



Franklin County Solid Waste District

The Beginning

- Disposal fees were increasing drastically
- Recycling taking hold
- Towns decide to work together to address disposal crisis
- Formed by the MA legislature in 1989



Franklin County Solid Waste District

Snapshot

- 21 member towns (5 add'l non-member towns in Franklin County)
- Pop. 48,000 over 500 square miles
- FY10 budget: \$1.5 million
- \$1.4 million related to hauling and disposal contracts (fee-for-service)



Franklin County Solid Waste District

Governance

- District Agreement adopted by all towns
- By-laws
- Board of Supervisors: each town has 1 representative and one alternate (with full voting rights in absence of rep.)
 - Meet 4x/year



Franklin County Solid Waste District

Structure

- Full time Executive Director
- Full time Program Director
- Part time Admin. Asst./Bookkeeper
- Office located in downtown Greenfield
- Do not own any collection facilities or equipment*
 - We own sheds for permanent hazardous waste collections and own recycling rolloffs



Franklin County Solid Waste District

Services

- Manage contracts for hauling recyclables, trash, bulky waste, scrap metal/appliances, and wastewater treatment sludge
- Disposal contracts for trash, bulky waste, and sludge



Franklin County Solid Waste District

More Services

- Track tonnage of materials for DEP's annual reports
- Oversee 3 permanent, regional collection centers for common hazardous products – fee based
- Recycling/composting/solid waste assistance to schools



Franklin County Solid Waste District

More Services

- Coordinate spring and fall regional bulky waste collections at 3 sites
- Coordinate annual household hazardous waste collection at 3 sites
- Coordinate “milk-run” collections to towns for propane tanks, e-waste, fluorescent lamps, tires



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More Services

- Loan public event recycling bins
- Maintain website with general info and town specific info
- Transfer station inspection (annual)
- PAYT assistance
- Too many more to list....



Franklin County Solid Waste District

New and Exciting Projects

- Food waste collection at transfer stations (3 out of 6 statewide)
- Feasibility of solar photo-voltaic panels on closed municipal landfills



Franklin County Solid Waste District

Benefits

- Cost savings on hauling and disposal contracts
- Time savings for town staff
- Professional solid waste management team
- One stop “shopping” for residents



Franklin County Solid Waste District

Revenue

- Town assessments pay for 60% of overhead costs (8% of total budget)
- Fee-for-service programs pay for 90% of total budget
- Grants and reserve fund pay for 2%



Franklin County Solid Waste District

Assessments

- Assessments are calculated using population and DOER's Equalized Valuation (EQV)
- 50% of the total is raised through population and 50% is raised through EQV
- This balances small towns with high property values and large towns with low property values



Franklin County Solid Waste District

Challenges

- Larger towns usually have part or full time staff managing solid waste – less need for our services
- Smaller towns usually have loyalty to a hauler (or vice versa) and don't access our contracts



Franklin County Solid Waste District

Solutions

- Identify services that are valuable to individual towns – customize
- Continue to expand and evolve – ex. solar panels at closed landfills
- Seek cost savings through large and small group efforts



Franklin County Solid Waste District

Getting Started

- Start with relatively small projects such as a group bid for trash hauling and/or disposal. Volume = lower cost
- Join together for household hazardous waste collections. More volume will help meet minimum charges.
- Consider hiring part-time assistant that can identify state contracts (usually lower pricing)



Franklin County Solid Waste District

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Programs and Services of the Franklin County Solid Waste District

The Franklin County Solid Waste Management District is comprised of 21 towns in western Massachusetts. A full-time Executive Director, full-time Program Director, and part-time Administrative Assistant/Bookkeeper staff the District. Each town pays an annual administrative assessment that covers 60% of the District's administrative operating expenses. 50% of the assessment is based on population and 50% is based on equalized property valuations. The remainder of the budgeted expenses is paid through a fee-for-service program and grant income. The list of programs and services below is not inclusive, but is meant to represent the most common services provided by the District to its member towns.

Administrative Assessment-Based Services

1. Tracking and Reports: The District tracks the amount of recyclables, trash, bulky items, and metal shipped under the District's hauling contracts. This information is necessary for state reports, but also helps towns in their budget process. The District completes annual reports required by the MA Department of Environmental Protection (DEP).
2. Grant Writing: Each year the District applies for state and federal solid waste management grants on behalf of its member towns. The District has received grants totaling in excess of \$800,000.
3. Special Programs: The District operates three regional permanent collection centers for household hazardous waste in Bernardston, Colrain, and Conway. These sites are open year-round to all District residents. Residents are charged a disposal fee for their waste. The District also coordinates an annual collection for tires, electronics, appliances, and bulky wastes. This collection is held at three sites simultaneously. The District sells backyard compost bins and recycling bins. It distributes containers for used oil at no cost to residents. It operates a free sharps collection program. It collects mercury-containing products at no cost and provides free non-mercury thermometers to residents.
4. Assistance for Schools and Public Events: Technical assistance is offered on recycling and composting at schools and public events, such as fairs. The District loans out event recycling bins. Assistance is also provided to schools on managing fluorescent lights, electronics, and hazardous materials.
5. Operational Review: District staff will conduct a comprehensive review of a town's waste management system – transfer station or curbside. A full assessment of efficiencies and costs will be made. Assistance will be provided on implementing recommended improvements.

6. Representation at Regional, State, and National Forums: District staff participate in meetings held by regional, state, and national organizations. District staff provide input on legislation, regulations, new programs, and planning efforts. Always, the intent is to represent the unique needs of and issues facing small, rural towns in western Massachusetts.

Fee-for-Service Programs

The District administers fee-for-services programs that each town can choose to use for an additional administrative fee. For hauling contracts, District staff develop and distribute bid documents, review bid results, recommend contractors, develop contracts, review monthly bills and expenses, and advocate on behalf of the towns with the contractor.

1. Recyclables Hauling: The District administers a contract for hauling recyclables from each town transfer station to the Springfield Materials Recycling Facility.
2. Waste Hauling & Disposal: The District administers a contract for hauling and disposing/recycling of trash, bulky wastes, appliances, and scrap metal from town facilities. Towns receive revenue from scrap metal sales.
3. Sludge Hauling & Disposal: The District administers a contract for hauling and disposal of sludge from town wastewater treatment facilities.
4. Household Hazardous Waste: The District organizes an annual collection for household hazardous waste from residents and businesses. The collection is held at three sites simultaneously. Over 400 households participate annually in this collection.
5. Transfer Station Inspection: The District is authorized by DEP to conduct the annual transfer station inspection required by regulation. A report is compiled and submitted to DEP and the town. There is a \$50 fee for this service.

Selected Grant Projects

- Purchased 25 public event recycling bins for town fairs, art shows, and special events.
- Added a comprehensive “What do I do with...” page to our website that provides recycling and disposal options for over 350 items.
- Coordinated a collection of unwanted pesticides from agricultural operations at no charge at the hazardous waste collection.
- Produced public education materials on plastics recycling, removal of junk autos, recycling of pallets and stumps, and proper disposal of mercury-bearing waste.
- Designed residential organics collections at several town transfer stations.

Contact: Jan Ameen, Executive Director, 413-772-2438, fcswmd@crocker.com

Franklin County Solid Waste Management District

District Agreement

I. Organization

There is hereby established the Franklin County Solid Waste Management District, a public body politic and corporate, hereafter referred to as the District. Said entity shall function as a refuse disposal District operating with the regional responsibilities and powers provided to regional solid waste management districts pursuant to the Enabling Act and all other provisions of law which may apply to such districts.

The District is created and shall exist for the purpose of providing solid waste management services for its member municipalities for solid wastes generated within the District. The forms of solid waste management may include, but are not limited to removal, transportation, disposal, recovery, reduction, recycling, composting or any combination thereof and whatever associated administrative support services may be required.

The District shall not be organized nor function for the purpose of disposing of hazardous waste except at the discretion of the District Board of Representatives.

The District shall be composed of all the lands and residents within the municipalities of Bernardston, Buckland, Charlemont, Colrain, Conway, Deerfield, Erving, Gill, Hawley, Heath, Leyden, Montague, New Salem, Northfield, Orange, Rowe, Shelburne, Sunderland, Warwick, Wendell, Whately and any other municipalities in Franklin County as shall by vote as provided below accept the provisions of the Enabling Act and agree to participate in its creation. Other municipalities can be subsequently admitted to the District as herein provided; municipalities may also withdraw from the District as herein provided. The municipalities composing the District shall constitute its members and are herein designated as member municipalities.

Municipalities having a town meeting form of government shall vote to join the District at the next annual town meeting or at a special town meeting held prior to June 30, 1989; municipalities having a council form of government shall vote to join the District by council action which becomes final prior to June 30, 1989. The District shall not incur any debt or long-term contractual liabilities until approval of this agreement by the Massachusetts General Court.

After June 30, 1989, municipalities must seek admission as new member municipalities as set forth in Section VIII.

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II. District Board of Representatives

Authority. The legislative power and authority of the District and the administration and the general supervision of all fiscal, prudential, and governmental affairs thereof shall be vested in a governing body known as the District Board of Representatives except as specifically provided otherwise by the Agreement. The District Board of Representatives shall draw up a set of By-laws which must be approved by all voting representatives to provide for the conduct of its business and the exercise of powers of the District when the manner of exercise is not specifically provided herein. The District Board of Representatives has the authority to amend the By-laws with the approval of two-thirds (2/3) of the voting representatives. By-laws and any amendments to by-laws must be read one meeting before being voted on.

Voting. Each member municipality is entitled to voting representatives as specified in the following chart:

Population: 0-4,999	one voting representative
5,000-9,999	two voting representatives
10,000-14,999	three voting representatives
15,000-19,999	four voting representatives
20,000-24,999	five voting representatives
25,000 and above	six voting representatives

The determination of population shall be made based upon the most recent Federal census.

Each member municipality is entitled to and encouraged to appoint a representative and an alternate for each voting representative position as listed in the chart above.

The representatives from each member municipality shall be appointed by the Executive Body of such municipality. All appointments shall be in writing signed by the respective Executive Body, or its chairman, and presented to the Secretary of the District. Representatives shall serve a two-year term. The District Board of Representatives shall be composed of all duly appointed representatives from each member municipality. For each District Board of Representatives meeting, in the absence of a representative from a member municipality, an alternate will be selected from the attending alternate representatives for that member municipality, as specified in the By-laws.

Subcommittees. The District Board of Representatives may from time to time form ad-hoc or standing subcommittees and appoint representatives and/or alternates from member municipalities to serve and vote on such subcommittees. The District Board of Representatives may give charges to these subcommittees, and may optionally require that certain subcommittee actions be approved by the District Board of Representatives as set out in the By-laws. All representatives and/or alternates appointed to a subcommittee shall have voting power on that subcommittee. There will be no substitute representation at the subcommittee level.

Quorum. For the purposes of transacting business, a quorum shall constitute the presence of more than 50% of the total votes of appointed representatives.

Officers. At its annual meeting, the District Board of Representatives shall elect from its membership a Chair and a Vice-Chair each of whom shall hold office for one year and until his or her successor is duly elected and qualified. For the election of officers each member municipality shall have one vote.

The District Board of Representatives shall appoint a Secretary of the District and a Treasurer of the District neither of whom need be members of the Board of Representatives.

III. Powers

The powers of the District shall be as specified in the Enabling Act and as specified below.

Except as otherwise provided the District shall have the powers specified in the Enabling Act, with the following exception: The District may purchase or take by eminent domain under Chapter 79 land within member municipalities only with approval of the Legislative Body of the member municipality within which the land is located.

In addition, the District may, in order to perform its functions:

- enter into any long-term lease; provided, however that the purpose and maximum period of such lease shall have been approved by the member municipalities in the manner provided with respect to bonds and notes by this agreement.
- enter into any service agreement under the provisions of subsection (g) of section twenty-one of chapter forty D of the General Laws with any party such that said party shall be obligated to provide a program for waste disposal services.
- establish a system of user fees based on actual, projected, approximate, or estimated use of the program or services provided by it or on such other basis as will equitably allocate the cost of the facilities or service among the users or categories of users. The collection of user fees shall be taken into account in the preparation of the annual District budget.
- create, and maintain from bond proceeds, and provide for the use and ultimate disposition of, such reserve, replacement, maintenance, and improvement funds in connection with each capital program funded by bonds as it may deem necessary and prudent to enable it to carry out the function of the program in an orderly fashion, provided, however, that the aggregate of such funds for any one project shall not exceed five per cent of the principal amount of bonds issued for such project.

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In addition, indebtedness incurred by the District for regional refuse disposal facilities shall be subject to such of the applicable provisions of Chapter forty-four of the General Laws as are not inconsistent herewith. The maturities of bonds or notes issued by the District either shall be arranged so that for each issue the annual combined payments of principal and interest payable in each year shall be as nearly equal as practicable in the opinion of the District Board of Representatives, or shall be arranged in accordance with a schedule providing for a more rapid amortization of principal, provided that such annual payments need not commence earlier than one year after the date of commencing regular use of the facilities, as projected or determined by the District Board of Representatives. Project costs to be financed by the issuance of bonds or notes may include interest on such borrowing, including interest on notes issued in anticipation of federal or state aid, for a period of up to six months after the date so projected or determined for commencement of regular use of facilities financed by the bonds or notes.

IV. Description of Program

The District may own, operate, construct, contract for the use of or otherwise provide one or more programs for the use of the member municipalities. The District may purchase or take by eminent domain under chapter seventy-nine land within member municipalities only with approval of the Legislative Body of the member municipality within which the land is located. Any program which the District operates may be located within the District or in a non-member town. The District may lease land or buildings within a non-member town. All District owned, leased, and/or operated facilities shall be sited in accordance with all applicable laws and regulations.

In the case of any program the capital cost of which is allocated to less than all of the member municipalities under a capital budget adopted pursuant to Section V, those municipalities which are allocated responsibility for a portion of the costs of such program shall have a first claim on the handling or disposal capacity of such program proportional to the allocated cost share of each such municipality. To the extent that there is unused capacity in any program, the District Board of Representatives may make provision for the use thereof by other member municipalities, non-member municipalities and other persons on such terms and conditions as the District Board of Representatives may establish.

V. Capital Cost Allocation

Whenever the District Board of Representatives shall propose a capital expenditure the cost of which will be paid or repaid over more than one fiscal year through the use of indebtedness, lease transactions, installment purchase agreements or otherwise, the District Board of Representatives shall prepare a report. This report shall state the purpose of the expenditure, the amount to be expended, the method of financing such expenditure or otherwise delaying it so that payment or repayment occurs in more than one fiscal year, the estimated financing or carrying costs associated

therewith and an estimated cost allocation for the member municipalities intended or expected to benefit from the expenditure.

The District Board of Representatives shall notify the Executive Body of the member municipalities of its intent and enclose a copy of said report. The District Board of Representatives will request each member municipality to indicate interest in participating, and may set a deadline for reply.

Based upon those member municipalities which express interest in participating, the District Board of Representatives will draw up a formal budget that includes the cost allocated to each of the participating municipalities for the program. The capital budget for any particular program may show estimated receipts, such as user fees, from sources other than the member municipalities but such estimates shall not relieve any member municipality from responsibility for its full allocable share of costs if such receipts are not received.

The District Board of Representatives shall send a copy of the capital budget to the Executive Body of those member municipalities that have expressed an interest in participating in the program. The District Board of Representatives reserves the right to specify a timeframe of no less than forty-five days within which the Legislative Body of each such member municipality must take a vote to approve or disapprove the capital budget. If any of the participating municipalities do not vote within the time frame or votes to disapprove the capital budget, the District Board of Representatives may draw up a new capital budget and submit this new capital budget to Legislative Body approval by the remaining participating municipalities.

If the capital budget provides for the incurrence of indebtedness to finance the costs provided therein, such indebtedness shall be authorized as provided in the Enabling Act, which authorization may be made simultaneously with the adoption of the capital budget or at any other time.

Allocation of responsibility for the costs of a capital expenditure among the member municipalities intended or expected to benefit from the expenditure shall, for purpose of any capital budget, be made in proportion to the most recent final equalized valuations of such municipalities as established pursuant to Chapter 58, section 10C, of the General Laws as of the time such capital budget is proposed by the District Board of Representatives.

When all capital expenditures for a project which is the subject of a capital budget have been made and financing or other carrying arrangements for the cost thereof have been completed, the capital budget relating thereto may be revised to reflect the actual costs allocated to the participating municipalities and to include a schedule of annual or other payments (not more frequently than quarterly) pursuant to each such municipality's allocable share shall be paid; provided however that the total capital expenditure shall not be increased nor any municipality's allocable share increased without adoption of a new capital budget pursuant to this section. Thereafter, payment by each municipality shall be made to the District in accordance with such budget, allocation and schedule without requirement of notice, annual budget approval, or other action by the District.

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Each such member municipality's apportioned share of principal and interest on bonds, notes or certificates of indebtedness issued by the District shall be exempt from the provisions of section twenty-one C of chapter fifty-nine.

VI. Procedure for Setting Annual Budget

The fiscal year of the District shall commence on July 1 and end on the following June 30.

Schedule for Annual Budget. The District Board of Representatives shall prepare a proposed annual budget for each fiscal year by the regularly scheduled November meeting of the preceding year. The District Board of Representatives shall hold at least one public hearing on the proposed annual budget after such notice to the member municipalities and the public as it shall determine and shall adopt such proposed annual budget, with or without amendment, after the public hearing but not later than the first Thursday in December. Within one week of its adoption, the District Board of Representatives shall cause the proposed annual budget as adopted to be mailed to the Executive Body and Finance Committee (or other body having the function of a finance committee) in each member municipality.

The District Board of Representatives shall receive comments from the member municipalities until the following January 31st. After the final day for the municipal comment and prior to March 1, the District Board of Representatives shall, by majority vote, adopt an annual budget, with or without amendment, and shall notify the member municipalities of the same by mail as aforesaid in the case of the proposed annual budget.

The annual budget must be approved by 2/3 of the member municipalities, each by a majority vote of its Legislative Body at an annual, regular or special meeting held prior to the commencement of the fiscal year to which the budget pertains. The annual budget shall then become final and effective for the following fiscal year. If the annual budget is not approved, the District Board of Representatives may from time to time resubmit it or may submit a revised annual budget for municipal consideration in the manner described above, but without need for a proposed annual budget or public hearing, and if no annual budget has been adopted prior to the commencement of the fiscal year to which it pertains, the District shall operate with the budget for the previous year on a month to month basis until a new annual budget becomes effective.

When an annual budget has been approved, each member municipality shall pay its allocable share thereof on a quarterly basis by the tenth day of each July, October, January, and April. If the District is operating on the previous year's budget because no new annual budget has become effective, each member municipality shall pay its allocable share thereof on a monthly basis on the first day of each month commencing with July until a new annual budget becomes effective.

Thereupon, the balance of what would have been each member municipality's quarterly payments shall be due and payments for the remainder of the fiscal year shall be made quarterly as aforesaid. If any member municipality shall not pay its allocable share when due, such overdue payment shall bear interest at a rate equal to the District's borrowing cost as estimated for the same period

Contents of Annual Budget. The annual budget shall include estimates of all costs and expenses of the year to which it pertains, including capital, operating and maintenance costs, and of all revenues, including grants, user fees and proceeds from the sale of any recycled materials and any other receipts. If the District utilizes more than one program, the capital and operating costs of each shall be separately identified. General administrative expenses and expenses attributable to District-wide operations may be separately identified or allocated to individual programs as the District Board of Representatives may determine. In preparation of the annual budget, the District Board of Representatives shall take into account any variations between the actual weight of refuse received and the estimated weight of such refuse from member municipalities during previous fiscal years.

The District Board of Representatives may provide for a stabilization fund to be funded as part of the annual budget or otherwise. Amounts in the stabilization fund may be used for any legal purpose of the District but only pursuant to a capital budget, annual budget, or supplemental budget that provides for withdrawals therefrom.

The annual budget shall show the capital costs allocated to and payable by each member municipality as provided in the capital budgets pertaining to each program and the estimated weight of refuse to be received from each member municipality during the year. The annual budget shall show the adjustments and allocation of cost to each member municipality and the quarterly payments due from each, calculated as provided below.

During the course of the fiscal year, the District Board of Representatives may reallocate available funds or expense items within the annual budget and may expend any gifts or grants received for the purpose for which they were given or made but it shall not increase the payments due from the member municipalities without first adopting a supplemental budget which shall be submitted to the member municipalities for approval or disapproval as in the case of an annual budget, but without need for a proposed supplemental budget or public hearing. Any unencumbered and uncommitted surplus remaining at the end of a fiscal year may be applied to the following year's budget or may be accumulated in the stabilization fund, as the District Board of Representatives may determine.

Allocation of Annual Budget. The amount to be raised pursuant to each annual budget by allocation to and payments by each member municipality shall be determined as follows:

1. Until such time as user fees with respect to a District facility or facilities available to each member municipality shall be sufficient to totally offset the District's general operating and administrative costs for a complete fiscal year, all member municipalities will be assessed to

fund that portion of the District's general administrative and operating budget which is not so offset, as follows:

Assessments to member municipalities during the period shall be based on a formula of fifty percent population (using the most recent federal census) and fifty percent equalized valuation. Payments by each member municipality based upon this formula shall be made quarterly.

2. At such time as user fees with respect to a District facility or facilities available to each member municipality shall be sufficient to totally offset the District's general and operating costs:

(a) For each member municipality, the total budgeted amount to be raised by allocation, including capital and operating costs, shall be divided by the total estimated weight of refuse expected to be received from all member municipalities and multiplied by the estimated weight of refuse expected to be received from the member municipality;

(b) Any payments to be made during the year by the member municipality pursuant to approved capital budgets shall be deducted from the result of the operation described in (a);

(c) If the result of the operation in subparagraph b is zero, the municipality shall pay its capital budget allocation and nothing more; if the result is positive, the municipality shall pay its capital budget allocation and the resulting amount, as scheduled; if the result is negative, the municipality shall pay its full capital budget allocation without reduction and any resulting surplus on a District-wide basis may be deposited in the stabilization fund at the discretion of the District Board of Representatives.

The District Board of Representatives shall establish reasonable procedures for determining each municipality's tonnage.

If the District utilizes more than one program, the operation specified in subparagraph (a) above shall be carried out using only the total budgeted amount to be raised by allocation on account of District-wide expenses and expenses of the program or programs actually used by the municipality in question and using only the total estimated weight of refuse expected to be received from all member municipalities at such program.

VII. Process of Amending Agreement

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No amendment of this Agreement may impair the rights of holders of bonds, notes or other evidence of outstanding District indebtedness; amendments for member municipality admission are provided for by separate amendment process.

An amendment to the District Agreement may be initiated by one of the following:

- a) a majority vote by the entire District Board of Representatives or
- b) a petition of at least 10% of the registered voters of any member municipality.
- c) majority vote of town meeting or the Legislative Body of a member municipality.

Upon initiation of an amendment proposal, the District Board of Representatives may cause one or more public hearings to be held thereon and may solicit such municipal comment as it may deem proper and shall cause an amendment to this Agreement to be prepared incorporating the substance of such proposal in such form as the District Board of Representatives shall approve, with or without modification. Within forty-five days of the initiation of an amendment proposal, the District Board of Representatives shall deliver to the Executive Body of each member municipality an amendment prepared as aforesaid, together with its recommendation as to whether such amendment should be adopted.

Amendments require approval by 2/3 of the member municipalities each by a majority vote of its Legislative Body; provided, however, that any amendments changing the allocated costs or its voting rights on the Board of Representatives of any member municipality shall require the approval of that municipality.

Each member municipality shall within sixty days of the receipt of an amendment from the District Board of Representatives cause the amendment to be submitted to its Legislative Body for approval or disapproval. If the required 2/3 vote approval is not obtained within the sixty day period, the amendment process shall lapse and thereafter the amendment may be adopted only upon a new initiation.

VIII. Admission of New Member Municipalities

The admission of new member municipalities may be effected by an amendment to this agreement adopted as provided in Section VII. The District Board of Representatives may authorize the inclusion of additional member municipalities in the District by proposing an amendment to this agreement. The District Board of Representatives' amendment shall include such terms and conditions as it in its sole discretion shall deem to be fair, reasonable and in the best interests of the District.

The Executive Body of any non-member municipality which desires to be admitted to the District shall make application for admission to the District Board of Representatives. The District Board of Representatives shall determine the effects and impacts which are likely to occur if such municipality is admitted and shall thereafter initiate the amendment process for admission or deny

admission of the petitioning municipality. If the Board of Representatives proposes an amendment to admit the petitioning municipality, it shall also specify any terms and conditions upon which such admission is predicated. The terms and conditions may include but not be limited to financial obligations, and provide that any lease or agreement to which the District may be a party would not be violated or voided. The petitioning municipality shall thereafter comply with the approval procedures specified in the appropriate Massachusetts General Law. If a majority of the voters of the petitioning municipality present and voting at a meeting of such municipality duly warned for such purpose shall vote to approve the Agreement with the amendment and the terms and conditions for admission, the vote shall be certified by the Clerk of that municipality to the District Board of Representatives. The amendment which specifies terms of admission shall not take effect until it has been approved by all member municipalities as provided in Section VII.

Thereafter, upon satisfactory performance of the terms and conditions of admission, said petitioning municipality shall by resolution of the District Board of Representatives become and thereafter be a member municipality of the District.

IX. Procedures for Withdrawal

The withdrawal of a member municipality shall be effected by an amendment to this agreement adopted as provided in this Section IX. The provisions of Sections VII and VIII, relating to all other amendments and to the admission of new member municipalities shall not apply to an amendment under this Section IX.

Any member municipality may seek to withdraw from the District by adopting a majority vote to that effect at a meeting of its Legislative Body. After such a vote the Executive Body of said municipality shall notify the District Board of Representatives and request that the District Board of Representatives prepare an amendment providing for its withdrawal. The request shall be accompanied by a certified copy of the vote of the Legislative Body and shall include an agreement by said municipality to pay all of the District's expenses in preparing the requested amendment, whether or not it is finally adopted.

Municipalities may request to withdraw from the District at any time. However, notification of withdrawal effective in the next fiscal year must be received by the District no later than the second week of January of the current fiscal year. Requests for withdrawal received after this date shall result in the District requiring full payment of the withdrawing municipality's assessment for the next fiscal year.

Thereupon, and within ninety days from the receipt of the notice and request, the District Board of Representatives shall prepare an amendment providing for the withdrawal of the requesting municipality setting forth such terms as the District Board of Representatives shall deem advisable. In all cases the terms of withdrawal shall provide that the withdrawing municipality shall continue to be obligated to pay its allocable share of debt service on all short and long-term indebtedness, lease payments and payments under long-term contracts or service agreements. In addition, the

amendment may provide for payments by the withdrawing municipality of planning and development costs related to programs which that municipality had accepted if such costs have been incurred but not financed at the time of withdrawal, and may provide for payment of all or a portion of the municipality's budget allocation for the fiscal year in which the withdrawal is effective, and finally may provide for payment of any amounts owing to any retirement system in which the District participates. The amendment may also make provision for the disposition of any assets of the District located in the withdrawing municipality and of any assets of the municipality used by the District.

The District Board of Representatives shall transmit the withdrawal amendment to the Executive Body of the municipality in question. If the amendment is approved by a majority vote of the Legislative Body of such municipality at a meeting duly called and held within forty-five days of such transmittal (unless a longer period is stated in the amendment itself), the withdrawal shall be effective upon the effective date of such vote and at that time the term of office of each representative from the municipality to the District Board of Representatives shall terminate and the municipality shall cease to be a member of the District. The municipal clerk shall provide the District Board of Representatives with notification stating the effective date of withdrawal and enclosing a certified copy of the vote.

Until an amendment has been approved as aforesaid and withdrawal has become effective, any municipality requesting withdrawal shall remain a full, participating member of the District and its representatives shall remain full, voting members of the District Board of Representatives.

X. Initial Budget

For the first full fiscal year, and for any partial year prior to such first full fiscal year, after the organization of the District, the budget shall be an annual budget for administrative and initial operating expenses only (except that one or more capital budgets may be proposed during such period by the District Board of Representatives as provided in this Agreement) and shall be the budget proposed by the Planning Board created pursuant to Chapter 40, section 44B of the General Laws with respect to the District and filed with each municipality comprising such Planning Board. When any municipality votes to accept the provisions of this Agreement it shall also vote to appropriate the sum allocated to it in such budget and a no vote to accept this Agreement shall be effective unless such an appropriation is made. Payment by each member municipality to the District shall be made monthly during any partial fiscal year prior to the first full fiscal year and shall be made quarterly thereafter in accordance with such budget.

XI. Definitions

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Alternate - A person appointed by the Executive Body of any member municipality to serve on the District Board of Representatives as an alternate to a Representative for that member municipality. Alternates may only vote on matters which arise at District Board of Representatives meetings which they attend, if they are replacing a Representative, as set out in the By-laws. Alternates may vote on matters which arise at subcommittee meetings, if they are in attendance and have been appointed to that subcommittee.

Costs - In the context of capital expenditures, costs shall include all expenses in the nature of capital outlay such as the costs of acquiring land, the cost of construction, reconstructing or adding to facilities, the cost of constructing roads, the cost of consulting services, the cost of any equipment necessary for the operation of a refuse disposal program, and any other costs incidental to the preparation of such a program. Capital costs shall also include payment of principal of and interest on bonds, notes, or other obligations issued by the District to finance capital costs. In the context of annual Operation and Maintenance expenditures, costs shall include all costs not included in capital costs as defined above that are incurred directly or indirectly by the District.

District Solid Waste Program - any incinerator, landfill, resource recovery facility, transfer station, composting plant, sorting or processing machine or plant, recycling plant or other sanitary means of recycling or composting solid waste that has the approval of the Department of Environmental Protection that is owned and operated by the District or any contract or services administered by the District.

Enabling Act - shall mean sections 44A through 44L, inclusive, of Chapter 40 of the Massachusetts General Laws, as amended from time to time.

Executive Body - means the Board of Selectmen of any municipality having such a board and the officer or body exercising the functions of a Board of Selectmen in any other municipality.

Hazardous Waste - shall mean material regulated as such by state and federal statutes.

Legislative Body - means the town meeting in a municipality having a town meeting form of government and the body exercising the functions of a town meeting in any other municipality.

Operates - includes the operation of any program for which the District has financial responsibility.

Program - any service or facility that the District operates or provides including the District Solid Waste Program.

Representative - A person appointed by the Executive Body of any member municipality to serve on the District Board of Representatives. Representatives may vote on matters which arise at District Board of Representatives meetings which they attend. Representatives may vote on matters which arise at subcommittee meetings, if they are in attendance and have been appointed to that

subcommittee. The number of voting representatives for each member municipality is established in Article II.

Solid Waste - shall mean any discarded garbage, refuse, septage, sludge from a waste treatment plant, water supply plant, or pollution control program and other discarded material, including, liquid, semi-solid, or contained gaseous materials resulting from residential, industrial, commercial, mining, or agricultural operations and from community activities.

June 1, 2001

Franklin County Solid Waste Management District

BY-LAWS

Article I. Name

The Franklin County Solid Waste Management District (hereinafter referred to as the "District") was established by Chapter 190 of the Acts of 1989, under provisions of Sections 44A to 44L, inclusive, of Chapter 40 of the Massachusetts General Laws.

Article II. Purpose

The District is created and shall exist for the purpose of providing solid waste management services for its member municipalities for solid wastes generated within the District. The forms of solid waste management may include, but are not limited to, removal, transportation, disposal, recovery, reduction, recycling, composting or any combination thereof and whatever associated administrative support services may be required.

The District shall not be organized nor function for the purpose of disposing of hazardous waste except at the discretion of the District Committee.

Article III. Membership

3.1 Member Municipalities The District is composed of all the lands and residents within the municipalities of Bernardston, Buckland, Charlemont, Colrain, Conway, Deerfield, Erving, Gill, Hawley, Leyden, Montague, New Salem, Northfield, Orange, Rowe, Shelburne, Sunderland, Warwick, Wendell, and Whately. Other municipalities can be admitted to the District; municipalities may also withdraw from the District. The municipalities composing the District shall constitute its members and are herein designated as member municipalities.

3.2 Non-Municipal Members Businesses, industries, and educational entities are eligible for non-voting membership in the District by a majority vote of the District Board of Representatives. These entities will be required to pay an annual assessment determined by the District Board of Representatives.

3.3 District Board of Representatives The legislative power and authority of the District and the administration and the general supervision of all fiscal, prudential, and governmental affairs thereof shall be vested in a governing body known as the District Board of Representatives except as specifically provided otherwise by the Agreement.

3.4 Representatives and Alternates

3.4.1 Appointment The District Board of Representatives shall be composed of representatives and alternates from each member municipality as set forth in the District Agreement. Representatives and alternates from each member municipality shall be appointed by the Executive Body of such municipality. Representatives and alternates shall serve a two year term. All appointments shall be in writing signed by the respective Executive Body, or its chair, and presented to the Secretary of the District. The Secretary shall insure that representatives are duly sworn in, have received copies of the Massachusetts Conflict of Interest laws, and have signed a statement pursuant to MGL Chapter 39, Sec 23D (the open meeting law).

3.4.2 Resignation Any representative or alternate of the District Board of Representatives may resign by delivering his or her written resignation to the Executive Body of the member municipality which appointed him or her at its principal office and to the Chair of the District Board of Representatives.

3.4.3 Removal A representative or alternate to the District Board of Representatives may be removed only by the Executive Body of the member municipality which appointed him or her.

3.4.4 Vacancies If a member municipality's representative or alternate position is vacant for any reason, that municipality's Executive Body may appoint a person to fill the vacancy at any time, following the procedure specified in Section 3.4.1, for the balance of the vacant term.

3.4.5 Attendance If a representative misses two meetings in a row, without prior notice, the District Secretary shall inform the Executive Body of the member municipality which appointed the representative of his/her absences.

Article IV. Administration

4.1 Officers

4.1.1 Chair and Vice-Chair A Chair and a Vice-Chair shall be duly elected at the Annual Meeting of the District Board of Representatives, from among the duly appointed voting representatives. The Chair shall preside at all meetings of the District. The Chair or his/her designee shall sign all authorized contracts, leases, service agreements and other documents for and on behalf of the District. The Vice-Chair shall perform the duties of the Personnel Officer as described in the District Personnel Policy, and shall have all the powers of the Chair in the absence of the Chair. The term of office for both the Chair and Vice-Chair shall be for one year but shall not exceed two consecutive years for either position. If having served two consecutive years at their position, a Chair may be elected to the position of Vice-Chair and/or a Vice-Chair may be elected to the position of Chair. For the election of officers each member municipality shall have one vote.

4.1.2 Secretary At its Annual Meeting, the District Board of Representatives shall appoint by motion a Secretary of the District, who does not need to be a member of the Board of Representatives. The Secretary shall keep a record of all resolutions, votes, orders or other proceedings of the committees, shall be the custodian of the books and records of the District, and shall provide notice of meetings of the District Board of Representatives and Subcommittees as may be required herein. In the absence of the Secretary from any committee meeting, a clerk pro

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tempore designated by the person presiding at the meeting, shall perform all the duties of the Secretary at such meeting.

4.1.3 Treasurer At its Annual Meeting, the District Board of Representatives shall appoint by motion a Treasurer of the District, who does not need to be a member of the Board of Representatives. The Treasurer shall be the chief financial officer of the District, and shall cause to be kept accurate books of account, and shall have the care and custody of all District funds, securities and valuable papers, unless otherwise required by any trust agreement or other agreement in connection with the issuance of the District's bonds, notes or other evidences of indebtedness. The Treasurer, or his/her designee, shall give or cause to have given, at each District Board of Representatives meeting, a Treasurer's Report, outlining receipts and expenses since the last meeting, and providing a current balance. From funds of the District and pursuant to guidelines established by the District Board of Representatives, the Treasurer shall make provision for the reimbursement to the members of the Board of Representatives for the reasonable expenses incurred by such members in the performance of their duties upon submission to the Treasurer of proper documentation.

4.1.4 Resignation Any officer may resign from office by delivering a written resignation to the Steering Committee established pursuant to Section 4.2.6 below.

4.1.5 Removal of Officer By a vote of two-thirds of the District's representatives, any officer may be removed from office for just cause. The reason for removal must be submitted in writing to all representatives and alternates and the officer in question, at least one meeting before the vote to remove is held.

4.1.6 Vacant Office If an office is vacant for any reason, the District Board of Representatives shall elect, at the next regular meeting, a successor for the remaining term of office.

4.1.7 Nominating Committee At least two months prior to the Annual Meeting, the Chair shall accept a minimum of three volunteers from the floor to serve as a Nominating Committee to choose a slate of candidates for Officers. Any member of the Nominating Committee who decides to stand for election to an office will be requested to resign from the nominating committee. Candidates may also be nominated from the floor during elections.

4.2 Standing Committees

The Chair of the Board of Representatives shall appoint representatives and alternates to standing committees, as needed. Each standing committee shall elect, from among the representatives and alternates on the standing committee, a standing committee chair at the first standing committee meeting after the Annual District Board of Representatives Meeting. Each standing committee chair shall serve as chair of their particular committee no more than two consecutive years. A District representative or alternate serving on more than one standing committee can be elected Chair of only one standing committee. Having served two consecutive years as Chair of a standing committee, a District representative or alternate can be elected Chair of a different standing committee.

4.2.1 Public Education A Public Education Committee shall be appointed as described above. It is the function of this committee to develop and implement public education programs on recycling, source reduction and other district activities.

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4.2.2 Waste Management A Waste Management Committee shall be appointed as described above. It shall be the function of this committee to oversee development and implementation of solid waste management projects and programs.

4.2.3 By-laws A By-laws Committee shall be appointed as described above. It shall be the function of this committee to prepare by-laws and policy for the District Board of Representatives and to process amendments from time to time.

4.2.4 Finance A Finance Committee shall be appointed as described above. It shall be the function of this committee to oversee District budget expenditures, and to prepare the budget for the next fiscal year, and to advise the District Board of Representatives on budget appropriations.

4.2.5 Recycling A Recycling Committee shall be appointed as described above. It shall be the function of this committee to develop strategies to increase recycling rates and reduce the generation of waste in District member municipalities.

4.2.6 Personnel Committee The Personnel Committee shall be appointed as described above. It shall be the function of this committee to administer the District Personnel policy, embodied in a document separate from these by-laws.

4.3 Steering Committee The Steering Committee will be composed of the District Board of Representatives Chair and Vice-Chair, and the Chair of each standing committee. It shall be the function of this committee to oversee District projects and business, and coordinate communication among the District committees, the District Executive Director and additional staff.

4.4 Ad Hoc Committees The District Board of Representatives may from time to time form ad-hoc committees and appoint representatives or alternates from member municipalities to serve on ad-hoc committees.

4.5 District Executive Director

The District Board of Representatives may hire a District Executive Director as needed. The District Executive Director shall be the Chief Administrative Officer and Chief Procurement Officer of the District. The District Executive Director shall direct and supervise the administrative affairs and the general management and operations of the District, and shall have such other duties and powers, not inconsistent with these by-laws, the District Agreement or Massachusetts General Law, as may from time to time be authorized by resolution of the District Board of Representatives. The Board of Representatives may authorize the Executive Director to sign contracts, leases, service agreements and other documents for and on behalf of the District. The hiring and firing of consultants and professionals on retainer shall be by the District Executive Director, subject to ratification by the District Board of Representatives.

4.6 Fiscal Year The fiscal year of the District will run from July 1 to the following June 30.

Article V. Meetings

5.1 Meeting Schedule For the District Board of Representatives meetings and all subcommittee meetings, the appropriate committee Chair shall cause the meeting schedule and location to be announced and posted. In the event of change of time or place of a meeting, the Chair shall notify all representatives and alternates at least 48 hours in advance. In the event of a cancellation, the Chair shall have all representatives and alternates notified as soon as possible. The District Executive Director must be notified of any changes to the announced schedule.

5.2 Agenda A written agenda for each District Board of Representatives meeting shall be prepared by the Steering Committee and/or the Executive Director in conjunction with the Chair and/or Vice Chair, and shall be sent by first class mail or electronic mail by the Secretary to each District representative and alternate no later than 7 days prior to such meeting. If there is any change made to a mailed agenda, representatives and alternates must be notified of the change at least 48 hours prior to the meeting in question.

5.3 Annual Meeting The District Board of Representatives Annual Meeting, for the purpose of electing officers, and appointing District Secretary and District Treasurer, and appointing representatives to committees, and to carry out any other business of the District will be held on the first regularly scheduled meeting date in September.

5.4 Conduct of Meetings All committee meetings will be conducted as "open meetings" in accordance with Chapter 39, Section 23A through 23C of the Massachusetts General Laws.

Article VI. Voting

6.1 Admissible votes Only duly appointed representatives who are present and in the room in which the District Board of Representatives meeting is taking place can vote on a motion. A representative has only one vote, regardless of the number of votes held by that representative's member municipality. A duly appointed alternate may replace a representative in voting at a District Board of Representatives meeting in the absence of that representative. A representative not in the room where the District Board of Representatives meeting is held is considered absent. In the event that there are more alternates present than there are representatives absent for a member municipality, the present alternates for that member municipality shall decide which of them will replace the absent representative(s) and inform the District Board of Representatives of their decision.

6.2 Election of Officers Officers of the District Board of Representatives must receive an affirmative vote from at least 50% of the member municipalities present to be duly elected. Each member municipality is allowed only one vote when voting for officers.

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6.3 Officer's Votes No voting representative can be denied voting power by reason of office.

6.4 Voting Procedure If a voice vote is not unanimous, then a roll call vote must be taken. All duly appointed representatives and alternates who are present and in the room in which the committee meeting is taking place can make a motion, second a motion, or amend a motion.

6.5 Voting at Subcommittee Meetings Representatives and alternates who have been appointed to a subcommittee as specified in Article IV may make a motion, second a motion, amend a motion or vote on any matter at meetings of that subcommittee.

Article VII. Quorum

For the purposes of transacting business, a quorum shall constitute the presence of more than 50% of the total votes of appointed representatives.

Article VIII. Parliamentary Procedure

The rules contained in Robert's Rules of Order, Revised shall govern this organization in all cases in which they are applicable, and not inconsistent with these by-laws, the District Agreement, or Massachusetts General Laws.

Article IX. Annual Report and Audit

The District Board of Representatives, with the assistance of the District Executive Director, the Treasurer and such other officers, employees or independent contractors as may be necessary, shall prepare a written report annually. Such Annual Report shall cover the activities of the District, include a financial audit for the fiscal year just completed, and summarize plans for the current fiscal year. The financial audit will be prepared by a certified public accountant using generally accepted accounting principles. It shall be submitted for approval to the District Board of Representatives at the regularly scheduled November Board of Representatives meeting. Once the report is approved by the District Board of Representatives it will be sent to the Executive Body of each member municipality and any non-municipal members.

Article X. Conflicts of Interest

The District Board of Representatives, all of its Subcommittees and all representatives and alternates shall comply in full with the Commonwealth of Massachusetts so-called "Conflict of Interest Laws," as delineated in Chapter 268A of the General Laws.

Article XI. Discrimination Prohibited

In administering its affairs, the District shall not discriminate against any person on the basis of race, creed, color, national or ethnic origin, sex, sexual preference, age, or physical disability.

Article XII. Procedure for Amending By-Laws

The District Board of Representatives has the authority to amend the by-laws with the approval of two-thirds (2/3) of the appointed representatives. By-laws and any amendments to by-laws must be read one meeting before being voted on. No by-law may be amended to cause it to conflict with the District Agreement or Massachusetts General Laws.

Article XIII. Procedure for Revising the Budget

During the course of the fiscal year, the District Board of Representatives may, by a simple majority vote, reallocate available funds or expense items within the annual budget providing that the proposed revisions, with recommendation from the Finance Committee, are mailed out with the agenda of the meeting at which the vote is to be held, and that said agenda includes the proposed budget revision. The District Board of Representatives shall not increase the payments due from the member municipalities and non-municipal members without first adopting a supplemental budget which shall be submitted to the member municipalities without need for a proposed supplemental budget or public hearing. The supplemental budget must be approved by two-thirds (2/3) of the member municipalities, each by a majority vote of its Legislative Body at an annual, regular or special meeting.

Revised July 2001

2008 REPORT OF THE
FRANKLIN COUNTY SOLID WASTE MANAGEMENT DISTRICT

To the Residents of the Solid Waste District:

The Solid Waste District was formed in 1989 to help Franklin County towns manage all aspects of their solid waste – recyclables, organics, hazardous waste, wastewater treatment sludge, and trash. We continue to provide assistance to the twenty-one member towns through administrative support, professional consultation, trainings, and outreach to residents and businesses.

Many people have read news articles about the decline in recycling markets at the end of 2008. Fortunately, most Franklin County towns have long-term contracts with the recycling processing facility. This contract guarantees a minimum base revenue to towns of \$15.67 per ton. When the markets were high in early and mid-2008, towns were also receiving additional market revenue. While that additional revenue is not currently being paid, towns will receive the base payment and will still save money through avoided disposal costs (not sending recyclables to a landfill or incinerator). Despite the downturn in market revenue, District towns collectively received well over \$100,000 for their recyclables in 2008.

In 2008, District towns recycled over 2,500 tons of paper and over 1,200 tons of mixed containers. By diverting a total of 3,700 tons of recyclables from landfills and incineration, District towns collectively saved over \$250,000 in disposal costs.

We continue to work with several schools to improve their recycling program as well as to implement a program to collect food waste for composting. The District also provides hands-on assistance to businesses and institutions that want to recycle or compost their waste.

We increased the number of special events (fairs, races, etc.) that separated recyclables from the trash from 10 in 2007 to 30 in 2008. Organizers of these public events borrowed our specialized recycling bins. Some events have also added bins to collect organic waste for composting.

The Solid Waste District held its annual Household Hazardous Waste Collection in September and its Clean Sweep Collection in October. These events are held at multiple sites in the county and are open to all District residents. We also continue to sell backyard compost bins and blue recycling bins from our office.

If you have questions about District programs, call us at 772-2438; visit our website at www.franklincountywastedistrict.org; or visit us at 50 Miles Street in Greenfield.

Jan Ameen - *Executive Director*
Becky Jurek, Bernardston - *Chair*

Nathaniel L'Etoile, Northfield - *Vice-Chair*
Andrea Donlon, Buckland - *Treasurer*

FRANKLIN COUNTY SOLID WASTE MANAGEMENT DISTRICT

FISCAL YEAR 2009 BUDGET

ADOPTED BY THE BOARD OF REPRESENTATIVES ON 1/31/08

OPERATING REVENUE

	FY08	FY09	Percent change	Dollar difference
Interest Income	\$2,000	\$2,000	0.0%	\$0
Town Assessments	\$108,476	\$114,400	5.5%	\$5,924
Fee-for-Service Revenue	\$1,363,524	\$1,298,800	-4.7%	(\$64,724)
Administrative Grants	\$22,250	\$22,250	0.0%	\$0
Trailer Rental	\$6,000	\$6,600	10.0%	\$600
Miscellaneous Income	\$142	\$120	-15.5%	(\$22)
TOTAL INCOME	\$1,502,392	\$1,444,170	-3.9%	(\$58,222)