

**TCSWMO
MEETING
By ZOOM**

**April 22, 2021
6:30 pm**

The following directors were present: John Shepard, Norman Casas, Elaine Porter (by phone), Dana Philippi, Peter Beckett, Charlotte Henderson, Lee Shane, Charles Garrigan and Tom Pitzi. Also present were David Stanley, Facility Manager, and Gail Philippi, Administrative Assistant, and TCSWMO Attorney Roger Therriault.

John Shepard, President opened the meeting at 6:39 pm.

SECRETARY'S REPORT: A motion was made by Dana Philippi and seconded by Tom Pitzi to accept the minutes of the January 28, 2021, meeting. No comments or questions. Motion carried. Peter stated that he had said that the value of recycled cardboard has gone up considerably and he hoped it would be reflected in the charge from Lincoln Co. this year. He asked Roger if we should append the budget to the January minutes.

Peter stated that the January minutes also should have said under the **Dump truck subcommittee** let it go "to the next full board meeting".

TREASURER'S REPORT: The checking account balance as of today is \$151,778.04. The Reserve Account balance is \$93,577.60 = \$245,355.64. Charlotte made a motion and Norman seconded to accept the Treasurer's Report. Yes votes: Peter, Charles, Charlotte, Dana: yes, as amended, Tom, Elaine, and John S. Motion carried unanimously. John says we look like we are on track for the year.

BOARD REPRESENTATIVE REPORT: Peter stated that an Appleton resident called the town office last week about a tv alongside the road and she wanted to take it to the Station for no fee. John Fenner had the Clerk call the station. Do we have a policy on this? David said no because the policy doesn't cover anything anyone finds; we'd find mattresses and big-ticket items arriving at the Station a lot. David took the television but advised her not to do it again as it costs us money. If someone brought in small amounts of trash or a bag full, that doesn't cost as much. There has been some history with Appleton before Peter's time where residents felt they could clean out people's yards. Someone from Somerville wanted an amnesty day and came in with a dump truck full. David said we can't take it for free. Peter asked if we should have people contact their town and see if the town will pay for it? David – maybe he could put something in our handout flyer about not accepting roadside trash and to contact your town office. Peter – Made a motion that we advise the towns that if they approve of a resident bringing in trash to the station that the town will pay for it.

John and his wife clean their road every year and just bring it in. Dana said we should leave it as it is. Lee said that having something is better than nothing and we don't want people to take advantage of the system. It is not unreasonable. Norman likes the idea; it is the towns' responsibility to administer something of that sort. Charlotte agrees that the towns take responsibility, especially for large things and leave it more broadly worded. Dana agreed.

David - **A statement will go out effective immediately that those acquiring roadside trash must consult with their town office regarding disposal and that the transfer station does not accept this material at no cost.**

Norman made a motion and Peter seconded to accept the statement made by the Manager regarding roadside trash. Yes votes: Peter, Charlotte, Charles, Tom, Norman, Elaine, John S.
Abstention: Dana

PUBLIC COMMENT: None

NEW BUSINESS:

John asked our attorney Roger Therriault to clarify Board member's roles ~~and who is a board member~~. Our policy leaves us open to board members with no experience. We have had trouble in the past with some people not knowing their authority. John would like to come up with a package to hand out to new members to define board member roles, responsibilities, and authority.

Roger Therriault hopes his memo is clear about parameters about traditional corporate structure. The Board of Directors must direct the organization. This is important because it has the potential of creating chaos in creating the chain of command. If we have folks attempting to exercise authority that they don't have, then it confuses things. It must be backed up by some formal action for a particular director to take authority to represent the organization in any formal way. Individually you have no authority at all. For example, the only way the Bath City Council with 9 members could act was to be able to count to five. We have the same situation.

The people you deal with need to know you have the authority to act. The staff needs to know who to respond to. The reason for this is so that the way the corporation operates is clear to everyone.

John S stated that we had an instance in the past where a board member took it on himself to read the meter on backhoe without approval.

Roger Therriault stated that if this is causing a problem with the staff then it does need to be dealt with. If there is a problem with interaction with staff, then it needs to be dealt with.

A director shouldn't be dealing with vendors. Roger is not questioning anybody's motives but nevertheless this must be done within the chain of command. Peter Beckett asked what if someone were to call ecoMaine and ask about recyclables vs Lincoln Co. Roger Therriault stated that they should go through the Manager. David Stanley said that he had left in our arrangement with Lissa at ecoMaine that if anything ever changed, he would be the one to talk with her. Roger Therriault stated, Peter, if you think it's important then the board might also think it's important, and you should bring it up in a meeting and get a vote. You are hanging yourself out there, not sure why you'd want to do it anyway.

Peter frequently made requests of David for documents that he doesn't give to him. Roger Therriault said you should use same procedure, bring it up to the board. Peter asked, even though it is available under FOA? Roger Therriault stated but you're not the general public, bring it through the board. Peter said we should come up with a policy to supply it within 5 days, this is not unreasonable. Gail asked how do you define reasonable? Charles agrees.

Dana stated that one must comply with what all board members do, and the Treasurer position is titular.

Roger Therriault – if you need it to do your job, wait. He's not insensitive, put your heads together come up with plan to put a request to Gail in email and have her put it out to all board members. If no one has any objections. John Shepard would want to know what it is.

Roger Therriault's suggestion is simply to facilitate transparency; you don't need to have a reason. There are exceptions but it is rare to have it denied. Research would need to be done. This can be subject to incredible abuse. John S – it is helpful to have background info, the nature of requests is important, the full board needs to know.

Norman – is this a pretty good solution all the way around. Peter – unless it is confidential, we need to respond. Roger Therriault stated that FOA law says, if you're not going to turn it over in 5 days, you need to respond why. He is not sure about putting a five-day limit on it. There should be some limit, but 5 days is fast.

Tom – if you are going to follow FOA you're going to get a copy. Roger Therriault – but you can't get it in Word. Peter said he can get it in Word, he's done research.

John S – would like to ask the Manager for a response. David Stanley stated I do have a response. I'm not disputing the law, but to go back to Tom's point about word vs pdf version, Peter could modify it is so he could put something in writing that hadn't been approved yet by the board. It was made available in PDF. Peter has asked in the past for excel versions of the budget. David has given them to him in pdf or printed form. David realizes the letter of law but hopes the board is sensitive to the fact is he doesn't want to supply alterable material.

The recycling subject has also come up. The information is available, but it makes more sense when you look at all that we turn in when it is viewed quarterly. No other members are interested in how many tin

cans we send out between January and March. Does it matter to other board members? This is done yearly. David works for the entire board; people understand the spirit of the law vs the letter of the law. Peter is one member of the board and if the whole board agrees we need it, it can be supplied. Norman – Peter is not just looking for info but looking for info in a particular form so he can do something with it? Peter wants to be able to key in info and get his own reports. He says he should not be restricted by a member of the public. John S. the resolution moving forward, personalities aside, seems as though it being used for more than just general info. The whole board should agree on it. Lee – succinctly says she agrees with Peter, she worked as a social activist and thinks he should be able to do that. The onus is on the individual to prove need, we the board will deal with it. She would call the recycling company as a citizen but would admit to being on the committee. Peter - Share in info requests going to the manager. John S, can David live with that? Norman – everybody should work together on it. David stated that if we put five days in to reply, someone is going to hang him on it. John S – we can be reasonable if you need more than 5 days. Roger Therriault stated that we stamp everything “Copy” electronically. Peter stated that in Appleton every year they appoint someone to be an interface with the staff, maybe should John do it. Roger Therriault stated that there is nothing wrong with approving someone to have that role, but this normally falls to the chief officer, Chair of the Board. Roger Therriault – John is Chair, and he is functioning as Chair. There is no difference between chairman and president. John S stated that it takes time to develop a relationship and trust and that could be difficult if it changed more often. Peter asks if as treasurer is he not supposed to talk to the auditor without getting board approval first? Roger Therriault said in past practice contact has gone through the staff. If you want to make that change it would need to be done formally. Auditors should talk to people in the appropriate positions, figure out how you are going to do it and you don’t want the auditor getting mixed messages. Be careful going down that road. John S stated that the main issue is we’ve set it up so the Administrative Assistant and Manager work with auditor, Treasurers can change every year. Roger Therriault said don’t change it if everyone is happy. Peter said we should make meetings with auditor every year as the officers did in Union two years ago. Gail reminded everyone to keep costs and billable time in mind. John S stated that Roger Therriault’s Memorandum codifies our procedures.

Dumping Subcommittee: Peter said they met but didn’t have a quorum on 4/19. Everybody should have seen the email with responses from DOT, DOL and MMA. DOT, DOL thought it would work but we should talk with our insurers. Bob Thomas said if we did it there would need to be curb stops and there are none. Peter didn’t ask if temporary stops are allowed. We could tell the one dumper that he has to provide his own stops. Peter has gone as far as we can with the research. He has gone to MMA and they said if we had stops it would be okay. This is up to the Board. John S: We all received the email. Dana said Bradley Leeman has driven through Liberty with half a truck full, he is purportedly a disabled veteran and stops would be heavy to move, it is not necessary to go through all these machinations for one person. John S – if the stops were permanently installed, it would not allow the use of the backhoe. If they could be temporary, it would be a deciding factor for him. Peter said in reading the email from MMA, he is not sure if he means the backhoe is needing a backstop too. David Stanley said the backhoe tires are 11 feet from the edge of the concrete when in use. This is the difference between a backhoe and a dump truck. The backhoe is not like a driver backing up with mirrors. Norman said there is one issue David has raised, and he’s looked at, which has to do with the potential for garbage not ending up in the dumpster but going to the floor and making a big mess. This is an issue we should take into account, he wanted to know how David feels about it. David said it will happen. Donnie told Norman the same thing. There is no dealing with infrastructure as it is a trailer. Norman asked if we can’t modify a system? David said it is not feasible, they’ve looked at it. When dumping, bags can roll over the top even more with a dump truck. It does happen some with hand tossing, but three a day are less than a truck full. Peter suggested that we could have them not dump when trailer is too full. John S said this is a lot on energy for just one person. Norman said that there is one other person and David stated that Norman, you called him up. Norman said no, he asked him because you said he didn’t want to dump trash. Tom doesn’t see the insurance company or any other regulatory groups going for anyone

providing their own stops. Peter said we can find out. Dana said the inherent problem with putting in removable curb stops is that you'd have to put holes in the concrete. He has been against this from the beginning, it's only one man and he's probably going to retire soon. Tom said this begs the question, do we want to continue with this? We've put together procedural ideals, gone to agencies. He doesn't see how going back to MMA is going to change anything. Is this a point where we need to take a vote if we want to continue down this path of modifying our facility? John S sees resistance over this, we will have conflict with staff, we need to take all this into consideration and in how far we take it.

Tom Pitzi made a motion to stop the subcommittee from making investigations into dumping with dump trucks, John Shepard seconded. David cannot implement dumping at the station without compromising safety or customer satisfaction regardless of which option is chosen. Tom asked, even if he created a totally separate area? Norman didn't think it is doable. Tom said anything is doable with enough money. David said this is utilizing and accessing the existing trash building. John S asked David if we had a dozen haulers, could we make this happen? David said one fear is that if we open this up, we won't necessarily know who the dumpers are, we won't know what is in the load and it opens up other issues such as they may not be professional haulers but private citizens with their own dump trucks. David doesn't want to end up having a discussion with anyone about why we are letting one person dump and why not them? David has given this a lot of thought. The stop barriers are called stop logs by the DOL and their definition is concrete, we would no longer be scraping the floor or compacting trash well. John S said the subcommittee is trying to improve services. David said this is not about Bradley Leeman; this is about dumping itself. It could involve non-members. Dana asked if you have ever had, or will you allow packer bodies? David said they have had packers in the past, but they are very personnel intensive. Tom asked if this would be one cubic yard, one ton or less. Peter said we were allowing dump truck for the last 22 years but now, and with gates we have decided it is not safe enough. David said he feels we were too lax, and he has tried to tighten safety procedures. If something happens, DEP will have all kinds of things to say. It will come down on the people who work there not the board.

John called for a vote on the motion to stop the subcommittee: Yes votes: Norman, Tom, Elaine, Dana, John S, and Lee as Charlotte has left the meeting.

No votes: Peter and Charles.

John thanks the subcommittee for taking this on, and we voted to cease and desist.

Roger Therriault signed off Zoom at 8:32 pm.

FACILITY MANAGER'S REPORT:

MMA has offered a Worker's Compensation incentive program where they offer rate reductions if we increase safety measures and David has signed up for it. This requires a resolution form from the board saying they support improving safety at the station; they support the facility in going ahead with this program. It has three tiers: One that we comply with the DOL requirements, and the second two tiers are developed by MMA and involve online training and consultation with them. David had a conversation with them on coming in and helping with this. There is a fair amount of interest from the attendants.

Resolve form from the board saying: This program exists: MMA will help us; we will earn credit for our annual contribution; Tri-County Solid Waste is committed to providing a safe environment for its employees, citizens and visiting public; whereas the program will help enhance an environment and promote a self-sustaining culture of safety; now therefore be it resolved by the Tri-County Solid Waste board to elect to participate in the MMA Worker's Compensation incentive program.

When David talked with the loss control manager, they said if we vote on it tonight, record it in the minutes, and have the President of the board sign, and provide MMA with the minutes.

Norman – moves that we adopt this resolution as stated by David, Elaine seconded. Peter asked if we are asking them to come in. David said that they are our resource, we have a working relationship with them, we don't get a discount without doing this. Charles said they might require curb stops. David has a deadline and it's boilerplate. Norman asked if we're not obligated to do anything? David said no it is a win win, at no cost to us. **Norman, called the question.** John S called for a vote. Yes votes: Peter, Dana,

Tom, Charles, Lee, Norman, and Elaine. Vote was unanimous in favor. David will send it to the board after it is signed.

Generator – David explored three vendors and went with Mid- Maine generator out of Winthrop. He talked with Jay about the one in Union. He ordered a 20kw, Koehler for \$12,830. We need to add in for the trench and fuel. It needs a gas connection. For \$425 he purchased an additional 5 yr warranty for a total of 10 yrs. It will be early fall before it is installed. Mid-Maine will oversee the entire installation. The two feeds are all mapped out, there will be two transfer switches. The generator will be near where the backhoe is parked, and it will run everything. An extra conduit will be installed should we need additional wiring in the future.

Now that good weather coming, they have grounds clan upcoming, it was looking a little trashy!

David stated that the **Annual Household Hazardous Waste Day** will be held Sat. June 19th from 8:30 – 11 am. It is always the third Saturday in June. David will send notices to the town offices to post in May. They had a marked increase in traffic last year. EPI has increased their fee to \$29, David is going to increase ours from \$10 to \$12. Any higher and he's afraid of irresponsible disposal elsewhere.

Large hard plastic recycling will resume the end of May behind the recycling building. The staff will check items.

Charlotte had asked about the **free section**. David is keeping it closed for now. It is hard to have social distancing and vaccinations are not consistent. Also, a lot of the items end up getting thrown out for free by us when no one takes them.

New rolloff can – David sent out for a couple quotes, one was local, but it will be more economical to go with a company out of New York, even considering transportation cost. The construction criteria is for an extra heavy duty can.

David is having the older of the two trailers rust proofed this spring with a lanolin-based coating (Wool Wax). He will have it power washed and hopes to squeeze a few extra years out of it.

Bags – the redone ones are supposed to be delivered this week. The station is not running out and are rolling flat bags into groups of five.

Peter asked a question at the last meeting about \$7,000 set aside from reserves for the 2020 budget.

David explained that there was \$7,000 proposed in the December 2019 Preliminary Budget meeting for trailer loan payments. In the December 19, 2019, Preliminary Budget meeting it was discussed to put this in the Reserve Account. In the January 23, 2020, Final Budget meeting, a motion was passed to fully fund the trailer without borrowing and the \$7,000 proposed for the loan payment went into the heavy equipment replacement funds.

OLD BUSINESS:

The Quarterly Financial reports were previously emailed to all members who have email and copies mailed to those without email.

The next meeting is on July 29th at the Union Town Office (or maybe Zoom).

Dana Philippi made a motion and Norman seconded to adjourn at 9:00 pm.

Submitted by, Gail Philippi, Administrative Assistant