

APPROVED

**CHITTENDEN SOLID WASTE DISTRICT
ZOOM MEETING/Williston Town Hall
August 24, 2022 – Regular Meeting**

PRESENT

BOARD MEMBERS:

Bolton	-----
Burlington	Lee Perry
Colchester	Liz Hamlin-Volz
Essex	Alan Nye
Essex Junction	Alan Nye
Hinesburg	Rick McCraw
Huntington	-----
Jericho	Leslie Nulty
	Tom Joslin, alt.
Milton	Henry Bonges
Richmond	Logan Hegg
Shelburne	-----
So. Burlington	Paul Stabler
Underhill	Paul Ruess
	Dan Steinbauer, alt.
Westford	Katie Frederick
Williston	Kelton Bogasky
Winooski	Bryn Oakleaf
	Dr. Ron Stotyn, alt.

STAFF:

Sarah Reeves
Amy Jewell
Jen Holliday
Nola Ricci
Michele Morris
Josh Tyler
Josh Estey
Jeannine McCrumb
Jon Dorwart

OTHERS PRESENT:

Thomas Melloni, Esq.
Myers Containers – Jeff Myers, Ryan Myers, Dave Anger

AGENDA:

1. Agenda
 2. Public Comment Period
 3. Consent Agenda
 4. C&D Recycling Market Discussion
 5. Administrative Office Update
 6. MRF – Bond Vote Update
 7. Executive Session
 8. Other Business
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1. **CALL TO ORDER and AGENDA** Chair Paul Ruess called the Organizational meeting to order at 6:01 pm.

Two items were added to Other Business. Those items were, seating the Finance Committee, and a meeting calendar reminder. The agenda was accepted as amended.

2. **PUBLIC COMMENT PERIOD** - No discussion.

3. **Consent Agenda** – Program Updates was pulled from the Consent Agenda for further discussion. With this exception, the agenda was approved as presented.

Discussion was held on decrease in revenues from solid waste fees; staff clarify that we are eight percent low than last year but only .7% below our expectations.

Motion to accept the consent agenda as updated and explained by staff by A.Nye; seconded by K.Spencer. Voting: unanimous, minutes accepted as presented.

4. C&D Recycling Market Discussion

To begin discussion on Myers Container Service’s request to use asphalt shingles to construct a road in the landfill, J. McCrumb presented an overview of a memo sent to Board members detailing the issues surrounding the request. This request, P.Ruess notes, contains two separate sections – first, waiving the policy regarding asphalt shingle disposal, and, second, to reconsider the solid waste management fee.

Turning to the question of waiving the asphalt shingle policy, Board members note broad support for a temporary waiver for Myers specifically for the use of landfill road construction. Questions rise over jurisdiction; specifically, there is a review of the question of why this discussion is happening at the district level vs the state; and the role of the Executive Director compared to the Board of Commissioners. Staff note that the district guidelines surrounding asphalt usage are more strict than the state, and State approval will also be required. The Board is required to act on any changes to policy or ordinance (waiver), while S.Reeves as the Executive Director will have the final say on changes to the fee.

Concerns are raised regarding the need of further participation by, and clarification from, the State of Vermont. State concerns seem to be questions regarding unbound application, potential asbestos in older shingles and release of PFAs. Staff also note that through this use, the asphalt shingles used will not be recycled, but will eventually wind up in the landfill, as with other items typically used for landfill road construction. Further concerns regarding whether the waiver would be for a time period or an amount of asphalt shingles; with preference noted for a time-based waiver of one year. This period is also supported by Myers.

MOTION by L.Nulty, seconded by K.Frederick that the CSWD Board of Commissioners hereby grants a temporary waiver of the separation and collection requirements for asphalt shingles for a one year period, effective Sep 1 2022-Aug 31, 2023. Voting: abstained by B. Oakleaf; remaining unanimous- waiver is granted, subject to an approval by State of Vermont (DEC). Motion passes.

Discussion begins regarding the second part of the memo, regarding the Solid Waste Management Fee. The staff is recommending no change to the fee at this point, as CSWD staff sees the agreement to the waiver in the first step of a long process. J.Estey notes the recommendation is to wait for State of Vermont to approve the process; and staff believe that a reduction in the fee is premature. Board members indicate a preference for making a motion during this meeting.

From Myers perspective, a fee for shingles as a recyclable material was not previously required and so the ask to pay for the usage of the shingles as landfill road construction material is not fair, as revenue cannot be generated for the existing material.

A.Nye notes that there could be an amendment noting that, when used in road building, the fee is reduced. Historically, a 25% management fee has been used when requested. S. Reeves notes that shingles are not inert, which makes them fundamentally different than other materials typically given this waiver (gravel, dirt, etc). This was further discussed and confirmed by J.Holliday and J. McCrumb.

B.Oakleaf asks for specific numbers for cost without the fee waived, and with the fee waived. The impact to Myers would be \$135,000 with a cost they could not recoup. If some part were waived, roughly 75%, the impact would be closer to \$35,000.

Discussion is held on the need for this waiver, as this material will ultimately be going into a landfill (disposed), which technically removes it from the area of recycling where no fee is needed. In addition to its usage, the question of markets is important and complicated. Questions arise as to whether approval in this circumstance might create a precedent for future claims; S.Reeves confirms this is a concern.

Further discussion indicates Board preference for mostly a full waiver of this fee, with Myers indicating that this road construction project will end up costing their company money. K. Bogasky proposes limiting the full waiver to the current amount of asphalt shingles Myers has on hand that will be going towards the road project. Staff indicate their comfort with applying the reduction or removal of the fee for this proposal. However, Myers indicates their preference for waiving the fee throughout the year long period.

MOTION by K. Spencer, seconded by K.Frederick that the CSWD hereby waives the Solid Waste Management Fee for asphalt shingles during the period effective September 1-August 31, 2023. VOTING: B.Oakleaf abstains; remaining votes unanimous ayes. Motion passes.

5. Administrative Office Update

P.Ruess summarizes conversation so far, noting that the Executive Board discussed this issue previously and did not come to a decision regarding a preference towards refurbishing 1021 Redmond Road location, or buying/leasing a new administrative building. S.Reeves opens up the conversation to

the board, with the goal of narrowing staff searches. A.Jewell adds some specifics in terms of locations being considered, but asks the Board to provide feedback on the issue of leasing vs buying.

Board ask questions regarding the efficiency of having remote staff; S.Reeves note that this question depends on the staff person and facility. Discussion is held looking at the different options, with recommendations for both leasing and purchasing. Different potential locations are discussed, including sites in Burlington, South Burlington, and Williston. Staff preferences for remote work vs in person; ease of access for meetings and other staff; and length of lease are discussed. Staff indicate that roughly eighteen full time people would be working out of the main office space.

Staff are given feedback to continue looking at different venues for both lease and purchase.

6. MRF – Bond Vote Update

Staff opens up discussion on memo from J.Holliday in Board packet. P.Ruess notes he saw an add for MRF on YouTube, and wanted to raise the question of requesting ballots.

J.Holliday and M.Morris are spear-heading providing ballots to town clerks and is coordinating the ballot provision to communities. Staff also provide general notes on community meetings, which are going well with general interest and support.

Board members request staff send Front Porch Forum and other talking points and action items. Staff will create a strategic calendar and will share with Board members.

Staff indicates that there will be three ways to vote on the Bond vote; people can request from Town Clerk; through My Voter Page; or at the polling place. Staff are in communication with clerks, who can offer customers ballots when they stop by town offices for other business.

7. EXECUTIVE SESSION

MOTION BY Leslie Nulty, SECOND by Ken Spencer, to move that the Board of Commissioners of the Chittenden Solid Waste District go into Executive Session to discuss contract negotiations with respect to the Materials Recovery Facility Contract 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 to permit authorized staff, other invited interested parties, and the Solid Waste District attorneys to be present for this session.

The Board entered Executive Session at 8:15 p.m.

MOTION by Alan Nye; second by Leslie Nulty to exit Executive Session and reconvene the regular meeting. VOTING: unanimous; motion carried to exit Executive Session at 8:40 PM.

8. OTHER BUSINESS

Paul Ruess noted that there is low attendance at the Board meetings and we could consider moving away from hybrid meetings and going back to virtual through the end of the calendar year. Amy Jewell will reach out to members for the September meeting to see who would like the in-person option.

9. ADJOURNMENT

MOTION by P. Stabler to adjourn the meeting; second by L. Perry. VOTING: unanimous; motion carried.

The meeting was adjourned at 8:45 PM.



Amy Jewell, Recording Secretary

I agree that this is an original copy of minutes and they have been approved by motion of the Board of Commissioners at the 09.28.22 meeting held in Williston.



Amy Jewell, Secretary