# MINUTES OF THE BOARD OF DIRECTORS OF THE SOUTHEASTERN PUBLIC SERVICE AUTHORITY OF VIRGINIA

# May 25, 2022

The Regular Meeting of the Board of Directors of the Southeastern Public Service Authority (SPSA) was held at 9:30 a.m. in the Regional Board Room at the Regional Building, 723 Woodlake Drive, Chesapeake, Virginia. The following members were in attendance or as noted:

Mr. John Maxwell	(CH)	Mr. Earl Sorey (absent)	(CH)
Ms. Sheryl Raulston	(FR)	Ms. Amanda Jarratt	(FR)
Mr. Dale Baugh	(IW)	Mr. Randy Keaton <sup>1</sup>	(IW)
Mr. John Keifer	(NO)	Mr. Richard Broad	(NO)
Mr. C.W. "Luke" McCoy	(PO)	Mr. Burle Stromberg	(PO)
Mr. Tony Parnell (absent)	(SH)	Ms. Lynette Lowe	(SH)
Mr. D. Rossen S. Greene <sup>2</sup>	(SU)	Mr. Albert Moor (absent)	(SU)
Mr. Thomas Leahy	(VB)	Mr. L.J. Hansen	(VB)

(CH) Chesapeake; (FR) Franklin; (IW) Isle of Wight; (NO) Norfolk; (PO) Portsmouth, (SH) Southampton County; (SU) Suffolk; (VB) Virginia Beach

Others present at the meeting included Alternate Ex-Officio Members Mr. Michael Etheridge<sup>3</sup> (IW), Mr. Gary Kelly (VB), Mr. Robert Lewis (SU), Mr. Oliver Love, Jr. (VB), Mr. Greg Martin, (CH), and Mr. Richard Underhill (PO), SPSA executives, Mr. Dennis Bagley, Executive Director, Ms. Tressa Preston, Secretary and Director of Administration, Ms. Sandy Schreiber, Treasurer and Director of Finance, and Mr. Brett Spain, General Counsel.

To accommodate those who could not attend in person, through the meeting notice, members of the public were also invited to listen to, and view presentations displayed at the meeting, by registering for attendance using a GoTo Webinar teleconferencing platform. Members of the public were also invited to speak at the SPSA Board of Directors Meeting during the designated public comment period at the beginning of the meeting by registering in advance with the Secretary through contact information published in the meeting notice. Members of the public were also invited to listen to the SPSA Board Meeting via toll-free telephone.

#### 1. CALL MEETING TO ORDER

Mr. Baugh, Chairman of the Board, called the meeting to order at 9:30 a.m. and led the Pledge of Allegiance.

# 2. PUBLIC COMMENT

Ms. Preston reported that Mr. Mark Geduldig-Yatrofsky of Portsmouth registered to make a public comment in person:

<sup>&</sup>lt;sup>1</sup> Mr. Keaton arrived at 9:52 a.m.

<sup>&</sup>lt;sup>2</sup> Mr. Greene arrived at 9:38 a.m.

<sup>&</sup>lt;sup>3</sup> Mr. Etheridge arrived at 9:52 a.m.

Mr. Chair, Honorable Commissioners, and other neighbors; Mark Geduldig-Yatrofsky. I'm a bit harried this morning. There was a major back up on 64 coming in your direction, so I'm glad I got in under the wire. What I would like to request of you is to consider what I call "communal recycling," rather than localities doing it individually. Just as we are doing with our solid waste, generally, on the south side here, to reconsider, because I think you have considered this in the past and for one reason or another found that not a viable option. I'd like you to look at it again and see if there is a way that we can do it as a region or as a part of the region. I understand that recycling has become more and more problematic in recent years. I know that my neighbors in Chesapeake have stop doing it as a curbside collection activity, and there are good economic reasons for their having made that change. I would ask that we use the combined resources of this side of the James localities, of these combined localities, that we use our combined resources to see if we can't find a better way to perform recycling to make it economically feasible and to achieve the goals that were contemplated when recycling was established as a goal of the Commonwealth. Thank you very much.

There were no further public comments.

# 3. CHAIRMAN'S COMMENTS

Chairman Baugh thanked Mr. Geduldig-Yatrofsky for his comments and sharing his vision. On behalf of the Board, he expressed their appreciation for his participation, noting that SPSA's mission is waste disposal, but that recycling is one way to address reducing the amount of waste and that the Board will continue to consider the matter and an ongoing agenda item.

Chairman Baugh went on to thank the Board for their preparation for the meeting and their response when asked to support SPSA's work. He commented that though the agenda was somewhat shorter than in other months there were still important issues, such as the wetlands permitting process, that would be discussed in detail and would require careful consideration. Chairman Baugh added that the topic has been heavily discussed in Executive Committee and that he feels confident that Mr. Bagley and staff are taking the right approach to the situation. He also mentioned that the action that the Board has taken to hire Mr. Bagley and his formation of a new Executive team is impressive and encouraging as SPSA manages the challenges ahead.

As instructed by SPSA Bylaws, Chairman Baugh appointed a Nominating Committee to recommend a slate of officers at the June Board Meeting to be voted on at the Annual Meeting in July. Mr. Keifer will serve as Chair, along with Ms. Jarratt and Mr. McCoy. Chairman Baugh thanked them for volunteering to serve.

#### 4. APPROVAL OF MINUTES

The minutes of the April 27, 2022 Board Meeting had been distributed. Chairman Baugh asked if there were any additions or changes and there were none.

Mr. McCoy moved, seconded by Mr. Keifer, to approve the April 27, 2022 minutes of the SPSA Board of Directors, as presented. The motion was adopted by a unanimous vote in favor.

#### 5. EXECUTIVE DIRECTOR UPDATES

Mr. Bagley introduced Mr. Alphonso Thompson, HEO at Suffolk Transfer Station, for recognition. Mr. Thompson goes above and beyond to help customers, which has resulted in positive comments about his work. He is described as a dependable, hard-working, and exemplary employee. Mr. Bagley thanked Mr. Thompson and commented that SPSA is lucky to have him as a team member. Chairman Baugh presented him with a SPSA lapel pin and certificate as a token of appreciation.

As an update on discussions with the Navy and WIN waste, Mr. Bagley commented that conversation with the Navy continues, but are somewhat slow moving given the heavy demands on the schedule of the captain that has been put in charge of the project. SPSA hopes to have further contact before the next Board meeting and since SPSA has notified the Navy of its intentions, things continue to move in a positive direction. Future discussion will involve understanding the Navy's preferences and SPSA's plans to move forward post-2024.

Mr. Bagley reminded the Board that HRSD submitted the 2020 update to the Regional Solid Waste Management Plan to DEQ in 2020 and has been awaiting their review. This document is crucial to planning for landfill expansion and needs to be in place in order for any permitting to be approved. SPSA and HRPDC have a meeting set up with DEQ to discuss the best way forward in expediting the review and any necessary updates in order to avoid any issues with the permitting process.

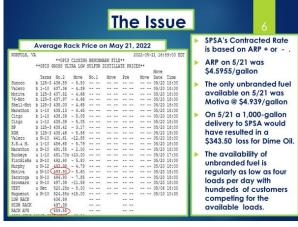
April operations at the RDF plan were much improved through WIN/Wheelabrator's efforts and there were no diversions needed in the month of April. Mr. Bagley and staff appreciate their work to keep things running smoothly.

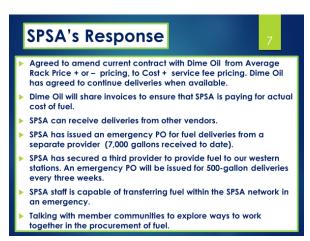
There has been no new information from Mr. Crabbs and IBC Renewables, but Mr. Bagley is still hopeful for the project's success and looks forward to the next update.

The contract for the heat assisted leachate evaporation system contract has been issued and the vendor is actively in the final design and construction of the equipment and estimates completion in nine months. Staff is keeping a close eye on the project and is excited to see it come to fruition.

Mr. Bagley gave a presentation to bring the Board up to date on challenges SPSA is facing with diesel fuel, which is likely a concern to municipalities, as well. Mr. Bagley went over the current contracted vendor's struggles to deliver based on supply chain issues and how staff and the vendor, Dime Oil, are working to rectify the problem. Mr. Bagley explained in detail the purchasing system and contracted rates for fuel, which are not currently feasible for the vendor given the current market. SPSA staff has worked with Dime to amend the current contract so that SPSA is paying the actual cost of fuel plus a service fee. SPSA also may receive deliveries from other vendors. Emergency procurement procedures have been followed to secure necessary fuel, and SPSA operations are prepared to transfer fuel via a SPSA fuel truck in the event that is needed. Mr. Bagley also mentioned that SPSA staff is reaching out to member communities to explore the possibility of working together for the procurement of fuel.







Mr. Bagley invited Ms. Angie Hutchins, Fleet Manager, to elaborate to the Board on the current capacity and plans moving forward. Ms. Hutchins reiterated that staff is taking this situation very seriously and she personally is monitoring and negotiating delivery on a moment-to-moment basis. She also assured the Board that she will not allow SPSA to be without fuel, noting that current capacity was at roughly 55% but that she will be more comfortable with 80%. She reviewed statistical data about daily fuel use and operational needs. Mr. Bagley added that, in the past, SPSA's operational plan was not to stockpile fuel because supplies were plentiful and ideally fuel should be used as needed, however, as an adjustment to the current market, a strategy for building inventory is in place and he and staff are monitoring the situation very closely. Mr. Bagley offered to answer any questions.

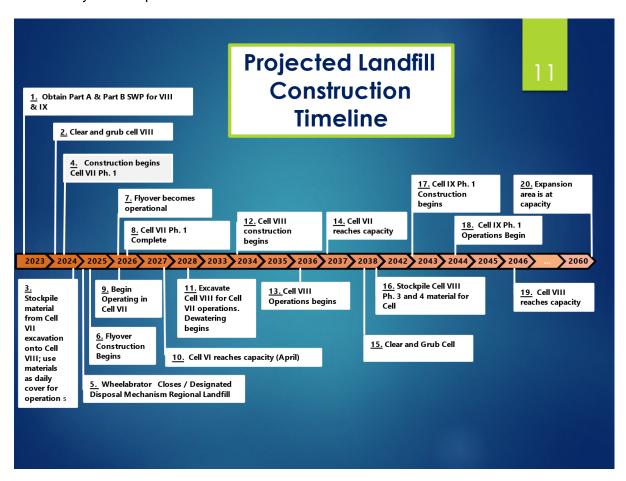
Mr. Leahy asked Mr. Bagley if he had the authority to make contract changes and issue emergency procurement as needed. Mr. Bagley confirmed that he does have the authority to move forward in an emergency situation with proper justification and later presentation to the Board. The Board will be briefed more specifically at the June Board meeting, as this emergency procurement is still in process. Mr. Keifer asked if this trend in fuel is transitory or long-term. Mr. Bagley explained that some in the industry think the issue is political and related to world events, meaning that it will resolve itself in time. Others think the change is more permanent. Unfortunately, Mr. Bagley said, he is not in a place to give any definitive answers, particularly given that different parts of the country are seeing different issues, but he has been told that organizations should prepare for this trend to continue. Mr. Bagley went on to say that he and staff will continue to keep the Board informed on this critical issue. He asked if there were any more questions, but there were none.

Regarding the Army Corps of Engineers' Environmental Impact Statement (EIS), which is required for wetlands permitting for landfill expansion, Mr. Bagley informed the Board that he believes that the Corps is close to completing their assessment. Additional information that was requested by the EPA has been provided and all feedback seems to indicate a positive resolution. At the Corps' request, SPSA is turning its attention to a proposed mitigation plan.

Mr. Bagley went on to say that, due to the large number of wetlands being impacted, the plan will have to be incredibly complex and creative beyond the standard mitigation hierarchy utilized by the Corps and will likely exceed the estimated budget of \$3.5 million. Staff continues to reach out to consulting parties and has a goal of creating a mitigation plan that meets federal requirements, but also takes into careful consideration the concerns of local organizations that will be impacted by the project. SPSA engineering consultant, HDR, is working to help form the proposal for mitigation.

Mr. Bagley also informed the Board that staff will be working on a new funding assessment based on the progression of the expansion project, which he presented as a timeline. The Audit Committee will be meeting in June to review investments and ensure that maturities align with funding needs.

Mr. Bagley offered to go into further detail on any subject related to the wetlands project or answer any further questions.



Mr. Hansen thanked Mr. Bagley for his presentation, particularly the projected landfill construction timeline, noting that it is helpful to be able to see a concise picture of all the moving pieces that could shift at any time. Mr. Bagley commented that it is his intention that the timeline be monitored closely for needed updates and that it be kept as close to accurate as possible at all times. Mr. Bagley offered to answer any further questions, but there were none.

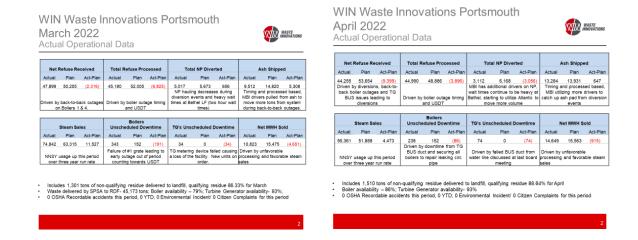
Mr. Henry Strickland delivered the operations report, stating that 339,417 gallons of leachate (or 68 tanker loads) were hauled to HRSD, and 669,851 gallons of leachate (or 50 swimming pools) were pumped to HRSD during the reporting period. He also updated the Board that the first concrete slab for the new RNG facility has been poured and MAS is working diligently on some of the outbuildings required for the plant. Progress is also being made on the construction of the administration building at the Regional Landfill and they should be pouring concrete later in the week, provided the weather cooperates.

Mr. Mike Kelley delivered the environmental report, stating that there were no odor complaints for the reporting period and that all permits, sampling, and monthly reporting is in compliance. Three Household Hazardous Waste special collection events were held in the month of April in the communities of Chesapeake, Norfolk, and Portsmouth. Mr. Kelley went over the sixth component of the Environmental Management System, which is the development of competence, training, and awareness procedures.

Mr. Michael Ponds delivered the safety and risk report, noting that six quarterly site inspections were performed and that all employees have completed their required safety training for the reporting period. There were no incidents or recordable incidents for the reporting period. Mr. Ponds also informed the Board that SPSA was the recipient of a safety grant from its insurance carrier, the Virginia Risk Sharing Association (VRSA), and the funds were used to install a droparm barrier gate at the Isle of Wight Transfer Station to control traffic flow and protect both SPSA customers and staff. Mr. Bagley added that VRSA makes this grant available each year and SPSA has received the grant for the past several years.

#### 6. WIN WASTE INNOVATIONS PORTSMOUTH MONTHLY REPORT

Mr. Clint Stratton presented the WIN monthly report in person.





Failed cooling tower blowdown valve leading to high conductivity in the tower. Northeast
winds deposited high salts onto the TG transformers and allowed tracing across the
insulators and arresters. Issue resolved by cleaning and replacing arresters. Facility is
utilizing the bypass valve with a new SOP until the new automatic control valve arrives on





Mr. Stratton offered to answer any questions, but there were none.

## 7. FINANCIAL REPORT

Ms. Schreiber informed the Board that, as of April 30, 2022, total revenues exceeded total expenses by approximately \$5.5 million. Tipping fees fiscal year to date reflect an increase of 7.7%, or approximately \$2.89 million as compared to FY 2021. Municipal waste tonnages were down approximately 9% or 37,739 tons as compared to last fiscal year. Commercial tons were up approximately 38% or 54,368 tons as compared to last year. For the month ending April 30, 2022, total municipal waste was 40,563 tons as compared to 46,976 tons a year ago.

Ms. Schreiber reported that total expenses as of April 30, 2022 were approximately \$37.8 million, compared to \$35.2 million in the prior fiscal year. Ms. Schreiber reported that cash balances were at \$59.8 million, designated as \$3.7 million in the operating fund, \$6.4 million, the equivalent of 2 months' operating expenses, in the undesignated fund balance, \$3.1 million for FY 2021 purchase orders, \$3 million for the leachate evaporation system, \$19.1 million in landfill closure, and \$23.8 million for landfill expansion and the flyover.

Mr. Leahy asked if the actual expenses for FY 2022 appear that they may exceed the overall total budgeted expenses for FY 2022. Ms. Schreiber and Mr. Bagley responded that no, actual expenses, are not anticipated to exceed budgeted expenses. They clarified that individual expense budget lines have had transferred funds, as reported in the Board Agenda each month, but total expenses fall within the total expenses budget and will require no action by the Board.

Mr. Hansen moved, seconded by Ms. Raulston, to approve the SPSA financial report as presented. The motion was adopted by a unanimous vote in favor, with the exception of Mr. Greene, who was temporarily absent from the meeting.

#### 8. CONTRACTS

Ms. Preston presented contracts for the Board's consideration. The new contract was for Service and OEM Caterpillar replacement parts for heavy equipment, which was procured under a Sourcewell contract. Based on actual per-service rates, \$375,000 to \$400,000 is budgeted for this contract. Staff was able to negotiate a reduced service price and discount for parts. Ms. Preston explained to the Board that using original equipment manufacturer parts (OEM) allows SPSA to maintain the warranty status of the machines, as well as have

confidence in the quality of the parts and service work. Ms. Preston offered to answer any questions, but there were none.

Mr. Hansen moved, seconded by Ms. Jarratt, to authorize the Executive Director to award a contract to Carter Machinery for Service & OEM Caterpillar Replacement Parts, as presented. Mr. McCoy abstained from voting due to a familial relationship with Carter Machinery. With the exception of Mr. McCoy's abstention, the motion was adopted by a unanimous vote in favor.

Ms. Preston presented three renewal contracts for review. The first was for FY 2023 Property, Liability, and Workers' Compensation Insurance with VRSA, which is budgeted at \$315,140 and reflects 7.6% overall decrease from FY 2022. The second was for the first of four option years for laboratory analysis services with Enthalpy Analytical, budgeted at \$90,000 based on FY 2022 per-service rates. The final contract was for the first of four option years for truck tires with Colony Tire, budgeted at \$146,000 based on FY 2022 per-service rates.

Mr. Hansen asked if there was a price adjustment associated with the renewal for the contract for truck tires. Ms. Preston confirmed that there is a price increase that was outlined in the original bid for the first option year. Mr. Bagley went on to say that the contract allows for an adjustment if CPI increases more than 5%, but that was not exercised in this case. Mr. Leahy asked for confirmation that the renewal contracts being approved have not been materially altered from the original contracts presented to the Board. Ms. Preston confirmed that was correct. Mr. McCoy asked if the truck tire contract being presented for renewal was the one that was contested in its original form. Mr. Bagley confirmed that was correct, but that the contract that was approved the previous year had been fully vetted by legal counsel and all issues were resolved before the Board voted on the original contract last year.

Mr. Hansen moved, seconded by Mr. Leahy, to authorize the renewal contracts, as presented. Ms. Jarratt, who recently joined the VRSA Board, and Mr. Greene, whose law firm performs work for VRSA, abstained from voting due to their professional relationships with VRSA. With the exception of Ms. Jarratt and Mr. Greene's abstentions, the motion was adopted by a unanimous vote in favor.

For the Board's information, as required by the SPSA procurement policy, Ms. Preston listed contracts awarded at a value of between \$30,000 and \$100,000. Recent changes to the policy allow the Executive Director to award contracts up to \$100,000. These contracts included ground maintenance services, household hazardous waste disposal, solid rubber cutting edges, and security services at the regional landfill. Ms. Preston offered to answer any further questions, but there were none.

#### 9. OTHER BUSINESS

Chairman Baugh asked if there was any other business, but there was none. He thanked SPSA staff for their presentations noting that he appreciates the work they do.

# 10. ADJOURN MEETING

> Dennis L. Bagley Executive Director

Submitted by: Tressa Preston, Secretary, SPSA Board of Directors