

**TOWN OF UNIONVILLE
MINUTES OF REGULAR MEETING**

The February 16, 2009 regular meeting of the Town of Unionville was held at 7:30 p.m. in Town Hall, 1102 Unionville Church Road, Monroe, NC. Mayor Simpson and Commissioners Randy Baucom, Ken Brown, Robert Crouch and Edd Little were present. Commissioner Jim Baucom was absent. Town Attorney Tom Griffin was present, but Town Attorney Ken Helms was absent.

Everyone stood and recited the Pledge of Allegiance to the United States flag, after which Commissioner Crouch led the prayer of invocation.

Mayor Simpson called the meeting to order and welcomed everyone to the meeting.

There being no corrections or additions to the minutes of the January 16, 2009 public hearing minutes, January 19, 2009 regular meeting and executive session minutes, Mayor Simpson declared them approved as reviewed by Council.

Mayor Simpson recognized Budget & Finance Officer Darrell Baucom. Mr. Baucom presented a letter from Baxter Starnes, who is in the process of completing an audit on Griffin Farm and Landfill. A copy of this letter is appended to these minutes. Mr. Baucom also highlighted the financial report, a copy of which is also appended to these minutes. Mr. Baucom stated that the Town has had no change to the Certificate of Deposit. The Town is under budget on ad valorem taxes, landfill income, zoning fees, contributions and legal fees, although he has a December legal bill. It is over budget on franchise taxes. Upon motion duly made by Ken Brown, seconded by Robert Crouch, Council unanimously agreed to pay pending bills.

Mayor Simpson recognized Linda Smith from the Literacy Council of Union County. She is a resident of Unionville, a Board member of the Literacy Council, and taught at Piedmont Middle School. There are over 20,000 Union County residents who are illiterate—they can't read above a fifth-grade reading level. She shared a DVD of the Carolina Traveler, which aired April 30, 2008. One of the people on the DVD is from this community. She encouraged everyone who knows of someone who could benefit from their services to refer them to the Literacy Council.

The next item of business was to consider a resolution to adopt legislative positions for the 2009-2010 session of the North Carolina General Assembly. The consensus was to table this item until the March 16, 2009 meeting for further review.

Mayor Simpson recognized Attorney Jon Adams, representing Griffin Farm and Landfill. Mr. Adams stated that he had received an email from Allison Edgar with questions regarding the landfill application. Many of the questions were technical, and

Wayne Sullivan, engineer with Municipal Services was not able to be here tonight. He presented a cover letter from the state not highlighting exceedences. This is different from substances exceeding 2L, which is what Griffin Farm & Landfill is required to note. In the past five years, Griffin Farm & Landfill nor its consultant compares what's in there with groundwater protection standards because there is no requirement to do so. If you go back five years to monitor, it is expensive and unnecessary. NC DENR monitors the water, and the landfill is in compliance with DENR's groundwater requirements, as set forth what is required under 2L limit. There is no requirement for groundwater protection.

The levels of cadmium in surface water samples were tested over five years. This relates to surface water samples, and there are no standards for surface water samples; only for groundwater. Cadmium is there due to a source at a point where a stream flows onto Griffin Farm & Landfill's property. A sample was taken and determined it is not from the landfill property. They consulted with the Union County Agriculture Extension office, and speculate that shavings and poultry litter upstream are the source.

A description of sampling methods used by consultants during semi-annual events is low-flow technology. Monitoring is conducted in accordance to Municipal Engineering and approved by NC DENR. The plan is based on monitoring guide regulations, and involves submersing the pump into the well, purging stagnant waters on top, and using low-flow technology to insure the least level of turbidity in gathering samples as possible.

Mr. Adams addressed why Griffin Farm & Landfill did not cover the landfill until January 2009 instead of June 2008, when he ceased accepting C&D waste. He tried to explain this at the last meeting, as there are an abundance of precautions and perhaps rightful paranoia. Once the deadline passed, Mr. Griffin didn't want any activity going on in the landfill so as not to be accused of accepting any waste. The landfill has been covered and seeded as required by NC DENR, and the state has been informed of that.

Regarding the written correspondence with NC DENR over the last five years, he contacted Municipal Engineering, but they had an insufficient time to pull these records. This is available on NC DENR's website, and can be seen there.

Regarding cash transactions recorded and samples, Griffin Farm & Landfill's accountant sent this information this afternoon. Mr. Darrell Baucom reported that the only information he received is what he shared with Council. Mr. Adams will send those samples to Council.

Griffin Farm & Landfill hasn't increased its rates, and hasn't proposed an increase. Griffin Farm & Landfill is amenable to increasing rates if the rates raised will modify proportionately to Town of Unionville. The caveat is that they are not amenable to increasing rates, based on additional state taxes or fuel surcharges imposed by the

state. For example, if the state requires an extra \$2 per ton for C&D, Griffin Farm & Landfill will have to increase by \$2 per ton, and that would go to the state. He wouldn't think the franchise payments would be affected under that scenario.

Attorney Tom Griffin made inquiry as to the conversations with the state. Mr. Adams stated that the permit expired eight days ago; they are not accepting any C&D waste, and the permit allows another six months to actually close the landfill. If a franchise is granted in the interim, they are in hopes that the state will go along with them under the old rules.

Mayor Simpson made inquiry as to the owner of record today. Mr. Adams stated that Richard Griffin owns the business totally. Mayor Simpson asked what period of time the operation would have to continue under the new regulations to become profitable, after they cover closure costs and any other expenses incurred under the new regulations. Mr. Griffin stated that he couldn't answer that, as he can't depend on the economy. If he closed the landfill today, it would cost \$300,000 to \$500,000, since they actually closed the landfill in June 2008. After the new regulations are in effect, it would cost an extra \$1 million plus sampling costs and thirty years of monitoring. If he were to expand out of the existing footprint, he must put up another \$4 million for post-closure and closure in addition to the \$3 million already put up. Mr. Adams stated that if Mr. Griffin comes to Council every five years over thirty years time, no one knows what Council will look like in five to ten years. A 30-year franchise would assure that Mr. Griffin could operate his business for thirty years instead of asking for a franchise every five years, as long as he remained within state rules and regulations.

Commissioner Edd Little made inquiry as to assurances with someone else. Mr. Adams stated that he does not know how the financial deal will be worked out, although Mr. Griffin is looking for a source of funding. No one else would have an ownership interest.

Commissioner Randy Baucom made inquiry as to cobalt found in wells five and six on October 10, 2008. Mr. Adams will consult with Municipal Engineering for the answer.

Attorney Tom Griffin stated that Council is concerned about groundwater, as the entire state uses 2L but solid waste sets standards for non-2L standards. The reason they are asking about the sampling technique is that, with the low-flow sampling technique, it reduces the reading. Council is concerned about the presence of contaminants in groundwater not naturally occurring. They have seen exceedences for five years, and feel that NC DENR is doing nothing about it, and they are concerned for the community as to what that might mean. It is comforting to know that cadmium is coming from off-site. The Town is looking for more comforting answers. As keepers of the community trust, they need to find answers. Mr. Adams will contact Municipal Engineering and make a find the answer to this question.

Upon motion duly made by Ken Brown, seconded by Edd Little, Council unanimously agreed to enter into Executive Session to consult with their attorney regarding the Griffin Farm and Landfill matter.

Upon motion duly made by Randy Baucom, seconded by Robert Croutch, Council unanimously agreed to close Executive Session.

Attorney Tom Griffin stated that Council still desires some answers to the questions they presented to Griffin Farm & Landfill, such as groundwater and surface water information, the status of the state application, and environmental impact. Upon motion duly made by Ken Brown, seconded by Robert Croutch, Council unanimously tabled the decision of the Griffin Farm & Landfill franchise application to give the subcommittee time to work with Griffin Farm & Landfill in acquiring answers to the questions the Town has posed.

In other business, Clerk Sonya Gaddy stated that the total cost of the copier was misquoted earlier. The total cost is \$5,700.00, which is an additional \$415.14. Upon motion duly made by Ken Brown, seconded by Edd Little, Council unanimously approved the updated copier price. Ken Brown will contact someone for wiring of the printer and fax, and will advise the Clerk.

Clerk Sonya Gaddy also reminded Council of the upcoming Quasi-Judicial Session being conducted by Centralina COG, and asked them to let her know if they were interested in attending.

There being no other business, Mayor Simpson declared the meeting adjourned.

Respectfully submitted,

Sonya W. Gaddy
Clerk

Approved as to form:

Thomas N. Griffin, III, Town Attorney