

**Board of Selectmen  
January 13, 2010**

**Present:** Mark P. Duffy, Chairperson; Kenneth S. Paul; John J. Blackwood; Robin L. Frost, Town Administrator; and Toni Bodah, Secretary.

Also present at this time was Police Chief Ken Fifield.

Mr. Duffy called the posted meeting to order at 6:30 p.m. **Mr. Duffy moved to enter Non Public Session under RSA 91-A:3, II (a). Mr. Blackwood seconded the motion. Roll call vote: Mr. Paul – ‘aye’; Mr. Blackwood – ‘aye’; Mr. Duffy – ‘aye’. The motion passed unanimously, and the Board entered Non Public Session at 6:31 p.m.**

The Board returned to public session at 6:52 p.m., at which time Mr. Duffy called for a recess until 7 p.m. At 7 p.m. Mr. Duffy called the meeting back to order and led those present in the Pledge of Allegiance.

Those present at this time included: Donna Faucette; Peg Stevenson; Dave Lee; Dick & Margaret Wessell; John & Judy Ciardi; Fred Gray; John Hildreth; Ruth Hall; Dave Mankus; Richard Sager; Art Fulton; Charlie Edwards; Chief Ken Fifield; Daymond Steer, *Carroll County Independent*; Steve Brown; and Relf Fogg. Jim Miller and Nick Scala videotaped the meeting. Linda Mattress, Rod Cools, and Dino Scala joined the meeting in progress.

**1. Appointments**

**a) Steve Libby** – This appointment has been postponed.

**b) John & Linda Mattress** – Not present at this time.

**3. Unfinished Business (out of agenda order)**

**a) Pending Projects Spreadsheet**

--Canal Road Bridge: The bridge aid application was fully executed this evening and will be submitted to the State.

--Town Hall Renovation: Meridian has submitted a letter requesting permission to suspend the project for the remainder of the winter months. They cited 4 outstanding issues, which were confirmed by the architect. Mr. Duffy agreed the suggestion is appropriate; however, he is disappointed they were not able to complete the project on schedule. Mr. Paul noted that the shingles had to be manufactured, as they were not a stock item. The architect has also confirmed that the exterior paint used is good to 35°, and it comes with a full year warranty (beginning at the completion of the project), as does all other work. The architect will submit a figure representing the balance of work to be completed. Mr. Duffy questioned whether there are any issues with exposure. Ms. Frost and Mr. Paul agreed there were none. It was agreed Ms. Frost would advise Meridian that the Board approves the suspension as requested, stressing the importance of having the project completed by Pride Day.

--Transfer Station Design: Warren Winn is addressing a delay in wall construction. He will also address the shimming at the deck edge, which may have to be a temporary job to be addressed again later.

--WWFT Gate: A part has been ordered for the gate. Mr. Duffy questioned whether the Board should consider installation of some type of barrier. Mr. Paul does not believe that is feasible. It was agreed that Ms. Frost should investigate the cost of installing a security camera.

**1. Appointments (out of agenda order)**

**b) Linda Mattress re: Tax Map 197, Lot 15** – Ms. Mattress referred to various correspondence she has received regarding the tax deeding of her property. She stated she was at fault; however, her family has experienced a variety of personal problems. Ms. Mattress noted that the Board had commended her (and her husband) for helping their neighbors during times of need, adding that she believes that is the way things should be done. She referred to receiving a bill for 3 years' taxes equaling \$43,000 and expressed her extreme disappointment in the Board's actions. The property in question is not a second home or a property on which she is making money.

Mr. Paul referred to the penalty of 15% of valuation (adjusted for the current equalization ratio), notice of which is not cited on the Tax Collector's deeding notice. Mr. Blackwood stated that he spoke with the Tax Collector regarding the possibility of including specific language regarding the penalty on such notices; however, the software apparently does not allow that option. He noted that notice of some kind should be sent to individuals, making them aware of the potential penalty situation.

Ms. Mattress does not believe the Town should take primary residences. Ms. Frost advised that the property has been redeemed by the bank. Mr. Duffy anticipated that information regarding the penalty would be included on the tax bills. Mr. Blackwood questioned whether the Town could refund the penalty payment to the bank. Ms. Frost would need to verify. She noted that there have been similar situations in the past. In addition, the Town expects a check within 2 weeks regarding the redemption of another property (including the 15% penalty) and is in conversation with a third party expecting to do the same. State law allows for the 15% penalty. Although the Board has previously discussed the possibility of reducing the percentage of the penalty, it has not yet done so. Ms. Frost noted that the Board was firm in its denial to previous individuals in the same situation.

Mr. Duffy stated that it was a mistake for Ms. Mattress not to respond to any of the notices sent by the Tax Collector. He added that the Board does not want to accept possession of personal property; however, it is a necessary part of the job. He would like further investigation regarding inclusion of penalty notification on the tax bills.

He encouraged the public to respond to any letter from the Town—to call, ask questions and discuss the issue. Ms. Frost was directed to determine the process by which the penalty percentage could be reduced. Mr. Paul stated that the Town should send explicit information, but he agreed with Mr. Duffy that recipients of correspondence should respond.

**2. Unscheduled Matters/Public Comment (what agenda order?!?)**

--Mr. Fogg referred to a class he took in November at LGC, where he heard a presentation on ethics and conflict of interest. He referred to item 3.c on the agenda (Legal Services) and questioned, in an effort to avoid any conflict of interest, whether any of the firms that submitted proposals have ever represented any of the members of the Board of Selectmen personally. Mr. Duffy responded that they had. Mr. Fogg questioned whether that would constitute a conflict of interest. Mr. Duffy does not believe so, adding that selection of legal representation for personal reasons is that individual's personal business. Mr. Fogg stated that, as a public official, he would want to make sure that his personal attorney had no future interest in making money from the Town. Mr. Duffy noted that Mr. Fogg has been quite vocal about one of the law firms being considered and wondered whether Mr. Fogg should exclude himself from Budget Committee discussions regarding legal services. Mr. Fogg stated he would excuse himself if he personally had business with any of the firms.

Mr. Duffy wondered whether it is ethical that Mr. Fogg has been spearheading the effort regarding the Town's legal services and, while a Budget Committee member, has continually made derogatory remarks about Town Counsel. Mr. Fogg stated he has tried to spearhead the effort to get bids for legal services, noting that \$32,000 to \$34,000 for legal services is a lot of money. He referred to the Town's policy that contracts over \$5000 should go out to bid, believing that public officials should abide by that policy. Ms. Frost explained that no contract had been signed for legal services, rather services have been provided at-will. If so inclined, the Board can utilize the services of another firm at any time. Mr. Fogg stressed he is working for the taxpayers' best interest. Mr. Duffy stated that he is as well.

Mr. Fogg advised he has made an effort to mend fences and is looking towards the future. He would hate to see someone who Town Counsel has represented personally make a promise of extra funds. He questioned how many Board members have used the same firm, noting he would have no interest if he did not believe there was a potential for conflict of interest. Mr. Duffy stated he feels comfortable making a decision on the proposals received. Mr. Fogg noted that some firms were disappointed that they had not received correspondence or indication of the direction the Town will take. Mr. Duffy stated notification will not be sent out until the proposal for services is awarded. He added that the possibility always exists that a conflict of interest will arise.

Mr. Fogg referred to an email from counsel regarding a subdivision on Pine River Pond. Mr. Steer asked about efforts to develop a policy on e-mails. Ms. Frost advised she is still gathering information for the Board's review.

--Mr. Fulton referred to comments made at the Public Hearing last night about CROW. He stressed that CROW is not out to hurt anybody and is trying to work for the taxpayers of Town. In business, if there is no work, employees are laid off. He is not trying to put anybody out of work; however, there is not enough business in that department (building office) to warrant a full-time person. Mr. Fulton referred to the CEO as having a part-time job in New Durham, noting he is likely making a good salary if he can do both jobs. Mr. Fulton asked for justification for a full-time position in a department that is not paying for itself. He stated that members of the Planning Board have said they don't have time to do the planning job, so they need a planner. Mr. Fulton does not believe the Town needs a full-time planner or a full-time person in the building department.

Ms. Frost noted that Mr. Capello has explained several times at various public meetings his justification for funding of that department, including at Budget Committee meetings. Mr. Duffy added that Mr. Capello has also attended a CROW meeting. He added his opinion that the Town needs a full-time code enforcement officer. Discussion followed regarding the hours Mr. Capello worked last week. Ms. Faucette stated these questions should have been asked when the CEO was present at last night's meeting, adding that it is inappropriate to discuss the individual when he is not present.

Mr. Duffy stated that the number on the table is \$75,000. It is the Board's duty to deal with that number.

--Ms. Hall introduced herself and expressed her willingness to answer any questions about her proposal or her views on conflict of interest.

### **3. Unfinished Business**

**b) Interim Planning Services** – Mr. Duffy stated that the Budget Committee has given the Board a number with which to work, so this issue is off the table for now.

**c) Legal Services** – Mr. Duffy questioned whether the other members had an opportunity to review the 4 proposals received. Mr. Paul asked Mr. Sager (in the audience) to explain what is covered under his retainer. Mr. Sager stated that his retainer has been consistent throughout his relationship with the Town. He advised that the suggestion of a retainer is given to encourage Town officials to call *before* there is a problem. Sometimes people hesitate to pick up the telephone when a charge is associated with such a call. Basically the retainer takes care of routine telephone calls. Mr. Sager noted he speaks with the Town Administrator daily, and often with the Trustees of the Trust Funds, Budget Committee Chair and the Chair of the Planning Board, when they have quick questions that are non-litigation related. It includes routine e-mails.

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Mr. Sager referred to his considerable history with regard to Town issues. He does not charge separately for his attendance at Town meetings. If the Board does not wish to consider use of a retainer, that is fine; however, he does recommend its use, as he believes it helps to avoid issues that may otherwise become a problem. Mr. Duffy noted he has often been asked exactly what is covered under the retainer, and what is not covered. Mr. Sager stated that if there is a simple answer to a question, it is covered under the retainer. If the answer is more involved, then it is billed separately. Issues requiring research will be billed; if one call requires another call, it will be billed. Mr. Sager stated that the retainer roughly covers an hour per week, and he added that he currently spends well over one hour per week dealing with routine issues. If there is no retainer, the Town would see more charges on the itemized bills.

Mr. Duffy noted that Ms. Hall's proposal includes a lower retainer than Mr. Sager's proposal, and the hourly rate is less. However, he is concerned that she has no municipal experience. Ms. Hall (in the audience) does not believe her lack of municipal experience is an issue, noting one does the research and gets a handle on the situation quickly. She noted she has been involved in situations against other towns. Ms. Hall noted that another reason for a retainer, is that when you take on any far-reaching organization, you must give up other potential cases that may come into your office. She stressed that it would be Town Counsel's duty to avoid any apparent conflict of interest or anything that smacks of same. She referred to a scenario at a ZBA meeting where she might have to reclude herself. Any issue requiring less than 15 minutes would be covered under Ms. Hall's retainer, up to 4 hours, with an itemized bill for anything over that. This time would not accrue. Ms. Hall has been a litigator for 22 years and is comfortable in court, and she noted it would be great to have the opportunity to do so for the Town of Wakefield.

Mr. Duffy is not comfortable with selecting a firm located out of town. Mr. Paul is not comfortable with those in town, referring to the need for a little separation. Mr. Duffy noted that the Board had proposed a number for the 2010 budget for legal services, adding that the potential exists to go over-budget depending upon the litigation involved. Mr. Blackwood spoke to keeping the local people involved, noting the firms located out of town have no investment in this town. People who live in this town and pay taxes here should have the job.

Mr. Paul is disappointed to have received only 4 proposals and asked where the RFP had been posted. Ms. Frost advised it was advertised in the *Union Leader*, *Fosters*, *Carroll County Independent*, and on the Town's website. Mr. Blackwood stated that Mr. Sager's track record for the Town of Wakefield has been good, and he stressed Mr. Sager's historical knowledge of Town issues. Mr. Duffy noted the Town has worked with Mr. Sager for the 10 years Mr. Duffy has served on this board. Mr. Sager has been very thorough in court, and Mr. Duffy sees no reason to make any change.

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He noted that Ms. Hall's proposal is a good one, at a slightly lower cost. However, Ms. Hall's lack of the necessary insurance, as well as her lack of municipal experience, is a concern to him. Ms. Hall qualified that she is willing to obtain the necessary (expensive) insurance if her proposal is accepted, noting that she gave up that insurance during a short period when she took a hiatus from her practice.

Mr. Paul referred to the other Board members' leaning towards staying with Sager Law and questioned how they each felt about the retainer. Mr. Duffy is in favor of the retainer. Mr. Paul suggested establishing a procedure whereby questions should first go to LGC, noting it is easy to call Mr. Sager and get an answer, but at a cost of \$9000 per year. Ms. Frost stressed that LGC is contacted. Mr. Duffy agreed access to Town Counsel should be given consideration. Mr. Paul suggested access be limited to Department Heads/Chairs. He asked Mr. Sager whether the Board could elect to not use a retainer and then change the process at a later date. Mr. Sager is willing to accommodate the Town and is willing to keep track of his time with quick phone calls to determine whether the retainer is the best deal for the Town.

Mr. Paul noted that if an out-of-town firm were chosen, the number of phone calls made would likely drop. That could be good...or bad. Mr. Duffy agrees a procedure should be developed for contacting Town Counsel. He, personally, first makes contact with the Town Administrator. She may contact Town Counsel; however, she also communicates with LGC. Often, LGC refers her to Town Counsel. Mr. Paul still believes this position is difficult to have when you live in Town, noting you are approached even when you are out to dinner. He referred to the many areas of town government in which Mr. Sager is involved, adding his opinion that there should be some separation. Mr. Sager stated the only other involvement he currently has is as School District Moderator.

Mr. Duffy suggested we first use no retainer, with Mr. Sager to track those items that would have come under the retainer. He further suggested development of a procedure for contacting Town Counsel. Mr. Paul referred to this service being "at will." He noted that next week the Board could ask another firm to come in for conversation. Mr. Paul had hoped to receive proposals for firms in Rochester; however, Exeter is too far. Mr. Duffy noted that if we need Town Counsel at a meeting, it is convenient to have that firm close by. Mr. Paul agreed; however, he noted that decisions made could personally affect Town Counsel, if he is part of the community. He noted it makes it difficult for several positions in Town, not just Town Counsel.

Mr. Duffy suggested we proceed with the current Town Counsel for 2 months without a retainer, set up a procedure for contacting Town Counsel and explore the LGC route. Ms. Frost stressed it can often take time to get a response for LGC, adding that is the exception rather than the rule. Mr. Duffy stated that a time limit could be included in the procedure.

Mr. Sager expressed concern that if people know they are paying for a call, will the calls be less frequent and the comparison not be equal. He suggested we could continue with the retainer for several months, while he logs all calls into a separate account. He personally is not sure which route is best for the Town. **Mr. Duffy moved to continue with the services of current Town Counsel, to include a retainer, with the understanding that the retainer issue will be revisited in 2 months, and that the Board develop a procedure for contacting Town Counsel. Mr. Blackwood seconded the motion, which passed 3-0.**

#### **4. New Business**

**a) Appointment to Cable Advisory Board** – The CAB has recommended the appointment of Nick Scala as an alternate. Nick has been helping out with the videotaping for several weeks. **Mr. Duffy moved to appoint Nick Scala as an alternate to the Cable Advisory Board, for a term through March of 2011. Mr. Blackwood seconded the motion, which passed 3-0.**

**b) Appointment of Deputy Treasurer** – Ms. Bodah has served as Deputy Treasurer for a number of years, and it is time to have a “current” appointment on file. The Treasurer, Chris Fothergill, has recommended the Board make this appointment. **Mr. Duffy moved to appoint Antoinette Bodah as Deputy Treasurer, for an indefinite term. Mr. Blackwood seconded the motion, which passed 3-0.**

**5. Correspondence** – None forthcoming.

#### **6. Unscheduled Matters/Public Comment #2**

--Mr. Mankus referred to his appointment as Cemetery Sexton for the Cemetery Trustees. He noted there had been 2 issues with the new Town cemetery. The first issue was one of large rocks in the cemetery. Mr. Mankus was able to address that issue utilizing his own backhoe. Another issue is title to the cemetery property. Mr. Mankus noted the issue seemed to be with Chuck Robbins; however, the Cemetery Trustees were not invited to those meetings. The issue continued through 2008. Mr. Mankus referred to the budget of \$32,000 for legal services and questioned whether some of those funds could be used to obtain either a separate title opinion, or title insurance, or an opinion from a second attorney. Mr. Mankus noted the Town never received a quitclaim deed from Mr. Robbins, although it did receive one from Paul Quinn. Mr. Mankus suggested having a title company provide a title opinion would lay the issue to rest. He noted there may be those other than Chuck Robbins connected to that failed development who believe they have a claim.

Mr. Duffy stated that the Town acquired ownership of that land due to nonpayment of taxes. As the roadway on the plan was never developed, that land reverts to the abutters—in this case the Town.

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Mr. Mankus noted this is a complex issue, adding it could not have been clear in 2007 if the Town spent funds in 2008 to address. Mr. Duffy stated that \$2400 was spent in 2008 at the direction of the Board to clear up this very issue. Mr. Mankus indicated the Cemetery Trustees expressed concern about the title, but were told there were not funds in the budget to get a second opinion. He noted the Cemetery budget is very small.

Ms. Frost noted that this issue was addressed to the satisfaction of the Board of Selectmen, adding that the Cemetery Trustees never came to the Board seeking additional information. She also stated that the Cemetery Trustees can appoint a sexton and assign that individual specific duties; however, in this case the Cemetery Trustees need to approach the Board. Mr. Mankus, as a citizen, asked whether the Cemetery Trustees can utilize funds from the general legal line to obtain a title opinion. Ms. Frost will contact Al Mayranen, Chair of the Cemetery Trustees, about this issue. Mr. Mankus referred to rumors circulating about action to be taken once interment has occurred at the cemetery.

Mr. Duffy stressed that the issue was handled to the satisfaction of the Board of Selectmen, adding that the expenditure of additional funds is not necessary. The Board is confident this situation is "ok." Ms. Mankus noted that the entire issue, including the taking of the property, was handled by one attorney. He then referred to the request of Chuck Robbins for a settlement and questioned whether Town Counsel could provide title insurance.

--Mr. Wessell noted that last night the Budget Committee discussed the proposed contract for the School's paraprofessionals. He pointed out that 1) the paraprofessionals took the Town to court, which ruled for the need for a Special Town Meeting; 2) the Meeting was held and the paraprofessionals lost the vote; 3) the Town was unable to send out tax bills before the end of the year; and 4) the Town had to borrow money to meet its financial obligations. Mr. Wessell questioned how much it cost the Town to go to court, hold a Special Town Meeting and borrow money. Ms. Frost advised that there was no cost to go to court, the School District (taxpayers) covered the cost of the Special Town Meeting, and interest on the TAN will be about \$6700. Mr. Wessell referred the paraprofessionals having lost the vote in mid-December; however, a Union contract was hammered out by last night. He feels it is too bad that was not accomplished much earlier, before having a Special Town Meeting.

--Mr. Fogg questioned whether there is a way to increase the number of Budget Committee meetings. Mr. Duffy stated that is up to the Chair of the Budget Committee. Mr. Fogg asked whether there are rules of procedure available. Ms. Frost referred Mr. Fogg to the State RSA's, which, although they require specific meetings, she does not believe restrict the number of meetings. A brief discussion followed as to the potential benefits of additional meetings.

--Mr. Sager advised he received a proposed warrant article from Don Whittum, representing someone involved in the chain of title to the Union Schoolhouse. It is up to the Board as to whether the article is included in the warrant. The property on which the Union Schoolhouse is located, by deed reverts to the former owner (or heirs thereof) in the event the building is no longer used as a school (which is the case). Mr. Whittum is looking for the Town to vote to allow that to happen. Discussion followed as to why a vote is necessary if the restriction is in the deed. Mr. Sager noted that article missed the deadline for petitioned articles; therefore, it is up to the Selectmen as to whether to include. Ms. Frost will discuss with School officials.

The meeting recessed briefly to allow for tapes in the cameras to be changed.

## **7. Administrative Matters**

**a) Liaison Reports** – **Mr. Paul:** WPI is looking at a grant from OEP regarding energy conservation. To date, they have raised a total of \$400,000 for the opera house project. A subcommittee, via the Bearded Wonders events, has raised \$31,000 for Southern Carroll County Hospice. This group was called to assist with the H1N1 clinic. They have about \$64,000 in unrestricted funds and are considering removing the old plaster, installing drywall and new lighting. Some insulation may be necessary. The Pride Day committee will meet on January 18 at 2 p.m. at the Poor People's Pub. Victor Becker will contact Salmon Falls Architecture to update the cost estimates for completion of the project. WPI would continue to work for the "extras."

**Mr. Blackwood:** Planning Board approved a 2-lot subdivision on Access Road.

**Mr. Duffy:** Everyone is aware of the results of the Budget Committee meetings. The Board will need to meet with the Planning Board to address changes in that budget. Mr. Paul questioned whether an applicant with a major plan could be required to pay for necessary professional planning services directly. Ms. Frost thought such a cost could be estimated and held in escrow.

Mr. Dino Scala asked to speak regarding a petitioned warrant article submitted without the required number of qualified signatures. He is requesting that the Board consider including this article on the warrant. Mr. Scala explained the article stated that the citizens of NH should be able to vote on the definition of marriage, adding that such should not be decided in Concord. He noted that all 224 towns in NH are being approached with a similar article. He stressed that it really doesn't change anything, it is merely a survey of the 224 towns, with the results to go to the Statehouse for information and consideration. Ms. Scala indicated this article is not politically charged, rather it affirms that the decision belongs to the residents of NH. Mr. Blackwood questioned what would happen if the article goes to the State. Mr. Scala advised the issue would have to go to Constitutional Convention, with the possibility of amending the State constitution. Mr. Sager stated it is an advisory article only, which the Board has an option of including.

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Mr. Scala confirmed to Mr. Duffy that any change in the State constitution would go to the voters of the State of NH, adding it would require a 2/3 vote.

Mr. Scala announced that he, Jeb Bradley and Joe Fleck would be holding a Town Meeting on February 8 at 6 or 6:30 p.m. in the Opera House. Mr. Bradley will focus mostly on health care. Mr. Fleck and Mr. Scala will be prepared to field questions as well.

Mr. Mankus questioned whether it is possible that not all towns will include the referenced article on their ballots. Mr. Scala, noting the difficulty faced by SB2 towns, estimated that 80% of the towns will include the article on the warrant. **Mr. Paul moved to include the article, wording to be supplied by Mr. Scala, on the 2010 warrant. Mr. Blackwood seconded the motion, which passed 3-0.**

**b) Administrator's Update**

--Ms. Frost referred to a prior suggestion by Mr. Kasprzyk to designate Town-owned property on Pray Hill as a Town Forest, and to designate several Town-owned islands on Balch Lake and Pine River Pond as loon nesting sites. Mr. Duffy thinks the Town Forest suggestion is a good one. He wonders whether a portion of that property could be used as a reservation for Boy Scouts. If the islands were so designated, then people would stop going on them and Fish & Game would assist in monitoring. Mr. Miller is concerned about limiting use of property that is actually owned by the public. Mr. Duffy stated the concern is the Town's liability. Mr. Miller noted that the islands on Pine River Pond have been used for years, and cautioned the Board to move slowly before stopping the people from using public land. He noted they have a loon patrol on Pine River Pond. Mr. Duffy noted that the point is taken. Mr. Paul suggested at least posting the islands for liability reasons. Mr. Lee does not believe the islands under discussion are conducive to loon nesting.

Discussion followed regarding the Pray Hill Road property. There would be no limitation to the existing snowmobile trail. Conditions for use would need to be established. Ms. Frost noted this does not need to happen this year, adding we can take time to research and decide on the limits for use. Mr. Blackwood noted another possible location for a Town forest is near the new Town cemetery.

**Mr. Blackwood moved to include an article designating the Town-owned parcel on Pray Hill Road as a Town Forest. Mr. Duffy seconded the motion.** Mr. Paul is still concerned with conditions to be applied and who is to manage. Mr. Sager suggested the Board include the article on the warrant, but review RSA requirements with the view to amend the article at Deliberative Session "to study whether this property should be a Town Forest, to be voted on in 2011." **The motion then passed 3-0.**

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--Ms. Frost advised that the Board must vote whether or not to recommend the article appropriating \$11,000 for the historical section of the Master Plan. **Mr. Duffy moved that the Board recommend the \$11,000 article. Mr. Blackwood seconded the motion, which passed 3-0.**

--Ms. Frost advised that the Board must vote whether or note to recommend the article relating to the Operating Budget. **Mr. Paul moved to recommend the article appropriating \$3,977,336 as an Operating Budget for 2010. [The figure of \$4,262,662 represents all proposed expenditures.] Mr. Blackwood seconded the motion, which passed 3-0.**

**c) Building Permit Releases – Mr. Blackwood moved to approve building permit releases for Gelsomini on Crew Road. Mr. Duffy seconded the motion, which passed 3-0.**

**d) Minutes – Mr. Paul moved to approve the minutes of December 23, 2009, as presented. Mr. Duffy seconded the motion, which passed 3-0.**

**e) Non Public Session – Mr. Duffy moved to enter Non Public Session under RSA 91-A:3, II (a). Mr. Blackwood seconded the motion. Roll call vote: Mr. Paul – ‘aye’; Mr. Blackwood – ‘aye’; Mr. Duffy – ‘aye’. The motion passed unanimously, and the Board entered Non Public Session at 9:05 p.m.**

The Board returned to public session at 9:50 p.m. There was a brief discussion regarding the situation involving Map 197, Lot 15. **Mr. Duffy moved to execute the deed from the Town to John & Linda Mattress, reflecting the redemption of Map 197, Lot 15. Mr. Blackwood seconded the motion, which passed 3-0.**

There being no further business, the meeting adjourned at 10:02 p.m.

Respectfully submitted,  
Toni Bodah, Secretary