

**BOARD OF SELECTMEN-REGULAR SESSION MINUTES-1/7/02****“MINUTES APPROVED”**

**Present:** Chairman Peter S. Cunningham, Clerk Dann Chamberlin, Member Thomas P. McCuin, Jr. and Administrative Officer Jean E. Kitchen.

The meeting was called to order at 7:05 PM. The meeting began with only Mr. Cunningham and Mr. Chamberlin present. Mr. Cunningham commented that Mr. McCuin was most likely delayed by the inclement weather.

**EARTH REMOVAL REGULATIONS AND FILING FEE**

The Earth Removal Advisory Committee was represented by Robert Hanninen, Chairman, Scott Wilson, Member and Michelle Collette, Earth Removal Inspector. It was the Committee's recommendation that the Board of Selectmen consider revising the Earth Removal Regulations, 239-12 Certificate of Exemption, to require a filing fee when a request for such Certificate is submitted for removal of excess earth material. Mr. Cunningham asked Ms. Collette for a brief overview of their position. Ms. Collette stated that the Committee had adopted regulations as detailed in "Chapter 198 - Soil Erosion and Sediment Control Proposed Regulations," filed with the Town Clerk on November 7, 2001. The regulations include a fee structure for the two types of applications. During the Committee's fee discussion it was mentioned that the Earth Removal Request for Exemption is the only application which does not presently require a fee; hence their suggestion that a fee of \$50.00 to defray administrative costs might be considered.

This would require a Public Hearing. Mr. Cunningham asked if they had any other revisions in mind. Ms. Collette responded that hours of operation for all types of construction have become an issue. While the hours of 7:00 AM to 5:00 PM appear in the Earth Removal Bylaws and are stated on Permits, she feels that including such hours in the Regulations would make people more aware up front.

Mr. Cunningham mentioned reading of a court case in which municipal fees were challenged and wondered if that might happen in Groton. Ms. Collette felt that the recommended fee is a modest one, and therefore not likely to be challenged. Mr. Cunningham questioned whether or not we have the authority to implement fees and Ms. Collette responded affirmatively. Mr. Chamberlin wondered what surrounding towns do and Ms. Collette said she did not know, but felt that they do not regulate to the extent that Groton does. Mr. Chamberlin raised the question as to what towns such as Acton, Concord, etc. have for Erosion and Sediment Control Bylaws. Ms. Collette stated that the Committee could do some research on the matter.

Mr. McCuin arrived at 7:10PM and was brought up to date on proceedings by Mr. Cunningham. Carri Kneeland, in the audience, raised a question about earth removal for the school and was told by Ms. Collette that the School District did apply for and was granted an Earth Removal Permit. The Soil Erosion and Sediment Control permit is part of the Bid Document. Mr. Cunningham asked if there were any further questions and then suggested that a Public Hearing be scheduled regarding the revision of the Earth Removal Regulations to require a filing fee and to consider any other possible revisions.

**BOARD OF HEALTH-COVANTA CONTRACT**

By way of introduction Mr. Cunningham mentioned that Covanta is the Incinerator Company which disposes of Groton's trash. It is located in Haverhill near Rte. 495. When our contract was entered into the company had another name. Mr. McCuin asked the reason for the different name and was told by Bruce Dubey that it was a buyout. Mr. Cunningham said he assumed that an increased tipping fee was part of the reason for tonight's discussion. Mr. Chamberlin noted that during the

1990's the fee went from \$28 to \$33 a ton, and as of July 1, 2001 the fee is \$50.69 per ton. Ms Kitchen indicated that it goes up every year by the CPI. Mr. Dubey stated that Groton disposes of about 2,200 tons per year. Ms. Kitchen stated that the minimum we would be expected to pay would be 80% of what was originally contracted for, and it was generally agreed that with Groton's growth, the minimum would never be a consideration.

Mr. Chamberlin made reference to the fact that Covanta is offering the opportunity to extend our contract 5 or 10 years, although the contract doesn't expire until the year 2005. Ms. Kitchen said that the company is implying that we would get a better deal by doing it now. Mr. Dubey noted that we entered into the original contract through MMWEC, because the Electric Light Dept. could get a reduced rate. More recently, Groton Electric bought out contract that they had no part of contract providing power from Covanta.

Mr. Cunningham asked Mike Brady of the Recycling Committee to walk us through the present situation. Mr. Brady stated that he toured Covanta last year. About 18 towns use this Waste Energy Facility and most towns pay considerably more than Groton does. Mr. Dubey added that most other towns bring in much heavier waste, such as beds, etc. than Groton does. Mr. Brady feels that we are getting a good price right now, but would venture to guess that by the time our contract comes up for renewal the price could quite possibly double. The facility is about at capacity and no new facilities are being built in Massachusetts.

Mr. Chamberlin questioned Covanta's motive in wanting to negotiate so far ahead of time. Mr. McCuin suggested that they would get a better bond rating if they could show a better cash flow down the line. Mr. Dubey stated that the original contract was done way ahead of time also. Mr. Cunningham also mentioned that in the beginning MMWEC needed a certain trash stream to generate a certain amount of electricity. It was thought they might want to show a certain cash flow to their bank in the event that they would want to expand. Mr. Brady said there was no way they could expand. As they burn they are creating an ash landfill which probably has another 15 years to go.

Mr. McCuin asked what are Groton's options and what would they cost. Mr. Dubey said that there is a facility in Saugus @\$90/tn.; Waste Management in Leominster would probably charge \$110/tn. Mr. Brady said there are not a lot of options. Ms. Kitchen said another possibility would be to get out of the trash business altogether and go to curbside pickup. Mr. McCuin would not like to see no pickup in Groton; there was general agreement on that point. We're looking at \$110,000 offset by the fee paid for stickers. Mr. Cunningham feels that the town has a fundamental responsibility to provide trash pickup. He said the question seems to be - do we want to sit down and talk with Covanta and see what they have to offer? Mr. Chamberlin said it seems to be the lowest cost option available. Mr. Cunningham said he would still like to know why Groton Electric got out of MWAC. Mr. McCuin suggested that GELD did not need to be concerned with what became of trash; their only responsibility is to the ratepayer. Ms. Kitchen suggested that the Board of Health schedule a couple of meetings to talk to Covanta; all agreed.

Mr. Brady introduced the concept of "pay as you throw". 110 communities in Massachusetts do this with a 10% increase in the recycling rate. Groton is already pretty good at recycling. Ms. Kitchen mentioned the city of Worcester. They were very much against the concept in the beginning, but became very happy with the results after it got going. She suggested that the town might receive half the cost of each bag. Mr. Dubey said a sticker fee of perhaps \$20 might be included along with the pay per bag. Mr. Chamberlin asked how Pepperell is doing. Mr. Dubey said it seems to be working well and the people seem satisfied. Mr. Brady cautioned that the concept would need the support of the Board of Health and the community in order to work. The concept could be brought before a Town Meeting as a non binding article.

Mr. Cunningham asked that the Board of Health talk to Covanta and see where that will lead. The BOS members agreed that the pay per bag concept should be considered, that a Public Hearing should be held and it should be brought up at Town Meeting. Trash removal can be a very sensitive issue and Mr. Chamberlin felt that whatever the Board would recommend should be a win-win situation, with both the town and the townspeople feeling comfortable with it. Mr. McCuin said people will pay one way or the other, whether through taxes or pay per bag. If everyone saves by it, fine; but if the gain is vastly disproportionate he would not be in favor. Mr. Brady said he has a video which he will share with the Board and he will

start to work on some kind of proposal. Mr. Cunningham said the DEP probably could provide some information and we could get some worthwhile information posted on the Town Website for the townspeople to view.

## **OTHER BUSINESS**

### **Vote for Zoning Board of Appeals Appointments**

Mr. Chamberlin moved to vote the appointment of David Gandle as Associate Board Member for the vacant term to expire on 6/30/2002. The motion was seconded and voted unanimously.

Mr. Chamberlin moved to vote the appointment of Virginia Wood as Associate Board Member for the vacant term to expire on 6/30/2002. The motion was seconded and voted unanimously.

Mr. Chamberlin moved to vote the appointment of Mark Mulligan as Board Member for the vacant term to expire on 1/30/2003. The motion was seconded and voted unanimously.

### **Groton Scholarship Appointment**

The Groton Scholarship Committee Chairperson in a Memorandum dated December 31, 2001 requested the removal of Claudia Saball from the Groton Scholarship Committee and recommended Bruce Carpenter to replace her.

Mr. Chamberlin moved to remove Claudia Saball from the Groton Scholarship Committee. The motion was seconded and voted unanimously.

Mr. Chamberlin moved to appoint Bruce Carpenter to the Groton Scholarship Committee for a term of 1 year to expire 6/30/02. The motion was seconded and voted unanimously.

### **Minutes-regular session- 1/2/02**

Mr. Chamberlin moved to accept the Minutes of the Board of Selectmen-regular session-1/2/02 as presented. The motion was seconded and voted unanimously.

## **EXECUTIVE SESSION**

Mr. Chamberlin moved at 8:00 PM to go into Executive Session in accordance with MGL Chapter 39, Section 23B to discuss a disciplinary matter, not to reconvene in open session. The motion was seconded. VOTE: Mr. Chamberlin-Aye, Mr. Cunningham-Aye, Mr. McCuin-Aye.

Approved \_\_\_\_\_  
Dann Chamberlin, Clerk

Respectfully Submitted,  
Eileen M. Navien