



**Joint Legislative & MSD Committee Meeting
November 18, 2021 - 6:00PM
City Hall – Downstairs Blue Room**

Committee Attendance:

Councilor/Committee MSD Chair Scott Clarenbach, Councilor/Committee Member Starkweather, Councilor/Committee Member Desrochers, Councilor/Committee Legislative Chair Trudel

Others in attendance:

Mayor Jo Brown, Councilor Olivia Zink, Councilor Elect Valerie Blake, City Manager Judie Milner, Municipal Services Director Justin Hanscom, and Resident Dean Laughy.

Councilor/Committee MSD Chair Clarenbach opened the meeting at 6:02 p.m.

Agenda

Review recommended changes to the Solid Waste Ordinance under Chapter 257 of the Franklin Municipal Code.

City Manager Milner stated there has been some direction from the MSD Committee and it has revolved around the base level of service and making it fair for all residents and in addition to not subsidizing commercial in anyway. There were several changes made to this document and the biggest change is with the transfer station and the cans picked up curbside. Additional options to the base level service for those with more trash than can fit in the container would be a yellow top can that the resident or business pays annually to Pinard or they would go to the transfer station. We have eliminated the 250lb free junk option at the transfer station. MSD Director Hanscom stated we have eliminated all classes as it used to be a three-class system. The biggest discussion is where do we go from here, like have a pay as you go with certain colored bags or does everyone go to the scale with a fee structure and implementation.

City Manager Milner stated we need to determine the base level of service and what we want to accept at the transfer station for free, if anything. The City will then have to implement this decision. There was a discussion regarding the scale and we could make that option work eventually. On page 15 of the transfer station is what has changed since the last review. Councilor/Committee MSD Chair Clarenbach stated he has a number of notes but he agrees as a body that the highlights need to be figured out in what direction they want to go. He asked the committee if they were all in agreement with curbside having two 96-gallon cans for a single-family dwelling as a maximum but if a single-family dwelling generates more than the two 96-gallon cans what is the option? For a commercial pickup the options are a dumpster or some type of weekly pick up that they will have to figure out. MSD Director Hanscom stated Pinard will keep the routes the same and the customer will have paid for a yearly subscription per container. Councilor/Committee MSD Chair Clarenbach stated if a single family wanted a third yellow top container, they would pay a yearly subscription (believed to be \$250) or they can go to the transfer station. Having unlimited access into the hopper is unsustainable as the taxpayers have to foot the bill of \$71 per ton for what is going into the hopper. MSD Director Hanscom stated that also needs to be address as you have commercial haulers, they only pay tipping fee if they pay cash. Should we be charging them an admin fee or anything else?

Councilor/Committee MSD Chair Clarenbach stated he feels the curbside is generous with an option if they go over so he has no problem with that. Councilor/Committee Legislative Chair Trudel stated he had concerns with page 10 letter b regarding multifamily residence. What are we going to do regarding notifying those owners that they no longer qualify under the previous guidelines? MSD Director Hanscom stated there will be letters going out as they are phasing this in.

Councilor/Committee Legislative Chair Trudel stated in the same paragraph any one who lives in the confines or outside the City who is not a property owner he would consider them commercial as it is a rental unit and someone is making money off of this. Councilor/Committee MSD Chair Clarenbach stated that will be hard to do. He stated Gilford charges \$450 to do curbside pick up once a week separate from the tax bill as a flat rate. If you don't pay it you have to bring your trash to the transfer station. For the City of Franklin to allow curbside pick up for every residence for free is generous but to do this for multifamily and businesses becomes burdensome on the taxpayers. We do have properties that will have to be part of the Pinard's program as there is no place to put a dumpster. In the future it may become cumbersome for us if we go back to picking up the trash. City Manager Milner stated we will get 10% back from Pinard for all the yellow top cans annually.

City Manager Milner stated the major change was on page 16, chapter 257 section 44 as we had class I as residential, class II as businesses and industries with fewer than 25 employees and businesses and industries with over 25 employees and included three or more units in class III those have all been eliminated and got rid of the classes and now just have decals. MSD Director Hanscom stated the decals are reserved for residents as we are trying to eliminate outside sources. In place we have a program to allow out of town companies who are doing work for residents of Franklin will be issued a permit to use the transfer station. With this new fee structure, they will have to pay the fees associated with that. The biggest thing we are trying to encourage is bypass waste, which is something that needs to be added to definitions, which is waste we don't have to handle and dispose of after as we want it to go to the end sources without us doing the work. An example of this is someone having a dumpster and Pinard picks it up and it bypasses the transfer station altogether

Councilor/Committee MSD Chair Clarenbach stated on the demo bins we should be making some on that and MSD Director Hanscom stated we do. Councilor/Committee MSD Chair Clarenbach we are doing waste at \$128/ton or so that needs to include the trucking costs plus the 10% and administrative costs on top of that. MSD Director Hanscom stated that has been jumping a lot lately and Councilor/Committee MSD Chair Clarenbach stated that should have a structure as the taxpayer shouldn't be paying those overages. MSD Director Hanscom stated the taxpayer is not paying for that right now. To make this sustainable we need to make sure we are charging what is our costs. City Manager Milner stated to refer to chapter 160 and there are no more free services and there is a base scale fee. We will change the fees in chapter 160 to agree with what we are talking about this evening. We can also review all the other fees that we are not talking about tonight. Councilor/Committee MSD Chair Clarenbach stated for the transfer station if there is a fee per bag vs across the scale then everyone will choose the scale and that is impossible. He believes to many people are dumping for free. City Manager Milner stated the new section eliminates dumping for free. Councilor/Committee MSD Chair Clarenbach stated he doesn't see that you can't dump for free

and MSD Director Hanscom stated it doesn't say it as it refers you to chapter 160 where all fees will be broken out.

Councilor/Committee Member Desrochers stated he would be comfortable with more than 3 or 4 cans to pay for trash pickup. He sees several places that can have 6-7 trash cans and Councilor/Committee MSD Chair Clarenbach stated no unit is supposed to have more than 2 per unit. Councilor/Committee Member Desrochers stated he knows some single family that have 4-5 cans and would like to see 3 or 4. Councilor/Committee MSD Chair Clarenbach stated all codes say more than 3 are commercial so they want to be consistent.

Resident Laughy stated from the City standpoint trash removal is a service and now if we say everything at the transfer station is a cost will he now need to get a bigger truck.? If the City goes out and we will have two 96 gallon cans but when we had recycling we had a 64 and 96 so is the City going to go back and take all those 64's? Councilor/Committee MSD Chair Clarenbach stated there is an audit, and if you have a need for more you can ask for another 96 but you can only have up to two 96 gallon cans. City Manager Milner stated we have four different sizes. Resident Laughy stated if everyone did this, does the City have enough? MSD Director Hanscom stated they do have enough as many residents like the smaller 48 cans. Resident Laughy stated who is auditing the cans on Central St on trash day? Councilor/Committee MSD Chair Clarenbach stated those will be all commercial and yellow top cans. MSD Director Hanscom stated it would be the owner's responsibility to keep track and maintain them.

Councilor/Committee Member Desrochers asked why we don't recycle cardboard? MSD Director Hanscom stated loose cardboard isn't much and you would have to bale it. Councilor/Committee Member Desrochers asked is it worth getting a baler at \$71/ton and MSD Director Hanscom stated maybe. Councilor/Committee Member Desrochers stated your nickel and diming the taxpayer now to pay for something that was free but the City is not helping themselves. Other towns, cities and states are recycling so why aren't we? If we separate out our recycling, we would get more money and MSD Director Hanscom stated then we would have to hire more employees. Councilor/Committee Member Starkweather stated Brian Sullivan used to say cardboard looks good on the surface but if it any of it is contaminated the whole load comes back. Resident Laughy asked is this overall business upside down from what we are currently operating? Councilor/Committee MSD Chair Clarenbach stated we make \$220K a year curbside. City Manager Milner stated the City is trying to cut costs country wide as we are running out of places to put it. We have looked at residents getting trash picked up at their house and bringing trash to the transfer station from out of town.

Councilor/Committee MSD Chair Clarenbach stated there is a something that states you are required to recycle. MSD Director Hanscom stated that means the batteries, metal, glass, etc. as that is considered recyclable so it was kept in there. If we ever go back to mandatory recycling it is already in there. Resident Laughy asked if the company picking up the trash is the same money, less money or more money then when the City was doing it? Councilor/Committee MSD Chair Clarenbach stated it is less money because of the truck replacement costs. We have a five-year contract so it is less money for the five years. Resident Laughy stated when this goes out into the City the folks are going to go crazy and Councilor/Committee MSD Chair Clarenbach replied education will be a big piece to make

sure everyone understands. Resident Laughy stated if you have a place to throw a bag or two away you can better sell that. Councilor/Committee MSD Chair Clarenbach stated people seeing the fees ahead of time are more apt to dump on the side of the road vs putting it on the scale and then collecting the amount right then and there. Councilor/Committee Legislative Chair Trudel stated we are seeing this currently but not to the degree that we could be. People are dumping tires and other stuff now and if the fee for these items are reasonable, people are going to say do I want to do the right thing or dump illegally. MSD Director Hanscom doesn't feel the City has been picking up anymore trash than usual. He believes if someone is going to dump on side of road, they are just going to do it as the dump is free and it is still happening. Councilor/Committee Legislative Chair Trudel stated box springs, chairs, etc. takes up room in a dumpster so is a fee more reasonable?

Councilor/Committee MSD Chair Clarenbach believes the hole should be made smaller to fit a bag and if you have to go around back you should pay a fee but that fee needs to include all costs including replacing the equipment down the road. The transfer station layout is not great to check the vehicles coming and going. Concord's facility you stop at gate house and you are on a scale and then they direct you to where you need to go. When you leave you are at the other side of the gate house on a scale again and then they tell you what you owe. He agrees there are a fair number of out-of-town people using the transfer station. Councilor/Committee Member Starkweather stated he also noticed at Concord's facility that all the couch's, chairs, mattresses, etc. are off to one side and a truck comes in and takes only those items away. MSD Director Hanscom stated Concord is run by Cassella and they have a \$30 scale fee and their facility in Belmont is \$10. Councilor/Committee MSD Chair Clarenbach said we can do a scale fee like we have for water and sewer. He still feels the residential should have a hole to throw the bags away. City Manager Milner asked how many bags do they get to throw in? If someone came with a pickup truck full of 18 bags, could they throw them all in for free? Councilor/Committee Legislative Chair Trudel stated that was brought up at one of the COVID meetings that these private trash collectors who come with a pickup load and they are getting paid and we are getting the bill for hauling. Councilor/Committee MSD Chair Clarenbach stated that is commercial and they don't get a free pass. MSD Director Hanscom stated they have been if they bring it to the transfer station and pay cash and that is what we are trying to curb.

Councilor/Committee MSD Chair Clarenbach stated there are some residents who don't have pick up so they come to the transfer station. We are trying to be fair and equitable as best as we can but we are not going to be able to cover every situation and not everyone will be happy. He stated this is starting to become unsustainable as costs of trucking continues to increase. We will need to educate people like on Central St as this will be different than what they are used too.

Mayor Brown stated that there was discussion back at one of the COVID meetings about the cost of doing business and she sees the residents utilizing that hole to throw trash bags as a cost of doing business. She is not sure this is a big issue and we should consider it a cost of doing business. Councilor/Committee MSD Chair Clarenbach stated if the commercial truck like "pick it up take away" comes with a bunch of bags, he is considered commercial operator and needs to go over the scale. He believes the committee is in agreement, as he hasn't heard anyone disagree, with the changes to curbside pickup of two 96-gallon cans per household.

Councilor/Committee Member Desrochers asked about the three family that only has two cans so now they can have six. MSD Director Hanscom stated they would be yellow tops as that is commercial. Councilor/Committee Member Desrochers asked what is going to be the charge for the fee? MSD Director Hanscom stated it is \$250 per container per year and you can get as many containers as you need.

Councilor/Committee Legislative Chair Trudel asked if Pinard has given us a number yet and Councilor/Committee MSD Chair Clarenbach stated it is \$15-\$18K on the return. Resident Laughy asked if Pinard brings that to the transfer station and MSD Director Hanscom replied no they bring it to Concord. City Manager Milner stated Pinard has a formula that is estimated based on weight. MSD Director Hanscom stated they are doing this in three other communities (Bow, Hudson, Milford). Councilor/Committee Member Dzujna asked how does Pinard handle the overstuffing of the barrels and MSD Director Hanscom stated they encourage it so you don't need many barrels.

Councilor/Committee MSD Chair Clarenbach asked what is the consensus for the transfer station? Councilor/Committee Legislative Chair Trudel replied he feels the City should consider an across the board fee schedule for non-hazardous waste. City Manager Milner stated MSD Director Hanscom did a great job researching the fees around the area and the City has already done a major fee overhaul. She stated when you know what you want to do with the transfer station then the fee schedule can be brought to the next meeting with the scale fee as the transfer station fees are a couple of pages.

Mayor Brown asked at the last meeting didn't they talk about everything going over the scale was the option on the table? Councilor/Committee MSD Chair Clarenbach stated that was what was recommended and the only thing you could put in the hopper, through the circle, is household refuse and anything else is what you will pay for. Resident Laughy stated he feels that is reasonable to the City and the residents. Mayor Brown stated it could be as simple as it either fits in the hole or you go over the scale and Councilor/Committee MSD Chair Clarenbach agreed. Councilor/Committee Member Dzujna stated we will need to fix the scale and Councilor/Committee MSD Chair Clarenbach stated we can use the beginning fee funds to fix the scale.

Councilor/Committee MSD Chair Clarenbach asked the committee if they were comfortable with household trash and a small hopper hole for a few bags for residential customers at no fee and anything goes on the scale and then out back? Councilor/Committee Legislative Chair Trudel replied that household trash bags come in all different sizes so we need to specify up to a certain gallon bag. City Manager Milner asked if they can agree on 30-gallon bag and the consensus was yes. She then clarified if someone comes down with 20 13-gallon bags, Councilor/Committee MSD Chair Clarenbach stated that gets harder to control but doesn't feel that will be a normal occurrence.

MSD Director Hanscom asked if they want to implement a scale fee and Councilor/Committee MSD Chair Clarenbach stated you can implement a minimum scale fee. Councilor/Committee Member Starkweather asked how accurate is the scale and MSD Director Hanscom stated it is within 20 lbs as that is the increments it weighs in and it is calibrated two times a year. Councilor/Committee Legislative Chair Trudel asked what are we proposing and Councilor/Committee MSD Chair Clarenbach stated he was proposing a minimum scale fee and if your weight goes over the fee, you would pay

that total. MSD Director Hanscom stated they would add a percentage on to the current tipping rate as that is written in the code.

Councilor/Committee Member Zink mentioned when the State passes municipal composting, which is currently being debated, she thinks a 1/3 of what people throw away each week is wet waste since we throw away \$1M on trash that is something we need to rethink. City Manager Milner stated that would be a separate ordinance. Councilor/Committee MSD Chair Clarenbach stated he didn't feel we could do something like that here due to all the multi families.

Councilor/Committee Member Starkweather asked if the City should be putting money aside in a capital reserve fund for maintenance and repairs of the scale and City Manager Milner stated that is the plan. Councilor/Committee MSD Chair Clarenbach asked what does a scale cost? MSD Director Hanscom stated it was about \$70K a year and ½ ago. Councilor/Committee MSD Chair Clarenbach asked how much is the ram and MSD Director Hanscom did not know. Resident Laughy asked if the City runs a normal capital depreciation fund for all these items and Councilor/Committee Member Desrochers stated no. Resident Laughy asked if this can be changed and Mayor Brown stated we can work towards that. Councilor/Committee MSD Chair Clarenbach stated the more fees you can implement the more money you can have to do that. The problem we have is the tax dollars are maxed out with what the City is trying to provide for levels of service. The City doesn't have much debt but we also don't have a lot of extra cash either. MSD Director Hanscom stated it is not to hurt the residents it is to have the commercial properties pay their share as right now they are getting the services that residents are getting and they are getting money from their business. Resident Laughy stated any money gained from this can go into a capital account and in a few years, they can use it for repairs. Councilor/Committee MSD Chair Clarenbach stated City Manager Milner will do up a proposal as to where the fee income will go and City Manager Milner stated that is correct as it is part of the budget process.

Councilor/Committee Chair Clarenbach asked if there were any legislative items they wanted to talk about and City Manager Milner stated no. Councilor/Committee Chair Trudel mentioned he was unsure when the legislative committee will meet but he had laid the fireworks noise ordinance on the table so we should talk about that. City Manager Milner stated the next meeting will be February.

Councilor/Committee MSD Chair Clarenbach asked if the committee agrees to give MSD Director Hanscom temporary emergency authority to change anything and they were all in agreement. Councilor/Committee MSD Chair Clarenbach stated there should be something put in the ordinance stating that the City Council gives the MSD Director this authority and then will consider those changes at the next council meeting.

Councilor/Committee MSD Chair Clarenbach adjourned the meeting.

Respectfully submitted,

Lauraine Paquin