

Town of Waldoboro, Maine
Transfer Station Committee Meeting Minutes
Municipal Building - 1600 Atlantic Highway
Thursday, March 8, 2012, 2012 – 7:00 p.m.

1. **Call to Order** – Bob Butler, Waldoboro citizen, called the meeting to order at 7:06 p.m. with a quorum present. Other committee members present were:

John Higgins, Waldoboro Citizen
Liz Dinsmore, Friendship Select Board
Will Payson, Cushing Select Board
Randy Robbins, Cushing Citizen
Ted Wooster, Waldoboro Select Board

Bruce Prior, Terry Gifford, and Monika McGee were absent. Also in attendance: Jon Daigle, Waldoboro Department of Public Works and John E. Meyn.

2. **Citizens Comments** – None
3. **Minutes** - John Higgins moved and Randy Robbins seconded that the Committee approve the minutes of the February 23rd meeting. All committee members present voted in favor of the motion.
4. **Discuss Comments of Legal and Technical reviewers of the Ordinance and Municipal Services Agreement**

A. Technical Review – Pine Tree

(1) The Committee, by consensus, agreed not to accept Pine Tree’s suggestion to change the definition of Bulky Waste (Article I, 1.3)

(2) Article II, 2.3. The Committee agreed to refer 2.3.5.3 (potential conflict with or duplication of the littering section with another Waldoboro Town ordinance) to John Spear, Town Manager, for comment. Committee members did express the thought that the Solid Waste ordinance is a more appropriate venue for Waldoboro to address littering.

(3) Article II, 2.5. Class E Violation. The Committee agreed to address this issue during its discussion of legal counsel’s review, which also touches on the matter.

(4) Article II, 2.6. The Committee agreed to change Article 2.6 to “Swap Shop” and to delete any reference to charging to items purchased there. John Daigle believes Pine Tree helped St. George with their Second-Hand Shop and will discuss with Pine Tree how issues of liability were resolved. Committee members pointed out that insurance could become an issue for anyone operating the Swap Shop.

(5) Attachment A, A3. The Committee decided not to accept Pine Tree's suggestion to modify the Bulky Waste category and to create a fifth category (Other). The Committee believes the Draft Ordinance's definition of Bulky Waste accurately reflects current practices.

(6) Attachment A, A6. The Committee decided to keep yard waste as a part of CDD because that's how the Transfer Station has always handled Yard Waste.

(7) Attachment A, A7. Again, the Committee decided to maintain its definition of Bulky Waste to include all of the items Pine Tree addressed. John Daigle pointed out that, as currently operated, all Bulky Waste items, as defined in the draft Ordinance, are not put into the landfill or recycled through Lincoln County or sent to PERC.

(8) Attachment B, B3. The Committee decided to set aside Pine Trees comments concerned fees for disposing of Bulky Waste because they relate to changing the definition of Bulky Waste.

(9) Attachment B, B6. The Committee did not understand the Pine Tree Comment that the fourth penalty (withdrawing an ordinance violator's right to use the Transfer Station) is less severe than the third penalty (a \$250.00 fine). John Daigle will inquire of Pine Tree.

(10) Attachment C. The Committee decided to delete Attachment C in its entirety leaving the issue of operating the Second Hand Shop (now, Swap Shop) to future Waldoboro Select Board actions.

B. Legal Review – Kristin M. Collins, Esq “Notes Regarding Draft Waldoboro Solid Waste Disposal and Required Recycling Ordinance”

(1) Article I

1.1 The Committee agreed there is no need for “Amended and Restated” in the title

1.3 The Committee disagreed with counsel's suggested change in the definition of “Partner” to include Waldoboro. The Committee believes that Waldoboro's role as owner and operator of the Transfer Station sets it apart from “Partners” who join Waldoboro's efforts to improve the efficiency of Solid Waste Disposal.

1.3.15 The Committee agreed to replace “recycle” with “place”.

1.3.20 The Committee agreed to replace “is also” with “also includes”.

(2) Article II

2.3 The Committee agreed to retain the draft's wording for 2.3.4. Counsel's suggested changes dilute the substance of the current wording. The underlined words in the draft ordinance assist with the reading of the section while keeping the important qualifying modifiers in place.

2.3.5.1 The Committee agreed to leave this section as drafted but to make changes to Attachments A and B to bring them into line with this Section.

2.3.6.2 The Committee agreed with counsel's suggestion. 2.3.6.2 will make reference to Attachment A, A4.

2.3.6.8 The Committee agreed to strike the reference to "Class E Crime" and to refer, instead, to "civil violation".

2.3.8 The Committee decided to retain the present language because it helps to clarify the meaning and intent of the ordinance.

2.4.2.1 The Committee agreed to use the word "seat" where appropriate instead of the word "member". The Committee also agreed to reverse the order of Sections dealing with Transfer Station Committee Membership and Transfer Station Committee Meetings.

2.4.2.1 The Committee decided to retain the present wording because it takes into account the possibility of future changes without having to resubmit the Ordinance to a vote concerning the definition of Quorum. Moreover, the present definition ensures that members from all three towns will have to be present for business to be conducted. The suggestion of changing the quorum to a fixed number, say 5, would allow Waldoboro and one other town to conduct all business.

2.4.2.3 The Committee believes the current language is clear. (Note: The Committee Chairman believes the Committee must review its position concerning this section. Counsel's point that the language is confusing is well-taken.)

2.2.4 The Committee agreed with Counsel's suggestion. The ordinance will reflect that vacated posts will be filled in the same manner of appointment as initially used to fill the seat.

2.5 The Committee agreed with Counsel's suggestion to add a section providing for the issuance of summonses for violations of any provision of the Ordinance.

2.5.1 The Committee agreed to make reference to "civil violations" as opposed to "Class E" violations

2.5.2 The Committee agreed to make reference to "civil violations" as opposed to "Class E" violations

2.6.1 The Committee agreed to eliminate any reference to prices.

2.7.4 The Committee agreed to strike this section.

2.7.5 The Committee agreed to leave the wording of the draft ordinance intact. The intent of the Section is to permit possible the creation of possible future composting areas at the Transfer Station, which would be the subject of a new Attachment. The Transfer Station does not currently have any composting areas.

2.8 Validity/Separability. The Committee accepted Counsel's suggested heading.

5. Transfer Station Study.

Will Payson moved, and John Higgins seconded, that the Transfer Station Committee recommend to the Waldoboro Select Board that the Town of Waldoboro advertise for proposals and prices from engineering firms to conduct a study of and complete a report concerning Transfer Station operations, including the installation of scales, the

Construction Demolition Debris landfill, traffic patterns, and other matters relating to the creation of a more efficient Transfer Station operation. Funding for the study and report, if a contract is awarded, should come from the Transfer Station Budget. The Committee voted unanimously in favor of the motion.

John Daigle agreed that he will go over the specifications for the study with the Transfer Station Committee prior to requesting proposals.

6. Next Meeting

The Committee agreed to meet on Thursday, March 15th at :00 p.m. to complete its review of legal counsel's notes concerning the draft ordinance and the Municipal Services Agreement. The Committee Chairman will get back to committee members concerning the availability of the conference room for a meeting on that date.

7. Adjournment

Ted Wooster moved and John Higgins seconded that the meeting adjourn. All committee members present voted in favor.

Respectfully Submitted: Bob Butler

Approved:

Transfer Station Committee
Town of Waldoboro, Maine:

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Bob Butler, Chairman

(Absent) Ted Wooster, Vice Chairman

Elizabeth Dinsmore Committee Secretary, Friendship Select Board

Terry Gifford, Waste Hauler, Waldoboro

John Higgins, Waldoboro Citizen

Monika Magee, Cushing Citizen

Will Payson, Cushing Select Board

(Absent) Bruce Prior, Cushing Hauler

Randy Robbins, Cushing