

Richmond Selectboard
Disapproval of CSWD Budget and Statement of Objections
Due to CSWD Board of Commissioners by June 8 2019

1. Background

The Richmond Selectboard voted unanimously to disapprove of the CSWD budget on May 20, 2019. While the Selectboard supports the mission of CSWD and applauds CSWD in the performance of many activities and initiatives, we did not and do not support the closing of the Reuse Zone at the Richmond Dropoff Center. Our decision was based on the paucity of customer outreach, lack of analysis of customer preferences and behavior, and absence of data and facts provided to the Selectboard regarding the CSWD decision to close the Reuse Zones—combined with a public outcry from numerous Richmond residents, and ongoing information that suggests unnecessary quantities of reusable items are entering the waste stream in the CSWD region, which could be reduced by the presence of a Reuse Zone at our Dropoff Center.

The Selectboard further observes that the decision to close the DOCs appears to be incompatible with the mission and focus of CSWD. As stated in the 2018 annual report (which appears to include no other references to reuse):

Mission: The Chittenden Solid Waste District (CSWD) is a municipality created by the State of Vermont to manage the solid waste generated within Chittenden County. Our primary focus is to use economically and environmentally sound methods to reduce and manage this stream.

Vision: Products are designed to be reused or recycled and our community fully participates in minimizing disposal and maximizing reuse and recycling.

<https://cswd.net/wp-content/uploads/Annual-Report-FY18.pdf>

We remain supportive of reuse elements in the CSWD Solid Waste Management Ordinance (emphasis added):

“WHEREAS, in furtherance of its goals and the goals of the State of Vermont, through the Ordinance the District seeks to promote the separation of Recyclables and Compostables from other Solid Waste in an effort **to reduce the volume of materials Disposed and to facilitate the conservation of vital resources and the beneficial reuse of discarded products;**

...

LL. “Separate” or “Separation” shall mean the segregation and collection of materials, apart from Solid Waste destined for Disposal, for the sole purpose of Recycling, **reuse**, Composting, or special handling.” <https://cswd.net/wp-content/uploads/SWMO-FINAL-20160427.pdf>

We believe that Reuse Zones play a valuable role in (emphasis added):

“... **waste reduction, diversion**, and proper disposal efforts.”

<https://embed.resultsscorecard.com/Indicator/Embed?id=30928&navigationCount=1>

And should continue as part of the regional approach to managing waste (emphasis added):

A sustainable society minimizes the amount and toxicity of the waste it generates, reuses materials, recycles, and composts. The Chittenden Solid Waste District (CSWD) is responsible for the management of solid waste in Chittenden County. The system in the County is a

combination of public, private, and public/private programs. **CSWD has established a range of programs and facilities to manage waste through reduction, diversion,** and proper disposal. CSWD also has identified the need for a regional landfill site (See the CEDS Project list in Supplement 4 for cost estimates, funding sources and proposed timeline for six CSWD landfill/waste transfer station design and construction projects). The tons of municipal solid waste generated in Chittenden County that are landfilled or incinerated have been increasing over the last 5 years, while the amount of construction and demolition debris landfilled or incinerated has significantly decreased. The amount of materials recycled or composted has increased. It is estimated that 38% of the municipal solid waste sent to the landfill is comprised of recyclable materials and 24% is comprised of organic materials that could be composted (Source: CSWD Estimate of the Components of Solid Waste Disposed for FY 2016). A State law passed in 2012 (Act 148) bans disposal of certain recyclables (effective July 1, 2015), yard debris and clean wood (effective July 1, 2016), and food scraps (phased in over time and completely in 2020) from disposal. Residents and businesses in CSWD have been required to separate yard debris and recyclables from waste destined for disposal since 1993 and clean wood since 2015. CSWD has also banned non-asbestos asphalt shingles, unpainted/unstained plywood, and unpainted/unstained oriented strand board from disposal (2016). The additional bans on food scraps and construction materials are having a significant impact on waste diversion in Chittenden County; however, **continued education and new strategies will be needed to maximize use of diversion programs.**

http://www.ecosproject.com/wp/wp-content/uploads/2017/09/ECOSPlan_RegionalAnalysisSupplement2_Final_20180618.pdf

We remain interested in seeing the data maintained about the reuse program at the CSWD Environmental Depot, as described in the Solid Waste Implementation Plan, and ask that this data be shared with the Selectboard (emphasis added):

“Staff at the Environmental Depot maintains a database on household and CEG participation, costs, materials managed, **and the reuse program.**” <https://cswd.net/wp-content/uploads/2010/07/CSWD-SWIP-2015.pdf>

2. Written Statement of Objections:

Pursuant to our authority and the procedure described in Article IV of the CSWD Charter, the Richmond Selectboard provides the following written statement to the CSWD Board of Commissioners regarding the proposed CSWD budget:

Statement of Objections to the budget:

The budget document does not include any references to reuse.

The proposed budget does not identify any cost savings associated with the closing of the Reuse Zones, although costs appear to have been a consideration in the closing of the Reuse Zones.

The proposed budget does not address operation or funding for Reuse Zones at any location. A co-located Reuse Zone is a stated priority of Richmond residents and the Richmond Selectboard.

Specific items to be changed:

We request a change to include a specific reference to a Reuse Zone at the CSWD Richmond Dropoff Center in the proposed budget.

<https://cswd.net/about-cswd/financial-information/>

By adding a new item 7 to Section 11:

“7. Reopen the closed Reuse Zone at the Richmond Dropoff Center, with hours of operation and operating details to be negotiated with the Selectboard of the Town of Richmond.”

[Section 11 Drop-Off Centers/Special Waste Programs](#)

We request a change to include new language in the Drop Off Section of the budget summary:

DROP OFF CENTERS:

The Drop-Off Center (DOC) system review is ongoing and in many ways is the most challenging of the systems reviews we’ve undertaken. Even though the DOCs are District facilities, they are very much seen as “local”. The FY 2020 budget includes funding for a new DOC in Hinesburg as well as improvements to several other locations. Our six DOCs serve 25% of Chittenden County as the primary source of waste disposal, recycling, and management of special materials not accepted elsewhere. More than 70% of Chittenden County residents use the DOCs to manage their “waste” materials during the year. We recognize that we perform a vital function in the community, and the challenge is to do so safely, efficiently, economically, and in an environmentally responsible manner. However, the services provided by the DOCs have increased significantly over the past 25 years, and the costs continue to rise.

By adding a new sentence:

“Due to strong local interest in reopening a Reuse Zone at the Richmond Dropoff Center, CSWD will negotiate with the Selectboard of the Town of Richmond to develop a plan that reopens the closed Reuse Zone at the Richmond Dropoff Center in FY2020.”

<https://cswd.net/wp-content/uploads/FY-20-Budget-sent-to-brd-4.17.19-revisions-org-chart-5.1.19.pdf>

CSWD Charter
ARTICLE IV

ANNUAL BUSINESS AND ASSESSMENTS

...

SECTION 4. ADOPTION

(a) Following the public hearing provided for in the preceding section, the Board of Commissioners shall review the proposed budget in light of comments received at the hearing, and shall thereupon approve the budget for adoption pursuant to subsection (b), with or without changes.

(b) Within 45 days of the approval of the budget by the Board of Commissioners, the legislative body of each member municipality shall act to approve or disapprove the budget.

The budget shall be approved if approved by the legislative bodies of a majority of the member municipalities. (For such purposes, each municipality shall be entitled to one vote.) A legislative body that disapproves the budget must file with the Board of Commissioners a written statement of objections to the budget identifying those specific items to be changed, and failure to file such statement of objections within the forty-five (45) day period shall constitute approval by such municipality. A legislative body that fails to act to approve or disapprove the budget within the forty-five (45) day period shall likewise be deemed to have approved the budget.

Unless a petition is filed in accordance with subsection (d) of this Section, the budget shall become effective forty-five (45) days after the date of its adoption, or at such time following the expiration of forty-five (45) days from the date of its adoption as is determined by the Board. If a

petition is filed in accordance with subsection (d) of this Section, the taking effect of the budget shall be governed by subsection (f) of this Section.

(c) A budget adopted by the Board may be disapproved by a vote of a majority of the qualified voters of the District voting on the question at a special meeting duly warned for the purpose, pursuant to a petition signed and submitted in accordance with subsection (d) of this section.

(d) A petition for a vote on the question of disapproving a budget shall signed by not less than five percent of the qualified voters of the District, and presented to the District Secretary within thirty days following the date of adoption of the budget.

(e) When a petition is submitted in accordance with subsection (d) of this Section, the Board shall call a special meeting within sixty days from the date of receipt of the petition to determine whether the voters will disapprove the budget.

(f) If a petition for a special meeting is duly submitted in accordance with this Section, to determine whether a budget shall be disapproved by the voters of the district, the budget shall take effect on the conclusion of the meeting, or at such later date as is specified in the budget, unless a majority of the qualified voters voting on the question at the meeting vote to disapprove the budget in which event it shall not take effect.

(g) The ballots cast in each member municipality shall be counted by the election officials of each member municipality preserved and secured with the checklist, and thereafter the result shall be certified to the District Secretary within 48 hours. The provisions of Title 17, Vermont Statutes Annotated, shall apply to any District meeting called pursuant to this Section.

(h) If the annual budget for any fiscal year is not approved as of the beginning of such fiscal year, the District shall continue to operate on the budget for the immediately preceding fiscal year until a new budget is approved.

(i) Notwithstanding any disapproval of the budget, the District shall be obligated to pay the principal of and interest on bonds, notes, and other evidence of indebtedness of the District and to satisfy any other obligations relating thereto and to pay obligations under any long-term contracts. To the extent provided by the terms of such bonds, notes, or other evidence of indebtedness, or long-term contracts, each member municipality shall be obligated to pay its share of such indebtedness and obligations under long-term contracts. Unless otherwise provided in the vote authorizing the same, a municipality's share of indebtedness shall be determined by the Board of Commissioners and shall be in an amount proportionate to the actual or estimated tonnage or volume of solid waste generated by that municipality as determined by the Board of Commissioners pursuant to Article IV, Section 5, of this Agreement.

<https://cswd.net/wp-content/uploads/2010/09/CSWD-charter.pdf>

_____ Date: _____

David Sander
Richmond Selectboard Chair