

Section 5 Study Oversight Team

Draft Meeting Summary

Place: Maclure Library, Pittsford, VT

Date: 27 February, 2006

Time: 6:00 – 8:10 p.m.

Meeting Attendees (in alphabetical order):

Name	Affiliation
Sen. Claire Ayer	VT Legislature
Tony Colak	Omya
Michael Fannin	VCE
Joe Gonya	Pittsford Selectboard
Julie Hackbarth	ANR
Jim Hamilton	CLFV
Matt Levin	VCE
Bev Peterson	RCO
Umbert Rosato	Florence
Jasmine Tanguay	CLFV

I. Welcome and Introductions

- Jasmine Tanguay welcomed the group and the participants re-introduced themselves and their affiliation.

II. Approval of meeting summary for 13 February Meeting

- Jasmine distributed copies of the draft meeting summary from 13 Feb Meeting to the group and opened the floor for comments or corrections.
- The group approved the 13 Feb summary to be posted with an amendment regarding the term “confidential” in the footnote regarding outside visitors.

The revised meeting summary will be posted on the website www.OmyaInVermont.net.

III. Miscellaneous Issue Resolution

- The issue of guest attendees was raised. The Oversight Team has a desire to maintain openness in the process (given that the study was mandated by the Vermont legislature) but also recognizes the benefits of having an established core group. Given that uninvited attendees have occasionally come to Oversight Team meetings, the group clarified its stance on guest attendance.
- The group recognized a need to balance the desire for an open meeting with the need to protect the integrity of the RFP process (i.e., ensuring that bidding firms do not receive advance copies of documents). The take-away of the discussion was that any guests in the room at meetings must be informed of the sensitive nature of the RFP process. The group will decide on its openness to guests on a case-by-case basis, but guests need to introduce themselves to the group and agree to maintain proper handling of any sensitive information.
- ANR approval of the RFP and Scope for the Study was also discussed. Julie consented to Jim Hamilton's proposal that that once the RFP and scope of services are final per the committee and is ready to be sent to consultants, a letter will be simultaneously sent to - Department of Environmental Conservation Commissioner Jeffrey Wennberg, with a (cc to Julie) asking for formal approval to proceed. Distribution of the RFP (including Scope) to prospective bidders can occur concurrently, and any revisions required by Commissioner Wennberg's review can be issued in an addendum to the RFP if necessary.

IV. Phase I Scope of Work

- The team continued the discussion about the Scope of Work to be performed under the study.
- This review was performed on a line-by-line basis. Based upon the discussions at the meeting, a revised Scope will be prepared and distributed electronically.
- Items that were discussed included:
 - Section 1.1
 - Matt Levin indicated that at a previous meeting, CLFV had indicated that text would be added to the introduction that would provide an overview of the Study's intent. Jim Hamilton agreed to add text in that section to serve that purpose.

- Section 1.2
 - Reference to the Agency of Natural Resources technical library as this reference was made in error. The correct wording will be to reference the Library section of the OmyalnVermont website.
- Section 1.4
 - Reference to Figure 1 will be removed because the figure is no longer in the Scope.
 - Matt Levin raised an issue concerning the title of Section 1.4.2 as “ Additional Studies.” Some members felt that this title suggested that Phase II will comprise a minor portion of the Study. Jim Hamilton agreed to replace it with more appropriate wording.
- Section 1.5
 - The table column labeled “Additional Information” was felt by several Team members to be confusing. After explaining the intentions of the table, Jim Hamilton agreed to rename the column as “Additional Clarifying Notes.”

V. Request for Proposals

- Jim Hamilton reviewed the RFP, explained the rationale for each section, and the Oversight Team reviewed and proposed changes to the current version of the document.
 - Section 1.1
 - The committee suggested removing reference to the percentage of chemical compounds and flotation reagent, as it can be found in other documents.
 - Julie Hackbarth and Matt Levin revisited issues around waste / disposal / TMA language. Julie asserted that the Section 5 work falls under the Interim Certification so the language used in the Section 5 work should mirror that of the IC. Tony Colak disliked the “waste” language, but there was general agreement to leave the language in...
 - Section 2
 - There was discussion about whether reference to the Act 250 Permit is applicable or accurate. Some felt the reference to the Act 250 permit was not relevant, and so could be omitted.
 - Section 3
 - The nature of the contractual relationship with the winning consulting firm was discussed. ANR and VCE were interested in crafting an arrangement that protects the independence of the consultant by not having them contracted or

subcontracted by Omya. They proposed that CLF hold the contract, though Omya would still be the funder of the Study. CLFV agreed to change the language from “subcontract” to “contract” pending review and approval by legal counsel.

- Section 7
 - The major issue awaiting resolution is the language regarding confidentiality. The group was in agreement with the need to protect proprietary information and trade secrets while at the same time ensuring that the findings of the Study are made public.
 - Matt Chapman, an attorney at ANR and Van Schwiebert, an attorney for Omya, will work out the appropriate language that protects Omya’s trade secrets while still maintaining openness to the overall process and Study findings
- Other
 - Ernie Brod’s written comments (regarding information that he feels needs to be provided to consultants) were acknowledged. Matt Levin and Bev Peterson will work on ways to integrate the comments into the process, but the group agreed that the RFP does not need to be amended to include this information.

VI. Next Steps

- The team indicated that final approval of the scope could happen electronically over the coming week. Matt Levin indicated that he could help facilitate email communication and document review for RCO. Jim Hamilton agreed to circulate a new version of the Scope by Wednesday evening.
- CLFV will also circulate a final version of the RFP for the committee’s approval once language around confidentiality is clarified.
- If the Oversight Team cannot successfully finalize the Scope and RFP over email, a face-to-face meeting will be called, but otherwise the group will not meet until after the RFP has been distributed to consultants.
- The target milestones for the next stages of the process were established:
 - Week of March 13: The RFP will be distributed to the 4 pre-screened candidate firms.
 - Week of March 27: The bidders will come to Pittsford for a site walk at the Verpol plant.
 - Week of April 10: Proposals will be due from candidate firms.
- The next Oversight Team meeting is tentatively scheduled for Monday April 10 at 6pm. The next meeting will focus on developing a rating system for evaluating bidders.