



Town of Hopkinton, NH

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SELECTMEN PUBLIC MEETING MINUTES MONDAY, SEPTEMBER 7, 2010 – 5:30 P.M.

Chairman Jim O'Brien called this special meeting of the Board of Selectmen to order at 5:41 PM on Monday, September 7, 2010 in the meeting room at the Town Hall.

Members Present: Jim O'Brien, Chair, Tom Congoran, George Langwasser, Chris Lawless, Bryan Pellerin

Staff Present: Steve Clough-Asst. Superintendent of Public Works-Waste, Neal Cass-Town Administrator

Others Present: See attached list

I. ADMINISTRATIVE

The Board approved the following:

Vendor Disbursement and Payroll Manifests
Building Permits
For Review – Selectmen's Notes and Correspondence
-For Signature

Chairman O'Brien announced that Joseph Ransmeier had died on Monday. Mr. Ransmeier was active in Hopkinton affairs for many years.

II. OLD BUSINESS

Chairman O'Brien explained the process for the evening and the Board added Public Forum to the agenda.

PAY-BY-BAG (PbB) ISSUES

It was explained that since the largest hauler in Town has decided not to participate in the Pay-By-Bag program, issues have been created because only some of the residents are being required to use bags.

Chairman O'Brien stated that after the Town Meeting vote, residents were expecting everyone to be using bags, not just those going to the Transfer Station.

Selectman Pellerin said that the Town voted for PbB and the Selectmen must implement the program. The intent of the vote was that all residential trash be in authorized bags and it is irrelevant how the bags get to the Transfer Station. The PbB ordinance should be amended to make this happen.

Selectman Langwasser stated that the Board is responsible for implementing the wishes of the voters. The ordinance, as it is now, is not working. It is not fair that 600 households use the bags and not others. The ordinance should be changed to correct the situation.

Selectman Congoran agreed with what has been previously stated. All household trash coming to the Transfer Station should be in authorized bags.

Selectman Lawless questioned changing the ordinance. If a hauler wants to pay the tipping fee why not let them. There is no cost to the Town.

Chairman O'Brien and Selectman Congoran both said that the Town voted for a mandatory program with the intention of encouraging recycling.

It was announced that a Public Hearing will be held on Monday, September 20, 2010 at 5:30 p.m. to gather public input on changing the PbB ordinance.

Chairman O'Brien opened the floor to public comment:

- David Lancaster stated that the tipping fee charged haulers is not a pass-through because it isn't always paid and the taxpayers will be asked to absorb these costs. Town Administrator Neal Cass stated that there is no intention to pass these costs on to the taxpayers. Selectman decided this topic was not relevant to the discussion at hand and moved on.
- David O'Brien said that he recycles and did not vote for it to be a mandatory program. It only works in Concord because they have curbside pick-up. The added costs will drive people out of Town.
- Bob LaPree said that tipping fees are not just a pass-through as the \$70.00 fee only covers tipping and shipping fees. The fee charged should include all other costs. The bag fee does incorporate some of the additional cost. The people using bags should not be supplementing the disposal costs of others.
- Sherry Young stated that PbB is an urban solution in a suburban town. Dumpsters and condos cannot be controlled and we cannot have 1700 households using the Transfer Station. A recycling dumpster should be placed in each village.
- Several residents stated that they felt this would be voluntary and shared their concern about the haulers being put out of business.
- Al Waite pointed out the number of people at the meeting and said that it reflects an unhappiness amongst the residents.
- Janet Ward said PbB was adopted not for us to be "tree huggers", but for "justice and cash"

Chairman O'Brien read the warrant article as passed by Town Meeting:

That the Town authorize the Board of Selectmen to establish and implement a mandatory “pay by bag” program and further to adopt the provision of RSA 31:95-c for the purpose of accounting for the sale of designated solid waste bags (and/or coupons and other receipts) as budgeted annually, to be used to offset the cost of collection and disposal of residential solid waste and such other direct costs as budgeted annually. Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Pay by Bag fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of revenue. Any pay by bag program adopted by the town under the authority of this article shall contain a requirement that the initial cost for designated bags (and/or coupons or other receipts), any tipping fees for residential trash and any subsequent increases in the above, must be approved by majority of the legislative body before becoming effective. For 2010 only, the Board of Selectmen shall be authorized to set the above prices. The pay by bag price is not to exceed \$1.25 for the 33 gallon bags and \$0.75 for the 13 gallon bags for the year 2010.

Additional public comment continued:

- Forest Dockham stated that he felt misled and that all haulers should be required to use the bags. He still supports the program as long as it is fair, but would like to go to single stream recycling.
- Selectman Langwasser said that the Town cannot require those hauling out of town to use the bags, only those dumping at the Transfer Station. Another option is to raise the tipping fee, but that is not best for the haulers.
- Cettie Connolly understood from Town Meeting that this would be a voluntary program. If it is mandatory, the Town should pay for curbside pick-up.
- Leigh McNeil stated that if his hauler is forced to use green bags, he will look for another hauler.
- Several residents shared their concern about G. Dockham Trucking going out of business. Selectman Congoran said that the Board does not want Dockham's to go out of business.
- There was discussion about suspending the program for a period of time or until Town Meeting.
- David Price stated that he owns mobile home parks with 130 homes in them and was told at Town Meeting that his parks would not be affected by PbB.
- There were several suggestions that the tipping fee be raised to be the same price as the bag fee.
- Merle Dustin said that she goes to meetings and no one from the public shows up. “Come hear what is going on.”

Chairman O'Brien declared the public portion closed and the Board took a short recess. The meeting reconvened at 7:25 and approximately 2/3 of those gathered had left.

Selectmen discussed the information that they had just received. It was the consensus of the Board that they are responsible for moving the program forward, not the implementation committee.

Selectman Langwasser moved that the Board of Selectmen adopt the concept that all Hopkinton residential trash disposed at the Hopkinton-Webster Transfer Station be in authorized Hopkinton bags with no Hopkinton residential trash being accepted that is not in appropriate bags. Further, to hold a public hearing to change the Pay-By-Bag Ordinance (10-01) to reflect this change. Selectman Congoran seconded the motion.

VOTE: Selectmen O'Brien, Congoran, Langwasser, Lawless, and Pellerin voted in favor, and Chairman O'Brien declared the motion to have carried (5-0).

Selectman Pellerin and Administrator Cass will create the necessary ordinance wording, comment will be obtained from the haulers, and discussion will take place with Mr. Price and other landlords.

Selectman Lawless moved that the Board of Selectmen extend the Pay-by-Bag grace period until October 4, 2010. Selectman Langwasser seconded the motion.

VOTE: Selectmen O'Brien, Congoran, Langwasser, Lawless, and Pellerin voted in favor, and Chairman O'Brien declared the motion to have carried (5-0).

PRIMARY ELECTION

Selectmen coverage for the election will be as follows:

Opening to 11:00 a.m.	Selectman Lawless
11:00 a.m. to 2:00 p.m.	Selectman O'Brien
2:00p.m. to 7:00 p.m.	Selectman Congoran
7:00 p.m. to ending	Selectman Pellerin

NON-PUBLIC SESSION I – RSA 91-A:3 II (e) – Legal Issue

Selectman Lawless moved to go into a non-public session regarding a legal issue under the provisions of Nonpublic Session RSA 91-A: 3 II (e). Selectman Congoran seconded the motion.

VOTE: Selectmen Congoran, Langwasser, Lawless, Pellerin, and Chairman O'Brien voted in favor, and the Chairman declared the motion to have carried unanimously (5-0).

The Board and the Town Administrator went into nonpublic session, as recorded separately, at 8:05 p.m. The Board returned to public session at 8:10 p.m.

Vote to seal nonpublic minutes:

Selectman O'Brien moved to seal the minutes of the just completed nonpublic session for 30 days. Selectman Langwasser seconded the motion.

VOTE: Selectmen Congoran, Langwasser, Lawless, Pellerin and Chairman O'Brien voted in favor, and the Chairman declared the motion to have carried unanimously (5-0).

NON-PUBLIC SESSION II-RSA 91-A: 3 II (a) Personnel

Selectman Lawless moved to go into a non-public session regarding a personnel issue under the provisions of Nonpublic Session RSA 91-A: 3 II (a). Selectman Congoran seconded the motion.

VOTE: Selectmen Congoran, Langwasser, Lawless, Pellerin, and Chairman O'Brien voted in favor, and the Chairman declared the motion to have carried unanimously (5-0).

The Board and the Town Administrator went into nonpublic session, as recorded separately, at 8:11 p.m. The Board returned to public session at 8:23 p.m.

Vote to seal nonpublic minutes:

Selectman Pellerin moved to seal the minutes of the just completed nonpublic session indefinitely. Selectman Lawless seconded the motion.

VOTE: Selectmen Congoran, Langwasser, Lawless, Pellerin and Chairman O'Brien voted in favor, and the Chairman declared the motion to have carried unanimously (5-0).

NON-PUBLIC SESSION II-RSA 91-A: 3 III (a) Personnel

Selectman Lawless moved to go into a non-public session regarding a personnel issue under the provisions of Nonpublic Session RSA 91-A: 3 II (a). Selectman Congoran seconded the motion.

VOTE: Selectmen Congoran, Langwasser, Lawless, Pellerin, and Chairman O'Brien voted in favor, and the Chairman declared the motion to have carried unanimously (5-0).

The Board and the Town Administrator went into nonpublic session, as recorded separately, at 8:23 p.m. The Board returned to public session at 8:51 p.m.

Vote to seal nonpublic minutes:

Selectman Congoran moved to seal the minutes of the just completed nonpublic session indefinitely. Selectman Lawless seconded the motion.

VOTE: Selectmen Congoran, Langwasser, Lawless, Pellerin and Chairman O'Brien voted in favor, and the Chairman declared the motion to have carried unanimously (5-0).

NON-PUBLIC SESSION II-RSA 91-A: 3 IV (a) Personnel

Selectman Lawless moved to go into a non-public session regarding a personnel issue under the provisions of Nonpublic Session RSA 91-A: 3 II (a). Selectman Congoran seconded the motion.

VOTE: Selectmen Congoran, Langwasser, Lawless, Pellerin, and Chairman O'Brien voted in favor, and the Chairman declared the motion to have carried unanimously (5–0).

The Board and the Town Administrator went into nonpublic session, as recorded separately, at 8:51 p.m. The Board returned to public session at 8:56 p.m.

These minutes were not sealed.

III. ADJOURNMENT

There being no further business, motion by Selectman Lawless, seconded by Selectman Pellerin to adjourn the meeting. Vote 5-0 in favor of the motion. The meeting adjourned at 8:58 PM.

Respectfully submitted,
Neal A. Cass
Town Administrator

These minutes are not official until approved by the Board of Selectmen at their meeting.