

Environmental Advisory Committee

Minutes September 1, 2015

The Matthews Environmental Committee met in regular session on September 1, 2015 at the Public Works Facility. Members present were Chairman Gordon Miller, Scott Baranowski, Ollie Frazier, John Lynch and David Ross. Also present were Jack Killiebrew from Republic Services, along with Rosalind Cumming from Public Works.

Mr. Miller called the meeting to order at 7:00pm. The August minutes were reviewed and approved.

Mr. Killiebrew gave the Republic Services report stating that all residential trash and recycles were running well. Mrs. Cumming brought up about the cart issues and how many are being broken each month. During July and August there were over a hundred carts broken each month. Mr. Killiebrew said he was looking into it, and would be talking with all the drivers about it by the end of the week. She also mentioned the problems with the container delivery company that had increased in the last month. Mr. Killiebrew said that he and Mr. David Holt would meet with the delivery company to talk and get back on track.

Plastic bags were also an issue again this month. We had received an email from a resident in the Greylock neighborhood that said the yard waste truck was dropping plastic bags in the neighborhood again. Mr. Killiebrew said he went to the neighborhood that day and drove through and talked with the driver of the truck.

Mr. Killiebrew also discussed that when there is a miss, that the resident is put on a 'handle with care' list for up to 4 weeks. He mentioned how Republic is putting a 'matrix' in place for service commitment. The committee requested that Republic Services bring that information to the next meeting to see how it meshed with our Service Excellence.

It was discussed that the Committee needed the waste diversion sheet that Ralph Messera used to generate, and they would like to look at the lists of complaints and container deliveries so they could use the data to create some summaries that would be useful. Mr. Miller said he would get with Mrs. Cumming to talk about the waste diversions sheet.

Under storm water issues, the committee discussed the notice of violation and penalty that had been issued for 10416 E. Independence Boulevard again. A sewer had been stopped up at this location, allowing sewage to flow into a storm drain which drained into Irwins creek. A NOV was sent to the landlord of the shopping center. This violation happened twice within a two month period (February and March of 2015). A penalty was initiated and sent by the Town Manager. A response to the penalty was received stating that the lender had foreclosed on this

property and the partnership was no longer in existence, and the owner on record at the time was now in Florida. During July, the committee made a resolution to recommend to the Town Manager that the Town attorney, Mr. Buckley, look into this to see if there were any other ways of obtaining the payment from the penalty, such as an escrow account or a lien on the property. It was reported at the last meeting in August that Mr. Buckley the Town attorney had investigated this and had stated that a lien could not be made, and the only way to follow up on this was to file a claim in small claims court. At the August meeting, Mr. Lynch made a resolution of recommendation that the Code Enforcement Officer file a civil action in small claims or environmental claims court, in order to process this penalty.

During August, Mr. Buckley and Mr. Carlo McCoy, the Code Enforcement Officer, addressed this issue. Mr. Buckley said that the only way to recover in this situation was through the environmental court. Small claims court would be very difficult just because of serving and getting the out of state defendant to attend. Even in environmental court, we could win the lawsuit and still not be able to collect. He believed that we would spend more money in staff and legal time than the \$1000 penalty which we are trying to collect. Mrs. Cumming also mentioned that she had contacted Mecklenburg County to see how they handled these issues, and they said basically the same thing as Mr. Buckley, adding that you can end up spending time and money to get a judgment that you will never collect.

This information was sent to the Town Manager who agreed it would not be a good use of Town resources to take the previous owner to court. He did suggest that Mr. Buckley send a threatening letter as a last resort.

Regarding Air Quality, Mr. Ross reported that everyone in the Matthews area is in compliance, and there were no violations of air quality in the past month in Matthews. He said that we did have our second ozone exceedance (above .75) during the month.

Regarding Physical Agents, there were no physical agent issues.

Under other business, Mr. Ross presented an environmental survey that he would like to be used by future zoning petitioners. His goal is to make applicants think about the environmental as they develop their plans. Mr. Miller suggested a tri-fold with points and information for people to refer to. A suggestion was made of adding water usage. The Environmental Committee supported the direction that Mr. Ross was taking.

Also under other business, Mr. Miller presented a draft of the RFP, request for proposal, for solid waste. He requested everyone review it, mark it up and send Mr. Miller any notes.

With other business completed, a motion was made at 8:20 pm to adjourn the meeting, which was seconded, and passed. The next meeting will be held on Tuesday October 6th, 2015.

Rosalind Cumming
Secretary