



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
BOARD MEETING INSTRUCTIONS
FOR THE PUBLIC – REMOTE ACCESS**

Date: Wednesday, January 21, 2026
Time: 5:00 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 a Zoom webinar!

Join from PC, Mac, iPad, or Android:

<https://us02web.zoom.us/j/85335613121?pwd=Bn3YqEym32BWLM5OZpzmfvbB7zFrvl.1>

Passcode: 361893

Phone one-tap:

+16465588656,,82206970838# US (New York)

+16469313860,,82206970838# US

Join via audio:

+1 646 558 8656 US (New York)

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
EXECUTIVE BOARD MEETING
REGULAR MEETING**

Date: Wednesday, January 21, 2026
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 (D) Discussion Only**

- | | |
|---|-------------|
| 1. (E) Agenda | (5:00 p.m.) |
| 2. Public Comment Period | (5:01 p.m.) |
| 3. (E) Consent Agenda – December 8, 2025 minutes | (5:05 p.m.) |
| 4. (E) Notice of Violation – Texas Roadhouse | (5:07 p.m.) |
| 5. (E) Delegation of Authority Resolution Draft | (5:25 p.m.) |
| 6. Executive Session – Personnel, Legal Issues | (5:40 p.m.) |
| 7. Other Business | (5:55 p.m.) |
| 8. Adjourn | (6:00 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.



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#3

DRAFT

**CHITTENDEN SOLID WASTE DISTRICT
EXECUTIVE BOARD MINUTES
CSWD Administrative Office & Via Zoom
December 8, 2025**

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

OTHER BOARD MEMBERS: Betsy Paret, Margy Wiener

CSWD STAFF PRESENT: Sarah Reeves, Jen Holliday, Becky Johnston

INVITED GUESTS: Thomas Melloni (General Counsel)

PUBLIC PRESENT: Kelton Bogasky

AGENDA ITEMS:

1. Agenda
2. Public Comment Period
3. Consent Agenda
4. Ordinance Change Review
5. Personnel Rules Change Review
6. Executive Session – Legal Issues
7. Other Business
8. 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 members of the public present elected to address the Executive Board.

Agenda #3. Consent Agenda – Accepted as presented.

Agenda #4 & #5 (Combined for discussion). Ordinance Change Review & Personnel Rules Change Review

S. Reeves introduced the topics for information and discussion only. Ordinance change requests and personnel rules changes will be brought to the full Board of Commissioners in January. Two ordinance changes will be proposed:

(1) Close loophole for multi-residential housing units to co-locate collection receptacles for trash, recycling, and food scraps together and to be reasonably close to the housing units.

(2) Update hauler requirements section to reflect current practice of using an annual decal system that is no longer tied to a specific sticker number.

L. Perry asked what the minimum number of multi-residential housing units is that fall under the ordinance requirements. S. Reeves responded that she believed the number was five but would confirm. T. Melloni confirmed the number was five. L. Perry also asked for the minimum number of containers per property. S. Reeves stated that the minimum number of containers needs to allow for full residential participation.

P. Ruess stated that the impetus for the ordinance change is to close a loophole where a landlord provided food scrap collection for their tenants, but the collection container was located at the landlord's administrative office which was over a mile away from the residence potentially creating a disincentive for the residents to recycle food scraps.

S. Reeves reviewed the proposed changes to CSWD's Personnel Rules and Regulations. Three changes will be proposed that:

- (1) Clarify that overtime for full-time non-exempt employees who work for the District in multiple roles in different departments will have their overtime calculated at a blended rate (full-time rate and part-time rate).
- (2) Change the compensatory time calculation for exempt employees to allow for compensatory time to accrue after working forty hours in a work week.
- (3) Add a new paragraph to Section 4 to define CSWD as an employee's primary employment and to specify that outside employment shouldn't interfere with the employee's CSWD duties, create a conflict with District policies and goals, or constitute a conflict of interest with the District.

Overtime

S. Reeves stated that the District received guidance from the Vermont League of Cities and Towns (VLCT) many years ago about calculating overtime and the District's practice needs to be updated to reflect current laws. P. Ruess asked how the rate would be calculated. S. Reeves answered that of the total hours worked in a single work week any hours in excess of 40 hours would be calculated using a weighted average rate of the full-time hourly rate and the part-time hourly rate. This is only needed for employees working a regularly scheduled part-time position that is in addition to their regularly scheduled full-time position. This change does not apply to full-time employees that may occasionally volunteer to fill in at a Drop Off Center (DOC) or a Rover event, for example.

K. Spencer and M. Wiener expressed concern that the District may not be following employment regulations for calculating overtime. S. Reeves suggested that specific questions be addressed in Executive Session to guard against inadvertently discussing specific personnel in open session. T. Melloni concurred.

Compensatory Time

S. Reeves explained why the Board should consider changing how compensatory time is calculated for exempt employees. Currently, exempt employees do not begin to accrue compensatory time until they have worked 45 hours in a work week even though according to their job offer letters state the normal work week as 40 hours. P. Ruess asked if there were financial ramifications to the change. S. Reeves responded that salaried employees are paid the same amount each pay period, regardless of the hours worked. A. Nye asked if employees that attend Board meetings have been asked to attend by supervisors. S. Reeves replied that generally when an employee attends a Board meeting it is because they have an item on the agenda that they need to speak to, and nearly all employees at Board meetings are exempt employees, however there are exceptions where non-exempt employees are asked to attend a Board meeting without an item to be addressed on the agenda. For example, B.

Johnston regularly attends Board meetings so that she can keep the public session open while the Board moves to meet in an Executive Session. If these additional hours create work totaling more than 40 hours, she is paid overtime. S. Reeves is recommending that exempt employees be permitted to earn compensatory time after working 40 hours in a normal work week.

Outside Employment

S. Reeves recommended adding a new paragraph to the Personnel Rules and Regulations to address outside employment. The language is broad to not unduly restrict employees seeking outside employment opportunities. P. Ruess noted this could be thorny and asked if there would be a requirement to disclose a second job. S. Reeves said no. This change is to prevent potential problems and was raised by a manager. L. Perry stated that the City of Burlington has similar language in their personnel policy regarding second jobs.

#6. Executive Session – Legal Issues

P. Ruess asked for a motion to proceed to Executive Session.

Motion that the Executive Board of Commissioners of the Chittenden Solid Waste District go into Executive Session to discuss ongoing and pending litigation and personnel matters 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 staff and the Solid Waste District Attorney to be present for this session.

Moved by A. Nye, second by P. Stabler. Motion carried. The Executive Board entered Executive Session at 5:35 p.m.

At 5:53 p.m., a motion to exit Executive Session was made by A. Nye, seconded by P. Stabler. Motion carried.

#7. Other Business

P. Ruess asked if there was any other business. P. Stabler asked for an update on the new Materials Recycling Facility (MRF) project and asked if forms have been put up or foundation poured? S. Reeves responded no. Staff is waiting for one last permit from the Town.

#8. Adjournment

Motion by P. Stabler, second by A. Nye to adjourn the meeting. Motion carried. The meeting was adjourned at 5:54 p.m.

I agree that this is an original copy of minutes, and they have been approved by the Executive Board at the December 8, 202, meeting held in South Burlington.

Betsy Paret, Assistant Secretary



Chittenden Solid Waste District

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#4

MEMORANDUM

TO: Executive Board of Commissioners
FROM: Ethan Hausman, Compliance Specialist
DATE: January 16, 2025
RE: Texas Roadhouse Notice of Violation

BACKGROUND

As referenced in the Notice of Violation (NOV), Texas Roadhouse (TRH) was issued a warning of noncompliance letter in December of 2024 regarding Ordinance food waste requirements. We, CSWD compliance staff, had identified the restaurant as the likely source of large quantities of food waste observed in a load of trash at All Cycle in November and subsequently found no dedicated organics containers (or other indications of separate management of food waste) at the restaurant upon visiting the property. Follow-up with TRH was handled by compliance, rather than outreach, because a CSWD outreach staff member had visited the restaurant as recently as July, 2024, but had been unable to confirm what she was told by the manager with whom she spoke about how the restaurant was managing food waste.

In response to the 12/11/24 warning, Mr. Slothower and Texas Roadhouse provided documentation of the restaurant's organics service contract with Casella; a record of the dates and times that the organics containers were serviced, as logged by Casella staff; and a photo of two of the restaurant's organics totes on site. Mr. Slothower also agreed to have us visit and to show us internal and external collection systems and containers to verify TRH's food waste program.

During that visit and meeting with Mr. Slothower in January, 2025, he attributed the food waste observed at the transfer station in November to the restaurant running out of organics container capacity because of unreliable hauler service and missed pickups. He showed us the restaurant's internal collection systems for both pre- and post-consumer food scraps and offered assurances that Texas Roadhouse would pursue solutions for the reliability issues with their hauler to maintain adequate capacity for food waste moving forward.

Mr. Slothower did not address the discrepancy between the consistent organics service indicated by Casella's timestamps in the records provided by TRH with the missed pickups he described anecdotally, and we, CSWD, had no way of reconciling that conflicting information. We further noted at that time that, as Mr. Slothower described and showed us, restaurant staff were collecting food waste in the kitchen by rolling the Casella organics totes inside the restaurant to be used at prep and dishwashing stations and then rolling them back outside to be serviced. We

found this a very unusual practice because most food service businesses do not bring external waste containers inside their establishments for compliance with Vermont Department of Health's food safety requirements.

Based on the proof of organics service and the information we had available to us then, we confirmed that the restaurant had a program for separation/diversion of food waste, considered Texas Roadhouse in overall compliance with the Ordinance, as of that time, and moved the case from active enforcement to periodic monitoring.

SYNOPSIS

The NOV outlines our recent findings at TRH – which include both Food Residuals and/or Mandatory Recyclables photographed in the restaurant's trash dumpster on various occasions – following a routine check in December, 2025, that raised concerns about the restaurant's compliance. Although TRH has had numerous Casella organics tote on site, which are consistent with the food waste diversion program the restaurant's Managing Partner DJ Slothower explained in early 2025, CSWD staff have documented that those totes remained empty and unused for over three weeks of monitoring.

The large volumes of food waste consistently observed in the trash dumpster at TRH in December in combination with the unused organics totes, suggest all the restaurant's food waste has been going to landfill, with no effort made toward diverting that material. We acknowledge that our findings of recycling program deficiencies are not as stark: TRH has an active recycling program and hauling service for blue bin materials in place, and restaurant staff appear to be capturing the bulk of Mandatory Recyclables generated by the restaurant in the recycling dumpster on site.

Because the presence of some Mandatory Recyclables in the trash dumpster may be attributable to insufficient staff training or individual effort, rather than willful disregard of Ordinance requirements by TRH management, CSWD would be responding to the recycling issues with outreach to Mr. Slothower, rather than enforcement action and pursuit of penalties, if not for the associated findings at TRH regarding food waste. Thus, the recommendations for financial penalties below can be considered specific to the restaurant's alleged Unlawful Conduct regarding organics, with the recycling deficiencies included in the NOV with the intent only that they also be comprehensively addressed in a required Corrective Action Plan (CAP).

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

When considering what penalties to recommend, we try to take into consideration how the subject of an NOV has responded to receiving the Notice. In this case, Mr. Slothower has replied briefly to indicate that restaurant staff are now using the organics totes at TRH for the restaurant’s food waste, which we will confirm moving forward. He has not, however, provided any compelling explanation of mitigating factors or detailed assurances of future compliance, nor has he/TRH requested a hearing to be able to address the Executive Board directly.

This case highlights CSWD’s inherent limitations in confirming ongoing compliance, as even in scenarios in which we establish that a business has organics containers and service for effective food waste diversion, that business’ staff may stop using them at any time. Accordingly, when a business shows us a required diversion program and maintains that the practices we are seeing are consistently followed when CSWD staff are not on site observing them, we give the business the benefit of the doubt in accepting those assertions, unless other information comes to light.

Our recent findings, in combination with the observations and information we gathered in follow-up to the 12/11/24 warning, raise questions about whether the food waste program that we were shown in January of 2025 was actually fully in place at the restaurant, whether the protocols we observed during our walk-through visit were actually being consistently followed by staff, and to what extent, if at all, TRH has been diverting food waste dating back to December 2024 and prior. We are now highly skeptical that unreliable organics service by the hauler, the explanation previously offered by Mr. Slothower as an excuse for the food waste from TRH documented at the transfer station in November 2024, was truly the reason for the restaurant’s noncompliance then - or now. These are the factors we have considered in recommending that Texas Roadhouse be assessed the full, maximum civil penalties allowed under the Ordinance for Unlawful Conduct for violations of Ordinance sections 3.8 and 3.9, regarding food waste specifically, that are outlined in the NOV.

In summary, should the Executive Board find that Texas Roadhouse violated sections 3.8 and 3.9 of CSWD’s Ordinance, CSWD staff recommend that Texas Roadhouse be fined \$800 for each of those violations-- a total of \$1600 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 participation in a scheduled, on-site review of the Corrective Action Plan by both CSWD staff and Texas Roadhouse management within fifteen (15) days of receipt of the Proposed Order.



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January 5, 2026

Texas Roadhouse
Attn: DJ Slothower, Managing Partner
225 Interstate Corporate Center
Williston, VT 05495

Re: **NOTICE OF VIOLATION** – Texas Roadhouse, 225 Interstate Corporate Center, Williston, VT; Failure to separate and divert Mandatory Recyclables and Food Residuals

To Mr. Slothower:

The Chittenden Solid Waste District (CSWD or District) alleges that your Williston Texas Roadhouse restaurant 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 December, 2025, concerning required separation of Mandatory Recyclables and Food Residuals. 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

Background:

CSWD issued a Warning of Noncompliance letter to Texas Roadhouse in December of 2024 after identifying the restaurant as the source of large quantities of food waste that CSWD compliance staff documented while conducting load checks at the All Cycle Transfer Station in Williston the previous month. Texas Roadhouse responded by email with documentation of the restaurant's contract for organics service through Casella, and Managing Partner DJ Slowother agreed to meet with compliance staff to provide a walk-through and explanation of the restaurant's food waste program, which happened on January 9, 2025. Accordingly, the District determined Texas Roadhouse to be in compliance with CSWD's food waste requirements, as of that time, and moved the case from active enforcement to periodic monitoring.

While conducting a routine check on December 15, 2025, CSWD compliance staff noted large quantities of food waste in the restaurant's trash dumpster and found no evidence of active organics separation/service, prompting additional inquiry and monitoring visits. During that visit and five subsequent container checks in December of 2025, CSWD staff observed and documented the following:

- 1) The eight Casella organics totes sited along the northwest-facing perimeter of the building remained substantively empty and apparently unused between December 17 and December 31, 2025, when CSWD was actively monitoring them with periodic visits. Starting on December 17, CSWD staff documented clear signs of degradation of the compostable liners in all the totes, suggesting that the liners had not been replaced – and the totes not emptied/serviced by a hauler – in at least several weeks, if not months. The totes remained in exactly the same positions throughout the monitoring period. Minimal foot tracks, consistent snow buildup, and icing of the totes and liners were all consistent with the totes not being visited or opened by restaurant staff nor moved for service by the hauler.
- 2) The only tote with material in it contained only a few items, which were easily recognized – a single banana peel, a coffee cup, and a snack wrapper—and those items remained in place throughout the multi-week monitoring period. Staff dated and photographed two different empty tote liners on December 22 and then documented those same dated, empty liners still in place on December 30 and 31.
- 3) CSWD Compliance Staff photographed readily visible food waste in the restaurant’s trash dumpster on December 15, 17, 30 and 31, each occasion the trash dumpster was found partially or mostly full.
- 4) CSWD Compliance Staff photographed Mandatory Recyclables-- notably clean cardboard and/or beverage containers—in the contents of the restaurant’s trash dumpster on December 17 and 31. Although the trash dumpster had apparently been serviced recently and was largely empty when checked on December 22, almost all of its limited contents were Mandatory Recyclables (multiple glass wine/beer bottles and cardboard boxes).

APPLICABLE CSWD ORDINANCE 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:*

- A) *Separate Mandatory Recyclables from other Solid Waste, prepare and sort Mandatory Recyclables according to specifications established by the District, and place such Mandatory Recyclables in Recycling Containers.*

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 Texas Roadhouse, located at 225 Interstate Corporate Center in Williston, 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 Texas Roadhouse remains out of compliance with Ordinance recycling and 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, Texas Roadhouse 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 Texas Roadhouse into compliance, should CSWD’s Executive Board affirm this finding.

Pursuant to Ordinance Section 12.5, Texas Roadhouse 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 proposed order will also include information pertaining to your right to a hearing on the proposed 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 emailed to sreeves@cswd.net or 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,



Sarah Reeves
Executive Director

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

12/15/25, 9:42am

Large volumes of food waste, including apparent meat and vegetable trimmings from kitchen prep, were visible among both bagged and loose materials in trash dumpster.





Both food waste and Mandatory Recyclables, (cardboard boxes and glass beer bottles) were prominent in the trash dumpster.



Degrading liners in all the organics totes outside the restaurant suggested they had not been recently changed or serviced. There were no indications that restaurant staff had been accessing or using the containers.

All photos taken
12/17/25, 9:32am

Organics totes along building do not appear to have been moved or used since previous visit. Compliance staff dated some liners on 12/22 visit.

Trash dumpster was virtually empty, but nearly all of the contents were Mandatory Recyclables.

All except one of the organics totes was empty. A single banana peel and a couple trash items in one tote (pictured to the right) were the only contents in any of the organics totes.



All photos taken
12/22/25, 9:35am



All photos taken 12/30/25, 8:42am



Organics totes remain unmoved and empty, except for the same handful of (mostly trash) items in one tote's liner. Food waste was evident in restaurant's trash dumpster (photo to the right).



12/29/25



12/30/25



12/31/25, 8:55am



12/30/25



12/31/25



The totes remained empty 12/17 – 12/31, with no indications that staff were using or accessing the organics totes, nor any signs that the totes were serviced by a hauler during that monitoring period. The liners dated 12/22 remained empty and in place through 12/31.

Both bagged food waste and clean cardboard boxes were photographed in the restaurant's trash dumpster on 12/31/25.

RESOLUTION OF THE BOARD OF COMMISSIONERS OF
THE CHITTENDEN SOLID WASTE DISTRICT
Authorizing Delegation of Duties and Authority

Whereas, the Chittenden Solid Waste District (the “District”) is a union municipal district organized and created for the purpose of providing for the efficient, economical, and environmentally sound management of solid waste generated by member municipalities and their residents;

Whereas, the District is a body politic and corporate with the powers incident to a municipal corporation under the laws of the State of Vermont and is governed by a Charter, codified at 24A V.S.A. Chapter 405 (the “Charter”);

Whereas, the legislative power and authority of the District and the administration and the general supervision of all fiscal, prudential, and governmental affairs thereof is vested in a governing body known as the Board of Commissioners (the “Board”), except as specifically provided otherwise in the Charter;

Whereas, the Board may appoint a Manager and such other personnel as it deems necessary for the conduct of the business of the District, and the Board shall have the power to prescribe duties, fix compensation within limits established by the budget, and delegate to such person the responsibilities as it deems appropriate;

Whereas, the Board has the authority, duty and responsibility to establish, clarify, and to amend from time to time, the policies of the District;

Whereas, the Board has appointed a Manager, referred to and identified as the Executive Director of the District;

Whereas, the Executive Director of the District has the duty, responsibility and authority to manage and administer the District in accordance with Board policies, authority delegated to the Executive Director by the Board, and all applicable law;

Whereas, the Executive Director, as the administrative leader of the District, has the further responsibility of presenting to the Board recommended policies of the District for consideration and action by the Board and to keep the Board appropriately advised and informed;

Whereas, the Board has determined to focus its primary attention on policy and legislative issues of the District, and to delegate to the Executive Director the authority to manage and administer the day to day operations of the District, and establish routine administrative procedures of the District;

Whereas, the Board, is mindful that the authority granted to the Board under the Charter is in the form of a public trust, and the Board shall retain its essential legislative and police powers, while

delegating operational matters to the Executive Director in order to provide for efficiencies in its administrative operations.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the District as follows:

Delegation of Duties: The Board hereby delegates to the Executive Director the following authority and duties:

1. The Executive Director shall be the chief administrative officer of the District, responsible to the Board for the administration and general supervision of all business affairs, property, facilities and programs of the District.
2. The Executive Director is granted such authority by the Board to develop, and negotiate contracts and agreements on behalf of the District for which the expenditure has been included in an adopted budget, and for which funds are readily available, and to sign contracts on behalf of the District up to such dollar amount of expenditures as the Board determines from time to time, primarily at its annual organizational meeting.
3. The Executive Director shall be responsible for the operation of all departments of the District not otherwise provided for in this charter or the laws of the State.
4. The Executive Director shall have the authority to set tipping fees, disposal charges, or similar rates and charges for services provided at the District's waste management facilities or plants, excluding any solid waste management fee or tax imposed under Board adopted waste management ordinances.
5. The Executive Director shall participate in meetings of all standing committees of the Board but shall not vote.
6. The Executive Director shall, in cooperation with the Board and its committees, prepare the annual budget and submit it to the Board for approval and adoption by the member municipalities. The Executive Director shall be responsible for its administration after adoption.
7. The Executive Director shall have authority to appoint, fix the salary of, suspend, and remove all employees of the District appointed by him or her subject to the provisions of the Charter. He or she should advise the Board of his or her intention before appointing, removing, or suspending the head of a department.
8. The Executive Director may, when advisable or proper, delegate to subordinate officers and employees of the District, any duties conferred upon him or her by the Charter or by action of the Board, and hold them responsible for the faithful discharge of such duties, but the Executive Director shall remain ultimately responsible to the Board for all administrative actions under his or her jurisdiction.
9. The Executive Director is authorized to promulgate policies and to perform such acts as are reasonably necessary and convenient to further the policies and directions adopted by the Board, subject to and in accordance with the limitations and exceptions set forth herein.

10. The Executive Director shall, and cause others to, manage and administer the District, its facilities and operations, in accordance with the policies and resolutions adopted by the Board and all applicable laws and keep the Board appropriately advised.

Limits on Delegation and Authority: The Executive Director shall not have the authority to perform any of the following actions:

1. the calling or administration of elections;
2. making assessments to member municipalities under the Charter;
3. the judicial or legislative functions of the Board or other legal bodies, boards, or commissions formed by the Board;
4. the organization of the Board and selection of its officers and committees and the supervision of the officers of the District in the performance of their statutory duties under the Charter;
5. the setting of solid waste management fees imposed or established under the District's Solid Waste Management Ordinance, as such ordinance may be amended or supplemented from time to time;
6. changes in compensation or benefits to the Executive Director;
7. adoption of any Resolution of the Board specifically required by statute for the incurrence of indebtedness or financing of capital improvements;
8. adoption of a budget for the District, or of an appropriation request, or of any material revision to the budget;
9. approval of the number and timing of Board of Commissioners meetings as well as the agenda for those meetings, although the Executive Director may, in coordination with the Chair or other offices of the District, participate in the development of the agenda;
10. approval of employment contract, salary, increases, performance bonuses, or other forms of compensation for the Executive Director;
11. approval of programs and other transactions of the District that require approval of the state or federal governments;
12. changes in the governance structure of the District;
13. approval of the District solid waste management plan as required by Vermont law;
14. approval of any plan of layoff or reduction in force involving more than 15% ¹of District full-time employees in any six (6) month period, not including employees whose jobs routinely include short term seasonal employment;
15. such other matters as the board may from time to time adopt.

¹ 15% is included as an example -

Amendments. This Resolution may be amended from time to time by the Board.

This Resolution shall not modify, alter, or expand the contractual rights the Executive Director may have under his or her written and approved employment agreement(s) with the District.