

Life After NESWC Committee  
Minutes of Meeting  
November 10, 2004  
Town Hall  
Room 204

Members present: Peter Ashton, Ann Chang, John Murray (staff), Pat Clifford, Bob Johnson (Chairperson), Carol Holley (Clerk), David Stone

Guest: Janet Keating-Connolly

The meeting opened at 7:05. The minutes of the October 13 meeting were reviewed and corrected. Ms Chang moved to approve the minutes as corrected, Mr. Ashton seconded, and all voted in favor.

The RFPs were discussed. Mr. Murray noted that they were “on the street”. On December 1 starting at 10:00 a.m. there will be bidders’ meetings, with a site afterwards. Three firms asked for RFPs; about 15 were mailed to other firms by Town Hall. Advertisements will be going out in various business journals. Mr. Murray noted that Waste Management doesn’t want to run a transfer station on the site but is interested in ensuring that nobody else does; they don’t want the competition.

Mr. Ashton noted he had received a phone call from a citizen regarding adding methane capture to the RFPs. Somebody had asked if any money could be made from the collected methane if it was to be used for energy generation. It has been determined that Acton’s landfill is too small to make an operation like this profitable. Under current standards, it is legal to vent the captured methane to the atmosphere.

Mr. Murray related that Town Counsel has determined that a trash collecting contractor cannot legally direct bill unless the Town makes some bylaw changes. These are being drafted. Mr. Murray felt that having the contractor bill customers directly was important – the Town doesn’t want to have to establish the billing infrastructure. No matter what the billing structure is – PAYT or fixed – the contractor’s accounting people should deal with it. Town hall doesn’t want to have to set up a whole new bureaucracy.

Ms Clifford asked if the bylaw issue would be a complication in getting warrant articles passed; nobody knew if it would or would not. Ms Chang wished to ensure that people understood that the process would allow the contractor to bill but that it was a service the town was permitting a third party to bill – it’s a method.

Mr. Murray noted that a lot of the RFPs require zoning changes.

Preparations for the December 1 informational meeting were discussed. Mr. Johnson had three issues:

First, the pre-release of information – a booklet is to be mailed out

Second, the presentation. Mr. Ashton noted that there isn't really supposed to be one. The written materials are supposed to obviate the need for any presentations. There will just be a 1-2 minute summary on what's been sent out. Mr. Johnson felt there should be a slide with a map of the landfill/transfer station area; Mr. Ashton agreed it would be a good idea to have some slides prepared, a map being one of them. Messrs. Johnson and Ashton will discuss this with Mr. Hunter. Mr. Hunter was noted to feel that this meeting is an input-gathering exercise. It was noted that a map can also be inserted into the written materials that get distributed. Mr. Hunter was noted to have liked the length and content of Ms Chang's draft report. Mr. Hunter was noted to have felt that the committee needed to identify questions for people to think about – e.g., here's some points we need feedback on. Mr. Stone felt that given the format of the meeting, something general like Ms Chang's draft would be adequate.

Mr. Stone was concerned that focusing on the specifics of the NESWC termination clause might be inappropriate. Under many options the committee is pursuing that clause isn't an issue. Ms Chang stated that everybody thinks that the town is NESWC free, and we aren't. We could be chained to Wheelabrator if we aren't careful.

Ms Clifford thought that the committee already knew certain things are going to happen, and reopening discussion about barrels blowing around and C&D waste is not going to be fruitful. Mr. Ashton felt the committee should go back to the survey and original presentation to see if there's anything worth inserting. Ms Chang noted that on the survey, people wanted recycling and we have accepted that. Mr. Ashton stated that it might be good to add some history and a timeline without including too much information.

Ms Clifford felt it would be worthwhile for people to know that Acton's large trash generators are not involved in this – this matter is about how to serve the households that don't have private service now. People need to know how little impact this is going to have. Mr. Stone noted that this is going to simplify town operations. Ms Clifford observed that the town isn't serving a lot of people with this exercise. Mr. Stone noted that the legacy issue of capping the landfill will be resolved, and that is in the best interest of the rest of the town. It does serve more than the current customers of the transfer station. Mr. Murray noted that just because RFPs have been released, when we are all the way done, maybe it's just time for the town to get out of the trash business – or maybe we should get more in the business than we are today.

Mr. Stone observed that this process (Dec. 1 meeting) reminded him of classes in Jr. High when kids wanted to talk without having to read the book – if this is a rap session about papers about trash, that's not very helpful. To get to this without all the facts gathered, the committee could end up with misguided feedback. Mr. Stone would like to get across the message that the committee is gathering information about all the options so that the town can make a good choice.

Mr. Murray asked, what if the committee said – we are not at a point where we can give feedback on options. Maybe the questions are for getting the public involved. This is complicated – how does the committee keep the public involved? The committee wants to hear from the public; maybe that is the question. Mr. Ashton noted that there's involvement and information because by January a lot more information will be available.

Mr. Johnson stated he was less and less comfortable with the “State of the Town” meeting. Mr. Ashton noted that the Lincoln format is to send something out ahead of time, and they have 5 minute presentations from the Selectmen, School Committee, and FinCom about general stuff, and then they go into options. Every year the Lincoln event has been different.

Mr. Stone recommended a slogan for the December 1 meeting: “We are broke this year, but be of good cheer!”

Mr. Ashton thought that a couple of minutes of introductory remarks would be appropriate. Other discussions on the table were affordable housing and budgets; trash is last on the agenda.

Ms Chang considered this event as a first shot at telling the public how far the committee has come and what it’s doing. The committee wants people to realize it’s looking into all sorts of options. When the committee gets the information, a lot of decision-making needs to be done with transfer station users as well as other parties.

Mr. Murray noted it’s the committee’s job to listen, but what are they supposed to tell the committee? Telling the committee that you might like curbside without cost has no basis – so the committee needs to ask the questions they want feedback on.

Ms Clifford and Mr. Ashton thought there would be a lot of questions about capping the landfill. Mr. Stone noted that until you can say what the town gets out of development options in terms of revenue, you are more likely to hear from people who think it’s a bad idea based on principle. Ms Clifford hypothesized that if there isn’t going to be support for something no matter what the finances....

Mr. Ashton felt that someone could get out there and say, “I am against putting a Home Depot there”. A designated committee person could respond – at \$1 million/year in tax revenue....People will still say they don’t want it under any circumstances. Ms Clifford noted that the financials is information the committee doesn’t have. Mr. Stone felt there was a slim possibility that some proposing entity could come up with a development people actually want to use.

Ms Chang reminded the committee that when the discussion came to opening up the landfill, people thought it was impossible. A lot of people feel you can’t do anything on a capped landfill. That is no longer true.

Mr. Ashton felt the committee needed to get information – have you considered this, etc. He received a call from a citizen asking if collected methane could be sold for energy generation. How can you do this (anticipate all the questions)? Mr. Ashton continued, there is information you take for granted that others have no clue about – basic questions about options.

Ms Clifford noted somebody will ask why the landfill can’t be left as is; Mr. Murray replied, somebody has to cap it. Leaving it is one of the options; we don’t have to do an RFP for that. There might be something that comes up after we receive proposals. Ms Chang thought that

signing up with North Andover would be more of a drain – the town has to think of the area of the landfill in a different way, to see if money can be made off of trash. Mr. Murray asked, are there other opportunities in terms of service delivery and generating money? The committee won't want to hear in a meeting – “you broke this on me at the last minute...” The purpose of breaking it out now is avoiding that comment later.

Ms Chang asked, how do we keep the public informed? Does this go on a web site? How many public meetings? Mr. Murray noted that the committee could post it on the web but the town doesn't have the staff to maintain it.

Mr. Stone felt the most valuable question the committee could ask was, how do you run the process so people don't say, too little, too late? Mr. Ashton felt the committee should lay out a time-line in the written materials so people understand the major milestones, and ask - how do you want to be informed so that you can make a major decision in April? Mr. Stone felt the first reaction is, April seems mighty quick. Ms Chang observed, that may be one of the things that comes up. This is such an important issue that we may have to have a dedicated town meeting, after April and before whenever. Mr. Murray noted that in the committee's decision there has to be forwarding thinking and looking at projections over time. There are a lot of ifs; somehow the committee has to convey looking at the decision as not a moment in time but over a longer span. Mr. Ashton observed that the last contract dealing with trash was certainly over a long time span. Ms Clifford observed that the committee had abandoned a 5-year horizon within six weeks of the first meeting. Mr. Murray observed that this ties into the other big financial presentation – the prop. 2 ½ issue that recurs over and over again.

Ms Chang observed that the committee doesn't have the information to weight options, but the committee and the BoS can't be the people who make the financial decision. Mr. Murray added, but at the time time, they have to make an informed decision. If people had ever known what NESWC really meant at the time it was voted, would it have passed? This happened to other towns also. Mr. Murray noted that people felt they had a good grasp on that contract, and they didn't. He continued, when the committee goes to town meeting it wants people to make sure they know what it means. Ms Chang noted there must be pre-town meeting meetings. Mr. Murray rebutted, nobody comes. The same 200 people are involved. Mr. Stone reduced the estimate to about 50. Mr. Murray asked, how do you convey information and get the process out? The committee knows what the standard process gets us – how do we lobby? M

Ms Chang observed that going to the dump is part of the New England suburban culture. Ms Clifford noted, there are people who still have trash and they have to get rid of it somewhere. Those are the people who will want to know what they are going to do. For \$125/year now, their problem is solved. Ms Chang felt people didn't want to pay any more than that. She also felt that most of the people who returned the survey went to town meeting.

Mr. Murray observed, this situation is kind of like the sewers, when a whole town votes on something that affects a few people.

Mr. Stone noted, if it turns out that the story around town is that the end result is the ability to offer new service and save money...it depends on what the benefits and costs might be.

Mr. Ashton observed that a mechanism to reach a broad audience is required. Mr. Johnson asked, what is the committee going to put out? The information needs to be there by Friday at noon. There was once a press release for the Beacon – that was in August. Ms Chang felt that when the committee talked about RFPs they should be listed. Mr. Stone would like to move discussion of the NESWC termination clause to the end of the piece. Mr. Ashton felt the description of different options needed to be added, as well as a recap of what’s happened since the survey went out. There needs to be something about where the process goes from December 1 on.

Ms Clifford asked, is this committee going to have public meetings? Committee members felt it was. Ms Chang asked if there was a map of the landfill site available. Mr. Murray said there was and it could get reproduced for the booklet. Ms Chang wanted to jettison the slides and survey appendices.

Ms Holley asked that copies of the RFPs be placed in the Acton section of the reference department at the Memorial Library; people were ok with that.

Ms Clifford recommended a virtual press release via local email grapevines; Beth Petr and Charlie Kadlec have extensive email lists.

A draft timeline was generated:

- January 15, Town opens bids
- January 31/February 1, staff provides analysis of bids and recommends – time needed for people to process
- Committee meets February 1 to mid-February for preliminary briefing to the Board of Selectmen – these responses were received, etc. Then public information meetings.
- February 7 Board of Selectmen meeting – update on status. Also could visit FinCom. On February 23, public meeting. Mr. Stone and Ms Clifford agreed to inform the FinCom rather than have a Committee presentation. If this timeline is enacted, the committee will need to meet again the week of December 16.
- March 1 – Warrant articles need to be submitted.

Ms Chang noted that articles need to be written and then vetted by town counsel before submittal. Mr. Murray noted that placeholder articles can be written at that time.

Mr. Johnson noted that a one-year contract with Wheelabrator was an option. Mr. Ashton observed that there could also be a special town meeting in May. Ms Chang asked, is it better to squish, or make sure we get to a place where people are fully informed and there is an audience that knows what it’s doing? Mr. Johnson felt the schedule should be left squished. Mr. Stone noted, the committee is not going to make next year’s town meeting in terms of digesting the information and providing for public process. Ms Chang noted that the FinCom has to process the information, as well as the Selectmen. Everybody needs to be able to do that. Ms Chang thought it might have to be a fall town meeting.

Mr. Murray observed that the Selectmen and FinCom representatives needed to go to their respective committees regarding a special town meeting. Ms Clifford asked, before or after summer? That's the question. Mr. Murray related that because of the 90-day NESWC termination clause, it has to be before summer. Mr. Stone asked, if the committee takes a one year extension at the market price, that is open at any time? Mr. Murray replied, that decision needs to be made before the 90 days also. Mr. Stone continued, if we need to have more time we date we need to make that decision would be...Mr. Murray replied, 90 days before the contract is up. It was concluded that June 1 is when the committee has to decide whether or not to go for an extra year. Mr. Ashton summarized, there's the possibility of a special town meeting or the possibility of going for another year. Mr. Stone didn't think that one extra month would be a meaningful amount of time.

Mr. Murray observed that after the contract expires the town loses brokerage options. So, for one year, we would just be contracting for Acton's own trash. Mr. Ashton noted it could be possible that we open proposals up on January 15 and the choice is obvious. Mr. Stone rebutted, even if it's crystal clear to the committee, he didn't think there was enough time to make the public a part of the process. Depending on information and how complicated the decision is, the committee may or may not be ready in April.

It was decided that Mr. Johnson would make the introductory remarks on December 1. Mr. Ashton noted that there needs to be a couple of point people to answer questions. Mr. Stone and Ms Holley will not be at the meeting due to other commitments.

Mr. Murray observed that town hall was waiting to see if the December 1 meeting had to be posted as an open committee meeting.

The question came up whether or not a meeting needed to be held before December 1, and the committee decided not to meet. The next meeting, to discuss feedback from the bidder's meetings, will be on December 15, 7 p.m., room to be determined.

At 8:35 p.m. Mr. Ashton moved to adjourn, Ms Holley seconded, and all voted in favor. Meeting adjourned.

Respectfully submitted,

Carol Holley  
Clerk