



**November 9, 2023**  
**10:00 AM–12:00 PM**  
**Community Center & Zoom**  
**ADOPTED Special Meeting Minutes**

Commissioners Present: D. Burnham (via Zoom; left at 10:58 AM), B. Evans, S. Malinowski, M. Doyen (via Zoom), & K. Stevens (via Zoom)

Staff Present: B. Stern & E. Maggs

The meeting began at 10:09 AM.

**1. Additions to the Agenda**

E. Maggs requested an addition to talk about quotes from H. O. Penn, added as agenda item 4.c.

**2. Financials**

**a. Bank Reconciliations**

There was nothing to report.

**b. Payables**

There was nothing to report.

**c. Transactions of the Month**

There was nothing to report.

**d. Payroll Report**

There was nothing to report.

**e. P/L Reports**

There was a brief discussion to confirm when payroll to a former employee ended. There was agreement that it would be best to consult a lawyer to confirm answers to some of the questions posed. Remaining discussion was tabled until the Executive Session.

**f. Transfer Funds**

**M. Doyen made the following motion, which was duly seconded by K. Stevens. On a vote of 4–0, the Commission approved transferring \$35,000 from the savings account to the checking account. B. Evans abstained.** All Commissioners were present for this vote.

**3. Vote on Minutes**

Approving minutes was tabled until the November 30 meeting.

**4. Updates/Follow-Ups**

**a. Customer Billing Question**

E. Maggs would keep sending paperwork regularly to Race Rock Landscaping every Saturday.

**b. Wood Processing: Status Report**

A lengthy discussion ensued about wood processing and the progress made since several casual laborers were hired to help with this work. The team recently cut 6.5 cords of wood on the weekend, which were all gone by the following Monday morning. Part of the discussion was brainstorming how to discourage individuals from taking too much wood, as it is a resource open to the whole community. There was general agreement that staff could put out a sandwich board reminding everyone that this is a community resource; B. Evans offered to help draft that language. There was also agreement that the available wood should only be accessible from the parking lot so that no members of the public are in the wood processing area for safety.

The Commission appointed a subcommittee of D. Burnham, M. Doyen, and E. Maggs to develop a plan for wood processing and report to the Commission at the November 30 meeting.

**c. H. O. Penn**

E. Maggs reported on his interactions with H. O. Penn regarding a safety audit of the FIWMD's heavy equipment. The report was available to the Commission on the Google Drive. Discussion ensued on necessary repairs and associated costs. Moving forward, H. O. Penn could offer annual inspections of the equipment, which is no longer possible in-house at this time. The representative from H. O. Penn could do the frontloader work on-site, but thought it was best to have the backhoe brought to their business location in Newington.

**A motion by D. Burnham to approve H. O. Penn repairing the frontloader on-site and sending the backhoe to H. O. Penn's location for its repair, with a \$41,000 quoted maintenance cost for both, was duly seconded by M. Doyen. The motion carried unanimously.** All Commissioners were present for and participated in this vote.

D. Burnham departed the meeting.

**5. HR/Staffing:**

**a. Safety Audit In-House & Outside Mechanic**

There was a discussion about employee safety policies. The bulk of the conversation was about some employees being required to wear steel-toed or composite boots at work, how much the FIWMD could further assist employees financially with that purchase (FIWMD stipulated in a 2021 policy that the District would reimburse up to \$125 for purchasing boots), and how it would be handled if an employee came to work without this important piece of required uniform. It was suggested that employees who appear for work without the proper boots could be sent home without pay. E. Maggs agreed to send an email update with the policy to all employees and there was agreement that those details should be updated in the employee handbook as well.

**b. Plowing**

The Commission discussed options to handle snow plowing. There was general agreement that extraordinary efforts (e.g., employees coming in the night before) to keep the stations open in the past were not the best way forward. There was also agreement that in these instances, the stations could have shorter hours of operation. The Commission agreed to try not subcontracting for plowing this winter, and closing the stations until employees can arrive to help with plowing. There was mention of the challenges for employees to get to the Island in snow storms.

**c. Heavy Equipment**

This was discussed above, under H. O. Penn, agenda item 4.c.

**d. Station Coverage/Hours/Staffing Committee Report**

The subcommittee of K. Stevens, S. Malinowski, E. Maggs, and B. Stern reported on their progress, though they were not ready to offer a recommendation yet. There was a draft document created in the Google Drive with a list of proposed priorities to address. The subcommittee would continue working together.

**e. Manager Search**

The 360 Recruiting Group had submitted a draft job description and the Commissioners agreed to read and comment on it to add specificity on the organization and the role. The Commission agreed to a deadline for input of November 30. A subcommittee of K. Stevens and M. Doyen agreed to work on finalizing the job description to add local context and appeal, and would share their revisions with the Commission by November 15 and send it to the recruiter by November 17.

**f. Minutes Protocol & File Management Committee Report**

The Commission discussed all of the nuances of minutes and the NY Open Meeting Law. K. Kibler, Minute Taker, agreed to steward the minutes through the whole process, from drafting to approving and posting on the website, and archiving recordings. A lengthy discussion ensued as the Commission discussed aspects of the Open Meeting Law. K. Kibler would also do further research on the NY Open Meeting Law, and she and S. Malinowski would consult the Deputy Town Attorney to confirm anything necessary. S. Malinowski offered to consult other tax districts on how they handle this. K. Kibler agreed to prepare a report with these details for the November 30 meeting.

**g. Review “Extraordinary Circumstances” language of FIWMD OML Policy to Consider Adding “Work Travel”**

The Commission discussed their policy for extraordinary circumstances that allow Commissioners to participate in these meetings remotely. For example, the current policy includes things like “health emergencies” and “caregiving.” Other suggestions included work travel, Island hardship, or FMLA issues.

**6. Composting:**

**a. Jayne Merner First Round of Recommendations**

J. Merner’s initial report was available to Commissioners in the Google Drive. This is an interactive document describing how J. Merner analyzed the FIWMD’s operations. Some recommendations include: grabbers to pick things out of the piles, a thermometer to test pile temperatures, and a draining pad. There are also recommendations for addressing the invasive species on site. More details to come in the final report, which she would submit in December. There was mention that the Department of Environmental Conservation (DEC) could be consulted about the best place to locate the drainage pad. There was general agreement that this consultancy was positive and helpful.

**b. Landfill Testing**

B. Stern received the bill for P.W. Grosser’s time on the Island only and now the samples must be tested. Discussion ensued about how best to remove vegetation from around the wells and to find the 4th well (DR mower and/or weed wacker). The Commission also discussed the need for a policy and procedures for decommissioning old public property/equipment. In terms of vegetation along Wilderness Road, there was a suggestion that contracting with a landscaper might be more cost effective than buying new equipment. The Commission shifted discussion to whose responsibility it is to maintain Wilderness Road. A subcommittee of D. Burnham, K. Stevens, and E. Maggs was formed to consult with B. Burnham from Pickett Power LLC to see if their taking over the maintenance of the entire landfill property might be something to consider as part of a future lease agreement for a solar field.

**7. Properties:**

**a. Coastal Path License Review**

Martin Finnegan Law PC reviewed the coastal path license and began conversations with the Museum’s lawyer. Updated versions of all relevant documents were available in the Google Drive. Discussion ensued about having a revocable clause in the draft license. B. Evans thought this was more of a lease than a license, because a license should include a revocable clause. K. Stevens made the distinction that a lease would grant a type of ownership, whereas a license is only for use; a license has many fewer rights than a lease. The Town attorney was consulted and they confirmed that the District holds the deed to this property (though under its old name, so that needs revision).

B. Evans urgently suggested that the license include a revocable clause. He further stated, for the record, that he does not believe the FIWMD has the authority to enter into a lease with the Museum or to gift District assets to charity without a public referendum. He wanted to speak to Martin Finnegan Law PC about this issue because he was not confident or comfortable that this was proceeding correctly.

A lengthy discussion ensued about what the correct documents to review were, who wrote them, their implications, and who was communicating with Martin Finnegan. B. Evans was particularly concerned with the difference between a special Tax District and a town government, and with what he perceived as a precedent being set in that regard. The Commission agreed to draft one joint email to Martin Finnegan Law PC with all remaining questions.

Discussion continued, and it was mentioned that there is a track record of the DEC and other waste management organizations reusing land they no longer need for the public good, but no examples were given (K. Stevens has offered to provide examples at the December 14 meeting).

**b. Solar Field Lease Review**

There were no comments due to limited time.

**8. Executive Session**

**A motion by B. Evans to enter executive session to discuss billing and employee issues was duly seconded by K. Stevens and the motion carried unanimously. The Commission entered Executive Session at 12:04 PM.** D. Burnham was not present for this vote.

**A motion by M. Doyen to exit the Executive Session and return to the special meeting was duly seconded by K. Stevens and the motion carried unanimously. The special meeting recommenced at 12:30 PM.** D. Burnham was not present for this vote.

The Commission asked E. Maggs to:

1. Ensure that the relevant invoices are emailed to our customers every time their credit cards are processed.
2. The Billing Customer Procedures Subcommittee of M. Doyen, D. Burnham, and E. Maggs was formed for the purpose of reviewing the current billing process. The subcommittee will research the efficacy of our current system and compare it to systems used by other tax districts and report back to the Commission at their earliest convenience
3. Implement an employee performance management tool.

**9. Adjourn**

The meeting adjourned at 12:40 PM.

Respectfully submitted by,  
Katie Kibler, Minute Taker  
November 16, 2023

All Commissioners were provided with the opportunity to suggest clarifying edits for accuracy.

Respectfully revised by Katie Kibler on November 28, 2023 and December 12, 2023