

**NORTHEAST KINGDOM WASTE MANAGEMENT DISTRICT
BOARD OF SUPERVISORS MEETING**

November 9, 2021

Meeting held remotely via ZOOM and

The District Office at 224 Church Street, Lyndonville, VT 05851

The meeting was called to order @ 6:37 p.m. by Nick Rivers, Chair

Present: Nick Rivers (Albany & Irasburg); William Douglas (Barnet); Paulette Routhier (Bloomfield, Brunswick); Bruce Rumball-Petre (Brighton); Walter McNeil Jr. (Danville); Irene Dagesse & Fran Batchelder (Derby); Kirwin Flanders (East Haven); Jack Sumberg (Glover); Ken Johnston (Greensboro); Timothy Dailey, Sr. (Groton); Joe Noble (Holland & Morgan); Steve Gray (Lyndon); Claude Phipps (Newbury); Gina Vigneault (Norton & UTGs); Gene Perkins, (Ryegate); Jack Smith (Sheffield & Wheelock in person); Emily Cayer (Stannard); Megan Clark (Topsham), Gaston Bathalon (Troy); Richard Stodola (Waterford): and Jake Couture (Westfield).

Absent: Brownington, Cabot, Charleston, Concord, Corinth, Granby, Guildhall, Jay, Kirby, Lunenburg, Maidstone, Marshfield, Newport Town, Newark, Peacham, Victory, and Sutton.

Staff present- Paul Tomasi, Executive Director

Visitors – none

Updates to the Agenda – Brief review of soft plastics market was requested.

Approval of Minutes- Moved to approve minutes of October 12, 2021, 2nd, approved.

Compost Service Contract for 2022 – Paul summarized the proposals submitted by the 4 vendors – Cloud’s Path Farm, Black Dirt Farm, AgriCycle, and Mar-Jo Acres. Paul stated that the incumbent, Cloud’s Path Farm (Sheffield) submitted the lowest bid at \$10/tote. Paul explained that Cloud’s Path would keep their pricing at \$10/tote as long as food waste generators (FWGs) did not overload totes or ship them with contaminants. Motion to approve the proposal submitted by Cloud’s Path Farm. 2nd. Question regarding the definition of “clean”. Paul explained that “clean” meant free of all non-compostable materials – plastics, PLU stickers, etc. Question regarding the use of brown paper bags. Brown paper bags are acceptable. Question regarding getting back into compliance if rate increases to \$13.50/tote. Paul stated that he would reach out to Cloud’s Path regarding such a provision, but that was not part of their original proposal. Paul thought there might be an opportunity for FWGs to get their fees lowered at the end of the calendar year. Paul reviewed Cloud’s Path’s pricing history over the course of their current contact. They increased their pricing from \$10/tote to \$13.50/tote over a 5-year period. Question regarding feedback to facilities. Paul explained that the feedback loop could take as long as a week. It was also noted that Cloud’s Path will be issuing warnings and providing 2 months for corrective measures. Motion approved.

Updates –

Ordinance – Paul informed the Board that the period by which to file a petition regarding the ordinance expires on Sunday, November 14, 2021. As such the Ordinance will become effective on Monday,

November 15, 2021. The Board agreed in October to get the facilities registered as part of the 2022 process since we are so close to the end of the year.

Financial – Paul informed the Board the District is running a surplus of approximately \$39,000 even with a deficit in October of approximately \$35,000. Paul mentioned a couple of grant related items that were responsible for the large October deficit. One item was a \$15,000 pass-thru to Salvation Farms and \$6,000 was for brush chipping, which will be reimbursed through a grant. There was a question regarding the electricity in the office compared to the electricity in the warehouse. Electricity costs were not reported separately prior to 2015. Paul suggested we report only one figure for electricity costs going forward. We can always break out the costs separately, if necessary, because the figures are reported separately to us by Lyndonville Electric. There was a question regarding tire pricing for 2022. Paul informed the Board that the per-ton fee billed to the district would be increasing from \$130/ton to \$180/ton. Paul is still working on establishing new fees for tires, which will be used for billing individuals in 2022.

Lyndon Property Tax – Paul informed the Board that we received a draft of the proposed “Court Settlement”. This settlement would be submitted to the court in order to resolve the property tax issue with the Town of Lyndon. The settlement first needs to be approved by the NEKWMD Board and the Lyndon Selectboard before it can be submitted to the court. Motion to approve “Settlement Agreement and Proposed Order” Motion approved with one abstention. Paul reviewed the updated version of the “Host Town Agreement” with the Board. There are five items contained in the agreement. They are as follows:

**Host Town Agreement
between the Town of Lyndon & the Northeast Kingdom Waste Management District**

1. The Town of Lyndon shall pay 75% of the NEKWMD’s actual costs for compost totes and composting for those totes collected at the 224 Church Street, Lyndonville, VT facility.
2. The NEKWMD agrees to host Lyndon’s Green-Up day activities at no charge. The Town of Lyndon shall pay for the disposal of Green-Up wastes.
3. The NEKWMD shall not bill the Town of Lyndon for the actual costs of the walk-in attendant working on Wednesdays.
4. The Town of Lyndon agrees to cap the per-use charge of the Public Safety building at \$25, provided that for any year in which the Town’s general charges for use of the Public Safety Building are increased, NEKWMD shall pay the \$25 per use fee plus 50% of the amount of such increased fee.
5. This Agreement shall be for a term of ten (10) years and shall automatically renew for five (5)-year terms unless the Town or NEKWMD give notice that it is terminating the Agreement. Upon such notice, the Parties shall enter into good-faith negotiations to revise the Agreement.

Paul explained that the original host town agreement from 2018 included provisions to have the town sand our driveway 6-10 times each winter and grade our driveway once per year. These provisions were pulled out as concessions by the District. It was also noted that the District conceded on the compost fees, by capping them at 75% of costs, even though surveys have determined that 89% of the material is

coming from Lyndon residents. Motion to approve the host town agreement. 2nd. Motion approved with one abstention. The effective date will be added upon approval by both towns. The hope is that the effective date will be January 1, 2022.

There was discussion regarding the condition of our driveway. Paul explained that much of what is considered our driveway is actually owned by someone else or part of a right-of-way. There was also a comment about the condition of our driveway inside our gate near the scrap metal. Paul explained that we have looked at repairing the driveway inside the fence. We actually issued an RFP and received quotes. The costs submitted were such that we could not afford to move ahead with the repairs. We may want to revisit that process. There was a suggestion to use ¾” driveway mix to level the area.

Other Business – Plastic film update. The District has been successful in moving 2 loads of plastic film. Paul estimates we have just over one full load of material remaining to be shipped. We do have some leads to pursue regarding the remaining load. We may end up landfilling less than 20,000lbs (half a load). We have had some internal discussions regarding accepting plastic film in the future. Our plan would be to take the entire year off in 2022, and perhaps look at accepting plastic film sometime in 2023. Several Board members weighed in on how difficult accepting plastic bags has been in the past.

Motion to adjourn, 2nd, approved @ 7:47pm
Respectfully submitted, Paul Tomasi

Note: There is an audio/video recording of the November 9, 2021 meeting. It is available upon request.