



ADMINISTRATIVE OFFICE

19 Gregory Drive, Suite 204
South Burlington, VT 05403

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TEL (802) 872-8100

www.cswd.net

**CHITTENDEN SOLID WASTE DISTRICT
BOARD MEETING INSTRUCTIONS
FOR THE PUBLIC – REMOTE ACCESS**

Date: Wednesday, January 22, 2025
Time: 6:10 P.M. (or just following the Public Hearing)
Place: ZOOM MEETING INSTRUCTIONS

IMPORTANT:

CSWD will hold a hybrid Board of Commissioners Meeting. The virtual meeting is accessible by computer or phone. Members of the public, joining the meeting remotely, are asked to preregister online using the link below. Following the meeting a recording will be available upon request.

Hi there,

You are invited to register for a Zoom webinar!

When: Jan 22, 2025 06:00 PM Eastern Time (US and Canada), or just following the Public Hearing

Topic: Board of Commissioners Meeting

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_uEwftIdMRzKDixQSbdclCg

After registering, you will receive a confirmation email containing information about joining the webinar.

For those without internet access, call 802-872-8100 ext. 247 and leave a message to register for the meeting. A call-in number will be provided to you prior to the meeting.

Participants will be in listen only mode. Call in controls include: *6 – toggle mute/unmute and *9 to raise your hand.



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**CHITTENDEN SOLID WASTE DISTRICT
REGULAR MEETING**

Date: Wednesday, January 22, 2025
Time: **6:10 P.M., or just following the Public Hearing**
Place: **Hybrid Meeting - ZOOM Meeting or In-Person at CSWD Administrative Office
19 Gregory Drive, South Burlington**

***** (E) Indicates enclosures (H) Indicates handouts (D) Discussion Only**

1. (E) **Agenda** (6:10 p.m.)
2. **Public Comment Period** (6:10 p.m.)
3. (E) **Consent Agenda** (6:15 p.m.)
 - 3.1 Minutes of December 18, 2024 (page 3)
 - 3.2 Program Updates (page 6)
 - 3.3 Executive Director Update (page 16)
 - 3.4 Finance – Warrant, Cash Investment and Reserve Balances (page 17)
 - 3.5 Joint Development Review Ad Hoc committee retirement (page 19)
4. **Director of Finance Introduction – John Balparda** (6:20 p.m.)
5. (E) **Enforcement Hearing Process Policy** (page 20) (6:25 p.m.)
Board Action Requested: Approve Policy
6. (E) **Open Meeting Law – Review Changes** (page 22) (6:45 p.m.)
7. **Other Business** (7:00 p.m.)

Possible Action could occur on any agenda item, although not initially noted. If you need an accommodation, please call the District at 872-8100 upon receipt of this notice. All times listed are an estimated start and duration.

DRAFT

**CHITTENDEN SOLID WASTE DISTRICT
19 Gregory Drive South Burlington
MEETING ROOM
MINUTES OF REGULAR MEETING
December 18, 2024**

***Hybrid Meeting via Zoom.**

PRESENT

BOARD MEMBERS:

| | |
|----------------|----------------------|
| Bolton | ----- |
| Burlington | Lee Perry |
| Charlotte | Ken Spencer |
| Colchester | Lauren Morlino |
| Essex | Alan Nye |
| Essex Junction | Mike Sullivan |
| Hinesburg | Rick McCraw |
| Huntington | Barb Winters |
| Jericho | Tom Joslin, Alt. |
| Milton | ----- |
| Richmond | Andrew French |
| Shelburne | Margaret Wiener |
| So. Burlington | Paul Stabler |
| | Allison Lazarz, Alt. |
| St. George | ----- |
| Underhill | Paul Ruess |
| Westford | Katie Frederick |
| Williston | Kelton Bogasky |
| Winooski | Bryn Oakleaf |

STAFF: Sarah Reeves, Amy Jewell, Alise Certa, Jen Holliday, Josh Estey

OTHERS PRESENT: Thomas Melloni, Esq.
Chapin Spencer, City of Burlington
CCTV

- AGENDA:**
1. Call to Order & Agenda
 2. Public Comment Period
 3. Executive Session – real estate transaction
 4. Consent Agenda
 5. New Website Review
 6. Executive Session – real estate transaction
 7. Real Estate Transaction
 8. Other Business

1. CALL TO ORDER & AGENDA

P. Ruess called the meeting to order at 6:00 p.m. No changes to agenda.

2. PUBLIC COMMENT PERIOD – No members of the public were present.

3. Real estate transaction – S. Reeves introduced discussion regarding the property transfer of 201 Flynn Avenue to the City of Burlington and their request for an extension. She noted the original closing date was the end of December. Chapin Spencer provided an update regarding current work, including delineation, code compliance, meeting with exiting the tenant to discuss new terms. He said that several things have held up the transfer including soil contamination and concern from lending institutions. The City is requesting an extension through the end of January to meet with City Council and get approval at the January 2025 meeting. S. Reeves said the purchase price is \$375,000, with the City paying option payments of \$101,000 thus far, ending in a balance of \$274,000. K. Frederick asked how confident the City is in the interfund load approval from City Council in January. C. Spencer said there is no friction that he is aware of, and the meeting will be held on January 13, 2025. It was noted that a motion was not needed to extend the agreement. The agreement will be extended until the end of January.

4. Consent Agenda – Accepted as presented.

5. New Website Review

A. Certa reviewed the new website project. She explained that this project started a few years ago with the goal of refreshing the website, which was last redesigned in 2016 and noted the reasoning was to update the site to be compatible with mobile users (60%), to streamline content, including the A-Z list, improved site maintenance, and overall ease of use for the user. She explained that the website is still using WordPress, which she is familiar with and CSWD will use Bytes as a backup. Discussion was held on how viewers could share requests for improving the site, CSWD privacy statements when using Google analytics to ensure what data Google can use and collect, phase II which might include marketing efforts, and which will help guide future website improvements. B. Oakleaf also said that Winooski has 15-20 different spoken languages and wondered if CSWD would consider working with USCRI or other local partners for videos. A. Certa said that Outreach employees Beth Parent and Kat Moody were approached by an organization to create videos to be translated. J. Holliday said that they are working with the Language Justice Project. B. Oakleaf also asked about any municipal outreach awards and encouraged CSWD to apply. The Board congratulated staff on the completion of the project.

6. Executive Session – real estate transaction

MOTION by P. Stabler, Second by A. Nye that the 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. VOTING: All Ayes. Motion Carried.

The Board entered Executive Session at 6:55pm.

Motion by A. Nye, Second by P. Stabler, to reconvene the regular meeting. Motion Carried. All Ayes.

The Board reconvened the meeting at 8:05 p.m.

7. Real Estate Transaction – Board Action Requested

MOTION BY P. Stabler, second by A. Nye, Be it resolved that the Executive Director is authorized to negotiate a purchase and sale agreement with Hinesburg Sand and Gravel for an approximately 38-acre parcel of property at Redmond Road to be used for a new Materials Recycling Facility for the District, and for a purchase price not to exceed 3 million dollars. Said purchase and sale agreement shall be subject to prior review by legal counsel to the District and to the approval of the full Board of Commissioners. VOTING: All Ayes except: Westford – Nay, Colchester – Abstention. Motion Carries.

8. Other Business - No other business.

9. ADJOURNMENT

MOTION by P. Ruess, SECOND by A. Nye, to adjourn the meeting. VOTING: All Ayes. Motion Carried.

The meeting was adjourned at 8:10 PM.

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

Amy Jewell, Secretary/Treasurer

#3.2

MEMORANDUM

To: Board of Commissioners
From: CSWD Staff
Date: January 16, 2025
Re: Program Updates

- Solid Waste Management Fee and Disposal (Jon and Becky)
 - As of the first half of the fiscal year, from a budget perspective, the SWMF is 3.3% above projected revenues. FY25 revenue is 4.9% lower than FY24 year-to-date. Please refer to accompanying charts.
 - Trash tonnage for the first two quarters of FY25 was down 18.2% compared to FY24. Of the overall tonnage, the Municipal Solid Waste (MSW) component was down 1.4% compared to FY24, the Construction and Demolition Debris portion was up 3.5%, and the Alternative Daily Cover portion (fee is 25% of the full rate) was down 75.3%. The pounds per capita per day MSW disposed was 2.75 for FY25 compared to 2.78 for FY24.
- Organics Recycling Facility (Dan) –
 - Billable food waste in December totaled 330.2 tons. This is 14.4% above the same month last year and the YTD total of 2,139 tons is 5.2% below budgeted projections.
 - Since the full roll out of ORF's contamination policy on July 1, 2024, we have conducted approximately 245 load checks on incoming materials. These have resulted in 29 loads being fined for containing contamination that triggers our policy, or just over 11% of inspected incoming materials. The large majority of these fines are the result of bagged trash being dumped along with the incoming organics (\$50/instance). Since July 1, 2024, the total of fined levied is \$1,914.

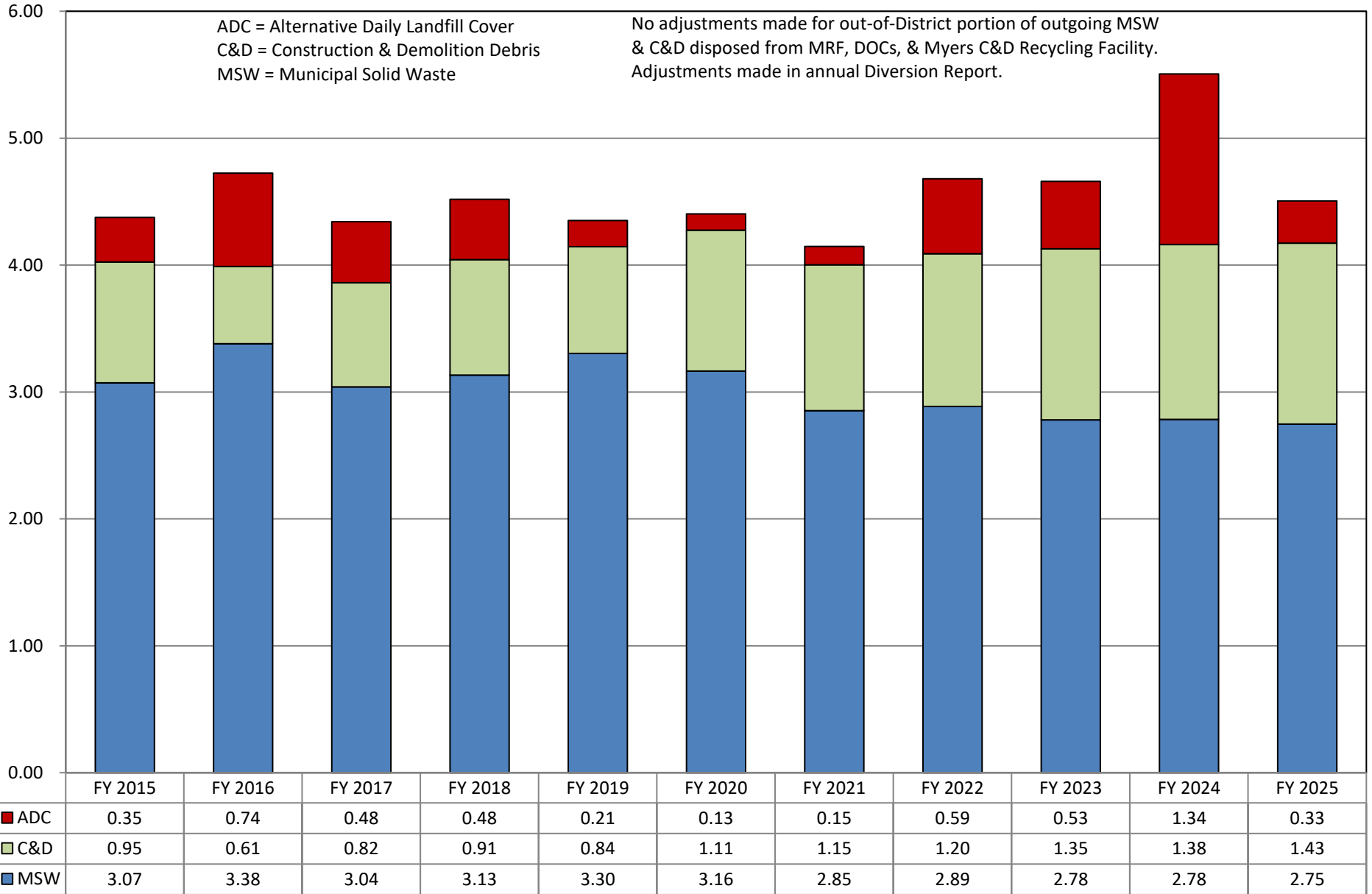
The largest amounts of fined loads are from July 2024 (9), August 2024 (5), and September 2024 (5). The frequency of loads being fined is trending down through time and we have seen a notable decrease in the amount of egregious contamination, though there is still plenty of work to be done. Schools continue to be a large generator of poor-quality feedstocks. Haulers that carry mixed-source loads are also hard for us to preform corrective action on as contaminators are impossible to track down and remediate.

- Materials Recovery Facility (Josh) - will send under separate cover (Friday or Tuesday)
- Marketing & Web (Alise)
 - *Marketing Services RFP*: The [RFP for Marketing and Advertising Services](#) was posted to the website and the state bid site on 1/6/25. The RFP focus is hiring a marketing agency to assist in marketing strategy, creative executions, and advertising efforts. The due

- date for proposals is 1/27/2025. After choosing the finalist, Marketing will bring this to the Board for approval.
- *Drop-Off Center (Burlington) Postcard*: This project has had a slight delay as we have lost the designer that originally committed to the project. The postcard will now be sent to Burlington, Shelburne, and South Burlington households in late January or early February. The card will promote the Drop-Off Center in Burlington focusing on potential savings of hauling your own materials and raising awareness of the Burlington location now accepting more materials.
 - *Hauler Stickers (Trash/Recycling)*: These stickers are available for all haulers to meet the CSWD ordinance requiring the labeling of totes and containers with accepted and not accepted items. This was a much-needed update due to changes in material acceptance. These will be reordered in early February.
- Media Mentions:
 - New MRF Delay:
 - <https://wasteadvantagemag.com/vermonts-chittenden-solid-waste-district-seeks-new-recycle-center-site/>
 - Holiday Recycling
 - <https://www.wcax.com/2024/12/26/tips-green-christmas-clean-up/>
 - <https://www.mynbc5.com/article/christmas-trees-fire-risk-disposal/63324501>
- Outreach Team (Beth) – We’re thrilled to announce our partnership with the **Vermont Language Justice Project** to create a short, engaging video about proper waste disposal. This video will cover key topics such as **recycling, composting, managing special materials, and trash disposal**, making it easier than ever for residents to do their part. To reach even more members of our community, the video will be translated into **15 different languages**, ensuring accessibility for those who may not speak English as their first language. We’re still in the early stages of this project and can’t wait to share the final product with you later this year. Stay tuned for updates as we work toward making waste disposal education more inclusive for everyone!
- Justice, Equity, Diversity, and Inclusion: The JEDI Committee finished FY24 with completed projects related to staff education and accessibility. Highlights of these projects include a weekly staff bulletin on issues related to diversity, equity, and inclusion, and pictographs to assist Deaf customers at Drop Off Centers. Projects began so far in FY25 include a sensory accessibility guide to our facilities for customers on the Autism spectrum and multi-lingual welcome signage for our sites. Future projects will include updates to safety and accessibility for diverse guests in our public tours; inclusive decision-making guidelines to improve equity among CSWD staff; and educational opportunities centered on highlighting the contributions made to the field of solid waste, recycling, and compost by diverse individuals and communities.

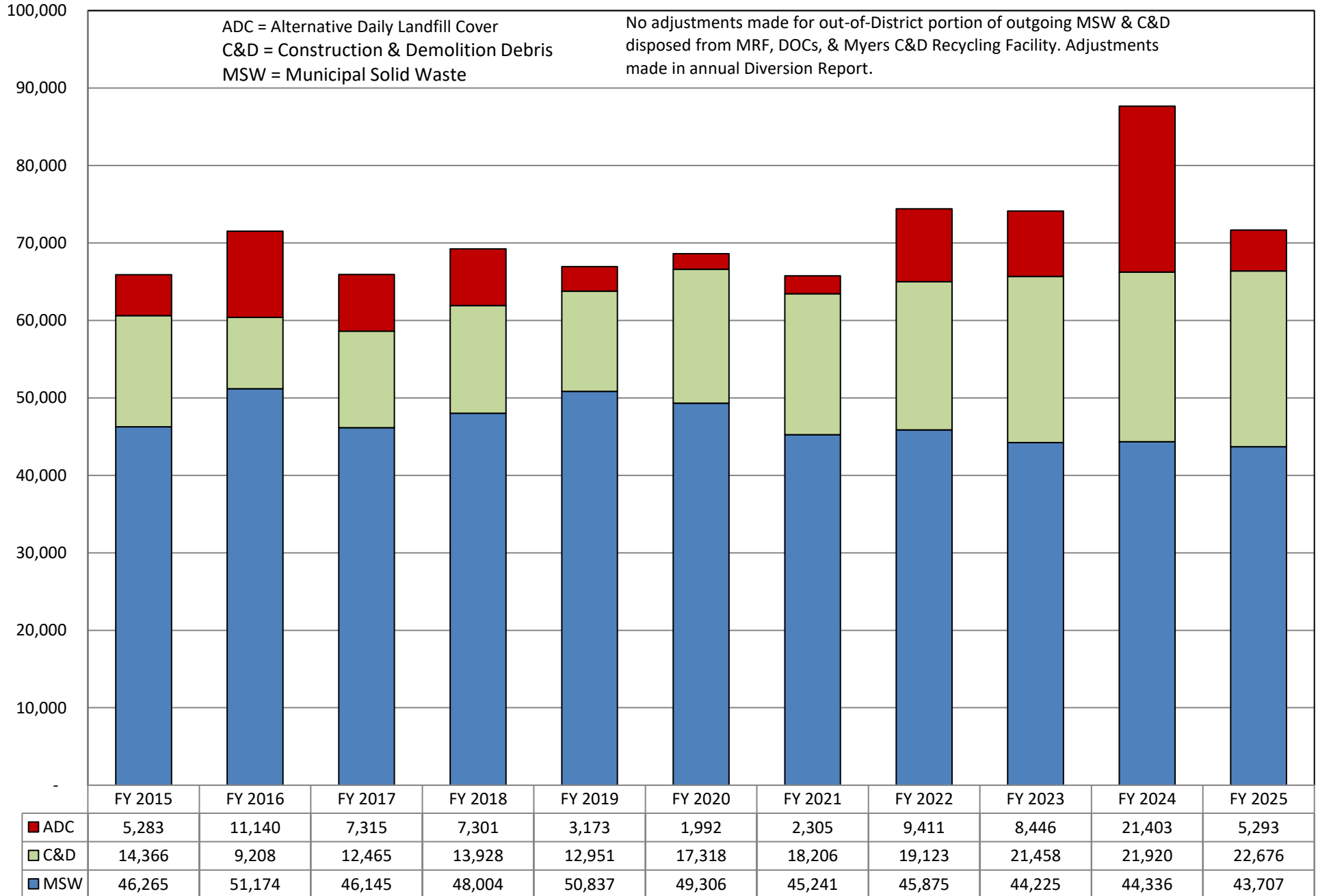
CHITTENDEN SOLID WASTE DISTRICT

Pounds per Capita per Day Landfilled or Incinerated - Fiscal Years 2015-2025 through 2nd Quarter



CHITTENDEN SOLID WASTE DISTRICT

Tons Landfilled or Incinerated - Fiscal Years 2015-2025 through 2nd Quarter



CHITTENDEN SOLID WASTE DISTRICT

Tons Disposed based on Solid Waste Management Fees (Year over Year)

| Month | Total Tons per Month | | | |
|------------------------|----------------------|--------------------|-------------------|--------------|
| | FY 24 tons | FY 25 tons | Tons Diff. | % Diff |
| Jul | 11,537 | 11,693 | 156 | 1.4% |
| Aug | 12,584 | 12,870 | 285 | 2.3% |
| Sep | 12,379 | 10,759 | -1,621 | -13.1% |
| Oct | 12,219 | 12,099 | -119 | -1.0% |
| Nov | 11,810 | 10,671 | -1,140 | -9.7% |
| Dec | 10,977 | 9,880 | -1,098 | -10.0% |
| Jan | | | | |
| Feb | | | | |
| Mar | | | | |
| Apr | | | | |
| May | | | | |
| Jun | | | | |
| Total Tons YTD | 71,507 | 67,971 | -3,536 | -4.9% |
| Mgmt Fee \$ YTD | \$1,930,701 | \$1,835,226 | (\$95,474) | -4.9% |

| | Tons | \$ |
|-----------------------------------|---------|---------------|
| FY 25 Budget | 126,018 | \$3,780,540 |
| FY 25 Actual YTD | 67,971 | \$1,835,226 |
| Difference | -58,047 | (\$1,945,314) |
| FY 25 Actual % YTD vs Budget % | 53.9% | |
| YTD % of Months | 50.0% | |

Chittenden Solid Waste District

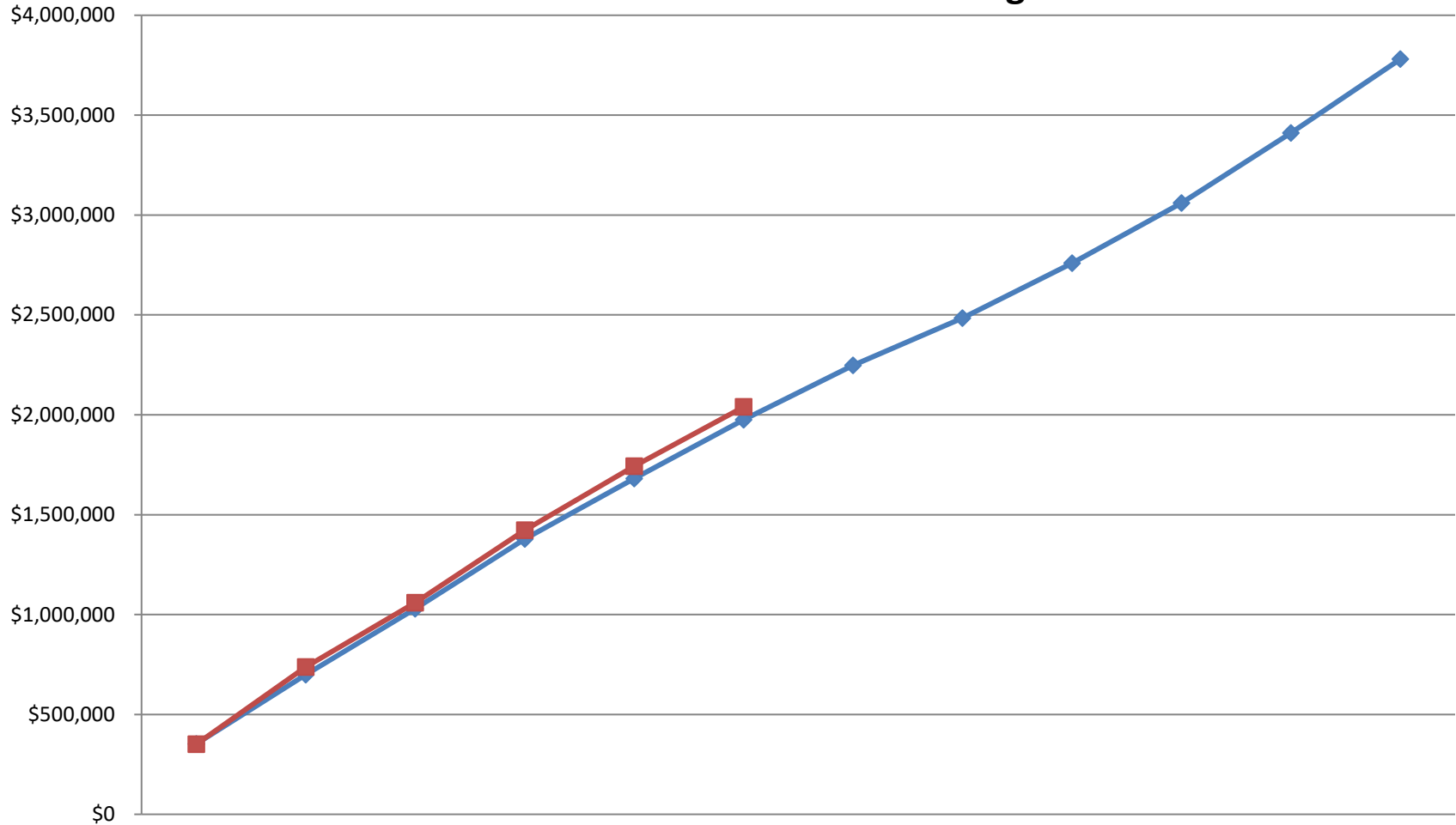
Solid Waste Management Fee FY 25 (Budget versus Actual)

| Time | Tons | \$/Ton | \$ |
|--------------|---------|---------|-------------|
| FY 25 Budget | 126,018 | \$30.00 | \$3,780,540 |

| \$ | Budget \$ | | | Actual | | Difference | | % of YTD Budget |
|--------|-----------|--------------|-------------|--------------|-------------|--------------|----------|-----------------|
| | Percent | \$ per month | \$ YTD | \$ per month | \$ YTD | \$ per month | \$ YTD | |
| Jul-24 | 9.3% | \$352,549 | \$352,549 | \$350,795 | \$350,795 | (\$1,753) | -\$1,753 | 99.5% |
| Aug-24 | 9.1% | \$345,781 | \$698,330 | \$386,095 | \$736,890 | \$40,313 | \$38,560 | 105.5% |
| Sep-24 | 8.8% | \$331,071 | \$1,029,401 | \$322,759 | \$1,059,649 | (\$8,312) | \$30,248 | 102.9% |
| Oct-24 | 9.2% | \$348,959 | \$1,378,360 | \$362,980 | \$1,422,629 | \$14,021 | \$44,269 | 103.2% |
| Nov-24 | 8.0% | \$302,337 | \$1,680,697 | \$320,119 | \$1,742,748 | \$17,782 | \$62,051 | 103.7% |
| Dec-24 | 7.8% | \$294,024 | \$1,974,721 | \$296,392 | \$2,039,140 | \$2,368 | \$64,419 | 103.3% |
| Jan-25 | 7.2% | \$272,990 | \$2,247,711 | | | | | |
| Feb-25 | 6.3% | \$236,324 | \$2,484,035 | | | | | |
| Mar-25 | 7.3% | \$274,914 | \$2,758,949 | | | | | |
| Apr-25 | 8.0% | \$301,208 | \$3,060,156 | | | | | |
| May-25 | 9.3% | \$351,309 | \$3,411,465 | | | | | |
| Jun-25 | 9.8% | \$369,075 | \$3,780,540 | | | | | |

| TONS | Budget Tons | | | Actual | | Difference | |
|--------|-------------|--------------|----------|----------------|----------|----------------|----------|
| | Percent | Monthly Tons | Tons YTD | Tons per month | Tons YTD | Tons per month | Tons YTD |
| Jul-24 | 9.3% | 11,752 | 11,752 | 11,693 | 11,693 | (58) | (58) |
| Aug-24 | 18.5% | 11,526 | 23,278 | 12,870 | 24,563 | 1,344 | 1,285 |
| Sep-24 | 27.2% | 11,036 | 34,313 | 10,759 | 35,322 | (277) | 1,008 |
| Oct-24 | 36.5% | 11,632 | 45,945 | 12,099 | 47,421 | 467 | 1,476 |
| Nov-24 | 44.5% | 10,078 | 56,023 | 10,671 | 58,092 | 593 | 2,068 |
| Dec-24 | 52.2% | 9,801 | 65,824 | 9,880 | 67,971 | 79 | 2,147 |
| Jan-25 | 59.5% | 9,100 | 74,924 | | | | |
| Feb-25 | 65.7% | 7,877 | 82,801 | | | | |
| Mar-25 | 73.0% | 9,164 | 91,965 | | | | |
| Apr-25 | 80.9% | 10,040 | 102,005 | | | | |
| May-25 | 90.2% | 11,710 | 113,716 | | | | |
| Jun-25 | 100.0% | 12,302 | 126,018 | | | | |

CSWD - Solid Waste Management Fee Revenues Year-To-Date - FY 25 Actual v. FY 25 Budget



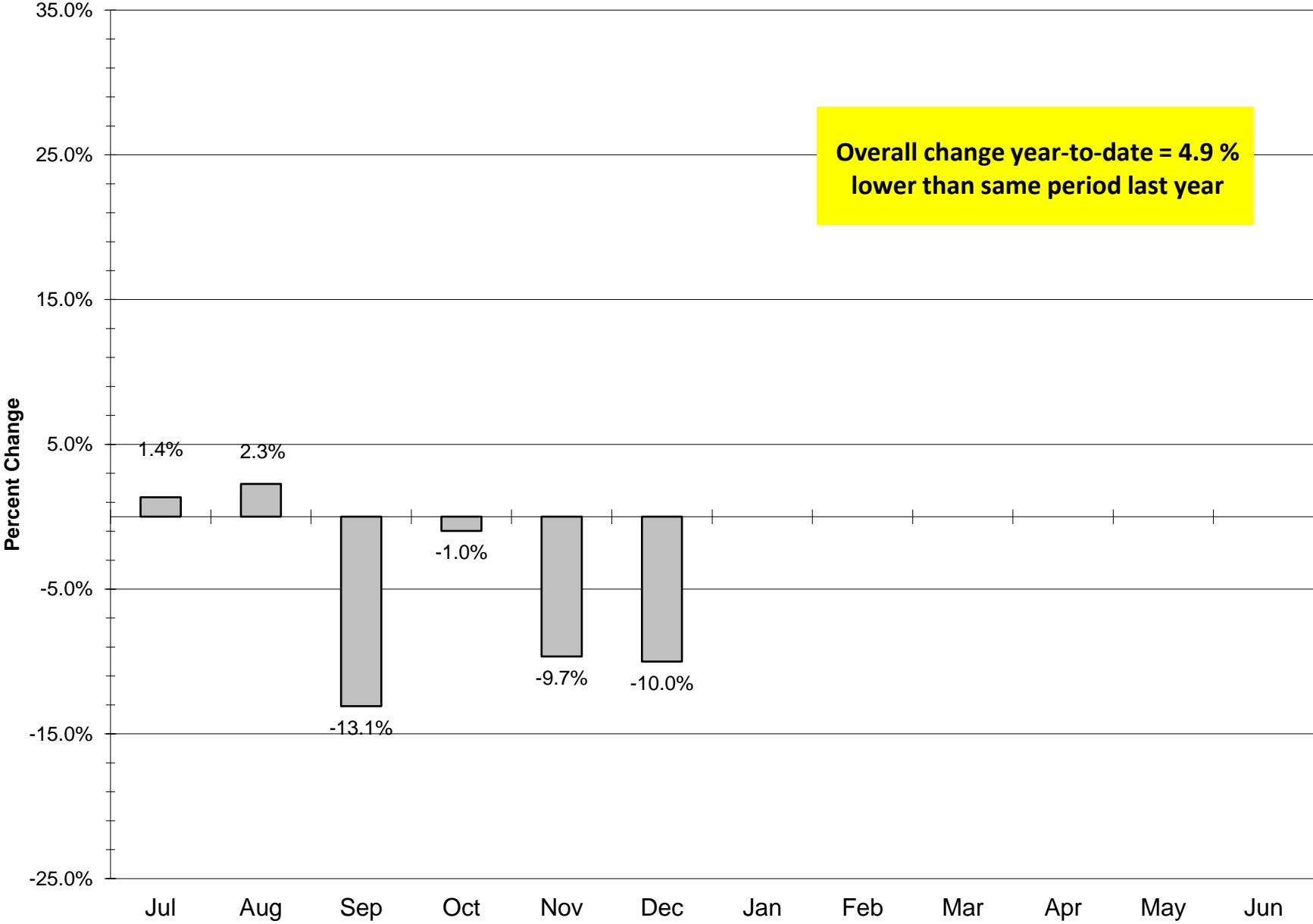
| | Jul-24 | Aug-24 | Sep-24 | Oct-24 | Nov-24 | Dec-24 | Jan-25 | Feb-25 | Mar-25 | Apr-25 | May-25 | Jun-25 |
|------------|-----------|-----------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| —◆— Budget | \$352,549 | \$698,330 | \$1,029,401 | \$1,378,360 | \$1,680,697 | \$1,974,721 | \$2,247,711 | \$2,484,035 | \$2,758,949 | \$3,060,156 | \$3,411,465 | \$3,780,540 |
| —■— Actual | \$350,795 | \$736,890 | \$1,059,649 | \$1,422,629 | \$1,742,748 | \$2,039,140 | | | | | | |

CHITTENDEN SOLID WASTE DISTRICT

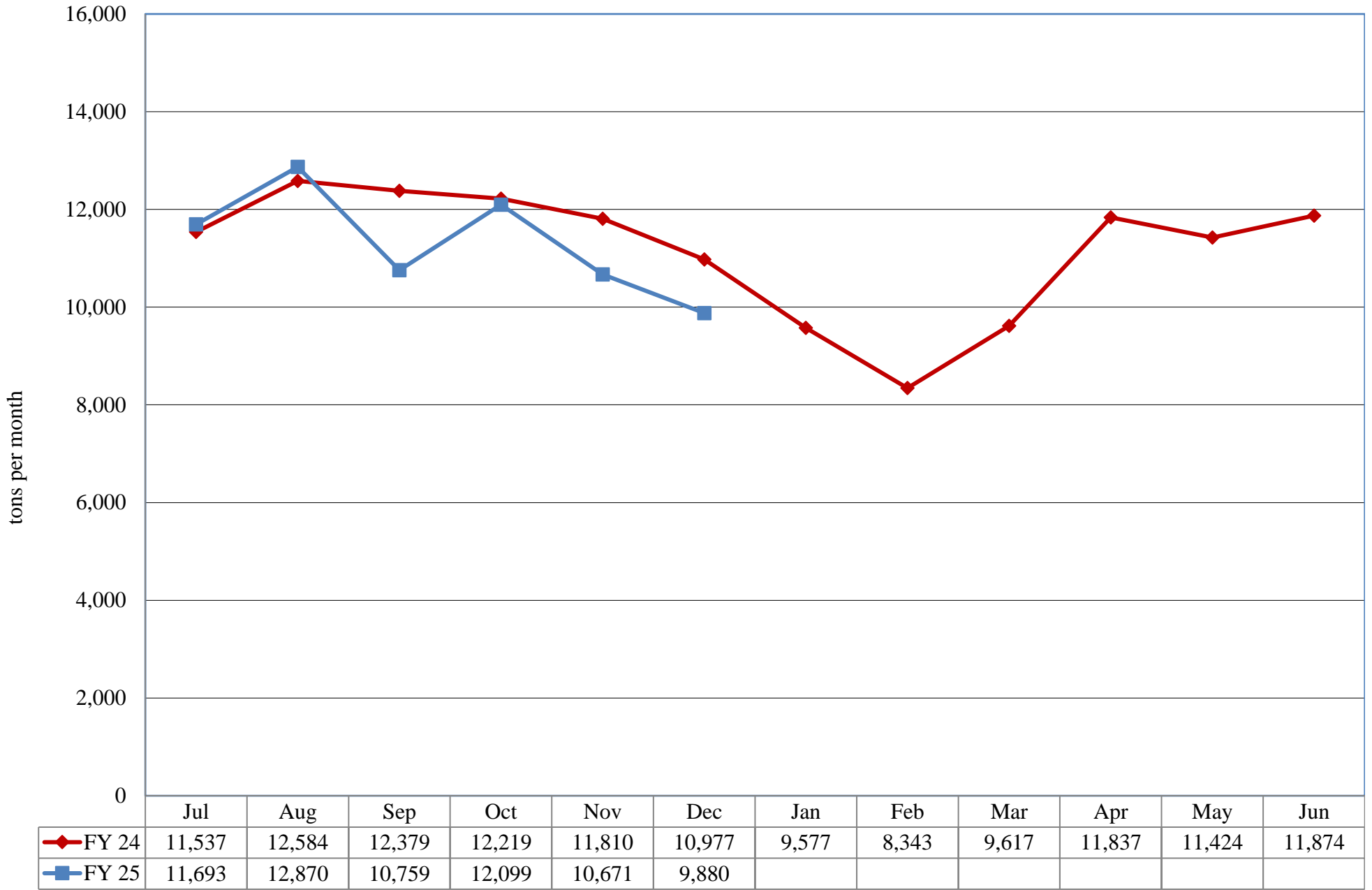
SWMF Tons Refuse Disposed per Operating Weekday

| Month | FY 24 | | | FY 25 | | | Difference FY 25 vs FY 24 | | | |
|---------|--------------|----------------------|--------------|--------------|----------------------|--------------|---------------------------|----------------------|---------------|------------|
| | Monthly Tons | # Operating Weekdays | Avg Tons/Day | Monthly Tons | # Operating Weekdays | Avg Tons/Day | Monthly Tons | # Operating Weekdays | Tons/Day Tons | Tons/Day % |
| Jul | 11,537 | 20 | 576.9 | 11,693 | 22 | 531.5 | 156 | 2 | -45.3 | -7.9% |
| Aug | 12,584 | 23 | 547.1 | 12,870 | 22 | 585.0 | 285 | -1 | 37.8 | 6.9% |
| Sep | 12,379 | 24 | 515.8 | 10,759 | 20 | 537.9 | -1,621 | -4 | 22.1 | 4.3% |
| Oct | 12,219 | 25 | 488.8 | 12,099 | 23 | 526.1 | -119 | -2 | 37.3 | 7.6% |
| Nov | 11,810 | 26 | 454.2 | 10,671 | 20 | 533.5 | -1,140 | -6 | 79.3 | 17.5% |
| Dec | 10,977 | 27 | 406.6 | 9,880 | 21 | 470.5 | -1,098 | -6 | 63.9 | 15.7% |
| Jan | | | | | | | | | | |
| Feb | | | | | | | | | | |
| Mar | | | | | | | | | | |
| Apr | | | | | | | | | | |
| May | | | | | | | | | | |
| Jun | | | | | | | | | | |
| Total | 71,507 | 145 | | 67,971 | 128 | | -3,536 | -17 | | |
| Average | | | 493.2 | | | 531.0 | | | 37.9 | 7.7% |

Difference in SWMF Tons Per Month Disposed FY25 versus FY24



CSWD - SWMF Tons Trash per Month - FY 25 v. FY 24



#3.3

TO: Board of Commissioners
FROM: Sarah Reeves
DATE: January 15, 2025
RE: Executive Director Update

December 14 - PRESENT

- **NEW MATERIALS RECYCLING FACILITY PROJECT:**
 - We submitted the grant application for the EPA's second round of the Solid Waste Infrastructure for Recycling grant opportunity (SWIFR) and applied for the maximum award of \$5M. The award won't be announced until December 2025 if the program continues. Huge thanks to Jen Holliday, Kayli Barber, and Josh Estey for their work on the application.
 - We were notified in early January that we were awarded a \$1.5M grant from ANR to support the new MRF project. We are thankful to the ANR for providing this opportunity and appreciate their support of this important project.
 - The MRF team has re-engaged with AES and ReArch on site design in anticipation of securing property on Redmond Road. An updated permitting schedule was reviewed, and construction timeline adjusted accordingly. The goal is still to be able to begin site clearing by the end of the summer. Building redesign (minimal) is underway as well.

- **MRF RECYCLABLES**
 - The Average Commodity Revenue figure for December was not available as of packet mailing, due to needing additional information from Casella.

- **PERSONNEL**
 - John Balparda of Middlebury has joined CSWD as Director of Finance. He is a CPA with experience in both the private and non-profit sector and has worked as an auditor. John's first day was January 13, and he has hit the ground running. Welcome, John!

- **FLYNN AVENUE**
 - The closing date for the sale of 201 Flynn Avenue to the City of Burlington is set for January 31 at 10am at the offices of Paul, Frank & Collins in Burlington.

February 2025

- February 13: Annual CSWD Staff Safety Training – All Facilities and Offices Closed
- February 17: Executive Board meeting, 5:00pm
- February 19: Finance Committee FY26 Budget Review, 9:00am – 4:00pm
- February 26: Full Board meeting, 6:00pm



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#3.4

To: Board of Commissioners
From: Laura Tomasi, Accountant
Date: January 16, 2025
RE: Warrants, Reserves & Cash Balance

The following warrants have been reviewed by the Finance Committee and disbursements have been issued since the last submitted Finance Memo:

| Warrant Date | Warrant Amount |
|--------------|-----------------|
| 01/07/2025 | \$ 1,195,261.35 |

Reserve balances indicate how much of that cash has been assigned or committed for a particular purpose.

As of, December 31, 2024

Assigned Reserve balances are as follows:

| | |
|--------------------------|------------------------|
| Landfill Post Closure | \$ 1,000,000.00 |
| Facility Closure | \$ 1,636,766.46 |
| Capital Reserves | \$ 8,983,399.72 |
| Biosolids Reserve | \$ 380,723.68 |
| Community Clean Up | \$ 85,400.69 |
| Solid Waste Reserve | \$ 1,000,000.00 |
| <u>Operating Reserve</u> | <u>\$ 1,750,000.00</u> |
| Total Designated: | \$ 14,836,290.55 |
| Total Undesignated: | \$ 880,842.12 |
| Cash & Cash Equivalents: | \$ 9,659,952.30 |
| Investments: | \$ 4,457,401.91 |
| Current Liabilities: | \$ 948,887.41 |
| Accrued Compensated Time | \$ 296,639.80 |



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Breakdown of Community Clean Up Reserve by Location as of **December 31, 2024:**

| | |
|---------------|-------------|
| Bolton | \$ 2,500.00 |
| Burlington | 10,000.00 |
| Charlotte | 4,965.22 |
| Colchester | 5,800.00 |
| Essex Jct | 5,000.00 |
| Essex Town | 7,500.00 |
| Hinesburg | 5,000.00 |
| Huntington | 2,500.00 |
| Jericho | 2,135.47 |
| Milton | 7,500.00 |
| Richmond | 5,000.00 |
| Shelburne | 5,000.00 |
| S. Burlington | 7,500.00 |
| St. George | 2,500.00 |
| Underhill | 5,000.00 |
| Westford | 2,500.00 |
| Williston | 5,000.00 |
| Winooski | 0.00 |

All Community Clean Up Funds are brought to their maximum balance at the beginning of each fiscal year.

TO: Board of Commissioners
FROM: Sarah Reeves, Executive Director
DATE: January 16, 2025
RE: Joint Development Review Ad Hoc committee, Dissolution

In 2020, an Ad Hoc committee was established by the Board of Commissioners to explore a potential business arrangement with Vanguard Renewables of Weston, MA. Commissioners Lindholm, Stabler, Ruess, and Oakleaf were named to the committee by Chair DaVia. The committee met a total of 10 times between November 2020 and June 2021.

The purpose of the committee was to review the terms and conditions of a potential operating contract and ground lease with Vanguard Renewables to site a de-packaging facility at CSWD's Organics Recycling Facility.

An agreement was never reached, and the committee last met on June 17, 2021.

CSWD operated in good faith, however Vanguard Renewables became non-responsive after the Memorandum of Understanding between the two parties expired in September, 2021. Unbeknownst to CSWD, the company was negotiating a public offering, which the newly-hired CEO was working on shortly before his untimely death in July, 2021. Ultimately, as we learned from the media, Vanguard was acquired by BlackRock in July, 2022. We have had no communication since 2021, and there is no relationship with either company.

The Ad Hoc committee was never formally dissolved despite the work having been completed, which was an administrative oversight. When migrating material from the old CSWD website to the new website, it was noted that information regarding the Joint Development Review committee was still live on the site. As a matter of public transparency, the Ad Hoc committee should be formally dissolved prior to the material being removed from the website.

This memo serves as the final report out of the Joint Development Review Ad Hoc committee, and according to Robert's Rules of Order, the Ad Hoc committee is hereby dissolved.

CHITTENDEN SOLID WASTE DISTRICT

Enforcement Hearing Process Policy

I. STATEMENT OF PURPOSE

The purpose of this policy is to outline the official process to be followed at enforcement hearings conducted by both the Executive Board and Board of Commissioners (the Board) with respect to allegations of Unlawful Conduct under, and as provided in, the Solid Waste Management Ordinance (Ordinance) adopted by the Chittenden Solid Waste District (CSWD).

II. BACKGROUND

Hearings on a Notice of Violation are publicly warned meetings and are held in public session with minutes of the meeting recorded. The Ordinance outlines the enforcement procedure resulting from a Notice of Violation and the requirements for determining if penalties for Unlawful Conduct are warranted.

All Notice of Violation hearings will be held in a manner compliant with Vermont's Open Meeting Law, including Act 133 (S.55).

III. PROCEDURE

- A. The Chair of the Board calls the meeting to order at the appointed time, determines whether a quorum of the Board is in attendance, and if so, proceeds with and follows the warned Agenda. When the agenda item that designates the Public Hearing is reached, the Chair calls for a motion to open the Public Hearing, stating the time. If moved and seconded, the Chair calls for a vote on the motion to open the Public Hearing. If the motion carries, the Public Hearing is open.
- B. The Chair states the nature of the Public Hearing, states that the Board will function in a quasi-judicial manner for the duration of the Public Hearing and turns to the Executive Director to describe the reason for the Public Hearing.
- C. The Executive Director and associated staff describe the Notice of Violation and present evidence to substantiate the accusations.
- D. At the conclusion of staff's presentation, the Chair will provide an opportunity for the Notice of Violation recipient to address the accusations and provide additional details for consideration by the Board.
- E. Upon hearing the presented evidence, Board members may direct questions to the Chair, who will then direct the question to the appropriate party. Board members should not address the parties directly, nor should the parties address each other.

- F. When all questions have been asked and answered, the Chair will ask for a motion to enter deliberative Executive Session, stating the time and asking for a second. If moved and seconded, the Chair calls for a vote on the motion to enter Executive Session. If the motion carries, those formally invited to Executive Session (members of the Board and CSWD's General Counsel) will leave the room where the hearing is taking place and begin Executive Session in a private room. The room where the Executive Session is held must have access to an online meeting option for those members who are permitted in the session but not on site. Minutes are not recorded during Executive Session.
- G. In Executive Session, the Chair will lead the discussion of the presentation of the evidence and the Board will determine whether the Unlawful Conduct, as defined in Article 2 (UU) of the Ordinance, described in the Notice of Violation has occurred.
- a. The Board may decide to:
 - i. Determine that the respondent committed Unlawful Conduct and impose a civil penalty as recommended by staff;
 - ii. Determine that the respondent committed Unlawful Conduct and impose a civil penalty different than that proposed by staff;
 - iii. Determine that the Unlawful Conduct did not occur or that there was insufficient evidence to make a determination of Unlawful Conduct by the respondent;
 - iv. Make such other findings as needed under the Solid Waste Management Ordinance.
- H. When deliberations are finished, the Chair will call the public back into the Public Hearing and asks for a motion to exit Executive Session. If moved and seconded, the Chair calls for a vote on the motion to exit Executive Session and notes the time. If the motion carries, public session resumes. The Chair describes any action that needs to be taken as a result of the deliberations during Executive Session.
- I. Such action, as determined by the Board, shall be issued from a Proposed Order, or Final Order within 30 days of the hearing to the accused, as described in *ARTICLE XII – ENFORCEMENT AND REMEDIES* in CSWD's Ordinance, and in 24 V.S.A. § 2297a.

TO: Board of Commissioners
FROM: Sarah Reeves, Executive Director
DATE: January 15, 2025
RE: Open Meeting Law Changes, 2024/2025

Changes to the Vermont Open Meeting Law (OML) went into effect January 1. Key changes affecting CSWD are:

- Both the Chair of the Board of Commissioners and the Executive Director must take an annual training on the OML. There is currently no mechanism or requirement for verifying that the training has been completed, but we will create and maintain a record in CSWD files in the event we are ever asked for training verification.
- Meetings must be recorded, in audio or video form, and a copy of the recording must be posted in a designated electronic location for a minimum of 30 days following the approval and posting of the official minutes for a meeting. An exemption applies if compliance would impose an undue hardship, but CSWD would bear the burden of proving that an undue hardship exists.
 - We are in compliance with this requirement.
- Certain individuals may request, in writing, that CWSD designate a physical location or provide electronic or telephonic access to a regular meeting and, unless an exception applies, such access should be granted under the OML.
 - We are no longer required to provide a physical location for Board meetings, unless specifically requested as noted above. My recommendation is that we continue to provide a physical location for full Board meetings, and move Executive Board and subcommittee meetings to online meeting spaces except as specifically noted, such as the February 19 Finance Committee budget review meeting.
- CSWD must post on its website an explanation of the procedures for submitting notice of an OML violation to the public body or the Attorney General, and a copy of the text of 1 V.S.A. § 314.
 - We are in compliance with this requirement.
- If CSWD is to hold a special meeting of the voters, at which the vote would be by Australian ballot, then a hearing must be held within 30 days preceding such meeting. That hearing must

be video recorded. A copy of the video recording must be posted in a designated electronic location until the results of the vote from such meeting have been certified.

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- We record all full Board of Commissioners meetings as a matter of practice.