

## SPECIAL COMMITTEE ON SOLID WASTE ACTIVITIES

April 14, 2009

*Immediately following Committee on Administration/  
Information Systems*

Chairman M. Roy called the meeting to order.

The Clerk called the roll.

Present: Aldermen M. Roy, O'Neil, Lopez, Murphy, Osborne

Messrs.: K. Sheppard, B. Moore, T. Arnold

Chairman M. Roy addressed item 3 of the agenda:

3. Update on Solid Waste enforcement issues.

Alderman Lopez stated I have a question for Kevin. Where do we stand on pick-up and stuff in the City of Manchester?

Chairman M. Roy stated that is on our agenda as item 5. If we can go through the enforcement with Brad then we can cut him loose and get a comment from our Solicitor before we take up item 5.

Mr. Kevin Sheppard, Public Works Director, stated I can give you a quick summary of what was passed out. Alderman Mark Roy asked that we provide a summary. I apologize that it wasn't part of the agenda but he asked for a summary of what our Compliance Officer, Brad Moore, has been doing over the past couple of years. I think the information before you, the way it is presented it is presented in different ways: properties where violations were found, violation type breakdown, the breakdown by ward and the housing type breakdown. I think you can look at that and say that the Compliance Officer has been very successful in what he has been doing and I think you would see that throughout the City.

Alderman O'Neil asked Brad is it safe to say that the number of potential violations track about the same in the two fiscal years? It appears looking at this report that you have been effective in working with the owners and you are actually showing fewer violations but it is through I guess just good communication and such that we are seeing equal or higher compliance but fewer violations in order to reach that level.

Mr. Brad Moore, Solid Waste Compliance Officer, answered exactly. A lot of these numbers are notices that are sent. What is happening now that we are beginning to have a rapport with the individuals in question is we are able to contact them whether by phone or e-mail and we are able to get the situations remedied quickly without having to go through the whole process of issuing a notice or a violation.

Alderman O'Neil asked would you say that nine times out of ten you are getting compliance by making those phone calls or face-to-face contact?

Mr. Moore answered absolutely.

Chairman M. Roy stated Brad, looking at our job here as policy makers, you have the violation breakdown. Is there anything that you can see through your travels throughout the City that you would like to see us tighten up or loosen up or change a fee structure? Does everything work for you?

Mr. Moore replied one of the issues in the winter is I have been handling snow complaints. Over the past couple of winters we have had a lot of snow and we have been addressing a lot of issues with individuals blocking the sidewalk area as well as plowing snow and piling it up in areas. Certain violations and notices with the current structure with the breakdowns would definitely help if we could make some changes in that area.

Chairman M. Roy asked could you and Kevin work with the Solicitor's Office and bring something forward? I don't technically know if it would fall under this Committee but definitely for the full Board as to what we can do to help improve the City.

Mr. Sheppard stated just a quick comment on that. We have been working with the Solicitor's Office on that and it actually might take a state RSA change. We have been working with our Solicitor's Office, as well as the Police Department. They have been very helpful this past winter on some of these issues.

Alderman O'Neil stated Brad brought up the 97.03 violation. Are there multiple people at Highway that are writing summonses for that as well as Police?

Mr. Moore responded right now as far as addressing these issues and sending out notices, it would be me. We have also, as Kevin said, gotten cooperation from the Police Department. If a notice hasn't worked and we are not getting cooperation we will contact the Police Department and with their help try go get it resolved.

Alderman O'Neil stated I guess this question might be more appropriate for Kevin but if somebody calls in and says a guy is plowing snow or snowplowing snow into the street do we take immediate action on that? Do we send a foreman out?

Mr. Sheppard replied yes we try to respond as soon as possible. Brad will go check it out. What we do is send out a letter. We try to make it a strong letter but we cannot issue a citation. If someone doesn't listen to us that is when we have to get the Police involved in it and sometimes...you know for them to prove it was a certain property owner sometimes becomes difficult and that is why we want to work with the Solicitor and maybe get the state RSA changed. I wouldn't have a problem issuing a citation and letting someone fight it if it was pretty obvious that it was coming from a certain property.

Alderman Osborne stated I am in first place as usual. Are there any other teeth that we can put into these ordinances or something that we can...I notice and I think I talked to Brad and Kevin a few times about some things you have a long time taking any action on. I think we have to look towards that also more than anything I think.

Mr. Sheppard replied one of the problems we have run into is that the courts set a procedure and I think every department runs into that. The courts typically like to see you send a letter first to give the person a warning. Then they like to I guess follow that up with a citation if it is not addressed within two weeks. The courts like to see us give a notice but as Brad was saying earlier I think it has worked out real well. Brad has gotten to know a lot of the property managers here in the City so versus having to send a notice, he can do it by e-mail or phone calls and he has received a lot of compliance that way.

Alderman Lopez asked so you are happy with everything the way it is going right now?

Mr. Moore answered yes I think we are working in the right direction.

On motion of Alderman Murphy, duly seconded by Alderman O'Neil, it was voted to refer this item to the full Board for information purposes.

Chairman M. Roy addressed item 4 of the agenda:

4. Update on Solid Waste Program.

Mr. Sheppard stated again I apologize that this wasn't included with your agenda. Alderman Mark Roy asked me to get this information to the Board. There is a list...what we did during the beginning of the calendar year was we did a route survey of all of our customers that we are serving with trash collection. You can see the occupancy on the left hand side, the number of properties that fit that and the total number of units on the right hand side. You can see we are serving up to 3,500 commercial type properties and a lot of those are small mom & pop stores, small plumbing stores, etcetera, but you can see that we are also servicing some fairly large buildings as well. That ties into that Manchester Solid Waste Report that I believe Alderman Lopez at the last meeting asked us to get a copy of out to the Aldermen. What I can do is update that. One of the items

that we have talked about in the past is maybe defining a policy of who we are going to serve. I think that getting this survey completed is the first step in defining who our customers should be. We are actually sending out a survey to other cities and towns in New Hampshire as well to find out information on what they are doing. We will be able to provide that information to the Committee as well.

Alderman Osborne asked Kevin, when you get into the commercial properties and you talk about who we service and who we want to service, if they are going to go private how...what about space? You know dumpsters in certain places whether it is a store or downtown or whatever there is no place for dumpsters so it makes it tough on some of these store owners to do such a thing. How are we going to cure that?

Mr. Sheppard answered again we are going to talking to other towns and cities because I think we have the most liberal solid waste policy in the state regarding that. There are private contractors that if necessary will provide daily service to commercial properties or larger properties. The private sector is more than willing to provide that service.

Alderman Osborne asked in other words they could still use toters instead of a dumpster or things of that sort?

Mr. Sheppard answered I would think that they could work with a private contractor if we move forward with that.

Chairman Mr. Roy stated just to expand on Kevin's answer for Alderman Osborne's information, there are private haulers that do from the size of our green toters up. So if they are available for our service it can also be taken over by a private hauler. Kevin looking at...your first line is commercial. You have 3,495 properties. Are those the downtown five day a week pick-up?

Mr. Sheppard replied I believe some of those probably are in the downtown area. I would have to verify that. There is also a lot of commercial outside the downtown area. Like I said a lot of the mom & pop stores and small plumbing stores or something like that get service.

Chairman Roy stated to clear up a misconception that I hear every year at budget time, the higher fee that is paid by downtown merchants in the Central Business Service District, what part of that...could you talk about that in relationship to solid waste or your services downtown?

Mr. Sheppard responded I haven't seen the contract. I have been told that that is not part of that downtown service district fee. We do provide collection for them seven days a week but my understanding is that is not part of that fee.

Chairman Roy asked are there any other questions from the Aldermen?

Alderman O'Neil stated if I may, the seven day a week pick-up is on all taxpayers of the City. There is no Central Service Business District fee that goes to garbage pick-up or additional plowing or anything like that.

Chairman M. Roy stated right, and one of my goals was to get that on the record – the fact that there is that misconception that it goes to fund many of the City services and it does not.

Alderman Lopez moved to refer the report to the full Board for informational purposes. Alderman O'Neil duly seconded the motion. Chairman M. Roy called for a vote. There being none opposed, the motion carried.

Chairman M. Roy addressed item 5 of the agenda:

5. Update on Single Stream Recycling.

Mr. Thomas Arnold, Deputy City Solicitor, stated if the Committee is not already aware, approximately a little over a week ago Corcoran, the City's contractor, filed for Chapter 11 bankruptcy in the United States Bankruptcy Court for the District of Maine. As you might understand, the proceedings are very preliminary at this point; however, we continue to monitor the situation. I have been in contact with both Corcoran's attorney and Pinard's attorney in an attempt to bring some type of resolution but at this point we are monitoring the situation to protect the City's options.

Chairman M. Roy stated I would note that Patrick Corcoran, President of CES, is here if anyone has any questions for him.

On motion of Alderman Lopez, duly seconded by Alderman Murphy, it was voted to refer the Solicitor's comments to the full Board for informational purposes.

There being no further business, on motion of Alderman O'Neil, duly seconded by Alderman Lopez, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee