

A REGULAR WORK SESSION WAS HELD BY THE NEW KENT COUNTY BOARD OF SUPERVISORS ON THE 30th DAY OF JULY IN THE YEAR TWO THOUSAND FOURTEEN IN THE BOARDROOM OF THE COUNTY ADMINISTRATION BUILDING, NEW KENT, VIRGINIA, AT 9:00 A.M.

IN RE: CALL TO ORDER

Chairman Evelyn called the meeting to order.

IN RE: ROLL CALL

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

IN RE: SYNAGRO APPLICATION

Before the Board for consideration was a request to join the Boards of Supervisors from King William County and King and Queen County to oppose a permit filed by Synagro Central LLC to apply treated industrial residuals on land in New Kent as well as the other localities.

Present from the Department of Environmental Quality was Kyle Winter, Water Compliance and VPA Program Manager, and Neil Zahradka, Manager of the Office of Land Application Programs along with local resident Robert Hale, a professor at the Virginia Institute of Marine Science, and New Kent's Cooperative Extension Agenda John Allison. Dr. Gregory Evanylo, a professor at Virginia Tech, also participated by conference call.

Mr. Winter said that there had been two public hearings held on this permit previously and that most comments were the same in both instances. He reviewed concerns about water quality, health effects, odor and drinking water contamination with the residuals left from the three origination sites - Smithfield Packing, Tyson Foods and Rock Tenn.

Mr. Evelyn confirmed that this was 712 acres that was being proposed in the northeastern portion of the county and owned by one entity.

Mr. Burrell asked about the application of copper. Mr. Winter reviewed the analysis for Rock Tenn from February 2014 saying that "we are dealing with such a small amount" when looking at the concentrations when making an application in the fields.

Mr. Evelyn asked if sodium levels would be a concern. Mr. Zahradka said that they had looked at that and had required some additional testing in some cases when it was a concern.

Mr. Burrell asked about pre & post testing to determine the quality of land applications. Mr. Zahradka said that that wasn't really measured and Mr. Winter added that Tyson Foods and Smithfield Packing had applied in these localities in the past, though Rock Tenn had not.

Mr. Winter stressed that the intent of the conditions of this application process were to protect water quality. Mr. Tiller said if that was the intent he would think DEQ would want to dump these materials as far away from the Chesapeake Bay as possible. He added that

government had been talking about the Bay since the 1990s and now they were proposing dumping sludge near it.

Mr. Stiers said that according to what he had read, each batch of sludge was different and he referred to the acceptable levels of arsenic, lead and silver reported for certain locations. Mr. Winter reviewed a few of the specific reports addressing quality control in the different certificates of analysis saying they were dealing with extremely small quantities of these materials. Mr. Winter also reviewed minimum setbacks and talked about how Synagro had dropped fields in the past due to odor sensitive receptors. He also reviewed the frequency of application and additional conditions that would prevent this material from getting into State waters and minimizing annoyance to adjacent landowners.

Dr. Hale stated that in his experience, the number one concern was respiratory irritation and how it affected the quality of life.

Mr. Evelyn stated that this issue was not about biosolids application, but about industrial sludge and that he thought a lot of residents were confused.

Mr. Stiers asked how sludge could be safe to land apply when it was not considered safe to burn at Rock Tenn any longer. He also said he had spoken with someone from the Chesapeake Bay Foundation about barging sludge to the Chesapeake Bay to dump it. He said that he felt that if it was safe to dump on the land, it should be safe enough to dump in the water, but that the person he spoke with was not interested in his proposal. Mr. Evelyn said that he didn't agree with that premise because plants actually got something out of the material that was land applied. He added that the Board could write a letter expressing its opinion but that ultimately it would be up to the state to make the decision. Mr. Stiers pointed out that no one from DEQ was elected to serve the people.

Mr. Evelyn asked Dr. Evanlyo to comment on the issue. Dr. Evanlyo stated that land application was the safest method for disposing of sludge as long as nitrogen and phosphorus levels were managed.

There was discussion about the King & Queen County landfill as well as the Amelia County landfill and issues both had faced in the past.

Mr. Winter reminded the Board that a decision had not been made on this application to date. Mr. Evelyn thanked all of the individuals who had spoken on the topic and asked Mr. Winter to keep them updated.

The Board took a five-minute break.

Mr. Stiers made a motion instructing staff to send a letter to DEQ and the Virginia State Water Control Board in opposition to the permit filed by Synagro Central LLC.

Mr. Evelyn said that he would prefer to wait until Mr. Davis was present to vote on the matter.

There was discussion about withdrawing the motion. Mr. Stiers indicated that he did not want to withdraw his motion. Mr. Tiller and Mr. Burrell both clarified that their votes were not in opposition of sending a letter but in opposition of taking a vote on the matter without Mr. Davis present.

The members were polled:

C. Thomas Tiller, Jr.	No
James H. Burrell	No
Ron Stiers	Aye
W. R. Davis, Jr.	Absent
Thomas W. Evelyn	No

The motion failed.

IN RE: PILOT CONDITIONAL USE PERMIT (CUP) RENEWAL

Planning Manager Kelli Le Duc and Jack Wilson from Pilot were present to briefly speak about the Conditional Use Permit (CUP) renewal that the Board would hear in September.

Mr. Wilson stated that the only changes from the current CUP to the resubmitted CUP were related to current restrictions on parking and the possibility of use of an adjacent parcel of land.

Mr. Evelyn said that Pilot was an asset to New Kent and that parking was the number one concern of his constituents where the company was concerned.

IN RE: SLUDGE STUDY

Public Utilities Director Larry Dame, and Roger Hart and Kris Edelman, both of Arcadis, were present to review the results of a Sludge Study conducted for New Kent.

Mr. Dame said that the current sludge permit was with Henrico County but that they had asked the County to find another alternative for the future.

Mr. Edelman reviewed Arcadis' study as it related to three options for disposal of sludge by way of land application, landfilling and commercial processing. He also reviewed costs and his recommendation of sludge stabilization as per SCAT, dewatering by centrifuge and disposal in a landfill. This option had the lowest life cycle cost with initial cost, upkeep and disposal.

Mr. Dame stated that he would love for Parham Landing to be a total reclaim plant but that the need versus cost was not there because of the county's size.

Mr. Stiers inquired about the current cost to take sludge to Henrico. Mr. Dame estimated that cost to be about \$300,000 per year. He said the County also got money back from Henrico to dispose of the jail's sludge.

The contract with Brockwell to haul sludge to Henrico was discussed.

Mr. Dame told Board members that he had asked Virginia Natural Gas to make the pipeline big enough to accommodate Parham in the future and they had done so.

IN RE: PROPOSED UPDATE TO THE PATRIOTS LANDING PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE

Clem Carlisle of East West Partners and their attorney Brennan Keene were present to review a proposal to amend Patriots Landing's PUD ordinance to allow for a section of the development to have private streets.

Mr. Keene told the Board that the Virginia Department of Transportation would not take ownership of the dam at Patriots Landing nor would they maintain the road to the dam, therefore this request was being presented.

Mr. Burrell asked if this request was granted if it would put the liability for the dam on the County. Ms. Gowdy said that this request was in an effort to try and protect the County.

It was confirmed that this one section of Patriots Landing would be similar to the roads of Woodhaven and be privately maintained.

Board members told Mr. Carlisle and Mr. Keene that they would see them in September when the request came before the Board for consideration.

IN RE: FLOODPLAIN ORDINANCE CHANGES

Building Official Clarence Jackson reviewed with the Board some proposed changes to the County's floodplain ordinance in anticipation of a community informational meeting scheduled to be held in August.

Mr. Jackson told the Board that even though the finals maps probably would not be approved until this time next year that the maps as they are now are what would be approved, barring anything big being changed. He also said there would be an update to the County's ordinance.

IN RE: BYLAWS AMENDMENTS

Legal Intern Charles Hazelwood reviewed some proposed changes to the Board's bylaws resulting from 2014 General Assembly action that would allow for participation from a remote location due to an emergency or personal matter. Mr. Hazelwood told the Board that the amendment would be ready for a vote at the September meeting.

Mr. Evelyn asked if what was being presented was a state ordinance that needed to be adopted and Ms. Gowdy said that it was not.

Mr. Evelyn said that he could see something like this being helpful in times of emergency but that he was "not real crazy about it."

IN RE: PARKS AND RECREATION DEPARTMENT UPDATE

Parks and Recreation Director Kim Turner provided an update to the Board.

Ms. Turner reviewed the Parks and Recreation Department's current staffing situation as well as information about their co-sponsored and affiliate groups, shared use of schools, programs, scholarships for before/after school, summer camp and youth sports scholarships, the departmental Master Plan, operating budget expenditures/revenue and the capital budget.

Mr. Burrell asked about the feedback for Pine Fork Park. Ms. Turner indicated that she had received the most comments regarding local interest in walking trails and playgrounds; not ball fields and a sports complex.

Mr. Evelyn remarked that there was a great need for girls softball accommodations.

Jason Baldwin, the Parks and Recreation Park Operations Supervisor, gave a rundown of current fields and what the requirements were for each field.

Mr. Evelyn asked about the funds in the CIP for field lights. Ms. Turner said that one field was slated to get lights but they would need to evaluate which field would receive them.

IN RE: OTHER BUSINESS

Mr. Evelyn had provided the Board members with some literature about an EPA ruling resulting in the shutting down of coal plants and loss of jobs. He asked that they read it at their leisure.

Mr. Evelyn also reminded the Board members that they would need to have a retreat soon. Mr. Stiers indicated that scheduling a Town Hall meeting was of interest to him. Mr. Evelyn said that that could be one of the topics to discuss at the retreat. Mr. Hathaway recommended inviting the School Board members to a portion of the retreat.

IN RE: ADJOURNMENT

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

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

The motion carried.

The meeting was adjourned at 11:40 a.m.