

Minutes
NWSWD Board of Supervisors Meeting
November 9, 2016

The Board of Supervisors of the Northwest Vermont Solid Waste Management District held a special rescheduled board meeting on Wednesday November 9, 2016 at the District Offices, 158 Morse Drive Georgia, VT at 6:30 PM.

Chairman Bill Rowe called the meeting to order at 6:30 PM.

Supervisors Present:

Terry Anderson, Isle La Motte
Dave Bennion, Franklin
David Clark, Fletcher
Tim Green, Richford
Barry Kade, Montgomery
Paul Lambert, Georgia
Ben Lowell, Highgate

James Lintereur, Bakersfield
Carlo Micheli, Swanton
Bill Rowe, So. Hero

Supervisors Absent:

Vincent Hickey, Berkshire
Amy Mashtare, Alburgh
Jim Richards, No. Hero
Dave Supernault, Sheldon

Jaime Tibbits, Fairfield
Al Voegelé, St. Albans Town

Others Present:

John Leddy, Executive Director
Pam Bolster, Business Manager

Guests:

Thomas Reynolds – Member of
Public

1) Agenda Review: Nothing added.

2) VOTE: Minutes of the October 5, 2016 Board Meeting: Mr. Lintereur moved and Mr. Bennion seconded, to approve the minutes with two corrections, a. removal of Mr. Clark from a supervisor present to absent and b. spelling correction on last page, the word reviewed is missing an e. All were in favor and the motion passed. Abstentions from Mr. Clark & Ms. Anderson.

3) Old Business:

a) Director's Report:

Mr. Leddy informed the board of the State Haulers Meeting that the District is co-sponsoring to discuss Organics and the requirements under the Universal Recycling Law. All State Licensed Haulers have been invited and Mr. Leddy welcomed all board members to attend along with

himself and Mr. Shepard our compost program coordinator. The meeting takes place on 11/16/2016 in the evening. An explanation of the Organics requirements for haulers was given to board members not familiar with these requirements. Exemptions to allow haulers to not have to offer this service is possible but has to be done through the District SWIP plan. Discussion ensued and will continue at future meetings.

Mr. Leddy told the board of a thank you letter from the town of Highgate thanking us for our assistance with the cleanup of a house under health order, of which we forgave the surcharge.

He informed the board that the data for annual report construction has begun and we should have a draft supervisors report at the December meeting.

Mr. Leddy informed the board of our advertising campaign for our residential composting program in Seven Days & the Messenger which had a story on November 2nd on the front page describing the program. He said The District has had its first sign ups and we will continue to promote the program and have written and submitted a press release. Mr. Leddy stated that Alburgh school has been added to our business institution compost program and we have been talking with St. Albans Town School and Missisquoi Union School and just this week Fletcher and Franklin Schools have contacted us both of which are very motivated. Discussion occurred.

Mr. Leddy said that we had received a letter from the state about the Bakersfield Site Visit which did not indicate anomalies other than we were over the tonnage of our certification for tires and metal, metal due to a special one day collection day. It may require an administrative adjustment to our certification. Short Bakersfield Site discussion occurred.

c) Financial Reports:

Ms. Bolster directed the board members to the profit & loss statement and stated that this was the only piece of the normal finance package that was ready to pull this month due to the disruption of finance operations by the extreme amount of public record requests that have recently come in hindering day to day operations. The public record request hindrance will be covered under New Business.

She indicated comfort in the budget vs. actual comparison and stated that drop off site detail as well as other finance pieces would be thoroughly gone over at the next meeting. Mr. Rowe questioned building/equipment expense which seemed out of line and was explained to be due to the timing of two quarterly payments having been already made at over 9K each.

6) New Business:

a) Discussion and Vote: Shall the Board hold a Public Hearing on the Draft 2018 Budget on Wednesday, December 7, 2016 at 6:00 PM at the District Office? Ms. Bolster reminded the board that the budget was distributed at the Last meeting, discussed briefly and it was suggested that board members take it home and return this month with any questions they may have. Mr. Lintereur made a motion that the District hold a Public Hearing on the draft 2018 Municipal Budget on Wednesday, December 7, 2016 at 6:00 PM. Ms. Anderson seconded the motion. Mr. Rowe asked about the lack of surplus and it was explained that the surplus funds were put directly into a capital maintenance line item that is new this year. Ms. Anderson asked about the increase in office equipment, it was done by average of prior three years and gave an increase for new employee equipment. Mr. Rowe asked for other comments, none were voiced, a vote was called, all were in favor and the vote passed.

b) Discussion and Vote: Shall the Board authorize 50% of the FY16 Budget surplus which totals \$69,982.24 to be included in the Capital Maintenance fund with the remaining 50% going to the District's Revenue Reserve Fund? A brief discussion and explanation of the segregated funds ensued. Mr. Kade moved to authorize 50% of the FY16 Budget surplus which totals \$69,982.24 to be included in the Capital Maintenance fund with the remaining 50% going to the District's Revenue Reserve Fund. Ms. Anderson seconded the motion. All were in favor and the motion passed. A brief discussion to be continued in the future ensued regarding level of surplus funds.

c) Discussion: District Organics Management Options, SWIP, and Possible exemptions. Mr. Leddy explained our current SWIP plan regarding organic, maintaining our current compost collection plan, promoting back yard and community composting, and our drop off site compost collection. He explained the requirements of haulers to collect curbside. The state has given an option to haulers through an exemption to not have to offer this service but has put the District's through their SWIP in control of whether to offer an exemption or not, which would require a SWIP amendment. He noted that there are guidelines such as it can only apply to areas with a housing density that is 250 houses per square mile or less, as defined by the E911 system, and as well convenience standards. Discussion ensued and the methodology used for density calculations and residential unit, all state issues were discussed. Mr. Green suggested that we get a definition from the state of residential units. Based on those criteria we have two areas that have that density which is Swanton and St. Albans City. Question for the board to consider do we want to pursue this and offer this exemption to our haulers? Further discussion occurred and the discussion will continue after the upcoming State Haulers Meeting.

d) Discussion & Vote: Shall the Board approve a new policy for the management of Public Records Requests?

Ms. Bolster directed everyone to the Public Records Log. She stated that this was the reason why finance and other areas have suffered. The implementation of this policy will help the District to manage these types of requests. Questions were asked about the methods utilized to request records. Discussion ensued. Discussed as well was the review and initiation of the policy that all similar requests received within a 24 hour period would be treated as a single request. The presented policy is the standard VLCT Public Records Policy with some additions including the explanation as to the reasons for implementing this policy. All additions were reviewed and questioned. Discussion ensued. Mr. Kade suggested the following language "Where it appears to the custodian that what is essentially a single request for multiple records but has been requested in serial fashion to avoid reaching the 30 minute thresh-hold to charge costs the custodian may treat the serial requests as one request." Mr. Leddy read the current statement in the policy about this type of situation. A discussion ensued and staff was asked to explore implementation of a 72 hr. period rather than a 24 hr. period. Further discussion regarding time frame to answer requests. Board explored additional language to make payment due for chargeable public record requests payable prior to work being done, staff will confer with legal to assure this is allowable. Statute is being explored to see if this is allowable. Discussion of request forms occurred. Mr. Kade also noted that in one area of the policy that Town needed to be changed to District, staff will make the change. Explored as well was asking the requestor to identify themselves to help ensure that we are not receiving duplicate requests from one person through numerous email addresses. It was decided to adopt the policy as written with the Town/District change made and with pages numbered properly, then at a future meeting to enhance the language as we have discussed. Mr. Lintereur moved to pass the new policy as presented for the Management of Public Record Requests with the change of Town to District with properly numbered pages. Mr. Clark seconded the motion. All were in favor and the motion passed. The chairman signed the policy into effect on 11/9/2016.

7) Other Business: Discussion & Possible Vote: Complaint regarding the 11/9/2016 Special Re-scheduled Board Meeting not being properly warned. Mr. Rowe opened the conversation about a complaint that the District received from Bob Fitzgerald that the 11/9/2016 meeting was not properly warned and the response from our attorney who had been asked to review the situation. Attorney review opinion felt that the meeting was properly warned. The board agreed with the opinion and discussed whether to notify Mr. Fitzgerald (also the requestor of an extensive amount of public record requests) or to not respond with the understanding that after 10 days if the complaint is not responded to that this is a denial of the accusation. Mr. Kade motioned to acknowledge that the November 9, 2016 meeting was properly warned and to notify the complainant by brief email of the findings. Mr. Green seconded the motion. All were in favor and the motion passed.

8) Public Comment:

Mr. Rowe stated that we had a member of the public who wished to speak. Tom Reynolds started by stating that he was impressed with the boards conviction to double and triple check all items on the agenda and stated that he felt when

it came to himself and NW Solid Waste the board had no conviction for accountability. Mr. Reynolds is contesting (certain unstated) statements he states were made about him in Mr. Leddy's termination letter to Mr. Reynolds. He asked the board for proof that written statements made approximately three years ago are truthful. Mr. Kade responded to Mr. Reynolds by stating "This was a matter of litigation. At the time it was under litigation we (the board) discussed the questions you are asking with John (Mr. Leddy) and he satisfied us (the board/executive committee) that his statements were true. You had the opportunity through that litigation to prove otherwise and you lost. It's over." Mr. Reynolds stated "It is not over. I mean the law does not say it's over, and it's not over. Mr. Kade replied "If you're going to bring a suit do it." Mr. Reynolds reply "I intend to." He went on to state that during his termination appeal hearing it did not entail everything. He stated he would rather not go to court but he has every intention of doing so and asked for the "respectful thing to do in giving truthful accountability". Mr. Clark made the motion to adjourn, Mr. Rowe asked for a moment to give historical information on the situation. Mr. Rowe stated-We did go through a lengthy procedure reviewing attendance, medical situation etc. and did not make the decision to terminate lightly and stated that from his perspective Mr. Reynolds does not seem to understand the appeal process was heard & denied. Then subsequent information was received from his workman's comp hearing that supported the board's position. He stated "The board feels we don't need to re-open this matter that this is done, is a settled case. Mr. Reynolds stated that he does not feel the same. Mr. Rowe stated that this is where the court is your option. Mr. Reynolds stated it is gonna be and again stated his request for accountability of statements made about him. Mr. Clark again moved to adjourn the meeting. All were in favor and the meeting adjourned.

Full Board Adjourned 8:25 PM.