

**CHITTENDEN SOLID WASTE DISTRICT
WILLISTON POLICE STATION
7878 WILLISTON ROAD
MINUTES OF MEETING
March 26, 2008**

APPROVED COPY

PRESENT

BOARD MEMBERS:

Bolton	-----
Burlington	Steve Goodkind
Charlotte	John Hammer, III
Colchester	Al Voegele
Essex Junction	John Lajza
Essex	Alan Nye
Hinesburg	Thomas Nostrand
Huntington	-----
Jericho	Bert Lindholm
Milton	-----
Richmond	Erik Filkorn
St. George	-----
Shelburne	Mark Brooks
So. Burlington	Paul Stabler (Chairman)
Underhill	-----
Westford	Michelle DaVia, Jeb Emerson, Alt.
Williston	Carlisle "Mike" Coates
Winooski	-----

STAFF:

Tom Moreau
Tony Barbagallo
Jim Ticehurst
Jennifer Getty
Thomas Melloni, Esq.

OTHERS PRESENT: None.

- AGENDA:**
1. Call to Order
 2. Agenda and Public Comment Period
 3. Approval of Minutes (2/27/08)
 4. Finance
 5. Personnel Policy Change to Vacation Time Carry Over
 6. Flynn Avenue Property
 7. Intervale Compost Update
 8. Program Updates
 9. Other Business
 10. Executive Session
 11. Adjournment

1. CALL TO ORDER

Paul Stabler called the meeting to order at 7:10 p.m.

2. AGENDA and PUBLIC COMMENT PERIOD

There were no changes to the agenda or comments from the public.

3. MINUTES OF FEBRUARY 27, 2008

MOTION by Alan Nye, SECOND by Al Voegele, to approve the 2/27/08 minutes with the following correction:

Page 6, MOTION for Item #6 (Do Not Mail Campaign) – correct the voting to read: “all ayes except five nays (Dirk Reith – Colchester, Mike Coates – Williston, Michelle DaVia – Westford, Alan Nye – Essex, John Lajza – Essex Junction) and one abstention (Steve Goodkind – Burlington)”.

VOTING: all ayes except two abstentions (Thomas Nostrand – Hinesburg, Erik Filkorn – Richmond); motion carried.

4. FINANCE

a) Finance Committee Report of Warrants.

Warrants approved by the Finance Committee. There were no questions or comments from the Board.

b) Bank Balances as of 2/29/08

There were no questions or comments from the Board.

c) FY08 Second Quarter Financials

Tom Moreau noted the year’s revenue is picked up in the first six months, but not all of the expenses are not included (some expenses are backloaded). The MRF revenue is not increasing as fast as it was because CSWD is now paying for materials coming in. Paying for materials has had an impact on the amount of material received. The third quarter statement will have a projection for the end of the year.

5. PERSONNEL POLICY CHANGE TO VACATION TIME CARRY OVER

Paul Stabler explained two employees have a large amount of carried over vacation time (the employees are the General Manager and a Maintenance Operator). CSWD has a policy that caps the amount of vacation time that can be carried over. Employees were informed of the limit and told to use their time or lose it. The two employees with the excess time have not been able to use it due to work demands. The Executive Board discussed the matter and agreed to extend the time period by two years with a checkpoint at one year to ensure the employees are using their accrued vacation time. Following the two year extension any remaining vacation time will be lost. The Personnel Rules must be amended to allow the extension.

MOTION by Bert Lindholm, SECOND by Thomas Nostrand, to approve the wording in Section 6.3.5 of the Personnel Policy to read as follows:

6.3.5 Carry Over of Vacation

Employees are encouraged to use the balance of any vacation time earned within the next fiscal year. Beginning July 1, 2008 an employee may

carry over no more than twice their current year vacation accrual to the following fiscal year. For example, less than 5 years of service, 20 days; less than 10 years of service, 30 days; less than 15 years of service, 40 days; over 15 years of service, 50 days.

However, CSWD recognizes that the timing of this change may have resulted in loss of time for some employees. Therefore, any employee carrying over more than double their accrual on July 1, 2008 will have until July 1, 2009 to use 50% of that excess accrual or they will lose it, and will have until July 1, 2010 to use the remaining excess accrual or they will lose it.

DISCUSSION: Alan Nye confirmed at the end of the next fiscal year the General Manager can only carry forward 117 hours and the Maintenance Operator can only carry forward 53 hours beyond their allowable amount. Thomas Nostrand asked if there was discussion of paying for the vacation time rather than carrying it over. Jim Ticehurst stated CSWD incurs the cost of the unused vacation time. There were no further comments.

VOTING: unanimous; motion carried.

6. FLYNN AVENUE PROPERTY

Tom Moreau gave a brief history of the purchase of the property on Flynn Avenue for a future Drop Off Center. A privately operated DOC in Burlington closed in 1998 so Burlington did not have a DOC. The lease for the South Burlington DOC mandates establishing an operating facility in Burlington within 2 years. The lot on Flynn Ave. was purchased in 2001 for \$500,000. The lot is in the enterprise zone which allows commercial activity. Rentals on the site have been good (5% return). CSWD has been approached by two interested buyers of the lot. Some Burlington City Council members was strong in not wanting the property to be sold to a trucking company. There was discussion of selling the front portion of the lot (Lot 201) and keeping the back portion (Lot 195) for a DOC. Tony Barbagallo confirmed the back portion of the site physically could function as a DOC. Al Voegele asked why CSWD would want to sell the property. Paul Stabler stated CSWD wants to minimize the amount of property management that is being done. Mike Coates added staff has much to handle relative to solid waste management and does not need management of this property as a distraction. Bert Lindholm suggested CSWD retain the property or a portion thereof for a DOC and discuss selling the remainder of the land. Tony Barbagallo pointed out the DOCs have evolved and are handling more special wastes not picked up curbside. Mr. Barbagallo stated the existing building on Lot 201 is not worth much, and suggested at some point in the future the building could be replaced with an eco-park type development to include a DOC, Recycle North, and green incubator space for businesses compatible with the CSWD mission. The site is good for long term waste management needs. Tom Moreau summarized based on the discussion it appears the Board is open to establishing a DOC on the site and potentially selling portions of the parcel that are not needed. Mr. Moreau will have Brian Wright investigate potential future uses on the property.

7. INTERVALE COMPOST UPDATE

Tom Moreau referred to a handout distributed to the Board on 2/27/08 showing tonnages per year received by Intervale Compost Program (ICP). CSWD is responsible for

handling food and yard waste from the district. Yard waste is becoming a commodity. Food waste liquid (mainly from Ben & Jerry's Ice Cream and Chittenden Cider Mill) is no longer going to ICP. Food waste sludge is another material, but it is not certain if CSWD is responsible for handling this. CSWD is the primary for the collateral of compost material at ICP. The equipment at ICP is worth twice the remaining balance due. CSWD was recently informed ICP wants to cease the compost operation as of April 1, 2008. CSWD staff feels the site can meet the environmental regulations. Discussions with state officials seem to indicate the site could get Act 78 permits in the future. Native American artifacts on the site may be an issue. Staff continues to meet with archeologists, tribal leaders, and the Vermont Department of Historic Preservation. The cost for an Act 250 permit could range from \$75,000 to \$375,000. Staff would like to preserve the option of ICP, but other sites are being investigated. There are only two sites with Act 250 permits, and these places are not interested in taking food waste from Chittenden County. The material could be shipped to Quebec, but this may be cost prohibitive. Five percent of Vermont's food waste is diverted and ICP handled 92% of the diverted amount going to commercial facilities. Organic material is the next piece to deal with in solid waste management. Dealing with liquids from compost sites must also be resolved. There are only two haulers who handle food waste (Gauthier and Casella). The economics of ICP operation will be further discussed in Executive Session.

Tony Barbagallo stated ICP is operating under the original permit until the renewal application is approved. Staff argues the state's claims of alleged notice of violation (NOAV) do not have merit except the management of liquid, but no one knew how to handle that material including the state. An Act 250 permit is needed because over 50% of the 'feed stock' comes from off site. Previous activities on the site which did disturb the site included a pig farm and junk yard. Archeological excavations have been done in the Burlington Intervale, but not on the site. There may be artifacts of historical significance, but staff feels the operation of ICP will not have an impact because the activity is on the surface. Mr. Barbagallo explained the enforcement action by the Attorney General which includes NOAV from the solid waste certification, alleged stipulation that ICP is not diligently pursuing an Act 250 permit, and penalty for not having an Act 250 permit in the past.

Alan Nye asked about the flood plain issue and the state working with FEMA to make flood insurance invalid for residents in Burlington because the ICP operation is occurring in the flood plain. Tony Barbagallo stated Stone Environmental looked at the impact on the Winooski River by ICP and during the 100 year flood. The study indicated there is no impact. The City of Burlington received the report and sent it to the state. There has been heated correspondence between the two entities. Stone Environmental feels the FEMA requirements are satisfied. The state disagrees.

Alan Nye asked if CSWD was involved in ditching and creating containment ponds for liquid. Tony Barbagallo said this was handled by ICP.

Bert Lindholm asked how much acreage is needed to handle the material. Tony Barbagallo estimated about 15 acres are needed to handle 20,000 tons/year. CSWD

would handle 4,000 tons per year so approximately seven acres would be needed. Mr. Lindholm asked about the certifications being transferred to a new owner of the operation. Tony Barbagallo explained local permits are transferable. Act 250 permits stay with the land. Solid waste certification is not transferable. CSWD is not a co-applicant on the pending ICP application, but was a co-applicant on the original permit application (ICP is currently operating under the original permit until the pending application is approved).

8. PROGRAM UPDATES

The Board received written briefs on programs/projects in the District.

Tonnages

Staff reported tonnages are down 2.5% due to less C&D waste. Paying for materials received at the MRF has made an impact. Lots of material is being received, but even after paying expenses and paying for materials, there was a surplus at the MRF of \$80,000 in January and \$32,000 in February. Tom Moreau reviewed the markets for plastics (\$50/ton paid for the first load of #3-#7 plastics and \$40/ton paid for the second load, \$850/ton paid for milk jugs, and \$420/ton paid for clear water bottles). Staff continues to research the latest technologies for the MRF.

Do Not Mail Campaign

Alan Nye stressed staff should address all the concerns raised by the Board at the February meeting pertaining to H.409 (Do Not Mail Campaign), not just some of the concerns.

School Outreach

Mr. Nye asked if attendees have been selected for the Awareness in Practice summit. Tom Moreau will have CSWD staff contact Mr. Nye with the requested information.

Babcock Property Update

Bert Lindholm suggested discussion of extending the closing date on the Babcock property beyond October 31, 2008 should be initiated in case the October date is not feasible.

Gas to Energy

Paul Stabler invited all to attend a tour of the energy generator at the Phase III landfill in May. Staff will send out invitations.

Waste Energy Conference

Bert Lindholm will attend a waste energy conference in Florida while on vacation and report his findings to the Board upon his return.

MRF Equipment

Mike Coates asked about the current condition of the MRF. Tom Moreau reported a demonstration model "super-vacuum" will be arriving shortly for use at the MRF. Also, Casella is drafting a cleaning schedule for CSWD review and approval. Mr. Moreau

noted the scissor lift at the MRF may need to be replaced with a new model with higher reach.

9. OTHER BUSINESS

None.

10. EXECUTIVE SESSION

MOTION by Bert Lindholm, SECOND by Alan Nye, 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 8:30 p.m.

MOTION by Alan Nye, SECOND by Erik Filkorn, to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous; motion carried.

Executive Session was adjourned and the regular meeting reconvened at 9:15 p.m.

11. ADJOURNMENT

MOTION by Alan Nye, SECOND by Michelle DaVia, to adjourn the meeting. VOTING: unanimous; motion carried.

The meeting was adjourned at 9:17 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