

**APPROVED**

**CHITTENDEN SOLID WASTE DISTRICT  
EXECUTIVE BOARD MINUTES  
CSWD OFFICE, REDMOND ROAD  
April 18, 2007**

**EXECUTIVE BOARD PRESENT:** Paul Stabler, Mike Coates, Steve Goodkind, Ken Nolan

**CSWD STAFF PRESENT:** Tom Moreau, Tony Barbagallo, James Ticehurst, Amy Jewell, Clare Innes

**Others Present:** Jan Poplowski, Kevin Ellis, Ed DeVarney

**AGENDA ITEM:**

1. Approve minutes of March 21, 2007
2. FY '08 Proposed Budget – Discussion Only
3. Compost Project – Discussion Only
4. Solid Waste Issues: Waste to Energy Potential, Waste Acquisition – Discussion Only
5. Program Updates
6. Other Business
7. **Executive Session** – to discuss ongoing and pending litigation, property purchases, personnel issues, and contract negotiations.
  - a) Regional Landfill
  - b) Personnel Issue

The meeting began at 4:35 p.m.

**Public Comment:**

M. Coates introduced Jan Poplowski a homeowner on Ledgewood Drive in Williston that would like to address the Executive Board.

Jan explained that she and her husband have lived on Ledgewood Drive since 2000 and the liked the location so much that they purchased a second lot as an investment. The plan was to put a house on the property and sell it. The have had a homeowner back out of the sale because of the landfill. J. Poplowski said that she was unaware of the landfill project until the firestorm that arose last year.

T. Barbagallo told the Board that Jan and her husband are listed are part of the lawsuit against CSWD. J. Poplowski said that she considered the lawsuit more against the Town of Williston than CSWD. T. Barbagallo asked if J. Poplowski voted and if so whether she recalls that every year the Town residents vote to withdraw hundreds of thousands of dollars from the Landfill Fund for community projects, as it has been on the ballot every year since 1992. J. Poplowski

said she did see the vote but assumed it to be from CSWD as it exists today. T. Barbagallo also noted that this has been in the Williston Town Plan for many years.

J. Poplowski said that they now have a lot that they can't sell and she is worried that the carrying costs will force her to lose her home. She said they have appealed the assessed value to the Town of Williston but has not heard back at this time.

P. Stabler asked for clarification on what she is asking from the Board. J. Poplowski clarified that she is only looking for assistance with that lot, not their current home. She said they owe \$56,000 in taxes because the property has not sold.

P. Stabler asked if she had any questions on the landfill project because he believes that there is misinformation about the landfill, including this 66 acre pit. He explained that only a very small portion of the face will be open each day and at night it has to be covered. J. Poplowski said she was concerned about their well water contamination or that it will dry up and that she is concerned about smell, birds, and the location to the airport. Jan also commented that she has a 4 year old son and I am concerned about the long term health effects due to air and water quality issues this could pose. P. Stabler commented that we would like to try and educate the homeowners about this project.

T. Barbagallo explained that CSWD amended its contract with Shaw to look at the ground water and wells and septic systems under the Ledgewood properties. Preliminary results, although not complete, are that there will be no impact to Ledgewood Drive. P. Stabler said there are all kinds of technologies out there to deal with birds, including hiring a falconer and that odor will be addressed by an active gas management system. P. Stabler said that CSWD is required to meet Act 250 Air Quality Standards and if anything they should be more concerned about IBM toxins that are in the air. T. Barbagallo addressed truck traffic and said that it already exists on this road to the transfer station. He said that there would not be additional traffic going by Ledgewood Drive.

M. Coates explained that this is a Waste Processing Facility that is totally different than anything that Vermont currently has, including Coventry and Moretown. He said that CSWD is responsible for anything that happens at those two landfills because our waste is currently being transported there. This is a tremendous liability for CSWD. M. Coates said that we are also receiving a lot of feedback from towns between here and Coventry on the truck traffic and impact in their communities.

P. Stabler noted that the landfill will save nearly 180,000 gallons/year of diesel fuel by not going to the Coventry and Moretown landfills. K. Nolan asked specifically what J. Poplowski was requesting from the Board.

J. Poplowski said that they cannot afford the carrying costs and what should have been a good investment has gone bad. They cannot afford this property not to sell. J. Poplowski said she did not have a number because it keeps changing. She said she owed another payment on the land.

M. Coates commented that he felt bad that the Plaintiffs listed in the lawsuit did not talk to CSWD to find out more information prior to the suit.

K. Nolan said he felt that this was something that needed to be addressed by CSWD's attorney since she is part of the group that is suing CSWD.

J. Poplowski said that she felt that the information that the board gave regarding the landfill is something that she feels her neighborhood needs to hear. T. Barbagallo noted that CSWD had requested that they meet and educate Ledgewood Drive residents and near by neighbors but they were told by the WNC that it was not interested.

K. Nolan said that he was sympathetic towards her additional property and investment that has gone bad and does not feel that anyone should be in that situation. He did reiterate that he feels that CSWD needs to talk to legal counsel before moving forward. K. Nolan also noted that CSWD would like to again offer to educate the neighborhoods or answer any questions that they might have regarding the landfill project.

M. Coates said that he would feel more comfortable with this if they were not part of the lawsuit. J. Poplowski said they became part of the lawsuit because they did not feel they had a choice. She said they now owe \$56,000 and the Land Gains Tax Examiner Jim McCullough is looking at their request for an extension or an appeal. T. Moreau suggested that he write a letter to Jim McCullough on J. Poplowski's behalf.

P. Stabler noted that CSWD would have to speak with our attorney's and this would go on the full board agenda. J. Poplowski offered to speak to her neighborhood about being educated on the project and said that she appreciated the Board's time.

T. Barbagallo introduced Ed DeVarney who is working on the Phase III gas to energy project. Ed said that he would like to have the landfill gas to electricity generators up and running by June 2007 so that he can catch this electricity season. He noted that this is the ultimate reuse and recycle project and has run into all kinds of issues including a blower that needed to be retrofitted. He said along the way of this project, he has learned that he is often beholden to the original vendor on a lot of the material, which has an extra cost attached to it when he retrofits it for this particular use. He said that he is on the tail end of the project and is looking forward to being part of the press that CSWD could generate. He said that he would be generating electricity by the end of June and would be selling to Green Mountain Power as a merchant electric, so that as soon as it's generated, they have to buy it. P. Stabler said that he would like to see the project and requested a field trip. T. Barbagallo suggested that this be part of the May Executive Board meeting.

## **Agenda #2. FY '08 Proposed Budget – Discussion Only**

J. Ticehurst handed out the proposed FY 08 budget sheets and thanked the finance committee and managers for their hard work in putting together a budget that balances. T. Moreau explained that there is \$250,000 including in this budget to fight the lawsuit, \$60,000 for a one time biosolids study, and 43,000 for a one time waste acquisition study. He noted that without these three expenditures included, the budget would go up only 0.7%. He noted that CSWD has

made the assumption that the MRF will be at a \$0 tip fee. He said that CSWD has budgeted two new contract positions for this year and this will be brought to the full board meeting for approval.

**Agenda #7: Executive Session – to discuss ongoing and pending litigation, property purchases, personnel issues, and contract negotiations.**

**MOTION by Paul Stabler, SECOND by Mike Coates, 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, to consider intradepartmental matters that concerns matters other than primarily factual matters which are preliminary and prior to formulation of public policy 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.**

Executive Session was entered at 5:15 p.m.

**MOTION by Mike Coates, SECOND by Ken Nolan to adjourn Executive Session and reconvene the regular meeting. VOTING: unanimous; motion carried.**

Executive Session was adjourned and the regular meeting reconvened at 7:24 p.m.

**Agenda #5. Program Updates – No Discussion**

**Agenda #6. Other Business – No Discussion**

**ADJOURNMENT**

**MOTION by Mike Coates, SECOND by Steve Goodkind, to adjourn the meeting. VOTING: unanimous; motion carried.**

The meeting was adjourned at 7:25 p.m.