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APPROVED

**CHITTENDEN SOLID WASTE DISTRICT
EXECUTIVE BOARD MINUTES
CSWD Administrative Office & Via Zoom
January 21, 2026**

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

OTHER BOARD MEMBERS: Betsy Paret, Margy Wiener

CSWD STAFF PRESENT: Sarah Reeves, Joey Catania, Josh Estey, Ethan Hausman

INVITED GUESTS: Thomas Melloni (General Counsel)

PUBLIC PRESENT: None

AGENDA ITEMS:

1. Agenda
2. Public Comment Period
3. Consent Agenda
4. Notice of Violation – Texas Roadhouse
5. Delegation of Authority Resolution Draft
6. Executive Session – Legal Issues, Personnel, Real Estate
7. Other Business
8. Adjourn

Paul Ruess called the meeting to order at 5:00 p.m.

Agenda #1. Agenda

P. Ruess proposed two changes to the agenda: (1) Agenda Item #7 to be taken up after Agenda Item #3 and (2) Agenda Item #6 to be taken up after Agenda Item #4 in the new order. The new order of the agenda would read: Item #1, Item #2, Item #3, Item #7, Item #4, Item #6, Item #5, and Item #8. There were no objections to changing the order of the agenda.

Agenda #2. Public Comment Period

No members of the public were present.

Agenda #3. Consent Agenda

Accepted as presented.

Agenda #7. Other Business

P. Ruess introduced the topic as consideration of approval to reserve a transformer from Green Mountain Power (GMP) for use at the new Materials Recycling Facility (MRF). J. Estey thanked the Executive Board for rearranging the agenda and explained the need for the transformer. To bring three-phase power to the MRF site, GMP needs to install an additional transformer on Redmond Road. Transformers have a lead time of 12-18 months. GMP currently has one transformer in stock that is available for purchase. The cost to purchase the transformer

is \$87,174.57, which must be paid to GMP in full. P. Ruess noted that this purchase exceeds the Executive Director's spending authority and falls within the Executive Board's spending authority. P. Stabler asked if the request was to make a deposit to reserve the transformer or to purchase it outright. J. Estey clarified that the word "reservation" is from GMP, but it is more accurately a purchase. It is anticipated that GMP will begin to install the power line in the next few weeks. P. Ruess asked if the cost of the transformer was factored into the overall MRF project budget. J. Estey confirmed that it was. S. Reeves suggested clarifying the resolution language to state that the request is to purchase the transformer. P. Ruess asked for the resolution.

Be it resolved that the Executive Board authorizes the Executive Director to purchase the transformer from Green Mountain Power for an amount not to exceed \$87,174.57 for the new Materials Recycling Facility.

The motion was made by A. Nye with a second by P. Stabler. There was discussion.

P. Ruess noted that the memo in the packet had a different figure, which was confirmed by L. Perry. S. Reeves asked for the correct figure. L. Perry stated the correct amount was \$87,174.57. S. Reeves suggested that a friendly amendment may be needed. P. Ruess agreed to accept a friendly amendment from P. Stabler and A. Nye. P. Ruess asked what the line item for "CAIC tax" was for, and whether the CSWD, as a municipality, was exempt. J. Estey stated that the CSWD is not exempt. S. Reeves stated that the expense is a construction tax that is charged to all entities by GMP as an administrative fee.

P. Ruess asked if there was additional discussion. Hearing none, he asked for a motion. The motion to approve the resolution with the correct amount was made by A. Nye with a second by P. Stabler. All voted in favor. The motion carried.

P. Ruess asked if there was any other business. There was none.

#4. Notice of Violation – Texas Roadhouse

P. Ruess noted that as with all notices of violation brought to the Executive Board, the entity involved is permitted to request a hearing with the Executive Board. Because the Texas Roadhouse declined to have a hearing, the Executive Board would proceed with the matter as a regular business item. E. Hausman reviewed the information contained in the memo and asked if there were questions from the Executive Board.

P. Ruess stated that the recommendation of staff was to have the Executive Board find that Texas Roadhouse is in violation of Sections 3.8 and 3.9 of the CSWD Ordinance and that they be fined \$800 for each of those violations for a total fine of \$1,600. T. Melloni reminded P. Ruess that anyone providing testimony should swear to the truth and accuracy of their testimony being presented regardless of whether the process was a formal hearing or a regular business item. P. Ruess administered the oath to E. Hausman and J. Catania. Both affirmed the oath.

P. Stabler asked what actions staff was anticipating taking, if any, if the Executive Board approved the fines. J. Catania stated that the hope was that the proposed order would require a corrective action plan to ensure that a compliance program was in place and require payment of the fines. He further stated that the goal is for Texas Roadhouse to reach out to the compliance staff, work with them, and then hand the issue back to CSWD's outreach team.

P. Ruess proposed that the Executive Board consider the request in two steps: (1) to consider whether there has been a violation of Sections 3.8 and 3.9 of the Ordinance, and (2) to act on the recommendation to impose a fine and require a corrective action plan. T. Melloni confirmed the approach was proper.

L. Perry asked if staff planned on pursuing the additional penalty assessing \$100 for each day of non-compliance. E. Hausman replied that having that language in the proposed order would allow compliance staff to more immediately implement the next level of fines if Texas Roadhouse did not cooperate. L. Perry asked if Texas Roadhouse had been in contact with compliance staff. E. Hausman said he spoke to someone from corporate headquarters and a managing partner from the local restaurant. He added that neither provided an explanation for why the totes had not been used despite the totes being in place for many months. An inspection on January 20 showed that some food scraps were in one of the totes indicating partial compliance.

P. Ruess asked for a motion to find that the Texas Roadhouse located in Williston, VT, violated Sections 3.8 and 3.9 of the CSWD Ordinance which addresses putting recyclables, food residuals, and solid waste in the proper totes and receptacles. The motion was made by P. Stabler with a second by L. Perry. P. Ruess asked if there was discussion on the motion. Hearing none, he called for a vote. All voted in favor. The motion carried.

P. Ruess asked for a motion directing that the Texas Roadhouse located in Williston, VT, be fined \$800 for each violation noted, for a total of \$1,600 in civil penalties, that they be required to submit a corrective action plan as defined and approved by CSWD compliance staff, and that they cooperate with all CSWD efforts to confirm compliance moving forward. The motion was made by P. Stabler with a second by L. Perry. P. Ruess asked if there was discussion on the motion. Hearing none, he called for a vote. All voted in favor. The motion carried.

#6. Executive Session – Legal Issues, Personnel, Real Estate

P. Ruess asked for a motion to proceed to Executive Session. T. Melloni stated that the Executive Board of Commissioners of the Chittenden Solid Waste District go into Executive Session to discuss ongoing and pending litigation, personnel matters, and potential real estate transactions 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 CSWD attorney to be present for this session. The motion was made by A. Nye with a second by P. Stabler. The motion carried. The Executive Board entered into Executive Session at 5:27 p.m. A. Nye made a motion to exit Executive Session at 6:21 p.m. with a second by P. Stabler. The motion carried.

#5. Delegation of Authority Draft Resolution

S. Reeves introduced the topic by reminding the Executive Board that the idea of a formal delegation of authority resolution was discussed at the full Board meeting in December. She also said that the Executive Board may want to prepare a similar document, or add to this draft document, a delegation resolution for certain additional authorities for the Executive Board beyond the already delegated spending authority of up to \$100,000.

T. Melloni recommended that there should be two separate delegations from the full Board to the Executive Board and to the Executive Director should be presented at the Board's annual organizational meeting in June. He offered to draft a separate resolution for the Executive Board for consideration by the full Board later. S. Reeves suggested some delegated authorities for the Executive Board may involve managing the contract

between the Executive Director and the Board or granting emergency powers to act on behalf of the full Board if a quorum could not be reached and there was an urgent need to act.

P. Ruess opened the discussion and offered comments on the section related to delegating the authority to establish tipping fees, but excluding the solid waste management fee. S. Reeves noted that there are times when quick action is required to respond to unanticipated vendor price increases that may suddenly occur that were not included in the CSWD budget. P. Ruess agreed with including this specific authority and noted that there are adequate guardrails in place to protect the District. He used the example that if an executive director were to act outside the parameters of their delegated authority, the Board would have recourse via the terms of an executive director's contract with the CSWD.

A. Nye asked if the tipping fee authority had already been delegated to the previous Executive Director (then called General Manager). S. Reeves replied that she was not able to find a specific delegation, but that this sounded familiar and perhaps the delegation would have been discussed at the Board level. A. Nye confirmed his recollection of a Board discussion on this topic. S. Reeves said she would research past Board minutes to determine if there was a formal delegation of this specific authority.

S. Reeves noted that the Board has overall authority to approve the CSWD budget, and that all fees are included in the budget as revenue to meet the goals of the District. L. Perry asked what role the Board has if it is determined that fees need to be increased mid-year or late in the fiscal year. S. Reeves responded that this is one of the key considerations the Board should keep in mind when discussing the draft resolution. She offered that a change in process could be to ask the Board to approve an annual fee schedule just prior to authorizing the budget be transmitted to member municipalities for their approval. Procedurally, it would be easier for the Board to authorize a change to a fee schedule than to go through a process to reauthorize a budget. L. Perry stated that the City of Burlington made a similar change in their ordinance to facilitate a mid-year fee change.

P. Ruess noted that the solid waste management fee would remain under the purview of the Board and asked S. Reeves to explain the difference between the tipping fee and the solid waste management fee. S. Reeves stated that the solid waste management fee is a tax in the sense that all generators of solid waste in Chittenden County must pay the fee. This is different from other fees for service where a generator of solid waste has the possibility of shopping for services or finding other ways to avoid paying the solid waste management fee, such as if they donate an item rather than throwing it in the trash. Because the solid waste management fee is a tax, it must remain with the full Board to set the rate as part of its governance and fiscal responsibility. P. Ruess asked for additional comments and feedback. None were offered.

Agenda #8. Adjournment

A. Nye made a motion to adjourn with a second by P. Stabler. Motion carried. The meeting was adjourned by P. Ruess at 6:43 p.m.

I agree this is an original copy of minutes and they have been approved by the Executive Board at the March 16, 2026, meeting held in South Burlington.

Betsy Paret
Betsy Paret, Assistant Secretary