



## **Town of Hopkinton, NH**

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**SELECTMEN  
PUBLIC MEETING MINUTES  
MONDAY, JULY 19, 2010 – 5:30 P.M.  
APPROVED AUGUST 2, 2010**

Chairman Jim O'Brien called a regularly scheduled business meeting of the Board of Selectmen to order at 5:32 PM on Monday, July 19, 2010 in the meeting room at the Town Hall.

**Present:**

Jim O'Brien, Chairman  
Tom Congoran, Selectman  
George Langwasser, Selectman  
Chris Lawless, Selectman  
Bryan Pellerin, Selectman  
Neal Cass, Town Administrator

**I. ADMINISTRATIVE**

The Board approved the following:

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

**II. APPROVAL OF MINUTES**

The Board reviewed the minutes of the Public Meeting on July 6, 2010. Selectman Langwasser made a motion, seconded by Selectman Lawless to approve the minutes of the Public Meeting. Vote 2-0-1 (O'Brien and Langwasser in favor, Lawless abstaining, (Congoran and Pellerin not yet present) in favor of the motion.

**III. PUBLIC APPOINTMENTS**

RICK SCHAEFER, FIRE CHIEF:

Chief Schaefer notified the Board that the Hopkinton State Fair Association has requested that he lower the fee for providing coverage for fire and EMS during fair weekend by cutting service. He provided the Board with statistics on what the Fair has been charged as well as the attendance over the last several years. It was noted that the cost to the fair in 2009 was the lowest of the last five years while the attendance was the highest. Selectmen supported Chief Schaefer's recommendation to continue the present coverage that is provided. The Board suggested that a contract formalizing the agreement between the fair and the town be researched. Selectmen Pellerin and Congoran arrived during this discussion.

#### **IV. PUBLIC FORUM**

##### SLUSSER SENIOR CENTER TRUST FUND (RSA 31:19) – PRIVATE TRUST:

Janet Krzyzaniak informed the Board that the Slusser Senior Center Council would like to add wording to the new Slusser Senior Center Trust being created that would allow it to be used for expansion as well as facility maintenance. The Board concurred.

Selectman Langwasser moved that the Board of Selectmen add the words "and expansion" under the Purpose, and Funds Interest sections of the Slusser Senior Center Trust. Selectman Lawless 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).

##### PbB LAWN SIGNS:

Bob LaPree, member of the Pay-by-Bag Implementation Committee told the Board that the committee is considering purchasing lawn signs to notify the public of the beginning of the PbB program. The cost is \$7.00 each for 24 signs, \$168.00. The Board said these could be paid for from the Recycling Revolving Fund. The Town Administrator will provide the committee with information concerning where signs can be placed.

#### **VII. NEW BUSINESS**

##### NFI NORTH PILOT:

The Town Administrator presented a copy of the existing PILOT agreement with NFI North Inc. owners of the Contoocook School. The present agreement expires in August and the Town Administrator requested the Board review the agreement before he approaches NFI to discuss renewal. The agreement stipulates a formula that is used to determine the amount of the PILOT and on the suggestion of Selectmen Langwasser it was agreed to add the word "annually" to the formula to make it clear that the amount of the PILOT is determined each year.

##### CAMP MERRIMACK ROAD SPEED LIMIT:

The Board reviewed a letter from Karen Harman requesting a change in the speed limit on Camp Merrimack Road. The Board supported the recommendation of the Town Administrator to refer the letter to Superintendent of Public Works Herm Blanchette and Police Chief Steve Pecora to receive their recommendations for the speed on that road. The Board will review their

recommendation and then determine if a public hearing needs to be scheduled to set the speed limit.

SIGNS IN MEMORIAL TRIANGLE-CONTOOCOOK:

Selectman Lawless noted that signs have not been allowed in the triangle by the fire station because of the memorials there. Now that the memorials have been moved, the policy should be updated to still not allow signs, but not because of the memorials.

CEDAR STREET SIDEWALK:

Selectman Lawless stated that he has been hearing concern about the proposed sidewalk on Cedar Street. Residents of the street are concerned that it will change the “country road” feel, that there are not enough children to use it, and that it is a waste of money. It was noted that the project is 100% federally funded. There will be additional meetings with the neighbors during the next month and the Selectmen will be updated also. Ultimately the Board of Selectmen has authority over any work done in the town right-of-way.

LANDFILL COMMITTEE MEETING UPDATE:

Chairman O’Brien updated the Board on the Landfill Committee Meeting. He explained to those present that Webster would be “held harmless” as Hopkinton implements the PbB program. Expenses for changes at the Transfer Station to prepare for PbB will be paid from the Recycling Revolving Fund. Webster said that they are amenable to changing the joint ordinance to protect them and have the joint ordinance consistent with the PbB ordinance.

The Landfill Committee, by a 3-3 vote did not recommend the building of a Swap Shop. Bob LaPree, Landfill Committee member said that the total cost for the project is estimated at \$12,500 if town employees do the work. He said the objection in Webster is that there are not enough details yet available. Mr. Lapree said that the Recycling Committee would organize volunteers to staff the shed. The consensus of the Board was that there are many changes happening now and the addition of a Swap Shop should be considered in the future, but not now.

**V. 6:30 PAY-BY-BAG PUBLIC HEARING**

PAY-BY-BAG ORDINANCE PUBLIC HEARING:

Chairman O’Brien called the Public Hearing to order at 6:38 p.m. He walked those present through the proposed ordinance generally highlighting the content. He then opened the hearing for public comment.

- Debbie Augustine pointed out areas where she feels the ordinance is confusing and suggested that the “12 month period” in the penalties be eliminated.
- Mary French stated that the ordinance creates another tax, increasing what people pay, making trash disposal more difficult, and increasing the trash that will be disposed of on the sides of the road.
- David Lancaster suggested defining “Trash” so that it is consistent throughout the ordinance.
- Denis Goddard suggested the use of coupons for non-hauler disposal.
- Katherine Mitchell said that there are three types of residents using the transfer station, those that go there, those that have their trash picked up by a hauler, and those who live

in apartments. She suggested clarifying language in the ordinance to cover these three groups.

- Ron Klemarczyk stated that he is the Forester for the City of Concord and there has been no increase in illegal dumping since their pay-by-bag program was implemented.
- Marion Paxson asked how the penalties would be charged and whether people would be fined for using a black bag.
- Martin Kashulines stated that the Board needs to look at the big picture. He said that only 10.5% of the voters were at Town Meeting and the vote was split down the middle. He suggested that voters did not know what they were voting on and that the ordinance should be taken back to the next Town Meeting for a vote.
- It was explained that retailers do not make a profit on the sale of bags. The Town receives all the proceeds from the sale of the bags, with the exception of the cost of manufacturing and distributing the bags. Bags are being purchased from WasteZero, a South Carolina company that manufactures and distributes the bags for the Town. It is the same company used by the City of Concord.
- Chairman O'Brien explained that funds collected from the sale of bags go into the Pay-by-Bag Special Revenue Fund. These funds can only be used to offset Transfer Station costs and can only be used after a Town Meeting vote. The funds collected between now and the end of the year cannot be expended until the Town Meeting votes in March. This does leave a four month gap where bag funds will be collected and Transfer Station costs will be paid by taxation. In 2011, six months worth of fees September 2010 to February 2011 will offset taxes and by 2012 a full years worth of bag sales will offset costs.
- It was explained that bags will not be sold at the Transfer Station so that attendants do not have to handle cash and be retailers while they are at the station.
- It was explained that bags will be sold in rolls of five with the cost of the 33 gallon bags being estimated at \$1.25 each sold in rolls of five for \$6.25.
- The Town will be purchasing the bags from WasteZero. WasteZero will deliver and handle all the distribution of the bags and collect the revenue from the retailers. WasteZero will provide the Town with the revenues each month and a complete accounting of the number of bags produced, distributed, and sold.
- Denis Goddard stated that PbB takes waste disposal costs from being paid by a broad based tax to being paid by a user fee.
- It was noted that the maximum cost of the bag was set by Town Meeting and the price cannot exceed the set amount without a Town Meeting vote.
- Debbie Augustine noted that all the Implementation Committee meetings are open to the public, information is on the town website, and mailings will be sent to residents.
- Jim Hersey noted that if the price of the bags is lowered, those that create more trash are being subsidized.
- Chairman O'Brien stated that no one is making money off the sale of bags; all revenue is used to offset the cost of disposing of solid waste.
- Selectmen explained that there are contingency plans in place to deal with the increase in recyclables.
- Selectman Langwasser reminded all those present that the employees at the Transfer Station are only doing their job. If there are concerns about the PbB program they should be addressed to the Board of Selectmen through the Town Administrator.

- It was noted that as part of the transition to the PbB program, the Transfer Station will begin accepting #s 3-7 plastic as recyclables.

Chairman O'Brien declared the Public Hearing concluded at 7:37 p.m.

The Board took a short recess.

Chairman O'Brien declared the meeting reconvened at 7:45 p.m.

#### REVIEW OF PUBLIC HEARING DISCUSSION:

Selectmen decided that there were not substantive changes suggested to the PbB ordinance. There will be some word changes done for clarity. The Town Administrator will do the updates and prepare a final document for a vote at the next meeting. He will also discuss with Town Counsel whether the Town has the right to deny residents the use of the Transfer Station. Both the ordinance and the implementation plan will be voted on at the next meeting.

Selectmen at their next meeting will also hear an update on the work at the Transfer Station and officially set the bag price. After discussion the Board determined that the PbB program will begin September 1.

### **VIII. OTHER**

#### PERAMBULATION:

Selectman Lawless has completed the perambulation of the Dunbarton/Hopkinton town line, the paperwork has been completed and a copy has been sent to the state archives at the Secretary of State's office. Letters have been sent to Concord, Henniker, and Webster to arrange for the perambulating of those lines which are due to be done.

#### PERSONNEL POLICY

The draft personnel policy has been reviewed by Town Counsel and will be prepared to be voted on at the next meeting of the Board.

#### SIGN COMMITTEE UPDATE:

Selectman Langwasser updated the Board on the progress of the Planning Board's sign committee. The committee is reviewing the ordinance written last year and preparing it for the March Town Meeting. The committee will not be discussing whether or not the Town should install or manage directional signs.

#### NON-PUBLIC SESSION - RSA 91-A: 3 II (d) Sale of Personal Property

Selectman Langwasser moved to go into a non-public session regarding the sale of personal property under the provisions of Non-public Session RSA 91-A: 3 II (d). 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).

The Board and the Town Administrator went into nonpublic session, as recorded separately, at 7:58 p.m. The Board returned to public session at 8:04 p.m.

Vote to seal nonpublic minutes:

Selectman Lawless moved to seal the minutes of the just completed nonpublic session for a period of 45 days. 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).

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

Selectman Pellerin stated that he has a conflict of interest in regards to the next topic of conversation so will recuse himself from the discussion. As this was the last topic to be discussed this evening, he left the meeting.

Selectman Langwasser moved to go into a non-public session regarding a review of an opinion from Town Counsel under the provisions of Nonpublic Session RSA 91-A: 3 II (e). Selectman Lawless seconded the motion.

**VOTE:** Selectmen Congoran, Langwasser, Lawless, and Chairman O'Brien voted in favor, and the Chairman declared the motion to have carried unanimously (4–0).

The Board and the Town Administrator went into nonpublic session, as recorded separately, at 8:06 p.m. The Board returned to public session at 8:13 p.m.

The minutes of the nonpublic session were not sealed.

**IX. ADJOURNMENT**

There being no further business, motion by Selectman Lawless, seconded by Selectman Congoran to adjourn the meeting. Vote 4-0 in favor of the motion. The meeting adjourned at 8:15 PM.

Respectfully submitted,  
Neal A. Cass  
Town Administrator

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