

Notes for January 12, 2021 Meeting

1. Chittenden Solid Waste District (CSWD) Glass Settlement – Since the last meeting, the Vermont Attorney General’s Office issued it’s ruling in the case involving CSWD’s management of glass. The VT Digger article regarding the settlement can be found here: <https://vtdigger.org/2020/12/29/chittenden-solid-waste-district-to-pay-400000-to-settle-glass-dumping-case/>

The actual settlement can be found here: <https://ago.vermont.gov/wp-content/uploads/2020/12/20201229-Proposed-Consent-Order-and-Final-Judgment-Order.pdf>

The main results of the settlement are that CSWD will pay fines totaling \$400,000. Included in that amount will be the requirement of CSWD to fund a Supplemental Environmental Project (SEP) in the amount of \$220,000. There is also a 21-day comment period, which the Board may want to take advantage of. Two items that should be included in our letter (if the Board decides to send one) are (1) the SEP process should involve public input, and (2) the SEP should be structured such that CSWD and its members do not benefit directly or indirectly from the SEP funds.

I have invited our Legal Counsel, Ron Shems, of Tarrant, Gillies, Richardson, Shems, LLP, Attorneys at Law to follow-up with the Board regarding some of the issues that were discussed at last month’s meeting. Mr. Shems feels that in order to maintain attorney client privilege, this discussion should take place in Executive Session.

2. 2021 Draft Budget – Proposal to the Legislature - The Vermont Legislature is currently discussing a bill that would allow municipalities to change their town meeting date and/or allow towns to provide direct mailing of ballots to all registered voters. While these initiatives are intended to allow towns the flexibility to adjust their Town Meeting Days, it does present some potential problems for our budget approval process.

(1) If towns move their town meeting dates, it moves our budget vote. If multiple towns move their Town Meeting dates, the problem is compounded. We could potentially have our budget vote drag out for several weeks or months.

(2) If towns decide to mail ballots to all of their registered voters, we would need to make sure we provide our ballots to those towns. If I town does not notify us or does not allow us to include our budget article in their mailing, we are left with mailing ballots to voters. We are not set up to conduct an Australian Ballot vote. There are also deadlines that need to be met in order to ensure ballots are mailed in time. Coordinating these efforts on behalf of 49 towns would be no easy task.

What I recommend to the Board is that we pursue a legislative remedy that allows the NEKWMD Board of Supervisors to approve the 2021 budget. This remedy would be for 2021 only and would require an additional public hearing prior to our March 9, 2021

regularly scheduled meeting. By holding an additional public meeting, we give voters another opportunity to comment on our budget. This idea is not unique. We are the only Waste District in Vermont to have the legal voters decide our annual budget. While many on the Board embrace that process, I think this year's unusual circumstances call for the one-time change.

I will be testifying before the Government Operations Committee to suggest the legislature give us the ability to pursue this if the Board desires. I would like to emphasize that this would be for 2021 only and it would allow the Board to pursue this, but not require the Board to pursue it.

I hope to have more information at the meeting.

3. Solid Waste Implementation Plan (SWIP) – I sent a link to our SWIP on our website. If Board members haven't had an opportunity to review the SWIP, it can be found at <http://nekwmd.org/pdf/FinalSwip2020.pdf>

The 2020 version of the SWIP is very similar to the 2015 version. In fact, the 2020 version is less prescriptive than the 2015 version.

The SWIP needs to be approved by the Board before the State of Vermont will grant its final approval. The State has already reviewed the SWIP and granted pre-approval pending final Board approval.

4. Organics Grant – Request for Proposal (RFP) – The RFP for the Organics Grant has been finalized and is ready to be released to the public. Shannon and I have been working closely with ANR to create the final RFP. The goal is to have the Board approve the RFP for release to the public on Wednesday, January 13, 2021. Potential bidders will have until March 2, 2021 to submit proposals. District staff along with ANR input will evaluate proposals and present them to the Board for selection at the March 9, 2021 Board meeting.
5. Updates –

Financial - For the month ending December 31, 2020 revenues exceeded expenses by \$20,812.06. For the year ending December 31, 2020, expenses exceed revenues by \$8,338.22. The LGER grant in the amount of ~\$21,000 narrowed our budget deficit significantly. Recycling markets are best described as stagnant; however, prices for scrap metal and cardboard have climbed in January.

Operational – The District has completed the process of switching banks. Our Community Bank account remains open until all outstanding checks have cleared. Our most recent payroll was conducted through Passumpsic Savings Bank (PSB). The baler loan and the line of credit have been transferred to PSB. We have received a lower interest rate from PSB for the baler loan. The lower rate is expected to save us about \$2,000 annually.

There were some questions regarding NEK Community Compost at last month's meeting. Upon closer review of their dumping records, I believe they are currently hauling all of their compostable materials to a certified location. They haul significantly more material than they are required to report to us – all of which is going to a certified location.