

**BOARD OF SELECTMEN**  
**Minutes of August 13, 2012**

**MEMBERS PRESENT:** Chairman Bruce Breton called the meeting to order at 7:00 PM. Selectmen Ross McLeod, Phil LoChiatto, Kathleen DiFruscia and Roger Hohenberger were present, as was Town Administrator David Sullivan. Mr. Breton opened with the Pledge of Allegiance.

**ANNOUNCEMENTS:** Mrs. DiFruscia noted that the Annual Senior Picnic, held the previous Friday, had been a tremendous success.

**CORRESPONDENCE:** None.

**LIAISON:** None.

**MINUTES:** Mr. Hohenberger moved and Mr. McLeod seconded to approve the minutes of May 21, June 4, June 25, July 9, and July 23 as written. Passed unanimously.

*Mr. Sullivan* advised the Board that bids had been opened that afternoon at 2:00 PM relative to the paving project re-bid. He indicated that Hudson Paving's bid had been received at 2:04 PM, and inquired whether the Board wished to waive the bid requirements and accept it for opening. Mr. Hohenberger moved and Mrs. DiFruscia seconded to waive the bid requirement and accept the bid from Hudson Paving. Passed unanimously.

**DAVID POULSON, TRANSFER STATION SUPERVISOR:** *Solid Waste Removal Contract* - Mr. Poulson advised that he had been contacted by a representative of Waste Management relative to the Board's pending contract extension with Covanta; offering a counter proposal to provide the service with transport to North Andover. Mr. Poulson explained that, by using the North Andover facility, this put Waste Management on an even playing field with Covanta as it pertained to hauling fees. He then requested that the Board consider rescinding their previous vote to extend Covanta's contract and allow him to compile a tailored bid specification for submission to Covanta and Waste Management only. He further explained that he believed that doing so now would secure the best cost; reminding the Board that there is currently one year remaining in the Covanta contract. Mr. Poulson did note that he had spoken to Covanta regarding his intent to make this request to the Board and that they seemed to indicate they would bid; however the Board should be aware that only Waste Management may bid.

Mrs. DiFruscia inquired whether the extension with Covanta had been executed, and Mr. Poulson replied in the negative. Discussion ensued regarding the public nature of Covanta's pricing, North Andover's site versus Penacook, and the Town's contract with Covanta.

Mr. Breton inquired what Mr. Poulson meant by a "tailored" specification, and the latter replied he would require that the vendor be within a 25 mile radius for hauling purposes. Lengthy discussion ensued regarding the tipping fees versus hauling costs, bidding to all vendors, waste-to-energy versus landfill disposal, and the need to consider travel time. Mr. Hohenberger then moved and Mr. McLeod seconded to reconsider the Board's previous approval to extend with Covanta. Passed unanimously.

Mr. Hohenberger moved and Mr. McLeod seconded to submit for bid the Town's tipping/solid waste disposal service. Further discussion ensued regarding Mr. Poulson's concerns regarding the Board putting the service out to bid to all vendors versus tailoring the bid. Motion passed 3-2, with Mr. LoChiatto and Mrs. DiFruscia opposed.

*Mr. Poulson* then expressed concerns regarding the Board's decision to place a traffic counter at the Station in order to address a petition regarding Transfer Station hours and holidays. He indicated he did not believe there was any correlation between the number of users and the hours of operation/holidays. Mr. Poulson noted that such a counter had never been used to establish the hours at the station; and suggested that the Board members view the video archive to determine traffic patterns. He also suggested the Board visit on a typical Wednesday evening, and believed they will find the traffic is not backed onto Route 111 as suggested by the petitioners; none of whom he noted had spoken to him.

Mr. McLeod inquired of Mr. Poulson where, if the number of users does not correlate to the quantity of waste generated, the waste is coming from. Discussion ensued. Mr. McLeod then inquired if the number of cars traveling through was not relevant, then what is; and Mr. Poulson indicated he was not implying that the customer was not important, but rather that the operation of the facility is driven by the waste stream. Lengthy discussion ensued regarding traffic patterns, data, and video archives.

Mr. LoChiatto indicated he had suggested the traffic counter because he thought it a good idea for the Board to better understand the petitioners' concerns; the placement of which then became a directive from the Board. He agreed that it won't allow comparison to be made to other, non-open days, and indicated that he also understood that facility operation is driven by tonnage. Discussion ensued regarding the data collected by the traffic counter, and whether the lines of cars were caused by people versus parking.

Mr. Hohenberger inquired whether the counter was working, and Mr. Sullivan noted that two days after it was placed at the Station by the Chief, per the Board's direction, it had broken. He noted that, in the interim, Mr. Poulson had asked to come and discuss its placement with the Board. Discussion ensued regarding the time needed to fix the counter, which will be 1-4 weeks, and placement of the new counter there instead.

Mr. Breton suggested the counter be utilized yearly at the Station, and Mr. McLeod concurred; noting a starting point is needed for data collection. Mr. Hohenberger added that the traffic count is just one piece of data in the whole equation that the Board will look to for information. Mrs. DiFruscia concurred, indicating she did not see the harm in having it placed there.

After further discussion, it was the consensus of the Board that the traffic counter remain at the facility and that it be located at the exit rather than the entrance area.

**BID AWARD – PAVING PROJECTS:** Mr. Sullivan advised that, with the bid as approved earlier in the meeting, three bids had been received for paving projects as follows:

Vendor	Sirod Rd	Old Mill Rd	Pilgrim Rd	Frost Rd	Windham Depot Rd	Option: Total Package
Brox Industries, Dracut MA	124,900	72,900	71,900	52,500	105,000	378,000
Tate Brothers Paving, Hudson NH	125,900	68,175	66,815	41,535	96,325	393,775
Hudson Paving, Hudson NH	132,909	80,906	81,983	46,327	108,434	399,619

Mr. McLeod moved and Mr. Hohenberger seconded to award the paving projects to Brox Industries for their package price of \$378,000. After a brief discussion, motion passed unanimously.

*Highway Agent* Jack McCartney then reviewed with the Board estimates to complete work on Marblehead and Hawley Roads in house. Mr. LoChiatto inquired how many feet these estimates entailed, and Mr. McCartney replied approximately 2000 linear feet. Discussion ensued as to the lack of a pre-qualified bidder list as previously discussed, and who Mr. McCartney would likely use to complete the projects. Mr. McCartney indicated it would likely be local vendors such as Devlin, Tate and Chericco, with materials coming from Continental.

Mrs. DiFruscia indicated she would prefer to put these roads out to bid, as well, and a discussion ensued. Mr. Hohenberger noted the benefits of having Mr. McCartney onsite at these types of projects, such as the immediate handling of any issues, and a discussion ensued. Mr. McCartney indicated the projects could be put out to bid if the Board desired, however, he advised them it would then be too late to complete them this year.

After further discussion, Mrs. DiFruscia moved and Mr. LoChiatto seconded that these projects be placed out to bid; both for the phases and for an overall cost. Passed 4-1, with Mr. Hohenberger opposed.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mrs. DiFruscia seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a. Roll call vote all "yes". The topic of discussion was personnel and the Board, Mr. Sullivan, Maintenance Supervisor Al Barlow, and Ms. Devlin were in attendance. No decisions were made.

*Public Session* resumed at 8:25 PM. Mr. Sullivan stated that it was with sadness and thanks that he must announce that Mr. Barlow would be retiring his position as Maintenance Supervisor. Mr. Barlow will cease his duties on August 31, and utilize earned time through the balance of the year. Mr. Sullivan noted his appreciation for Mr. Barlow's efforts over the years, and indicated his retirement was well deserved; wishing him all the best. The members of the Board echoed Mr. Sullivan's sentiments.

Mr. Sullivan then indicated that he had been working with Mr. Barlow on his facility report to further detail cost estimates, however, several of those projects could have been completed in-house. Given Mr. Barlow's departure, he suggested that, if the Board concurred, the review of the report be postponed to allow staff to re-focus and re-assess those projects. Mr. Breton noted that a report is also pending from the Joint Loss Management Committee, as well as a safety report, and suggested that all three be taken up together in the future. Discussion ensued, and the Board concurred.

**CONSERVATION COMMISSION:** Mr. Sullivan explained that over the past several years the Commission had been trying to merge smaller lots into bigger parcels; and that currently they are planning to do so with several lots in the Northeast/Spruce pond area of Town. Mr. Sullivan clarified that the Commission has control only over those lands donated as Conservation land or purchased with Conservation funds; and that those designated as Conservation via Town Meeting must have approval from the latter for merger. He then noted that there was an error on the agenda, and that in addition to lots 8B-4300, 6600, 4100, 3900 and 4200, it should also have reflected lots 8B-6000, 5800, and 5750. Mr. Sullivan indicated that, of the lots in question, 8B-6000, 5800, 4100, and 4300 will require Town Meeting approval to merge, and that the Commission was seeking the Board's support to proceed. Discussion ensued.

Mr. Tom Case approached noting that some of these lots have an easement on them, which should be looked into before merger, which would result in an easement on all as a whole. Mr. Wayne Morris, Conservation Commission, noted that the Southeast Lands Trust easement is well marked, and discussion ensued regarding the use of well head protection grant funds to purchase some of these parcels. Mr. Sullivan indicated the easement will be looked into and, if it blocks the merger of lot 6000, Conservation may not be able to proceed. Mr. Morris will follow-up.

**OLD/NEW BUSINESS:** Mr. Sullivan advised that the Town had been selected as a pilot community for the COMPASS health insurance incentives plan. He indicated that in the past he and former Selectman McMahon had looked into such an agreement, however, the Town could not do so at the time due to the Local Government Center serving as its agent. Brief discussion ensued, and it was the consensus that Mr. Sullivan proceed with the pilot program.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. LoChiatto seconded to enter into nonpublic session in accordance with RSA 91-A:3 II c and e. Roll call vote all "yes". The topics of discussion were reputations and legal; and the Board, Mr. Sullivan and Ms. Devlin were in attendance.

Mr. Sullivan updated the board a legal matter. No decisions were made.

Mr. McLeod moved and Mrs. DiFruscia seconded to appoint Mr. Bernie Roulliard as a regular member of the Conservation Commission through 2015. Passed unanimously.

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

Meeting was adjourned at 8:50 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant.

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