

BOARD OF SELECTMEN
Minutes of November 10, 2008

MEMBERS PRESENT: Chairman Dennis Senibaldi called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Galen Stearns, Charles McMahon and Roger Hohenberger were present, as was Town Administrator David Sullivan. Mr. Senibaldi read the agenda into the record followed by the Pledge of Allegiance.

OLD/NEW BUSINESS: Mr. Senibaldi advised the Board that an issue had arisen with the right-of-way trenching permit approved the previous week. He indicated that the permit was to allow West Shore Road to be crossed with two (2) electrical feeds, to #'s 29 and 31, however National Grid does not allow more than two siphons off of a single pole and currently, the garage for #29 already has service from this pole. Mr. Senibaldi advised that Mr. Nickerson (#31), Mr. Murray (#29), and Mr. Soucy of National Grid had discussed this matter and possible installation of a hand hold at the bottom of the pole with feeds to the two properties.

Mr. Sullivan noted that, if the Board concurs with this resolution, their course of action would be to re-affirm the trenching permit and then vote to allow Mr. Murray to utilize the existing conduit installed previously by him.

Mr. Steve Soucy of National Grid explained that, technically, National Grid needs to own the conduit for underground utilities. He further noted that they normally require the conduits to be encased in concrete, which Mr. Murray's is not, however Mr. Murray will not be made to do so. Discussion ensued regarding National Grid's easement, encasement, and ownership requirements. Mr. Soucy indicated that customers are generally required to build the conduit to National Grid specifications and then turn ownership of same over to the company.

After further discussion regarding the previously approved permits and Mr. Murray's conduits, Mr. McMahon moved and Mr. Breton seconded to approve Mr. Murray's conduit. Passed unanimously.

ANNOUNCEMENTS: Mr. McMahon advised that information would be available at the Administrative Office regarding the Fuel Assistance program, or residents can contact the local Community Action office in Salem at 898-8435.

HDC EXPENDITURE REQUEST: Historic District/Heritage Commission Chairman Carol Pynn approached to request the Board's authorization to expend those funds remaining in the 2008 HDC budget to purchase additional Historic District signs.

After a brief discussion, Mr. Hohenberger moved and Mr. McMahon seconded to allow the HDC to expend the balance of their 2008 budget as requested. Passed unanimously.

MARGARET CASE/CABLE NEGOTIATIONS: Cable Advisory Board Chairman Margaret Case approached to request the Board execute an additional extension on the cable franchise negotiations to February of 2009.

After a brief discussion, Mr. Hohenberger moved and Mr. McMahon seconded to approve the extension to February of 2009. Passed unanimously.

Brief discussion ensued regarding the meeting room improvements and installation of additional cameras.

DAVID POULSON/SOLID WASTE BID AWARD: Mr. Poulson advised the Board that the single stream renovation project is now completed and that an additional \$1,694 of expenses were incurred above and beyond the authorized \$5,000 allocated at the time of the bid award for overruns. A brief discussion ensued, and Mr. Stearns moved and Mr. Breton seconded to allow the expense of an additional \$1,694. Passed unanimously.

Solid Waste Bid Award: Mr. Poulson advised that five bids had been received in response to the request for proposals, which had been bid for three removal options: A) MSW only; B) Single Stream only, and; C) MSW and Single Stream combined. Mr. Poulson reviewed a detailed analysis of the bid results, noting that his analysis was budget driven based upon the MSW tipping fee. He recommended that Option C be awarded to Corcoran Environmental for their bid amount of \$65/ton. Mr. Poulson noted that Corcoran offered the lowest calculated single stream cost with a fixed tipping fee, as well as flexible terms and desirable transport locations. Discussion ensued regarding Mr. Poulson's analysis, the ratio of MSW versus single stream, and the mileage/transportation factors.

Mr. Charlie Desrosiers, of Integrated Paper, approached to inquire where the single stream material will be taken. Mr. Poulson replied that the material is going to Integrated temporarily, until the Manchester MRF is operational, based upon an agreement between Corcoran and Integrated. Mr. Desrosiers then indicated he had spoken to Mr. Poulson about November and December only, and had no knowledge of where the material would be going after January 1st unless an agreement is in put place between Corcoran and his company that the material will be brought to Integrated for the life of the contract.

Discussion ensued, and Mr. Senibaldi requested that the representatives of Corcoran and Integrated that were in attendance step out to discuss this matter further.

SURPLUS VEHICLE BID AWARDS: Mr. Stearns recused himself for this discussion. After reviewing the bids received, Mr. McMahon moved and Mr. Breton seconded to accept the bid of \$1,995 for vehicle #8, a 1986 Pickup, and \$810 for vehicle #9, a 1995 Jeep. Passed 4-0.

Mr. McMahon then moved to reject the bids received for vehicles #1-7 and hold these vehicles over for sale at the State auction. Passed 4-0.

Mr. Breton then moved and Mr. McMahon seconded to accept the bid of \$501 for vehicle #11, a 1984 rack truck. Passed 4-0.

Discussion then ensued regarding vehicle #10, the 1994 Ambulance, and it was the consensus of the Board that the Fire Chief follow-up to reach out to surrounding communities regarding their possible use of this vehicle.

OLD/NEW BUSINESS: Highway Agent Jack McCartney approached to request the Board waive the bid process to allow him to purchase a second plow from Howard P. Fairfield; the same vendor to which the bid for a single plow was awarded earlier this year. Mr. McCartney indicated that Fairfield will hold their bid price of \$7,191, and that funds are available in his budget.

After a brief discussion, Mr. McMahon moved and Mr. Stearns second to waive the bid process for the purchase of an additional plow. Passed 4-1, with Mr. Hohenberger opposed.

Mr. McMahon then moved and Mr. Breton seconded to approve the purchase of a plow from Howard P. Fairfield in the amount of \$7,191. After a brief discussion, motion passed 4-1, with Mr. Hohenberger opposed.

Mr. Sullivan requested that the Board authorize him to execute a new agreement between the Town and Diversified Investment for the Town's optional, supplemental retirement funding, noting that little has changed in the standard agreement. Mr. Hohenberger moved and Mr. Stearns seconded to authorize Mr. Sullivan to execute the document.

Mr. Breton indicated he would prefer to read the document and work to negotiate the removal of the related service fees. Mr. Sullivan advised that the service fee is \$2,500/year and that it would cost much more in legal fees were the Town to change the plan and draft their own agreement. Mr. Sullivan noted that the service fee has not increased in the 20 years the Town has offered the plan, and has generally not required a direct payment by the Town but rather comes out of the employee forfeiture penalties.

Motion passed 4-1, with Mr. Breton opposed.

SOLID WASTE BID AWARD CONTINUED: Mr. Patrick Corcoran of Corcoran Environmental approached to apologize for the confusion, and noted that if awarded the bid CES will divert all MSW tonnage to Haverhill, MA and all single stream to Integrated Paper in North Andover, as bid.

Discussion ensued regarding Option C with input from additional bidders, including Mr. Jim Nasella of Waste Management and Andrea Young of Casella, regarding travel/time/fuel expenses to their facilities in Avon Massachusetts and Biddeford Maine, respectively.

Mr. Poulson explained that Option C was intended to bundle the item disposal which would allow for a rebate to offset the MSW tipping fees, and that if the bid is split, the rebate would revert to the general fund rather than his budget. Lengthy discussion ensued regarding the disposal locations for each bidder, differential benefits to the Town of splitting the bid, the ensuing year options, and the tangible versus intangible savings displayed in the bid analysis.

Mr. Hohenberger then moved to award MSW removal to Corcoran Environmental and Single Stream waste removal to Integrated Paper for their bid amounts of \$69/ton and \$22.50/ton, respectively.

Further discussion ensued regarding budgetary savings and Mr. Sullivan indicated that, while he appreciated Mr. Poulson's efforts, he did not advocate utilization of fee savings to offset departmental budgets, but to have all revenues go to the general fund. He further noted that if the Board were considering the bottom line, then Mr. Hohenberger's motion was correct.

Mr. McMahon seconded Mr. Hohenberger's motion, and Mr. Breton requested the motion be amended and the awards split. Mr. Hohenberger did not amend or retract his motion, nor did Mr. McMahon his second, and the motion passed 4-1, with Mr. Breton opposed.

The Chairman called for a five minute recess.

FINANCIAL/BUDGET UPDATE: Finance Director Dana Call reviewed the 2008 Budget to date with the Board, highlights of which included:

- *All Departments:* Vehicle fuel and heat are projected to be over budget, as is miscellaneous expenses. Mrs. Call noted that the latter is due to the fact that several vacant positions were recruited throughout the year and that for 2009 a specific line item has been created for this expense.
- *Administration:* Board of Selectmen approved the expense of \$10K for Londonbridge Road engineering that was not budgeted for, and other items absorbed within the Admin miscellaneous line item included \$525 for Hager-Richter for Ledge Road, \$600 for an IRS payroll deposit penalty, and \$300 for the 10/21 DOT meeting.
- *General Government:* Some salary savings due to the delay in hiring the full-time laborer, which was offset by an additional temporary part-time employee.
- *Information Technology:* Budget included \$7,900 for GIS expenditures that was not spent this year, predominantly due to the turnover in the Planner position. Approximately \$3,000 of this has been earmarked for modifications to the Police Department training room for Town servers, as approved by the Board.
- *Legal:* Projected to be \$30-40K over budget, offset somewhat by reimbursements of approximately \$16K. Mr. Sullivan indicated there have been four abnormally involved cases this year.
- *Police/Dispatch:* Salaries/Overtime expenditures have stabilized, however, vehicle maintenance is projected to be over budget due to the late arrival of the six new cruisers.
- *Fire:* Salaries/Benefits projected to be \$80K under expended, which will lapse to the general fund, due to the hiring of the four new firefighters under the SAFER warrant article in July as opposed to May 1 as budgeted. Additional savings of \$10-15K are expected due to the lack of callmen.
- *Planning Department:* Salary/benefit savings will be realized due to the vacant Planner position, however, there was an unbudgeted expenditure of \$6,400 for the Planning Reorganization study.
- *Roads:* Salary/benefit savings will be realized due to the vacant laborer position, and the savings from the summer/winter budget may absorb the increased costs of winter salt.
- *Solid Waste:* Salary/benefit savings will be realized due to the vacant truck driver position. In addition, waste removal and demolition appear to be running under budget. Vehicle maintenance is projected to be over budget due to several large unanticipated expenditures for the aging fleet.

- *Insurance:* Workers Compensation expenses will be offset by a \$9,388 rebate received, however, property liability has increased due to additional charges for ten new vehicles and the special police officers.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. McMahon seconded to enter into a non-public session in accordance with RSA 91-A:3-II a and c. Roll call vote – all members “yes”. The topics of discussion were personnel and reputations and the Board, Mr. Sullivan, and Ms. Devlin were in attendance in the following sessions.

Mr. Sullivan updated the Board on a request for hardship abatement. Mr. Senibaldi moved and Mr. Breton seconded to reconsider the previous motion of the Board to award the abatement subject a lien. Passed 4-1, with Mr. Stearns opposed.

Mr. Hohenberger then moved and Mr. Breton seconded to award the hardship abatement as requested without the placement of a lien on the property, and that written notice be provided to the owner that any subsequent requests for same will be subject to a lien if approved. Passed 4-1, with Mr. Stearns opposed.

Mr. Sullivan advised that the Planning Board has requested temporary assistance with preparation of the Zoning Warrant Articles. After a brief discussion, Mr. McMahon moved and Mr. Breton seconded to retain Ms. Carol Murray of MRI on a temporary basis to assist with drafting of the Zoning Warrant Articles. Passed 3-2, with Mr. Hohenberger and Mr. Stearns opposed.

Mr. Sullivan updated the Board on a personnel matter. No decisions were made.

The Board and Ms. Devlin were in attendance in the final session.

The Board discussed a personnel matter relative disciplinary action. Ms. Devlin will follow-up with staff.

Mr. Hohenberger moved and Mr. McMahon seconded to adjourn. Passed unanimously.

The meeting was adjourned at 11:00 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

Note: These minutes are in draft form and have not been submitted to the Board for approval.