

## BOARD OF SELECTMEN

Minutes of the meeting of 13 March 2009 at 9:00 AM. The meeting took place in the Conference Room, 16 Broad Street, Nantucket, MA 02554. Members of the Board present were Rick Atherton, Brian Chadwick, Michael Kopko, Allen Reinhard, and Patricia Roggeveen. Chairman Kopko called the meeting to order at 9:01 AM in open session.

### Discussion Regarding Draft Approval by Department of Environmental Protection for Determination of Need – Small Operation Exemption from Solid Waste Site Assignment for Reis Trucking, LLC.

Special Counsel Michael Leon joined the meeting via conference call. Charlie O'Neil of Reis Trucking reviewed its proposal for a small solid waste recycling operation to be located at 30 Bunker Road, of which draft approval has been issued by the Department of Environmental Protection (DEP) and is now in a 21-day public comment period. Mr. O'Neil explained to the Board that Reis Trucking has purchased the processed material inventory, but not the business itself, from Island Tool Rental, which ran the same business that Reis Trucking is proposing, and is now defunct. A discussion followed among the Board, Mr. O'Neil, and Health Officer Richard Ray of whether the Island Tool Rental business was permitted and allowed by law. Mr. O'Neil stated that he does not know if Island Tool Rental was permitted by the DEP, but that Reis Trucking believed it to be prudent that it obtain a Determination of Need from the DEP when it ventured in to this new line of business. Mr. Ray said he did speak telephonically with the DEP which stated a permit for Island Tool Rental was not required; Mr. Ray said as far as he knew everything was "above board". Ms. Roggeveen expressed her concern over volumes and said she feels the Reis operation could affect the Town's budget by diverting materials away from the landfill. Mr. Chadwick said the Waste Options Nantucket operation is not set up to do what Reis Trucking proposes. Chairman Kopko said the Board's main task is to determine whether it wants to comment to the DEP on the draft approval. Mr. Atherton questioned whether volumes and types of materials processed at the site can be tracked and reported to the Town so it knows how much waste is being diverted from the landfill. Mr. Leon said tracking and reporting can be requested by commenting on the draft approval. Chairman Kopko requested Mr. Ray to do periodic site inspections of the Reis site and to require reporting by Reis Trucking. Solid Waste consultant George Aronson joined the meeting via conference call. The Board was in agreement that its main concern is the financial impact the Reis proposal could have on the landfill. A brief discussion followed regarding whether reporting should be requested through the DEP. Mr. Atherton moved to take no action on the public comment period; Mr. Chadwick seconded. Mr. Leon suggested that the Board comment to request that quarterly reports be required and filed with the Nantucket Board of Health and that site inspections be allowed during business hours; and noted that the Town's request can be incorporated in the DEP's final Determination of Need. Mr. Atherton said he felt going through the DEP is unnecessary and he would like to have the Health Officer request quarterly reports on volume and materials from Reis Trucking and make site inspections. The Board was in agreement that these requests should be made for Toscana and Holdgate Partners as well, and that it needs to step up regulation and enforcement of all facilities. Chairman Kopko asked the Board to vote on Mr. Atherton's motion to take no action. All in favor, so voted unanimously.

At 9:51 AM Mr. Reinhard moved to adjourn to executive session for the purpose of real estate disposition, non-union contract negotiations, and collective bargaining negotiations, not to return to open session; Mr. Atherton seconded. All in favor, so voted unanimously by roll call vote.

Approved the 28<sup>th</sup> day of October, 2009.