in the game gives the private companies the advantage.

Chairwoman Cossey asked for a motion on sending a letter to Alachua County BOCC requesting they negotiate a contract with New River. Commissioner Croft made a motion to send a letter to Alachua County BOCC. Commissioner Dougherty seconded the motion. The motion carried unanimously.

Commissioner Steele added he feels this could be considered an unfair business practice and the only fair thing to do would be to extend the current contract and issue the RFP at a later date and asked if the RFP is re-issued would it be with the same criteria. Ms. Palmi said yes with the exception of the environmental section which would be broken down as to different aspects for scoring and would include a scoring guide. Mr. O'Neal asked if the same team would be evaluating the RFP. Ms. Palmi said yes except for herself and that she may be replaced by another staff member, or a four person team would do the rankings.

Chairwoman Cossey called for discussion of agenda item #10, Alachua County Issues/Items. Ms. Palmi said she would like to thank New River for having patience after the hurricane. Alachua had more than 100,000 cubic yards of debris to be cleaned up and they are currently about 1/3 of the way completed. Ms. Palmi said they are getting FEMA reimbursement for their yard waste clean-up and have hired 3 consultants to handle the FEMA projects along another company to handle the reimbursement portion. Ms. Palmi said they are spending a lot of money on

hiring this out but felt that it was worth it based on previous experience with FEMA claims. Mr. O'Neal said Bradford County has been told they would be receiving money for road repairs but may not for debris clean-up. Ms. Palmi said she would share any information she has with Bradford County. Commissioner Croft said Baker County has a FEMA person on their staff. Mr. O'Neal said Mr. Kent and his staff came in at 6:00 a.m. the day after the hurricane and was able to get the landfill ready to open by 11:00 a.m. that same day. He thanked his employees for their quick response and hard work.

Chairwoman Cossey asked for any discussion under agenda item #11, Attorney Issues/Items. Mr. Wade said he did not have anything for discussion.

Chairwoman Cossey called for any discussion under agenda item #12, Executive Director Issues/Items. Mr. O'Neal said he has provided a handout that we received late yesterday and is the draft of the survey done by Marion and Alachua Counties for a solid waste authority. This will be finalized later but does contain facility responses and disposal rates. Bottom line is that most have contracts in place and there is little or no interest in participating in a new solid waste authority, at least not in the near future.

Mr. O'Neal added he would like to welcome Commissioner Tallman back to New River after missing several meetings due to illness.

Chairwoman Cossey asked for discussion of agenda item #13, Board/Chairman Issues/Items. Commissioner Dougherty thanked the landfill for being open and staying late for the member counties during the hurricane and for the catch-up hauling afterward.

Chairwoman Cossey called for a motion to adjourn. Commissioner Tallman made a motion to adjourn which was seconded by Commissioner Thompson. The meeting was adjourned.