

**CHITTENDEN SOLID WASTE DISTRICT
SOUTH BURLINGTON CITY HALL
MINUTES OF MEETING
November 15, 2006**

APPROVED COPY

PRESENT

BOARD MEMBERS:

Bolton	-----
Burlington	Steve Goodkind
Charlotte	-----
Colchester	Dirk Reith
Essex Junction	-----
Essex	Alan Nye
Hinesburg	Thomas Nostrand
Huntington	-----
Jericho	-----
Milton	-----
Richmond	Mary Houle
St. George	-----
Shelburne	-----
So. Burlington	Paul Stabler
Underhill	Dan Steinbauer
Westford	Bill Leach
Williston	Mike Coates
Winooski	-----

STAFF:

Tom Moreau
Tony Barbagallo
Jim Ticehurst
Amy Jewell
Thomas Melloni

OTHERS PRESENT:

Steve Casale, Williston resident
Craig Abrahams, Williston resident
Robert Sochovka, Northeast Waste

AGENDA:

1. Call to Order
2. Agenda and Public Comment Period
3. Approval of Minutes (10/25/06)
4. Finance
5. Proposed Regional Landfill
6. Proposed Revisions to Personnel Rules & Regulations
7. Contract Extension with Kimball, Sherman & Ellis
8. Program Updates
9. Other Business
10. Executive Session & Adjournment

1. CALL TO ORDER

Chairman Bill Leach called the meeting to order at 7:10 p.m.

2. AGENDA and PUBLIC COMMENT PERIOD

There were no changes to the agenda.

Public Comments

Steve Casale, Williston resident and member of the Williston Neighborhood Coalition, thanked Tom Moreau, Tony Barbagallo, Bill Leach, and Mike Coates for the presentation and discussion on the regional landfill at the public informational meeting in Williston on 11/14/06. Mr. Casale stated there is still disagreement with the message, but no dislike for the messenger(s). The audience got a lot out of the presentation, assured Mr. Casale, adding his hope that CSWD got a better understanding of the residents' perspective.

3. APPROVE MINUTES

October 25, 2006 – Regular Meeting

MOTION by Mary Houle, SECOND by Dirk Reith, to approve the 10/25/06 minutes as written. VOTING: unanimous; 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 10/31/06

Staff will follow up on the status of Gene Cloutier from Shelburne who is currently serving on the Finance Committee.

c) Preliminary FY08 Budget

MOTION by Paul Stabler, SECOND by Mike Coates, to accept the preliminary FY08 budget and notify member towns there will not be a membership assessment in the district.

DISCUSSION: Upon a question from Steve Goodkind regarding the progress of the MRF tip Fee negotiations, Tom Moreau explained the MRF negotiations have been put on hold while the CSWD staff have focused on landfill issues. As the MRF contract is currently written, it's termination date is formally on June 30, 2009 but can terminate it in 2007 under certain circumstances. CSWD desires a zero tip fee for recyclable coming from within the district. However, Casella brings substantial tonnage to the MRF from outside the district and wants to have lower tip fees for that material. More information can be provided in Executive Session if necessary. There were no further comments.

VOTING: unanimous; motion carried.

5. PROPOSED REGIONAL LANDFILL

a) Progress of Design

Tony Barbagallo reported the Oversight Committee made some changes to one of the conceptual plans for the landfill plus the area to be included in the ground water model was expanded (to include the Martel Hill area) which caused a slight impact on the time line. Mr. Barbagallo also reported on the bioreactor conference he attended with two board members on 11/8/06.

Mr. Barbagallo reported that some members of the Williston Coalition has requested reappraisal of their property by the Town of Williston.

CSWD provided information in a four page brochure on the need for a landfill and the specified location. The brochure was mailed to all Williston residents. A public informational meeting was held on 11/14/06 at the Williston Central School.

b) Williston Informational Meeting

Tom Moreau reported approximately 150 people attended the meeting in Williston on 11/14/06 to learn about the regional landfill. Staff gave a presentation outlining who, what, where, when, and how relative to CSWD, the landfill and other CSWD programs. There was considerable time for questions and answers. Mr. Moreau stressed CSWD was seeking input on how to make the landfill better, but instead the comments heard were not about making a better landfill, but that the landfill is not wanted, period. CSWD plans to have an active gas collection system in the landfill while other landfills in Vermont do not employ this advanced technology. CSWD will have a far superior leachate collection and recirculation system as well. CSWD does not have a profit motive or will not have transportation costs so resources can be directed toward making a better landfill for all. There were questions on the impact on property values and health, continued Mr. Moreau, but some of the supporting studies cited were old. There were questions about the need for a landfill if there is capacity in Coventry and Moretown. Coventry has approximately 17 years of capacity and Moretown has five years of capacity. Staff has not completed a thorough review of the cited health related articles, but it appears some of the issues occurred because the landfills were run badly or were pre liner design. CSWD plans to address the issues of gas collection and leachate. There was a question about putting the effort and resources into diverting more trash from the landfill. CSWD continues to address this matter, but when the best in the country is capturing only 25% of organics, it is apparent a model with 100% success has not yet been figured out. The informational meeting ran from 7 p.m. to 10:30 p.m., stated Mr. Moreau.

Bill Leach commented on the definition of need, noting there are many definitions. Regarding capacity, there is not a need at this moment, but the CSWD Board made a commitment and decision long ago to handle waste generated from the member towns in an in-district landfill. Comments from towns are already being heard regarding the negative impact of trash trucks on the road (wear and tear), noise, dust, and such. CSWD needs to be a good neighbor to the towns in the county so there is a need to develop a regional landfill, stated Chairman Leach, though the size of the landfill is yet to be determined.

Mike Coates noted the difficulty in getting the message across that CSWD is a municipality and has an obligation to the entire membership. The impact CSWD is having outside of Chittenden County is a concern. There is agreement due diligence must be done on the issues raised, but CSWD will demonstrate that a state-of-the-art facility is planned which is far removed from the "hole in the ground with trash dumped in it" perception. Mr. Coates lamented residents (neighborhood coalition) did not have conversations with CSWD early on in the process. The "For Sale" signs have created a perception and could hurt property values. Mr. Coates noted he has not had any communications from the Williston Selectboard regarding taking any other tact than what has been done thus far. Per Section 4 of the home town (host) agreement, Williston is obligated as a town to do due diligence to see that the landfill is built. Comments from the coalition are welcome as is due diligence.

Bill Leach commented on the potential "buy out" of the host town agreement, noting there is a meeting on 11/20/06 with the Williston Town Manager, a member of the Selectboard, the CSWD General Manager and himself as well as silent observers to identify items to be resolved if a proposal (for buy out) goes forward.

Dan Steinbauer complimented staff on the well written informational document mailed to the public explaining the landfill proposal. Tom Moreau stated his firm belief in dialogue, but it must be respectful dialogue. Quoting Winston Churchill, Mr. Moreau says he 'has many disagreements, but tries not to be disagreeable'. It was noted CSWD staff set up information booths at Williston Central School to inform people about the various programs at CSWD. The brochure was created by Clare Ennis (marketing coordinator). The issues are tough, but CSWD has a great team of workers willing to "roll up their sleeves and work", and also willing to present their ideas and opinions on how to make CSWD even better. Bill Leach gave accolades to Tom Moreau, staff, and the Board, conceding there are disagreements over issues at times, but it seems compromise/consensus is always reached. Tom Moreau is very knowledgeable about the subject matter, and this is recognized and appreciated in the industry, said Mr. Leach.

Steve Goodkind asked if the issue of the landfill being located by an airport was already addressed. Tony Barbagallo stated CSWD faced the issue in 2000, and has a letter from the FAA confirming the landfill is allowed. There were advisory circulars from the FAA pertaining to the Burlington Airport and a document from the EPA regarding an FAA memo being made advisory, not a requirement. Mr. Casale with the Williston Neighborhood Coalition informed Burlington Airport of his disagreement with the data and requested further review. Burlington Airport felt the matter was closed. Mr. Casale contacted FAA National which without talking to the regional office gave a directive to review the matter. Burlington Airport is doing this presently. Regardless, continued Mr. Barbagallo, Burlington Airport is not the type of airport referred to in the FAA memo, and the language refers to a six mile proximity or working with the airport on a management plan which is the course CSWD plans to pursue in any case.

Steve Goodkind mentioned capacity. Tom Moreau said capacity is needed, however, landfills are difficult to site. CSWD feels a better, more cost efficient landfill can be built

with environmental controls. CSWD supports increasing recycling. The culture and incentives to recycle in the entire country need to be changed to increase the rate of recycling. In the mean time, a landfill is needed. Bill Leach added the landfill was a “moving target” at the time of the lawsuit with Hinesburg Sand & Gravel. The landfill in Moretown was not as large as today and it was not known if the ability to expand was there. Casella has done much in Moretown as a private business, but CSWD did not have this information at the time. Having a landfill under CSWD control will be a valuable asset in the county. Tom Moreau stated municipalities by law are responsible for their waste, even with a private facility. CSWD’s necessity for a landfill is control of the quality and capacity of the facility. What has changed since the regional landfill siting is the private sector now has a track record of providing capacity. Tom Moreau noted there was a question asked at the informational meeting about regulation of solid waste and environmental safeness. There are chemicals being used today in products that are could pose a serious problem if they get into the leachate or the wastewater treatment plants, and that is why CSWD wants to build and manage their own landfill to ensure this situation does not occur. Waste handlers (landfills, solid waste districts) are known as the “tailpipe of civilization” because they handle the waste at the end of the line. Much money is spent on hazardous waste handling, but would be better spent addressing the problem farther ‘up the line’ before the waste gets to the ‘tailpipe’. CSWD needs to provide capacity and control for chemicals used today that were unknown or unused 10 years ago and that are of concern. Leachate recirculation will address this. The science to identify and measure the chemicals is there. The health science to show the harm of these chemicals is there. The regulations have not kept up with the science. That is the necessity for CSWD having its own landfill and to do the landfill better than what is out there today. Steve Goodkind summarized that technically there is capacity (Coventry, Moretown), but the capacity is not of the same quality CSWD will create with the regional landfill. Tom Moreau assured CSWD will strategize on how to make changes/improvements so the waste is less toxic. Dirk Reith observed with the speed at which the (landfill) project is coming to fruition, the capacity at the existing landfills will likely be gone.

c) Zero Waste Goals

Tom Moreau forewarned the Board to expect that CSWD will have to deal with organizations like Grass Roots Recycling Network (GRRN) when permitting the landfill. GRRN supports Zero Waste, a concept and guiding philosophy. Building a landfill is not getting to zero waste so organizations like GRRN do not support the landfill. They do recognize the issue of toxicity so there may be opportunity to work together on this. Mr. Moreau explained the situation in Boulder County, Colorado, where a tax was levied, single stream recycling begun, a MRF, C&D processing facility, and a composting facility were built. Boulder County felt they could remove another 10% of discarded waste. Their philosophy is to invest for the long term in the goal of zero waste, and every decision must move toward zero waste. While pursuing the goal of zero waste, their trash is going to a privately owned facility in the next county. Central Vermont Solid Waste Management District has adopted the goal of Zero Waste. It is economies of scale for them. They are using the CSWD’s MRF. Donna Barlow Casey, CVSWMD Director, has been invited to speak to the CSWD Board at the December meeting. Eric Lombardi of

GRRN has also been invited. Mr. Moreau reiterated it is highly likely environmental groups like GRRN will be present at permitting of the Williston landfill and they will strongly be suggesting Zero Waste. Tom Moreau explained approximately 60 % of MSW is generated from the residential sector and the other 40 % comes from the commercial sector. An issue is the 30 to 50% of the waste stream that is organic material, this material is what causes the generation of landfill gas. CSWD presently captures only 15%-20% of the residential organics. He is confident leachate can be controlled as well as the gas. The collection piece for organics is the weak link (getting people to separate their food waste from other waste) so technology is needed to sort the waste after it has been collected. There are programs that mandate removal of organics (Nova Scotia) and preprocessing collected organics before composting (Europe). Most of these programs have much higher government support (subsidy) of tip fees and carts, unlike programs in the United States.

6. PROPOSED REVISIONS TO PERSONNEL RULES & REGULATIONS

Amy Jewell explained the personnel policies as drafted pertaining to a drug and alcohol free work place, employees required to have a valid driver's license and motor vehicle record review for CDL holders, weapons definition and firearms on CSWD property.

MOTION by Dirk Reith, SECOND by Mary Houle, to accept the CSWD Personnel Rules & Regulations with a change to the title of Section 4.3 to read "Drug & Alcohol Work Place Policy".

DISCUSSION: Alan Nye spoke against allowing weapons at a public municipal facility. Tom Moreau explained the issue was raised because users of the Drop Off Centers may legally have a rifle in their truck, but an employee would not be allowed the same. Steve Goodkind referred to the section on drugs and alcohol, noting the title needs clarification to say 'drug and alcohol policy'.

VOTING: all ayes except one nay (Alan Nye – Essex); motion carried.

7. CONTRACT EXTENSION WITH KIMBALL, SHERMAN & ELLIS

MOTION by Alan Nye, SECOND by Dirk Reith, to authorize the General Manager to terminate the existing KSE agreement effective as soon as allowed by the terms of the Agreement, but to continue to retain their services on an hourly basis with an additional cost not to exceed \$5,000 beyond the General Manager's existing limit of \$25,000 (aggregated total of \$30,000).

DISCUSSION: Dan Steinbauer asked about the product received. Tony Barbagallo stated consulting was provided on written material drafted by staff, strategic planning and public education. The firm also moderated public meetings and advised staff. Bill Leach suggested staff continue to write first drafts of material and the consultant review it. There were no further comments.

VOTING: unanimous; motion carried.

8. PROGRAM UPDATES

The Board received written briefs on programs/projects at the District. Comment was made on the leachate tank which remains dry.

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 8:40 p.m.

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

Executive Session and the regular meeting were adjourned at 10:10 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