

APPROVED

**CHITTENDEN SOLID WASTE DISTRICT
EXECUTIVE BOARD MINUTES
CSWD OFFICE, REDMOND ROAD
October 18, 2006**

EXECUTIVE BOARD PRESENT: Mike Coates, Paul Stabler, Bill Leach

CSWD STAFF PRESENT: Tom Moreau, James Ticehurst, Nancy Plunkett, Amy Jewell,
Marge Keough, Tony Barbagallo

OTHERS PRESENT: Bert Lindholm, Vice Chair – Jericho Rep
Bill Burbank, President Ledgewood Association

AGENDA ITEM:

1. Approve minutes of September 20, 2006/ October 11, 2006
2. Secured Load Ordinance – Discussion Only
3. Environmental Purchasing Guidelines
4. Proposed Revisions to the Personnel Rules & Regulations
5. Program Updates
6. Other Business
7. Executive Session

Agenda #1: Approve minutes of September 20, 2006. Motion by Paul Stabler, second by Mike Coates. Approved – All Ayes.

Approve minutes of October 11, 2006. Motion by Paul Stabler, second by Mike Coates. Approved – All Ayes.

Agenda # 3: Environmental Purchasing Guidelines – M. Keough explained that the draft included in the packet was sent to staff and was approved to bring to the Executive Board for approval. B. Lindholm asked who received the list of vendors. M. Keough explained that this was only handed out internally and that schools and municipalities can purchase off of the State of Vermont contract and this is listed on their website. M. Keough said that CSWD would never suggest a particular company to purchase from when talking with businesses. M. Coates recommended that the Environmentally Preferable Products List be sent to municipalities and Champlain Water or other county entities. Paul Stabler recommended this go to the full board for approval.

Agenda #2: Secured Load Ordinance - N. Plunkett explained that roadside litter on Redmond Road has been an issue lately. She explained that currently Northeast Waste Services is responsible for Redmond Road litter and CSWD handles Mountain View Road. CSWD is questioning whether we should discuss this at the Board level or leave this issue to the Town of Williston until the landfill opens. M. Coates said that he felt that the trucks that use the screens contribute to the roadside litter. He felt that trucks should be tarping their load versus using screens. N. Plunkett explained that as the CSWD Ordinance reads now, someone has to see the material come out of the truck. T. Moreau explained that front loader trucks are a problem because

they don't slide the top panel back and then debris flies out. In order to deal with this, CSWD could change the ordinance so that any untarped loads could be fined. CSWD could hire an enforcement officer. Nancy said that municipalities are unable to enforce our ordinance, but could adopt their own covered load ordinance. M. Coates asked why we don't have the Town of Williston work on this and then their police department can enforce this. B. Leach said that it goes beyond Williston. T. Barbagallo said that discussion was held on whether this was our problem. He felt that when we have a landfill CSWD could increase its role of managing roadside litter and upgrade the enforcement program. Paul Stabler felt that it was important to do this immediately. P. Stabler asked if our licensing process could be improved and made stronger to handle this issue. T. Moreau said that haulers often pull over and tarp their load on Redmond Road. Paul suggested making the change via our licensing. P. Stabler suggested coming back to the Executive Board with either a proposed licensing change or an ordinance change for review.

Agenda #4: Proposed Revisions to the Personnel Rules & Regulations – A. Jewell referred to the memo regarding changes to the Personnel Policy and explained the main points and changes in the policy. The Executive Board was in agreement with changes. B. Leach asked about the increased vacation and P. Stabler said he was concerned about having too much time on the books. A. Jewell explained that currently T. Moreau is able to approve carry over of additional vacation. T. Moreau suggested establishing a policy that allows for having the vacation carry over be double the annual amount without a provision for the General Manager approve more than that. Discussion was held on an example of a level three offense and the right to have weapons in your vehicles. Further discussion was held regarding rifles for hunting. It was recommended that this be changed to say no weapons on-site. The Executive Board did not have any further questions. This will go to the full board for approval.

Agenda #5: Regional Landfill – Update T. Moreau explained that the Town of Williston held a meeting on Monday night and a letter was generated from the Town's Attorney in response to the questions asked by the Williston Neighborhood Coalition (WNC). The Attorney read the letter and the meeting followed with an hour and one-half discussion. The WNC handed out a letter to all attendees on property value. The Williston Select board has sent CSWD a letter requesting to meet with CSWD about a potential buyout of the Host Town Agreement. T. Moreau said that in summary the Attorney for Williston explained that the Host Town Agreement exists as written but nothing stops the Town from negotiating changes with CSWD. T. Moreau said that this is a policy decision and staff feels that this is an opportunity to stop and look at the bigger picture.

CSWD could meet with Williston and explore their potential offer or we could take the approach that no offer would matter. T. Moreau said that CSWD can have a rough draft for next week of expenses associated with the landfill. This will require going back through three accounting systems and would include property purchases. T. Moreau explained that we can give the past and future potential savings and would have to include an estimated \$3 million that Mr. Casey has already said he wants back in legal expenses.

T. Moreau said that he intends to provide at the Board meeting past costs, future costs, and contact Paul Casey for next Wednesday. T. Moreau asked what other issues we might want to discuss with the full board. P. Stabler explained that a complete search was done and a list was created and it was chosen as the best site at this point. He asked if we changed from this preferred site where we would go from here. T. Moreau said that the economic piece is one element of the landfill but the other issues are ethical and environmental and those would be harder to explain. Should CSWD decide to abandon the Williston site would we transfer trash somewhere else forever? T. Moreau explained that alternative technologies presents an opportunity. P.

Stabler said that he feels it is necessary to review with the Board why this site was chosen. B. Lindholm did not feel that CSWD should walk away from the landfill and that the neighbors would accept this once they learned about the landfill. M. Coates said that he is extremely concerned about the tremendous amount of misinformation that is circulating and feels it is necessary to begin public presentations on the landfill project. T. Moreau said that these meetings would be starting in mid-November and that CSWD has hired a public education firm to assist in preparing for these meetings. Initially it was felt that CSWD could not go out to the public until the landfill design was complete because we would not be able to answer specific questions until that piece was complete. Public Relations Firm Kimball Sherman & Ellis feel that we should begin the education now with a general overview at the initial meetings and then once the design is complete hold additional informational meetings. T. Moreau said Ledgewood Homeowner Diane Frank is concerned about property values and concerned about quality and quantity of water issues because Ledgewood folks had issues with their wells when their homes were built. CSWD will hold informational public meetings knowing that some items we can answer authoritatively and others that will not be able to be answered until the design is complete. T. Moreau summarized that we will answer why Chittenden County needs a landfill, why on this site, and will discuss industry practices and standards. T. Moreau said CSWD will have a brochure that has general information that could be handed out at the meeting. B. Leach agreed that we have to give some answers even though we don't have them all at this time. P. Stabler expressed that it is important that CSWD talk with people.

T. Moreau informed the Board that he and Tony met and had a good discussion with Bill Burbank and Craig Abrahams. T. Moreau invited them to the Executive Board meeting to give them the opportunity to share their thoughts. B. Burbank introduced himself and said that he appreciated the hard work that has been done already and was here to share with the Board his thoughts that perception is reality. B. Burbank said that there is a perception that this landfill project has been hidden by developers, realtors, and the Town. He said that the truth is that hundreds of people have built homes and honestly did not know of this project and that is how the coalition was formed. This is the reason that there is such an emotional level and it's high because folks didn't know it was coming. He said that three builders that live in Ledgewood Drive did not know. Two home sales have been cancelled because of this and they feel this project is a threat to their families and it's not fair. B. Burbank said that this is the perception in the community. He also said that the perception is that CSWD has become a multi-headed monster that is going to build this landfill no matter what. B. Leach asked how B. Burbank is defining Community. B. Burbank said that it is at least hundreds of families.

B. Lindholm asked B. Burbank if he felt the perception would change if we explain the project. B. Burbank felt that the level of emotion is so high that it won't change for some. T. Barbagallo said that every year since 1987 this has been in the town plan, which is a public plan and has shown on the ballot when voting on the town budget.

M. Coates said that the Board had a better understanding of the misconceptions that were out there and that we both need to have dialogue and educate the public.

Discussion was held on the how the Supreme Court decision could affect the immediate purchase of the landfill depending on price. B. Burbank asked for explanation of how the numbers might work to make the project move forward more quickly. T. Moreau explained that if the Supreme Court reaffirmed the lower court and set the price for \$4 million it might allow CSWD to go ahead with the purchase giving CSWD more latitude. CSWD would probably be forced to build the landfill sooner if the Court came down with the higher amount.

B. Burbank asked at what point it would no longer make sense for CSWD to build this landfill. B. Lindholm commented on keeping competition among haulers and making sure that it is for the public good.

Paul Stabler said that we intend to fully discuss this issue. T. Moreau said that CSWD will discuss this with the full board and will have several meetings with the Town of Williston. B. Burbank responded that he appreciates CSWD's work but cautioned that these public meetings will be very confrontational. B. Burbank summarized that he feels CSWD is not on a logical road and should remain open to new technologies, and should discuss this with residents. B. Leach explained that CSWD has looked at alternative technologies and that we are very much on top of both speculative and proven technologies. However, there is currently nothing working in US, Mexico and Canada so although they might look good on paper the technology is not here yet.

T. Moreau noted that most of the technologies are not available and the near future doesn't look optimistic for these technologies. T. Moreau asked Mr. Burbank if we went through the re-evaluation process and educated the coalition addressing personal concerns, including dust, seagulls, mitigating, would we change their mind. B. Burbank said he did not know that answer. T. Moreau asked what it would take to change his mind. B. Burbank said that he did not know.

B. Burbank said that if we begin a dialogue about alternative technologies than everyone will come out ahead. B. Lindholm said that the real estate markets are dropping because of the market and not because of the landfill. B. Burbank commented that he can't be suggesting that this won't have will have an affect on home values.

B. Burbank said that CSWD's intentions might be good, but the perception is that CSWD is on a road that we will not get off no matter what the circumstances and he hopes that we can discuss this and talk about other options besides staying on that road.

Mike Coates said that we have some obligations on the impact on the outlying communities with the hauling with huge trucks and the smell. This is something that is coming back at us and we have to somehow resolve this with other communities.

Agenda #6: Program Updates – No comment.

Agenda #7: Other Business

T. Barbagallo explained that with their will be a proposed change order from Shaw Environmental for the additional work required to develop a new concept design and an expanded hydrogeological analysis.

Shaw initially did three proposed designs and was asked to tweak a third design which will include expanding work for the ground water model, and expanding the economic model. An additional expense would be Brennan Woods houses and roads were in the water table and will require additional work to deal with the water model and expand the model to make the boundaries extend further onto Old Stage Road, Mountain View Road and the Winooski River. , The new work is \$35,000, \$26,000 of which has already been done. There will still be revised gas calculations and traffic studies totaling \$80,600 for the project. Recommend that the Executive Board authorize an additional \$80,642 for changes to the Shaw scope of

work. Paul Stabler moved to approve the \$80,642 for the expanded scope of services as outlined in Change Order #4. Second Mike Coates. Motion Carried. 3-0.

Agenda #8: Executive Session – to discuss ongoing and pending personnel issues and contract negotiations.

- a) Regional Landfill**
- b) MRF Contract Negotiation Update**

The Board entered Executive Session at 7:15 p.m.

MOTION by Paul Stabler, SECOND by Ken Nolan, that the Executive Board of the Chittenden Solid Waste District go into Executive Session to consider pending civil actions and contract negotiations 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 issue 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 7:48 p.m.

MOTION by Mike Coates, SECOND by Ken Nolan, to adjourn Executive Session. VOTING: unanimous; motion carried.

ADJOURNMENT

MOTION by Paul Stabler, SECOND by Mike Coates, to adjourn the meeting. VOTING: unanimous; motion carried.

The meeting was adjourned at 8:02 p.m.