



ADMINISTRATIVE OFFICE

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

Date: Monday, February 19, 2024

Time: 5:00 p.m.

Place: **ZOOM Meeting**

IMPORTANT:

Members of the public who are joining remotely are asked to preregister online using the link below. Following the meeting a recording will be available upon request.

Hi there,

You are invited to a Zoom webinar.

When: Feb 19, 2024 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_vPnhVRQRSwKQkvtFfBD8vg

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

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For those without internet access, call 802-872-8100 ext. 213 and leave a message to register for the meeting. A call-in number will be provided to you prior to the meeting.

Participants will be in listen only mode.

Call in controls include: *6 – toggle mute/unmute and *9 to raise your hand.



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**CHITTENDEN SOLID WASTE DISTRICT
REGULAR MEETING**

Date: Monday, February 19, 2024

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** – January 24, 2024 (page 3) (5:05 p.m.)
4. (E) **Solid Waste Management Ordinance Changes** - Discussion only (page 6) (5:10 p.m.)
5. **Executive Session** – Flynn Avenue, Burlington Property (5:55 p.m.)
6. **Other Business** (6:05 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
VIA ZOOM & CSWD Administrative Office
January 24, 2024**

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

OTHER BOARD MEMBERS: None

OTHERS PRESENT: Thomas Melloni

CSWD STAFF PRESENT: Sarah Reeves, Amy Jewell, Jennifer Holliday, Josh Estey

AGENDA ITEMS:

1. Agenda
2. Public Comment Period
3. Consent Agenda
4. Environmental Depot Rover Truck
5. Materials Recovery Facility
6. Other Business

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

Agenda #1. Agenda - No changes

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

Agenda #3. Consent Agenda – Accepted as presented.

Agenda #4. Environmental Depot Rover Truck Replacement – J. Estey noted that CSWD's Rover (mobile household hazardous waste collection truck) is due for replacement. He referred to the memo and said that in support of the State's climate action plan and to reduce greenhouse gas emissions and promote best management practices towards gas emission reduction, CSWD is recommending the purchase of an electric vehicle truck and will be available for other uses when not used for Rover, Depot, or plowing. He informed the Board that there are five electric pick-up trucks on the market that are suitable for use as a Rover in terms of power and Range (all over 240-mile range fully charged). The least expensive model is the Ford F- 150 Lightning with a base MSRP of \$54,995, which is being recommended.

MOTION by P. Stabler, Second by K. Bogasky, Be it resolved that the Executive Board of Commissioners authorizes the Executive Director to utilize the State of Vermont's contract with McGee Ford of Montpelier, VT to purchase a model year 2024 Ford F-150 Lightning for a price not to exceed \$75,000 and to contract with a licensed electrician to install a fixed level two EV charging

station, with a total project cost not to exceed \$100,000. **VOTING: 4-0 Ayes, Nays 0, 1 Abstention – A. Nye. Motion Carries.**

Discussion:

- Discussion was held on the plow package and ensuring that it doesn't affect the warrantee.
- City of Burlington has this vehicle and CSWD is welcome to take a look at and test drive.
- Discussion on additional trips needed for roll-off boxes at Rover events. J. Estey noted that bigger events would require an additional drop anyway, so this set up doesn't change that.
- Acknowledgement that several members are aware of others who have purchased EV trucks and are not satisfied with the charge and performance and that it might be too new in the process to consider this.

Agenda #5. Materials Recovery Facility – S. Reeves reported that the new MRF build estimates are over the initial estimate. She reported that both building costs and equipment cost estimates are higher than the initially anticipated \$26.5 million anticipated costs. CSWD's bond vote was approved for \$22 million and the estimated \$4.5 million was to be paid through CSWD's capital reserve and grant money. The new estimates have increased with equipment costs being \$800,000 above initial estimates and construction and building costs being \$4.2 million over estimates. CSWD did not receive the federal EPA grant. Another round of grants may be available and CSWD will be applying for those if/when they are available. CSWD did receive \$250,000 from The Recycling Partnership S. Reeves noted part of the increased construction costs are because of the need for a large building, the prices of steel and concrete. She noted that the RFP is being written for construction costs and will be sent out and we have changed the contingency amount from 20% to 15%, which could go lower and more towards industry standards to 12%. S. Reeves noted that CSWD has already made modifications to the building specifications to reduce costs to the tip floor and bale storage. Those changes have been thoroughly reviewed and will not negatively impact the operation. Should the need for additional storage be needed in the future, CSWD can add on to the building or build a separate space on location.

Discussion:

- Discussion on the MRF design and whether it will allow for addition of storage if necessary. It was reported that it is designed for expansion or the option to build additional buildings on site. The current MRF might also be an option for storage. S. Reeves said that outbound capacity could be an issue if backed up for a number of days, but inbound will have plenty of storage capacity, even with the modifications made to reduce costs.
- Further details will be provided at the full board meeting, just following this meeting.
- Discussion on increased MRF build costs and assurance that we can pay off the loan in the long-term and the need for the Board to understand that we are authorized for \$22 million and how we are going to be able to afford this with the demands of the next 10-20 years. S. Reeves said that we are not borrowing more money and referred to the balance sheet in the packet, which shows two restricted reserve accounts and the remaining unrestricted accounts, where money can be used to pay the additional costs. She also noted that CSWD continues to search for grant opportunities.
- Discussion was held on the current MRF and increased capital costs to keep the building a usable space until the new MRF is built. Additional expenditures will be about \$350,000-\$375,000. Further discussion will be held with the Board on whether we keep the old MRF, use

it for other solid waste programs, or sell it. It was noted that CSWD could also rent it for use within the industry.

- Discussion on the money in the landfill post-closure reserve, which currently stands at \$608,000. Interest revenue from CSWD's investments in treasury bonds is slated for this reserve fund, and staff will recommend a fund target.

Agenda #6. Other Business – K. Bogasky asked about the meeting with Josh Kelly and said he does not feel the State has a plan and that CSWD is responsible for coming up with a plan. S. Reeves said that we will be really pushing hard on the State to look at options.

Motion by A. Nye, Second by P. Stabler to adjourn the meeting. VOTING: unanimous; motion carried. The meeting was adjourned at 5:50 p.m.

Amy Jewell, Recording Secretary

I agree that this is an original copy of minutes and they have been approved by the Executive Board at the Wednesday January 24, 2024 meeting held in South Burlington.

Amy Jewell, Recording Secretary

#4.

MEMORANDUM

TO: CSWD Executive Board of Commissioners
FROM: Josh Estey, Director of Compliance and Hazardous Waste; Sarah Reeves, Executive Director
DATE: February 15, 2024
RE: Solid Waste Management Ordinance Amendment – Solid Waste Management Fee Removal

CSWD staff are recommending an amendment to the District's Solid Waste Management Ordinance (SWMO) regarding establishing the District's Solid Waste Management Fee (SWMF). Since the inception of the SWMO, the dollar amount of the District's fee has been specified in the ordinance (current ordinance Section 8.2).

8.2. Amount of Fee. The Solid Waste Management Fee is \$27.00 per ton.

The proposed amendment would be to remove the language in Section 8.2, thus removing the specific dollar amount of the SWMF, and replace the language with a process by which the SWMF is established. Staff are proposing that the SWMF for a particular fiscal year be established during that year's budgeting process. There are several different approaches currently utilized by solid waste districts in Vermont to establish their management fees. A sampling is below:

- ACSWMD's district fee, currently \$35/ton, is established through the District's annual budgeting process. They currently do not assess a per capita fee.
- Central Vermont Solid Waste Management District's ordinance states that their "administrative fee" shall be set by December 15 after a public hearing, and that the fee may be revised by resolution of their Board, but it does not state in the ordinance what the amount of that fee is. CVSWMD imposes a district fee, currently \$30/ton billed to haulers, and a per capita fee of \$1.43/ton billed to their member towns.
- Northwest Solid Waste Management District establishes in their ordinance a base "franchise" tax of \$15 on all tons of disposed solid waste which originated in their District, but states that the fee may be adjusted by resolution of their Board of Supervisors. In the case of NWSWMD, the franchise tax has been adjusted over the years and is currently \$25/ton billed to haulers and a per capita fee of \$1.43/ton billed to their member towns.
- Greater Upper Valley Solid Waste Management District applies two fees, a Waste Generation Fee of \$23.00/ton as established in their ordinance, and a "tipping" fee that functions as a per capita fee of \$15.71/ton and which is established in the District's budget.

Historically the rationale presented for establishing CSWD's management fee in the ordinance has been transparency to the public, providing adequate opportunity for key stakeholders to comment on the change, and establishing legal authorization for charging what is essentially a tax.

By setting a specific number in the ordinance and not identifying a way for the Board of Commissioners to "from time to time amend" the fee requires CSWD to conduct a full Ordinance Change process in order to increase or decrease the fee. The ordinance change process requires the Board of Commissioners to authorize a public comment period to accept comments on the proposed amendments and to consider the input of the public, after which a vote of the Board is required at a publicly warned meeting. After the Board approves the change there is a "waiting period" of not less than 30 days before the ordinance change is officially in place. This process allows for three formal opportunities for the public to comment on a change to the solid waste management fee.

By changing the SWMF via the budgeting process that public process would remain, and indeed, be expanded. CSWD is required by Charter to prepare a proposed budget for the subsequent fiscal year not later than December 1. The proposed budget is normally presented to the Board in public session at the November Board of Commissioners meeting. CSWD is further required by Charter to hold a public hearing on the proposed budget not later than the following January 31. The District's current practice is to then conduct a full budget review within the District's Finance Committee, whose meetings are publicly warned and open to public attendance. After the Finance Committee does their review, the revised proposed budget is presented to the full Board for authorization to be transmitted to the member cities and towns of CSWD. It is then the responsibility of each member city and town to hear the budget in public session and vote to authorize the District's budget.

The annual budget review and authorization process allows the public five opportunities across seven months to comment on anything contained in the proposed budget.

- The current ordinance change process includes three publicly warned meetings – two Board of Commissioners meetings and a public comment meeting. The budget approval process includes at least three Board of Commissioners meetings, a public hearing, and final approval of the legislative body of each member municipality.
- By shifting the fee approval process from an ordinance change to the budgeting process, said parties are being given at minimum a three-month, and at most a seven-month, advance notice of a change – staff believes this is more than adequate.

In addition to the proposed amendment above, staff are also proposing a change to the actual dollar amount of the SWMF in FY25 – from \$27/ton to \$30/ton. The last SWMF change was effective September 1, 2013, over ten years ago, when it was raised from \$22.06. Staff recognizes a need to increase the SWMF in response to rising costs in all aspects of running the District and are proud of the work done over the last decade to put off the need for an increase. However, staff also recognize that by putting off this change the need now is greater than if it had been increased incrementally over time.