

ADDRESSING TOWN OFFICIAL'S CONCERNS

Outlined in 9/29/2023 email to TM

Concerns addressed to Town Manager on Solid Waste Committee's work¹, including:

1. Assertion: the Solid Waste Committee (chair) is of the opinion Maine State Statute requires towns to have a solid waste department: ← **NOT CORRECT**
 - MMA attorney opinion, "Many municipalities do provide those services but they are not required by state law. Every municipality must, however, provide a method or place for residents to dispose of domestic and commercial waste."
 - From SWC initial meeting (8/9/2023) meeting, "This Section appears to be broadly defined in that municipality can meet the requirement in many different ways, however the Town is responsible for facilitating the process."
 - SWC meeting on 8/23/2023 discussed how other towns meet the State Statute requirements, including discussing towns (e.g. Bowdoin) who meet the statute without having a solid waste department.

2. Opinion: town committees (officials) need to send out accurate information - specifically on Bowdoinham oriented social media pages. ← **AGREE**

3. Direction: the Solid Waste Committee 'needs to make known' that Bowdoinham has no legal responsibility to provide curbside trash pick up or, provide a place in Bowdoinham for citizens to bring trash. ← **NOT CORRECT**
 - Bowdoinham has a Solid Waste Ordinance (1994) outlining the Town's responsibility to provide solid waste management.

4. Assertion: Bowdoinham citizens can 'bring trash individually to Pine Tree in West Bath.' ← **NOT CORRECT**
 - in an October 4, 2023 email the Municipal Account Manager for Cassela (parent company of Pine Tree) stated, "Our West Bath facility is not a residential drop off facility for residents outside of West Bath."
 - Please note this assertion has been made multiple times on Social Media.

¹ concerns expressed in email available as public information through FOA

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5. Opinion: 'Allowing' private haulers in town meets the MMA legal opinion of Maine Statute 38 M.R.S. § 1305(1), "Every municipality must, however, provide a method or place for residents to dispose of domestic and commercial waste." ← **MAY BE TRUE**
- Bowdoinham's Solid Waste Ordinance imposes a fee of \$100/year. Fee was included for two reasons; (1) to help compensate for wear on public roads due to hauler trucks picking up trash in Town, and (2) it is common practice in many municipalities' SW ordinances.
 - Some haulers balk at paying the fee while others (e.g. Riverside) have complied.
 - The fee does 2 things:
 - ◆ limits choice of haulers for citizens
 - ◆ imposes a \$100/year barrier to the hauler to engage in business in town
 - It is uncertain if the town limiting choice and imposing a barrier meets the standard of "providing a method or place for residents to dispose of domestic and commercial waste."

Note: While the discussion of how to meet the Maine Statute may be interesting the statute only provides the minimum of what the town needs to provide, and unless the citizens vote to eliminate all solid waste services, it not germane. Should the citizens vote to eliminate services the Town Attorney should be consulted.

Should any future concerns or misunderstandings arise please:

1. Contact any member of the SWC directly, or
2. Attend any meeting of the SWC. All meetings are live streamed if that is easier. Meeting times are published on the town website, or
3. Read minutes from SWC meetings; available on the town website, or
4. Send an email through, recycling@bowdoinham.com

Solid Waste Committee:

Wendy Cunningham, Chair
Paul Denis, Vice Chair
Pat McDonough
Paul Tabor