

**CHITTENDEN SOLID WASTE DISTRICT
SOUTH BURLINGTON CITY HALL
MINUTES OF MEETING
October 25, 2006**

APPROVED COPY

PRESENT

BOARD MEMBERS:

Bolton	-----
Burlington	Steve Goodkind
Charlotte	John Hammer, III
Colchester	Dirk Reith
Essex Junction	-----
Essex	-----
Hinesburg	-----
Huntington	-----
Jericho	Bert Lindholm
Milton	Ken Nolan
Richmond	Mary Houle
St. George	-----
Shelburne	-----
So. Burlington	Paul Stabler
Underhill	Mike Weisel
Westford	Bill Leach
Williston	Mike Coates
	George Gerecke, Alt.
Winooski	-----

STAFF:

Tom Moreau
Jim Ticehurst
Amy Jewell
Marge Keough
Thomas Melloni

OTHERS PRESENT:

Stuart Bohm, Williston resident
Craig Abrahams, Williston resident
Robert Sochovka, North East Waste
Holly Taylor, Intervale Center
Buzz Ferver, Intervale Center

AGENDA:

1. Call to Order
2. Agenda and Public Comment Period
3. Approval of Minutes (9/27/06)
4. Finance
5. Environmental Purchasing Guidelines
6. Proposed Regional Landfill
7. Compost Agreement with Intervale Center
8. Proposed Revisions to Personnel Rules & Regulations

9. Program Updates
 10. Other Business
 11. Executive Session & Adjournment
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1. CALL TO ORDER

Chairman Bill Leach called the regular meeting to order at 7:03 p.m.

2. AGENDA and PUBLIC COMMENT PERIOD

There were no changes to the agenda.

Public Comments

Craig Abrahams and Stuart Bohm, Williston residents and members of the Williston Neighborhood Coalition, mentioned opposition to the regional landfill expressed by Bob Marcotte, Essex resident, at the recent Williston Selectboard meeting. The local newspaper, *Essex Reporter*, also printed Mr. Marcotte's comments. Mr. Abrahams questioned why a rail spur has not been utilized to carry trash to Coventry, and what the cost would be to complete rail connection to the transfer station. Tom Moreau stated the transfer station is not owned exclusively by CSWD. There is a lease/purchase arrangement with Northeast Waste Systems which will own the transfer station outright in 2007. The transfer station is designed to accommodate a rail spur. It is not known if Coventry is set up for rail transport. Mike Coates added a special rail car is needed to haul trash. The cars are made in China and delivery time is years out (four-five years). There is a back log of need by areas already being served by rail. Mr. Abrahams asked if it is accurate to say in light of the litigation with Hinesburg Sand & Gravel (HS&G) that if the decision was made three or four years ago to go with rail, CSWD would have delivery of the special cars today. Mike Coates explained the problem is where the trash would go. Coventry is not near a rail head. Technology has changed dramatically. Mr. Coates said the only locations he is aware of that accept trash by rail are in Pennsylvania. Tom Moreau stated a study was done in the last two years. Transload America (railroad company) was not cost competitive with a proposed local landfill for municipal solid waste. Hauling to landfills accepting trash by rail (in Ohio, Michigan, Pennsylvania) was not cost competitive. Sending construction and demolition debris (C&D) to the Michigan landfill by rail was somewhat cost competitive to CSWD's economic model. Mr. Abrahams asked if inquiries have been made to Casella to see if there is interest in creating rail access. Mike Coates stated as a member of the Vermont Rail Council he is not aware of any rail close enough to make rail transport to Coventry economically feasible. Tom Moreau added CSWD is in frequent contact with the Casella group and the issue of rail never comes up.

Stuart Bohm asked about the additional capacity permitted at the Moretown landfill. Rob Sochovka, North East Waste Services, confirmed permitting for an additional five years of capacity at the current volume rate has been secured. Mr. Abrahams stated there is rumor Myers signed a long term contract with AIG to use the Moretown landfill. According to Mr. Abrahams, Myers handles 25,000 tons of material per year. Mr. Abrahams asked how this shortfall of tonnage will be handled in the economic plan for the regional landfill. Tom Moreau said he cannot and will not divulge proprietary information on any haulers. CSWD understands there is a contract with Myers. The regional landfill report on waste acquisition shows 9 options in the economic plan, including lower tonnages, franchising, flow control,

haulers buying futures in the landfill. A decision on waste acquisition has not yet been made. Mr. Moreau mentioned the flow control issue will be heard by the U.S. Supreme Court in the fall and a decision is likely by June, 2007. Mr. Abrahams asked if it is fair to say the Myers tonnage will decrease expected waste to the Williston landfill by 25,000 tons. Mr. Moreau said he cannot answer the question again because the information is proprietary and also there are many mechanisms municipalities can employ to ensure there is the necessary volume of material to make the landfill economically feasible. The options have not been debated at this point in time. Craig Abrahams asked about taking out-of-district trash. Tom Moreau stated the preference is not to do this, but the option is available. Bert Lindholm interjected it may be found by Myers that it is easier to bring their trash to the Williston landfill.

Mr. Bohm mentioned possible contaminated soils at the landfill site in Williston and asked about landfill cover. Tom Moreau stated a combination of clean soil and manufactured alternative daily cover material, something accepted by the state, will be used. Mr. Abrahams asked if CSWD is willing to go on record to say there will be no petroleum contaminated soils ever to be used at the Williston site. Tom Moreau explained a toxic concentrate leachate procedure (TCLP) will be done on the soil and if the soil passes, then it is acceptable to be used on the landfill. There are other considerations as well as guidance policies from the state.

3. APPROVE MINUTES

September 27, 2006 – Regular Meeting

MOTION by Mary Houle, SECOND by Paul Stabler, to approve the 9/27/06 minutes as written. VOTING: all ayes except one abstention (Mike Coates - Williston); motion carried.

4. FINANCE

a) Finance Committee Report of Warrants

The warrants were approved by the Finance Committee. There were no questions from the Board.

b) Bank Balances as of 9/30/06

Jim Ticehurst reported two of the three planned transfers have been made so there will be further change reflected in the account balance.

5. ENVIRONMENTAL PURCHASING GUIDELINES

Marge Keough explained the purchasing guidelines to further promote reduction, reuse, and recycling in-house at CSWD. The guidelines could possibly become a business model for use by companies across the county. The products on the list include many items on the state's contract vendor list for the specified products. There was discussion of the increase in cost for the products (110%) and assurances the cost will not increase further. Staff will further investigate this matter.

MOTION by Ken Nolan, SECOND by Mary Houle, to approve the Environmental Purchasing Guidelines as presented and ask staff to return with information at budget time regarding impact on purchasing. VOTING: unanimous; motion carried.

6. PROPOSED REGIONAL LANDFILL

a) Progress of Design

Tom Moreau explained the change orders totaling \$80,642. The last change order included expanding the ground water model. The study area will include Mountain View Road to nearly North Williston Road to the Winooski River at a cost of \$35,000.

b) Landfill/Host Town Agreement Legal Questions

Tom Moreau reported he and Tony Barbagallo have been meeting and exchanging information with Craig Abrahams and the Williston Neighborhood Coalition. The letter from the Town of Williston attorney, Paul Gilles, dated 10/13/06, regarding landfill legal questions was reviewed.

c) Letter from Williston Town Manager, Rick McGuire

Tom Moreau acknowledged the letter from Rick McGuire, Williston Town Manger, dated 10/18/06, regarding potential buy out of the host town agreement. Staff recommends forming a committee to meet with Williston to discuss the matter. Economic models thus far show the landfill is a good project with strong environmental and economic benefits. CSWD needs to consider the entire county including but not limited to the Town of Williston. Mr. Moreau noted there are several present and past CSWD board members who are named under the HS&G lawsuit in Federal Court which could complicate a buy out. Bert Lindholm asked about the definition of a buy out. Tom Moreau stated past expenses, future savings, issues that HS&G was aggrieved by, costs associated with siting, engineering, legal fees, court costs, future gains, and others would likely be included in the buy out value.

By consensus, the Board agreed to move forward and meet with the Town of Williston to discuss buy out of the host town agreement. Volunteers for the committee include Mike Coates, Bert Lindholm, Paul Stabler, Bill Leach, and Steve Goodkind. Tom Moreau will contact Rick McGuire to set up a meeting schedule.

7. COMPOST AGREEMENT WITH INTERVALE CENTER

Holly Taylor and Buzz Ferver with the Intervale Center briefed the Board on the success of the program which turns 20,000 tons of organic waste into compost annually realizing \$800,000 in annual sales. The organic waste which is removed from the waste stream going into the landfill includes food scraps and liquids, horse and bird manure, yard waste, and leaves. Past support from CSWD to help launch ICP was noted. Improvements to the site and equipment now owned by ICP were shown. Ms. Taylor and Mr. Ferver described how the material is processed for delivery to customers. All employees are cross-trained on equipment and the composting process. All site work is done by the very dedicated staff. All the compost that is made is sold, and it is anticipated more could be sold if it were available. Staff wants to be careful to ensure a balance between supply and demand.

Tom Moreau mentioned the program was an idea for taking waste out of the landfill stream that turned into a thriving business. All loans provided by CSWD to ICP have been paid on time and with interest. ICP is self-sustaining at this point with a product that is in demand. Mr. Moreau stated he envisions recycling following the same course.

Establishing a capital reserve fund for equipment replacement was suggested when feasible for the business. There was mention of the dirt access road (formerly a farm road) to the site which recent research indicates is owned by the City of Burlington. Steve Goodkind felt ICP should improve the access road as the primary user of the road. The wear and tear on the road is from the heavy trucks coming and going to the site. Holly Taylor confirmed ICP tries to maintain the road as best can be done, but resources are limited. ICP hopes the City of Burlington will maintain the road as any other city road since ICP pays taxes to Burlington.

It was reiterated ICP has fulfilled all requirements specified by CSWD, maintains its own books, and is up to date on all loans.

MOTION by Dirk Reith, SECOND by Mary Houle, to accept the ICP agreement as presented.

DISCUSSION: Steve Goodkind suggested ICP take more responsibility for the access road which is actually an old farm road. The trucks coming/going to ICP are damaging the road. ICP is the single user of the road mainly and could do more to maintain it. The road is essentially a driveway for the site. Buzz Ferver stated ICP is discussing how to make the road more passable. Ownership of the road was contentious, but has since been established as the property of the City of Burlington. Prior to this year, ICP did all maintenance on the road. The road is low lying and flat with no drainage. ICP does not own the road and is unsure about doing improvements. Mary Houle asked if there were provisions for improving the road as the business grew. Holly Taylor explained the City of Burlington did not acknowledge ownership of the road when the business was established. The road is used by the City to access a storage area at the end of the road a few times each day. Ken Nolan asked if there is a permit from Burlington to operate the business. Steve Goodkind noted the situation goes back to when CSWD operated the facility. Holly Taylor said ICP operates under a Vermont Agency of Natural Resources solid waste permit. There is no permit that is known ICP needs from the City of Burlington. Ken Nolan observed the matter is between the City of Burlington and ICP, not CSWD. Tom Moreau noted ICP owns the land. CSWD was a co-permit holder with ICP under Act 78 for compost. CSWD's interest is that 20,000 tons of material is being composted and not included in the waste stream. ICP may want to approach their parent company to become an independent entity. Mike Coates felt the matter is between ICP and the City of Burlington and suggested the compost agreement be accepted as written and the two entities work out their issues. Steve Goodkind pointed out CSWD tries to accommodate host towns in host town agreements, and in this case, the user should try to accommodate the host town of Burlington. Host town agreements typically say a town will not be adversely impacted by a facility. Bert Lindholm noted the road is public and owned by Burlington. The road needs improvement. Burlington should work with ICP on a mutual agreement. Steve Goodkind said he is not against the contract, but would like the road issue addressed at some point. Ken Nolan asked why Burlington researched the road ownership. Mr. Goodkind said it was assumed the road would not be accepted by the municipality (it was assumed to be a right-of-way to a farm

road), but things have changed. ICP said they would take care of the road. Mike Weisel mentioned “throwing up” the road (have the City of Burlington abandon the road). Mr. Goodkind stated some day the road might be improved (if funds allow), but in the mean time, the condition is worsening. Holly Taylor stated ICP maintains the road year round, including snow removal. Potholes and lack of drainage are constant problems. If Burlington would pitch and ditch the road, that would be a vast improvement. Steve Goodkind urged ICP to continue doing what is done now with the road and not expect road improvements by Burlington. Tom Moreau suggested ICP include road maintenance costs in their budget planning, and offered to bring the issue to the Intervale Center Board of Directors for discussion as a potential budget item. Tom Moreau will research the state road mileage map to see if the access road is included on the map. It was suggested an amendment to the agreement or a separate agreement be drafted to address maintenance of the road. Tom Moreau will draft some language regarding the access road. There were no further comments.

VOTING: unanimous; motion carried.

8. PROPOSED REVISIONS TO PERSONNEL RULES & REGULATIONS

Amy Jewell reviewed the proposed changes in the Personnel Rules. The changes include housekeeping items, language pertaining to drug and alcohol testing, equal opportunity employment, sexual harassment policies, use of CSWD property, accident reporting, video taping on CSWD premises, weapons, family leave, health insurance, holidays, and vacation time. Steve Goodkind stated being drug and alcohol free applies to drivers operating any equipment associated with CSWD. Ms. Jewell will revise the language associated with drug and alcohol use and equipment operation. Mary Houle suggested doing a motor vehicle report (MVR) each year on all drivers at CSWD. Mr. Goodkind interjected verifying a driver’s license is acceptable, but a policy needs to be in place for infractions if staff is going to review driving records. Tom Moreau summarized holders of a CDL or non-CDL license cannot have a DUI infraction. The policy is a valid license is required in order to drive a CSWD vehicle (the MVR will provide this information). The MVR will be used only to verify the driver’s license. Mr. Moreau suggested the revisions be approved as presented and the items discussed above added as future amendments.

There was discussion of weapons on CSWD property. It was suggested the federal weapons guidelines be referenced and hunting rifles, bows and arrows be cited as exceptions during open hunting season. Authorization to have a weapon on CSWD property is needed in advance. Staff will further research the matter and draft some language for consideration.

MOTION by Paul Stabler, SECOND by Mike Weisel, to approve the revised Personnel Rules & Regulations as presented but without the weapons/firearms section. VOTING: unanimous; motion carried.

9. PROGRAM UPDATES

The Board received written briefs on programs/projects at the District. Tom Moreau reported that VLCT notified municipalities that the health insurance premium cost increase through Blue Cross/Blue Shield is expected to be 36% beginning on Jan 1, 2007. The increase means

an additional cost of \$19,000 for CSWD this fiscal year (January to June). CSWD budgeted for a 15% increase. Tom Moreau also reported the phone system at CSWD was temporarily down and voice mail is out of service until 10/31/06.

10. OTHER BUSINESS

None.

11. EXECUTIVE SESSION and ADJOURNMENT

MOTION by Paul Stabler, SECOND by Mary Houle, that the Board of Commissioners of the Chittenden Solid Waste District go into Executive Session to consider pending civil actions, contract negotiations, and potential real estate acquisition where premature general public knowledge would clearly place the District, its member municipalities, and other public bodies or persons involved at a substantial disadvantage, and further, to seek and discuss the advice of attorneys on various legal issues where premature public knowledge could adversely affect the outcome of such civil action against the District, and to permit staff and the Solid Waste District attorney(s) to be present for this session. VOTING: unanimous; motion carried.

The Board entered Executive Session at 9:25 p.m.

MOTION by Dirk Reith, SECOND by John Hammer, III, to adjourn Executive Session and the regular meeting. VOTING: unanimous; motion carried.

Executive Session and the regular meeting were adjourned at 10:06 p.m.

M.E.Riordan, Recording Secretary

I agree that this is an original copy of minutes and they have been approved by motion of the Board of Commissioners at the _____ meeting held in _____.

Carlisle "Mike" Coates, Secretary/Treasurer