



## Special Executive Board Meeting

Tuesday, 23-August-2016 – 3:45 PM  
CVSWMD Office, 137 Barre Street, Montpelier, VT 05602

### Minutes

1. The Chairman called the meeting to order at 3:58 PM; members Bill Powell, Matt Levin, and Lee Cattaneo were in attendance, as well as General Manager Bruce Westcott and Planning Analyst Cathleen Gent.
2. Agenda Revisions – The General Manager asked for review of draft language honoring Leesa Stewart for her years of service. Bill Powell made a motion to add this as agenda item 2b; the motion was seconded and passed without discussion.
  - 2.b – The members having read the draft of a proposed honorary certificate, Matt Levin made a motion to approve the language; the motion was seconded and passed without discussion. The Chair directed that the certificate be prepared for signature and presentation.
3. Approval of the minutes of **August 9** – Bill Powell made a motion to approve the minutes of August 9. The motion was seconded and passed without discussion.
4. Review of email guidance by counsel: Planning Analyst Cathleen Gent led discussion of the following items.
  - a. Enforcement of State Law & CVSWMD Ordinance – At 4:01 members discussed a one-page email from Counsel responding to questions which had been put to him following the previous meeting, relating to enforcement. Members expressed general satisfaction that Counsel suggests that in circumstances such as suggested by the questions, the District could still have potential liabilities, but that the probability of a claim moving forward in any of these circumstances is low. Cathleen reminded them that the POC will, on September 7, review enforcement provisions of the State, and those in our ordinance. The POC expects to return its conclusions and recommendations to the Executive Board after that meeting.
  - b. Charter Amendment Timeline – At 4:05 members discussed the timeline for proposing amendments to the District's charter which had been described by Planning Analyst Cathleen Gent. They reviewed email comments on the proposed changes recently received from Counsel. They agreed that discussion and further decisions about proposed changes should be considered by the POC at its September 7 meeting, and that the POC should recommend changes back to the Executive Board for its September 20 meeting. They agree that a proposed



second hearing for charter changes can be scheduled prior to a vote to adopt the proposed changes at a special meeting of the Board of November 15, 2016 during the November Executive Board meeting, and that this will meet statutory scheduling requirements affirmed by Counsel.

5. Approval of proposed FY17 Budget Adjustment – Bill Powell reviewed the discussion of proposed adjustments held by the Financial Oversight Committee the previous day, and emphasized the Board’s fiduciary duties. There was discussion of end-of-fiscal year adjustments recommended by the General Manager, including write-offs of certain accounts receivable, as recommended by the Treasurer, the General Manager, and the outgoing General Manager, and discussion of Depreciation Expense. Lee Cattaneo made a motion to apply an amount identified as “Settlement” against outstanding Accounts Receivable, and to increase the amount budgeted for “Bad Debt.” Following discussion, Cattaneo acceded to a “friendly” amendment proposed by Bill Powell as follows: “Apply funds currently posted to “Settlement” against outstanding Accounts Receivable, increase the amount budgeted for “Bad Debt” from \$5000 to \$10,252, and adjust the amount budgeted for “Depreciation Expense” to an amount that will result in “Net Ordinary Income” budgeted between -\$999 and +\$999.” The amended motion was seconded and passed unanimously.
6. At 5:03 PM Matt Levin made a motion to move into EXECUTIVE SESSION to consider a Personal Services Contract. The motion was seconded and passed unanimously. The Executive Board exited executive session at 5:07 PM. At 5:08 Lee Cattaneo made a motion, seconded and approved unanimously, to approve a services contract with Leesa Stewart.
7. General Manager Update – The General Manager provided updates and answered questions on these topics: Overview of GM transition, Cultural Sensitivity Training, the issuance of a Legislative Services RFP, and the filling of Zero Waste School Program positions. No action was taken.
8. At 5:14 PM a motion was made by Matt Levin to adjourn. The motion was seconded and passed unanimously.

Respectfully submitted,

Bruce Westcott, General Manager



4. Program Updates – Planning Analyst Cathleen Gent led discussion of the following items.

a. Community Services Project – The Board expressed overall satisfaction with the revised design of the flyer describing the project, and members offered some specific suggestions and corrections. There was discussion of the overview presented in a summary memo distributed as part of the agenda packet, and Bill Powell asked if a draft Project budget was available for discussion. Cathleen replied that it is not, as all figures are extremely preliminary. Members asked about our success so far in having communities name representatives to the community discussion meeting the District is hosting at the end of August. Cathleen reported that recruitment is going well so far, and reported that she and GM Westcott had met with Joseph Gainza, who has agreed to act as moderator for the meeting, to be held in the vestry hall of the Episcopal Church in Montpelier. Members agreed that BOS members should be invited for those communities who do not nominate another person.

b. Enforcement – Members had extensive discussion of the summary memo which Cathleen had distributed with the agenda, and Lee’s comments to the Program Oversight Committee. Leesa Stewart suggested that members should review the DEC Enforcement Protocol, which staff can circulate. Lee stated that our FY18 work plan should include outreach and education for household generators of solid waste, but not direct enforcement. Bill asked how enforcement of household requirements is dealt with in our combined ordinance, and Cathleen replied that she believes the Charter provides flexibility for the Board to adopt specifics relating to enforcement. Members agreed that legal counsel should be asked to consider the following:

- “Can the State of Vermont legally require CVSWMD to enforce provisions of our combined ordinance relating to separation of solid wastes?”
- Can a third party cite lack of CVSWMD enforcement activities as an affirmative defense if cited for a violation of the ordinance?”
- If a third party is penalized for having violated the ordinance or State law, can that party seek compensation from CVSWMD, citing our lack of enforcement activities?”

There was further discussion of various scenarios, such as “If regulated materials are found in a dumpster, who is responsible and therefore liable for some penalty?” Might it be the owner of the dumpster? The party who rents the dumpster? Tenants of that party who are authorized to use the dumpster for legal purposes? Further, do any parties other than the State of Vermont and SWMEs have responsibility to educate the public (customers, tenants, users) with respect to their responsibilities (e.g. provide signage, public postings, flyers, etc.)?

The Executive Board designated two action items for staff:



1. Opinion of Counsel should be sought and reported to the Executive Board related to both the charter schedule and the questions regarding enforcement at a special meeting on August 23, and
2. The GM should be registered with the Washington County Superior Court as the authorized enforcement officer for CVSWMD. This should be done at the September Board meeting.

c. CVSWMD Charter Amendment timeline – Cathleen and the GM discussed with the Executive Board the optimal timeline for moving proposed Charter changes toward consideration by the General Assembly. They have reviewed and interpreted existing Charter requirements and other relevant statute to develop a schedule of required publication and public hearings. They feel it requires review and concurrence by Counsel, have requested this review, and will report back to the Board.

d. Community Emergency Projects Fund – Staff reviewed the proposed program overview provided as part of the agenda packet. The draft minutes of the FOC meeting of 27-June-2016 include details of a discussion of the proposal, and record of a motion passed by the FOC to utilize \$10,000 to establish a fund to support this program. Lee Cattaneo made a motion, approved unanimously, to recommend to the Board of Supervisors that this program be approved.

5. General Manager Updates – GM Westcott briefed the Executive Board on topics listed on the agenda:

The GM reported that Leesa Stewart will continue as a full-time employee until the last week in August, and that he and Leesa have drafted terms for continuing work as a contract employee, to be considered later on the agenda. He continues to value Leesa's training on specific topics, documentation of various procedures, and ongoing advice.

He reported that he and Leesa have interviewed Operations staff regarding staffing of the Operations unit, including the ARCC, and that he will have further conversations with the staff about her observations, and will report to the Executive Board in the future. He reported that he has met with Operations and Outreach staff regarding security and accountability for cash receipts at field events, and is drafting internal procedures for handling cash. Further, he has encouraged Operations staff to consider a low-cost point of sale register for recording and reporting details of cash transactions at the ARCC. Executive Board members asked about current cash handling procedures off-site, and were supportive of a small technology investment to improve security and data collection.

Westcott reported that another employee will soon reach age 65, and that he has investigated offering a Medicare supplement health insurance policy available from Blue Cross Blue Shield of Vermont to senior employees. It appears to offer great premium savings to the District, but he has to finalize details to be able to assure no loss of coverage to dependents, no loss of credit for



deductibles paid, etc. He will draft a revised policy on medical benefits for future adoption by the Board; it will include clarification of “part-time” status, as Leesa informed the Executive Board that the Affordable Care Act requires that all employees working more than 30 hours per week be considered “full-time” for purposes of health care coverage. Lee Cattaneo suggested that the policy require all employees to enroll in Medicare in order to be eligible for this coverage.

Westcott reviewed the draft Legislative Services RFP which had been prepared by staff, with thanks to Leesa for the initial drafting. The Executive Board asked that a digital version be provided them immediately for any comments/suggestions. It should be issued as soon as possible with a due date for proposals of roughly 20-September.

6. Training Services – The GM reported details of the proposed contract for staff education on cultural diversity, and the two dates scheduled after mid-September. The Board discussed the contract proposed with Karen Stackpole, expressed support for this work, and asked that materials developed for the staff be shared with the Executive Board for consideration of possible future work with the Board of Supervisors. Lee Cattaneo made a motion, adopted unanimously, to approve the proposed contract.

At 6:57 Bill Powell made a motion, approved unanimously, to move into Executive Session to consider personnel matters.

At 7:08 Lee Cattaneo made a motion, approved unanimously, to return to public session.

At 7:09 Bill Powell made a motion, approved unanimously, to adjourn the Special Meeting of the Executive Board.