

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES & INFRASTRUCTURE COMMITTEE
MEETING MINUTES

Wednesday, January 25, 2023

6:00 PM

**Council Chambers,
City Hall**

Members Present:

Mitchell H. Greenwald, Chair
Randy L. Filiault, Vice Chair
Robert C. Williams
Catherine I. Workman
Kris E. Roberts

Staff Present:

Elizabeth A. Dragon, City Manager
Thomas P. Mullins, City Attorney
Kürt Blomquist, Public Works Director
Duncan Watson, Asst. Public Works
Director/Solid Waste Manager
Don Lussier, City Engineer

Members Not Present:

All Present

Chair Greenwald called the meeting to order at 6:00 PM and explained the procedures of the meeting. Roll call was conducted.

1) Staff Response to No Parking Request – 191 Washington St. – Delineation of Parallel Parking Stalls on Public Streets

Chair Greenwald asked to hear from staff and asked if the petitioner is here tonight.

Kürt Blomquist, Public Works Director, stated that the petitioner was notified about tonight's meeting. He continued that this is a follow-up from the meeting the petitioner came to, when the Committee had a good discussion with the petitioner and other members of the public. The concern is visibility issues, as the petitioner feels that sometimes people park too close to certain areas. One suggestion that came from that discussion was whether staff can better organize the parking. The area of Washington St. in question has parallel parking, but no lines delineating where someone should park. It was felt that doing that could help move cars away from the driveway entrance, which would help with visibility. Staff was asked to determine whether the idea of delineating parallel parking would work, which would probably not be appropriate to do everywhere, and to try to develop standards.

Mr. Blomquist continued that the Public Works Department met with staff from the Community Development and the Parking Services Departments to look at where parallel parking is and in which locations it would make sense to delineate the parallel parking spaces. They determined that delineating parallel parking under certain conditions would work and created guidelines for that. For example, they looked at streets with a high volume of traffic (4,000+ vehicle trips per

day), such as Washington St., West St., Court St., and Winchester St. They also looked at what kinds of uses or activities are creating this conflict. The Committee heard from some businesses, but this area [of Washington St.] also has residential units and service-oriented types of businesses, such as doctors, psychologists, lawyers, and so on and so forth. There is a mixed use. They looked at areas where there is predominantly a mixture of commercial, office, institutional, and residential. Those uses all have different needs and demands. Businesses look for having parking available during the daytime hours, residents are looking for parking after work hours, and institutions may have uses that vary in time. Thus, staff determined that when looking at areas [in which to delineate parallel parking spaces], they should be looking at areas that have these mixed uses. They also identified that the area should already have parallel parking, with paved shoulders of approximately eight feet, where parallel parking is already permitted. Lastly, they looked at whether there was documentation of issues related to unorganized parking, such as what exists here [in this portion of Washington St.], with complaints about cars parking too close or too far over certain points. Staff felt that in order for them to consider delineating parallel parking spaces in an area, it is not enough that the area meet those three criteria he just mentioned; there should also be some other driver like that that compels them to look at the area.

Mr. Blomquist summarized that those are the criteria staff developed to determine when to consider an area for delineating the parking. He continued that regarding the guidelines for, say, how big the parking stalls should be, staff refers to the Manual on Uniform Traffic Control Devices (MUTC). Those are the guidelines the State adopted. In general, the guidelines say stalls should not be less than eight feet wide but no wider than ten feet. That makes sense, given the types of vehicles and mixed uses. Length should be no less than 20 feet and no longer than 22 feet; that is the standard so that people have sufficient room pulling in and out and maneuvering back and forth. Staff recommends allowing the City Engineer, on a case-by-case basis, to do an exception to that 20 feet. The city has some areas, such as between driveways, where they might be able to fit a space but it might not be 20 feet. It might have enough space to have 18 feet and then sufficient space on either end to provide the setback from the driveway. They did not want to eliminate spaces unnecessarily, because as everyone knows, parking is always a concern in the community. For any of these streets, it would be a layout by the City Engineer's Office. Staff would go to the location and lay it out to make sure and then mark the streets for future marking.

Mr. Blomquist continued that regarding how they propose memorializing these guidelines, the Land Development Code (LDC)'s infrastructure section has the PWD issuing "technical guidelines." The PWD has to publicly publish standards – for example, water/sewer connections, road base thicknesses, and other items that are more detailed than what is published in the LDC. The PWD would issue a technical guideline [for delineating parallel parking], so that if a developer was proposing a new street and it met certain criteria, they would have to look at this. It also provides the guidelines for staff as they are doing reconstructions.

Mr. Blomquist asked if anyone has questions about staff's proposed guidelines.

Chair Greenwald stated that he compliments Mr. Blomquist and other staff members for going way beyond solving the initial request. He continued that he did not realize they were setting a City standard, but he understands there is reason for it.

Mr. Blomquist stated that after staff created the standards, the question then was what to do about the particular area the petitioner came to the Committee about. Staff applied the criteria to Washington St. and Court St., because the Parking Services Department, PWD, and the Keene Police Department (KPD) have received complaints of conditions similar to those discussed about 191 Washington St., where parking was blocking things and decreasing visibility. Applying the criteria to Washington St., there would be delineated parallel parking on the east side from Tyler St. to Greenwood St., excluding the 'no parking' zone in front of Franklin School. Thus, there would be delineated parallel parking spaces in front of 191. On the west side, delineated parallel parking would start at 118 Washington St., which is roughly across from Beaver St., and go to High St. That area has a large number of mixed uses. Staff have received some complaints from residents there, regarding the sort of issues [that the petitioner brought forth about 191 Washington St.]. Applying the criteria to Court St., delineated parallel parking would go from Mechanic St. to Union St. on the east side, and from Summer St. to 9 Court St. on the west side. Beyond 9 Court St. it is mainly residential, although the properties are large. Those are the types of properties that, if changed out, tend to move to office/residential mixed use, and then [delineated parallel parking] might be warranted in the future.

Mr. Blomquist continued that what all that means is there would be a delineation of about 110 parallel parking spaces between Washington St. and Court St. Based on the PWD's current contract with the line-painting [company], it would cost about \$2,000 per year to do 110 spaces. That concludes his presentation and he is happy to take questions.

Councilor Williams stated that the one parking space that especially concerns him is along Washington St. where Beaver St. comes in. If there is a big van there, people driving small cars cannot see the oncoming traffic. He continued that there is also vegetation in that area during certain months. He asked if it would be possible to move the beginning of parking spaces in that area a bit farther up.

Mr. Blomquist replied that staff will look at that. He continued that all City streets have a 30-foot setback from the intersection. That will hopefully help. Maybe in this particular situation people are not parking that far away from the intersection, and that is something staff can look at. If vegetation is on private property, staff can notify the property owner(s) that they need to do some trimming to increase visibility. Councilor Williams replied that he believes it is a City-owned rain garden. Mr. Blomquist replied that staff will look at that situation and see if it needs to be cut down a bit.

Chair Greenwald stated that Mr. Blomquist said this would cost \$2,000 per year. He continued that he (Chair Greenwald) needs to find \$2,000 somewhere else in the budget, because he will

not be responsible for a budget increase, which is not Mr. Blomquist's problem. This is a good priority.

Chair Greenwald asked if the Committee or members of the public had further questions or comments. Hearing none, he asked for a motion.

Councilor Williams made the following motion, which was seconded by Councilor Filiault.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the presented guide from the Public Works Department for the delineation of parallel parking stalls on public streets be accepted.

2) Councilor Robert Williams – Concerns with Littering – East Keene

Chair Greenwald asked to hear from Councilor Williams.

Councilor Williams stated that he received a communication from a local citizen, present at the meeting, and heard from other citizens via Facebook and conversations. He continued that he noticed that the litter was getting out of hand and that there was more litter than usual, and found that other people had been noticing it, too. He thinks there has been some kind of change, causing many beer cans to be dumped on North Lincoln St., and additionally, there is a lot of trash in Woodland Cemetery. North Lincoln St. is an example, but it is a problem on other streets in the neighborhood, too. That is the area of salamander crossings, which is now a tourist attraction. He would hate for families to be out there at night, having a great time moving salamanders and learning about nature, and then see all the beer cans.

Councilor Williams continued that he wants to figure out what to do about this problem. There are a few things to do, and one is enforcement. He is not always huge on enforcement and not always sure it works, as it is difficult to pull off, but the word "enforcement" has some power. Current signs say "littering is unlawful," and he does not think they prevent any littering. In fact, it is almost a "you can litter here" sign. He wants to see wording such as "litter enforcement zone" so people know they will get some additional penalty or something will happen in this zone. He does not want to ratchet up penalties, but having a \$10 or \$20 fine in this zone in addition to whatever the existing littering fine is might be the way to go. If they set up littering enforcement zones, he thinks it is important to combine that with ways to remove the trash, by having trash barrels in the area so that people who are picking up litter have a place to put it. A lot of trash is put in Woodland Cemetery and winds up in wetlands. Trash barrels placed at the entrances to the cemetery would make a significant difference. The third important thing is community, and setting a community standard against litter and about doing something about it when you see it. Neighbors are encouraged to pick up the litter and throw it in a trashcan.

Councilor Williams continued that he brought this issue before the Committee so they can discuss what they can do. He would like to hear people's ideas. Litter has been a problem

forever, but specifically within the last six months in his neighborhood, it has been a big problem. He and his neighbors have been hauling out a lot of trash, many beer cans, and are getting sick of it and looking to see what else they can do.

Councilor Workman thanked Councilor Williams for bringing this forward. She continued that no one likes litter anywhere. The City has some great initiatives like Green Up Keene. She sees on social media that many folks in Keene take a bag with them when they are out walking and try to do their part and pick up litter. Clearly, it is not enough. She is open to discussion.

Councilor Roberts stated that he likes to walk in cemeteries, because they are safe places to walk, but more and more people are partying in cemeteries. He continued that he has never seen a Police Officer go through the cemetery. It seems like people think the cemetery is a nice place to party, drink, and hang out, without being seen from the street. That is where many of the beer cans are coming from. People, many of them underage, throw beer cans out of their cars as well.

Councilor Filiault stated that this seems to be cyclical. He continued that Mr. Blomquist will remember that a little over a decade ago, North Lincoln St. - especially going around the corner from Beaver St. – was a dumping zone. There were years when the City had to go there and clean up bags full of trash. People were dumping old Christmas trees, bags of (household) trash, and more. As Councilor Williams said, the cemetery also seems to be a dumping ground. When he has done overnights with the KPD, they *have* driven through the cemetery, but it is an easy place for people to hide in. People in the cemetery can see a Police car's approaching headlights from a half mile away, so they duck and wait for the Police car to go by. This [littering] is a cyclical problem and he does not think there is an easy answer. Telling someone not to litter is like telling a bad driver not to speed – they ignore it. However, whatever City staff recommends might improve the situation. It is tough to do. Councilor Williams is correct, because before he even moved into his current house, that area has always been a problem and used as a dumping zone. North Lincoln St. and the cemetery historically have been a bad area for littering.

Chair Greenwald stated that he has participated in Green Up Keene with the realtors, and their zone typically is Concord Rd. and Jordan Rd. He continued that they have picked up all kinds of trash, such as auto parts, mattresses, and other ridiculous items. If someone is chucking beer cans out the window while they are driving, that is a problem – they are obviously driving while they are drinking. Perhaps a tune-up on enforcement in those areas might help. It is frustrating to be picking up the trash every year, and frustrating that the people littering do not care. He would be glad to hear staff's ideas.

Chair Greenwald asked if the writer of the letter would like to speak.

Carrie Venezia of George St. stated that one day she stepped outside of her house, which is surrounded by Ring cameras, and saw a person in a minivan throw an alcohol container out their window. Her Ring cameras captured it. She got a partial license plate number, which she gave to the KPD along with the Ring camera footage. They told her that unfortunately, since it was

not directly witnessed by a Police Officer, there was nothing they could do, which she finds absurd. Trash is all over their neighborhood and it is disgusting. The woman she saw was driving a minivan full of children. She does not believe that with Ring camera footage, a partial license plate number, and a witness statement, nothing can be done about this. She has spoken with Harry from the PWD, multiple Police Officers, and City Councilors. Her neighbors have been wonderful. She had provided trashcans at the foot of her driveway, but staff told her she needed to remove them because they were in the right-of-way. She asked if (the City) could provide a trashcan there, and they told her no, because it would be too much liability. She and her neighbors have tried everything, and nothing seems to be able to be done. Councilor Williams says he does not like adding more punitive damages, but she would be all for that. The trash is mainly caused by two serial litterers. What more can citizens do, if the partial license plate number, Ring footage, and witness statement were not enough?

Chair Greenwald asked staff to respond. Mr. Blomquist replied that Andy Bohannon, Parks, Recreation, and Facilities Director, can speak about what his department does regarding cemeteries. He continued that he and other staff members feel Ms. Venezia's frustration. Staff has been frustrated about these issues for years. That is why, as Councilor Williams noted, they have put up signs reminding people to not litter because it is a violation of the law. As Councilor Workman mentioned, the City has the Green Up Keene initiative. Staff does other clean-ups as well. When reports come in, staff spends a good portion of their time dealing with items left on the sides of roads. It is frustrating. The PWD staff, in the Solid Waste side, have talked about the possibility of a bottle and can law. People might think a little more before throwing out five cents or ten cents, and then not [litter]. Yes, there are serial litterers. For example, an area on Jordan Rd. seems to always have the same McDonald's wrappings, because probably someone who works the night shift on Optical Ave. drives home in the morning and throws the wrapping out of their vehicle as they finish the product. It is difficult. Duncan Watson, Solid Waste Coordinator, is here to talk to the Committee tonight about solid waste issues. They have been talking about having Rebecca Landry, Communications and Marketing Director, help with a PR campaign for Green Up Keene, reminding the community about littering and people's responsibility to take their trash home or use a disposal area.

Mr. Blomquist continued that over the years, staff have tried placing trashcans in various places, but many of the locations do not have a lot of visibility, which means the trashcans end up being dumped/spilled all over, or disappearing. That is what staff was referring to regarding additional liability and problems. Those are the experiences staff have had when trying to tackle this, because these issues are not new. Councilor Williams is right that "something is in the water" and there seems to be more litter currently.

Mr. Bohannon stated that the PRF Department does place trashcans in the cemeteries. He continued that they are seasonal, however, going in in the spring and out in the fall, in relation to the water spigots. Woodland Cemetery had 11 trash receptacles last year. One was stolen and two were damaged. There are five trash receptacles in the Greenland area. For every one [beverage] can found by a citizen, staff finds about 50. It is definitely a problem in the

cemeteries. Crews from his department are constantly picking [cans] up. This is how it has been for at least as long as he has been working here. A convenience store is within walking distance of the cemetery, and the cemetery provides a place of refuge. Unfortunately, if staff put trashcans near the entrances, they would get filled with household trash, microwaves, sofas, chairs, televisions, and more. It is frustrating. This area has been notorious over the years, as Mr. Blomquist mentioned, and staff are constantly picking up trash by the cemetery.

Councilor Workman stated that she knows there is some legal aspect to the Ring camera footage, and she will wait to hear about that, but one thing that keeps coming back to her is that they as the City really need to use technology to their advantage in situations like this. She continued that they tell people, “See something, say something.” She can imagine how frustrating it is for a citizen to do just that and be told, “Sorry, nothing can be done.” Every time they discuss enforcement, they talk about how the shortage of Police Officers makes it difficult. They need to start thinking about using technology to their advantage. People have Ring cameras. There are programs where municipalities ask citizens to release their footage to the police for other crime-solving tactics. The City could use it even for traffic enforcement. Maryland has done that, tracking speeding drivers via video.

Mr. Blomquist replied that New Hampshire does not allow that. He continued that the City Council had a discussion about red light cameras, but in NH, unless you can identify the driver, [that is not allowed]. In Maryland, it is an administrative fee, not a criminal one. This is part of NH’s “Live Free or Die” issue. Councilor Workman replied that they should be having discussions like this, in this setting. Mr. Blomquist agreed. Councilor Workman stated that the Council can petition the State legislature to look at that, because it is a problem, and other communities have the same staffing shortages as Keene. She is asking that when they are looking at a problem, they use all the tools in their toolbox.

Chair Greenwald stated that he has a question for City Attorney Tom Mullins – what if a camera captured footage of a beer can flying out the window of a vehicle and the license plate was identifiable? The City Attorney replied that littering appears in a number of places in State law, and not always consistently. He continued that the general Litter Control law, RSA 163-B, makes littering a misdemeanor level offense. It is a criminal offense, so it is the “beyond a reasonable doubt” standard; you have to be able to establish it. On the other hand, both this and the statutes dealing with rights-of-way have language saying that evidence that litter is being thrown from a motor vehicle is prima facie evidence that the operator of the vehicle violated the law. Thus, this is a conversation staff needs to have internally, with the City Manager and the KPD. It seems to him that depending upon what the evidence is that is being presented, you may have a cause of action, especially under RSA 163-B. The other statute, RSA 265, which deals with roads and streets and such, says littering is only a violation level offense. There is some conflict. The other possible suggestion, with respect to signage, is to just state that: “Littering is a criminal offense. Don’t do it.” That is up to the City Manager and everyone else to figure out.

Chair Greenwald asked [what happens] if a full license plate was identified. The City Attorney replied that he thinks they would need more than that, in order to be able to tie the two together, because anybody could say, "Oh, here's the license plate number. I saw this person litter." They would need to have more in order to establish enough probable cause to go forward. However, depending on what the evidence is, they may be able to.

Chair Greenwald stated that he thinks they just need public cooperation. He continued that he does not think this will rise to the task force level. Certainly, he does not want to see more signs. He asked if Councilor Williams had anything further, or if there were members of the public who wished to speak. Councilor Williams stated that he does not have anything else to add, other than he thinks trashcans would be helpful specifically along North Lincoln St.

Councilor Filiault asked about putting up City-owned cameras in the area of North Lincoln St. and the cemetery near the chapel. He continued that if someone dumping trash on North Lincoln St. or around the corner sees a sign saying, "This area is monitored by cameras," it might have a positive effect. He does not know how much they would use it for evidence down the road, based on law, but if the signs were there [it might help]. Businesses use them all the time, whether the cameras are real or not. Customers who see a sign saying they are being monitored by camera are deterred from shoplifting whether the cameras are real or not. This could be a deterrent for littering.

The City Attorney replied that there was a request from the KPD in connection with some criminal activity to adjust a City-owned camera to try to capture that activity. He continued that there is a specific statute with respect to the use of video cameras for that purpose. From what he recalls, there were significant restrictions on using that camera to capture motor vehicles, motor vehicle license plates, and operators, under the privacy issue. He would have to look at it again, but as he recalls, that was a bit of a stumbling block.

Mr. Blomquist stated that staff had been talking about [cameras] as a way of managing traffic, and there is a question of whether you can just have video going on in the public way. He continued that most Ring cameras are on private property, even if they capture activity happening in the public way. To specifically put cameras in the public way [is different]. Again, this all falls back to why they cannot put up the red light cameras. There are some conflicts and challenges regarding, specifically, governmental use of cameras in the public way. The City Attorney replied that NH RSA 236-130 addresses this.

Councilor Filiault stated that he has a good connection with a State Representative right now who could get a bill submitted. He continued that if he can get those RSAs that need changing, he will contact this individual at the statehouse and inquire about getting those RSAs changed.

Chair Greenwald asked if there was anything else. Hearing none, he asked for a motion.

Councilor Workman made the following motion, which was seconded by Councilor Williams.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the communication be forwarded to the City Manager for further action.

3) Transfer Station - Informational Update – Assistant Public Works Director/Solid Waste Coordinator

Chair Greenwald stated that he was approached with some questions regarding some of the operations at the Transfer Station, and he briefly corresponded with the City Manager about whether those questions should go to the FOP Committee or the MSFI Committee. Duncan Watson is here to speak.

Duncan Watson, Assistant Public Works Director/Solid Waste Manager stated that he will give a “10,000 foot overview” and if that does not answer Chair Greenwald’s questions, he is happy to answer whatever questions he has. He continued that the Solid Waste Program operates a Transfer Station and a Recycling Center, along with monitoring a closed landfill, operating a biofuel energy system, conducting household hazardous waste collections, and other services related to waste diversion and waste disposal. They take in approximately 26,000 tons of refuse at the Transfer Station in addition to 8,700 tons of construction and demolition debris. They process about 5,000 tons of recycling per year. That number of recycling has stayed fairly static over the years, even though they are actually, physically processing more containers, because the trend over the past decade or so has been a lot more light-weighting of containers, particularly shipping containers and plastic containers moving from glass to plastic. Even within the plastic containers, they are considerably thinner and lighter than they used to be. Thus, staff physically handles a lot more product than they used to, but the tonnage is not necessarily growing. That is just one of the trends they are seeing.

Mr. Watson continued that Keene’s population is 23,000, which increases dramatically during the daytime. The Solid Waste Fund is structured as a special revenue fund, which means there is no impact to the tax rate. It is completely funded by revenue received at the Transfer Station and the sale of their recycling commodities, which covers the cost of the solid waste operation. Revenues and expenses are approximately equal, in the range of \$5 million per year. Cost centers include the administration of the facility and the operations, the recycling center, the transfer station, the hazardous waste facility, the demolition recycling, landfill monitoring, and landfill gas monitoring and energy system. They employ eight people full time and five people part time. The transportation and disposal of the material from Keene’s Transfer Station as well as the shipping of commodities is all done by the private sector. Anyone who wants to offer a waste collection service in Keene must be permitted. There are currently 14 permitted haulers in Keene, from the size of a national corporation like Waste Management to a person operating a pick-up truck with just a few customers. The terms of the permit require the haulers to make sure that people can access recycling. The solid waste generated in the city of Keene must stay in the city of Keene, using a Flow Control Ordinance that the City Council passed many years

ago. This ensures the Solid Waste Division's ability to have the material help fund their operations and pay for the expenses that the City has invested in over the years.

Mr. Watson continued that currently, all waste received at the Transfer Station is transported to Turnkey Landfill in Rochester, NH. The City just began its second year of the three-year contract with Waste Management. There are no renewal clauses left. Before the contract ends on December 31, 2024, the City will assemble an RFP and go out to bid to locate a transportation and disposal source for Keene's solid waste. The current tip fee is \$164 per ton. The transportation and disposal of that same waste, when brought to Rochester, is subject to the gate rate (fee paid upon arrival at the facility) of \$82 per ton. The differential between the \$164 and \$82 is money that funds part of the operations at the solid waste facility that do not generate revenue, including hazardous waste collections, the biofuel energy system, and administrative fees paid toward the general fund to help oversee the solid waste operation. Regarding the current gate rates for surrounding transfer stations, Triple T in Brattleboro, VT charges \$200 per ton. Monadnock Disposal in Jaffrey, NH charges \$160 per ton.

Mr. Watson stated that without getting too deep into it tonight, a crisis looms in NH. Existing capacity is expected to last through the early 2030s. Massachusetts has effectively shut down all of their disposal facilities other than their waste energy facilities. It is quite difficult to cite a new landfill. Casella Waste is trying to cite a new landfill in the Bethlehem/Dalton area, running into a host of problems. The state will cross the threshold of not having adequate capacity in approximately 2034. Right now, one thing that exacerbates the disposal capacity in NH is that about 50% of waste received in NH disposal facilities comes from out of state. Due to the interstate commerce clause, no regulations through the legislature or NH Department of Environmental Services prevent that, and people are free to use the marketplace to dispose of waste at their most convenient and most economical location. Even some of NH's surrounding states, like MA, have facilities that transport huge volumes of waste via truck or rail, as far as Louisiana, Indiana, and Ohio. This trend will continue if NH does not cite new facilities.

Mr. Watson continued that as mentioned before, the Solid Waste Division's model of keeping its business off the tax rate, so they do not add to the tax rate burden, is questionable as to whether it is sustainable after this existing contract ends. Staff is aware of this and talks about it frequently. They will be prepared to promote a good program when that time comes. The Council should at least be aware that this is something of concern and there is no magic solution, but staff will do their best to keep this business model working. Keene is unique as the only municipality in the state that does not have its solid waste program on the tax rate in part or in full. This is a feature of Keene's program, and he thinks people appreciate it, and staff wants to continue it.

Mr. Watson continued that regarding roadside littering, one of the features of the City's contract is a provision that requires the contractor – Waste Management, which subcontracts it to another company – to patrol monthly from March to November, from the intersections of Routes 9/10/12 up to the transfer station and pick up litter along that entire corridor. He has been here 31 years and it has always been a giant problem. People transport material to the Transfer Station via the

back of a pick-up truck and often, some of that material/litter ends up on the side of the road. For the past decade or so, the City has managed that through this contract with Waste Management to provide litter control along that corridor. It has made a tremendous difference. Increasing the awareness of roadside littering is aside from what is the empirically evidence-based undoubtedly best program you could possibly do to prevent roadside litter, the bottle bill that Mr. Blomquist mentioned earlier. That has been proposed in the NH legislature many, many times; he hopes it comes to fruition during his lifetime.

Mr. Watson summarized that that is a high level overview of Solid Waste. If people have specific questions, he is happy to answer them.

Chair Greenwald thanked Mr. Watson for his presentation. He continued that his question is about the recent rate increase. They recently voted on changing the budget for the money in and money out so it stays neutral. The quantity has increased, which is what sparked that. He asked why there was a rate increase. Mr. Watson replied that the rate increase has happened every year for the entirety of the City's contract with Waste Management. He continued that the contract has a built-in rate increase for Waste Management, and the City mirrors that rate increase in its proposed tipping fees, so they keep their fund whole. The City is not raising its fees any more than Waste Management raises its tipping fee.

Chair Greenwald stated that there was comment about how the notification timeframe was very short. Mr. Watson replied yes, that clearly was an oversight. He continued that usually that notification goes out around November, and unfortunately, it came out a bit later than they wanted it to [this year]. He owns that. He has multiple reminders for himself for [this coming] November 1, to remind himself to put the notification out, because there is a built-in cost/fee increase beginning January 1, 2024.

Chair Greenwald stated that he does not remember the last RFP, so he wonders if it was just an auto renewal clause within the previous contract. Mr. Watson replied yes, they have some renewal clauses. He continued that Chair Greenwald has been on the City Council for a while, so he probably remembers back in the day when Waste Management operated the Transfer Station for a while. That did not work out for Waste Management for various reasons, so the City took over operation of the Transfer Station, but the City has always had private sector transporting and disposing of Keene's solid waste because the infrastructure to transport using tractor-trailers is not within the City's wheelhouse.

Chair Greenwald asked for confirmation that Mr. Watson said that the City is in the second year of a three-year contract, so there will be a real RFP coming out. Mr. Watson replied yes, they have no provision to renew their existing contract, so they will have to go out for an RFP. Chair Greenwald replied that if another party is interested, that gives them an opportunity. Mr. Watson replied yes.

Chair Greenwald stated that Mr. Watson mentioned that all of the small haulers are licensed. He asked if all of those small haulers are paying, and if their accounts are reasonably current. Mr. Watson replied that one hauler is currently in arrears and in violation of their permit, and has been notified via certified mail. He continued that he is working with Revenue Collection staff and Finance staff and the City Attorney to keep abreast of that. There is a good network of people who are abiding by the regulations and rules, and when someone runs afoul of them, they do not hesitate to pick up the phone and call him to let him know. He knows of one hauler who has gotten into arrears; staff has been monitoring that very carefully and set up a program for them to get themselves whole. That process is ongoing. Sometimes it gets resolved and then starts all over again. This is a fairly small hauler, but anyone who is a permitted hauler needs to abide by the regulations.

Chair Greenwald stated that Mr. Watson has answered all the questions that had been asked of him. He continued that he invites anyone and everyone to go see the Solid Waste operation. The staff are polite, helpful, and hardworking. Mr. Blomquist replied that he appreciates that. He continued that it is one of the most difficult places for Public Works employees to work, not just environmentally, as it is very cold in the winter, but also in the sense that many people's attitude is 'Why should I pay for something I don't want anymore?' That goes back to the littering issue, too – when people have something that no longer has value to them, they do not understand why they need to spend a resource to get rid of it. Staff does a very good job of working with folks who have that view of life. At the end of the day, as the Committee knows and hopefully the public recognizes, there is a cost, whether someone [brings their trash to the Transfer Station or] throws it out the window. When the Public Works crew has to pick up the litter, the General Fund has to pay for that. He appreciates the opportunity to talk about these issues, and it is an education for people who are watching this meeting on TV and on the internet, so they understand there is a cost to get rid of items they no longer want.

Chair Greenwald asked if there were any more questions. Councilor Williams asked if Mr. Watson could elaborate on the biofuels program. Mr. Watson replied that the biofuel generator replaced the landfill gas energy generator. When they were shifting from the landfill gas generator to needing a new power source, they conducted an evaluation, which determined that the biofuel generator would be the best option, versus running three phased power lines up, which currently terminate at Black Brook north. He continued that they also looked at solar with energy storage. Of those three options, they determined that the most economical and efficient way to continue to be able to provide the necessary power was to install a generator that runs on biofuel instead of on petroleum diesel. Councilor Williams replied that Mr. Watson is talking about a generator that runs on biofuel, not something that *generates* biofuel. Mr. Watson replied that is correct. He continued that the recycling center collects cooking oil, which is a little known fact, and a vendor comes to get it and refines it, but those are very small amounts.

Chair Greenwald asked for public input.

State Representative Nick Germana, of Baker St., stated that he is on the Environment and Agriculture Committee. He continued that they heard a couple of bills this week with promising testimony, particularly around food waste disposal. Nationally, the statistics are that about a quarter of the waste that goes into landfills is food waste. Some communities in the state, such as Lebanon and Hopkinton, have specific programs dealing with food waste. One bill in the NH legislature right now would be similar to what MA and VT do –people who are producing food waste of about one ton or more per week or month require a specific kind of disposal of that, so it is not going into landfills. The idea would be to get, say, Hannaford, KSC, or other places in the community that produce significant amounts of food waste, to first find ways to minimize the food waste, and also require them up to a certain amount (like a ton) to find ways to dispose of it so that it does not end up in landfills. A fund was created last year regarding trying to minimize waste, but it was a fund that was not given any money. The hope is to get a \$2 million appropriation. A million of that would be used to provide grants to localities to help them develop various programs.

Mr. Germana continued that he does not remember which, but one community was talking about something connected to their schools' food waste. The schools did food tracking to see what they were throwing away the most, such as leftover food from student lunches. That information helps the school make buying decisions (such as buying less of whatever food students throw away the most) and could inform the schools in ways to help build lessons about minimizing food waste into the curriculum.

He continued that there are a couple bills designed to help relieve the burden on communities and lower some of the rates, but he is also thinking about the diminishing capacity. If we could find ways to divert larger amounts of that quarter of that waste which is food waste, it can be used for many other productive things. For example, Hannaford and other stores and places have relationships with community kitchens sometimes. Composting is another method. If Keene could find a way to get food waste away from landfills as much as possible, it would at least help mitigate some of the stresses on capacity.

Councilor Williams stated that the Elm City Compost Initiative is great. He continued that he would love to see everyone compost. Mr. Watson replied that Elm City Compost does a great job. He continued that he has had at least a dozen people come to him looking to start a food waste collection business, and he has been very encouraging. He continued that the City of Keene is currently permitted through the NHDES to accept food waste at its compost pile in the Recycling Center, but the permit is limited currently to “pre-plate food waste,” which means anything done in food preparation. There are different requirements for composting when meat, dairy, and oils are included. You need a much hotter compost pile in order to break those items down, and to prevent bad odor. A while back, the Solid Waste Division gave subterranean compost bins to various Keene residents. The results of that pilot study were very encouraging, because for many years staff have been promoting the opportunity for backyard compost. It is potentially problematic to throw, say, salami into your backyard compost bin – you are likely to attract things you do not want at your house. However, if you bury a compost bin in the ground

and put those items in, insects love it and break the material down. That showed some promise. To the Representative's point, there is a huge potential with food waste and diversion of food waste to a higher and better use than bringing it to the Transfer Station or just throwing it in the regular trash. He sees potential for tremendous growth for the City of Keene in this area.

Chair Greenwald asked if there was anything further from the Committee or public. Hearing none, he thanked Mr. Watson for his presentation. He asked for a motion.

Councilor Filiault made the following motion, which was seconded by Councilor Williams.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends accepting the Transfer Station Update presentation as informational.

4) Chapter 58 – Parks, Recreation, and City Unimproved Land - Parks, Recreation, and Facilities Director

Mr. Bohannon stated that before this Committee about 1.5 years ago was a conversation regarding “no smoking.” He continued that that was the impetus behind moving forward with Chapter 58 and looking at the revision. It was last revised in 2003. That was semi-specific to specific parks, yet not all the parks were listed within the Ordinance. Staff took time to come forward and review that, and take the opportunity to change much of the outdated language. They wanted to make sure that when they do this, they had the opportunity to delineate City parks and the “unimproved lands,” because they were somewhat melded together last time and clarity was needed. They believe they did it. The MSFI Committee members have a copy and it will go through a first reading at the next Council cycle, and staff will be back before the Committee at the next MSFI Committee cycle.

Mr. Bohannon continued that they made sure to list all of the parks. While Keene Forestry Park is listed as a park, they still have to abide by all the FAA guidelines related to that area if they were to do anything within that space. They updated the list of prohibited uses within City parks. Included is the work of the Housing Stability Committee, including changes they made to the language of “no camping.” The previous Ordinance had different times for different parks, in certain cases, so with this update, staff made that consistent. Now that they have listed all of the parks, the signage can be consistent. That was the premise of many of these changes – the need to be consistent across the board, so they did not have one set of rules at one park and another set at another park. Staff included language that reflects the conversations they have had over the past year related to third parties working at park lands, such as Eversource working on transmission lines and getting into Goose Pond. There are quite a few changes. He is happy to answer questions. Staff also had to do work related to Chapter 6. A reference in Chapter 58 references Chapter 6, related to consumption of alcoholic beverages. They updated that. Again, the previous Ordinance had many inconsistencies they needed to address. He thinks the Committee will find this to be a better Ordinance.

The City Attorney stated that Mr. Bohannon did a great job as the Director of the public parks and facilities. He continued that he wants to point out that the other big change in this was to clarify not only what are “parks” but also what are *not* parks. That is where the “City unimproved lands” comes into play. Chapter 58 just threw all of this stuff into one spot, and it was disorganized, hard to understand, and not well delineated. Staff has now made a specific determination as to “City unimproved lands,” the lands which do not fall under the “parks” designation. They are open space lands, some of which are under conversation easements, some of which are not. The use of those areas now fall under the purview of the Public Works Director. The prohibitions that have been included in the parks generally also apply in the unimproved lands.

The City Attorney continued that the other thing he wants to point out to the Committee, from his office’s perspective, is that this chapter does not specifically include Railroad Square or Central Square. They spent a fair amount of time discussing that. Those two locations are unique in the city and do not really lend themselves to the same issues as the parks do, with respect to use and regulation. The next step in this process is to reword the Resolutions that apply to Railroad Square and Central Square and return to the Council with an update.

Chair Greenwald stated that in the beginning, this started out with [the topic of] not smoking and not doing drugs in the park. He asked where in the Ordinance the language is about those topics. Mr. Bohannon replied that they put specific language in regarding “no tobacco.” Councilor Workman stated that it is on page 9. Chair Greenwald stated that by the City Attorney’s words, that would not include Railroad Square. The City Attorney replied that this language does not incorporate Railroad Square or Central Square, which is why staff will be returning to the Council. Those two need their own look. Chair Greenwald asked about the new Pat Russell Park. The City Attorney replied that that is in this ordinance.

Mr. Blomquist stated that Railroad Square is also in flux as the City is looking at the downtown. He continued that what they think of as Railroad Square today might not be the Railroad Square of tomorrow. That is why it was important, particularly for that space, to hold that out for now. The concepts and design work for that area that come together, with Mr. Bohannon’s input, will direct how that area can be used and what uses they do not want.

Mr. Bohannon stated that he recalls from their conversations related to no drugs and no tobacco, the language specifically is “use of tobacco products are prohibited in all parks.” Drugs are already illegal, so they did not need to put that language in. Chair Greenwald stated that it would be within Mr. Bohannon’s purview to create a sign that said “no tobacco or drugs.” Mr. Bohannon replied yes, they can put signage up like that. Chair Greenwald added, and “no littering.” Mr. Bohannon replied that those are already up.

Mr. Blomquist stated that the other thing is that as the City Attorney identified, the bringing together of unimproved lands is an additional workload for the PWD. He continued that previously, they had properties that the City accepted that really did not go anywhere. Between

the PRFD and the PWD, they sort of were trying to manage them, but clearly, this is now placing the management underneath one area. Certainly, from his perspective, this is another item that the PWD will now be working.

Mr. Bohannon stated that he would not mind seeing some of that City-owned unimproved land sold off to the private sector so that housing could be built. Mr. Blomquist replied that unfortunately, most of it has restrictions – because, as he said, it has been accepted as a gift with certain conditions by the gift-giver, or at some point, the City placed conservation open space easements on it. He continued that the other few remaining pieces mostly are not accessible. Typically, the City gets property that no one else wants because the property is not developable. Councilor Williams replied that one place in his neighborhood looks like it could fit a triplex. Mr. Blomquist replied probably not, if he looked at flood mapping.

Chair Greenwald asked if there was anything further. Hearing none, he asked for a motion.

Councilor Roberts made the following motion, which was seconded by Councilor Workman.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends that the City Attorney be instructed to introduce an Ordinance for first reading that would amend Chapter 58, as discussed by the Committee.

The City Attorney stated that just to be clear, he will submit that Ordinance into the next City Council meeting, even though this is coming out as a recommendation. He will go forward with that, if there is no objection. Chair Greenwald agreed.

5) Relating to Removal of Stop Signs on Summit Road Near Wyman Road Ordinance O-2023-01

Mr. Lussier stated that years ago, Summit Rd. was the State highway, when it was Rt. 12. He showed a map of Rt. 12, Wyman Rd., Corporate Dr., where Wyman Rd. used to be, and Summit Rd. He continued that Summit Rd. was cut off right at the end when the bypass was built. Wyman Rd. was relocated to come out as a T intersection onto the new State highway. Recently, the Transportation and Storm water Manager, previously known as the Highway Superintendent, came to him and asked why they have the two stop signs located in the middle of nowhere. The reason is that they date back to when that was a much busier intersection, conveying traffic to Wyman Rd. and the State highway. Today, one property has a building on that stub of Wyman Rd. It is part of C&S's complex. He does not know if a lot of activity happens in that building. Summit Rd., from a certain point on, is essentially an extension of a driveway for two or three private residences. The bottom line is that there is very little traffic at this far end of Summit Rd. He showed a photo of the intersection as seen from Wyman Rd. and a photo looking at it from the northern end of Summit Rd. looking back toward the city. He continued that these stop signs are not warranted according to the MUTCD. It is an unnecessary expense to replace them and

keep them looking proper and modern, so staff recommends that they be removed from the City Code and they will take them down.

Chair Greenwald asked for confirmation that there is nothing concerning C&S, nothing from the initial agreements. Mr. Lussier replied that he did not contact C&S to talk about this, but this is a public right-of-way issue more than a private property owner issue. He continued that the building is part of C&S's property, but there is no driveway connecting it to the main campus, so it is isolated from the rest of the campus, which is accessed through Corporate Dr. He does not know what it is currently used for.

Mr. Blomquist stated that he was here when they negotiated those things for that development, and the answer to Chair Greenwald's question is no, there was no specific item for this particular site. Chair Greenwald replied that he is fine with proceeding then.

Mr. Blomquist stated that what is more important now is how the stop condition now becomes the "rules of the road." He continued that that means the minor street traffic would stop for the main street, so in this case, the Wyman Rd. traffic, whatever that may be, would have to stop for whatever traffic is on Summit Rd. It is not like there is not any control. They are just falling back to what is known in the statutes as "rules of the road."

Chair Greenwald asked if the Committee or the public had anything to say. Hearing none, he asked for a motion.

Councilor Williams made the following motion, which was seconded by Councilor Workman.

On a vote of 5-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2023-01.

6) Adjournment

There being no further business, Chair Greenwald adjourned the meeting at 7:20 PM.

Respectfully submitted by,
Britta Reida, Minute Taker

Edits submitted by,
Terri M. Hood, Assistant City Clerk