

THE REGULAR MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 14th DAY OF JULY IN THE YEAR TWO THOUSAND FOURTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING IN NEW KENT, VIRGINIA, AT 6:00 P.M.

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IN RE: CALL TO ORDER

Chairman Evelyn called the meeting to order.

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IN RE: INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Burrell gave the invocation and led the Pledge of Allegiance.

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IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
James H. Burrell	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members were present.

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IN RE: CONSENT AGENDA

The Consent Agenda was presented as follows:

1. Approval of Minutes
  - a. May 28, 2014 work session
2. Miscellaneous
  - a. Master Agreement On Terms And Conditions Of Accepting Airport Improvement Grants
  - b. Capital Asset Policy
  - c. Abstract of Votes from the June 10, 2014 Republican Primary Election for recording in the Board of Supervisors Order Book
  - d. Engineering Contract extension with URS, Inc.
  - e. Engineering Contract extension with Arcadis, US Inc.
  - f. Engineering Contract extension with Draper Aden and Associates
  - g. Contract with S. W. Funk to construct the Parham Landing WWTP Effluent Pump Station Modifications
  - h. Contract with W. C. Via enterprises to construct the Route 249 Waterline Extension
  - i. Second Amendment to Contract with Radio Communications
3. Refunds
  - a. \$2,021.88 to Gordon Taylor for erroneous assessment
4. Carry Forward Appropriations
  - a. Sheriff's funds from auction of a Ford Excursion, \$13,700
  - b. PSAP Call Processing Equipment grant – Grant ID 50, \$227,531.00

\$ 241,231.00	Total
\$ (241,231.00)	Total In/Out
5. FY14 Supplemental Appropriations
  - a. Program income received for FY14 from CDBG Plum Point grant participants, \$713.00

- b. Donations for the Animal Shelter – Vet line item, \$308.00
- c. Gifts and donations from private sources to the Fire & Emergency Management Department – Private Donation (\$100), TRUiST (\$75), \$175.66
- d. Gifts and donations from private sources to the Sheriff’s Office to the Auxiliary Unit from the NK Women’s Club, \$150.00
- e. Insurance recovery funds for the Sheriff’s Department, \$2,947.15
- f. DMV and Credit Card Fee charges/collections, Treasurer, \$2,839.00
- g. State Fire Programs funds, \$8,751.00
- h. VDEM-LEMPG Federal Grant funds, \$4,080.00
- i. Funds received from the Commonwealth of Virginia for prisoner extradition, \$4,274.11
- j. Funds received from the Supreme Court of Virginia to cover postage costs for the J&D Relations District Court of NKC, \$1,000.00
- k. Extension Program sponsorship revenue for Envirothon, \$57.00
- l. Recovered miscellaneous revenue – Sheriff’s Department, reimbursement for traffic detail – MBI concrete spill on highway (\$192.23), Emmaus Baptist Church May 2014 event (\$82.67), Police traffic control – Color Vibe LLC (\$749.50), Relay for Live security (\$185.17), Saudé Creek Vineyards LLC (\$438.12), Colonial Downs rodeo (\$744.38), Colonial Downs inv. #15-CD-2014 (\$2,927.78), NKHS Prom/After Prom (\$435.98), New Kent High School graduation (\$215.30), \$5,971.13

\$ 31,266.05	Total
\$ (31,266.05)	Total In/Out

- 6. FY15 Supplemental Appropriations
  - a. Additional State funding for Social Services Independent Living Program, \$765.00

\$ 765.00	Total
\$ (765.00)	Total In/Out

- 7. Interdepartmental Budget Transfers
  - a. *Social Services*: \$48.58 from Professional Services to ST/LT Disability
  - b. *Sheriff’s Office*: \$13,614 between salary and line items
  - c. *Administration/Social Services*: \$1,800 from Reserved for Contingency to Professional Services
  - d. *Administration/Parks & Recreation*: \$900 between departments for Printing & Binding

- 8. Treasurer’s Report: Cash as of May, 2014: \$34,946,475.14

Mr. Tiller moved to approve the Consent Agenda as presented and that it be made a part of the record. The members were polled:

C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: RESIDENCY ADMINISTRATOR REPORT

Chad Baker, Superintendent for the New Kent VDOT area headquarters, reported on maintenance activities and construction projects on New Kent roads from the past month as well as those planned for the next thirty days.

Mr. Davis inquired about the timetable for the paving work on Interstate 64. It was reported that paving was scheduled to start on July 14 and would take place between 7 p.m. and 6 a.m.

Mr. Stiers indicated that VDOT would soon be receiving a written report generated from a recent meeting of New Kent's Transportation Safety Commission (TSC) but he did pass on the commendations and appreciation of the members of the TSC for VDOT's expediting of the safety improvements on Kentland Drive near the intersection with North Courthouse Road. He noted that the Sheriff's Office had reported that there had been no motor vehicle accidents in that area since the improvements had been installed.

Both Mr. Burrell and Mr. Tiller inquired about whether certain interstate ramps would be included in the paving project and Mr. Baker advised that they would.

Mr. Tiller reported a missing "No U-turn" sign in Bottoms Bridge as well as some potholes on Pinehurst Drive.

Mr. Evelyn thanked Mr. Baker for attending a recent meeting with some of his constituents regarding the repair project on Cosby Mill Road, as well as for re-opening one lane of that road. Mr. Baker reported that the project had been advertised and awarded, and once the Order to Proceed had been issued, the contractor would have 45 days to start the work. He advised that it was hoped that it would be completed before school started.

Mr. Evelyn also expressed his appreciation for the work done in his neighborhood by VDOT, New Kent Fire-Rescue, New Kent Sheriff's Office, and Dominion Virginia Power in the aftermath of a recent weather event.

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IN RE:           CITIZENS COMMENT PERIOD

Chairman Evelyn opened the Citizens Comment Period.

Neal Furgurson spoke against an application filed by Synagro for a permit for an application on acreage in New Kent and some of its neighboring localities, of industrial waste from places like the paper mill, Tyson Foods and Smithfield Foods. His concerns centered around the impact on groundwater, as well as the poor "track record" of Synagro in other areas of the country and the state. He spoke about how it was unknown what materials were in the waste that was being applied and about how it could increase the amount of nitrogen being discharged into the Chesapeake Bay watershed. He reported that the Board of Supervisors for both King William County and King and Queen County had have already asked the Department of Environmental Quality (DEA) to deny the application.

Don Wagner also spoke in opposition to the Synagro application for a permit to apply industrial residuals to farmland and forest land in the area. He recounted that there had been problems with the application of biosolids in the past, but he was much more concerned with the proposed application of industrial residuals, which would lead to heavy metals washing into rivers and streams and seeping into the groundwater and private wells. He advised that the King William Board of Supervisors had already written a letter to the State Water Control Board (SWCB) opposing the application, and that the permit had been pulled from that body's June meeting agenda and was expected to be considered at its next meeting in September. He asked that the Board consider adopting a resolution opposing this application.

John Davenport explained that his family was one of thirty in their neighborhood who were suffering from a "sloppy application of sludge" by Synagro on 300 acres of woodland in King William in October of 2013. He reported that both Synagro and DEQ had ignored their concerns and complaints regarding the strong ammonia odor that caused some homeowners to have to leave their homes at times and talked about how the area still "smelled like a porta-potty that needs servicing". He wondered why a company "with a poor reputation and track record" would be given a permit to spread on woods and farmlands industrial residue material that was up to now being put in landfills. He urged the Board to go on record like King William and King and Queen by sending a letter to the SWCB opposing this permit.

Rob Hale shared his expertise on this issue, having served on biosolids environmental panels and committees and having published numerous publications on environmental contaminants. His concerns centered on the many unknown effects of the application, and its impact on health, quality of life and property values. He admitted that there would be a water quality issue but he was more concerned about air quality. He encouraged the Board to consider who would benefit the most from this application, suggesting that it would be Synagro and some farmers in the short-term, but he felt that a lot of the county would lose.

Tyla Matteson advised that she was not going to repeat the comments of the previous speakers but wanted the Board to understand the issue with the proposed application of industrial sludge and hoped that the Board would take some action at this meeting. She spoke about Synagro's numerous violations in other areas and offered to answer any questions that the Board might have.

There being no one else signed up to speak, the Citizens Comment Period was closed.

Board members agreed that they needed much more information and asked that the item be included on the next work session agenda.

Mr. Davis shared some of his past experience with Synagro and biosolids and advised that he no longer used the materials in his farming. He added that this was the first time he heard of a proposal to apply industrial waste.

There was additional discussion regarding the application and how it could affect the County's drinking water.

Board members thanked the speakers for their comments.

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IN RE: APPROVAL OF MINUTES

Before the Board was a request to approve the minutes from the June 9, 2014 business meeting. Mr. Evelyn was absent from that meeting and therefore the minutes were not included in the Consent Agenda.

There were no questions or revisions.

Mr. Burrell moved to approve the minutes from the June 9, 2014 business meeting. The members were polled:

James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye

C. Thomas Tiller, Jr.	Aye
Thomas W. Evelyn	Abstain

The motion carried.

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IN RE:           CLOSED SESSION

Mr. Tiller moved to go into Closed Session pursuant to Section 2.2-3711A.7 of the Code of Virginia for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel involving procurement and the historic school, and pursuant to 2.2-3711A.6 of the Code of Virginia for discussion or consideration of the investment of public funds where competition or bargaining is involved, where if made public initially, the financial interest of the County would be adversely affected involving the historic school. The members were polled:

Ron Stiers	Aye
W. R. Davis, Jr.	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Aye

The motion carried. The Board went into closed session.

Mr. Tiller moved to return to open session. The members were polled:

W. R. Davis, Jr.	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye

The motion carried.

Mr. Tiller made the following certification:

Whereas, the New Kent County Board of Supervisors has convened in a closed session 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 that such closed session was conducted in conformity with Virginia law;

Now there be it resolved that the Board hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open session requirements by Virginia law were discussed in closed session to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Board.

The Chairman inquired whether there was any member who believed that there was a departure from the motion. Hearing none, the members were polled on the certification:

C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye

Ron Stiers	Aye
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: ELECTED OFFICIALS' REPORTS

There were none.

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IN RE: STAFF REPORTS

There were none.

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IN RE: DISTRICT APPOINTMENTS

There were none.

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IN RE: NON-DISTRICT APPOINTMENTS

Mr. Davis moved to appoint Larry Clark as the Board's representative to the Community Policy and Management Team to serve a one-year term ending June 30, 2015. The members were polled:

James H. Burrell	Aye
Ron Stiers	Aye
W. R. Davis, Jr.	Aye
C. Thomas Tiller, Jr.	Aye
Thomas W. Evelyn	Aye

The motion carried.

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IN RE: MEETING SCHEDULE

The Chairman announced that the next meeting of the Board of Supervisors would be held at 6:00 p.m. on August 11, 2014, and the next work session at 9:00 a.m. on July 30, 2014, both in the Boardroom of the County Administration Building.

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IN RE: ADJOURNMENT

Mr. Burrell moved to adjourn the meeting. The members were polled:

Ron Stiers	Aye
W. R. Davis, Jr.	Aye
C. Thomas Tiller, Jr.	Aye
James H. Burrell	Aye
Thomas W. Evelyn	Aye

The motion carried.

The meeting was adjourned at 6:55 p.m.