

**NOTE: These minutes are subject to review and modification by the ACSWMD Executive Board at its next regular meeting.**

**ADDISON COUNTY SOLID WASTE MANAGEMENT DISTRICT  
EXECUTIVE BOARD MEETING MINUTES**

**March 9, 2022 4:30 PM**

**Virtual Meeting on ZOOM**

Join Zoom Meeting

<https://us02web.zoom.us/j/87123502087?pwd=amxjaDITL2RRZE1ENkxuOG85ZWVMQT09>

Meeting ID: 871 2350 2087

Passcode: 944774

**1. CALL TO ORDER** – Tim Wickland (TW), Board of Supervisors (BOS) Chair, called the meeting of the Executive Board (E.Bd) to order at 4:33 P.M. Other E.Bd members present on Zoom: Bill Munoff (BM), David Olson (DO), Andrew Hooper (AH), Deborah Gaynor (DG), and Randy Orvis (RO). Staff present: Teri Kuczynski (TK), District Manager; and Don Maglienti, Program Manager (DM).

**2. APPROVE THE AGENDA** – The Chair suggested that the agenda be amended to allow for a meeting with Mark Sperry, Esq. at the time that he arrives.

**Motion #1: RO moved to approve the agenda as amended. DG seconded the motion.**

**VOTE: Yes – 6 (BM, DO, AH, DG, RO, TW). No – 0. Abstain – 0.**

**3. APPROVE MINUTES OF FEBRUARY 9, 2022 MEETING** –

**Motion #2: DG moved to approve the minutes of February 9, 2022. RO seconded the motion.**

Discussion: DG asked for a clarification to Section 6(a), line 52. PJ reports YTD total of 307.78 tons of tires in Dec. financials, yet the Dec. financials YTD total is 286.56 tons. TK recalled that PJ reported a corrected figure verbally in the Feb. minutes after having discovered additional tire tonnage for Dec. after the Dec. financials were presented. DG stated that the minutes should match the financials. TK will verify the correct tonnage with PJ when she returns next week.

**VOTE: Yes – 6 (BM, DO, AH, DG, RO, TW). No – 0. Abstain – 0.**

**4. PUBLIC COMMENT PERIOD** – The Chair opened the public comment period.

**5. MANAGER REPORT** –

**a. Personnel** –

- Colin Clarcq, the District's intern and previously our AmeriCorps member, will be leaving us to pursue new career opportunities. We thank Colin for his efforts, as he helped us with so many initiatives, including planning the recent Repair Fair. We will be applying for another AmeriCorps member to begin in September.

- We are in the process of interviewing candidates for the Public Outreach Coordinator position and will make a decision soon.

**b. Health & Safety** –

- An accident occurred with an employee slipping on ice in the yard, resulting in injury. Yard staff do their best to sand icy areas; this occurred down below by the recycling trailer. The employee has returned to light duties at work while on worker's comp.

- With the COVID-19 rates going down in Addison County, masks are being reevaluated at places of employment. Gov. Scott is lifting the mask mandates. DO and AH agreed that it is TK's call on the current mask mandates. TK will meet with the office staff to discuss whether to revise our mask mandate to ease up on the mask mandate in the yard, while adopting a policy for office staff in close quarters.

**c. Temporary Compactor Shutdown** – The stationary compactor in the Hopper Building has been having mechanical issues that are intermittent and difficult to identify the cause. Gary Hobbs has been in contact with the manufacturer to try different repairs. A local contractor has also been assisting us. During the temporary shutdown, we had to collect single stream recyclables on the

56 floor of the Tipping Building and load them over the wall into an open-top trailer for transport to  
57 the Rutland MRF. Casella Construction provided us the trailers and the hauls, at an additional cost  
58 of \$1,805.60. The Department of Environmental Conservation was notified of the temporary  
59 change in operation.  
60

61 **6. FINANCIAL REPORTS –**

62 **a. January 2022 Financial Report** – TK reviewed the Jan. 2022 Financial Report. The net loss for  
63 the month was (\$22,656). General Corrections: (1) In the Monthly & Accumulated Annual Tonnage  
64 chart, the top line should be the name of the months, not the 2019 numbers. (2) In the “ACSWMD  
65 Transactions” chart, the 2022 monthly total for Jan. should match the 2022 Accum., but they differ.  
66 The Chair suggested that a spreadsheet should feed into these totals in order to avoid manual entry  
67 errors. (3) The “Single Stream Tonnage at Transfer Station” chart differs from the Single Stream  
68 Recycling Report because the chart contains estimated tonnages received, and the Recycling Report  
69 contains actual weights at the MRF. Clarify the difference by relabeling the chart “Estimated Single  
70 Stream Tonnage Received Transfer Station” and the Recycling Report to “ACSWMD Single Stream  
71 Recycling - Outgoing Delivered to MRF.” (4) In the “Tire Disposal” chart, the number for Dec. is still  
72 incorrect – according to PJ, should be 307.78? (5) In “Food Waste Disposal” chart, question: If a  
73 month shows zero tons because the haul occurred after the cut-off, why doesn’t the following month  
74 show double the tons of food scraps? DM explained that there are many variables to when the food  
75 scraps are hauled. DM will have to look into this question.

76 **b. January 2022 Single Stream Recycling Report** – The monthly processing fee is climbing  
77 again and is \$62/ton for January, with 314.44 tons collected (outgoing). The Jan. net gain was  
78 \$9,685.07 (w/o OH).  
79

80 [The E.Bd moved to Section 7(c) with the arrival of Mark Sperry, Esq.]  
81

82 **7. NEW BUSINESS –**

83 **c. Draft #1 – Revised ACSWMD Conflict of Interest Policy** – Mark Sperry, Esq. has reviewed  
84 and edited Draft #1 of the COI Policy. TK had drafted the COI Policy to update it with some elements  
85 of the VLCT Model COI Policy. Mark has renamed the Policy as the “Conflict of Interest and Ethical  
86 Conduct Policy.” The District’s Charter refers to following Roberts Rules of Order, which does not  
87 allow the BOS to force off the Board a member with a COI, nor can it prevent a member with a COI  
88 from voting. Mark also removed any references to “appearance of impropriety”, or ‘seems to be a  
89 COI.” Either it is a COI, or it is not a COI. Mark will add a sentence under the Ethical Conduct section  
90 referring to nondisclosure of what is discussed in executive session. Mark also added under the  
91 Enforcement Section the sentence, “The Board of Supervisors may enforce violations of this Policy by  
92 seeking any available legal or equitable remedy.” TK will reformat the Policy after Mark adds the new  
93 executive session disclosure language and prepare it for consideration at the April 14<sup>th</sup> BOS meeting.

94 **d. Update on Purchase & Sale Agreement, Site Investigations, Due Diligence Period – New  
95 Haven – Reminder of March 28, 2022 E.Bd meeting at 4:30 PM with Mark Sperry, Esq. and  
96 Shane Mullan, P.E.** - Weston & Sampson has been conducting site investigations and working with  
97 the seller to resolve any permit issues. The Contingency Period of the Purchase & Sale Agreement will  
98 end on April 3, when the District has to make determinations of whether the due diligence  
99 investigations provide adequate and satisfactory results. The E.Bd does not meet in April until the 6th,  
100 with the full BOS holding its annual organizational meeting on April 14<sup>th</sup>, which would be too late. The  
101 E.Bd voted to hold a second meeting with Mark Sperry, Esq. and Shane Mullen, P.E. on March 28, at  
102 4:30 PM to review the project to determine whether to move forward with the Agreement.  
103

104 **8. EXECUTIVE SESSION –**

105 **Motion #3: DO moved to enter into executive session for the purpose of discussing**  
106 **negotiation with legal counsel of a purchase & sale agreement of property. DG seconded**  
107 **the motion.**

108 **VOTE: Yes – 6 (BM, DO, AH, DG, RO, TW). No – 0. Abstain – 0.**  
109

110 **Motion #4: DO moved to enter into executive session for the above-stated purpose at**  
111 **5:40 PM. DG seconded the motion.**

112 **VOTE: Yes – 6 (BM, DO, AH, DG, RO, TW). No – 0. Abstain – 0.**

113  
114 The E.Bd came out of executive session at 6:04 PM.

115 **Motion #5: BM moved to approve the District to reimburse the Norrises for one-half of**  
116 **their engineering fees to amend State WW Permit 9-0580-4, to a maximum of \$1,500.00.**  
117 **DG seconded the motion.**

118 **VOTE: Yes – 6 (BM, DO, AH, DG, RO, TW). No – 0. Abstain – 0.**

119  
120 **6(c). MBI Damage Claims** – Trailer damage claims continue to be alleged by MBI. We have  
121 installed three new mirrors over the trailers and are ordering two GoPro video cameras over the  
122 trailers to better capture the inside of the trailers when they are first delivered. Casella has  
123 suggested we switch to the use of a small excavator rather than the backhoe system our staff has  
124 used for the past 16 years. We will look at options, but there are height restrictions in the building  
125 that have to include a fall protection line above the tip walls. The new MBI trailers are too long for  
126 our tip walls, which continues to be a problem despite our request to return to the shorter trailers.

127 **6(d). Municipal Diversion Grant Applications** – None received.

128 **6(e). School Diversion Grant Applications** – None received.

129  
130 **7(a). Nominating Committee** – The Chair announced that it is time for selecting a Nominating  
131 Committee to gather nominations for elections to be held at the BOS annual organizational meeting on  
132 April 14<sup>th</sup>. The Chair and Cheryl Brinkman have volunteered to be on the Committee again, and others  
133 are welcome. The nominations will be for the Executive Board, Chair and Vice Chair. E.Bd members  
134 present are willing to return, except for AH, who has recently been elected to the Middlebury  
135 Selectboard. AH will remain as an Alternate. His replacement will automatically be on the E.Bd, per  
136 the Host Town Agreement. The Chair and Vice Chair will also be on the E.Bd. That leaves four  
137 openings for nominations.

138 **7(b). Legislative Updates** – TK referred to the status of H.115 and H.500 in the Legislature, as  
139 provided in the handout to the E.Bd.

140  
141 **9. AGENDA ITEMS FOR MARCH 17, 2022 BOS MEETING –**

142 **Motion #6: BM moved to cancel the March 17<sup>th</sup> BOS meeting due to a lack of business.**  
143 **AH seconded the motion.**

144 **VOTE: Yes – 6 (BM, DO, AH, DG, RO, TW). No – 0. Abstain – 0.**

145  
146 **10. OTHER BUSINESS** – None.

147  
148 **11. APPROVAL OF PAYMENTS** – The list of payments, signed by the Chair, was approved.

149  
150 **12. ADJOURN –**

151 **Motion #7: BM moved to adjourn the meeting at 6:18 PM. RO seconded the motion.**

152 **VOTE: Yes – 6 (BM, DO, AH, DG, RO, TW). No – 0. Abstain – 0.**

153  
154 *I agree that this is an original of the March 9, 2022 minutes that were considered and approved by the*  
155 *E.Bd at its meeting of \_\_\_\_\_.*

156  
157  
158 \_\_\_\_\_ *Teresa A. Kuczynski, District Clerk*