SOLID WASTE COMMITTEE - October 25, 2023 Minutes

Attending	Not in Attendance
Wendy Cunningham	
Paul Denis	
Pat McDonough	
Paul Tabor	
Bryan Benson, Solid Waste and Recycling Director, Staff	

PRIOR MEETING MINUTES

Minutes from the September 27, 2023 meeting were approved.

FACEBOOK SURVEY RESULTS

The results from the Facebook survey were clear, however the survey respondents may not be a representative sampling of Bowdoinham residents. Wendy did a margin of error analysis with a result of 11% (please note the inputs to the analysis were estimated so the actual MOE may be different from this).

The results showed:
- Citizens were very satisfied with having curbside pick up of trash,
- Citizens strongly agreed the trash ticket price should be self-sustaining,
- Citizens were not willing to change the trash collection model to a 'common collection point' model.

There were several comments that we discussed:
- One citizen who lived on Beechnut Ridge noted they did not have curbside pick-up. Bryan reached out to Plummer to understand this. Beechnut Ridge is a private road and the condition of that road at times is difficult for the trucks. Many of the citizens who live on private roads in time must bring their trash to the public road.
- A member of the Bowdoinham Board of Selectmen (Allen Acker) noted, 'We are only required by state statue to provide a place for Household waste to be taken. Currently that place is Pine Tree Waste in west bath. Any resident can bring their trash there directly for a fee but requires "no trash tag". This statement is not true. in an October 4, 2023 email the Municipal Account Manager for Cassella, parent company of Pine Tree Waste, stated, 'Our West Bath facility is not a residential drop off facility for residents out side of West Bath.' As Pine Tree is domiciled in West Bath they have made special arrangements for residents of that town.

- One citizen, who supported raising the price of trash tags to a self-sustaining level, mentioned establishing a taxpayer funded program to provide some tags to low income households. SWC suggested this was a good idea and possibly using the general assistance program to supply trash tags to qualified citizens.

COST BENEFIT ANALYSIS, PRIVATE HAULER VS. TRASH TICKETS

There were several comments asking how the cost of private trash services compares to the price of trash tickets. The SWC chair performed a cost-benefit analysis on this issue, assuming the most conservative factors, i.e. smallest dumpster, pick up every 2 weeks and a self sustaining trash ticket price ($3.60). That analysis showed that it would take 20 bags of trash every month for a private hauler to be equal to trash ticket prices. This does not cover the $75 initial dumpster fee. If less conservative factors were used (i.e. weekly pick up and current trash ticket prices) the analysis would be 28 bags of trash every month to be cost neutral.

Most households do not generate this amount of trash, while some neighbors can combine into one dumpster sharing the cost this is not an option for all.

Another comment in the survey, again from Selectman Allen Acker, was 'I recommended scrapping the whole department in order to reduce spending, and letting the personal issue of trash and recycling be a personal responsibility instead of a municipal one.'

Eliminating the department would be a cost shifting, from publicly funded to privately funded, and not all citizens would benefit. This would eliminate recycling as well as trash program. Per Bryan there are other services covered by the department that need to be considered also.

The committee discussed several issues with this. One being the trash that would be dumped on private land (this currently happens some but would increase if there was no trash program. There is also the concern that if there is a large surge in dumpster requests from Pine Tree that would result in a backlog of dumpsters and a longer wait time, i.e. citizens would be left for a period of time without an option.

The SWC chair has started running cost benefit numbers for eliminating the entire department, and while there may be cost savings for some citizens this would negatively impact our poorer citizens. Tax savings resulting from department elimination would be applied based on valuations, citizens with higher assessments would save more, but citizens with lower assessments would not receive the same tax breaks. Private trash services is a set pricing, making it a larger burden for citizens with fewer assets. The analysis will be done by next meeting. The analysis will cover both finance as well as other impacts of loss of services, i.e. experiences of other municipalities who have eliminated services. Auburn has recently struggled with elimination of recycling in their city.

MMA LEGAL OPINION

The Town Manager asked to have the MMA legal opinion of the state Solid Waste Statute to be shared with the SWC. The SWC discussed this statute in our first meeting on 8/9/2003 and our discussion was 100% in line with the legal option. The SWC meeting minutes stated, "This action appears to be broadly defined in that municipalities can meet the requirement in many different ways, however the Town is responsible for facilitating the process.' The MMA legal opinion states, "Every municipality must, however, provide method or place for residents to dispose of domestic and commercial solid waste."

As the SWC already arrived at the same position as MMA legal, the SWC chair inquired why this needed to be shared. The Town Manager provided an email chain from Allen Acker (Selectman) as it was public information, subject to FOA. That email showed there was some confusion on the committee's work. Outlined below are some of the points in this email (please note although the email is personally directed at the SWC chair that is likely as she is the one who posted the questions on FB, these concerns apply to the committee's work):

- Allen stated the SWC is of the opinion that the State Statute requires the town to have a Solid Waste Department.
    - This is not true, as stated in the SWC initial meeting (quoted above) we acknowledge the town can meet the Statute requirements in many different ways. In addition during our 8/23 meeting the SWC discussed how other towns meet the requirement, including the Town of Bowdoin that does not have a Solid Waste department, but has partial ownership in a facility where residents can take their trash.
- Allen stated it was his opinion the statute requires we 'supply a place that will accept our communities solid waste ie. Pine Tree in West Bath or that we allow Private contractions as an option for dumpsters.'
    - As stated above Pine Tree in West Bath does not accept trash from citizens of Bowdoinham. See below for the SWC discussion on how/if having private haulers meets the requirement of the State Statute.
- Allen was concerned about having accurate information shared with the community.
    - We agreed this was important, it is ironic that inaccurate information about having Bowdoinham's citizen's trash accepted in West Bath has been shared with the community multiple times by a town official.
- Allen directed the Town Manager to have the committee 'make it known that we have 0 legal responsibility' to provide curbside trash pick up or provide a plan in our municipality for citizens to bring trash.
    - This is not correct, from a legal perspective Bowdoinham currently has a Solid Waste Ordinance that indicates the town will provide these services.
    - It is not certain that 'allowing' private haulers meets the Statute requirement. In our Solid Waste Ordinance we require private haulers to pay the town $100/year. This was added to cover wear and tear on the roads of having the trucks in town, this is also a

common provision in many towns' ordinances. Private haulers engage in free enterprise, and while they have to meet certain requirements, i.e. pay $100/year, if is not certain if the town has the authority to impede these companies from engaging in business. Essentially by requiring a fee to be paid the Town is creating a barrier, albeit a small barrier, to having private haulers service Bowdoinham citizens. While this may meet State Statue requirement, it is questionable that having a barrier to service meets the requirement for "Every municipality must, however, provide a method or place for residents to dispose of domestic and commercial solid waste." Should the SWC endorse elimination of trash services we would request this be specifically verified by the Town Attorney before it is implemented.

The larger issue is not what is legally allowable but what the citizens of Bowdoinham want, and are willing to fund through trash tickets and taxes, for trash and recycling. The SWC agreed we should do a presentation to the board of Selectmen to help address any confusion they might have, including cost shifting/saving analysis. The presentation needs to be concise and easy to follow for both the audience and the citizens. **Wendy will prepare a draft presentation, working with Bryan, to be discussed at next meeting**. It is likely we will not be able to meet with the Board of Selectmen before December.

TRASH HAULER RFP

The proposals for trash hauling services are due back by November 9. We will ask for the Town Manager to share those with the SWC so we can review and make recommendations. **Bryan to request these be forwarded when received.**

RECYCLING SURVEY

There was some thoughts on whether or not to do another survey as one was done in 2020, particularly given this is a hot issue for many of the town's citizens. The Town Manager knows we are looking to do this survey. The 2020 survey was somewhat skewed as the environment was different then, the town was still contemplating the location of recycling and some questions were added that seemed to favor one location over another.

The SWC members will develop survey ideas to be ready for our next meeting. Once those ideas are presented a couple of committee members will be assigned as a sub-committee to develop questions from those ideas.

One topic we discussed was the 'swap' shop or 'store' that is currently located in the old recycling barn. This is a non-profit that is totally run by volunteers at no cost to the town. Discussion was whether or not to have the town take any role in this endeavor? We agreed it was a nice service that many people rely on. Possible thoughts was to provide a location, but not staff - there would be details to work through if this is a possibility. We do not know if the

current location will be continued, if so the town may not need to take any position - or it might be a service the town cannot financially support in any way.

TOWN ORDINANCE - RECITAL CLAUSE IDEAS

There was discussion around including a clause regarding adherence to laws was necessary. This idea was included as it was outlined in the 1994 Ordinance and it was an issue that was not always front of mind previously, i.e. the Barn did not meet OSHA, ADA or other requirements requirements. More discussion on this and other possible clauses at next meeting. **SWC members will come to next meeting with ideas for recital clauses.**

As the committee will be working on drafting the next ordinance as it is a legal document we would like to have legal help/input with this. **Bryan will check with the TM to see what help might be available, either in the drafting process or as a review process.**

We are also interested in what other towns have for their ordinances. **Bryan will ask TM to solicit copies of other towns' Solid Waste Ordinances and have those shared with the SWC.**

FUTURE SWC INITIATIVES

- The SWC members would like to visit the recycling facilities. **Bryan will check with TM to see if we can go as a group or if that would violate 'public meeting' requirements.**
- We discussed previously, but once other priorities are done we will do an analysis of what it would take for the town to in-source trash pick up.
- Once we have identified what the town wants for recycling (in the new Ordinance) we will explore what might be needed to fulfill those needs. The prior SWC had a proposal for ≈ $2M for a 10,000' facility, but we do not believe this is the only way to meet those needs. The current model is working for now, but some improvement that have been discussed include making a larger cement pad, some type of storage (might be necessary if we become a transfer station).
- Communication strategy - while there is currently a corner of the Town newsletter devoted to solid waste there could be some improvements and other methods to do a better job at informing the citizens. One idea was a piece mailed outlining what is recyclable vs not.

NEXT MEETING

Our next meeting is scheduled for Wednesday November 8, 2023 at 6:00PM. The meeting after that will be moved as the usual date is Thanksgiving week. New date to be settled during our 11/8 meeting.