

**MINUTES OF THE SELECTMEN'S MEETING**  
**MONDAY, MAY 9, 2011**

**PRESENT:** Daniel W. Trabucco (Chairman), Lewis W. Stone (Vice-Chairman), Gregory M. Hanley (Clerk), Arthur P. Boyle, Jr. (Selectman), Willard J. Boulter (Selectman), Edwin J. Thorne (Town Administrator), Diane M. Tobin (Executive Assistant), John Mattinson (Pembroke Media Broadcast), Mikaela Slaney (Pembroke Express), Ben Bastianelli, Matthew McNeilly, Steven Curley, Linda Peterson, Paul Whitman, Michael Virta, Chester Drown, Julie Thompson, Michael Tropeano, Arthur Edgerton, Gary Gumpwright, and others.

**ANNOUNCEMENTS:**

**POTHOLE REPAIRS:** The DPW announced that the road paving projects have been completed on Routes 27, 36, and 14. After July 1<sup>st</sup>, when the Chapter 90 funds are available, they will begin work on the other road.

**MINUTES:** The Selectmen voted unanimously in favor to accept the minutes of the Selectmen's meeting of May 2, 2011 as written.

**SELECTMEN'S MEETING SCHEDULE:** There will be no Selectmen's meeting on Monday, May 30<sup>th</sup> due to the Memorial Day holiday. The Selectmen will not meet that week unless the Chairman calls for a special meeting.

**SUNSET WAY PARTY:** Michael Mollica requested permission, and it was granted, to change the date of his annual backyard party from July 16<sup>th</sup> to July 9<sup>th</sup>.

**BRICK KILN WAY:** There was a request to host a block party and close off Brick Kiln Way but it has been cancelled. There will only be a backyard party and the street will not be blocked.

**COMMUNITY NURSERY KINDERGARTEN:** The Kindergarten located at First Church was granted permission to hold their annual field days on the Town Green on Thursday and Friday, May 12 and 13, from 9:00 am to 2:30 pm.

**KELLY MILLER BROS. CIRCUS:** The Selectmen unanimously approved the request of the Recreation Commission to bring the Kelly Miller Bros. Circus back to Pembroke for two performances on Sunday, June 26, 2011.

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**RE-ORGANIZATION OF DPW COMMISSIONERS:** Notice was received that the DPW Commissioners reorganized as follows: Ben Bastianelli, Chairman, Paul Whitman, Vice-Chairman, and Tom Irving, Clerk.

Mr. Boyle expressed his concern about having a quorum of the DPW board also serving and voting on matters before the Planning Board. While he recognizes that it is legal to hold two elected positions, he questioned if a vote taken as members of the Planning Board would bind them at a DPW meeting. Mr. Whitman said that one of the DPW board members would step aside on a matter that may come before both boards. Mr. Bastianelli suggested that town counsel's opinion should be requested on this. He suggested the scenario that if the Planning Board is walking a site and a later issue arises regarding a drainage question, would it have repercussions if something was overlooked that the DPW should have seen. Mr. Hanley feels this is similar to his denied request to sit in on the police contract negotiations and he agrees that we should get a policy statement from town counsel on process and procedure. Mr. Boyle fears the potential for creating litigation that we may not be able to stop.

Mr. Boyle moved, seconded by Mr. Boulter, to direct the Town Administrator to help formulate a question on this issue and request the opinion of Town Counsel. So voted unanimously in favor.

**RECYCLING DISCUSSION:** Mr. Boyle moved, seconded by Mr. Boulter, to reconsider the vote of last week regarding the barrel acquisition. He offered this motion as a courtesy to Mr. Hanley who was absent last week when the vote was taken and he had some concerns.

Mr. Hanley stated that he watched the meeting from last week over cable and feels that the board cannot talk about the purchase of barrels without discussing the contracts. He spoke to Mr. DelPrete today about his contract proposal for steady rubbish collection in exchange for the pickup of recyclables. Mr. Hanley said that typically the contractor would supply the bins. He noted that the Board voted last week to buy 64-gallon totes and questioned if DelPrete was prohibited from using janitor size barrels. He inquired about using 32-gallon barrels. He asked if it makes sense to go with a ten year extension of the Covanta contract if the town could save by reducing the hours at the recycling center and using smaller totes. Mr. Hanley said that Mr. DelPrete would rather weekly pick up of recyclables in a 32 gallon tote but the town would not be eligible for the \$60,000 grant. DelPrete usually buys and warranties the totes. Mr. Hanley noted that AJ equipment would charge \$35.50 as opposed to the proposed \$34.84 per barrel and would also administer a warranty. After much discussion, Mr. Hanley encouraged going with the 3 year contract option and he recommended the 64 gallon Cascade Toter.

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Mr. Boulter noted that he was in favor of the 64 gallon totes to encourage more recycling and because the DEP encourages it. Mr. Boyle just wants a wheeled barrel with a cover. Mr. Trabucco stated that there are two things you don't go cheap on, "trash barrels and paper towels".

Mr. Stone said that all decisions have been based on the DEP track and input received from towns that use recycling programs and we have used a model that produces the best results while keeping down expenses.

Chairman Trabucco ruled that the discussion was ended and called for a vote. Mr. Hanley declared that the Chair was out of order. Mr. Boyle suggested that by Roberts Rules, the Chair should call for a vote to back the Chairman or he should step away from the table and relinquish the chair to the Vice-Chairman who would call for a vote on whether or not the Chairman was out of order. Mr. Trabucco rescinded and ruled that he would allow Mr. Hanley to continue his speech.

Mr. Hanley noted that he is against the proposed 64-gallon tote variety of the barrel chosen. He spoke of a fully mechanized operation that will eliminate the 32 gallon in favor of a 64 gallon but he recommends the Cascade variety of barrel at a reduction of \$40,000 and bi-weekly pickup with credit from the vendor. He still feels that the Selectmen should have decided on the contractor first before deciding on the barrel. Mr. Hanley thanked the Board for their indulgence.

Mr. Stone said that the facts and figures have proven that bi-weekly does not work. Norwell had to do away with it. They also went from dual to single stream. He stated that he is tired of the arguments at the last minute.

Mr. Stone moved, seconded by Mr. Boulter, to move the question to reconsider the vote of last week.

VOTE 1 to 4: In favor: Hanley Opposed: Boyle, Boulter, Stone, Trabucco  
The decision of last week will stand.

**DISCUSSION OF RECYCLING CONTRACT OPTIONS:** Mr. Thorne said the issue is before the board and that a vote could be taken on whether or not to accept the contract proposal from Covanta to extend until 2021. A "no" vote would satisfy three more years with Covanta to 2014 and assume the unknown cost of what Bourne might charge. A "yes" vote would extend the contract at the prices proposed by Covanta. These would be known costs. Mr. Stone noted that riding it out would be over the current budget in years 2 and 3 and we would be dealing with the unknown costs beyond that. Bourne offered to take the excess tonnage but this could escalate a greater percentage. Extending the contract with Covanta would guarantee rates and would be cheaper than taking the ride-

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out option. Mr. Stone noted there is a risk of having to raise the trash fees if we go with only riding out the three years left on the current contract.

Mr. Boyle has a concern about the 10 year extension. He asked about pitting Bourne and Covanta against each other and possibly getting a more competitive rate or maybe consider going with a regional program. Mr. Stone noted that a figure was requested from Bourne but a full proposal was never received.

The Covanta agreement is tied to the Consumer Price Index after four years. In Mr. Thorne's opinion, the advantage of the 10 year extension is that the first three year's savings will be immediate and the we'd pay at the back end of the contract. Mr. Trabucco reminded that town meeting gave the Selectmen the authority to sign on an extended Covanta contract. He feels the town needs the stability that the 10 year contract offers.

Mr. Boulter expressed his concern that new ways of handling solid waste would not be an option for us if we sign a 10 year contract because we would lock ourselves in. At 8:40, the Chairman suspended discussion on this subject in order to keep an appointment with the Pembroke Media Broadcast members.

**PEMBROKE MEDIA BROADCAST:** Michael Tropeano, Arthur Egerton, Julie Thompson, and Gary Gumpwright, volunteer members of the Board of Directors for the Pembroke Media Broadcast, Inc., were present to talk about proposed amendments to the bylaws of the PMB. Mr. Tropeano gave the Selectmen a handout with answers to questions posed to him by the Chairman. Information included their mission statement, sources of funding, the PMB budget. The PMB has the ability to raise funds through advertising when the time comes that Comcast is no longer submitting an apportionment. The Selectmen will retain all cable contract negotiation powers. The PMB wants to manage the studio like a business and they need the approval of the Selectmen to change the bylaws to allow them to do that.

Mr. Boulter moved, seconded by Mr. Hanley, that the Board of Selectmen accept the proposed changes to the bylaws as put forth by the Directors of the Pembroke Media Broadcast., Inc. Voted unanimously in favor.

The Selectmen recessed for 10 minutes.

**RECYCLING DISCUSSION CONT...** Mr. Stone reported that when the town starts the recycling pickup and paying for transportation costs, basing it on 6,00 tons as a result of anticipated reduction of 1000 tons, we are looking at a savings of \$396,000 for the first three years of a 10 year extension compared to the alternative of a projected new contract

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with someone else. If the landfill capping project comes in under budget, this would give a cushion.

Mr. Trabucco suggested that if the economy improves, contracts will not be as good a deal. The first year is currently under what we spend and time we'd have time to see more precise costs if the board chooses to ride out the contract with Covanta. We are looking at know numbers that are fixed.

Mr. Hanley suggested that the other alternative would be that if we ride out the 3 years with Covanta, in 2015 we could bid the whole contract and a vendor could own the trash to dispose of. Mr. Stone agreed with Mr. Hanley that there would be other opportunities and the town would be free to go to another contractor if not tied to one already, but he is mostly concerned about the first three years of having the new program and feels the Covanta extension solves a lot of problems because of the anticipated savings and stability. Mr. Boulter has some hesitation because he does not want to have to raise the trash fees. Mr. Trabucco feels that the town dragged its feet previously and did not get the capping done sooner. He feels that 15 years ago the town did not see far enough ahead and didn't get the best contract. We now have the chance to do better.

Mr. Boyle moved, seconded by Mr. Hanley to have Mr. Thorn get a proposal from Covanta to cap the CPI at 2 1/2 % from 2016-2024. Voted unanimously in favor.

Mr. Boyle moved, seconded by Mr. Hanley, to allow Mr. Thorne to enter into a contract with DelPrete for three years with the option for two, one year extensions. Voted unanimously in favor. Mr. Thorne will have town counsel draft this up.

**OLD BUSINESS:** Mr. Stone noted that the audit was received and there were some minor issues to be followed up on.

**TOWN ADMINISTRATOR'S REPORT:** Mr. Thorne noted that the Selectmen are in receipt of a schedule for the landfill capping project.

**ASK THE SELECTMEN:** A letter from a resident was received regarding the assessment of their unbuildable property on Little Brook Road. A response from the Assessors is anticipated.

The meeting was adjourned at 10:30 pm.