

Members present: Kevin M. McCormick Christopher A. Rucho
Valmore H. Pruneau Steven Quist
Allen R. Phillips

Mr. McCormick convened the special meeting of the Board at 7:00 p.m.

DPW Director John Westerling is also in attendance at the meeting, which is being held to reconsider the Board's vote on April 30, 2009 to sign the contract with DCR to have them come in and clean up the brush debris associated with the ice storm.

Mr. Phillips reported on the letter the Board received from Lorraine Eddy of MEMA which indicated that FEMA will reimburse DCR the FEMA rate of \$20.00 per cubic yard and DCR has put in \$63 per cubic yard into their contract price. They are being told they need to rebid because the balance of \$43 per cubic yard will be the responsibility of the town. Mr. Phillips thinks we, as a town, might want to look elsewhere for this service.

Mr. Westerling explained that FEMA has never paid any more than \$20 per cubic yard. He met with Northern Tree Service, the winning contractor and the monitor Davey Resource Group. There were seven possible bidders and five contractors submitted a bid. Northern Tree Service was the lowest bidder and all submittals were within dollars of each other. The reason the price is high is due to the Asian Longhorned Beetle as the state, which is DCR, is requiring three passes in addition to requiring that all the brush be ground up at the end of each day. The contractor is not going to make any money because they are not going to pick up any brush on the third day and all passes need to be monitored.

Mr. Westerling noted that the gentleman from Davey was at the meeting with DCR and MEMA. FEMA uses a four cubic yards per ton. Davey realized it is eight to nine yards of brush per ton so they went through their numbers and it came down to FEMA's pricing. As of the end of business today, they have not resolved the issue of the differential in pricing. Mr. Phillips asked who hired the monitoring firm. According to Mr. Westerling it was a competitive bid from DCR. The issue is, it was all in the units and one bid cubic yards and the other in tons. FEMA pays in cubic yards, not in tons. With that Mr. Phillips feels it should be \$31/\$71, and it still does not jive.

Mr. Rucho asked did they come back with a different price? Mr. Westerling indicated that they did not. Davey said it is definitely wrong as the actual costs do not come in to what the reimbursement rate is. It comes out to be within the FEMA reimbursement rate. Mr. Phillips believes Mr. Gaumond told him we owe the monitor separate. According to Mr. Westerling, Davey has no interest in Northern and everything is triple monitored, weight pick up, weight chipped and weight when they bring it to the monitor. Mr. Phillips questions whether this should be sent out to bid again and questioned whether the RFP was valid. He has a problem that a state agency is coming into town and charging the community. They should not be the middle man or getting paid. Mr. Westerling does not think DCR is getting an administrative fee. He also noted that Brian Bullock, Town Manager in Holden brought up the fact that part of the reason it was in our best interest to go with DCR is they are fronting all the money until the reimbursement rate comes in.

Mr. Phillips voiced his concern that we still do not know what the amount is, and according to FEMA they are not paying any more than \$20 per cubic yard. Mr. McCormick noted that as of today we do not know what that negotiated figure is. If we decide to bid it out ourselves we would have to go out and borrow the money before hand or we could deficit spend before we get our 75% reimbursement. We would only have to come up with 25%, which is our share. He does not have a problem rescinding the vote, but he thinks we have a long way to go before we have all the information. Mr. Phillips recommends rescinding the vote and noted that even if the figure drops to

\$40 or \$30, we are responsible for anything over the \$20 per cubic yard, which FEMA will pay for. Should we on our own decide to do the clean up, Mr. McCormick has a concern that we may not get anybody to bid at a lower rate and we also have the Asian Longhorned Beetle issue to contend with, which increases the cost. Mr. Rucho noted the email from Ms. Eddy which stated that “from the onset, FEMA and MEMA has consistently informed applicants that FEMA will reimburse an estimated \$20 per cubic yard for debris. FEMA contract rates are established to assist communities in measuring reasonableness when bids come in for this type of work. Please note that FEMA has received and reimbursed hundreds of contracts of this type.”

If there is an added cost due to the Asian Longhorned Beetle, Mr. Phillips questioned whether the USDA should be involved. Mr. McCormick noted that if the cost is \$44 and FEMA only reimburses \$20, perhaps we should not pick up the brush. Mr. Phillips suggested having the DPW pick up the brush. Mr. Westerling explained that Shrewsbury’s brush pick up came in lower because they did not have the requirement for three passes and daily grinding of the brush. Mr. Rucho recommends rescinding the vote because the information has changed. Mr. Phillips believes the entire RFP needs to be redone. Mr. Westerling reported that all day today they have been in a meeting in Holyoke between DCR, MEMA and FEMA. Mr. Phillips’ concern is that we hire DCR and the town is ultimately responsible, and should it be done incorrectly, FEMA will not pay and it will revert back to the Town of West Boylston to pay. Mr. Westerling explained that the weight is after the brush is chipped and 8 cubic yards of brush equals one ton. He noted that it is better to pay per ton of chips. The monitoring company will have three sets of weights of the loads as will the tree company. Holden does not plan to enter into the agreement until this issue has been resolved.

Motion Mr. Phillips to rescind the vote taken by the Board on April 30, 2009 to sign the contract with DCR to have them come in and clean up the brush debris. Mr. Quist suggested doing the clean up ourselves by renting a grinder and getting some scales as he feels that would be the most economical way to do this. We have to decide that we will deal with tons not cubic yards. Mr. McCormick pointed out that FEMA pays in cubic yards of brush and we are not going to change FEMA. Mr. Rucho noted that it is \$63 per cubic yard is \$255. per ton. Mr. Pruneau feels if we do this ourselves will we have to have enough manpower to keep it going. Mr. Phillips thinks we should just rescind the vote tonight, come back after they redo the numbers, find out from Mr. Gaumond if we need to go back out with another RFP, and get a letter from FEMA that they will accept those numbers. Mr. Rucho asked Mr. Westerling if realistically his department could do this project. Mr. Westerling explained that they would have to find the equipment to rent, train the crew, bring the material to a site and rent a tub grinder, which would bring us beyond the six-month deadline FEMA gives us. Northern has the ability to bring in five crews; one for leaners, three for brush and one for tree removal. Mr. Phillips hopes FEMA will say the RFP is good and yes, we are still in agreement with the RFP. His concern is the town getting stuck with the bill. Mr. Rucho noted that the Board is taking this action due to the fact that everything has changed not because we are no longer interested in doing this. Mr. Rucho seconds the motion – all in favor.

Mr. Quist questions how long the Board can sit and allow the town to wait. Mr. Pruneau commented that we know we cannot do this. Mr. Westerling pointed out the fact that FAC47 is the state bid list and it will be the same 5 contractors. The only way we will get a different price is if DCR says there is no need for three passes and grinding every day. Should the Board put out an RFP the DCR may still have power. Mr. McCormick feels the easiest way is to get the right information from DCR as there would also be additional costs for borrowing funds. Mr. Phillips requested Mr. Westerling speak to Jeff Daley at DCR, discuss the Board’s concern over FEMA accepting the RFP,

and what is the amount we are responsible for over the \$20 FEMA reimbursement. It was agreed to include this discussion on the agenda for Wednesday night.

It was noted that the previous collection caused damage to resident's lawns, and Mr. Westerling stated that this time it will be different and there will not be any damage to the property as they will be monitored.

With no further business to come before the Board, motion Mr. Phillips at 7:45 p.m. to adjourn, seconded by Mr. Pruneau, all in favor.

Respectfully submitted,

Approved: May 20, 2009

Nancy E. Lucier

Kevin M. McCormick, Chairman

Valmore Pruneau, Vice Chairman

Allen R. Phillips, Clerk

Christopher A. Rucho

Steven Quist, Selectman