

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

Date: Monday, June 16, 2025
Time: 5:00 P.M.
Place: ZOOM MEETING INSTRUCTIONS

IMPORTANT:

CSWD will hold a hybrid Executive Board of Commissioners Meeting. The virtual meeting is accessible by computer or phone. Members of the public, joining the meeting remotely, may join by clicking the link below. Following the meeting a recording will be available upon request.

Hi there,

You are invited to a Zoom webinar!

You are invited to register for a Zoom webinar!

When: Jun 16, 2025 05:00 PM Eastern Time (US and Canada)

Topic: Executive Board Meeting

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_vyJHPuc_ThCzfUBkoz6fug

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.



ADMINISTRATIVE OFFICE

19 Gregory Drive, Suite 204
South Burlington, VT 05403

EMAIL info@cswd.net

TEL (802) 872-8100

www.cswd.net

**CHITTENDEN SOLID WASTE DISTRICT
EXECUTIVE BOARD MEETING
REGULAR MEETING**

Date: Monday, June 16, 2025
Time: 5:00 P.M.
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** (5:00 p.m.)
2. **Public Comment Period** (5:00 p.m.)
3. (E) **Consent Agenda – April 14, 2025 minutes** (5:05 p.m.)
4. (E) **Notice of Violation for Unlawful Conduct** (5:10 p.m.)
The Lighthouse Restaurant, Colchester
Board Action Requested: Enter Deliberative Executive Session
5. (E) **Executive Session – Personnel** (5:25 p.m.)
6. **Other Business** (6:10 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
EXECUTIVE BOARD MINUTES
VIA ZOOM & CSWD Administrative Office
April 14, 2025**

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

OTHER BOARD MEMBERS:

CSWD STAFF PRESENT: Sarah Reeves, Amy Jewell, Jen Holliday, Joey Catania, Ethan Hausman, Thomas Melloni (General Counsel)

PUBLIC PRESENT:

AGENDA ITEMS:

1. Agenda
2. Public Comment Period
3. Consent Agenda – 3/2025 minutes
4. Public Hearing
5. Solid Waste Management Ordinance
6. Other Business
7. Adjourn

Paul Ruess called the meeting to order at 5:02 p.m.

Agenda #1. Agenda – Accepted as presented.

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

Agenda #3. Consent Agenda – Accepted as presented.

Agenda #4. Public Hearing – Notice of Violation unlawful conduct – LightHouse Restaurant and Lounge

Motion by P. Stabler, Second by A. Nye to open the Public Hearing. VOTING: All Ayes. Motion Carries. The Executive Board opened the public hearing at 5:05 p.m.

Motion by P. Stabler, Second by A. Nye to open the tabled order for the LightHouse Restaurant. VOTING: All Ayes. Motion Carries. The Executive Board opened the public hearing at 5:07 p.m.

Joey Catania outlined the attempts to contact the LightHouse Restaurant following the March Executive Board meeting. This included attempts on a March 27, April 1, April 9, and April 14. It was noted that a food scraps tote is noticed at the location, but staff learned that it was one that the Hampton Inn had acquired. Based on this CSWD recommends that the Executive Board Find The Lighthouse Restaurant and Lounge in violation of Solid Waste Management Ordinance sections 3.8 and

3.9 and waive the financial penalties associated with those violations. In lieu of fines, The Lighthouse Restaurant and Lounge must submit a Corrective Action Plan and allow for a scheduled, on site, review of the implemented Corrective Action Plan with CSWD Staff and Lighthouse Management.

Discussion was held on the lack of response from the LightHouse and whether we will be able to work with them and if not whether this would come back to the Board. Joey Catania said that he's hoping the weight of the Executive Board potential fines will spur conversation and needed change.

Motion by P. Ruess, Second by P.Stabler, I hereby move that the Executive Board and its Counsel go into executive session to discuss the pending civil violation where premature public knowledge may put either 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 public inspection and copying. VOTING: All Ayes, Motion Carries.

It was noted that it is not necessary for a motion to go into deliberative session, but the motion can be made.

The Executive Board entered Deliberate Executive Session at 5:10 p.m.

MOTION by P. Stabler, seconded by A. Nye, to exit deliberate session at 5:33 p.m. Motion carries.

P. Ruess states that the Executive Board finds that the LightHouse & Lounge in Colchester in violation of Solid Waste Management Ordinance sections 3.8 and 3.9 and a written order will be issued within the next thirty days.

Motion by P.Stabler, Second by A. Nye, to exit the Public Exit public hearing 5:34 p.m. VOTING: All Ayes, Motion Carries.

Agenda #5. Solid Waste Management Ordinance –

S. Reeves explained that the packet includes the current Ordinance Wording, the red-line strike through outlining proposed changes, and the final copy showing accepted changes. She reviewed the proposed changes including:

- Defining the definition of tipping fees
- Establishing a new 8.2 section that clearly outlines exemptions to the solid waste management fee (swmf) and separate those exemptions from 8.1
- A new section 8.3 that clearly defines the purpose of the Solid Waste Management Fee
- A revised section 8.4 for the amount of the fee which includes a mechanism by which the fee may be adjusted on an annual basis at the discretion of the Board through the budget process with further review about the Board authority and consideration. This includes the request to raise the fee from \$30/ton to \$40/ton on July 1, 2025 and implement the new wording.
- Section 8.5 and 8.6 are numbered changes only.

S. Reeves reviewed additional changes that were recommended by CSWD's attorney that are included in the document but were not discussed during the finance committee last week.

The Board discussed the timing of the budget process, the public process for that process, and the timing of the solid waste management fee in connection with the timing of knowing the 12-month average CPI. Legal Counsel Thomas Melloni stated that as part of the public hearing for the budget, which needs to be held before January 31, 2025, in accordance with CSWD's Charter, the Solid Waste Management Fee can be set with the known 12-month average, but after that date the finance committee will fine tune the budget and can set that rate higher or lower than information provided at the hearing.

Discussion on public hearing versus public meeting.

- Presenting to the Board by December 1st.
- The public hearing is held on the proposed budget by January 31st.
- Finance committee reviews, publicly warned meeting
- Board meeting to accept as proposed – publicly warned/comment period.
- After that each city/town meeting.

Further discussion was held on the ability to change the swmf at a time other than the budget process and not including such wording to provide haulers the stability of knowing the rate for the entire year. It was noted that if something catastrophic happened mid-year, CSWD could look towards other temporary funding mechanisms in the short-term, or we could go through the Ordinance process to change the Ordinance, which doe have a very public process component.

It was noted that there have been numerous opportunities for the public to review Ordinance changes.

Motion by P. Stabler, Second by A. Nye to adjourn the meeting. VOTING: unanimous; motion carried. The meeting was adjourned at 5:45 p.m.

Other Business - No other business.

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

MEMORANDUM

TO: Executive Board of Commissioners
FROM: Joey Catania, Compliance & Safety Manager
DATE: June 11, 2025
RE: The Lighthouse Restaurant Notice of Violation

SYNOPSIS

On April 16, 2025, the Lighthouse Restaurant and Lounge was issued a Proposed Order as the result of a Notice of Violation for failure to separate and divert food waste. That Proposed Order found the Lighthouse to have committed Unlawful Conduct by violating Section 3.8 and 3.9 of the Solid Waste Management Ordinance (SWMO) and required the Lighthouse to come into compliance with CSWD's SWMO and submit a corrective action plan to CSWD staff within 15 days of the Proposed Order.

As of the date of this memo, no corrective action plan has been submitted to CSWD staff, despite several efforts made to communicate with the Lighthouse.

Further, CSWD staff have documented that a compost tote that is now stationed at the Hampton Inn, adjacent to the Lighthouse, is not actively in use. Staff were able to document that the same liner remained in the tote, unused, for several days.

As such, a second NOV was issued on May 30, 2025, citing the Lighthouse remains out of compliance with section 3.8 and 3.9 of the SWMO. As of the date of this memo, no response to this NOV has been received by CSWD staff.

SWMO AUTHORITY

Penalties for Unlawful Conduct. 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. All penalties for Unlawful Conduct under this Ordinance shall be paid to the District.

Should the Executive Board find that the violations are "continuing" and decide to pursue the full civil penalties, as written in the SWMO, the Executive Board would need to determine which date constitutes the start of the action. To calculate the extent of the civil penalties, relevant dates and amounts for the consideration of the Executive Board are listed below:

Action	Date Action Initiated	Cumulative Total – Allowable Penalties
First NOV issued	2/28/2025	\$12,200
Executive Board Meeting #1	3/17/2025	\$10,800
Executive Board Meeting #2	4/14/2025	\$7,900
Proposed Order issued	4/16/2025	\$7,700
15 days post Proposed Order	5/1/2025	\$6,300
Second NOV issued	5/30/2025	\$3,200

STAFF RECOMMENDATION

CSWD staff recommend the Executive Board find the Lighthouse Restaurant and Lounge in violation of Solid Waste Management Ordinance sections 3.8 and 3.9 and impose a civil penalty of Eight Hundred Dollars (\$800) per violation, for a total civil penalty of \$1,600. Staff is not pursuing daily, “continuing” civil penalties.

Staff further recommends that the Executive Board require the Lighthouse Restaurant and Lounge must come into compliance with all SWMO requirements, submit a Corrective Action Plan, as defined by CSWD Staff, and allow for a scheduled, on site, review of the implemented Corrective Action Plan with CSWD Staff and Lighthouse Management within fifteen (15) days of receipt of the Proposed Order.

May 30, 2025

Jonnaca Place
The Lighthouse Restaurant
38 Lower Mountain View Drive
Colchester, VT 05446

Re: **NOTICE OF VIOLATION** – The Lighthouse Restaurant and Lounge, 38 Lower Mountain View Drive, Colchester, VT; Failure to separate and divert food waste

Dear Ms. Place,

The Chittenden Solid Waste District (CSWD) alleges that The Lighthouse Restaurant and Lounge is in violation of [CSWD's Solid Waste Management Ordinance](#) (Ordinance). This letter cites compliance requirements of the Ordinance and deficiencies documented at your restaurant on multiple occasions in 2025 concerning required separation and management of food waste. As further outlined at the bottom of this letter, you have the right to request a hearing before CSWD's Executive Board should you wish to contest the District's findings or offer corrective actions that may mitigate the District's assessment of civil penalties.

OBSERVATIONS & APPLICABLE CSWD ORDINANCE REQUIREMENTS

1. A Proposed Order issued by CSWD's Executive Board to Jonnaca Bushey -- The Lighthouse Restaurant's owner now using the name Jonnaca Place -- on April 17, 2025, required the Lighthouse to submit a Corrective Action Plan (CAP), regarding required diversion of food waste, to CSWD compliance staff within 15 days of receipt of the Order. After receiving the Proposed Order by email, Ms. Place notified CSWD on April 17 that a Casella organics tote had been placed on site-- on the loading dock next to the compactor behind the Hampton Inn-- and that Lighthouse staff had authorization to use that tote for separate management of the Restaurant's food waste.
2. Monday, May 5, 2025, was the deadline for the Lighthouse to submit the CAP. CSWD Compliance staff reminded Ms. Place of the impending deadline by email on May 1, 2025. That email notification was sent High Importance but yielded no response.
3. When the May 5 deadline passed with no further communication from the Lighthouse, CSWD Compliance staff emailed Ms. Place on May 6, 2025, to remind her of her obligation to submit a CAP and encourage her to do so immediately to avoid further enforcement action. The email stated that, should CSWD staff be, "unable to document full compliance with the Solid Waste Management Ordinance, [CSWD] will move forward with a new Notice of Violation...". That email again yielded no response from Ms. Place, and to date, CSWD has not received the CAP required by the April 17 Proposed Order.
4. During subsequent checks of the Lighthouse's site and containers on May 9 and May 13, CSWD Compliance staff found and documented the organics tote on the loading dock behind the Hampton Inn but noted that it was empty, containing only an unsoiled compostable liner. Compliance staff found no indications during those visits that the container was actively being used by Lighthouse or Hampton Inn staff.

5. When visiting again on May 14, 2025, a CSWD staff member marked and dated the empty tote liner. The tote remained empty and apparently unused when CSWD staff subsequently checked it on May 21 and May 28, documenting that it contained the same liner, marked 5/14, and that there were no other contents in the tote or liner.
6. Ms. Place implied that the Lighthouse intended to use the organics tote behind the Hampton Inn for separate management of food waste by calling CSWD's attention to the presence of that container on April 17. Compliance staff's findings that the tote she referenced is not currently being used for food scraps, in combination with the lack of evidence that the Lighthouse is managing food waste separately via other means, has led CSWD to conclude that the Lighthouse is not diverting pre or post-consumer food scraps from the trash and thus remains out of compliance with CSWD's food waste requirements.

Ordinance Requirement: Section 3.8 Separation of Mandatory Recyclables and Food Residuals.

Mandatory Recyclables and Food Residuals shall not be Disposed with other Solid Waste. Except as provided in Section 3.19 of this Article, all Generators shall Separate Mandatory Recyclables and Food Residuals from other Solid Waste, place the Mandatory Recyclables and Food Residuals in a designated container, and handle them as specified in Section 3.9 of this Article. The foregoing shall not be intended to prohibit or prevent the reuse or Recycling by a business, institution, or industry of materials as part of such Person's normal commercial, manufacturing, or industrial process.

Ordinance Requirement: Section 3.9 Placement of Recyclables, Food Residuals, and Solid Waste Destined for Disposal.

Each Generator shall:

...

B. Separate Food Residuals from other Solid Waste and place such Food Residuals in a designated container. Food Residuals shall be managed in accordance with the requirements of [10 V.S.A. §6605k](#).

UNLAWFUL CONDUCT PENALTIES

Based upon the above information, CSWD alleges that The Lighthouse Restaurant and Lounge, located at 38 Lower Mountain View Drive, Colchester, Vermont, has failed to comply with Sections 3.8 and 3.9 of the Ordinance and that such conduct constitutes Unlawful Conduct under and as defined in the Ordinance. CSWD further alleges that the noted deficiencies are ongoing and that The Lighthouse remains out of compliance with Ordinance food waste requirements, as of the date of this letter.

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.

Accordingly, The Lighthouse may be assessed a cumulative fine of \$1600 for the two alleged violations cited above, plus \$100 per day for the continuing Unlawful Conduct from the date of the letter until the violations are addressed to bring The Lighthouse into compliance, should CSWD's Executive Board affirm this finding.

Pursuant to Ordinance Section 12.5, The Lighthouse has the right to a hearing before CSWD's Executive Board for the purpose of determining whether such Unlawful Conduct occurred. **In order to receive a hearing before**

CSWD's Executive Board, you must send a written request for a hearing to CSWD's Executive Director within ten (10) days from the date of receipt of this Notification of Violation.

CSWD's Executive Board, upon receipt of a written request for a hearing within the permitted ten (10) day period, shall hold a hearing within fourteen (14) days of receipt of the request. Within 30 days following the hearing or following expiration of the hearing request date, the Executive Board will issue a proposed order. The order shall include, if applicable, information on civil penalties assessed and directives necessary to achieve compliance with the Ordinance. The order will also include information pertaining to your right to a hearing on the order.

In addition to any other remedy provided in the Ordinance or available at law or in equity, the District may institute a suit in equity for an injunction to prevent, restrain, or abate a violation of the Ordinance. CSWD may seek enforcement of a final order in the State of Vermont Superior Court or before the Environmental Division.

All written requests for a hearing must be sent by first class mail or certified mail with return receipt to: Chittenden Solid Waste District, Attn: Sarah Reeves, Executive Director, 19 Gregory Drive, Suite 204, South Burlington, VT 05403 or emailed to sreeves@cswd.net.

This letter is sent under reservation of all rights that CSWD may have under applicable law.

Please contact Ethan Hausman at (802) 872.8100 x208 or ehausman@cswd.net with any questions you have about this notice.

Sincerely,

Sarah Reeves
Executive Director

cc Ethan Hausman, CSWD Compliance Specialist *via email*
 Joey Catania, CSWD Compliance & Safety Manager *via email*
 Lauren Eagan, CSWD Commissioner for Colchester *via email*
 Anne Bijur, VT DEC Solid Waste Program Materials Management Supervisor *via email*



The pictured white residue appeared to be fat/grease that had dripped from a trash bag that had been disposed of in the compactor.

All upper photos taken 5/9/25: Organics tote sited next to the compactor contains only an unused/empty compostable liner.



Bottom photos: Organics tote in same location on loading dock behind the Hampton Inn on 5/13/25. The unused liner in the tote, which seemed to be the same one photographed previously on May 9, was again empty and unsoiled.





Upper photos taken 5/21/25: The unused liner in the organics tote is the same one that CSWD staff dated a week prior.

Lower photos taken on 5/28/25: The dated liner in the organics tote remains empty and unsoiled.



PROPOSED ORDER

In Re: NOTICE OF VIOLATION – The Lighthouse Restaurant: Failure to separate and divert food waste

This is a Proposed Order issued pursuant to the Chittenden Solid Waste Management Ordinance (the “Ordinance”) adopted by the Chittenden Solid Waste District (the “District”).

FINDINGS

The Lighthouse Restaurant (the “Respondent”) received a Notice of Violation (NOV) dated February 28, 2025, citing deficiencies observed on multiple occasions in 2024 and 2025 concerning required separation and management of food waste. The NOV further alleged that the notified deficiencies were ongoing, and that Respondent remained out of compliance. The NOV notified Respondent of its right to request a hearing before the Executive Board. Notice of a request for a hearing was received by the Executive Board within the time limit allowed.

At a public meeting held March 17, 2025, the Staff of the District submitted the finding of facts to the Executive Board for consideration in determination of whether the Respondent has committed Unlawful Conduct. District Staff that presented for the District were Sarah Reeves, Executive Director, Joey Catania, Compliance and Safety Manager, and Ethan Hausman, Compliance Specialist. District Staff moved the Executive Board to 1) find Respondent in violation of the Ordinance, as set forth in the NOV; 2) hold the financial penalties in abeyance; and 3) place the Respondent on “probation” for a period of 180 days.

Although the Respondent requested a hearing, no representative of the Respondent appeared at the hearing on March 17, 2025. The Executive Board voted to table the motion until the next regularly scheduled meeting of the Executive Board on April 14, 2025. The Respondent was informed by notice mailed March 27, 2025 to the Respondent that the Executive Board would consider the NOV and may take action at the April 14, 2025 meeting.

On April 14, 2025, the Chair of the Executive Board convened the public hearing. No representative of the Respondent was present. Upon approval of the motion to take the matter off the table, the Chair opened the hearing to further discussion and presentation of additional evidence.

The Chair summarized the presentation of the Staff of the District as presented at the March 17, 2025 meeting with respect to the Unlawful Conduct of the Respondent in violation of the Ordinance, and in particular, Ordinance Section 3.8 (Separation of Mandatory Recyclables and Food Residuals) and Ordinance Section 3.9 (Placement of Recyclables, Food Residuals, and Solid Waste Destined for

Disposal). Ethan Hausman, Compliance Specialist, submitted an additional Memorandum Dated April 10, 2025 to the Executive Board.

Joey Catania, Compliance and Safety Manager, indicated that staff made a site visit on April 9, 2025, and stated that no one at the Respondent's business was willing to speak with the District staff. Joey Catania stated that, as of April 14, 2025, the District had not received any further response from the Respondent.

The Executive Board hereby finds that the Respondent has failed to comply with the Ordinance, as set forth in the Notice of Violation, a copy of which is attached hereto and incorporated by reference into this Proposed Order. Specifically, the Executive Board finds that Respondent failed to comply with Sections 3.8 and 3.9 of the Ordinance.

As provided in the Ordinance, in its determination of a civil penalty, the Executive Board considered:

- (1) the impact on public health, safety, welfare, and the environment resulting from the violation;
- (2) the Respondent has not cured the violation;
- (3) evidence of mitigating circumstances has not been submitted;
- (4) based upon the prior Warning of Non Compliance, the Respondent knew or had reason to know the violation existed;
- (5) the Respondent's record of compliance;
- (6) the possible economic benefit to Respondent gained from the violation;
- (7) the deterrent effect of the penalty;
- (8) the costs of enforcement; and
- (9) the length of time the violation has existed.

ORDER

Based upon the information submitted, and the findings of the Executive Board, the Executive Board hereby orders that Respondent is subject to the following pursuant to Section 12.5 of the Ordinance and 24 V.S.A. Section 2297a:

- **Respondent (The Lighthouse Restaurant) has committed Unlawful Conduct as described above by its failure to comply with Sections 3.8 and 3.9 of the Ordinance.**
- **Civil Penalties for the Unlawful Conduct set forth in the NOV will be waived.**
- **The Respondent is directed to take action necessary to achieve compliance with the Ordinance, and to submit a corrective action plan acceptable to the District staff within 15 days of the date of this Order, and to allow District staff to conduct an on-site review.**
- **Failure to take such corrective action and complete a corrective action plan may be considered as factors in any future hearing for violations of the Ordinance as it relates to Respondent's record of compliance and knowledge of the violations.**

Respondent is further advised that any future violations may incur civil penalties of \$800 for each violation and \$100 a day for continuing violations.

NOTICE OF RIGHT TO A HEARING

Respondent is hereby notified that it has the right to request a hearing before the Board of Commissioners of the District. A request for a hearing must be made in writing to the Executive Director of the District no later than fifteen (15) days after the receipt of this order. Receipt is considered to be three (3) days after the date of mailing. If Respondent does not request a hearing within such allowed time, this order shall be deemed final and shall be effective on the date of receipt.

If Respondent requests a hearing before the Board of Commissioners, the Board of Commissioners shall hold a hearing within fourteen (14) days of receipt of the request. After the hearing, the Board of Commissioners may withdraw or amend the proposed order and may issue a final order that shall be effective on the date of receipt. CSWD may seek enforcement of a final order in the Vermont Environmental Division of the Vermont Superior Court.


Once an order is deemed final, Respondent shall have a right to request a hearing before the Vermont Environmental Division of the Vermont Superior Court. Review of a municipal solid waste order shall be taken by filing a notice of the request with the clerk of the Environmental Division of the Vermont Superior Court and with the Secretary of the CSWD Board of Commissioners within ten days of receipt of the final order.

Filing a request for hearing before the Environmental Division will stop penalties from accruing in the case of a continuing violation.

Questions about this proposed order may be directed to the District's Compliance Specialist (Ethan Hausman) at 872-8100 ext. 208.

Proposed order issued this 16th day of April 2025.

Executive Board, Chittenden Solid Waste District

By: 

Paul Ruess
Chair, CSWD Executive Board
and Board of Commissioners

MEMORANDUM

TO: Executive Board of Commissioners
FROM: Ethan Hausman, Compliance Specialist
DATE: March 13, 2025
RE: The Lighthouse Restaurant Notice of Violation, Narrative

SYNOPSIS

CSWD staff has documented that The Lighthouse Restaurant and Lounge does not have a composting program in place. Outreach and Compliance staff made multiple attempts throughout 2024 to contact management to address this concern but received no response. CSWD Staff recommends the Executive Board to find The Lighthouse Restaurant and Lounge in violation of CSWD's Ordinance and require them to come into compliance through a Corrective Action Plan with verification by CSWD staff.

HISTORY

The Lighthouse Restaurant and Lounge, which is adjacent to the Hampton Inn in Colchester, shares waste containers with the hotel. A Casella compactor sited immediately behind the Hampton Inn is used for trash, and a large dumpster that's in a side parking lot of the hotel, behind the restaurant, is used for recyclables.

Over the course of several visits beginning in February 2024, CSWD Outreach staff sought to confirm the Lighthouse's waste diversion programs by speaking with management. CSWD's Business Outreach Coordinator was first told to speak to Jeff and was then directed by Jeff to speak to the owner, Jonnaca Bushey. Ms. Bushey was not in/available when CSWD visited and did not respond to multiple messages conveyed via her staff and by voicemail. Nonetheless, a Lighthouse employee acknowledged during an outreach visit in the early summer of 2024 that Lighthouse Restaurant staff were not trained to compost and did not routinely separate food scraps from the trash.

After receiving the case from the Outreach Team, CSWD's Compliance Staff confirmed that there were no containers for food scraps evident on site – including next to the trash compactor behind the hotel, near the recycling dumpster in the parking lot, or outside restaurant entrances or kitchen doors. A letter compliance staff sent by both email and postal mail to Ms. Bushey on December 6, 2024, outlined the CSWD Solid Waste Management Ordinance (SWMO) requirements for separate management of food waste, warned that CSWD believes the Lighthouse to be out compliance with those requirements, and requested a response by December 31, 2024. CSWD used postal and email addresses associated with the Lighthouse in

the Vermont Department of Health's current database of food service licensees when sending that letter. CSWD received no response to the Warning of Noncompliance letter before or after the December 31 deadline. CSWD Compliance staff were again unable to find any containers designated for food waste or other indications of separate management of food waste outside the restaurant during subsequent visits to the Lighthouse in January and February, 2025.

CURRENT SITUATION

CSWD's primary goal with this enforcement action is holding The Lighthouse responsible for the corrective measures required to come into compliance with SWMO requirements and ensure that the restaurant's food waste is collected and managed appropriately for diversion from landfill. Accordingly, CSWD staff support offering The Lighthouse the opportunity to promptly address food waste management deficiencies and demonstrate ongoing compliance with solid waste requirements as an alternative to immediately levying fines.

It is staff's recommendation that the Lighthouse be required to develop, and submit within 14 days of issuance of the Proposed Order, a Corrective Action Plan (CAP) for CSWD's review. Should the CAP be accepted by CSWD and implemented by the Lighthouse in accordance with the approved timeline, the fines proposed for the instances of Unlawful Conduct (for violations of SWMO sections 3.8 and 3.9) cited in the 2/28/25 Notice of Violation would be held in abeyance pending successful completion of a six-month probationary period. Staff recommend that period begin on the date CSWD approves The Lighthouse's CAP and expire 180 days after the Lighthouse is confirmed to have come into full compliance, provided the Lighthouse adheres to the conditions of the CAP and CSWD finds no additional SWMO violations during that time. Compliance staff will conduct at least one scheduled and one unannounced check during the probationary period to confirm that corrective actions have been implemented and that the Lighthouse's program is ongoing and effectively diverting food waste from the trash.

In this scenario, the Lighthouse would be strongly encouraged to present the plan within 10 days to allow CSWD to request any necessary modifications in time for the CAP to be revised and resubmitted by the Lighthouse before the 14-day deadline. The CAP should specify an implementation timeline, but the Lighthouse would have no more than 30 days (from the date the Proposed Order is issued) to come into compliance, with an effective program for diverting food waste fully in place.

Staff further recommend that, in the event that The Lighthouse does not submit a CAP before the deadline; or submits an inadequate CAP that does not meet CSWD's approval; or fails to execute the stipulations of the CAP; or is found to be in violation of the SWMO during the probationary period, the Executive Board would immediately rescind the abeyance of the fines and issue a proposed order and assessment of the fines outlined in the NOV without offering The Lighthouse additional opportunities to mitigate those penalties with corrective actions.

MOTION to

Find The Lighthouse Restaurant and Lounge in violation of Solid Waste Management Ordinance sections 3.8 and 3.9 and hold the financial penalties associated with those violations in abeyance pending the submission and approval of a Corrective Action Plan, a scheduled on site review of the implemented Corrective Action Plan with CSWD Staff and Lighthouse Management, and continued compliance with the Solid Waste Management Ordinance for a 180 day probationary period.

February 28, 2025

Jonnaca Bushey
The Lighthouse Restaurant
25 Sommerfield Avenue
South Burlington, VT 05403

Re: **NOTICE OF VIOLATION** – The Lighthouse Restaurant and Lounge, 38 Lower Mountain View Drive, Colchester, VT; Failure to separate and divert food waste

Dear Ms. Bushey,

The Chittenden Solid Waste District (CSWD) alleges that The Lighthouse Restaurant and Lounge is in violation of [CSWD's Solid Waste Management Ordinance](#) (Ordinance). This letter cites compliance requirements of the Ordinance and deficiencies documented at your restaurant on multiple occasions in 2024 and 2025 concerning required separation and management of food waste. As further outlined at the bottom of this letter, you have the right to request a hearing before CSWD's Executive Board should you wish to contest the District's findings or offer corrective actions that may mitigate the District's assessment of civil penalties.

OBSERVATIONS & APPLICABLE CSWD ORDINANCE REQUIREMENTS

1. There was no evidence of an organics diversion program when CSWD outreach staff visited the Lighthouse, and an employee indicated that restaurant staff were not trained to "compost" or separate food waste from the trash during one of multiple outreach visits by CSWD in the winter, spring, and early summer of 2024.
2. CSWD compliance staff were unable to locate any food scrap containers in the Designated Areas for solid waste or elsewhere on the property during a visit to The Lighthouse on December 4, 2024, and found no indications of organics pickup service or any other forms of separate, dedicated management of food waste.
3. On December 6, 2024, compliance staff sent a Warning of Noncompliance letter, via both USPS and email, citing the requirements for separate management of food waste under Ordinance sections 3.8 and 3.9 and requesting a response by December 31, 2024. CSWD has received no response before or since that deadline.
4. CSWD compliance staff found no designated containers for food waste at the recycling dumpster or trash compactor sites, near entrance/exit doors, or elsewhere on the property when visiting The Lighthouse on January 9 and again on January 16, 2025. Similarly, there were no designated containers for food waste evident near waste containers or around the perimeter of the building on February 25 and 27, 2025. Although it was not possible to access and check the full contents of the trash compactor, CSWD Compliance staff noted and documented food items on the ground around the trash compactor during the January 16 and February 25 visits.

Ordinance Requirement: Section 3.8 Separation of Mandatory Recyclables and Food Residuals.

Mandatory Recyclables and Food Residuals shall not be Disposed with other Solid Waste. Except as provided in Section 3.19 of this Article, all Generators shall Separate Mandatory Recyclables and Food Residuals from other Solid Waste, place the Mandatory Recyclables and Food Residuals in a designated container, and handle them as

specified in Section 3.9 of this Article. The foregoing shall not be intended to prohibit or prevent the reuse or Recycling by a business, institution, or industry of materials as part of such Person's normal commercial, manufacturing, or industrial process.

Ordinance Requirement: Section 3.9 Placement of Recyclables, Food Residuals, and Solid Waste Destined for Disposal.

Each Generator shall:

...

B. Separate Food Residuals from other Solid Waste and place such Food Residuals in a designated container. Food Residuals shall be managed in accordance with the requirements of [10 V.S.A. §6605k](#).

UNLAWFUL CONDUCT PENALTIES

Based upon the above information, CSWD alleges that The Lighthouse Restaurant and Lounge, located at 38 Lower Mountain View Drive, Colchester, Vermont, has failed to comply with Sections 3.8 and 3.9 of the Ordinance and that such conduct constitutes Unlawful Conduct under and as defined in the Ordinance. CSWD further alleges that the noted deficiencies are ongoing and that The Lighthouse remains out of compliance with Ordinance food waste requirements, as of the date of this letter.

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.

Accordingly, The Lighthouse may be assessed a cumulative fine of \$1600 for the two alleged violations cited above, plus \$100 per day for the continuing Unlawful Conduct from the date of the letter until the violations are addressed to bring The Lighthouse into compliance, should CSWD's Executive Board affirm this finding.

Pursuant to Ordinance Section 12.5, The Lighthouse has the right to a hearing before CSWD's Executive Board for the purpose of determining whether such Unlawful Conduct occurred. **In order to receive a hearing before CSWD's Executive Board, you must send a written request for a hearing to CSWD's Executive Director within ten (10) business days from the date of receipt of this Notification of Violation.**

CSWD's Executive Board, upon receipt of a written request for a hearing within the permitted ten (10) business day period, shall hold a hearing within fourteen (14) days of receipt of the request. Within 30 days following the hearing or following expiration of the hearing request date, the Executive Board will issue a proposed order. The order shall include, if applicable, information on civil penalties assessed and directives necessary to achieve compliance with the Ordinance. The order will also include information pertaining to your right to a hearing on the order.

In addition to any other remedy provided in the Ordinance or available at law or in equity, the District may institute a suit in equity for an injunction to prevent, restrain, or abate a violation of the Ordinance. CSWD may seek enforcement of a final order in the State of Vermont Superior Court or before the Environmental Division.

**All written requests for a hearing must be sent by first class mail or certified mail with return receipt to:
Chittenden Solid Waste District, Attn: Sarah Reeves, Executive Director, 19 Gregory Drive, Suite 204, South
Burlington, VT 05403.**

This letter is sent under reservation of all rights that CSWD may have under applicable law.

Please contact Ethan Hausman at (802) 872.8100 x208 or ehausman@cswd.net with any questions you have about this notice.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sarah Reeves".

Sarah Reeves
Executive Director

cc Ethan Hausman, CSWD Compliance Specialist *via email*
 Joey Catania, CSWD Compliance & Safety Manager *via email*
 Lauren Eagan, CSWD Commissioner for Colchester *via email*
 Anne Bijur, VT DEC Solid Waste Program Materials Management Supervisor *via email*



The Lighthouse's recycling dumpster area from various angles. Photos taken 12/4/24.

The Lighthouse's trash compactor area behind Hampton Inn, 12/4/24





Lighthouse recycling dumpster & trash compactor areas. Photos taken 1/9/25.

The Lighthouse exterior from various angles, 1/9/25.





The Lighthouse's recycling dumpster area from various angles on 1/16/25



The Lighthouse's trash compactor area, with loose onion nearby compactor, 1/16/25





The Lighthouse's recycling dumpster area from various angles on 2/25/25.

The Lighthouse's trash compactor area, with multiple food items around compactor on 2/25/25.





Back doors of the Lighthouse, photos taken 2/25/25

Trash compactor area, photos taken 2/27/25

The Lighthouse's recycling dumpster area, photos taken 2/27/25

