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**CHITTENDEN SOLID WASTE DISTRICT  
EXECUTIVE BOARD MINUTES  
CSWD OFFICE, REDMOND ROAD  
October 17, 2007**

**EXECUTIVE BOARD PRESENT:** Bert Lindholm, Paul Stabler, Steve Goodkind, Mike Coates

**CSWD STAFF PRESENT:** Tom Moreau, Amy Jewell, Brian Wright, Tony Barbagallo, Nancy Plunkett

**OTHERS PRESENT:** Kit Perkins, Chuck Leif, Meg Smith, ICP Center

**AGENDA ITEM:**

1. Approve minutes of September 19, 2007
2. Expanding Mandatory Recycling List – Discussion Only
3. ICP Compost Products – Discussion with ICP Center Executive Director & Board Chair
4. Environmental Depot Roof Replacement – Board Action Requested: Approve Recommendation
5. Public Comment Period at Full Board Meetings – Discussion Only
6. Program Updates
7. Other Business
8. **Executive Session** – to discuss ongoing and pending litigation, property purchases, personnel issues, contract negotiations and intradepartmental matters that concern matters other than primarily factual matters which are preliminary and prior to formulation of public policy

P.Stabler called the meeting to order at 4:37 p.m.

**Agenda #1: Minutes** – Approve minutes of September 19, 2007 – minutes were not included in the packet. T. Moreau explained that he did not have time to review them and therefore will send them out at the November meeting for approval.

**Agenda #4. Environmental Depot Roof Replacement – Board Action Requested: Approve Recommendation**

B. Wright showed the Executive Board the building plans for the Environmental Depot and explained that the Depot has a serious problem with ice that flows from the gutter at the edge of the roof down the side of the building and over the pavement under the canopy, which is where the customers unload. CSWD staff feels that this is a definite safety hazard and it also requires a lot of employee time to keep the ice free and clear of this area. This problem occurs on one side of the building where customers unload their materials. On the other side of the building there is a leak in the roof. B. Wright explained that following receipt of quotes and talking with building contractors there are several suggestions on the best way to resolve problem. One contractor suggested fix the gutter and downspout and install a heating cable. CSWD staff are opposed to this idea based on not knowing if the money spent would work and we would use electricity all winter to keep it functioning. Another contractor suggestion was to remove the gutter and downspout and put

the roof over the entire canopy. B. Wright explained that this is a potential option but doesn't deal with the additional leaks on the south side. CSWD staff is in favor of repairing the entire roof as a permanent fix to the problem. B. Wright reviewed the quotes and explained that the two contractors that were in the box did not return calls and one had a disconnected number. Of the two remaining quotes, Celtic and CJ Roofing bid on replacing the entire roof and half the roof.

P. Stabler suggested getting quotes on changing the pitch of the roof and replacing the entire roof. T. Moreau agreed that there is corrosion from putting out acidic moisture, leaks on the south end, the roof has been removed to take out the boiler and is 14 years old. B. Lindholm felt that he would be in favor of replacing the full roof only if we looked at going with a steeper roof near the canopy. P. Stabler asked how if there was a time constraint. B. Wright said that additional research would probably prevent CSWD from hiring anyone this season, but that CSWD could get through another winter without making changes. M. Coates asked whether replacing the entire roof would be the right solution and prevent the problem from occurring. B. Wright said that is unknown and CSWD could still have ice flow problems because the canopy design was not lower than the main building. P. Stabler requested that an estimate be done on lowering the canopy. T. Barbagallo suggested looking into using an antifreeze loop for waste hot oil instead of heat tape, although we would still have to deal with the down spout issue. P. Stabler suggested an apron wall that would be enclosed and heating the roof as a potential reliable solution. P. Stabler recommend that these issues be studied further for other options. B. Lindholm asked about permits. B. Wright said replacing roof would not require a permit. B. Wright explained that adding heat tape would be a \$4,000 expense. B. Wright said he would look at lowering the canopy roof the way it should have been designed and look at other ideas as mentioned. B. Lindholm suggested that B. Wright check with Dave Libby from IBM because of similar issues that IBM had experienced.

**2. Expanding Mandatory Recycling List – Discussion Only -** N. Plunkett explained that since CSWD expanded the list of materials accepted at the MRF, CSWD would like to redefine mandatory recycling to match all the materials that the MRF accepts. This would include making a change in the CSWD Solid Waste Management Ordinance, which was done several years ago when All-In-One was introduced. N. Plunkett explained that it is confusing to say one list is what is mandatory and one list is what you can recycle. She noted that this could be brought to the full board for approval and a 60 day notice for ordinance changes would be posted. T. Moreau said that he is somewhat hesitant of doing this right away because he has not seen what the impacts are to the hauler for collecting the new plastics. He is also anxious to see what is happening at the MRF and how these new materials are being separated. T. Moreau noted that Casella has signed the MRF contract and T. Moreau will sign it on Thursday, October 18th. T. Moreau said that CSWD is bringing in Machinex to look at optical sorting and whether it can work in the existing building. T. Moreau questioned whether CSWD should consider selling our MRF and moving.

S. Goodkind asked if it was helpful to make the items mandatory and if it made a difference on whether people would recycle or not. N. Plunkett said yes, studies show that this will improve the diversion rate and we would like to make it mandatory. S. Goodkind asked if it was enforced. N. Plunkett said yes, it has always been enforced but with the hiring of the new Enforcement Coordinator this is done even more through load checks and following up with businesses. N. Plunkett commented that having the mandatory list for businesses is very important. P. Stabler said that he would like to see the new materials become mandatory otherwise the haulers don't have to pick it up. T. Moreau said this would be brought to the full board next week.

### **3. ICP Compost Products – Discussion with Intervale Center Executive Director, Board Vice Chair and Treasurer**

T. Moreau provided the Executive Board with a brief history of CSWD's relationship with the ICP. He mentioned that CSWD is listed as a co-permittee with ICP on the 2002 through 2007 ACT 78 permit. The reasons for CSWD co-permittee status was that CSWD provided financial support through loans, provided the financial backup for the closure fund and as co-permittee, CSWD would be able to operate the facility if ICP was unable to. However, when the ICP had to renew the permit in August 2006, CSWD chose not to be co-permittee on that application. Historically, CSWD was not pleased with financial procedures at the ICP and asked that they meet a number of goals before CSWD would lend additional funding. T. Moreau noted that all of these items were met successfully by the ICP.

T. Moreau explained that the Intervale Center, the parent organization to the ICP, recently purchased property from Burlington Electric which apparently raised the awareness of the ICP. Certain members of the Native American association took issue with the ICP operations and are upset because of the potential impact ICP may have on artifacts on the site. It is felt that additional pressure was placed on State regulators during the re-permitting phase. T. Moreau explained that ICP has had two previous 5-year Act 78 permits and has applied for a third. T. Moreau summarized that the Vermont Department of Environmental Conservation (VT DEC) feels that more data needs to be provided and there are some improvements that need to be completed prior to the Act 78 permit renewal application to be considered.

CSWD has known since May 2007 that the VT DEC was unhappy with operations at ICP. In September 2007, VT DEC sent ICP a Notice of Alleged Violation (NOAV) alleging that ICP did not adhere to all the requirements of the 2002 Act 78 permit. The ICP official response went in yesterday, but was a little late.

T. Moreau stated that the CSWD staff feels that the ICP provides a valuable service to this community and since the NOAV, CSWD has donated considerable staff time to help correct the noted deficiencies. He said that the permit was allegedly violated by accepting too much waste for a certain category, when actually ICP had reported the waste in the wrong categories. T. Barbagallo helped to correct their reporting errors. T. Moreau worked to resolve the leachate management issue that was in the NOAV. T. Moreau said that the permit does not refer to the leachate outside of the underground holding tank but ICP has spent a fair amount of time and financial resources meeting removing the leachate as requested in the NOAV. Additionally, CSWD has assisted the ICP in setting up a long-term facilities management plan with standard operational procedures. T. Moreau said ICP has made a lot of good progress in the past few months.

T. Moreau explained that composting leaf, yard and food waste is CSWD's main interest but recognizes that ICP also wants to continue processing other material such as animal manures and other liquid food waste. He noted that CSWD is also looking for a long term solution to deal with the County's wastewater treatment plant biosolids will most likely be issuing a RFP to evaluate the best solution for all the organic waste generated in the County.

T. Barbagallo summarized that the State NOAV included that ICP stop taking food waste. ICP's response to the NOAV requested that the ICP be able to accept and compost food waste again.

B. Lindholm asked for an explanation of finances between the Intervale Foundation and ICP. Finance Director Chuck Leif answered that there is not a separate entity and the Intervale Center is the parent

organization of which the Intervale Compost Products is one of several programs. The Intervale Foundation acts as the bank to ICP and money is moved back and forth and is very well documented. C. Leif stated that revenues from compost operations stays with ICP but some payments are made to the Intervale Center for administrative purposes. T. Moreau added that CSWD has required that there be dual financial reporting between the IC and ICP as a condition of CSWD providing financial support for the composting operation. He noted that CSWD sits on an oversight committee that reviews and approves the budgets. However all compost employees are employees of the Intervale Center.

Executive Director Kit Perkins gave a formal thank you for the time that T. Moreau and T. Barbagallo have spent assisting the ICP through this time period. She said that ICP has reinvested and treats compost like a business as it should be. She said that ICP has had record sales because of the time and energy invested into the facility. P. Stabler asked if ICP could weather this financially and does the Intervale Foundation intend to continue operating ICP intend or have there been discussions to potentially divest from this program.

C. Leif answered the financial question by stating that ICP has budgeted for legal fees, professional fees, and permit costs. He noted that he is consistently a bit nervous but thus far, the budget is ahead of expenses. K. Perkins said that they are heading into the annual appeal and are weathering this with tremendous ongoing support. M. Coates asked is it sustainable to keep the compost operation at the current location. K. Perkins recognized that ICP is in the Winooski River flood plain. However, she noted there are many benefits to the current location. She said that if it is determined through science that the ICP cannot manage the facility at the present location without causing undue harm to the environment, then the Intervale Center will not continue the compost operation at this site. The ICP will approach the State on permission to conduct the required monitoring program. She said that a decision tree has been developed on what the next steps would be, taking into consideration financial matters, acceptable risk, Act 78 recertification submittals such as storm water and leachate management and impact of a 100 year flood. Ms. Perkins also mentioned that the ICP recognized the challenges of obtaining an Act 250 permit.

C. Leif said that some of the ICP problem can be attributed to some unresolved politics in regard to Native American artifacts. ICP has set aside \$50,000 for the archeological studies but certain officials within the VT Department of Historic Preservation feel the study cost could actually be as high as a million dollars. M. Smith said that this is not the first time ICP has looked at whether to keep compost at the current site. She said that certain segments of the Native American group have stated that they would prefer to cooperate with the Intervale Center by developing strong partnerships.

T. Moreau answered M. Coates question on whether the ICP would stay in their current location by stating it partially depends on the outcome of the impact studies of a 100 year flood. If it is determined that the 100 year flood would cause unacceptable harm to water quality, then the Intervale Center would decide to close the compost operation. M. Coates questioned whether CSWD and ICP should be talking to geologists and naturalists regarding examination of that area in the last 10,000 years. T. Barbagallo commented that evaluations have been done showing that the soil has been disturbed.

T. Moreau summarized that the ICP has responded to the NOAV and the response from the State will be crucial as to whether ICP can survive given the operation's financial constraints. T. Moreau may come to the board with a request to financially assist the ICP. Currently the CSWD Finance Committee approved keeping \$47,000 of the reserve fund in a money market. T. Moreau summarized that the ICP is in much better hands than it was three weeks ago.

M. Coates said that one of the issues that we have is that there is not enough information provided to the public about the good of this program and what compost does. He suggested that CSWD and ICP work together to come out with a public statement that would better tie in how important composting is to the overall waste stream. M. Smith said that we could develop a public outreach campaign.

M. Coates stressed the importance of coming out in a public forum and how it will strengthen the ICP argument of the importance of their operation. K. Perkins agreed on taking the public relations of the ICP to the next level.

T. Moreau questioned the representatives from the Intervale Center on what they see as the role CSWD might play as being more or less than historical given the new interim general manager for the ICP. K. Perkins said that they have started to look at what the best practice would be for CSWD involvement. K. Perkins said that she was moving forward in hiring a permanent general manager. T. Moreau acknowledged that both sides have reservations about how to best approach this issue.

P. Stabler suggested that over the next year that CSWD and ICP should meet again and thanked the Intervale Center Director and Board members for coming to the meeting.

#### **Agenda # 7. Other Business –**

T. Barbagallo handed out a list of what needed to be done for the Babcock property purchase. B. Lindholm asked that this list be handed out to the board. He did not feel this needed to be handed out to the full board. M. Coates asked about the easement of the railroad. T. Barbagallo said that is an issue that needs further study.

T. Barbagallo explained that CSWD received a letter from the State that Buel's Gore is not in the State's plan and CSWD should not be accepting materials from the 12-15 residents that live there. T. Barbagallo met with a member of the Town and suggested that they join the District.

T. Moreau noted that former Chair Bill Leach was hesitant about CSWD becoming involved in promoting new legislation in Vermont. However, J. Holliday has been the person dealing with many legislative issues. Attorney Jon Anderson is working on a tire bill and has asked CSWD for support. S. Goodkind did not feel he should be asking CSWD this issue and it is a conflict of interest. This issue will go to the full board for discussion.

**Agenda #5. Public Comment Period at Full Board Meetings – Discussion Only** - T. Melloni suggested that CSWD establish guidelines for the public comment period that is a part of our Board meetings. This is common practice for municipalities. He recommended using the City of Burlington's time meter where the public gets a minute or two discussion. He noted that maybe when a response is being requested they provide that question in writing. S. Goodkind said that the City of Burlington does not promise a response. M. Coates suggested that the public be required to address the board and not one person. S. Goodkind suggested that the public be able to speak in the beginning to any issues that are not on the agenda and otherwise they may have the opportunity to speak about that agenda item when it comes up. P. Stabler said he had a grasp of how to address this issue in the future.

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

**MOTION by Bert Lindholm, SECOND by Steve Goodkind, 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 6:05 p.m.

**MOTION by Bert Lindholm, SECOND by Steve Goodkind, to adjourn Executive Session. VOTING: unanimous; motion carried.**

Executive Board adjourned at 6:55 p.m.

#### **ADJOURNMENT**

**MOTION by Bert Lindholm, SECOND by S. Goodkind, to adjourn the meeting. VOTING: unanimous; motion carried.**

The meeting was adjourned at 6:55 p.m.