

draft  
MINUTES  
THE BOARD OF SUPERVISORS  
RUTLAND COUNTY SOLID WASTE DISTRICT

BUSINESS MEETING  
September 1,2004

MEMBERS PRESENT:

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

OTHERS PRESENT:

Jim O'Gorman	District Manager	Joyce Segale	RCSWD
Deane Wilson	RCSWD	Jack Facey	RCSWD Counsel
Bud Haley	Mettowee Waste Disposal	Kevin Elnicki	Earth Waste Systems

CALL TO ORDER

At 6:30 p.m. Chairman Bentley called the meeting to order. A quorum was present.

ITEMS FOR DISCUSSION AND ACTION

1. SET AGENDA

Ms. Brown said that the July minutes needed to be approved. There wasn't action at the last meeting.

2. MINUTES OF JULY 7, 2004 SUPERVISORS MEETING

Ms. Brown moved that the minutes be accepted. Mr. Crowley provided the second. The vote was unanimous.

3. MINUTES OF AUGUST 4, 2004 SUPERVISORS MEETING

Ms. Brown moved that the minutes be accepted. Mr. Crowley provided the second. The vote was unanimous.

4. FINANCIAL STATEMENTS, JULY 2004

Mr. O'Gorman distributed a manager's report and provided an overview of the individual programs.

Mr. O'Gorman mentioned that overall the programs were on target. The crushed material from the concrete program hasn't sold as quickly as hoped. There was discussion on adjusting the price. Mr. Bentley asked Mr. O'Gorman to check with other suppliers their interest in purchasing the remainder of the pile at a wholesale price.

Ms. Brown moved to accept the July financial statement. Mr. Crowley provided the second. The motion passed unanimously.

5. OPEN TO THE PUBLIC

Mr. Haley and Mr. Elnicki were recognized. Their interests were scheduled next on the agenda.

6. OLD BUSINESS

A. Audit Letter

Mr. O'Gorman presented the managers letter, as required for the 2003 audit, for the Board's review. There was no action taken.

B. Mettowee Valley - Mt. Tabor proposed transfer station changes

Ms. Brown asked Counsel if it was appropriate for the discussion to be on tape. Mr. Facey said that it was. Mr. O'Gorman provided and reviewed a memo that he had written outlining the actions taken this far. Mr. O'Gorman cited the sections of the District ordinance and State regulations determining the decision. The information used to develop the Application Review was taken from information provided to the State from Metowee along with information directly provided to the District. Mr. O'Gorman provided in detail the applications Metowee has submitted thus far. Mr. Bentley asked Mr. Haley if there were any concerns with the Application Review. Mr. Haley said there wasn't, that the application spoke for itself, but he did have an issue with the administrative review and timeframe. Mr. Facey asked Mr. O'Gorman if Metowee had explained to the District their collection route and schedule. Mr. O'Gorman stated that they had. Mr. Haley stated that Southern Vermont was the primary focus, but he hoped to include Rutland County. Mr. Facey asked if any material was to be collected in NY. Mr. Haley said that any material picked up in NY would be taken directly to the Hudson Falls incinerator and would not be included with Mt. Tabor operations. Mr. Bentley asked if the procedural issues and contractual issues needed to be addressed. Two procedural issues needed to be addressed and the Casella contractual issue needed to be discussed.

Mr. Haley said that the procedural issues were being dealt with. Mr. O'Gorman provided a review of the specific clause in the District Disposal and Transportation Contract with Casella that dealt with the contractual issue. In conclusion the memo stated "*...the District cannot approve of a member town's proposal that would violate the existing District contract with Casella. As a result, the application and proposed amendment to the SWIP will have to be denied.*"

Mr. Haley asked if the contract recognized Hubbards or Casella, is the contract enforced and if Mt. Tabor was in breach of the contract? Mr. Facey explained that Mt. Tabor was a District Town and when the Casella disposal contract was written, certain towns had contracted service and were considered "carve out towns". At that time Hubbards serviced Mt. Tabor and the District recognized that. Mr. Halley asked if Mt. Tabor was currently in breach on contract and had the town been notified prior to this meeting. Mr. Facey provided a review of the disposal contract and the towns status with the District. Mr. Halley asked for an explanation of "breach of contract". Mr. Facey offered that it was inappropriate for the Board to respond. Mr. Bentley asked Mr. Facey what the ramifications would be if the application dealt with operations of the transfer station and the collection of trash, not disposal, would there be a conflict with the District/Casella contract? Mr. Facey said there was no problem with towns upgrading their transfer stations; the issue is the District wide contract. Ms. Brown asked if Mr. Bentley meant for Mt. Tabor to collect their own trash and not bring outside material to the facility? Mr. Bentley clarified that his question was if trash was collected at the Mt. Tabor facility and then disposed of at a Casella facility under the Casella/District contract, would there be an issue. Mr. Halley interjected that to move the material from Mt. Tabor through a Casella facility wouldn't be financially prudent. Mr. Halley asked what obligation Mt. Tabor had regarding the District and the current disposal contract? Mr. Facey explained that Mt. Tabor was a District Town obligated under the formation agreement and that the current transportation and disposal contract with Casella expires in January 2005. At that time the contract could be put out to bid, the existing contract could be renegotiated or the towns could chose to negotiate on their own. Mr. Elnicki asked if the arrangement with Castleton was an exception and how it differed with the other towns. Mr. Facey said there wasn't any recognized exception. Mr. Bentley offered that it could be viewed as a variance, that one or two towns were not consistent with the contract. Mr. Halley asked if his company could get a variance? Mr. Halley offered that there was a need for competition in the waste industry and that Mt. Tabor was in need of assistance in their transfer station operation because the District /Casella contract would cost them monies. Mr. Halley said that his company wanted to work with the District in sorting the difference out but if no help were to be arranged this evening that Metowee would need to take some action. Mr. Halley stated that he had been working on this proposal for months and at noon had finally received a letter from Mr. O'Gorman stating that the application had been denied. Mr. Halley further stated that he had received a categorical recycling permit from the State over a year ago and to deny the present request doesn't make any sense. Mr. Facey said that a representative from Mt. Tabor should be presenting this request and application. Mr. Halley said that Mt. Tabor and Metowee were co-applicants and asked if Casella were the issue and future stated that some action was needed tonight.

Mr. Bentley suggested that it would be a good time to enter executive session to discuss the issues. Ms. Brown moved to enter executive session at 7:05 pm. Mr. Crowley provided the second. At 7:42 pm the Board exited executive session.

Mr. Bentley asked Mr. O'Gorman to read the reapproval. Mr. O'Gorman read the procedure needed to modify or amend the SWIP.

Mr. Bentley explained to Mr. Halley and Mr. Elnicki that the Board would grant preliminary approval for the proposed transfer station operations on 3 conditions.

- 1) the procedural issue was addressed and the required letter from Mt. Tabor was received by the District, that the town is in support of the application and authorizing Metowee to sign the application
- Mr. Halley injected that the request was stipulated in the letter
- 2) no District waste could be handled in violation of the District / Casella Disposal Contract
- 3) the applicant provide a document with signatures accepting the conditions

Mr. Halley said that this was agreeable but would like a clarification on the towns within the District and that Mr. O'Gorman please put in writing the required conditions. Mr. Elnicki asked if when the District/Casella contract expired, there would be a chance for negotiations. Mr. Bentley said that there would be. Mr. Halley expressed his thanks for the Board's decision but asked if there were a particular reason for the Board to have taken this length of time to reach this decision? Mr. Bentley offered that this was a new issue for this board. Mr. O'Gorman read the procedure that was to be followed to amend the District SWIP to now include the Metowee/Mt. Tabor transfer station project. Mr. Halley asked for clarification on whether the contractual issue was a non-issue relating to Metowee and Mt. Tabor, since now the Board is giving preliminary approval. Mr. Facey stated that it wasn't a non-issue. Mr. Bentley said that it was an issue based on the way it was described, but the Board was willing to grant preliminary approval based on the previously stated conditions, if it was an issue the conditions wouldn't have been offered. Mr. Halley asked if he could receive a summary of the steps that now needed to be completed. Mr. Barbagallo asked if Metowee would like a list of towns that are in the District. Mr. Halley stated that would be helpful. Mr. Bentley asked if Mr. Halley would be willing to share information on cost. Mr. Halley said that he would be more than willing to share the information and also offered his service to any of the District Towns that were interested in a similar arrangement Metowee has with Mt. Tabor.

Mr. Halley and Mr. Elnicki left at 7:52 pm. Mr. Facey left at 7:55 pm.

C. Carrara Property

Mr. O'Gorman said that Phil Varney had stopped by and indicated that Carrara's may be interested in using their property. Possibility of contracting with the demolition of the parking deck and wanted to know what the access situation to their property involved. Mr. O'Gorman indicated that he would check the deed and report back to the Carrara's and to the Board. The status of the District's ground concrete material was mentioned. Mr. Crowley and Mr. Bentley suggested that the material should be sold at the wholesale price to expedite the removal of the District's material.

## 7. NEW BUSINESS

A. Association of Vermont Recyclers

Mr. O'Gorman asked if the District could spend \$1500 towards a membership, in partnership with SWAC, for a series of education workshops and school presentations. Mr. Crowley asked that a sample of the presentations be made available before the Board authorized the expenditure.

B. Illegal Burn Ordinance

Mr. O'Gorman said that Mr. Wilson had applied for an extension on the Illegal Burn Grant Program. Monies were still available to offset the startup of a program.

C. Mr. Bucceri asked why Danby was not receiving revenue for their recyclables when other towns were? Mr. Wilson explained that the District provided limited recycling pickups for a nominal fee. If there were revenues available after processing, this money was used to offset the District expenses.

## 8. EXECUTIVE SESSION

Chairman Bentley asked Mr. O'Gorman if an executive session was needed. Mr. O'Gorman said that he had an issue he would like to discuss.

8:11 pm motion by Ms. Brown, seconded by Ms. Buffum to go into executive session for personnel issues.

8:14 pm motion by Mr. Crowley, seconded by Mr. Densmore, to come out of executive session.

## 9. ADJOURN

At 8:14 pm Ms. Brown moved to adjourn. Mr. Bentley provided the second.

Respectfully submitted,  
Deane Wilson  
Joyce Segale