

Board of Selectmen

March 24, 2010

Present: Mark P. Duffy; Kenneth S. Paul; Peter M. Kasprzyk; Robin L. Frost, Town Administrator; and Toni Bodah, Secretary.

Also present were: Dave Lee; Dick & Margaret Wessell; John Waitner; Connie Twombly; David Mankus; Fred Elliott; Dave Tibbetts; Arthur Fulton; Katherine Miller; Cheryl Labrie; Relf Fogg; Steven Brown; Shamus Keating; Bo Keating; and Daymond Steer, *Carroll County Independent*. Joining the meeting in progress were John Fournier and Warren Winn.

The posted meeting was called to order by Mr. Duffy, who then led those present in the Pledge of Allegiance. Mr. Duffy welcomed Peter Kasprzyk as the newly elected member of the Board.

Board Organization – Mr. Duffy moved to appoint Kenneth Paul as Chairperson. Mr. Kasprzyk seconded the motion, which passed 2-0-1.

Mr. Paul moved to appoint Mark Duffy as Vice Chairperson. Mr. Kasprzyk seconded the motion, which passed 2-0-1.

1. Appointments

a) Katherine Miller, DTC, re: Cable Contract with Time Warner – David Tibbetts, Chair of the Cable Advisory Board (“CAB”), joined Ms. Miller and the Board at the table. Ms. Miller advised that she has received the existing franchise agreement, copies of communication between the Town of Wakefield and Mike Edgecombe of Time Warner, as well as the draft of the proposed new contract. She gave a brief overview of the renewal process. Ms. Miller indicated the Town will need to determine how happy it has been with the services of Time Warner and its build-out into the community, etc. She referred to the competition with satellite companies, as well as Fairpoint Communications, a possible competitor in 3-5 years. DTC will prepare audit questions.

Ms. Miller stated that targeted ascertainment hearings will be held, seeking input from Public Safety, the school system, etc., regarding future needs. She noted that some towns are challenging the telephone companies and cable operators to pay taxes for use of the public right-of-way. Following the hearings, DTC would then assist the Town/CAB to develop a renewal proposal. Rates, channel selection and technology are the province of the cable provider. Mr. Fogg asked about discounts for senior citizens, which were in the original contract but which are no longer being honored. Ms. Miller stated that some cable providers only offer this discount to low/moderate income seniors. We can explore Internet and digital telephone service for the Town. Ms. Miller suggested that perhaps a committee could be appointed to interface with her, or perhaps the Board will retain that authority. She did note that it is a 3-year renewal window, which is just beginning.

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Mr. Tibbetts reviewed the history of cable providers in Wakefield. Mr. Fogg noted that Mike Edgcombe's boiler plate contract was very similar to the CAB draft. Mr. Fogg would like to get a second channel in order to get students involved. Mr. Duffy indicated that Time Warner is willing to negotiate early, and added that CAB is anxious to implement franchise fees, which are targeted primarily for PEG channel operation. Ms. Miller indicated that, by law, the community is entitled to 5% of cable cost. In addition, it may be possible to charge the cable provider for use of the public right-of-way. However, both of these costs are passed onto the subscriber.

Mr. Tibbetts noted that not all areas of town have access to cable; however, those that do should help with the operating costs. Discussion followed regarding the build-out requirements. Ms. Miller noted that cable providers sometime spread out the cost for build-out over a period of time.

Mr. Fogg would like to get an idea from the public (at the referenced public hearings) as to where they would want to set the franchise fee. Ms. Miller indicated it would be possible to establish the percentage as a range, to increase by a vote of the Board of Selectmen. She also noted that the community can request funds from the provider; however, this cost is also passed onto the subscribers and would likely involve an interest charge.

Mr. Duffy referred to the government's proposed broadband expansion program. Ms. Miller believes this is more focused on wireless providers.

Mr. Kasprzyk questioned whether funds could be generated by hosting commercials. Ms. Miller indicated the rules are similar to those for public radio and tv, whereby programs may be underwritten, but actual commercials are not allowed. Mr. Paul asked whether it is common for towns to receive free cable, Internet and phone service in Town buildings. Ms. Miller stated that it is common to get free basic cable and free Internet at schools and libraries; however, she is not aware of free telephone service. She advised Mr. Duffy that it would be possible to explore digital radio service as used by the Police and Fire Departments.

Ms. Miller will prepare audit questions for both the Town and Time Warner and will forward them in draft form to the Selectmen. She will also send material in order to establish a public hearing. Notification of this hearing should be sent to the Fire Chief, Police Department, School representative, libraries, as well as other organizations as appropriate. It was agreed that the public hearing would be held on May 12 as part of the Selectmen's meeting. Mr. Fogg questioned whether public input could also be obtained at CAB meetings during April, to be submitted to the Board of Selectmen. Ms. Miller noted that any input is good, adding that written comments are acceptable.

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b) Warren Winn, TS Manager, re: Business Haulers for MSW – Mr. Paul stated that some business haulers are having issues with the location of the new compactor and questioned whether Mr. Winn has any suggestion to alleviate the issue. Mr. Winn noted that the TS crew is on site on Thursday, when the facility is closed to the public. They are also on site by 6:30 a.m. each morning. Mr. Kasprzyk believes that access on the weekends will be important to the business haulers. Mr. Duffy understands from Jim Keating that weekends are important; however, he would still need access during regular hours of operation. Mr. Winn indicated that the biggest problem occurs when the big trucks come in during regular business hours and open the gate to the compactor, which stops the compactor from operating. Then it is difficult to get the compactor running again, as it is jammed with MSW. Mr. Kasprzyk indicated that allowing the business haulers in prior to opening to the public might allow them to get closer to the compactor. Mr. Paul noted that the business haulers would need to close the main gate behind them, as the public is often lined up waiting to come in. Mr. Kasprzyk noted that good signage would also be important.

It was agreed that the business haulers will be allowed to access the transfer station, Fridays through Mondays, from 7-8 a.m. Mr. Winn will report any problems. He noted that he expects to hear complaints from other members of the public. Ken, from Woodman Forge, suggested designating the old compactor for use by business haulers only. Mr. Paul noted it is intended we will use the old compactor for plastic. Mr. Mankus wonders how these decisions get made. He noted that the old compactor took 100% of all of the town's waste for years, adding that to relegate it to only plastic seems to be a waste. He stated that some towns compress aluminum and plastic together and wonders whether this might bring in more money to the Town. Mr. Mankus stated that given the size of the container, we may only use ½ of the container during the summer. Mr. Winn explained that plastic must be kept out of the sun, and no other storage for plastic is available at this time. Mr. Winn also advised Mr. Mankus that aluminum cans are crushed by the Town's skid steer and hauled to Madbury.

Mr. Mankus questions the definition of a commercial hauler. He also indicated that the schedule mentioned previously will not work for him personally. His crew picks up the trash on Fridays in order to prepare for the weekend. Their truck is loaded by noon, and it would be helpful to have access at the end of the day. Mr. Paul questioned why the truck could not be unloaded at the transfer station on Saturday morning. Mr. Mankus stated he has never held trash overnight as it can attract raccoons and bears. Mr. Paul noted it would be difficult on the transfer station crew to stay late when they have arrived on the job so early. Mr. Mankus stressed that it works well to come in at the end of the day. He can get to the station between 10 a.m. and 1 p.m. on Mondays. He added that he does not consider himself a commercial hauler. Mr. Duffy agreed that the appropriate term is a business hauler.

Mr. Paul stressed that this will be a work in progress. He agrees it is better to send in 1 truck rather than 100 cars. He suggested that perhaps Mr. Mankus could adjust his schedule.

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Mr. Mankus is still concerned about holding the trash overnight. Mr. Kasprzyk noted that the adjustments will need to be made on a trial basis, and he suggested that perhaps the crew could be staggered to accommodate being open 1 hour later in the afternoon. Mr. Duffy wonders whether having access during the week, when the facility is closed to the general public, would help. Mr. Mankus feels he must pick up the trash on Friday mornings and again on Monday mornings. Mr. Kasprzyk again suggested staggering the crew. It was noted that it would be difficult to convince non-business haulers to leave at 3 p.m. if business haulers are on site. Shamus Keating stated that signage at the main gate would be important. Ms. Frost noted it would be helpful if the business haulers assist the situation by closing the main gate behind them.

Shamus Keating referred to the hopper being placed in a difficult location. He believes there will be a back-up in any event, but he is willing to try this new system. Mr. Winn referred to the substantial amount of money saved by the Town by locating the new compactor in its current position as the cement was already in place. It is also already under cover, so the Town is not paying for water being compacted with the MSW. He agreed a new system will be one of trial and error.

Mr. Duffy questioned whether there are plans to have lines painted for travel lanes. Mr. Winn stressed the importance of keeping people/vehicles moving. Mr. Kasprzyk referred to the placement of the cardboard container. Consideration is being given to relocating that container.

Mr. Paul is looking for consensus as to which days the station will stay open later for business haulers. Ms. Frost suggested time be allowed during the next week for her and Mr. Winn to work on the schedule, with the changes to take effect during the first weekend in April. Mr. Duffy hopes that those being given this additional access be limited to the six business haulers currently on record. Mr. Paul agreed. Mr. Kasprzyk noted that Mr. Mankus is hauling trash for 70 families that are not paying for transfer station stickers.

Ms. Twombly received clarification from Mr. Paul that it is anticipated that business haulers with full truck loads will access the facility during specific hours so that traffic does not get backed up. Shamus Keating believes this will pose a problem, adding that he expects there will still be a back up because of the location of the hopper. Mr. Kasprzyk stressed that the Board, and the transfer station crew, are making an effort to accommodate the business haulers. Ms. Frost suggested communicating with her regarding any issues.

Mr. Duffy believes that signs and lines are important. Mr. Winn noted that many vehicles come in hauling a trailer, which would make pulling into specific parking spots difficult. He stressed the need to keep traffic moving. In response to a question from Bo Keating, Mr. Winn stated that the location of the new compactor is working well, and he has received many compliments.

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He admits things may be different in July. Mr. Winn again stressed the cost savings (in the area of \$100,000) to the Town in having the new compactor in its current location. Mr. Waitner wonders whether it might be possible to come up with a chute so that the business haulers do not have to carry each bag to the compactor.

2. Unscheduled Matters/Public Comment

--Mr. Waitner provided the Board with photographs of the bridge on North Wakefield Road, showing the poor condition of that bridge. Mr. Waitner had spoken previously with Ms. Frost about this situation, as well as with Dan Davis. Mr. Davis referred Mr. Waitner to the State, who advised the bridge was graded as #4 on a scale of 1-9. Ms. Frost confirmed that this bridge has been red-lined by the State. Mr. Waitner has been told that a state inspector was on site in December of 2009, at which time a patch was done. He believes the bridge has been inspected since then, although the Town has not received any report, and he further believes it has been down-graded to #3. At #2, the State will close the bridge. Mr. Waitner presented a petition from residents in that area, requesting that the Town post the weight limit for this bridge at 15 tons (down from 40 tons) until necessary repairs can be made. Ms. Frost indicated that the State previously recommended an E-2 posting (as described above), with which the Town had complied. She will discuss the issue in more detail with Nancy Mayville at DOT.

Mr. Waitner indicated that he has reviewed the relevant RSA's, which allow emergency vehicles to travel on the bridge regardless of the 15 ton weight limit. Mr. Kasprzyk suggested that the Heritage Commission may wish to become involved in the project, as the bridge was originally built around 1900. Mr. Paul referred to a current logging operation in that area. He thanked Mr. Waitner for bringing this to the Board's attention, adding that the Board will review available options.

--Mr. Lee stated that the snowmobile club is seeking permission to do some work on a Class VI road (Pray Hill Road), to include applying for a grant from the State to install a culvert in an effort to divert some of the runoff and avoid washouts. Mr. Kasprzyk suggested that AWWA may be able to be of assistance in addressing this issue. Ms. Frost believes this would be a good idea, adding it would not preclude the group from obtaining a grant. **Mr. Duffy moved to authorize Kenneth Paul to execute the grant application. Mr. Kasprzyk seconded the motion, which passed 3-0.**

3. Unfinished Business

a) Pending Projects Spreadsheet

--Canal Road Bridge: One procedure to get on the bridge aid list is through a municipally managed project. There is a chance we can use engineers with whom the Town is currently working (CMA). Ms. Frost is pursuing this option.

--Transfer Station Design: As a result of a previous conversation, both the hours and the traffic pattern may be adjusted.

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--WWTF Gate: No new information.

--WWTF On Site Disposal: Responses to RFP are due April 12.

b) Capitalization Threshold – Ms. Frost advised that our new auditors are assisting us to eventually be GASB 34 compliant. This will require tracking of capital assets. The Board must set a threshold for capitalization of these assets. Typically, towns of similar size establish a threshold of \$10,000. Any change in this limit must occur by vote at a meeting. Mr. Paul stated that \$10,000 seems to be a reasonable amount. **Mr. Duffy moved to establish the threshold for capitalization at \$10,000. Mr. Kasprzyk seconded the motion, which passed 3-0.**

c) DES Letter of Deficiency – Ms. Frost advised this letter refers to the culvert installed on Bonnyman Road. DES has given the Town a list of things to be accomplished by May 17, to include a restoration plan by a certified wetlands scientist. Peter Cooperdock is familiar with the site and will submit a proposal. Mr. Kasprzyk suggested that the Code Enforcement Officer be contacted prior to replacement of any culvert. There is an emergency notification plan.

4. New Business

a) Fire Department Call Stipend – Chief Nason has expressed concern regarding coverage for night duty. Although he does not believe it is an issue of money, he hopes that if the stipend were increased others might become interested. The current stipend is \$25, and he suggests increasing it to \$40. The Chief anticipates he will be able to accomplish this within his budget. **Mr. Kasprzyk moved to increase the Fire Department call stipend to \$40, effective as of April 5. Mr. Duffy seconded the motion, which passed 3-0.**

5. Proposed CRF Expenditures

a) Parks & Rec – Wayne Robinson would like to purchase some material for the Babe Ruth infield. There is approximately \$1100 in the field maintenance CRF. Mr. Robinson would like to use all the CRF money first (leaving the balance at zero), then pay the remainder out of his regular budget. **Mr. Duffy moved to expend the balance of the Field Maintenance CRF for the purchase outlined above. Mr. Kasprzyk seconded the motion, which passed 3-0.**

b) Police Cruiser CRF – Chief Fifield advises it will cost \$893.58 to equip the new police cruiser. **Mr. Kasprzyk moved to authorize the expenditure of \$893.58 from the Police Cruiser CRF to equip the new cruiser. Mr. Paul seconded the motion, which passed 3-0.**

c) Technology CRF – The cost of a new server, as discussed during the budget process, is \$13,565. Perhaps the old server could be put out to bid.

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Mr. Duffy moved to authorize the expenditure of \$13,565 from the Technology CRF for the new server. Mr. Kasprzyk seconded the motion, which passed 3-0.

6. Correspondence

a) David Tibbetts re: Expiration of Cable Advisory Board Term – Mr. Tibbetts' term on the CAB will expire this month, and he does not wish to be considered for reappointment. The Board expressed appreciation for all Mr. Tibbetts' hard work over the years. We are beginning to receive requests for appointments to the various boards, which requests are being forwarded directly to each board for their recommendations.

b) NH DOT 2010 Resurfacing Program – DOT plans to repave Route 153 from the intersection at Wakefield Road to the Maine State line.

c) Jerry O'Connor re: Communication with DRA – Mr. O'Connor has requested a written response within 5 days of this meeting. He is looking for evidence as to how he was identified as a complainant to the Attorney General's office. Ms. Frost advised that she has discussed this issue with Mr. O'Connor and has advised him that all communication with the Attorney General's office and DRA was via telephone, not via email, until receipt of a letter from Michelle Clark of DRA on March 8, 2010. Ms. Frost will draft a response for the Chair's review.

7. Unscheduled Matters/Public Comment #2

--Mr. Waitner questioned whether the Board has received any communication regarding the damage done to the freight house's roof. Ms. Frost advised no information has yet been received. She will follow up on this issue.

--Mr. Fogg suggested a fund raiser to assist the Heritage Commission in hiring a professional grant writer for its portion of the Town's Master Plan. Perhaps 44 people could get pledges for \$10 per mile. Mr. Paul noted that there are no plans for a foot race on Pride Day. Mr. Waitner will present this idea to the Heritage Commission.

--Mr. Fournier questioned who is responsible for Maps Online and was advised it is administered by PeopleGIS. Mr. Fournier shared copies of various maps and asked why he is not on the map, assuming that he lives in the Town of Wakefield. Mr. Paul noted that quite often structures are either missing or are not placed properly on these maps. Mr. Fournier stated his home had been on the maps previous to Cartographics review of his survey. Ms. Frost suggested that Mr. Fournier address this issue with the Assessing office. Mr. Kasprzyk noted that the maps are for assessment purposes only and are not for boundary line identification.

8. Administrative Matters

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a) Liaison Reports – Mr. Duffy: The CAB discussed the contract to be renegotiated. At that meeting, Mr. Kenney referred to FCC broadband expansion and digital radio for the Police and Fire Departments. Mr. Paul noted currently those departments utilize service from State towers, perhaps also from Mr. Kenney's tower. The CAB discussed its policies and procedures as they relate to a recent complaint. Mr. Duffy noted that the Chamber is experiencing low-turnout at Pride Day meetings. Wayne Robinson is interested in assisting with the organization. Mr. Duffy and Mr. Robinson will attend the next Chamber meeting scheduled for March 29.

Mr. Paul: WPI is still working on the slates for Pride Day. Meridian is close to completion of the project. Ms. Frost advised that Phil Hesketh from Salmon Falls Architects is scheduled to make an inspection. ZBA held a reorganization meeting. AWWA is preparing for its summer session and recently held a seminar in Acton.

Liaison Assignments: Mr. Paul suggested for 2010 that he assume Mr. Duffy's 2009 assignments, Mr. Duffy assume Mr. Blackwood's 2009 assignments and Mr. Kasprzyk assume Mr. Paul's 2009 assignments, to include sole responsibility for Planning Board. Mr. Kasprzyk was also willing to add Perambulation to his list. The Board agreed by consensus

Ms. Twombly expressed her disappointment that the Board's representative has not been able to attend more meetings of the Heritage Commission. She hopes that the representative can attend at least one meeting every other month.

b) Selectmen's Letter of Appreciation – It was decided that this month's letter would be sent to the Supervisors of the Checklist.

c) Administrator's Update

--We have received a registration form for America the Beautiful. Last year Mr. Robinson organized a town-wide trash pick-up and received quite a number of daffodil bulbs. He is willing to do the project again this year. **Mr. Paul moved to register for the America the Beautiful program, with organization to be accomplished by Wayne Robinson. Mr. Kasprzyk seconded the motion, which passed 3-0.**

The Board agreed by consensus that dues for NHCCM would be paid via the Selectmen's expense line.

Mr. Paul noted that Mary Drugg had given him a presidential ballot from 1896. He will make a frame for the document, and the Board can be thinking of where it should be displayed.

--DOT will be working on Route 16 between Stoneham and Crew Roads. They have asked that the Board execute a municipal work zone agreement. The Board agreed by consensus to execute this document.

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--Mike Garrepy has submitted a draft agreement for planning services. He has met with the Planning Board regarding their requirements. His proposal includes auditing the Town's land use regulations, perhaps developing excavation regulations and continuing work on the Master Plan. Mr. Duffy questioned what happened with information developed by ENROC. Ms. Frost indicated that the information never came to the Board of Selectmen, although UNH may have it. Mr. Kasprzyk will check with Amanda Stone, who will be at the next Conservation Commission meeting.

Article 2 of the contract would be broken down hourly and could be billed directly to the applicant. Mr. Garrepy suggests that the remainder of the contract be paid to him in 9 monthly installments of \$3333. Mr. Duffy and Mr. Paul both anticipated planning services being provided on an as-needed basis. The Planning Board has yet to review this proposal, which is for information only at this point. Ms. Frost confirmed to Mr. Kasprzyk that other communities with which Mr. Garrepy has worked have been contacted. Mr. Duffy is concerned about tying up the entire \$30,000.

--Ms. Frost has received a proposal from Septage Disposal Solutions, who have done a pilot project in Pittsfield treating raw septage. They are willing to operate our site. Ms. Frost expects more information from Mitch Locker at DES. The Board is willing to listen.

--DuBois & King will start the drawdown at the dam in Union within the next couple of weeks. They have contacted the Fire Department regarding the dry hydrant located on that property.

d) Building Permit Releases – None received.

e) Other

--The Board agreed by consensus to execute the Highway Safety Grant for the Police Department

--The Heritage Commission has recommended that Philip Twombly be appointed as a member for 3 years. **Mr. Duffy moved to appoint Philip Twombly as a member of the Heritage Commission, for a term through March 2013. Mr. Kasprzyk seconded the motion, which passed 3-0.** The Commission also recommends that Valerie Ward be appointed as an alternate for 3 years. **Mr. Kasprzyk moved to appoint Valerie Ward as an alternate to the Heritage Commission for a term through March 2013. Mr. Duffy seconded the motion, which passed 3-0.**

--**Mr. Duffy moved to execute the deed for Map 210, Lot 17, tax acquired property that has been fully redeemed. Mr. Kasprzyk seconded the motion, which passed 3-0.**

f) Minutes – **Mr. Duffy moved to approve the minutes of March 10, 2010, as presented. Mr. Paul seconded the motion, which passed 2-0-1.**

Mr. Fogg has been approached to replace a culvert on Old Bulkhead Road. According to Mr. Fogg, the Road Agent has no issue with this as long as it does not cost the town any money.

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DES has indicated to Mr. Fogg that this is a Class VI Town road. Mr. Paul suggested that Mr. Fogg bring in some photos of the site for the Board's review.

g) Non Public Session – Mr. Paul moved to enter Non Public Session under RSA 91-A:3, II (a) & (d). Mr. Kasprzyk seconded the motion. Roll call vote: Mr. Duffy – ‘aye’; Mr. Kasprzyk – ‘aye’; Mr. Paul – ‘aye’. The motion passed 3-0, and the Board entered Non Public Session at 9:23 p.m.

The Board returned to public session at 10:03 p.m., at which time the meeting adjourned.

Respectfully submitted,
Toni Bodah, Secretary

Approval of Minutes:

Kenneth S. Paul, Chairperson

Mark P. Duffy

Peter M. Kasprzyk