



**Minutes of the  
SOLID WASTE ADVISORY COMMITTEE  
TOWN OF PEMBROKE, NH  
January 30, 2024 at 6:30 PM**

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Committee Members Present: Wendy Weisiger, Sally Hyland, Gerry Fleury, Peter Gagyí

Staff: David Jodoin, Town Administrator. VJ Ranfos, Public Works Director.

Excused: None

Energy Committee Representative: Pentti Aalto

**I. Call to Order:**

Chairman Fleury called the meeting to order at 6:30pm.

**II. Approval of Minutes – Meeting of October 17, 2023**

Sally Hyland made a motion to approve the minutes of October 17, 2023 with the correction of the spelling of her last name for the motion to adjourn. Wendy Weisiger seconded the motion. Motion passed 3-1-0, with Peter Gagyí, Selectmen Alternate voting to abstain.

**III. New Business:**

Chairman Fleury opened discussion on the review of the Grant Application for the electric trash truck and charger by reporting that he had seen a copy of the application and its associated exhibits for the first time several weeks earlier. Upon reviewing the terms and conditions of the grant, it raised a number of issues, which he felt needed clarification. Those issues included; ownership of the items to be obtained with the grant, the need to purchase the items and then apply for reimbursement, dollar limits on the amounts which could be reimbursed, reporting requirements of a technical nature which are called for in the exhibits to the application, and insurance mandates spelled out in the agreement.

Chairman Fleury noted that he had drafted a letter to Amanda Partington at the Department of Environmental Services, (DES) seeking clarification and had shared the response with members of the committee. He further noted that ownership of the vehicle by the State was not unprecedented since the Pembroke Fire Department currently has two vehicles obtained from the Government Services Administration, through the State for forest fire control purposes. Vehicle insurance through the

Town's provider, Primex, was an example of how insurance concerns could be addressed, at least in part.

Selectmen Gagyí inquired about contract language identifying the conditions under which the State could take the truck back. Chairman Fleury replied that any violation of the terms of the grant could be seen as justification to take the vehicle back but he opined that it would be in the State's best interest not to do that.

Chairman Fleury explained that in his letter to DES, he had asked five specific questions, only three of which received a response, but he stated that the more important three were addressed. Getting back to Selectmen Gagyí's question, he referenced a question about reporting requirements on both a quarterly and annual basis and he conjectured that failure to adequately comply with the reporting requirements might be grounds for termination of the agreement and for the State to recover the vehicle.

Committee Member Hyland stated that during her employment with the City of Nashua Public Works, they had received grants from the State with similar reporting requirements. Even at the end of the project, the State never sought to recover the equipment purchased with the grant funds and she speculated that this was proforma for how that State does business. Committee Member Weisiger noted a similar experience in dealing with the State.

Moving on to the next concern, Chairman Fleury noted that two certifications and the Grant application itself required someone with signatory authority to endorse the document and for those signatures to be witnessed. He had inquired whether the Signature and Seal of the Town Clerk would suffice for that purpose and Ms. Partington had replied that it would. Town Administrator Jodoin interjected at that point, indicating that the Town Attorney had reviewed the documents and disagreed with Ms. Partington's assessment. Mr. Jodoin informed the attorney that the legislative body at town meeting would be approving the agreement but she insisted that only the Selectmen could sign the agreement. Mr. Fleury noted that the Grant Application listed Public Works Director Ranfos as Pembroke's representative and he questioned whether that would be problematic. Mr. Jodoin replied that Mr. Ranfos has been authorized by the Selectmen to act in that capacity so it should not be a problem.

Town Administrator Jodoin explained that while the Fire Department did operate vehicles whose titles still belong to the State, those vehicles were obtained for little or nothing, which is significantly different from the vehicle being considered at this time. He expressed a degree of nervousness about something of high value not actually being owned by the Town, but that ultimately, the voters would decide whether to pursue the agreement.

Committee Chairman Fleury continued by addressing contractual obligations which made obvious sense. Those things included requirements that only properly licensed electricians and similar tradesmen be used to perform work on the project.

Committee Member Weisiger asked about routine vehicle maintenance. She noted that Public Works has its own mechanic and she asked whether he would be providing service on the vehicle and whether that was a problem under the agreement. Public Works Director Ranfos replied that there was going to be an extended warranty on the vehicle and that all the Public Works mechanic would likely do is replace hydraulic hoses when required and other minor tasks. The dealership for the vehicle is Kenworth in Concord which is where it would go for covered items for the first 5 to 7 years.

Town Administrator Jodoin then provided the committee with a recap of his interaction with the Town Attorney. In summary, the attorney found that the Town must purchase an electric vehicle as described in the agreement and must also buy a charger that meets the specified requirements. Then the Town must disable and scrap the old vehicle and provide proof of that destruction. The attorney does not feel that Pembroke won't own the vehicle because the State is not a lien holder. In order to be sure that the Town is not buying a vehicle, getting reimbursement and then selling it, there are reporting requirements for the first five years, quarterly and annually. There are also requirements that the Town compile and report data during the life of the agreement and that the data is the property of the State. The attorney contacted Ms. Partington at DES regarding a number of less than clear issues and also drew a parallel between the insurance requirements for Fire Department vehicles which require that the State be named as a covered entity and the obligation for this new vehicle cited in the Grant Application. Discussion continued for several minutes speculating about conditions under which the vehicle might be lost and what part of insurance coverage would be payable to the State as opposed to the Town.

Selectmen Gagy asked about the reporting forms needed to compile and report data, and he asked if anyone has seen the actual forms. Nobody replied in the affirmative. Committee Chair Fleury then cited the language of the agreement indicating that there was an initial report that only needed to be filed the first time, followed by quarterly and annual reports pursuant to Sections 19 and 20 of the agreement. He noted that some of the required information was simple to compile, such as, where is the vehicle kept and what is the zip code there. Other questions become more complicated and perhaps onerous such as, "total time plugged in", "total time spent charging", "total energy dispersed in kilowatts", and "maximum power output in kilowatts". He wondered how those quantities were measured and by whom.

Discussion based on supposition ensued and Chairman Fleury interjected that the warrant article for the truck and charger had been passed over by the Budget Committee, who had voted on warrant article recommendations the previous week. The Budget Committee delayed its recommendation on that article, Article 4, until the Solid Waste Committee had time to hold its meeting and review the issues. He went on to explain that Pembroke is facing the largest property tax increase in the last 50 years and his concern is that we must pay for the truck up front and that there is a time delay before we can seek reimbursement. He listed the events that must transpire before reimbursement can be requested and cited the time delay between when the request is made and payment is received. He explained the limits to operating cash that would be impacted by the time delays between payment for project costs and receipt of reimbursements from the State. If cash balances needed to operate the Town and the School District became inadequate, tax anticipation notes would need to be sold and the interest on those notes would add additional burden onto the tax rate.

Discussion ensued on the timing of the vehicle ordering process and the delays associated with delivery of the cab and chassis and the specialized body. The Public Works Director articulated the timeline. In summary, it could be six months or more before the first payment was required but several more months before the vehicle was completed and reimbursement could be sought.

Town Administrator Jodoin was concerned about cost increases occurring during the process that would add further costs to the Town, to which Public Works Director Ranfos replied that at least some of the vendors had indicated that the prices would be capped at the original estimate. Mr. Jodoin calculated the consecutive time delays and rationalized that final delivery might happen as late as October of 2025.

Committee Chair Fleury explained that there is a very big difference between the process normally used to procure vehicles and what is being proposed for this grant funded vehicle. Normally, the funds accumulate over a period of years in a capital reserve fund as cash and can be drawn upon on demand. In this case, the funds come from operating cash of the Town and serve to complicate normal cash flow because of the uncertain payment schedule and reimbursement requirements. In summary, he stated that he wanted to be certain that everybody felt warm and fuzzy about how things needed to work and what could happen if things played out differently than expected.

Committee Member Hyland state that because of the complexities identified, it was easy to lose sight of the big picture, which was the replacement of an expensive trash truck using a considerable grant. In essence, if this project does not go through, eventually, Pembroke will still need to get another trash truck and will need to pay full price for it. With respect to concerns on quarterly and annual reporting, she cited language in the agreement that stated that assistance from the State would be

provided. Chairman Fleury replied that he was aware of that language and had asked for clarification in his letter to Ms. Partington but it happened to be one of the questions to which she did not respond. Committee Member Hyland insisted that the reporting requirements were something that could be dealt with, made routine on a proforma basis, and should not be a reason not to proceed with the application process. Public Works Director Ranfos stated that there were questions that needed to be answered such as to determine exactly how performance measurements would be obtained. He speculated that the equipment might include utilities to ease in the accomplishment of the recording and reporting tasks and it might be as simple as plugging a USB cable into a port to access some of it.

Town Administrator Jodoin reflected upon the project since its inception, noting that when it went through the CIP process, everyone thought it would be a great project with good financial rewards. Since then, there have been concerns that emerged at the Selectmen's level. He reiterated the timeline for payments citing what had to be paid and when cash revenues are received and other payments for the Town come due. He noted that a full year down the road, cash balances could become tight and what worried him was not knowing the impact of the projected budget increases. If tax bills become so high that people can't pay their bills, the cash won't be there. Should that happen, borrowing money and incurring the interest expense might become necessary. He said that managing the cash flow could be done but there could be no guarantees that everything would proceed normally. He further noted that sentiment at the budget level was shifting with thinking along the lines of "maybe this is not the year for it".

Committee Member Hyland stated that if the project did not do forward this year, there would be no second opportunity. Town Administrator Jodoin continued by stating that budget challenges for the coming year included continuation of the ambulance service as number 1, police department obligations as number 2, public works as number 3, and library as number 4. With this year being a revaluation year, it added a measure of uncertainty for residential property tax payers because it is projected that the revaluation will shift some of the tax burden off commercial properties and onto residential, with nobody being able to accurately predict the magnitude of that shift.

Committee Member Weisiger asked that the committee consider that we would be replacing a vehicle that would eventually need to be replaced, regardless of anything else, and that the project included the introduction of three phase power at the Public Works Garage. Having three phase power opened the door to having a compactor for cardboard, which would create an operational savings. Public Works Director Ranfos noted that three phase would also open the door to the installation of solar panels at the Public Works Garage, thus cutting electric bills for the future. Committee Member Weisiger asked how the committee could weigh the future cost savings against the immediate cash flow obligations?

Committee Chairman Fleury, noting that all of the issues were now on the floor, asked the committee members to introduce a motion to either reiterate its support for the trash truck or to change its mind on it. He stated that his personal feelings on the matter were not important, and should the committee vote to recommend that the project proceed, that was the message he would bring before the Budget Committee two nights hence. How receptive the Budget Committee as a whole might be, was another matter. He also cautioned that regardless of the Budget Committee's position in the Warrant Article, it still needed to be approved by the voters and that it was likely that citizen voters might have pointed questions regarding the project. It would be important that answers to those questions be readily available. He stated that he would not reply to any such questions as a member of the Budget Committee and opt instead to speak to it from the floor as a member of the Solid Waste Advisory Committee. He would also look to the Public Works Director and Town Administrator for confirmation on answers or to ask them to reply on very detailed questions. With all of that done, if the voters still decided to vote down the warrant article, then the matter would be dead.

Town Administrator Jodoin stated that now that he has a handle on the payment amounts and dates, he would craft the language of the warrant article to accept the Grant and draw from the Town Equipment Capital Reserve for the balance of the cost in excess of the Grant amount. He explained that at present, the additional amount in excess of the Grant would need to be included in the tax rate, but by drawing the additional amount needed from the capital reserve, it would not be. In response to a question of whether the entire amount could be drawn from the Town Equipment Capital Reserve, he noted that the balance of the account was not sufficient to do that and besides, there were other purchases coming up that needed to draw upon that account.

Committee Chairman Fleury then exercised the prerogative of the chair to recognize a member of the Energy Committee who was in attendance.

Mr. Pentti Aalto asked how much was set aside for the new trash truck that would need to be bought a few years down the road, and can the money be used to purchase a truck that happens to be electric, and what would the interest expense be if money had to be borrowed to procure a vehicle and make the necessary cash payments?

Committee Chairman Fleury responded by saying that he did not believe that any funds in the Town Equipment Capital Reserve were earmarked for a replacement trash truck at the present time. Public Works Director Ranfos confirmed that statement. There was a brief discussion between the Town Administrator and the Public Works Director with consensus being that nothing had been allocated for replacement of the truck which would be replaced with Grant funds. Responding to Mr. Aalto's question on whether an electric vehicle could be purchased, Committee Chairman Fleury explained that the capital reserve funds are not restricted as to what powers a vehicle, only as to its function. To Mr. Aalto's other question regarding

interest expense, Mr. Fleury explained that the sale of a tax anticipation note (TAN) is generally done for periods of not less than 6 months and the interest expense would be at whatever the prevailing rate was for municipal borrowers. The funds would not be a loan specifically for the project but rather for the operation of the entire town. Absent any recent experience of the interest rate for TANs, he could not estimate what the interest expense would be.

Discussion then focused on how things would proceed if the warrant article passed at Town Meeting and the signed agreement then went to Governor & Council, (G&C) for their approval. Committee Chairman Fleury suggested that a letter be drafted to Pembroke's representative on the G&C, which he thought was Theodore Gatsas, requesting his support on the vote by the council. Committee Member Weisiger noted that communications from DES had indicated that citizens from Pembroke could attend the meeting in a show of support. There was further discussion and some degree of uncertainty whether an opportunity to speak on the issue would be available to those who might attend.

Town Administrator Jodoin noted that he has yet to discuss this matter with the Select Board and that it was always possible that they could withdraw their support. There was equal concern on whether the Budget Committee would agree to support the article given the new information it would be receiving Thursday evening.

Committee Chairman Fleury asked Mr. Jodoin whether he thought the amended warrant article drawing upon the Town Equipment Capital Reserve for the balance of the funds needed to avoid any impact on the tax rate would meet with approval of DRA, which reviews all warrant articles. Mr. Fleury disclosed that he and Mr. Jodoin had exchanged emails on the subject and decided that a single warrant article which authorized the Grant and also drew funds from the existing capital reserve would be the preferable method. If two separate warrant articles were used and one passed but the other did not, a real mess could ensue. They had agreed that having one single article would be the preferred method to eliminate the possibility of divided votes. Mr. Jodoin noted that it was not unheard of to have the Town Attorney recommend one way and have DRA insist on another, and visa versa.

Committee Chairman Fleury then stated that he was looking for a motion from the committee for a recommendation that he could take to the Budget Committee Thursday night. Committee Member Hyland then moved to have the Solid Waste Advisory Committee recommend that the Budget Committee support and approve Warrant Article 4 for the acceptance of the Grant and the use of Capital Reserve Funds to cover additional expenses not covered by the Grant. The second was provided by Committee Member Weisiger and discussion began. Committee Member Hyland suggested that a list of the reasons to support the article should be prepared and she offered to compile such a list. The vote was taken with all in favor.

Committee Chairman Fleury then summarized the situation by stating that all the issues appear to have been identified and that there was now a path forward to the vote at Town meeting.

Public Works Director Ranfos reported that he had been in contact with the vendors and would continue to do so as the project progressed. Committee Chairman Fleury thanked Director Ranfos and asked if anyone had other concerns that they would like to address. Selectmen's Representative Gagy stated that he was concerned how the article might be received at Town Meeting, on the heels of a large budget increase, where voters might be reluctant to vote favorably on additional spending articles. He equated that his personal tax increase would be in the vicinity of \$3 thousand on his second tax bill. Looking further down the road was the possibility of a warrant next year for a new school. Committee Member Weisiger stated that while voters might oppose spending and vote everything down, that should not be a reason why committees should not take recognition of needs and opportunities and support spending articles. Public Works Director Ranfos stated that it comes down to getting \$730 thousand in equipment for \$55 thousand.

It was noted that being able to explain the details of this complex matter would be important to the article's passage. Committee Chairman Fleury pointed out that the committee has spent the last hour getting to the heart of the matter but that discussion at Town meeting on a single article was not apt to be afforded that kind of time. He further opined that most voters show up at the meeting with a knowledge of the articles and a predisposition of how they intend to vote. Those who had attended the School District meeting the previous Saturday would have already seen the Summary of Tax Rate sheet and would be aware of the large tax rate increase that was pending. If voters who show up have "cut fever", they are apt to take it out on the budget.

Committee chairman Fleury then recognized Pentti Aalto of the Energy Committee. Mr. Aalto stated that what this article would do was to replace a vehicle that would need to be replaced in just a few years but do it sooner at a cost of approximately \$55 thousand rather than half a million in a few years. He suggested that if the matter were presented that way, that it should meet with a greater degree of acceptance. Committee Member Weisiger focused on the fact that this opportunity would not be available in subsequent years, and Committee Chairman Fleury agreed that Volkswagen was not likely to fake emission standards, get caught again and provide another year of settlement grant funding.

Public Works Director Ranfos then reported that he had received a sample flier from Casella listing the dos and don'ts of recycling and he looked to the committee for suggestions on how best to capitalize on these fliers. He was unsure of how many could be obtained at no cost, but he questioned whether they should be handed out at Town meeting, at the transfer station, or to try doing a mass mailing. His concern with a mass mailing is that they would just end up in the recycling without being



read and the suggestions implemented. He noted that most of the problems were with people doing curb side pickup and therefore handing them out at the transfer station might not be directing them at the problem.

Committee Member Weisiger questioned whether it was too late to get this information into the Town Report or the Town Newsletter. Town Administrator Jodoin replied that it was too late for the Town Report but not for the Town Newsletter. Ms. Weisiger then recommended that it be placed in the Town Newsletter. It might also be effective if it could be posted onto Facebook or other social media platforms as those are credited with getting information out to many people.

Town Administrator Jodoin stated that placing something on the Town website is always a challenge because people want it to be on the home page so it is easily found. The problem is that everything can't be on the home page and knowing what the "hot button" topic of the day is, is anybody's guess.

Committee Members Weisiger and Hyland both expressed a degree of disappointment that Casella did not have the information more readily visible on their website.

Committee Chairman Fleury stated that another topic which might come up at budget discussions was the fact that we continue to pay more for recycling than we do for trash. Public Works Director Ranfos was quick to note that recycling fess have been coming down with \$120 per ton for recycling and \$107 per ton for trash. Town administrator Jodoin asked how much of a differential we had seen, to which Mr. Ranfos replied that it had been as high as \$153 per ton. Committee Member Hyland, drawing upon cost statistics, reported that while the program is currently losing money, since the program's inception, it has saved over half a million dollars and that 2023 was the first year that there has been a negative value in terms of savings.

Committee Member Weisiger stated that the Public Works Director's question on the recycling flier still had not been answered and that she would prefer to have a copy of the flier send to every household. Town Administrator Jodoin responded that if it were included in the Newsletter, it would reach every household but whether it was read and how effective the information would be toward correcting problems in the waste stream could not be predicted. In summary, it was decided that inclusion in the Newsletter and on the website would be inexpensive options. Mr. Ranfos also reported that he was seeking student involvement at the high school to conduct an audit of what was going into recycling. His plan was to have someone standing by the dumpster at the transfer station to caution people if they were about to discard an item that did not belong there. Committee Member Weisiger suggested that if a student volunteer could not be found that perhaps it might make a good Eagle Scout project.

Committee Chairman Fleury asked if there was any further business for the good of the order. Hearing nothing, he entertained a motion to adjourn.

**IV. Adjourn:**

Sally Hyland made a motion to adjourn at 7:48 PM. Wendy Weisiger seconded the motion and it passed without objection.

Gerry Fleury, Chairman

For more detailed information, the meetings are taped and can be seen from the Pembroke Town web-site under the heading of Recorded Meetings, which will take you to the site entitled: [https://townhallstreams.com/towns/pembroke\\_nh](https://townhallstreams.com/towns/pembroke_nh). To run the video, simply select the correct year and month and then the desired meeting.