

Office of Selectmen

Post Office Box 139
Moultonborough, N.H. 03254
(603) 476-2347

STATEMENT OF POLICY No. 20

DISPOSAL OF PROJECT BYPRODUCTS AND MATERIALS

In the event that it becomes necessary to dispose of byproducts or other materials owned by the Town, or accumulated during projects completed by Town Departments, employees or Contractors this Policy provides direction regarding the disposal and transport of that property. This Policy shall not apply to any product, byproduct or material of sufficient quantity or value to fall under the provisions of the Town's Competitive Bidding Regulation. The Policy recognizes that occasionally and infrequently it is necessary to dispose of property, product or byproduct generated as part of construction or reconstruction projects undertaken by the Town through one or more Departments of the Town or through contracts for services. Disposal under this Policy shall only occur when it is in the best interests of the Town. The determination of "best interest" will be the sole responsibility of the Board of Selectmen.

Before any disposal action occurs, the following process must occur.

1. The appropriate Department Head shall identify the materials requiring disposal and shall communicate that need to the Board of Selectmen, in writing using the Disposal Agreement form attached, including a description of the material(s) in question, a best estimate of the material(s) volume, the proposed recipient and any other pertinent information.
2. The recipient must sign the *Disposal Agreement* acknowledging willingness to receive the material(s). If Town officials will use Town equipment to deliver the material(s), the recipient's signature acknowledges his or her willingness to indemnify the Town from all liability except for instances of gross negligence and willful neglect. The recipient must provide a signed *Disposal Agreement* before any consideration for approval can begin.
3. Before any material(s) change ownership, regardless of the means of transport, the Board of Selectmen must approve the transaction. The Chairman, Board of Selectmen will sign the Disposal Agreement and the approval must appear in the Minutes of a regularly scheduled Selectmen's Meeting.
4. When extreme need dictates, after Steps 1 and 2 are complete, the Chairman, Board of Selectmen may give approval for a transaction to occur providing that any approval given receives review and ratification consideration by the Board of Selectmen at the next regularly scheduled Selectmen's Meeting. Review and ratification action must then appear in the Minutes of that Meeting. Should the Board of Selectmen find fault with the Chairman's approval, the appropriate action shall be censure.
5. This Policy shall apply to all product, byproduct or material disposed of by any Department except as provided in Item #7 below.

Policy No. 20

Disposal of Project Byproducts & Materials

September 17, 2020

Page 2

6. Only during a declared emergency will the use of Town equipment occur on property owned by any elected or appointed Town official, Town employee or Town volunteer board or committee member without the expressed approval of the Board of Selectmen.
7. The RRP/WMF Facility Supervisor, subject to periodic review by the Board of Selectmen, shall have continuing authority to dispose of recyclable materials collected under existing market conditions and at current market prices.

This policy shall be effective immediately upon adoption.

Date of Adoption: July 7, 2005

Karel A. Crawford, Chairman
Edward J. Charest
Ernest E. Davis, Jr.
Jerry D. Hopkins
Brian P. Moriarty

BOARD OF SELECTMEN

Attachment: *Disposal Agreement* Form

This policy received review, revision and update on September 17, 2020.

Kevin D. Quinlan, Chairman
Joel R. Mudgett
Jean M. Beadle
James F. Gray
Charles M. McGee

BOARD OF SELECTMEN



**TOWN OF MOULTONBOROUGH
PO BOX 139
6 HOLLAND STREET
MOULTONBOROUGH, NH 03254
603-476-2347**

Map _____ Lot _____
Expiration: _____

DISPOSAL AGREEMENT

I, We _____ of _____
Street Address, Moultonborough, NH

And _____
Mailing Address _____ City/Town _____ State _____ Zip Code _____

Telephone/Cell Number _____ Email Address _____

This agreement with the Town of Moultonborough, NH, to allow the disposal of excess roadside excavation or other materials on my property is subject to the following conditions.

1. Description of material being disposed of and received: _____
2. Access to the disposal area shall be by:
____ Residential/business drive ____ Field drive or woods road
____ Other _____
3. Access to the disposal area shall be only during the times agreed to for:
____ Daily hours from _____ to _____
____ Days/months from _____ to _____
4. Town or Contractor personnel shall restrict their activity to that portion of the land specifically identified by stakes, flagging, or as otherwise agreed upon here: _____
5. I, We (the landowner) will obtain any and all local or State permits, if required to allow the disposal of the material.
6. The landowner agrees to hold the Town harmless from any and all claims resulting from the activities in accordance with this agreement.
7. This agreement will expire as of December 31st of every year, or _____ if sooner.

Landowner Signature

Date

Chairman, Board of Selectmen

Approval Date