

SOLID WASTE COMMITTEE - March 6, 2024 Minutes

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

This meeting, off of regular cycle, was held solely to discuss legal input we received from the Town’s attorney on 2/21.2024. There were a couple of discussion items, agreement on how to approach next iteration of the Ordinance, and next steps/next meeting date.

DISCUSSION ITEMS

Subsidy program: The current draft ordinance specifies there should be a subsidy program to provide relief for lower income residents (§7.2.1.2). Legal input was that program needs to define ‘lower income’ I speaks about establishing some objective eligibility criteria, specify who makes determinations. Legal input further suggested we could tie the program to some other state programs.

Our concern was not to place additional administrative burden on the Town’s administrative staff. We had some conversations with the Bowdoinham Food Pantry (BFP) to try to leverage their work, however the BFP needs to do some work with their Board of Directors before they might be able to engage.

We discussed eliminating this provision but the Committee decided at this point to still leave this provision. There may be some way we could construct a program that doesn’t add administrative burden, e.g. if someone has a Maine Care card they could just show the card at the Town Office and receive some tickets. Decision was to ask Nicole to attend a future meeting so we could discuss what a reasonable program might be from the TM perspective.

We believe that funding for any subsidy program would come out of a budget (General Assistance) vs. Solid Waste department budget. We can also discuss this with Nicole.

Commercial Hauler Permit Fee (§7.3.1) Legal comment on charging a commercial hauler fee (currently at \$100/year) asked “Are there existing standards that govern whether such a permit should be issued? If not, there need to. Will these permits be granted under some existing business licensing ordinance? If so, that is fine, but there needs to be actual criteria

that the Select Board will review to determine whether or not the Permit should be granted.” We currently do not have criteria for charging commercial hauler fee, there is an application they need to fill out, but no real ‘standards ... to determine whether or not Permit should be granted.’

We discussed whether or not it was worth it to establish an administrative process for this as we have only about 2 - 3 commercial haulers, i.e. \$200 - \$300/year. At this point we are leaning towards leaving it in, however we want to discuss in more depth when Bryan is back to determine what is reasonable to establish as process before an evaluation is made that it is reasonable. If the administration of such criteria cost more than \$200-\$300/year it may not be worth the effort to put in a permit fee.

One suggestion for this program might be to state if another municipality (who collects commercial hauler permit fees) approves Bowdoinham can consider that sufficient for our purposes - this might be worth investigating.

One question raised was whether or not commercial hauler permit fees could be earmarked to cover any subsidy program - again would need to discuss with TM.

Specify ‘curbside trash collection’ in Ordinance or not: On this question the Committee was split. The entire committee was in favor of recommending curbside as our model, the discussion was around whether or not to specifically state in the Ordinance or not.

On the side of not specifying the model was the fact this would make the ordinance more flexible. As we will need to address how to operate trash pick up effective 7/1/2025 as our 30+ year contractor (Plummer) is retiring. If we cannot find a reasonable approach to curbside pick up we may need to change model and not specifying in the Ordinance means we would not need to amend the ordinance. There was also concern that if funding is not approved at a Town meeting for whichever approach but amending the ordinance is not approved that would create conflict.

On the side of specifying curbside are: It was specified in old ordinance; the public has strongly indicated (several times) this is their preference, and based on prior experience where the Select Board recommended making changes without any consideration of the current Ordinance including this would strengthen providing services the Town has requested. The model could change with an amendment to the Ordinance [Note: per State Law (Title 30, Chapter 141, §3004) indicates Ordinances can only be changed by Town meeting. This is confirmed in the legal review where the Town’s attorney stated; “the ordinance cannot be amended without town meeting approval”.

AS an FYI the most recent iteration of the Comprehensive Plan does reference the current curbside trash collection model.

As the Committee was evenly split on this issue Wendy will work something into the next draft iteration and we would discuss at a subsequent public input/hearing session. There was some concern that these meetings are not attended well enough to be totally reflective of citizens' thoughts, but at this point we will take this approach.

Transfer Station The draft ordinance specifies the Town will have a transfer station. As the effective date of the new ordinance is not longer 7/1/2024 this issue should be resolved before then. The TM is currently working on this issue.

General Revisions We will accept all of the legal red line changes we have received to create the next iteration of the Ordinance.

#### NEXT STEPS

All ordinances of this type need to be filed with DEP within 30 days of when they are accepted at Town Meeting - legal suggested it might be a good idea to give DEP a heads up as well as the opportunity to see the next draft iteration. Wendy will run point on this.

As the effective date has been pushed back - we could implement a 1/1/2025 effective date with a special Town Meeting to approve - we have time to hold another public input/hearing session (or 2 if warranted). We will discuss timing of this at next meeting.

#### NEXT MEETING

Our next meeting will be on March 27, 2024, which is a regularly scheduled SWCommittee meeting. We will not be meeting on 3/13.