

APPROVED

by the Board of Supervisors
on May 6, 2020

MINUTES
SPECIAL MEETING OF THE
BOARD OF SUPERVISORS
APRIL 21, 2020 at 4:00pm

Web Conference Link posted on the District website, www.rcswd.com,
and the District Facebook page for public attendance.

MEMBERS PRESENT:

Brandon		Pittsford	Nancy Gaudreau
Castleton	Tim Gilbert	Poultney	Paul Donaldson
Clarendon	Robert Bixby	Proctor	Carrie Dougherty
Danby	Steve Haines	Rutland City	Bill Gillam
Hubbardton		Rutland City	Rebecca Mattis
Ira	Larry Taggart	Killington	
Mendon	Susannah Loffredo	Wallingford	
Mt. Holly	Clint Wolley	West Rutland	Chet Brown

OTHERS PRESENT:

Mark Shea, RCSWD Manager

Gregory Giles, RCSWD Treasurer

1. CALL BOARD MEETING TO ORDER:

- Mr. Taggart asked if the quorum requirements had been met. Mr. Shea confirmed. Mr. Taggart called the meeting to order at 4:03pm.

2. FOLLOW UP ON HAULER'S DEFAULTED PAYMENT PLAN:

- Mr. Shea provided the Board with an update on Hubbard Brothers, Inc., regarding their compliance status per the "Payment Plan Agreement - by and between RCSWD and Timothy Hubbard" (Agreement), executed March 3, 2020. Mr. Shea noted that the hauler is currently in default of this Agreement due to delinquency in payments according to the prescribed schedule. Mr. Shea outlined the enforcement mechanisms pursuant to default and requested input from the Board in how they prefer he proceed.
- Discussion ensued amongst the various Board members to reach consensus on enforcing the Agreement, collection of monies owed, or continued efforts to seek compliance from Hubbard Brothers, Inc.
- Ms. Mattis makes a motion to communicate the following to Hubbard Brothers, Inc. via letter from District management or legal Counsel.
 - i. Hubbard Brothers, Inc. (Hubbard) is in default of the "Payment Plan Agreement - by and between RCSWD and Timothy Hubbard" (Agreement), executed March 3, 2020.
 - ii. That in consideration of hardships due to the current Covid-19 viral outbreak, the Board of Supervisors grants Hubbard an extension until no later than July 1, 2020 to become fully compliant with the original terms of the Agreement.
 - iii. Compliance with the Agreement requires Hubbard to be up to date on payments for arrearages through September 30, 2019, and up to date on payments for Surcharges owed from October 1, 2019 through December 31, 2019 as outlined in Exhibit A of the Agreement. Additionally, Hubbard must be up to date on

payment of all Surcharges which accrue from January 1, 2020 through June 30, 2020. Hubbard must also submit monthly Surcharge Reports detailing accumulated volumes of material with cost details, including payment of the related Surcharges by the 3rd week of each following month.

- iv. Failure of Hubbard to reach full compliance with the Agreement by July 1, 2020 will result in enforcement of the terms outlined in the Agreement. This includes immediate termination of the Agreement, collection actions against Hubbard, revocation of Hubbard's hauler permit, and RCSWD will pursue a cease and desist order to terminate all activities pursuant to revocation of the permit to operate and other remedies as iterated within the Rutland County Solid Waste District Ordinance concerning the separation, recovery, collection, removal, storage, disposition of garbage and other solid waste including recyclables and compostable, (e.g., sections 9-13).
- Ms. Dougherty seconds the motion. A rollcall vote was held to determine all those in favor of the motion, and the motion passed unanimously.
 - Mr. Taggart asked if there were any further comments or questions in regard to the Hauler's defaulted payment plan. None were offered.

3. ADJOURN

- Ms. Mattis moved to adjourn. Ms. Dougherty provided the second. A rollcall vote was conducted to determine all those in favor and the motion passed unanimously. The meeting adjourned at 4:53pm.

Respectfully Submitted,

Gregory A. Giles - Treasurer