

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

Date: Monday, August 18, 2025
Time: **4:00 P.M.**
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, may join by clicking the link below. Following the meeting a recording will be available upon request.

You are invited to register for a Zoom webinar!

When: Aug 18, 2025, 04:00 PM Eastern Time (US and Canada)

Topic: Executive Board Meeting

Register in advance for this webinar:

https://us02web.zoom.us/webinar/register/WN_b7M62VZNRWKxDXS0Bi5yVA

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

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

Date: Monday, August 18, 2025
Time: **4:00 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** (4:00 p.m.)
2. **Public Comment Period** (4:00 p.m.)
3. (E) **Consent Agenda – July 21, 2025 minutes** (4:05 p.m.)
4. (E) **Public Hearing - Notice of Violation for Unlawful Conduct** (4:10 p.m.)
 - a. The Spanked Puppy Restaurant, Colchester
 - b. Burnett Scrap Metals, LLC, Hinesburg
 - c. Acker Waste Management, LLC, Bristol
5. **Other Business** (5:00 p.m.)
6. **Adjourn** (5:05 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
CSWD Administrative Office & Via Zoom
July 21, 2025**

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

OTHER BOARD MEMBERS: N/A

CSWD STAFF PRESENT: Sarah Reeves, Amy Jewell, John Balparda, Jon Dorwart, Jen Holliday, Becky Johnson, Thomas Melloni (General Counsel)

PUBLIC PRESENT:

AGENDA ITEMS:

1. Agenda
2. Public Comment Period
3. Consent Agenda – June 16, 2025
4. Records Retention Policy
5. Executive Session – Personnel
6. Other Business
7. Adjourn

Paul Ruess called the meeting to order at 5:00 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. Records Retention Policy Update

S. Reeves said that CSWD is preparing a Record Retention Policy that will be brought to the Board for approval in September. She said that CSWD follows the State Archives Guidelines regarding record retention, and it has been recommended that a formal policy be adopted by the Board. She noted that in searching member cities and town policies, we've found limited information, although the South Burlington Public Library has a model policy, that is minimum in length, from which we may build. She noted that we do want to keep it simple but acknowledge the breadth and depth of the various detail of general records retention specific to a solid waste district and where various documents land related to type and schedule of document. Included in this consideration is the use of AI and determining how the AI work is retained according to a schedule. Legal advice has shown that AI can be used for daily notetaking and is considered transitory record and not a public record. Staff is eager to use these tools for efficiencies in meetings and once a policy is adopted, we'll feel more comfortable using this for internal meeting notes. She noted that we may not use it for board meetings because it's an official record and would need to be summarized and reviewed by staff prior to posting. In addition, J. Dorwart noted that we are also embarking on a project regarding data governance. A team of employees have been designated to start reviewing and documenting the data that we currently have and where it resides. This will be grouped by major categories, and will include how we use the data, privacy and ethical issues,

unintended use of information, or access, third party, licensing, and how to maintain, and cross-linking information.

J. Dorwart explained how this all ties into our retention policy and will tie in the AI policy. He introduced B. Johnson and said she is going to be staffing the committee with the hope of sending out early next year. P. Ruess asked about managing risk with a lot of documentation needed that rises to the board level. S. Reeves said that with records retention policies we are following the State Archive process and will be implementing more detailed policies regarding AI and the intersections of that risk. She noted that we want to make sure we're following this on the conservative side and that is where the risk assessment needs to be evaluated.

T. Melloni noted that the State is trying to address all public records and to cover all of them, but solid waste district projects may cross multiple categories. He said there is a legal risk to destroy a record, and we need to have a policy to avoid litigation and to be consistent. J. Dorwart said we will use the committee time wisely and be sure it aligns with ethics and legal obligations and will conclude with training. K. Spencer asked about destroying any records in this digital age. S. Reeves said we are working on this and digitizing what we can. Discussion was held on consideration of employee time towards this project and showing staff appreciation for taking on this important project. Further discussion was held on Board policies and including those on the website.

Agenda #5. Executive Session - Motion by P. Stabler, Second by A. Nye, MOTION to go into Executive Session to discuss pending or probable civil litigation related to the MRF to which the District is or may be a party and for which premature public knowledge would clearly place the District or other public bodies or persons involved at a substantial disadvantage, and to allow staff and legal counsel to be present for such Executive Session.

VOTING: All Ayes, Motion Carries.

The Board entered Executive Session at 5:30 p.m.

Motion by A. Nye, Second by K. Spencer to adjourn the Executive Session and reconvene the meeting.

VOTING: unanimous; motion carried.

The Board exited Executive Session at 5:54 p.m.

#6. Other Business - A. Nye asked if we had heard from the Lighthouse Restaurant regarding the Proposed Order that was issued. A. Jewell responded that the Lighthouse has not responded.

P. Ruess said he would announce the Finance Committee members at the full board meeting. John Balparda and Paul Stabler will meet to set the schedule for future committee meetings.

#7. Adjournment - Motion by A. Nye, Second by Paul Stabler to adjourn the meeting.

The meeting was adjourned at 5:57 p.m.

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: Ethan Hausman, Compliance Specialist
DATE: August 14, 2025
RE: The Spanked Puppy Notice of Violation

SYNOPSIS

CSWD staff have documented that The Spanked Puppy has not had a comprehensive food waste diversion program in place. The Spanked Puppy's Managing Partner, Ted Tomlinson, was nonresponsive when contacted by CSWD staff about observed program deficiencies between August 2024 and issuance of the NOV on August 1, 2025.

After initial exchanges with CSWD Outreach staff during the summer of 2024, Mr. Tomlinson stopped responding when questioned about food waste diversion at the Spanked Puppy, prompting Outreach to refer the case to Compliance in September 2024. Compliance staff's subsequent attempts to reach Mr. Tomlinson included a Warning of Noncompliance letter sent on December 10, 2024, requesting he respond by December 31, 2024, which yielded no response. Although the Spanked Puppy was noted to have an organics tote full of food waste on site in January, 2025, it was not being serviced frequently enough to provide sufficient capacity for the quantities of food waste generated by the restaurant, and Mr. Tomlinson never responded to an email sent on January 10, 2025, about that issue that requested a reply by January 17.

The organics tote had been removed and there were no dedicated food waste containers or indications of separate management of food waste when CSWD visited again in June and July of 2025. Significant quantities of food waste were documented in the trash during two of those visits.

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.

While the maximum civil penalty for each violation is defined by the Ordinance, fines of lesser amounts can be levied, along with conditions to be met to avoid incurring additional per diem penalties for “continuing” violations, at the Executive Board’s discretion.

STAFF RECOMMENDATION

Because ensuring ongoing compliance with Ordinance requirements is the paramount goal of this enforcement action, CSWD staff support giving The Spanked Puppy the opportunity to submit a Corrective Action Plan (CAP) and demonstrate future compliance as an alternative to the maximum civil penalties for Unlawful Conduct allowed by the Ordinance. In recognition, however, of the missed diversion opportunities, irrevocable landfill and environmental impacts, and significant staff time invested in this case while Mr. Tomlinson was nonresponsive about program deficiencies, CSWD staff advise against waiving financial penalties entirely.

In summary, should the Executive Board find that The Spanked Puppy violated sections 3.8 and 3.9 of CSWD’s Ordinance, CSWD staff recommend that The Spanked Puppy be fined \$400 for each of those violations-- a total of \$800 in civil penalties-- as well as be required to submit a CAP, as defined and approved by CSWD staff, and cooperate with all CSWD efforts to confirm the restaurant’s compliance moving forward. This includes allowing for a scheduled, on-site review of the Corrective Action Plan with CSWD staff and Spanked Puppy management within fifteen (15) days of receipt of the Proposed Order.

MEMORANDUM

TO: Executive Board of Commissioners
FROM: Ethan Hausman, Compliance Specialist
DATE: August 14, 2025
RE: Burnett Scrap Metals Notice of Violation

SYNOPSIS

All haulers licensed by CSWD for Fiscal Year 2025 were asked to submit complete FY26 Haulers License applications by June 19, 2025, so as to ensure renewal of their Haulers Licenses by the beginning of the new fiscal year on July 1. CSWD received no FY26 application from Burnett Scrap Metals (BSM) prior to June 19 or July 1, despite sending two email reminders. A July 10 phone conversation with Chris Burnett of Burnett Scrap Metals also failed to yield a renewal application from his company.

Since receiving the NOV issued on August 1, 2025, Chris Burnett has submitted a complete Haulers License application and obtained his FY26 Haulers License from CSWD. As of August 12, Burnett Scrap Metals is now considered in full compliance with CSWD licensing requirements.

SWMO AUTHORITY

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STAFF RECOMMENDATION

Because Burnett Scrap Metals is now licensed and in compliance with CSWD's Ordinance requirements, the goal of this enforcement process has been achieved, and staff consider no further action necessary. CSWD staff recommend that, should the Executive Board find that Burnett Scrap Metals violated section 4.1 of the Ordinance, any civil penalties for Unlawful Conduct be waived, with the understanding that the 8/1/25 NOV will be taken into consideration as part of BSM's compliance history in the event that BSM fails to meet hauler licensing requirements for FY27 or is otherwise the subject of future enforcement action.

MEMORANDUM

TO: Executive Board of Commissioners
FROM: Ethan Hausman, Compliance Specialist
DATE: August 14, 2025
RE: Acker Waste Management Notice of Violation

SYNOPSIS

All haulers licensed by CSWD for Fiscal Year 2025 were asked to submit complete FY26 Haulers License applications by June 19, 2025, so as to ensure renewal of their Haulers Licenses by the beginning of the new fiscal year on July 1. CSWD received no FY26 application from Acker Waste Management (AWM) prior to June 19 or July 1, despite sending two email reminders. A July 10 voicemail message left on the company's main business line also failed to yield a renewal application from AWM.

Since receiving the NOV issued on August 1, 2025, AWM has submitted a complete Haulers License application and obtained an FY26 Haulers License from CSWD. As of August 14, Acker Waste Management is now considered in full compliance with CSWD licensing requirements.

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.

STAFF RECOMMENDATION

Because AWM is now licensed and in compliance with CSWD's Ordinance requirements, the goal of this enforcement process has been achieved, and staff consider no further action necessary. CSWD staff recommend that, should the Executive Board find that Acker Waste Management violated section 4.1 of the Ordinance, any civil penalties for Unlawful Conduct be waived, with the understanding that the 8/1/25 NOV will be taken into consideration as part of AWM's compliance history in the event that AWM fails to meet hauler licensing requirements for FY27 or is otherwise the subject of future enforcement action.