[**www.deervalleyestates.net**](http://www.deervalleyestates.net)

**Board of Directors Special Meeting**

Monday December 12, 2022 – 4:00 PM

Wagner Residence

**Meeting Minutes**

**From:** Mark Wagner - President

**Board/Committee Members Present**

Mark Wagner, President Paul Duggan, Treasurer

Shelly Faris, Vice-President

Les Kole, Director

Michael Blankenship, Director

**Property Owners Present**

Paul & Betsey Romere

Linda Kole

Danny Dehondt

Beverly Wagner

**Meeting called to Order**

By Mark Wagner, President, at 4:07 PM

**Additions to Agenda**

* Paul Duggan asked to add one item to the agenda. He made the statement that the check for the DVE cost of the Fiber Project, made out to Vero, had not been delivered yet. It is still sitting at the Post Office in Denver based on the latest tracking information.

**Old Business:**

**1. Waste Management Contract**

* Overview of where we stand on the Waste Management contract after Mark Wagner spoke with Christina Landeryou, the attorney for DVE:
  + We clearly have passed our opportunity to terminate the current contract on 12/31/2022 with no penalties. We should have given WM termination notice no later than October 1, 2022.
  + Therefore, our current contract will automatically be renewed on 1/1/2023 for 12 months and will continue to be in force (as it is now).
  + WM had no contractual obligation to contact us prior to our opportunity to give a 90-day notice of termination.
  + We can now give WM a 30-day notice of termination
  + If we give a 30-day notice of termination, we **WILL** incur liquidated damages equal to six months of charges prior to the termination date. The approximate cost of the liquidated damages would be $4,200 - $4,800.
  + Christina recommended that if we are not going to go forward with a new three-year contract, that we should communicate that to WM asap.
* We lost our best negotiating strength when we did not reach out to WM in August and September 2022. Once we lost our ability to give a 90-day notice of termination, the current contract automatically renewed for 12 months and any cancellation will have penalties.
* It was clarified that we are talking about two separate issues: the current contract with the automatic renewal at a cost that we don’t know, the new three-year contract proposal at a much higher cost.
* We did send WM the Green For Life (GFL) contract proposal that was substantially less than the WM proposal (approximately $730.00 monthly cost based on current fuel surcharges). This requirement is in the “fine print” of our current WM contract. WM has 15 days to review a competing proposal.
* Bear proof dumpsters are required in La Plata County. We don’t currently have those. GFL will provide bear proof dumpsters. We would need to have WM supply bear proof dumpsters as well.
* In summary:
* We will take a “wait and see” approach with WM to see if they do respond with a lower contract proposal based on the GFL proposal. We are not yet past the 15 days that WM has to look at the GFL competing offer.
* If we hear nothing from WM within the next 15 days, we will take no action and see what WM will be charging us on an automatic 12 renewal.
* Mark will decline to sign the new WM proposal currently priced at $1,122.00 per month.
* If WM sends a new proposal, at a lower cost, we will discuss it and likely sign it, as options are limited. Our discussion was something in the $800.00 range.
* Once a week dumpster pickup, to reduce costs, is not an option.
* We currently have no leverage in negotiations with WM because we did not react in a timely fashion.

**Discussion - Open Forum**

* We will cancel the December 21, 2022 Board meeting. We will schedule the December 2023 Board meeting a week earlier than normal so we don’t run into the holidays.

**Adjournment**

Meeting was adjourned at 4:55 PM