



**MIDCOAST SOLID WASTE CORPORATION
BOARD OF DIRECTORS SPECIAL MEETING
AUGUST 10, 2016
MEETING**

MEMBERS PRESENT: Art Durity (Chairman) –Lincolnvile, John French (Camden Board of Selectmen) – Camden, Leonard Lookner – Camden, Bill Chapman (Vice-Chairman) –Rockport, Owen Casas – Rockport, Tom Ford (Secretary) – Hope, Jim Annis – Hope

MEMBERS ABSENT: Cindy Gerry – Lincolnvile

REPRESENTATIVES PRESENT: Jim Guerra–MCSWC Manager, Pat Finnigan–Camden Town Manager, David Kinney–Lincolnvile Town Administrator, Paul Gibbons, Esquire

REPRESENTATIVES ABSENT:

Richard C. Bates–Rockport Town Manager Representative Vacancy - Hope Town Manager - pending appointment

Chairman Art Durity called meeting to order at 6:01 PM

Introductions: Art Durity outlined the procedures for the meeting and requested that speaking times not exceed 10 minutes and they must come to the microphone to speak. The audience was asked if this was acceptable and by a show of no hands, agreed to.

VENDOR COMMENTS:

Kevin Roche – ecomaine: recognized the important decision presented to the board for new contract possibilities. He said he had very little new to add to the process for this evening but that ecomaine was very interested in providing our future services. Discussion followed.

Henry Lang – PERC Plant Manager, Ted O’Meara and George Wood PERC spokesmen: Henry Lang restated that PERC is viable and plans to be operating well past 2018. Waste to Energy disposal options are still the best source of handling waste and works with the State hierarchy to keep trash from the landfills while generating electricity. They will continue to provide energy and feel that the plant can run at an optimum based on changing criteria after the current contract ends. Henry reminded those present that rebates are just money that you over paid in in the first place. He also stated that washing garbage and flushing the residue water may in fact be considered illegal and at the least was not good

for the environment. The partnerships and education programs they are developing will help to reduce the cost of waste disposal.

Leonard Lookner asked why MRC walked away from working with PERC to form a new contract.

Discussion followed.

Chairman Art Durity opened the meeting to public comments on agenda items:

PUBLIC COMMENTS:

Several of the four town Select Board members present spoke to their recommendations and thoughts on the possibilities for waste disposal and what they felt were the best options. They included Ken McKinley of Rockport, Geoffrey Parker of Rockport, and Dick Crabtree of Hope and Ladleah Dunn of Lincolnville.

Town Residents spoke on behalf of a need for a vote by the end of August to allow voters a chance to voice their preference for Fiberight/MRC vs. ecomaine or any other waste processor and not to let “the clock run out” on this deadline. They included Maggie Christie, Alison McKellar, Caitlin McCrae, and Chris Michael. Discussion and questions between the speakers and the board were held in connection with each speaker.

Art Durity asked if there were any further comments from the audience. Kevin Roche spoke to correct a statement made about ecomaine. In 2005 and again in 2011 studies were taken regarding the feasibility of food waste recycling. Most recently, ecomaine has been planning over the last 5 years in connection with Agra-Energy, whom they are contracted with, on a food waste recycling program beginning September 1st. This program is called the clear bag program which they feel will help dispel the “ICK” factor. The clear bag is used to purchase food produce at stores; the waste from that same food is tied back into the bag and sent back via the same bag in a separate collection. The collected food waste is brought to an odor controlled area of ecomaine and then goes on to Agra-Energy. They have a de-bagger that will process the bags which then go back to ecomaine plant for combustion. The food waste goes into the anaerobic digestion at Agra-Energy. He stressed that it took 5 years to set this in motion and that a good portion of that time was spent on researching many similar/successful programs to make it work for ecomaine.

Board Deliberations:

The Board reconvened after a short break and entered deliberations on the information pertaining to disposal options for post 2018 trash disposal. Leonard Lookner requested that each Board member make a statement on why they made the decision they made as individuals. Chairman, Art Durity redirected the conversation to hold a discussion prior to such action as a decision had not been made at this point.

Chairman Art Durity recognized John French. John thanked all the speakers who spoke tonight and conferred the sentiment that the passion on this issue is evident but he appreciates “we will all continue work together”. He felt in talking to a lot of people he was more convinced that the Board needed to inform people more thoroughly on this issue. We need to take the time and inform the people and do a

better job to get out into the community and explain why we support this decision which has been pending since May.

Chairman Art Durity entertained the motion.

John French, in the spirit of cooperation and compromise, I move that the Board recommend to our four towns Selectboards that a vote be set for the November 8th general election that will allow Mid-Coast Solid Waste Corporation Board to enter into a contract with ecomaine for a term of 5 years with a tip fee of 57.85 per ton.

Discussion followed: Art questioned the term of the contract at 5 years, and asked for input from Kevin Roche or ecomaine to clarify the offer. Kevin Roche clarified the term offer and stated the contract would be 3 years with two 1 year renewals equals 5 years. John French amended the motion to read for a term of 3 years with one year renewals after the input.

The motion was re-stated: In the spirit of cooperation and compromise, I move that the Board recommend to our four towns Selectboards that a vote be set for the November 8th general election that will allow Mid-Coast Solid Waste Board to enter into a contract with ecomaine for a term of three (3) years with two one (1) year extensions possible at a tip fee of 57.85 per ton. Leonard Lookner clarified if it would start in 2018. John French said yes. Leonard Lookner seconded. Discussion followed. John French made a statement explaining his reasoning behind the motion:

- We need to support and preserve MCSW, which is a well functioning organization and allows us to continue working together
- Allows voters a chance to come up with environmentally proven disposal options
- Allows citizens and businesses lowest possible tipping fee
- Avoids long-term possibility of land filling all of our solid waste
- Allows returns an excess of \$1,000,000 to our communities.
- Allows a number of voters to vote on the issue
- Allows MCSW an opportunity to educate or inform the voters about the issue
- Provides certainty to our four towns
- Allows us MCSWC the opportunity to work with ecomaine and the citizens of our four towns to reduce the amount of solid waste generated and improve our recycling rate. To get down to business, go forward and do it vs. discussing it
- Allows research and consideration of other facilities and methods that address solid waste management and recycling that promote environmental practices
- Gives MCSWC the opportunity to change to another facility such as Fiberight if it is determined to be in the best interest of MCSW

Discussion on contract terms took place. Additionally information on spot market rates, tipping fees, fiscal impacts, town meeting procedures, tonnage numbers and necessary facility improvements that would be needed and planned for to create the best situation for waste disposal at the facility.

Each member of the Board reviewed their reasoning to how they might vote on this issue. Extensive discussion took place on the Board allowing a vote in order to meet the deadline set by Fiberight to

remain a member of MRC as an equity charter member in order to get the best contract deal. Owen Casas questioned if MRC was not considered a municipal group? He brought the attention of the petition signed by over 100 people in the community and allowing them the right to vote. He feels Fiberight has a high probability of functioning well by 2018.

Art Durity spoke to the role of the board and that they have a duty to take into consideration all options that are available. The board is a representational democracy and sometimes those decisions are contrary to public opinion.

Tom Ford attempted to clarify procedural matters. He referenced all the supporting documents that are important to supporting MCSWC and the four communities have been a collective entity since the early 1980's, including a formal arrangements since the early 1990's and the 2002 Interlocal, several sets of revised By-Laws . He stressed the importance of a good turnout being available at the vote in November due to the Presidential election where 65 – 85% of the electorate votes on that day. He did ask if a multiple choice question for the viable options could be determined to be legally possible and legally defensible. Put the options out for the citizens to vote at the November vote vs. a special town meeting vote where a limited number of citizens participate and would vote. This challenge is to have an engage and informed electorate to vote on this subject by November.

Bill Chapman stated his desire to have this motion put to the taxpayers.

At 7:37 PM Art Durity suspended the meeting for a 5 minute recess.

(Board deliberations continued at 7:43 PM without Rockport Board Representative Chapman)

Paul Gibbons was asked to speak to the request for a multi-part question at town vote. He stated it was problematic and would most likely provide an unlikely outcome with the final counts leaving a continued mixed decision. He stated that it was the Boards role to filter the information given them as representatives and that they then present their recommendations to the voters. He also felt that an endorsement from the finance or budget committee was helpful and important as well.

Tom Ford re-stated that following this vote the Interlocal Agreement and Consent Agreements would need to be modified with the new contract.

Leonard Lookner clarified something Paul Gibbons said. If the contract is 3 years or less then the Board of Directors can enter into that contract without taking it to the citizens for a vote? Paul Gibbons agreed that was possible if it was with a municipal based group. Discussion continued on the process of taking a town vote, the type of votes available and the timing of such votes. Art Durity stated that he felt the board had been consistent with the way the process was being handled to accept input from the citizens and offer a vote. He discussed the weighed vote process and how that was influencing this process. Discussion followed.

The conversation was directed back to Paul Gibbons by Chairman Art Durity. He was asked if he knew of any multiple choice options to allow for all three facilities to be cited in one question to put to the voters. He stated again it was unlikely to have the desired result because there would be a multiple choice question and the votes of four towns to be considered.

David Kinney and Pat Finnegan were asked by Tom Ford about the timing of a vote. Pat stated that State Law requires ballots to be sent to the printer 45 days prior to the vote which would be September 14th for a November ballot. Prior to sending the ballots each town must hold at least one public hearing and a meeting to set the town warrant. So for example Camden would meet September 6th and a special meeting on September 13th would be needed. Time would be of the essence. If a November ballot was chosen, June of next year would be the deadline for a November ballot regarding 2018.

John French asked to call the question. Art Durity called the question on the table and asked for a second. Jim Annis Seconded. Call for question passed 5-0-1. Art asked for the question to be read again. The vote on the table was re-read again by the recording secretary and John French.

In the spirit of cooperation and compromise, I move that the Board recommend to our four towns select boards that a vote be set for the November 8th general election that will allow Mid-Coast Solid Waste Board to enter into a contract with ecomaine for a term of up to five years with a tip fee of 57.85 per ton.

Art Durity asked if the board would entertain a question from Jim Annis. It was allowed. You're only going to give one choice, but haven't they have already voted down ecomaine? John French clarified that the term was voted down and this was a different wording and we will continue to look at a competing question and review. Discussion followed on the question to be put to the voters. The vote on the table was read again by the recording secretary and John French. Tom Ford asked if John French was open to looking at a choice question if able to be established. The idea of having two competing articles was discussed with Paul Gibbons stating it was ill advised.

Art called for vote:

The motion as originally stated was voted on. Motion passed. 4-2-0 (weighted vote with Owen Casas and Art Durity voting twice).

FOR		AGAINST	
Arthur Durity (2 Votes)	Lincolntown	James Annis	Hope
Thomas Ford	Hope	Owen Casas (2 Votes)	Rockport
John French	Camden		
Leonard Lookner	Camden		

Owen Casas moved to propose two competing articles to be submitted to all member communities of Mid-Coast Solid Waste Corporation to hold special town meetings prior to August 31st 2016 with recommendations from Mid-Coast Solid Waste Board of Directors and recommendations from the town Selectboards.

One article to contract with ecomaine for a term of 5 years starting April 1, 2018 and A second article to contract with MRC/Fiberight for a term of 15 years starting April 1, 2018.

Procedure was discussed. ***Jim Annis seconded. Discussion followed. The motion as originally stated was voted on. Motion failed. 2-4-0 (weighted vote with Owen Casas and Art Durity voting twice).***

FOR		AGAINST	
<i>James Annis</i>	<i>Hope</i>	<i>Arthur Durity (2 Votes)</i>	<i>Lincolnvillle</i>
<i>Owen Casas (2 Votes)</i>	<i>Rockport</i>	<i>Thomas Ford</i>	<i>Hope</i>
		<i>John French</i>	<i>Camden</i>
		<i>Leonard Lookner</i>	<i>Camden</i>

Chairman Art Durity asks if there are any other motions.

Tom Ford motioned that the Board consider an additional option for the November 8th vote the language to be determined and for this board to reconvene within the next 21 days, if that works with Pat’s schedule , to finalize that language to be included to finalize that November ballot. Discussion follows. Vote that passed is read again.

In the spirit of cooperation and compromise, I move that the Board recommend to our four towns select boards that a vote be set for the November 8th general election that will allow Mid-Coast Solid Waste Board to enter into a contract with ecomaine for a term of up to five years with a tip fee of 57.85 per ton.

John French asked if it would be better to have the corporate attorney do legal research to find a legitimate way to accomplish the wording on this vote to include the options to the public. Art Durity charged Paul Gibbons with the task of legally researching precedence of this type of questions and then creatively provide an option to the Board for consideration at the next meeting.

Leonard Lookner asked that Jim Guerra be instructed to let MRC know what our Board is attempting to do and ask for the door to be left open. Discussion followed. Leonard suggested that the letter state that we have elected to go to November 7th for a vote and we hope to be open to join them at that time. Art Durity charged Jim Guerra with the writing the letter to MRC to let them know “what we have done and where we are at”.

The motion put forth by Tom Ford was left unaddressed.

Art Durity entertained a motion to adjourn. John French motioned to adjourn. Jim Annis seconded. Motion passed unanimously 6-0-0. The meeting ended at 9:15 PM.

Respectfully Submitted
Beth Kwiatkowski, Recording Secretary

SCHEDULED MEETINGS:

The Board scheduled the following meetings:

September 28, 2016 Location: TBD 7:00 pm
MCSWC Quarterly Board Directors Meeting

Committee Meetings: TBA