

Minutes – Regular Meeting  
Solid Waste Advisory Board  
October 13, 2010

**Approved November 10, 2010**

Attendance: Jan Sassaman, Linda Bowerman, Al Vickers, Remus Smith, Steve Yuhasz and Jim Ward

Staff: Gayle Wilson, Willie Best, Paul Spire, Cody Marshall, Jane Cousins and Wanda McCain

Audience: Bonnie Hauser, Stan Cheren, and Robert Campbell

## 1. Opening and Welcome

2. **Adoption of Minutes from August 7 SWAB meeting** Smith moves to accept. Vickers 2<sup>nd</sup>. Passes unanimously.

3. **Update on Solid Waste Plan Process and September 29<sup>th</sup> Public Meeting Comments**  
Sassaman states that staff was requested to look over the comments and where appropriate make some changes to the solid waste draft plan and where appropriate respond to comments. Rather than identify and take every single comment on a one to one corresponding basis we suggested that where it was appropriate a summary of comments and responses would suffice and incorporate that as an appendix to the plan.

Wilson states that this memo is more comments on the comments. There is a summary of the meeting, which is similar to the minutes but not quite as detailed, that will be incorporated into the appendix of the plan. In looking at some of the comments made we went back in the Plan and made a few edits and rewordings to clarify in response to some of the questions. There is a new version of the Plan that hopefully better reflects some of the comments received.

In following up on the public meeting and the status of the Plan, Monday night we presented the Plan to the Town of Hillsborough and last night it was presented to the Town of Carrboro, and Chapel Hill will be in a couple of weeks. The County is usually last in adoption.

Yuhasz states that I understand that the Town of Hillsborough deferred [adoption.]

Wilson states that Hillsborough did defer. Carrboro adopted it. The Town of Hillsborough deferred for two primary reasons. One is because the materials were received late by the Hillsborough Commissioners. The other was one of the Commissioners had a question for the attorney to see if the adoption of the plan committed Hillsborough to adopt certain policies or to any kind of financial commitments. They tentatively indicated that they may be bringing it back on November 8<sup>th</sup>.

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Smith states that the presentation went well. The problem was the Town Board received their copies late. I've also heard from two members that have said they will take the advice of this board. There has been some talk by the Hillsborough members to approach Alamance County to get some type of an agreement with them.

Ward asks what is it that you are asking the municipalities to approve.

Wilson states that they are authorizing Orange County to submit the Plan on their behalf. Since the plan is more of a descriptive type of instrument and not really a prescriptive instrument that has major obligations, commitment and requirements on any of the people who endorse it, there really isn't any kind of legal downside to it. Also in the resolution there is an explicit endorsement and reaffirmation of the 61% waste reduction goal.

Ward asks if it raise expectations one way or another. For instance the hours of the convenience centers, is that specified in detail?

Wilson states that the Plan summarizes the discussion that has taken place in Orange County over a variety of topics. One of them is the SWCCs. It mentions that for budgetary reasons we had to reduce hours and that they are considered a major community asset. There are ongoing discussions of improvements, changes and expansion of hours and summarizing the discussion the work group has had. It also summarizes the work group's recommendation on convenience centers. It conveys the current hours and schedule. It doesn't make any commitments to any future change in hours. It says discussions will continue and decisions are likely within the next planning period.

Ward asks when is the next planning period.

Wilson replies it begins once we submit this plan.

Ward asks whose decision is it.

Wilson states that for SWCCs it will be the County's decision based on advice from the public, Towns, SWAB, work group and whoever has input.

Ward states that I need to be educated more so that I can be sure in my objection or support. It is important for the hours to be increased.

Sassaman states that the Plan is more along the lines of where we want to go and broadly how we want to get there. For example in addition to the plan there was a recommendation that the Work Group came out with that is not necessarily detailed

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in the plan that is broadly summarized. That recommendation is a recommendation to the BOCC suggesting how we should arrange and structure the convenience centers. The last version that I've seen specifies maximizing hours as feasible. It also specifies trying to make sure that within any region they are not all closed at the same time. It isn't clear about Wednesdays, but they've never been open Wednesdays.

How that is specifically implemented and the fiscal resources brought to bear on opening those convenience centers [more hours] is a balancing act the BOCC are going to have to engage in and survive. All of us would like to see them open 7 days a week, early morning until late evening but that might not be financially possible given the resources that we have. The Plan itself is more of skeleton outline.

Ward asks how does the Town of Chapel Hill communicate to the County Commissioners what it thinks is important, for instance the hours.

Wilson states that historically they have done so through the work group. In the draft Plan for instance if you were interested in saying that Chapel Hill wishes to communicate its following position then a paragraph could be placed in that section. Carrboro wanted to make comments on organics in the plan and since we have to pass virtually identical resolutions in order to move it forward to the State they adopted another resolution where they could make additional comments aside from the base resolution that they had to pass in order to endorse this and be submitted to the State. They also showed me a copy of the their Environmental Advisory Board comments from a few months ago about convenience centers and perhaps single stream recycling and I told them I would attach that too as further guidance and input for the plan.

Yuhasz states that [with] the steps the County Commissioners will be taking specifically with the convenience centers they would be very much interested in comments from all the municipalities as to how they feel we should move this forward. I don't know that that necessarily needs to be incorporated in this kind of broad plan. I think it is certainly subject to discussion in the context of revising the interlocal agreement.

Ward asks what does it say on the funding mechanism, the conversation we had about changing those things.

Wilson states that for the convenience centers it says essentially that the work group recommended moving away from general fund financing to some kind of fee financing and either through some kind of phase-in or timing shift [from general fund to a fee]. It did recommend that the convenience centers not continue to rely solely on general fund financing for its operations.

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Ward states that an important caveat to my support to that is there is a corresponding reduction in taxes if "x" amount dollars is now being seen as a fee then the value of those services need to be taken out of the taxes that we are now paying that now support it.

Wilson states that in the report for the Commissioners' work session on November 18<sup>th</sup> I am providing a couple of tables that show the financing and there is a line for every amount of money shifted to a fee there is a corresponding amount that it represents in the general fund. It doesn't say if the money will be redirected or that the taxes will be reduced by the amount. That will be a BOCC discussion that you can make a recommendation on. If you're going to establish a fee that brings in a half million dollars a year and the purpose is to at least in part take some of the burden off the taxes, it begs the question of what you're going to do with a half million in tax money

There are a number of ways the Town Council could convey their wishes or desires to the County Commissioners either directly through their own actions and resolutions and/or in conjunction with attaching some opinion or preferences that could be incorporated into the Plan.

Best states that after Gayle's meeting with Hillsborough the [County] manger, Frank [Clifton], has been in contact with all the other mangers to try to encourage their participation to move this along. If you have any concerns or issues you may want to get them to your manager and they can get them to Frank [Clifton] and in turn get them to the Board.

Vickers states that one of the priorities, even though we are expanding and modernizing, should be hours of operations. It wouldn't hurt to have a statement that would say the priority is to increase the convenience centers.

Wilson states that the comments that were made by the public, several of them reflected that desire and it has been captured in our description of the discussions that took place on that subject. If there are any recommendations that the wording be made stronger that can be done. Once one of the governments has adopted the resolution I suggest that there be no substantive changes made but I try to let all the parties know that there may be some rewordings or clarifications and minor changes.

Vickers states that the reality is that the plan will be revised after we finish it. It is evolving and will continue to evolve three years from now.

Wilson states that the resolution states that.

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Sassaman asks what is happening at this point with the landfill gas recovery project and the time line on that.

Wilson states that phase one of the project is proceeding as expeditiously as possible. There is a ground breaking ceremony on November 16<sup>th</sup> in which the chancellor, Joe Hackney, and other dignitaries will come and recognize the beginning of construction on this project. The contract allows about 210 days for construction. Phase one is the installation of collection system on both the closed and active MSW landfill and the conveyance of the gas to a single location on the south side of Eubanks and the construction of a flare that will destroy that green house gases. Phase two is finalizing the easements. That will consist of a pipeline from the location of the flare to the old Duke Energy location where the electricity will be utilized.

Smith asks how long is the pipeline.

Spire states that it is unclear. They just finalized the route. Until it is surveyed it isn't certain.

Wilson states that it is about a mile-and-a-half.

Yuhasz asks if all the required permits from Chapel Hill have been acquired.

Spire states that at the last meeting with UNC they were fairly close to wrapping that up.

Wilson states that for Phase I they have them all.

Yuhasz asks at what point does the University actually start paying the County for the gas.

Spire replies once the flare is activated and the destruction of the greenhouse gas starts.

Wilson states that hopefully the first payment will be before the end of the current fiscal year.

Hauser states that on the solid waste plan it is disappointing to hear that it is something that is directional. On behalf of the rural communities it is not directionally correct and based on Mr. Wilson's [inaudible]... we are not communicating. The report does not reflect what the citizens said at the hearing nor does it reflect the discussion that we have been trying to have on services. We plan to redline it ourselves.

**4. Continuation of Discussion of Interlocal Agreement Elements and Work Group**

**Recommendations** Sassaman states that in August one of the topics was to look at the interlocal agreement. The BOCC and staff indicated that one of the things that this group needed to do was begin to look at the interlocal agreement to see if it was time to revise it, what elements were important and I assume we have the latitude to suggest some direction to the Commissioners and Town Elected Officials who would sign the new interlocal agreement.

The original interlocal agreement was put together some 10 years ago. One of the main concerns at that time were the mechanics of transferring property and staff from Chapel Hill to County jurisdiction and the legal understanding of property ownership and maintenance were going to be transferred and established. Now there are a new set of issues. In August a number of them were addressed and SWAB felt they should be kept as part of a new interlocal agreement. The memo in the agenda outlines the things that were agreed on at the last meeting and those things that we have yet to discuss. There isn't an outline or detail of the things that might come underneath each of these subjects.

Wilson states that at the last meeting there was a memo attached that included a bullet list of potential items that could be based on the SWAB recommendation incorporated into a new interlocal agreement. We got through half the list. Those that the Advisory Board endorsed according to the minutes were to include [in the ILA]:

*Financial responsibility for closure and post-closure of landfills*  
*Provision of storm debris management/processing*  
*Provision of yard waste management/processing*  
*Greene Tract issues, if any.*

My list also included continued operation on the municipal waste transfer and disposal such as those that may rise in the future or perhaps those facing now of delivering out county. Blair had a question mark by that one so we want to revisit that to get the true sense of the Advisory Board on that and then to continue down the list to see if any of those you wanted to address or incorporate in some fashion in a new agreement.

Sassaman states that let's take these by bullets the first being Municipal waste transfer/disposal.

Yuhasz states that continued cooperation would be ideal. I don't think it is an absolute necessity in order to have an interlocal agreement. It would be much smaller if it doesn't include municipal waste transfer and disposal. That may provide in some way some revenue stream to help support the other things, but I don't think it's

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necessary to have an interlocal agreement. It should be in there, but if everyone else decides it shouldn't be that doesn't preclude an interlocal agreement on all the other issues.

Vickers states that the question is essentially do you make a mandatory cooperation if you want to participate or is it somewhat flexible with one or two deciding to cooperate and one or two don't. I don't see a problem with the interlocal agreement addressing a mechanism so they can cooperate. That they have to cooperate is another issue.

Sassaman states that the issue should be addressed in the interlocal agreement. Exactly how it is addressed is unclear. There should be some form of mechanism where the municipalities and the county can work together. If there are individual municipalities that prefer to go it alone then that local agreement can allow for that.

Ward states that I want to go into this conversation thinking that we all want to stick together with this and see how good of a scenario we can create that makes it look like the right or best thing to do for everybody.

Yuhasz states that it is clear that if there is a unified municipal solid waste program it is going to be easier to manage a unified recycling program and all the other aspects of solid waste.

Sassaman states that one of the reasons that Orange County has been so successful in the reduction per capita of refuse disposal is the fact that there is a fairly unified interlocal agreement that not only provides for disposal of waste but ties it together with recycling and collection.

Smith states that in talking to two of the Hillsborough Town people they are wholeheartedly agreeable to go through this with the County approach. They do not want the responsibility of starting fresh or hauling the garbage to Hong Kong or wherever.

Wilson states that the next issue is for you all to endorse as a subject that should be somehow in the interlocal agreement or not is the notion of consolidated solid waste plan preparation. We also prepare an annual solid waste report to submit to the State. Blair prepares that, coordinates with the towns and it goes in as one submission.

Sassaman asks if the current interlocal agreement address that.

Wilson replies yes. It states something to the effect that Orange County on behalf of its partners will meet all statutory obligations with regard to State reporting and planning.

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Sassaman states that it seems it should be there about the same that it is now.

Smith agrees.

Yuhasz states that I am looking for a new interlocal agreement to be as comprehensive as we can possibly make it. The failure, if you want to designate any failure with the current agreement, it wasn't sufficiently comprehensive. It didn't anticipate all the things that the solid waste group would be handling and provide for both funding and mechanisms toward decision making about those things.

Wilson states that the next item is, should a new interlocal agreement create an advisory body of some type to represent the governments in making recommendation with regard to solid waste management.

Vickers states that I don't see how there could be an agreement without some mechanism for citizen input.

Smith states that I am not in favor of this because I've been on this group for about 5 or 6 years and I still don't know what's going on. I learn from you professionals and if we bring in another amateur group they would have to learn what I'm trying to learn. I don't think it is worthwhile.

Bowerman states that it would be wise to provide provision for it.

Ward states that I hear what you say Remus, but there is nothing worse than being in a situation where you are spinning your wheels. If you are feeling somewhat like that maybe there could be a recommendation that the board be composed of the elected representatives from each jurisdiction that is party to the interlocal agreement who really are the one that are making the decisions. I don't want to frustrate citizens who feel like they're not listened to.

Yuhasz states that it is important that there be an advisory or governing board for an interlocal agreement. I tend to agree with what Jim is suggesting that there needs be a strong component of elected official participation in order for it to be effective.

Smith states that if there will be elected officials I would be in favor of that.

Yuhasz states that it shouldn't be exclusively elected officials. There should be also a component of citizen participation.

Sassaman states that in the early beginning this board had elected officials on it. It didn't last very long. We struggled to come up with a funding mechanism and came up with a novel and ideal solid waste funding mechanism. It was proposed to the

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Commissioners and we were a little put out. Since then we've worked really hard to coordinate and work with the elected officials. We pushed real hard to get someone from the County Commissioners to sit on these meetings. I think it should include both citizens and elected officials because they come at the issues from different points of view.

Wilson states that the next item is the issue of solid waste convenience centers. The current agreement does not include convenience centers. Does this group think the interlocal agreement should include convenience centers?

Ward asks why would we talk about it now.

Yuhasz states that the solid waste convenience centers are an appropriate subject for the interlocal agreement because they are open to all citizens of the county. The municipalities have an interest in how they are funded and operated. The current agreement is primarily directed at operating a landfill.

Smith states that there have been 9 people that have called today about the meeting with the Town Board and they want to increase convenience centers. I want us to somehow expand the numbers and the hours.

Ward states that how you preface this bullet point makes sense to me and perhaps it should be worded more generally/comprehensively than it is now so that it also includes municipal collection. It is important for solid waste convenience centers to be part of the purview of the future interlocal agreement.

Wilson states that maybe it could be worded such as the various waste collection systems within the county to include solid waste convenience centers.

Sassaman states that there is already disposal, one thing may be to fold it all together and deal with the full cycle which is collection, transfer and disposal of solid waste. When the original interlocal agreement was written it was the difference between the demographic structure of the municipalities and the county was more differentiated. As things are now there are areas of the county where there are higher densities and areas of the municipalities with lower densities. Our waste collection efforts stopping at government boundaries is an unfortunate construct of how the agreement is put together. It could be more efficient and effective for a truck to serve Chapel Hill and Carrboro and a dense population of residents in the unincorporated areas.

Wilson notes that recycling collection in Carrboro and Chapel Hill are routed as if they are one entity.

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Yuhasz states that I like the idea of changing that to solid waste collection including convenience centers so that we know that that is an important aspect of it. Now we are franchising commercial collection in the municipalities [actually Hillsborough only]. We are looking at different ways of franchising the collection in the unincorporated areas and all of those things interact with one another. It seems that it is appropriate for at least addressing it in the interlocal agreement.

Wilson states that next is provisions for recycling and waste reduction services and programs.

Yuhasz states that regardless of what happens with MSW this is really going to be the core of the interlocal agreement. It really will be to ensure continued efforts in recycling and waste reduction the way we can reach our waste reduction goal. That has to be a big part of the interlocal agreement.

Campbell states that when talking about recycling there is a very great need for cooking oil recycling. That should be a part of the interlocal agreement to focus on recycling of cooking oil from restaurants and households.

Sassaman states that that is something that would be more appropriately addressed in the solid waste plan.

Wilson states that in the plan it was a recommendation from either the SWAB or Work Group for that and lights containing mercury. It has been postponed due to some staffing issues but that it is an issue of concern.

Hauser states that obviously the interlocal agreement was set to alleviate the County's risk when they took over the landfill and set fees and prices and it also funded the County solid waste department. When the landfill closes down those fees go away. Right now the County provides recycling and convenience centers, why is there an interlocal agreement needed at all especially when there has been no decision that the County or the Towns will work together on disposal.

Yuhasz states that that is why we need to have an interlocal agreement.

Hauser states that there is no philosophical agreement, there is no (inaudible) [waste] service [County wide..... ]

Sassaman state that you've just heard from Hillsborough and Chapel Hill that by their signing on to the Solid Waste Management Plan that the municipalities and the County are operating under the assumption that they will work together. To work together there has to be some kind of agreement as to what the mutual responsibilities and expectations are. What we are discussing here is what areas do we think those

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expectations and responsibilities should revolve around. We are talking about the broadest areas of recycling, collections and disposal.

Sassaman further notes there are no comments on recycling and waste reduction

Wilson states that the last one unless there others suggested from the group is long term management of solid waste enterprise fund programs and facilities. This would include financing. Should the interlocal agreement designate someone who is in the lead and responsible as the county is now? Does that need to change? Is there another approach such as a public authority? Should an interlocal agreement address who is in charge of day-to-day operations of whatever is incorporated into that interlocal agreement?

Sassaman states that it seems that any interlocal agreement ought to spell out the responsibilities and authorities.

Vickers states that this will be like the present situation where you define what it is. The question is do you put into an interlocal agreement an option for looking at alternatives to recommend back to the governing bodies, whether they adopt them or not. You are going to go forward with what you have currently while you look at the pros and cons of a public authority. You have to have an agreement that specifies how you're going to operate today as well as look at long-term options.

Yuhasz state that now the County is the lead government in charge of this. It doesn't necessarily have to stay that way with a revised interlocal agreement. We could not go with a public authority but Chapel Hill could take it back over again. I'm not suggesting that that is likely or good but we certainly would want to not preclude any possibility for governance. That is an appropriate issue to discuss in the context of a new interlocal agreement.

Ward states that I would say status quo public authority or other option. I believe what Al said is correct on day one we are going to have what we already have and then we can go from there. It is clear that we need to revisit that and for that reason it needs to be something that this group would discuss and come back with some recommendations. I would tweak it to incorporate some unknown others.

The first bullet that we did not talk about is *Financial Responsibility for Closure and Post-closure of Landfills* what is that.

Wilson states that that is to make it clear in any new agreement what those responsibilities and liabilities are.

Ward asks what does the current interlocal agreement say about that.

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Wilson states that Ralph [Karpinos, Chapel Hill Town Attorney] could probably give you a more thorough answer.

Ward states that I don't need to know tonight. To me that is an important piece of information for everybody to know.

**Public Solid Waste Authority – Kara Millonzi, Assistant Professor of Public Law and Government** Wilson states that the guest tonight is Kara Millonzi. Her interest is in municipal and county finance law, municipal and county debt, municipal incorporation, local government laws, professional assessments, public school finance law, utility law and waste finance law. She is going to tell us what a public authority is, what it isn't and why there may be interest in it.

**EDITORS NOTE: Millonzi's power point presentation is included here; there is no audio recording available due to technical difficulties. The power point does capture the major points. We welcome any opportunities to include further clarifying information or revisit questions from members of the SWAB about the presentation.**

6. **Programs/Services Update** -- Deferred
  - a. *New Boards and Commissions Policy --- Annual work Plan and Report*
  - b. *Staff Government Visit to Albemarle County, VA*
  - c. *Other*
7. **Board Member Comments** - None
8. **Other Business** -- None

Smith moves to adjourn.

Vickers 2<sup>nd</sup>.

Adjourn 9:30 pm

Next meeting: November 10, 2010