

APPROVED

**CHITTENDEN SOLID WASTE DISTRICT
EXECUTIVE BOARD MINUTES
VIA ZOOM & CSWD Administrative Office
November 13, 2024**

EXECUTIVE BOARD PRESENT: Lee Perry, Ken Spencer, Alan Nye, Paul Ruess, Paul Stabler

OTHER BOARD MEMBERS: Mike Sullivan

CSWD STAFF PRESENT: Sarah Reeves, Amy Jewell, Joey Catania, Ethan Hausman, Josh Estey, Jen Holliday

PUBLIC PRESENT: Tim Shea, Shawn Quinn, Brenna Deavitt – Champlain Valley Fair Staff
Megan Miley

AGENDA ITEMS:

1. Agenda
2. Public Comment Period
3. Consent Agenda – 10/15/2024 minutes
4. Preliminary hearing – violation of Ordinance – Champlain Valley Expo
5. Executive Session – real estate negotiations
6. Other Business
7. Adjourn

Paul Ruess called the meeting to order at 5:01 p.m.

Agenda #1. Agenda – No changes.

Agenda #2. Public Comment Period – No public comment.

Agenda #3. Consent Agenda – Minutes from 10/15/2024 accepted as presented.

Agenda #4. Preliminary hearing – violation of Ordinance – Champlain Valley Expo (CVE)– Chair Paul Ruess opened the hearing on the Notice of Violation of CVE for failure to divert and failure to provide proper required collection containers for mandatory recyclables generated by the 2024 Champlain Valley Fair, as issued by the Executive Director on October 25, 2024. The respondent CVE has requested a hearing before the Executive Board. P. Ruess explained the process of the hearing if there was anyone else besides CSWD and CVE who would be giving testimony. S. Reeves reviewed the Compliance Hearing Process as outlined in the memo. She reviewed the alleged violations, which include CVE failing to comply with Sections 3.8, 3.9, 3.11, and 4.8 of the Ordinance and that such conduct constitutes Unlawful Conduct under and as defined in the Ordinance. CSWD further alleges that three of those Ordinance violations constituting Unlawful Conduct were ongoing for the 10-day duration of the 2024 Champlain Valley Fair. Pursuant to Ordinance Section 11.1, any Person who engages in any Unlawful Conduct shall be subject to a civil penalty of not more than Eight Hundred Dollars (\$800) for each violation or, if lower, the maximum amount allowed by law. Each instance of

Unlawful Conduct shall be a separate violation. In the event of other Unlawful Conduct which is deemed “continuing”, the Person who engages in such conduct shall be subject to a civil penalty of not more than Eight Hundred Dollars (\$800), plus not more than One Hundred Dollars (\$100) for each succeeding day, or, if lower, the maximum amounts allowed by law.

3.11 Failure to provide the required quantity of and equal access to recycling containers	\$800
3.11 Violation ongoing and continuing, August 23 – September 1, 2024 (@ \$100/day)	\$1000
3.8 Failure to separate mandatory recyclables	\$800
3.8 Violation ongoing and continuing, August 23 – September 1, 2024 (@ \$100/day)	\$1000
4.8 Use of medium blue containers for collection of trash	\$800
4.8 Violation ongoing and continuing, August 23 – September 1, 2024 (@ \$100/day)	\$1000
3.9 Failure to prepare mandatory recyclables to specifications established by the District	\$800
Total potential civil penalties for Unlawful Conduct at the 2024 Champlain Valley Fair	\$6200

CSWD’s Compliance Specialist Ethan Hausman presented testimony regarding the historical contact with CVE, the observations and applicable CSWD Ordinance requirements, the unlawful conduct penalties, and further information on the CV Fair waste management deficiencies. Staff recommends granting CVE 30 days to develop and submit a Corrective Action Plan (CAP), which would be concurrent with a 90-day timeline for CVE to fully execute the CAP. CVE would be required to adhere and demonstrate compliance with CSWD’s Solid Waste Management Ordinance and the CAP. If CVE fails to get a CAP approved within 30 days and comply within 90 days the Executive Board would reconsider issuing a Proposed Order of Violation and assessment of the fines outlined in the NOV.

CVE Executive Director Tim Shea presented testimony on the challenges of running the biggest event in Vermont and noted that many of the vendors are not from this area, making education challenging for the 10-day event. He noted that CVE is a non-profit and suggested that CSWD be present at the Fair to educate fair goers about recycling and composting. He acknowledged that CVE needs to improve waste management practices and said they have already started a Corrective Action Plan. He noted that additional containers are need for purchase and handed out a map of the Champlain Valley Fair, noting where paired containers will be placed.

Further discussion and clarifying questions were asked of both CSWD and CVE.

Motion by A. Nye, Second by P. Stabler that the Executive Board of Commissioners of the Chittenden Solid Waste District go into Executive Session to discuss the pending civil violation where premature general public knowledge would clearly place the District, or the respondent involved, at a substantial disadvantage and further that the Executive Board may discuss records prepared for deliberations by the Executive Board in its capacity as acting in a judicial or quasi-judicial capacity,

such records being exempt from the public inspection and copying. **VOTING: All Ayes. Motion Carries.**

The Board entered Executive Session at 6:05 p.m.

Motion by P. Stabler, Second by A. Nye to adjourn Executive Session. VOTING: All Ayes. Motion Carries.

The Board adjourned Executive session and reconvened the meeting at 7:01 p.m.

Chair Paul Ruess read the decision of the Executive Board, read as follows, **“The Executive board finds that the respondent did violate the solid waste management ordinance sections 3.11, 3.8, 3.9, and 4.8 and imposes a civil penalty of \$6,200. \$800 of the civil penalty shall be paid within 30 days. If the respondent submits a corrective action plan acceptable to CSWD staff within 30 days, the balance of such civil penalty shall be waived. The Executive Board will issue its written Order within 30 days.”**

He noted that no motion to approve this and that now concludes the public hearing. P. Ruess noted that if there is disagreement about the findings, there is an appeal process. Clarification was noted to CVE that the CAP be submitted within 30 days to develop and submit the plan, concurrent with 90 days for execution. It was noted that this will be written in the Order.

Motion by Alan Nye, Second by Paul Stabler to close the Public Hearing. Voting: All Ayes. Motion Carries.

The public hearing ended at 7:05 p.m.

Agenda #6. Executive Session –

MOTION by Alan Nye, Second by Paul Stabler, that the Executive Board of the Chittenden Solid Waste District go into Executive Session to discuss real estate negotiations, where premature general public knowledge would clearly place the District, its member municipalities, and other public bodies or persons involved at a substantial disadvantage and to permit authorized staff, to be present for this session.

The board entered Executive Session at 7:07 p.m.

Motion by P. Stabler, Second by A. Nye to exit Executive Session. VOTING: All Ayes. Motion Carries.

The board exited Executive Session at 7:29 p.m.

Agenda #7. Other Business – No other business.

Agenda #8. Motion by P. Stabler, Second by L. Perry to adjourn the meeting. VOTING: unanimous; motion carried. The meeting was adjourned at 7:30 p.m.

Amy Jewell, Recording Secretary

I agree that this is an original copy of minutes and they have been approved by the Executive Board at the _____ meeting held in South Burlington.

Amy Jewell, Recording Secretary