

City of Keene
New Hampshire

PLANNING, LICENSES AND DEVELOPMENT COMMITTEE
MEETING MINUTES

Wednesday, October 12, 2016

7:00 PM

Council Chambers A

Members Present:

David C. Richards, Chair
Philip M. Jones, Vice-Chair
George S. Hansel
Robert B. Sutherland

Members Not Present:

Bettina A. Chadbourne

Staff Present:

Patricia Little, City Clerk
Medard Kopczynski, City Manager
Rhett Lamb, ACM/Planning Director
Thomas Mullins, City Attorney
Kurt Blomquist, Public Works Director
Duncan Watson, Asst. Director Public Works

Other Councilors Present

Terry Clark

Chair Richards called the meeting to order at 7:00 PM.

1) **Presentation-** Update on the state of recycling in the City of Keene - Public Works Department
Duncan Watson, Assistant Public Works Director, noted he was asked to report back to the Committee on the state of recycling in Keene.

With the aid of a PowerPoint presentation, Mr. Watson noted the City has long held the goal to manage waste by reducing, reusing and recycling commodities and not spoiling the environment. Several decades ago, the City of Keene started managing their waste rather than burying it. With Keene serving as the economic hub of the region, it is also the focal point of solid waste activity for the county. Mr. Watson continued the Solid Waste Fund is a Special Revenue Fund meaning there is no impact on the property tax rate to operate the transfer station.

Revenue is derived from the disposal of waste products and the sale on the commodities market. Expenses are approximately equal to the revenue received. Mr. Watson described the operation as a public/private partnership. 8 full and 5 part-time employees are employed at the transfer center. The City has a contract with Waste Management to transport and dispose of material which is hauled to Rochester, NH and buried in a landfill there. The recyclables are sold on the commodities market – worldwide.

Curbside collection is handled by private contractors. Individuals can also transport their waste directly to the recycling center. Since 1994 when the recycling center was constructed, the City made its transition to a materials recovery facility, which uses a conveyor and mechanized sorting. The recycling center has processed 200 million pounds of material. The economic aspect of this effort is the avoided disposal costs of \$12,000,000 and total revenue received since 1994 of approximately \$4,000,000.

Referring to a graph, Mr. Watson noted that since 2011 there has been a 50% decline in revenue from the sale of commodities. The primary reason is the “green fence” established in China in the last few years. Before 2011, China’s economy was growing fast and they were gobbling up all of the resources discarded by the US. Often there was a mixing of the materials in the recycling bale which was not the specified commodity. This caused some environmental issues in China with 20% to 30% of the bale “off specifications”. As a result China established the “green fence.” Now if any material in a bale of recyclables is not to specifications, the bale and the shipping container is rejected and sent back to the point of origin at a tremendous cost. The other fact which has resulted in a cost decline in recyclables is the evolution in packaging. There has been a dramatic shift towards light weight packaging. Although this has impacted the revenue stream it has been good for the environment in terms of greenhouse gas emission.

In Keene, the estimated recycling rate is 25%, though that is not an exact number because recycling and waste comes from outside of Keene as well. The forecast for Keene’s recycling cost for the next year is projected at \$545,000. With \$357,000 projected as revenue, the cost for recycling is projected at \$30.50 per ton. This compares to the per ton cost for disposal at \$70.00 per ton. Commodity pricing will continue to be depressed and the gap between the cost of recycling and the cost of transporting will continue to narrow.

Mr. Watson continued that Keene continues to rely on previous generation technology and there needs to be either a change in technological improvements in our own system or we need to start relying on others and Keene becomes a spoke in a much bigger wheel of resource management.

He continued that although what is happening in Keene is good and justifiable, a 25% recycling rate is just not enough. There needs to be a greater focus on discarded products as a recourse not realized. Mr. Watson referred to synergistic technologies where “eco hubs” are being proposed and the end markets are located on the same campus as the recycling operation. This eliminates the long distance shipping costs. If this “eco hub” succeeds then there may be other regional hubs that Keene could take advantage of. Mr. Watson stated that although Keene will never be the site of an “eco hub” they have always taken a leadership position in this area and will continue to do so.

In terms of plastic bags, Mr. Watson stated his research revealed that 100 billion single-use plastic bags are used early. 95.5% of those bags are currently captured meaning they make their way into a disposal outlet. Plastic lumber companies use recycled plastic bags for decking. He continued that because the material is so light weight; it does cause problems with the separation and mechanical systems used to process it. Shifting to paper isn’t necessarily a solution because its carbon footprint is worse than plastic.

What is currently being done is all of the major grocery stores as well as Target and Walmart offer single use plastic bag takebacks. One thing that could be done is to further promote the existing infrastructure in the community. Using the same ratio between plastic bags created and those recycled, it is reasonable to project that 35,000 plastic bags in Keene are making their way into the environment. In conclusion, Mr. Watson stated that encouraging more use of the existing network of single use recycling bag takeback programs might be the best way for the City to assist in the greater recycling of this product.

At the conclusion of Mr. Watson's presentation Chair Richards asked for Committee questions.

Councilor Sutherland asked what percentage of the waste stream could be composted. Mr. Watson replied possibly 20% of the waste stream was organic and could be composted. He continued saying they have encouraged backyard composting over the years and continue to offer composters for sale at the Recycling Center. Mr. Watson noted he had been approached by a number of students over the years regarding commercial composting ventures. What has always vexed the students is the transportation from point A to point B; and the issues of critical mass and storage. Mr. Watson noted Keene does have a permit to allow for food waste composting (not oils and meats) but very few people take advantage of this. Councilor Sutherland noted he wasn't aware the composters were sold at the Recycling Center and suggested perhaps the City could highlight that and its impact more. Mr. Watson said more would be added to their Facebook page and the City website.

Councilor Hansel asked if the City completely relies on users to sort their waste. Mr. Watson explained the department does a dual stream sort at our facility; 95% of Keene residents have curbside pickup. He continued haulers are required to sort out two different fractions of the waste stream; the fiber material and the containers. The containers are mixed (bottles, cans, and plastic containers); City resources do the sort on the bottles and cans as part of a quality control process. Waste received in bags goes to Rochester; there is no ripping open of the bags to get to a recyclable that is bagged with other waste.

Councilor Sutherland asked if we recycle batteries. Mr. Watson explained used batteries (such as a A, AA, C, D are usually alkaline and can now be thrown in the trash as they no longer contain mercury. He also noted the rechargeable batteries are a different story and the Recycling Center does have recycling outlets for them. Councilor Hansel asked about lithium batteries. Mr. Watson explained there are containers for them as they are rechargeable; he also suggested placing them in small plastic bags to help prevent fires.

There being no further Committee comments or questions, Chair Richards asked for public comments.

Danielle Baudrand, 19 Bridge Court, asked Mr. Watson if he saw maybe going to a zero waste facility and charging for the trash bags. Noting the 25% recycling rate, Ms. Baudrand asked how you get people to go through their trash and put things in the right bin. Mr. Watson said that is the \$64,000 question; he added there are tools in the toolbox to help increase recycling rates and there is no better tool than the economic incentive to get people to change a social behavior. Mr. Watson noted we have a quasi "pay-as-you-throw" system in Keene now. He also noted this

benefit is not witnessed as much by those who have curbside pickup. Mr. Watson stated that we are at the end of the pipe trying to control what happens at the beginning of the pipe. Ms. Baudrand then asked Mr. Watson if he had been able to research the companies making products with the plastic bags. Mr. Watson responded saying all the facilities do the same thing; all the stores collect single-use plastic bags and backhaul them to their warehouse. There are two outlets for low density polyethylene plastic; one is Trek which makes plastic lumber. Mr. Watson reiterated previous testimony regarding trying to store plastic bags in Keene. Ms. Baudrand then asked Mr. Watson if the City planned to initiate an educational program for children addressing refusing, reusing, and recycling. Mr. Watson said we have done a lot of programs on that score trying to get people to understand the hierarchy reduce, reuse, and recycle. He also noted we are in discussions with a contactor to do some additional outreach in our school systems. Mr. Watson also noted the Department will be doing educational programs because they do help and they do make a difference. Ms. Baudrand also asked if the local schools were recycling. He replied saying the schools are doing some recycling and it varies from school to school adding there are diversion programs in the School Districts but he has not looked at them in a while.

There being no questions or comments from the Committee or public, Chair Richards asked for a motion.

Councilor Hansel made the following motion which was seconded by Councilor Sutherland.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends that the presentation on the State of Recycling in Keene be accepted as informational.

2) Advocacy Letter Request – NH Community Solar – Cities for Climate Protection

Rhett Lamb, ACM/Planning Director, reported the CCP Committee asked for this to go on more time. Mr. Lamb explained the individual who provided the presentation was not available for this meeting. Mr. Lamb noted he would advise the Committee when this is ready to come back.

Councilor Jones asked if the presenter, John Kondos, was a member of the CCP Committee. Mr. Lamb explained Mr. Kondos is not a member of the Committee; he is local expert in this field.

There being no questions from the Committee or the public Chair Richards asked for a motion.

Councilor Jones made the following motion which was seconded by Councilor Hansel.

On a vote of 4-0, the Planning, Licenses and Development Committee recommends the Advocacy Letter Request regarding NH Community Solar be placed on more time.

3) Council Policy: Political Advertising on City Property and Rights-of-Way - City Clerk

Patricia Little, City Clerk, provided the introduction of the Resolution noting that the Resolution is being introduced in response to a recent opinion from the New Hampshire Attorney General's (AG's) Office with respect to political signs on City property, public rights-of-way and polling locations. The Resolution specifies where political signs cannot be placed, while indicating the desire to permit the placement of political signs in all other areas of public rights-of-way. The

Resolution also recognizes the statutory authority of a municipality to make bylaws regulating the distribution of campaign materials or electioneering or any activity which affects the safety, welfare, and rights of voters at any election. The City Clerk continued by saying that prior to the State Primary, the Clerk's office received a complaint about political signs at a polling location. In discussions with the City Attorney, they agreed that the AG's Office should be contacted to get their latest opinion on this particular statute, which is not clear on a municipality's authority to either grant permission or restrict political signs on public property. The last time this issue was discussed with the AG's Office was in 2008. At that point in time, the AG's Office indicated that a municipality did not have the right to give permission for political signs to be on public property. The AG's Office has changed its position on this Statute and their office is now recommending that before the City can remove a political sign in response to a complaint, that the City Council should specify locations where political signs are not permitted. Hand-held signs are not restricted by this Resolution.

In addition, the City Clerk also noted the Resolution clarifies the issue of posted political signs at the City's polling locations on Election Day. RSA 659:43 prohibits the posting of any political signs at the polling location. The Resolution clarifies that this restriction applies to the entire polling location property excepting for the area within the public right-of-way. Hand-held signs at a polling location on Election Day are not restricted by this Resolution excepting for a ten foot wide corridor that extends from the entrance to the polling location and for a distance determined by the Ward Moderator. The City Clerk said she appreciates the opportunity to clarify this matter as it has been a point of confusion both for candidates and election officials over the years.

Chair Richards asked for Committee questions/comments.

Councilor Sutherland noted the City Clerk's comment that this was initiated by a complaint and asked for the circumstances of the complaint. The City Clerk noted the location was on a public piece of property (the Recreation Center) several weeks before Election Day. She reiterated, at that time staff was not certain they had the authority to remove it. Councilor Sutherland continued by saying the governing body is now saying we have a little more leeway at the local level, and the state laws have not changed. The City Clerk verified the state laws have not changed; and the current staff attorney in charge of elections from the Attorney General's Office has a differing opinion about the municipality's authority. The City Clerk added it is a poorly worded statute.

Chair Richards asked for clarification that we are saying no electioneering can take place closer than 75 feet. The City Clerk clarified saying it is no more than 75 feet or less than 25 feet for the electioneering of handheld signs. Chair Richards clarified so 75 feet from the door you have to leave people alone, no signs no nothing. The City Clerk said handheld signs have to be at a certain distance so the voter does not have to walk through a gauntlet of political signs. This Resolution does not address that section; it is only talking about unattended signs at a polling place on Election Day. Chair Richards then asked who would be doing the policing.

Attorney Mullins said in general what happens now if there are signs in prohibited areas, the Public Works Department will collect them and store them for the candidate to come and retrieve. Attorney

Mullins continued this would also be true for public property, including polling places on non-Election Day. As an example, signs would not be permitted on Recreation Center property, not even in the right-of-way. Attorney Mullins noted some latitude would be permitted on Election Day. Chair Richards commented so the day after Election Day all the signs are gone.

Councilor Hansel said he was curious as to the net effect of time saved by not having these signs in some of these areas. Kurt Blomquist, Public Works Director, explained the difficulty these signs can create in certain areas, for example when mowing. Mr. Blomquist added by having to remove each individual sign the time is increased by approximately 25%. Mr. Blomquist also noted retrieving the signs is a little easier noting he picks them up on trips back and forth to City Hall; this takes less time than trying to do maintenance around them. Councilor Hansel asked if Public Works was in favor of this Resolution. Mr. Blomquist explained the difference between the 2008 decision and this Resolution noting now we are allowed to specify areas without getting into arguments with people.

Noting the different interpretations over the years Councilor Sutherland said he was in favor of sticking with the state law and having the City Clerk's office advising people of the City's preferences. He asked the City Attorney to help him understand why this Resolution would be more beneficial to the City of Keene, and why we have to have our own rules compared to every other municipality. Noting he did not agree with the interpretation in 2008, and keeping in mind we are not talking about the Attorney General but, the individual who holds this particular spot at a particular time, Attorney Mullins indicated the turnover is fairly frequent. Attorney Mullins noted his opinion in 2008 reflects what the current opinion is; you have to read the statute in its entirety. He noted in particular that does argue in favor of having a standard that everybody can see, and everybody can read, and there is no political underpinnings necessitated by it that people will have to follow. After additional comments by Attorney Mullins, Chair Richards agreed this sounds a little better than in 2008.

Councilor Hansel noted he had a question about the language in the Resolution; he read from the Resolution and asked for clarification we are only talking about public property. Attorney Mullins replied in the affirmative noting on private property you can put your sign where you want. Councilor Hansel then asked if the language could be adjusted to make that clear. Attorney Mullins noted it does not apply under the statute.

Councilor Jones referred to a policy of no campaign signs at the roundabout and noted a letter received from Peter Bradshaw asking that the medians in that area also be included. He continued at the time there was a reason why we could not. The City Clerk noted this was the same time period when the Attorney General said we did not have the authority to do that. She also noted at that time there was a discussion going on about the definition of a splitter island. Councilor Jones also asked if non-political signs fall under the same requirements. Attorney Mullins noted they fall under the Sign Code. Mr. Blomquist noted an object within the right-of-way is considered an obstruction unless permission has been given through the Public Works office.

Councilor Clark noted he is totally in favor of this Ordinance. Councilor Clark shared his experiences over the years. He likened this issue to that of putting lines on streets. Councilor Clark also referred to the interpretation indicating the problem is because the politicians are the ones breaking the law and putting their signs in public ways; he added there is no actionable penalty for

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this behavior. After additional comments Councilor Clark recommended taking advantage of this Attorney General's opinion before they change their mind.

Councilor Sutherland noted he feels this is too restrictive on speech, and is part of the political process so he will be voting against this Resolution.

Councilor Hansel said he does not see this as a big deal; he added people are realizing what little affect these signs actually have especially with social media and other ways of getting yourself out there. Councilor Hansel is in favor of making it easier for Public Works and the people who maintain these grounds.

There being no additional questions or comments from the Committee or members of the public Chair Richards asked for a motion.

Councilor Sutherland made the following motion which was seconded by Councilor Hansel.

On a vote of 3-1, the Planning, Licenses and Development Committee recommends the approval of Resolution R-2016-31 Councilor Sutherland voted in opposition.

There being no further business before the Committee Chair Richards adjourned the meeting at 7:53 PM.

Respectfully submitted by,
Mary Lou Sheats Hall
October 13, 2016