

**Town of Moretown  
Office of the SELECT BOARD**

**Draft** – Unapproved minutes of the 7/22/13 selectboard special meeting

Board members present were: Rae Washburn, Michelle Beard, Tom Martin and John Hoogenboom

Guests included: Tom & Martha Douglass, Rick Blake, Jonathan Siegel, Max Fortune, Ron & Diane Doyle, Cheryl Brown as board assistant

**Host Town Agreement Committee** - Jonathan said he is at a loss as to what is going on with the deal between the State and Moretown Landfill, and explained why he is confused. Jon thinks the host committee may be doing a lot of effort for nothing if cell 4 doesn't happen. He wonders if the town even has a basis for a host agreement, since the landfill is closed.

Tom M. thinks we should have an agreement but we should seek council about what the wording should be so the document contains pertinent language for close-out etc.

Martha said since the town will be receiving no tipping fees we probably have no basis for demands, but having an agreement will tell MLI that Moretown is still paying attention. Martha provided a copy of a document from Dunkiel Saunders that the town, planning commission, and solid waste (John Malter) should have received in March. The document was a "notice of appeal" that MLI will appeal DEC's decision of March 14, 2013, denying recertification of cell 3. If the town didn't enter a request for "appearance" in the proceedings that may be the reason correspondence from the court wasn't received by the town.

Jonathan thinks he saw the document; Cheryl doesn't recall seeing the document prior to tonight. Because the town didn't receive a copy of the "notice", it may qualify as special circumstances and the town can now request *Pro Se* status with the Court.

Michelle moved; John seconded to allow Tom Martin call the Environmental Court tomorrow to ask about the procedure to seek *Pro Se* status, and approve that Tom seek council if needed.

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Discussion followed that John Malter needs to get all selectboards in the solid waste alliance together and demand that MLI open up again for trash; it appears MLI could be open, but they chose to close; Tom will ask the State about that too to see if that was in fact the case. The town wants to be able to get the facts as to how the “agreement” between MLI and the State was negotiated.

Vote: All were in favor.

Goals:

1. Achieve *Pro Se* Status from the E. Court because the town needs to know the “deal” specifics, including how toxic the landfill really is;
2. To get the tipping fee revenue due the town per the host agreement;
3. Keep the landfill open until cell 4 is permitted;
4. Have a Host Agreement in the interim;
5. Meet with ANR and possibly the Landfill.

Michelle will contact Matt Chapman from ANR to see about meeting with them to get more technical information.

Rae thought MLI was trying to stay open until cell 4 was permitted, and that MLI had asked the State permission to do that. He hopes MLI didn't close simply for their own benefit, because the closure really hurt the people.

**Status of tipping fee payment request** – Moretown's attorney stated today that he had not heard from MLI's attorney regarding the letter that he sent them requesting payment of the \$350,000 due the town in tipping fees. Our attorney contacted MLI's attorney today for status, and was told that Dave Lavender was the person he (MLI's attorney) needed to talk to, and that after he spoke with Mr. Lavender he would get back the town's attorney right away.

There was discussion about setting the town tax rate, which will be difficult to do without knowing how much revenue the town will get in tipping fees. There was general discussion about setting the tax rate without the additional tipping fee revenue, and then giving refunds to taxpayers if/when the money is received.

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If the attorney doesn't hear back from MLI's attorney by the end of the week, he will call him again.

Invoices were reviewed and warrant # 40 was approved.

Tom moved; seconded by Rae to adjourn at 6:05 p.m. All were in favor.