

Solid Waste Disposal District Committee Meeting

October 16, 2009

Attendance: Chairman Gene Chandler, Douglas Garland, Jon Tanguay, Beatrice Davis, Gino Funicella, Jon Edgerly, Sarah Clemons, Barbara Meserve

Meeting opened at 10:30 AM.

Chairman Chandler opened the meeting with the request from Nordic Village who is seeking permission from the towns to be able to continue the tradition of the sleigh rides. They have discovered that the trails that run along side the Nordic Village units are owned by the transfer station. Chairman Chandler inquired if they had been using it in the past. Edgerly believes that they only touch the property for a minute. Funicella stated that Jackson has no problem with that. Chairman Chandler stated that he has two issues: 1.) insurance and 2.) it is now a private profit adventure and he believes that at the minimum we need is a liability certificate. Garland stated that without a map we don't know how much of the transfer station it covers as there was an old road there and he believes they only want to touch that. It was decided that they would be asked for a map that shows where they were going and for an insurance certificate. (Bartlett is to handle this.)

Chairman Chandler stated that we need to go through the Articles of Agreement as there are things that need to be cleaned up. The first thing is that Hart's Location needs to be removed. Secondly every where the committee refers to he and it needs to be changed to it or he/she. Thirdly there is a typo on page 8 (paragraph two) that it should be changed to if. Funicella read Article II page 6 that states that the Towns agree that the capital budget, to the extent that it is approved by their respective town meetings and the maintenance and operating budget as it is submitted to the Board of the Towns shall be apportioned to each town in the proportion that the state determined equalized assessed valuations of each town bears to the total sum of the equalized assessed valuation of both towns. Funicella went on to say that this can't be changed without holding a town voting on it, no matter what we think, it has to go to the committee and to the town voters. Selectman Garland stated that the committee had voted to change the capital costs to 50/50 but it didn't go to vote in either town. Funicella stated that opinions change and the way it was written in 1984 was fine. It was done by equalization value to protect each town. Selectman Garland inquired as to what his goal was. Funicella replied to utilize the way it was originally set

up and go back to the contract. Selectman Garland replied that he would like to take it to the voters about the 50/50 capital cost which is the last standing voted by the committee. Chairman Chandler stated that if we include salaries we are over the amount and the split is more like 70/30, but neither town has paid any capital costs for years. Funicella suggested that we have a management group that would manage the transfer station like a small business and maybe combine it to save money for each town. Selectman Garland stated all expenditures go into one account now and that it was the decision of each town to go their separate way. Funicella stated that the contract was never used and he questioned Edgerly if the volume for Bartlett is 75% and Jackson 25%. Edgerly didn't have his figures with him but didn't think those figures were correct. Funicella stated that values change in each town. Funicella stated that if we did our own hauling and used trailers instead of the compactor we could save money. Chairman Chandler stated as a point of view concerning the contract with Jackson, Bartlett had wanted one compactor and to do equal hiring of people but Jackson didn't want to do that. We can start over however we want to. Funicella stated that there are no real flaws and that we should go forward. Chairman Chandler stated the capital expense is the stumbling block. Chairman Chandler inquired about the backhoe and he had heard that it can only be used by the Jackson staff. Funicella stated that suppose that a million was spent and Jackson was using 1/4 of the building and Bartlett was using 3/4 of the building on equalized value on tonnage, buildings, etc. divide up doesn't work well. Selectman Garland stated people didn't go by the contract before the ink was even dry. Davis remarked that if we had gone by the contract it would have worked. Funicella mentioned that is probably why Peter Kelly (late former Jackson Selectman) had wanted scales. Chairman Chandler stated that was not in the original contract and that really needs to be looked at. Chairman Chandler also mentioned that we could do an amendment to the contract or go back to one compactor but two works well and on other stuff go back. Funicella stated that we can cut costs by one compactor and using trailers. Chairman Chandler inquired how you would do that. Funicella replied that you put it in a trailer compacted and once a week run it to the dump and you wouldn't need a brand new tractor. Edgerly stated that he had just been to a class given in Wellesley where they have five compactors, they compact and haul it about 50 feet to open top trailers that hold 32 tons and then haul it off. Garland inquired how often would this be done. Edgerly replied that it

would vary as in the summer with Storyland there is a larger volume of trash. Funicella stated that we could have Storyland take their trash directly to Berlin. Edgerly also mentioned that compactors become a real maintenance issue. Funicella stated there should be one main group doing the work as now everything is doubled. Garland stated that to use one compactor would make it very congested at the transfer station site. Edgerly replied that that would create a real problem. Tanguay inquired in this happy dream land how do we pay. Funicella stated that his Board would like to stick with the agreement, bring to town with modifications, but he isn't sure what happens if people say no in one town or the other. Tanguay suggested that the agreements be made up and presented to the people. Garland reminded everyone that a legal vote was taken and it needs to be presented to the people. Chairman Chandler stated that the last vote was for capital costs to be 50/50 and 70/30 on other expenses. Also neither town since 2004 has used any capital money. Funicella stated that equal valuation would be one unified group that would manage the transfer station. Garland replied that it has to be at least two selectmen. Tanguay stated that aside from the committee everyone would work for one entity. Chairman Chandler stated that Bartlett has been trying for 15 years to work as one transfer station and this is the first year that Jackson has wanted to do it and there will be no big argument from us. Chairman Chandler stated that issues to be resolved are one employer system and how we start this as each town has a different system. Garland commented that raises couldn't be given without consulting with each town. Davis believes this would work better. Garland mentioned that there are a lot of hurdles. Chairman Chandler stated that under one entity that Peter Kelly had questioned how to split costs and right now there is no question as to who pays for what. Funicella replied that is probably why Kelly wanted scales. Edgerly remarked that with the new fee structure that we are not losing money. Garland stated that employees are paid differently. Chairman Chandler inquired if Jackson pays both social security and retirement for its employees. Funicella didn't know. Edgerly replied yes. Chairman Chandler explained that Bartlett doesn't. Funicella mentioned that for ten years the Jackson office staff had been taking out social security and retirement on the police department and found out when audited that you aren't suppose to do that. Chairman Chandler mentioned he had never heard of taking out both. Meserve stated that where she worked they did. Funicella stated that Jon Edgerly and Jeff Bryan do a lot of work. Chairman Chandler reminded them that Bartlett pays for half of Bryan. Edgerly remarked that it

Page 4 – Solid Waste Disposal Committee Meeting

should have been his wages that were split and not Bryan's as Edgerly does the management stuff. Funicella remarked that we need to utilize the contract. Chairman Chandler replied that it works well but don't know about benefits. Funicella replied equalized values. Chairman Chandler inquired if and when they use equalized values are utilities included in this. He doesn't think county and school are factored in but he will check this further. Funicella inquired as to what we do now as Jackson is paying more. Tanguay stated because of salaries. Funicella replied yes as they had to pay \$25.00 an hour for coverage while Edgerly was away as it put their employee into overtime. Tanguay inquired if Edgerly has a CDL license. Edgerly replied yes. Chairman Chandler stated that if we go to equalized value we would need to figure out what the salaries would be. Funicella stated we need a committee. Garland replied that a committee has already been formed. Chairman Chandler inquired if Funicella was proposing to change the committee. Funicella replied no/no. Tanguay inquired why not transfer to operating expenses and employees would retain what they have now but any new employees their rate would be determined. Chairman Chandler stated this could create a problem. Tanguay replied they would only work for the transfer station. Chairman Chandler questioned if Bryan and Clemons would go on to retirement. Tanguay stated they would remain as to what they are getting now and the group would decide what to do. Garland inquired if this committee would review what they are making now and work out the fine points of insurance, etc. Tanguay replied that the present three would remain as they are and as new employees come in we would determine what they receive. Chairman Chandler inquired if Jackson was wrong on taking out social security and retirement on the police department why not on the others. No one knew the answer. Funicella stated that equalized value needs to be used and to be looked at. Garland stated that the tone of the meeting that changed the 70/30 split was to figure out the goal of the transfer station. It was decided that in order to move forward they needed to go to the 50/50 split and since that time the transfer station has gotten rid of a lot of tires, furniture, plastics, etc.. Although it may not have been financially fair it got things moving and brought us into the 21st century. Since that meeting we have generated more money so the 50/50 split didn't hurt Jackson. Funicella stated that we need to go forward and Jackson has 1/4 of the tonnage that Bartlett does. Chairman Chandler stated that if Jackson went forward on their own they would pay more than if both

towns work together and the capital costs would be more. Funicella stated that he wants to go by the contract and we need one entity. Garland remarked that he thinks we all agree on that. Funicella stated that we need to pay one manager and need to come up with numbers for capital costs. Garland replied that we have to go with what is legally posted. Chairman Chandler stated if equalized, all except employees, that it would be a huge issue. Funicella inquired how we handle the transition. Garland inquired if we have enough people. Edgerly replied that number wise we have enough but level of employee's capabilities is something else. Garland replied that we are fully staffed. Funicella inquired about backup for Edgerly. Garland stated that we need to hire employees together in the future as dynamics have changed. Funicella believes the committee should be made up of at least two selectmen from each town and one town's person from each town. Chairman Chandler stated that we need to look at the pay for Edgerly as we do want to be fair. Funicella stated that we need one operating body and split the percentage. Chairman Chandler stated that expenses be equalized so income should be 70/30. Funicella replied that with scales we would get more money. Funicella stated that we should go to each town with agreement as stated.

It was agreed that Harts Location would be removed, the typo on page 8 fixed, and "he" be changed to "he/she".

It was decided that the next solid waste committee meeting would be held on December 3, 2009 at 03:00 PM at Jackson.

Sarah Clemons inquired if the committee voted in 2004 to the 50/50 split and nobody took it to either town to make it legal, is it binding and by not going back to original, is it illegal. Chairman Chandler that we have had no capital expenditures since that time. Clemons inquired if it would be proper for an attorney to let us know if it is legal or not. Funicella stated that it was a moot point as it hadn't been used but they will run it by the Local Government Center. Clemons also inquired about a letter that Dave Mason had given to Funicella at the Jackson Selectmen's meeting, as to whether the letter was to be read at the meeting today. Funicella replied that it was a private letter to him and that we do have a legal quorum.

Chairman Chandler inquired about the status of the backhoe. Funicella replied that they had gotten an estimate of \$18,500.00. Selectman Garland inquired if there were any warranties with the backhoe. Edgerly replied that it is "as is" and that he had looked at equipment catalogs and the prices ranged from \$14,000.00 to \$36,000.00. Garland inquired if the transmission

had been flushed out. Funicella wasn't aware there was a problem with the transmission. Edgerly explained that while he was using the backhoe that the transmission had acted up but he thinks it may have been the shifter. He recommends that the hydraulic fluids be changed to see what is there. Garland would like this done before we purchase the backhoe. Edgerly inquired if we would pay for this out of the operating account. Garland inquired if everyone was ok with this. All committee members were fine with this.

Garland made a motion at 12:00 PM to adjourn the meeting. All in favor.
Motion carried.

Respectfully submitted,

Brenda Medeiros, Bartlett Secretary