

SPECIAL COMMITTEE ON SOLID WASTE ACTIVITIES

February 20, 2024 at 5:30 PM

Chairman Fajardo called the meeting to order.

The Clerk called the roll.

Present: Aldermen Fajardo, Vincent, Barry, T. Sapienza, Long

Messrs.: C. Newton, T. Belanger, B. Groshon, T. Clougherty

1. Overview of solid waste contracts.

(Note: Provided for informational purposes only; no action is required.)

Chaz Newton, Solid Waste and Environmental Programs Manager, stated I wanted to review the contracts because I know this is a new Solid Waste Committee to begin the year. I just wanted to highlight some of the current contracts we are in and what the status is of those contracts. The first one that I have is the Waste Management contract. This encompasses the disposal of curbside trash collection throughout the city, as well as hauling and disposal for the Drop Off Facility. This contract initiated in 1996 so it is currently in its final five-year agreement scheduled to conclude in June 2026. Over the years, the city has benefitted from favorable rates under this agreement, which are expected to continue until its conclusion in June 2026. We have the Household Hazardous Waste services contract which is currently under contract with Tradebe. Tradebe serves as a contractor for household hazardous waste events. We hold those events two times per year. One in the second Saturday of May and the other the second Saturday of October. That is twice per year and this contract is set to conclude in June 2025. Last but not least, we do have the Pinard/Casella contract. This contract encompasses yard waste collection, recycling collection and disposal, and Drop Off Facility services as well. The initial term of this agreement is set to conclude in December 2025 with the city having the option to renew for up to two additional terms of five years each. Pinard has been a long time contractor for the City of Manchester specifically for these services. As an independent contractor, Pinard has been acquired by Casella. As a result, we will have an introduction if allowed of key employees from Casella to provide an overview of the company's operations and the status of the current purchase.

Alderman T. Sapienza stated is the Waste Management contract in the final leg of the final five-year term.

Mr. Newton responded that is correct. Beyond 2026 there is no more option for extensions.

Alderman T. Sapienza asked when we renegotiated that and had all of those questions, is that settled now.

Mr. Newton answered yes that was settled in 2021.

Alderman T. Sapienza stated the other question I have is with Casella taking over for Pinard. When Pinard took over for Waste Management, the level of service went way

up. My problems on Valley Street went away and I am very happy with Pinard's service. Has Casella been vetted and can we expect the same service or are we going to be in the same situation we were in with Waste Management?

Mr. Newton replied I will say that the introductions will help answer that question. We obviously had the same concern that you did. We recognize that Pinard has such great customer service for us and the residents in Manchester. That was one of my main questions as well. Following that question and the answer that I was provided, I have no concerns that that high level of customer service will continue.

Alderman T. Sapienza stated I hope you are right.

Tony Belanger, Pinard Waste, stated I have been with Pinard Waste for 38 years. I started the Manchester contract in 2006 myself and developed it with a lot of personnel that are still with us to this day, mainly our drivers. We have three of the original four what we call horsemen that started the recycling program and assisted with the yard waste in 2006. That being said, we were acquired back in September 2023 by Casella. I brought a couple of high ranking officials from Casella with me to help answer any questions you may have. I would like to just answer your question directly. What I have been telling everybody since we started this is that there is no other company that mimicked Pinard in New England other than Casella. We followed them in every way in terms of the way we conduct ourselves. When they came in they told me straight out we don't want anything to change; same drivers and same trucks. They are not even going to paint them until they blow up and when that happens they will come back as a Casella vehicle. We will have the same management. I am still going to be there and you won't lose me until they kick me out I guess. I would like to have the Casella representatives introduce themselves.

Brian Groshon, Marketer & Manager, Casella Waste, stated I manage the southeastern market of NH and northeastern Massachusetts which is comprised of multiple hauling divisions and transfer operations. The Pinard acquisition fell within my market area and like what has been mentioned in many of the comments this evening, we pride ourselves in maintaining the relationship that Pinard has been able to build over so many years with the city. We want that to continue. Historically, we had an operation based in Salem, one in Belmont and now we are going to have a third hauling division which will be located here in the Greater Manchester area. Obviously we utilize the Manchester transfer station for some of our operations as well as our facility over on West River Road in Hooksett. All of that will maintain all the same people and the same operation. If anything, we are going to bring some more resources to the operation to help further support the city. I am happy to answer any questions that you have about us in NH, especially here in the southeastern portion of the state. I brought with me Erin Banfield who is our Director of Municipal Services.

Alderman Barry stated just to follow-up on what Alderman T. Sapienza said, we have been fortunate that Pinard Waste has been awesome. I know that in Ward 10, which I represent, anytime and every time I have called the city whether I spoke with Chaz or the dispatcher on the weekend about trash not being picked up or recyclables not being picked up, they were right on it. They would call Pinard and someone from Pinard

would go out that day. Very rarely did they not go out. If we can continue getting that same service, I think we will have a great relationship. Thank you.

Alderman Long stated I know I have called Tony a few times and instantly the issues were addressed. I absolutely appreciate that and I trust Tony's statement that you will do the same. With respect to this contract, was this your draft? Do you know if the City Solicitor looked over this?

Mr. Newton replied yes the Solicitor did review it.

Alderman Long asked was this the original sent by the company.

Mr. Newton answered yes.

Alderman Long asked and the Solicitor looked it over and had no issue with it.

Mr. Newton responded correct.

Chairman Fajardo stated thank you for coming and for your assurances.

2. Request for consent of the Assignment and Assumption of Contract between Pinard Waste Systems Company Inc. and Casella Waste Management of Massachusetts, Inc.

*On motion of **Alderman Long**, duly seconded by **Alderman Vincent**, it was voted to approve.*

3. Communication from Chaz Newton, Solid Waste and Environmental Programs Manager, regarding the ordinance amending Chapter 91 Solid Waste & Littering and the proposed waiver process.
(Note: This ordinance was reconsidered by the BMA on 9/5/2023 and referred back to committee with delayed implementation until the BMA takes a future vote after a public hearing.)

Mr. Newton stated I would like to start off by discussing a timeline, which was provided in your packet. We began discussing the ordinance changes to the Solid Waste Committee in April 2023. Following that initial discussion, we brought forward the recommended ordinance changes to three committees. That is outlined in the timeline. Eventually we received BMA approval on 9/5. After sending out letters to affected property owners in mid-September, the BMA ultimately voted to reconsider the ordinance changes at the 10/3 BMA meeting. At the beginning of that meeting there were 24 property owners that spoke during the public comment portion and voiced their concerns. Today, we are presenting a waiver process that we believe addresses the concerns for many. I would like to go over a few highlights starting with eligibility criteria of the waiver. All properties excluded from municipal collection under the proposed ordinance may apply for the waiver. The process is property owners submit applications via the city website. This waiver application was communicated in the October letter that was sent to property owners. We did provide a location for where that waiver could be obtained. Since then, I can tell you that we have received about

170 waiver applications. Some of those are property owners with multiple properties. Waivers would be granted based on the property's ability to contain waste within volume limits outlined in current ordinance Section 91.67. On the waiver application, there is a selection box in which the property owner certifies that they would be able to keep their trash volume within the limitations. The limitations are as follows: two trash and two recycle barrels per unit are permitted with a maximum of eight trash and eight recycle per property. Therefore, a two-unit building may have no more than four trash and four recycle barrels and a five-unit building may have no more than eight trash and eight recycle barrels. It is important to note that Section 91.67 Volume is an existing ordinance and not part of the proposed ordinance changes. These regulations can be found on the Solid Waste portion of the website, as well as in the Manchester Code of Ordinances. Compliance monitoring. The way we go about compliance monitoring would remain the same as it is today regardless of whether a property is eligible by way of a waiver or not. Termination. If a property is ineligible by ordinance but granted a waiver and is found non-compliant twice in a rolling 12-month period, DPW would have the right to terminate the waiver ultimately resulting in that property then having to go to private collection. The waiver SOP insures what we believe is a transparent and fair process for properties seeking municipal collection eligibility prioritizing compliance and accountability. While the public comments were essential during the October 3 BMA meeting, DPW would like to propose a roundtable discussion with eight property owners for more targeting input on this process.

Alderman Long asked so the contained waste is highly important. The concern that I have is they are not going to be able to contain waste because they can't find a company that could pick-up their added waste. There was going to be a list compiled. Has that been done?

Mr. Newton answered yes we have completed that list.

Alderman Long asked and is that going to be on the DPW website.

Mr. Newton replied we can put that on the website. We haven't just because the ordinances are on hold at this time. We can put that on the website. It is finalized and one of those companies is sitting here today.

Alderman Long asked regarding the non-compliance twice in 12 months, on the first non-compliance is there a conversation or something. It tends to go fast and on the second non-compliance I am going to get a call from a landlord saying they are not picking up my trash anymore. I am wondering after the first non-compliance what is the protocol or the policy in having a conversation with the landlord?

Mr. Newton responded our process would remain the same in that instance where we send a notice of violation to the property owner indicating whatever violation was observed. In this case it would be 91.67 Volume. That is the one that is connected to this ordinance change and the waiver. We would send that notice and typically depending on where the property owners lives because we do take that into consideration, it could be five days before there is a re-inspection or it could be seven days. The reason why there is a difference is because there are a lot of property owners that don't live in the area or live on the beaches of South Carolina and we need

to send them a letter so we give them time to receive that letter and make those changes.

Alderman Long stated I also have film from one landlord that shows his neighbor dumping their trash in his barrels. So that would be part of the conversation after the first non-compliance? If they could show you that the neighbor across the street is putting their trash in theirs? Is it up to the landlord to civilly pursue that?

Mr. Newton answered there are ordinances that specifically discuss not putting trash in other people's barrels. I don't remember the exact ordinance but it is in the Code of Ordinances.

Alderman Long asked so the first non-compliance is not just going to be a sticker and they have to figure out why the sticker...well usually it is written on the sticker what is wrong but there will be a conversation.

Mr. Newton replied yes. All violations are sent via the mail. Sometimes there are stickers but our compliance officers do send out notices every day and that would be part of that.

Alderman Barry asked on 91.67 Volume, it says two trash barrels per dwelling. Is there a minimum? I will give you an example. I got phone calls all weekend leading up to today from a resident who complained because there was either a six or eight unit building that only has three trash cans and one recycling can and they overload them. I believe trash is picked up on Monday and as soon as the trash is picked up, it is full that day and they just keep loading on top of it. Is there a minimum that they have to abide by?

Mr. Newton responded that is a great question. There is no minimum in the ordinances, however, there is overflow in the ordinances. If a property is overflowing on their trash or recycling barrels, that property will receive a notice of violation.

Alderman Barry asked so overflowing is above the top.

Mr. Newton answered overflowing is the lid not closing or the lid closed and sometimes we will see trash bags on the ground. That is considered overflow as well.

Alderman Barry asked and then we just contact the compliance officer. I know I have contacted Brad Moore in the past as well as you and the compliance officers will go out there and check. I know this specific landlord lives in Massachusetts and owns quite a few properties in the City of Manchester. I think we are having the same problem throughout the city.

Alderman Vincent asked who is going to approve the waiver. Is it DPW?

Mr. Newton replied that is correct.

Alderman Vincent stated you mentioned a roundtable. Is that something you are looking to get approval for today or is that something you are doing on your own? I am confused by that.

Mr. Newton responded yes that is something that we are looking to get approved today.

Alderman Vincent stated there is a lot going on with this paperwork that we got and I want to make sure I understand what it is that you are asking this committee to sign off on. Is it the roundtable or is it the ordinance amendment? I am just looking for clarification.

Mr. Newton replied I appreciate the question because I realize that I may not have been super clear on that. We are looking to move forward with the roundtable discussion. We are not looking for approval of this ordinance today. These are still on hold at this point.

Timothy Clougherty, Public Works Director, stated as far as our subjectivity in approving waivers, there isn't a lot of subjectivity that we plan on instilling into the process. If the property is currently deemed ineligible based on the ordinance language, we will give them a waiver. It is as simple as that. As long as they comply with the current volume limits, we are going to be good.

Alderman Vincent stated I completely agree with that. I think there is something that needs to be looked at though when you have a five-family building with eight barrels. I think that is not enough.

Chairman Fajardo stated if I may, I have had the opportunity to check-in with Chaz a couple of times and thank you Chaz for taking the time to rehash all of this. I was on the committee last year when you first brought the ordinance changes forward. I think one of the areas where we erred was in catching people off guard. I expressed to Chaz that I fully support the idea of a roundtable where we are creating a scenario where we are getting input proactively rather than getting reactions after something is brought out. It will give the property owners and tenants an opportunity to come and share their experiences and weigh in, even on this waiver process if there is feedback from constituents on that. We would certainly welcome it. We have also had the opportunity to talk about some other potential ideas in response to the feedback that we heard last fall. It isn't anything that we need to bring up at this moment but I think the larger point being that the goal is to create an opportunity for this committee, DPW and the public to come together for a more purposeful conversation where we are able to then roll something out that feels like a combination of addressing the public's concerns as well as making sure the city stays clean.

Alderman T. Sapienza asked if you are only looking for permission to have the roundtable tonight maybe you could put a minimum into the ordinance, which was mentioned. The other thing I would point out is a lot of people that came to talk were the bigger properties willing to pay a fee to have the trash picked up. They just didn't want to stop having it picked up.

Chairman Fajardo stated I would assert that literally anything should or could be part of it. I think a good idea is a good idea no matter where it comes from and I think it will be a question of just thinking of the constraints that DPW is trying to work with as well as the constraints of the ordinance and whatever changes we need to make we will bring forward. We will attempt to be as transparent as possible but also insure that there is plenty of notice and time. The goal is to prevent anybody from feeling backed into a corner.

Alderman Long asked so what you are looking for today is permission to hold a roundtable.

Chairman Fajardo answered I would suggest we make a motion as a committee to endorse the roundtable. I think we have already shared a couple of things that we would want to be considered as part of that conversation.

Alderman Vincent stated as long as it is just for the roundtable and not approving the waiver or changes in the ordinance.

Chairman Fajardo responded correct. Nothing is moving forward at this time except the opportunity to remain at the drawing board.

Mr. Clougherty stated I just wanted to touch base on what Alderman T. Sapienza brought up regarding paying. This isn't a matter of finances. This isn't a matter of us not having enough money to dispose of the trash or the hauling and landfill costs. This is more about cleaning up the city. As everybody knows, at the Department of Public Works we are struggling mightily with vacancies. Across the department, we have 53 current vacancies. It is not a matter of money. We have money to pay people but we can't hire people. I don't think that a pay-for-trash program run by a municipality is something that this Board or I can tell you with confidence that the department wants to entertain. That is extremely administratively burdensome and if somebody is willing to pay for additional trash collection, they can go to one of the many vendors that we are going to have on our website. That opportunity will exist.

Chairman Fajardo stated when I alluded to the parameters that your department is working within, that is certainly one of them. I think it will be really important to take into consideration operational overhead with any ordinance changes that we want to make or new programs we want to introduce. All of that has to be looked at through the lens of feasibility and that is just practical. I would say that while anything should be put on the table, everything should be considered through the lens of what is feasible and I would just encourage that your department be as forthright as you can be with what you can swing and what makes sense. I think we are all on the same page in terms of just wanting to solve the problems at hand and make sure that the burden is low for residents and manageable for DPW.

Mr. Clougherty replied I appreciate your consideration. At this point, if the committee votes to move forward we would hold this discussion and report the feedback that we get to this committee and decide how to move forward with the current state of affairs and the current ordinance that is on hold.

*On motion of **Alderman Long**, duly seconded by **Alderman Barry**, it was voted to authorize DPW to hold a roundtable discussion and report the feedback back to the committee at a later date.*

Alderman Barry stated Tim you mentioned that you are 53 people down. Has the hiring freeze that we have affected you or are you free to hire people as we speak?

Mr. Clougherty responded we still go through the hiring process. Some of the positions have been approved. It takes quite a while for...you are going to see an individual that is retiring tonight at the BMA meeting. He is an equipment operator. Once that equipment operator retires, there is a lower level equipment operator that might move into his position so by the time we finally get down to an entry level position, it takes quite a bit of time. I am not going to put on the shoulders of the mayor our inability to hire people. That is not preventing us now and I had a very frank discussion with him last week and the week before about our inability to hire people. I am confident that if I ring the alarm bell he would react.

Alderman Terrio stated part of real estate taxes obviously pay for trash pick-up. Has there been any discussion about prorating...so if the landlords go out and pay a private company has there been any discussion about prorating their taxes so they can use that money to get a private vendor?

Mr. Clougherty answered no.

Alderman O'Neil asked how are you going to generate the list for the roundtable.

Mr. Newton replied we will take any recommendations from the aldermen as far as property owners. Other than that, we obviously have a whole list of property owners ourselves. We are familiar with the properties and some of the issues that some of them may bring. If there aren't any recommendations, we can certainly find some. We will definitely solicit those recommendations.

Alderman O'Neil stated I know there was a good turnout that night at the Board meeting but some of the biggest problem properties in this city were not represented. As you said, they are not only absent they are not even from the region. How can we get some input from them?

Mr. Clougherty stated as Chaz mentioned, if any of the 14 aldermen or mayor have recommendations on property owners that should be included, we will reach out to them. We also kept a record of the 24 or 27 people that spoke at that meeting back in October and that would probably be our first go to list.

Alderman O'Neil responded they may not have been the ones that cause the most issues. Some of them might have been.

Chairman Fajardo stated I think the goal would be to try to get a representative sample of what we know to be true about property owners and renters.

*There being no further business, on motion of **Alderman Barry**, duly seconded by **Alderman Vincent**, it was voted to adjourn.*

A True Record. Attest.

A handwritten signature in black ink, appearing to read "Matthew Normand". The signature is fluid and cursive, with a long horizontal stroke at the end.

Clerk of Committee