

Approved Minutes
CVSWMD Program Oversight Committee (POC)
Central Vermont Chamber of Commerce office
Wednesday, December 3, 2014

1. Convene meeting: Lee Cattaneo convened the meeting at 5:02 PM with committee members Gerhard Postpischil, Mia Moore, and Ellen Gershun, along with Leesa Stewart (General Manager), Cathleen Gent (Planning Analyst), and Board member Nancy Kellogg. Cathleen Gent took notes.
2. Approve Minutes from October 27 joint FOC/POC meeting and November 5th: Mia Moore made a motion to approve the minutes of both meetings, seconded by Gerhard Postpischil. Gerhard Postpischil requested a minor change to the November 5th minutes. Both sets of minutes were approved.
3. Recap from Board Retreat: Cathleen Gent briefly summarized the activities and discussion during the board retreat. Gerhard Postpischil said he would like to see option 2.5 accepted for the facility, which is to review the plan before moving forward on the compost facility. Cathleen Gent pointed out that will happen because the Board wants to see a facility business plan before any final decision is made. Cathleen Gent also discussed what the Facility Committee and the POC will be taking up as “next steps” on the facility, namely a revised Facility General Work Plan and a draft RFP for professional services.
4. Draft Variable Rate Pricing and Clear Bag Ordinance: Leesa Stewart discussed the fact that Act 148 requires a Pay As You Throw ordinance to be in place by July 15, 2015. CVSWMD is adding the Clear Bag ordinance within one document. The POC reviewed the draft ordinance section by section.
 - a. Article III: Variable Rate Pricing – Gerhard Postpischil questioned the cost figures. Leesa Stewart said those were from a spreadsheet. Question of requiring haulers to have a scale. Such a scale would need to be a legal for trade scale and Vermont does not have any standards for that. Leesa suggested we could use volume only for the variable rate pricing.
 - b. Article V: Flat Fee – Lee Cattaneo expressed concern about the flat fee, because it negates the goal of pay as you throw of not charging for recyclables. Leesa Stewart said she has spoken with Josh Kelly at ANR, who indicated a flat fee could be charged for residential services. Leesa Stewart and Mia Moore pointed out that the variable rate pricing covers trash and food scraps. Haulers are not allowed to charge for mandated recyclables. Mia Moore also said she thinks of the flat fee as a convenience fee for a hauler coming to your house to pick up trash, etc. Leesa Stewart pointed out that the flat fee is not mandated by ANR and that Chittenden Solid Waste District is not incorporating it within their variable rate pricing ordinance. She also pointed out that CVSWMD cannot dictate the price per volume and that the prices in Article III were examples only. The haulers will set the fees, which will reflect market conditions and competition. Leesa Stewart said that she used the ANR Variable Rate Pricing Guide and Sample Ordinance for Article V. She will check with other states and with Josh Kelly at ANR to see how other states handle the flat fee. Mia Moore suggested getting input from haulers. Leesa Stewart replied that, once a draft ordinance is in place, there will be a public hearing and we will do outreach to haulers to encourage them to attend that hearing.
 - c. Article VI: Incentive Based Rates – Gerhard Postpischil asked whether haulers will report directly about volumes of waste, food scraps and recycling. Leesa Stewart said that we get reports from the CV transfer station and directly from some haulers and that system works well. Lee Cattaneo asked whether the 50% of fees figure is based on volume or weight. Leesa Stewart clarified that it is either volume or weight. She added that the threshold whereby fees for organics cannot exceed 50% of the fees for an equivalent amount for solid waste is a bold move on CVSWMD’s part.
 - d. Article VII: Filing of Pricing System – add that this will take place each year.
 - e. Article VI (2): Penalties and Civil Enforcement – Leesa Stewart noted that this is state statute language.
 - f. Article VII (2): Designation of Enforcement Personnel – Leesa Stewart explained that only specified employees or law enforcement officials may enforce the ordinance.
 - g. Article IV: Clear or Translucent Bags – POC members asked about whether the clear bags are for both trash and recyclables. Leesa Stewart said that the intent of clear bags was for trash and recyclables, if bagged. The POC discussed the use of clear bags for trash and reached consensus that they want to see clear bags for trash. Lee Cattaneo brought up the idea of allowing opaque bags for items that people want to keep private (based on the 2011 memo from attorney Ron Shems that privacy concerns need to

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be addressed). Ellen Gershun said she supports allowing opaque bags for medical materials and other items where people would be embarrassed if others saw the materials. After discussion, the POC decided to allow opaque bags inside the clear bags and to not dictate the maximum numbers or sizes of the opaque bags. The POC then discussed whether to require that people use clear bags for recycling, in instances when people actually use bags rather than totes. There was discussion about the fact that the recycling bags are usually not kept (i.e., the recyclables are dumped into a roll off or truck) and the benefit of using clear bags for recyclables to prevent contamination. [Note: this will be discussed again to get clarification as to whether the POC supports requiring clear bags for recyclables.]

Based on the comments and discussion, Leesa Stewart will review and update the draft ordinance for POC review at its next meeting.

5. Schedule Meeting in January; The POC decided to hold a January meeting on Wednesday, January 14th at 5 PM at the CVSWMD office.
6. Adjourn – Motion to adjourn offered by Mia Moore, seconded by Ellen Gershun. Lee Cattaneo adjourned the meeting at 6:16 PM.