

Closed Session III (Misplaced Garbage at Landfill) — October 4, 2010

At 6:10 p.m., the Board, already in closed session on another matter, began discussion on a different matter to consult with our attorney to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action, pursuant to NCGS 143-318.11(a)(3). Commissioners Holmes, Frye, Kemp, Lanier and Haywood were present. Also present were County Manager Richard Wells; Will Massie, Finance Officer; Darren Allen, County Attorney; Aimee Scotton, Associate County Attorney; Cheryl Ivey, Clerk to the Board; David Townsend, III, Public Works Director and Bonnie Renfro and Harry Lane from Randolph County Economic Development Corporation (EDC).

David Townsend, III, Public Works Director, said that approximately six months ago, Energizer informed him that they had discovered some buried renegade garbage situated primarily on part of the five acres that they own at the landfill; about 80% is on Energizer's property and 20% is on County property. They also reported this discovery to the state. The area in which the trash is located is approximately 500 sq. ft. After examining some of the garbage it was determined that the trash was illegally buried there sometime during the 1980s, most likely by the company with whom the County contracted to run the landfill. The same contractor was also contracted by Energizer to operate their area of the landfill. The state (DENHR) has visited the site and is requiring that the County immediately prepare a work plan for excavating and properly disposing of the misplaced trash. Initially, Energizer agreed that they would split equally with the County the cost of excavating and disposing of the renegade trash. Now, it appears that Energizer is reconsidering paying their share.

Mr. Townsend said that our staff attorney, Aimee Scotton, is preparing an agreement to present to Energizer in which the cost will be split equally. He said that he would keep the Board informed on this matter.

*At 6:14 p.m., on motion of Frye, seconded by Kemp, the Board voted unanimously to end closed session and to return to open session.*

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J. Harold Holmes, Chairman

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Darrell L. Frye

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Phil Kemp

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Stan Haywood

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Arnold Lanier

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Cheryl A. Ivey, Clerk to the Board