

SOLID WASTE COMMITTEE - January 24, 2024 - Public Input Session Minutes

<u>Attending</u>	<u>Not in Attendance</u>
Wendy Cunningham	
Paul Denis	
Pat McDonough	
Paul Tabor	

Outlined below are rough notes from our January 24, 2024 public input session on a revised Solid Waste Ordinance:

OPENING REMARKS - Paul Denis:

- Solid Waste Committee (SWC) reconvened in August and was given the charge by the Select Board to (1) conduct an RFP for trash hauler, and (2) revise Solid Waste Ordinance from 1994. The then current Select Board asked for both of these deliverables to be completed by the end of Fiscal Year 2024 (6/20/24).
- Key considerations for the revised Solid Waste Ordinance (SWO) include finding a balance between; getting town input (via surveys, input from 2023 Town Meeting, and input session), maintaining fiscal and environmental responsibility, construct a SWO that is at the governance level maintaining flexibility, i.e. is not prescriptive (an issue with the 1994 version, and legal review.
  - Town Input in surveys (e.g. 2020 and 2023) citizens overwhelming indicated they are in favor of maintaining current services. This includes services that require the town to obtain a transfer station license (previously provided at Recycling Barn, however legislative changes in past 30 years now require licensing to provide these services). To meet State requirements for a transfer station the Town needs to create a separate entrance to the current facility that has a locking gate. Currently bids are being requested for culvert, gate and fill, however labor can be provided in-house. Services that require the State license, include more frequent acceptance of bulky waste, acceptance of hazardous wastes, lawn wastes, enhanced Town level composting, agricultural wastes, etc. Having the license provides the Town with the flexibility to provide more services, without the license the Town is constrained in what services could be offered.
  - Fiscal responsibility as in maintaining current or minimal changes to budget, not cost shifting from taxes to personal costs for citizens (e.g. a trash dumpster at citizen level in a majority of cases would cost citizens more than trash tag approach a cumulative buying power at the town level provides pricing discounts not available at an individual citizen's level), and maintaining or lowering where possible cost of recycling.

- Environmental responsibility as in keeping current town standards, while making it easy and affordable, protecting resources, being mindful that landfills are reaching maximum (in past 4 years State wide capacity has decreased 60%), keeping current with EPA legislation (current and future), being mindful that recycling materials may result in net costs (revenue received for material lower than cost for transport/processing)
- Legal don't want to recreate existing laws (e.g. State and Federal levels), but do want to highlight some as a manner of communication.
- Total replacement vs revision only The prior 30 year old ordinance was reviewed in depth to see if it could be revised, however based on organization, approach (e.g. prescriptive vs. flexible), clarity, and not being an ordinance the Town adhered to as it aged, the approach was to rescind and replace, while still using much of the old ordinance's language where possible. Many other towns' ordinances were also considered in addition to research on 'constructing effective ordinances'.

PUBLIC COMMENTS (*Please note responses from SWC members is indicated in italics*)

Joanne Joy - Why age friendly? Why under purpose? It's not a purpose but maybe change to whereas cause. Karen Mayo agreed to make it whereas *[agreed the Purpose clauses will be replaced by recital clauses (e.g. Whereas statements)]*

Karen Mayo - nothing about gift shop. why not a gift shop? *[While the gift shop is a terrific service it was not in prior ordinance, of the dozen other Towns' ordinances reviewed it was only in 1, and based on prior proposals received to co-locate the gift shop with current Pond Road facility would require separate entrance, separate building with adequate parking making co-location costly. However as the gift shop serves the town they can, as a non-profit, ask for funding from the Town through the Town's funding policy. Also should the town wish to add this to the SWO the ordinance could be amended to accommodate].*

Seth Berry - gift shop - those may be accidentally scooped in on p. 7 8.3.1 (private recycling facilities) - then look at p. 3 definition of recycling facility. could that inadvertently bring the swap shop into this. *[good comment will definitely address and make sure this is appropriately captured through legal review]*

Joanne Joy - doesn't like that it must report to SWD as they are private orgs. They are uncomfortable with specifying the SWD per se. p. 2 definition of codes enforcement officer reflects now maybe it should be 'which may be' as language instead of including. p.3. includes vs. included (construction waste - line two) *[this language was meant to provide information the Town allowing Bowdoinham report statistics to the State as requested. Language will be revised to reflect this. Typo will be addressed.]*

David Berry - He has never received written request on amount of material they have collected during this period. *[appreciate the input, David subsequently agreed to provide statistics on the Barn's pilot program to the Town.]*

Jake Galley - Question definition Agricultural Waste 6.9 generated outside of town as it can be. *[agricultural waste can often be from a Bowdoinham farmer, but generated in fields not located in Bowdoinham - this comment was also received from another Bowdoinham farmer in writing. Will be reviewed. PLEASE NOTE THE TOWN CURRENTLY CANNOT ACCEPT AGRICULTURAL WASTE.]*

Joanne Joy - Solid Waste definition and septage definition (not an often used word. *[while not common word it is defined]*)

- Town website is not town owned but rather managed, controlled, etc. *[will make adjustment for this]*

Seth Berry - Quick take on purpose of completely replacing previous, he wanted a red-lined version.

- concern that there is language that specifically removes power from people in town, takes power away from town meeting. language that would essentially say only SWC or SWD can put forward amendments p. 4 bottom ... Should be Select Board be there. *[agreed, will make adjustments to sections of ordinance where this is an issue - will also make sure this is identified to legal]*
- needing to be in compliance with State or federal law do we need that? *[While technically may not be necessary was included as a way to identify there are State and Federal laws that may apply, i.e. put in for communication purposes]*
- p. 7 language 8.3 around SWD make rules (pointed out it was TM not SWD) in law that means the SWD is making the rules, rather than TM - should be Select Board. (per Joanne there are relations as a normal course of action? previous 5.1.2 might have language - maybe use that. per Pat, that language is in 8.2 (but that language talks about SWD advises. *[Noted - will be addressed]*)
- Global issue, it limits the flexibility of location of where the activity happens, p. 4 definition transfer station conducted - should we use waste - concern about language in town, constructed and managed - what about future regionalization? what about facility designated or provided by the town? *[Noted, will be addressed]*

Joanne - from prior ordinance, authority, section 5, p. 4 new is a bit convoluted, are we adding too many details - the authority in the 1994 one is clearer. p. 1 of 1994 version. *[Noted, will be addressed]*

- Can we add a step e.g if there is significant should be publicly noticed. *[Discussed not putting onus on town for communicating state or federal changes].* Waterways definition - what about distance from waterways.? *[covered under not dumping on land, but will identify to legal to confirm].*
- 9.1 should it be Public Health Officer are they responsible to enforce? *[will review, may be PHO advises to enforcement party(ies)].*

- 9.2 penalty Who is responsible for deciding what the amount is. [*Select Board should determine the amount based on infraction, but not to exceed \$3,000 cap.*]

Seth Berry

- p. 1 - should we change that to prior Solid Waste Ordinance vs. Solid Waste Management? [*will review and address*]
- p. 2 - biomedical waste - shall mean isn't used in other definitions "May" Exposure in it - language should we state public health threat [*will review and address*]
- p. 2 Codes enforcement officer, does it lock things to the CEO - in future these duties ay not be done by CEO [*will review and address*]
- p 3 Definition of recycleble materials - need to say Select Board [*will review and address*]
- p.3 does the recycling facility inadvertently include Swap shop, etc. [*will review and address*]
- p. 4 - typo - advice with a 'c' - different than 1994 ordinance. which said 5 (could we even field that) what about abutters - [*will address*]
- p. 4 SWD - there are a couple of different definitions in the website. should we change to manager? what about the term duly 'appointed' is appointed the right word
- Select Board - one word or two [*current head of Solid Waste Department is at the Director level but as that may not be the same in the future will review and address*]
- what about web side - forward slash vs. backward slash, could say [bowdoinham.com](http://bowdoinham.com) [*will address*]
- p. 4 § 5 - stay within the bounds of ordinance or go to the Town Meeting. [*will review and address*]
- p. 5 - burning 6.2 don't need firm or corporation [*Agree, will address*]
- p. 5 6.3 - construction waste, CDB type of recycling - Construction and demolition debris have we looked at Richmond? Has to be wood? [*will review and address*]
- p.5 - 6.4.1 - as recommended by SWD and approved - should this be SB - typo (wast vs. waste) awkward last sentence. Is 'incident' a recognized term? should we define? [*typo will be addressed, remained will review and address*]
- Lawn waste is italicized and hyped on web-site [*Will address*]
- p. 6 - is the word generated the correct word? what about an Amazon box that wasn't 'generated' in Bowdoinham? [*will review and address*]
- 6.10 residential disposal permit what about the word 'free' was in prior ordinance but we may want to charge in the future? maybe set by Select Board? [*will review and address*]
- 7.1 - word rubbish is used, needs to be trash. may not need last sentence? [*All should refer to Trash - a defined term - 'rubbish' will be changed.*]
- 7.3 - commercial hauler (underline word) too may spaces typo [*Will address*]
- 7.3.1 - Commercial Hauler - the fees shall be established Town Meeting? [*Currently not done at town meeting, but set by Select Board. Past experience has had Select Board conducting this task.*]
- 8.2 same as above should be SB [*Will be addressed*]
- 9.2 - apostrophe for attorney fees changed by whom - Should be SB [*will address*]

Joanne Joy -

- p. 2 applicability - should we use the word regulate - *[Will ask legal for guidance on this]*
- biomedical waste - in past spoke to people what about animals or environment? *Will ask legal for guidance on this]*
- top of p. 5 authority, when force majeure passes we will pick up the service. *[Will address and for ask legal guidance on this]*
- p. 6. 6.10 - should we expand the limit to more than 2, how to define? *[Will address, probably by making 'household' a defined term.]*
- do we address anything related to climate? maybe put it in the recital clauses? *[will review and address]*

Dave Berry - under recycling program 8.2 speaks to separated materials without fees. what about charging for recycling. *[will review and address, comment is based on premise that separated recycling material brings more revenue than single stream]*

Betsy Steen - gift shop though *[Issue addressed before caller joined call - discussion on this noted above].*