

DRAFT

PRESENT: E. B. Beattie, Vice Chairman; L. Gargiulo, Selectman; M. R. Lane, Selectman; L. A. Ruest, Town Administrator; L. A. Jordan, Town Secretary

MOMENT OF SILENCE: The Chairman requested a moment of silence for the George Floyd death in Minneapolis, MN.

OLD BUSINESS

FINANCIAL REPORTS: General Fund Balance \$546,052.47

DRAFT SOLID WASTE COLLECTION AND DISPOSAL AGREEMENTS

PUBLIC COMMENT:

Gaylee Robinson, Brown Road, commented that under E.L.M.'s proposal, the Town Brush Dump would functionally become a Transfer Station in a residential zone. No infrastructure for water nor drainage for truck washing exists there. State Law requires NH DES certification, which provides training. NH DOT requires commercial driver's licenses with airbrake certificates. All drivers need full DOT records on file. She commented that this year, E.L.M.'s snow plow ran into the Seabrook Elementary School, causing significant damage.

Alan Ganz, Surrey Lane, is concerned that the Board did not get full financial statements from proposers. Additionally, E.L.M. only has one big truck, no backup. He also informed the Board that E.L.M. has an IRS lien that is recorded with the Registry of Deeds for around \$80,000 and he requested multiple times in the evening for E.L.M. to speak to this lien, which he did not specifically. He stated that the previous contractor, Pinard, has been satisfactory, and the Board could renew Pinard for 6 months to extend time. He is an attorney who is highly concerned that the Town could end up in a financial liability dilemma.

Tim Samway, Old Stage Road, asked about fees to Covanta, and if it was a budget line item. E. B. Beattie replied that the Town already pays for Covanta's services. T. Samway then asked about the ten-million-dollar umbrella insurance policy. E. B. Beattie said the Board will answer these questions. T. Samway commented that using the Town Brush Dump for one business is unfair to other businesses and sets poor precedent.

Lisa Brown-Kurcharski, Taylor River Road, takes issue with E.L.M. not currently being in the MSW collection business weighed against the commitment of a 5-year contract with the town. Garbage trucks should not be allowed to park at the Town Brush Dump due to health concerns, reduced quality of life and property values for abutters, and water supply contamination. She echoed Samway's concerns about precedent of commercial vehicle storage at the Town Brush Dump.

Phyllis Clarke, Drinkwater Road, abutter to Town Brush Dump told the Board that she has lived in Hampton Falls for 25 years next to a brush site, not a transfer station. Garbage trucks will smell, bring pollution and pests to town, as well as endanger wells and reduce property values. She suggested to outsource truck parking to Hampton or Seabrook.

Sarah Anderson, Coburn Woods Road, abutter to Town Brush Dump asked for clarifications.

Lyn Stan, Meadow Lane, voiced concerns about the Brush Dump not turning into a transfer station.

Dale Ohsburg, Coburn Woods Road, stated that when he bought his home, it was adjacent to a brush site, not a garbage transfer station. The smell and residual pollution would be unpleasant, and this forces the abutters to unevenly bear the brunt of the discount the Town may receive with the E.L.M. proposal.

DRAFT

DISCUSSION OF BOARD:

Chairman E. B. Beattie closed public comment and assured the public that there is no intention to include use of the Brush Dump by E.L.M Services, LLC in the new agreement. He further noted that the new contract is similar to Pinard's of the previous five years. Tonight, the Board will address the previous contract with Pinard and compare, and E.L.M. is present tonight to answer any questions.

L. A. Ruest walked the Board through the Solid Waste Ordinance.

Additionally, the Town Administrator presented a copy of Pinard's 2015 agreement with the Town and highlighted all items which need updating for the E.L.M. 2020 agreement.

MSW and Recyclables Contract Updates 2020

p. 3-4	Household waste disposal logistics and fees need to be addressed and updated.
p. 4	Section 11, regarding compensation will be updated.
p.5	Section 16, relating to insurance. Needs to be updated to include umbrella insurance.
	The 18-month termination opt out and performance clauses need to be added.
	Other general updates, such as name, date and contact changes.

Chairman E. B. Beattie asked E.L.M. to come to microphone to answer questions.

He inquired if the price would be same for all 5.5 years, which E.L.M. confirmed. He requested the details of curbside pickup changes, for example pick-up times, sorting and bins.

L. A. Ruest clarified the ordinance requires residents to have cans out by 6 a.m., to which E.L.M. responded its service will start collection mornings around 7:30-8:15. He agreed to send a direct informational flyer mailing to residents regarding the transition. Only issue E.L.M. anticipates is residents getting used to the new schedule, and that E.L.M. may have different routes than Pinard. E.L.M. proposed relocating cardboard collection to the Brush Dump for emptying no less than three times per week. Residents may also put out cardboard on the curb for pickup. E.L.M. will coordinate three collections with three trucks: trash, recycling, cardboard. E.L.M. has a primary truck of 25 yards, dual axle that requires a CVL licensed operator, a second packer truck of 10 yards, single axle for recyclables, and a 5-yard truck for cardboard.

E. B. Beattie summarized E.L.M.'s main points. Pickup continues on Friday with similar start time, different route and there will be a different division of materials (MSW, Recycling, and Cardboard). Pulling out cardboard assists with reducing the tonnage of recyclables. M. Lane asked as to what happens to contaminated items if the residents do not follow regulations. E.L.M. replied the recycling center handles that. It was asked which center, to which E.L.M. replied he was price shopping JRM or Casella right now. The Board of Selectmen has not discussed what the cost of disposing the recycling yet. E.L.M. added that the recycling tipping fee is a cost the town must pay. E.L.M. highlighted that the trucks will collect less tonnage, separating the cardboard is mutually beneficial. The price of cardboard is increasing due to demand and is currently at \$125/ton.

L. Gargiulo stated the agreement is to include no trucks will be parked nor washed ever at the Town Waste Dump, nor will E.L.M. park in Town.

E. B. Beattie then asked about the present insurance, to which E.L.M. replied that he used to have three million dollars, but by June 30, 2020 they will have seven million dollars in the aggregate. Three million dollars more can be provided at additional cost to the Town. The Board discussed that Pinard is currently at five million, E.L.M. is coming in one big truck (dual axle 25 yard) as opposed to two, less liability. The Board agreed that seven-million-dollar umbrella policy would be allowed for E.L.M. at E.L.M. expense.

L. A. Ruest noted that all details and agreements will be reviewed by Town Counsel before finalizing.

DRAFT

E.L.M. reminded the Board of other services provided, including 96-gallon barrels for Town Offices, Safety Building and Library to be emptied three times weekly. He assured daylight collection on every Friday, all guaranteed barring natural disaster. There will be curbside Christmas tree pickup and an allowance for Earth Day. He will have a customer service number and email address. Unlike Pinard, E.L.M. will not have its own website, but will provide information on the Town web site,

www.hamptonfalls.org.

The proposed informational flyer needs to be mailed no less than 10 days ahead to inform residents of the changes. The Town Administrator will include a draft of flyer at the June 17, 2020 Board meeting. E.L.M. discussed the recycling dumpster at the Town Brush Dump. E.L.M. wants to eliminate that. There is a preference for dumpsters, but they are not part of this agreement.

M. Lane commented that the 18-month opt-out clause is to get the Town on the correct budget cycle on January 1, not July 1 as current, so the Board will review the contract again for 2022.

The Chairman Reopened for Public Comment.

Alan Ganz again asked the Board regarding an E.L.M. IRS lien, and where out of town will the trucks be parked and cleaned. He also suggested the Town provide specific times in lieu of “sunrise to sunset” to accommodate seasonal change. As a lawyer, he says a serious accident will not be covered by a seven-million-dollar policy.

Lisa Brown-Kucharski requested clarification on the pricing for Pinard, and if the Town paid the tipping fee, to which L. A. Ruest replied that the Town pays it. Lisa also suggested shortening the 18-month review of E.L.M to six months. She concurs also with Alan Ganz.

Wendy Bailey discussed contaminated items, and that there is a monthly fee for that kind of trash. She requests the Board investigate.

Dale Ohsburg asks about dumpsters location, to which L.A. Ruest replied the new agreement is eliminating the dumpsters. As an abutter, he is worried about litter. He prefers cardboard go inside the Town Brush Dump. Also, as it is a scenic road, why not eliminate it from the brush dump entirely?

Sarah Anderson does not want to move the dumpster from Town Hall to the Town Brush Dump. It is fine where it is.

Lynn Stan goes to the dump often with brush and notes she feels the dumpsters outside are an eyesore. Inside dump is under lock and key and there is an attendant.

Bill Clark suggested the Town install a security camera.

E.L.M. addressed the Public Comments and concerns. He reminded the Town that he will be collecting the cardboard “no less than 3x/week”. He circumvented Alan Ganz’s tax lien question by replying that he provided a Certificate of Good Standing with New Hampshire, which did not satisfy A. Ganz. He informed to acquire that certificate, all one has to do to is to register and pay the State a fee of \$125. It is only an LLC licensing fee. E. B. Beattie responded to Ganz that it is not appropriate for the Board to have public conversations about private finances. E. B. Beattie said that he privately has the answers needed to make a sound decision.

The Board again addressed the dumpsters going away, including the school dumpster. If the Board observes a future trash overflow issue, they shall address at the time.

PUBLIC COMMENT CLOSED AT 7:45 p.m.

COVANTA CONTRACT:

DRAFT

L. A. Ruest referenced renewal of the Covanta contract as well as tipping fees.

Covanta Acceptance Fees per Year

July 1, 2020 – June 30, 2021	\$90.00 per ton
July 1, 2021 – June 30, 2022	\$90.00 per ton
July 1, 2022 – June 30, 2023	\$90.00 per ton
July 1, 2023 – June 30, 2024	\$92.70 per ton
July 1, 2024 – June 30, 2025	\$95.48 per ton
July 1, 2025 – December 31, 2025	\$98.34 per ton

L. Gargiulo requested to investigate a backup contract with a vendor other than Covanta, and the Chairman asked the Town Administrator to move forward with renewing the Covanta contract for five- and one-half years at the rates above.

The Town Administrator requested Board permission to share Draft Collection Agreement with Vendor. E. B. Beattie requested all issues go to Town Counsel for review. Collection and disposal will be added to the June 17, 2020 Board of Selectmen agenda.

**ACCOUNTS PAYABLE/PAYROLL/TREASURER/TRUSTEES OF TRUST FUNDS
WARRANT(S):**

Bookkeeper	Payroll Warrant #503	\$34,158.44
	Accounts Payable Warrant #715	\$62,850.33
Treasurer	Warrant #2020-3	\$4,791.69

MOTION: To approve the warrants as presented above.

MOTION: L. GARGIULO

SECOND: M. LANE

UNANIMOUS

TRUSTEE OF THE TRUST FUND:

MOTION: To appoint Nicole Crouse as Trustee of the Trust Fund.

NO SECOND

MOTION: To appoint Alex Dittami as Trustee of the Trust Fund.

MOTION: M. LANE

SECOND: E. B. BEATTIE

2 IN FAVOR, 1 ABSTENTION, MOTION PASSES

ROUTE 1 SEWER FEASIBILITY: The Board reviewed the information from Jones & Beach. More research is required. Nothing can happen until the residents of Seabrook vote on this.

WINTER ROAD MAINTENANCE AGREEMENT: The Board reviewed the report by Road Agent as well as a letter from the contractor, Ryan Bailey, who is present to answer questions. He would like to negotiate with CPI.

DRAFT

L. A. Ruest asked if the Board would prefer to proceed with an agreement renewal with Bailey or a Request for Proposal (RFP). The Board decided to pursue an agreement renewal.

2020 HIGHWAY DEPARTMENT EXPENDITURE REPORT: The report is not available today. \$4,500 was incorrectly posted. The Town Administrator has updated the spreadsheet for consideration at a work session..

SCHEDULE WORK SESSION – 2020 HIGHWAY DEPARTMENT PROJECTS & SUMMER MEETING SCHEDULE:

Board of Selectmen Work Session*	July 1, 2020 at 4 p.m.
Board of Selectmen Meeting	July 1, 2020 immediately following Work Session
Board of Selectmen Meeting	July 22, 2020 at 6 p.m., rescheduled from July 15, 2020

**requested that Road Agent be in attendance*

FOLLOW-UP – SELECTMEN’S PERMIT APPLICATIONS (TOWN COMMON EVENTS/COVID19): Lyn Stan, Chair of Parks and Recreation Commission, followed up on permits discussed at the May 20th, 2020 Board meeting:

Castleberry Fairs and Festivals to hold the events from July 4 to 5. Craft fairs are allowed by the Governor.

Bandstand Concerts on the Common are currently scheduled for June 25th through August 27th. The Board approved the concerts at the Town level, but required that Governor’s permission also be required before any event can be permitted.

PUBLIC COMMENT:

Tim Samway clarified a point about the Trustee Appointment.

OTHER SELECTMEN’S OLD BUSINESS

OLD BUSINESS PUBLIC COMMENT: No comments were heard at this time.

CONSENT AGENDA:

1. Monthly Financial Reports of Bookkeeper, Treasurer, Tax Collector
2. 2019 Town Audit - Final

The Board acknowledged the items in the Consent Agenda.

NEW BUSINESS

RESTRICTED USE OF TOWN PROPERTY (COVID-19): The Board reviewed the inquiry about the use of a public site, “The Depot”. An inquiry was made to close the area to non-residents or cars because of significant out of state cars. The spike is attributable to COVID-19, and no action was taken. The issue of overuse will likely expire after the New Hampshire beaches reopen.

HOUSEHOLD WASTE COLLECTION DAY FOLLOW-UP: E. B. Beattie commented there were a steady stream of residents, and the Town filled all the dumpsters and the packer. Yard is ready for

DRAFT

burn now. Saturday, June 6 is Hazardous Waste in Hampton. Hampton Falls residents must purchase a \$25 ticket at the Town Hall to participate.

OTHER SELECTMEN'S NEW BUSINESS: E. B. Beattie asked about the status of revising fees.

SELECTMEN REPRESENTATIVE REPORTS – BRIEF HIGHLIGHTS ONLY

Planning Board, Library Trustees, Tricentennial Committee: E. B. Beattie

Discussed Planning Board approvals from May 26, 2020.

The Library is successfully running curbside library services.

The Tricentennial Committee is scheduling a date to meet.

Parks & Recreation Commission, Lincoln Akerman School Board: M. Lane

Schools and Recreation Departments are meeting about when they can open. They also discuss events on The Common, Summer Camps, and costs.

Heritage Commission, Conservation Commission: L. Gargiulo

Installed signs for two bridges, signs look great. Lincoln Akerman Bridge and the Lord Bridge, recognizing WWII veterans lost in combat.

The Conservation Commission is focusing on trail clean up.

OTHER SELECTMEN'S NEW BUSINESS: No comments were heard at this time.

REVIEW AND APPROVAL OF PREVIOUS MEETING MINUTES: May 20, 2020

MOTION: To approve the May 20, 2020 minutes as written.

MOTION: L. GARGIULO

SECOND: M. R. LANE

UNANIMOUS

E. B. BEATTIE asked if there was any further public comment. No comments were heard at this time.

MOTION: To Adjourn at 8:46 p.m.

MOTION: L. GARGIULO

MOTION: M. LANE

UNANIMOUS

Next Selectmen's Meeting – Wednesday, June 17, 2020, 6:00 p.m., Town Hall