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MINUTES  
THE BOARD OF SUPERVISORS  
RUTLAND COUNTY SOLID WASTE DISTRICT

BUSINESS MEETING  
December 1,2004

MEMBERS PRESENT:

Brandon Castleton Clarendon Danby Hubbardton Ira Mendon Mt. Tabor Pittsford	Mei Mei Brown  Edward Bucceri  Don Nickless	Poultney Proctor Rutland City  Killington Wallingford Wells West Rutland	George Finch John Densmore Bruce Bentley Paul Barbagallo
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OTHERS PRESENT:

Jim O'Gorman Deane Wilson	District Manager RCSWD	Joyce Segale	RCSWD
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CALL TO ORDER

At 6:32 p.m. Chairman Bentley called the meeting to order. A quorum was present.

ITEMS FOR DISCUSSION AND ACTION

1. SET AGENDA

Chairman Bentley asked if there were any changes to the agenda. Ms. Brown mentioned that the September financials were not approved at the November meeting and were moved to the December meeting for action. Mr. O'Gorman said that a representative from the State, Mr. Chris Wagner, would be calling to discuss item 5A; OMYA.

2. MINUTES OF NOVEMBER 3, 2004 SUPERVISORS MEETING

Ms. Brown moved that the November minutes be approved. Mr. Finch provided the second. The motion was unanimous.

3. FINANCIAL STATEMENTS SEPTEMBER 2004; OCTOBER 2004

Mr. O'Gorman provided an overview of the September financials. Discussion followed on the C&D grind expenditures. Mr. Nickless asked what the alternative was and also what was planned to prevent this expenditure from happening again. Mr. O'Gorman explained the layout of the area and how the program functioned. Mr. Nickless asked that an alternative be explored, that an \$8000 per year expenditure for disposal could be spent on improvements and provide a quick return on the dollar.

At 6:45pm Mr. Chris Wagner called and the Board addressed 5A, OMYA.

After the discussion on the OMYA proposal, the discussion on the C&D options renewed. Mr. Nickless asked Mr. O'Gorman to get a quote on the cost of an alternative platform on which the program would operate. Ms. Brown suggested that the City engineers be contacted for possible feedback.

Ms. Brown moved that the September Financial be accepted. Mr. Finch provided the second. The motion was unanimous.

Mr. O'Gorman offered his managers report on the October financials. Ms. Segale explained the "other financing use expense" Ms. Brown asked about the increase expense for the transfer station. Mr. O'Gorman said there was more volume and there was work on the electrical and heating at the public drop-off facility.

Ms. Brown moved that the October Financial be accepted. Mr. Finch provided the second. The motion was unanimous.

4. OPEN TO THE PUBLIC

There were no public in attendance

5. OLD BUSINESS

A. OMYA - Discussion with representatives from ANR

Mr. Chris Wagner reviewed the OMYA November 11, 2004 letter addressed to Mr. O'Gorman requesting a letter from the District "...indicating the disposal facility is acceptable under the SWIP" for the application of a Categorical Disposal Certification of its tailing product. Questions and discussion followed on the District Boards concern of submitting such a letter when the State was in a quandary of how to proceed and label the materials. Mr. Nickless asked if the State had any issues with a categorical certification? Ms. Brown asked what is categorical and what the liabilities are? Mr. Wagner explained that if the material fit under the classification of "categorical" the State would review the application and proceed as \_\_\_\_\_. If the material didn't fit "categorical" then the application would be denied and OMYA would have to review and determine how to proceed. Mr. Wagner said that there wouldn't be any liability on the part of the District. Mr. Wagner explained that the test becomes the permit process and the evaluation process. Ms. Brown asked what the outcome would be if after all the evidence the District didn't make a decision. Mr. Wagner explained that after a review of the stature, the application needs to be included and if it wasn't the State couldn't do anything. Ms. Brown asked if the State couldn't proceed or provide information, then there shouldn't be any expectation on the District. Mr. O'Gorman asked if this was a two-step process, if the District provided the categorical requirements, was then expected to amend its plan. Mr. Wagner said no, the only requirement was for the District to provide the letter stating the proposal is acceptable. Mr. Nickless asked if there hadn't been any changes to the material or the method of operations what was triggering this procedure. Mr. Wagner said that the State rules had been updated and changed. Mr. Nickless asked who determines if the application and proposed operation is in conformance? Mr. Wagner explained that there are technical, mediation and exemption discussions. Mr. Finch asked if the Bureau of Lands and Mines were involved or had been notified? Mr. Wagner said that he would check with Andrea Cohen at the State level. Mr. O'Gorman asked if the Board should connect with OMYA and let them know that the District intended to wait? Also if there was a precedent on the States not approving a District's decision and if there were any consequences? Mr. Wagner provided an example of a transfer station proposal and the process involved. Discussion followed on what the States expectations were and what the District is obligated for. At 7:25pm the call with Mr. Wagner ended. Discussion followed on the parties involved with the process and what everyone's expectations were. Mr. Bentley offered that if the State determines that the material is "categorical" and the District were to write a letter accepting the proposal, conditions could include that the material in question is indeed "categorical waste", that OMYA would indemnify the District, and that OMYA would cover any legal cost. It was stated that OMYA had agreed to most of these requirements, except for the coverage of legal cost. Mr. Nickless said that based on OMYA's interpretation of the requirements, the proposal should be grand fathered. Ms. Brown said that activities previous to date might be grand fathered but current operations and proposals need to be addressed. Mr. O'Gorman was instructed to ask someone at the State if the OMYA proposal would fit under the grand fathered criteria and also with the VT League to see if they had any history with this type of work. Mr. Nickless asked if the Board would benefit from a presentation from an OMYA representative? Discussion followed on the thought their presentation would be biased. Mr. Bentley suggested that a lawyer be contacted and the situation be explained to find out if the proposal would qualify as "grand fathered". Ms. Brown so moved and Mr. Nickless provided the second. The motion passed unanimously.

At this point discussion returned to the financials.

B. Governors award for Environmental Excellence

Mr. O'Gorman explained the award and that he would be in Montpelier to accept the award.

C. Solid Waste Implementation Plan

The State response to the District's SWIP was presented. Mr. Nickless asked if there was anything the Board needed to address or be aware of. Mr. O'Gorman stated that it was for informational purposes and that the staff was in the process of preparing the response which was due March 2005.

- D. Host Community Fee  
Mr. O'Gorman discussed the arrangement that was made between the District and the City in 2001.
- E. FY 05 Budget  
Mr. O'Gorman provided the '05 budget with 2 changes from the previous version. There was an increase in the Administration budget for Public Officials liability coverage. Also the bond expenses would be less than previously stated.  
Mr. O'Gorman discussed his memo and provided highlights for the programs. Discussion followed on the format used to project future expenses and earnings. Mr. Nickless asked if the increased prices discussed at the last meeting had been included in the budget? Mr. O'Gorman stated that an increase in the clean wood disposal program, from \$42 to \$45 per ton and an increase in the permitted and non-permitted disposal would increase from \$126 to \$130 per ton. Implementation was scheduled for January 2005.  
Mr. O'Gorman provided a review of the budget process and that the proposed budget would be sent to the towns for review and comments. Mr. Densmore asked when the final hearing was set. The final hearing was set for December 22<sup>nd</sup> at the District office with Mr. O'Gorman and Mr. Bentley present.

#### 6. NEW BUSINESS

- A. Ms. Brown stated that Casella had received their ACT 250 permit to allow for the expansion and operation of the landfill in Coventry.
- B. Mr. O'Gorman said that Casella had received their draft certification for operations of the West Rutland facility and that the District would review the proposal during the public notice period.

#### 7. EXECUTIVE SESSION

- At 9:00 the motion was made to enter executive session.
- At 9:08 Ms. Brown motioned to come out of executive session. Mr. Nickless provided the second.

#### 8. ADJOURN

- At 9:08pm Mr. Densmore moved to adjourn. Mr. Barbagallo provided the second. Motion was unanimous.

Respectfully submitted,  
Deane Wilson