

Board of Selectmen

June 23, 2010

Present: Kenneth S. Paul, Chairperson; Mark P. Duffy; Peter M. Kasprzyk; and Toni Bodah, Secretary.

The posted meeting was called to order at 6:31 p.m. by Mr. Paul. **Mr. Duffy moved to enter Non Public Session under RSA 91-A:3, II (b) and (c). Mr. Kasprzyk seconded the motion. Roll call vote: Mr. Kasprzyk – ‘aye’; Mr. Duffy – ‘aye’; Mr. Paul – ‘aye’. The motion passed 3-0, and the Board entered Non Public Session.**

The Board returned to public session at 7:13 p.m., at which time Mr. Paul led those present in the Pledge of Allegiance. Those present at this time included: Kate Miller, Esq., DTC; Priscilla Colbath; David Takis; Ed Morrison; John Fournier; Beryl Donovan; Phil Twombly; Tucker & Kim Nichols; Dave Lee; Dick Wessell; Jerry O’Connor; John Kenney; Sandi Cools; Connie Twombly; Nancy Bancroft; Kim Mendell; Mark LaRoche; Stan Maluchnik; Daymond Steer, *Carroll County Independent*; Lt. Mark O’Brien; David Mankus and Arthur Fulton. Joining the meeting in progress were Pam Judge and Craig Farley.

1. Ascertainment hearing re: Renewal of Cable Franchise Agreement – Ms. Miller joined the Board. She recommended the Board hold the record of this hearing open for 30 days in order to accept written comments. Ms. Miller stated that Time Warner does not have much competition in this area, as the only other option is via satellite. Eventually, Fairpoint may be in position to provide competition. Although Time Warner also provides Internet and telephone service, because of Federal regulations, the Board only has input over cable issues. It is important to develop a record of interest expressed by various townspeople. This record will be included in the proposal for renewal of the franchise. Prices and channel selection are not negotiable; however, comments can be passed on to Time Warner.

Mr. Paul asked whether the Cable Advisory Board had comments to make. Mr. O’Connor, CAB Chair, stated that the CAB focus to date has been in soliciting comments. According to Mr. O’Connor, not all department heads were able to attend the CAB hearings; however, he understands they were invited for this evening’s meeting as well. He agrees that holding the record open for 30 days is a good idea.

Mr. Paul stated that Parks & Rec has submitted a letter seeking a second channel to be used exclusively for Parks & Rec. Mr. Paul believes this will be an important consideration for the new contract.

Mr. Morrison is representing the Opera House Performing Arts Committee, which group tries to have monthly performances in the opera house. He believes it would be great to work with CAB to support both past and future programs on the PEG channel. Mr. Paul questioned whether the intent is to include notification of the performances in the scroll or to show the actual performances. Mr. Morrison wants the public to be aware of what has been done and what is coming up. He noted that some performers create a following, and fans would be interested to see them coming back. Mr. Morrison stated that he receives 4-5 calls each year from individuals outside of town requesting to utilize the opera house. He is very much interested in working with Time Warner to utilize the PEG channel.

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Lt. O'Brien believes that Chief Fifield has spoken with the CAB, but offered the following comments on the Chief's behalf: He would like cable run to the current tower for use by public safety. He is also interested in telephone service for the Town via Time Warner. Ms. Miller stated that Time Warner may be willing to consider these suggestions.

Mr. Duffy stated that the biggest complaint received is that the system is not built out enough. There are also a lot of issues with signal loss. Ms. Miller stressed that the Town should collect such complaints in writing in order to address the issues during this process. Mr. Takis stated that he recently built a home on Balsam Drive, approximately 500' from the current feed. He contacted Time Warner, interested in subscribing to cable, Internet and telephone. After waiting for 1 ½ months for a response, he was advised his cost to run the line would be \$700. Mr. Takis believed that cost to be high and thought the Time Warner was supposed to build out the system. Ms. Miller noted it is not unusual for the cable company to charge the homeowner a percentage of the cost to extend the system. She would be interested in seeing exactly how much Time Warner has built out in Wakefield. Mr. Takis added that he was eventually told that Time Warner would pay ½ of the cost of extension, but then they increased the cost to \$1900.

Ms. Miller stated that the Town should identify the areas in town without service. She noted that Time Warner may be willing to expand service; however, they often pass the cost on to existing customers. The Town may be able to negotiate that. Mr. Paul questioned whether CAB has a build out map. Mr. O'Connor advised they are trying to develop such a map. Ms. Miller indicated that Time Warner should have that information, on which she will follow up. Discussion followed regarding the addition of new technology adding to the cost of service as well as to the burden placed on the existing lines. Mr. Duffy questioned whether Time Warner will be able to support new technology in the future. Mr. Kasprzyk referred to PSNH paying back a portion of the cost of expansion in the event development continues along their route. Mr. O'Connor believes there is a 5-year limit on such return.

Mr. Kenney suggested posting a notice on the PEG channels that would direct subscribers experiencing "blinks" to report same in writing to the CAB. He also suggested that Time Warner be questioned about their future build out plans. Ms. Miller noted that if Time Warner has not complied with the original build out obligation, the Town will have leverage for future build out. She agreed it is a good idea to solicit comments regarding signal interruption, which could be addressed initially with Mike Edgecomb.

Ms. Colbath, representing the Wakefield School Board, noted that all classrooms currently have cable, and all Board meetings are taped. The School Board would like to upgrade the modem and improve the high speed Internet. Ms. Miller noted that many companies provide a certain level of service for free. She agreed this service is critical to education. Ms. Colbath submitted written comments from the School Board.

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Mr. Duffy asked about discounts for senior citizens. Ms. Miller noted that could be looked into. Mr. Mankus noted there has been much mention of build out promises. However, technology has changed so much in 10 years. He stated that most of the cable was replaced with fiber optics; therefore, we must forgive some of the promises since they had to rebuild most of the system. Mr. Mankus believes the contract period should be kept short as the technology changes so rapidly. Ms. Miller would definitely recommend a short-term agreement. However, she added that a 5-year agreement is not as valuable to the cable company as a 7 to 10 year agreement.

Ms. Donovan, representing the Gafney Library, stated that the library has 14 computers. The library would love to build programs to be shown on cable. Ms. Donovan stated that many people who use the computers at the library complain that they cannot get service at their homes. She will put up a list to be signed in order to identify areas without cable. Ms. Donovan will provide written answers to the list of questions submitted.

There being no further public comment, Mr. Paul closed the Ascertainment Hearing. He noted that the record would be kept open for 30 days in order to accept written comments.

2. Appointments

a) Supervisors of the Checklist ("SOC") – Sandi Cools, Nancy Bancroft and Connie Twombly –

Ms. Cools, Chair of the Supervisors, stated there are a number of complaints to address. The SOC have been trying to do the business for which they have been elected and have been unable to do so because their laptop will not connect to the Internet. When they can get on, they have issues with lack of space. The cart (on wheels) holding all of their registration books, is kept in the file closet in the main office. The laptop is kept in the filing cabinet in that same closet. When they meet, they move everything out of the closet and set up everywhere they can find space. Ms. Cools noted that they still have much work to be done that requires them all to be in one location, with the books spread out. She referred to the amount of work that will be required between the primary and the election, as well as the 2011 purge.

Mr. Kasprzyk asked how often the SOC meet and how much space is required. Ms. Cools stated that the Supervisors have each done much work at their homes, but there is still much to be done together. The Board referred to two vacant offices in the lower level. Ms. Cools added that they could not get on the computer at their meeting in June, after the server had been replaced. Mr. Paul noted there is a computer available in the vacant office, as well as the availability of a telephone extension. Ms. Bancroft referred to challenges faced in having a State checklist vs. a Town checklist. Mr. Duffy will contact CCS about getting the SOC computer access in one of the vacant offices in time for their July 6 meeting. Necessary keys will be provided.

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b) Seven Lakes Trailblazers ATV Club – Mr. LaRoche and Ms. Mendell represent the club and are seeking permission to use certain Town property for trails. Mr. Paul referred to the Town property near the Transfer Station and indicated that the Board members would like to see exactly where the proposed trail would be located. He suggested that flags be placed along the centerline of the proposed trail. From the Transfer Station, the trail would eventually cross Cosmar Drive and Meadow Street, to Turntable Park. Mr. LaRoche noted that the gas station across from Palmer's on Route 16 is under agreement; therefore, they will be seeking permission to use Town property along the right side of Route 16 heading north.

Mr. Kasprzyk suggested that the ATV club discuss repairs on Pray Hill Road with the snowmobile club. Mr. Paul noted that he has had discussion with other ATV clubs in the state. He stressed the need for this club to place stakes/flags in order for the Board to view placement of the proposed trail. **Mr. Duffy moved to allow the Seven Lakes Trailblazers access to Town property provided such access does not interfere with operation of the Transfer Station.** Mr. Kasprzyk suggested taking a site walk prior to entertaining a motion. **Mr. Duffy withdrew his motion.**

The Board agreed by consensus to allow Seven Lakes Trailblazers access to the referenced Town property in order to place flags/stakes for the proposed trail. Town Hall will be notified when the stakes are in place. Mr. LaRoche advised Mr. Paul that the trail would be 6-9' wide. Mr. Paul stated that the club should work with the snowmobile club regarding signage.

c) Stan Maluchnik re: Bonnyman Road – Mr. Maluchnik questioned the state of work to be done on Bonnyman Road, including the culvert and Town property. Mr. Paul noted that the road itself is also an issue. AWWA was on site today with its new director. This group plans a mass mailing to all area residents in an effort to identify major erosion issues. The Town is working with DES on permitting for work on the culvert, as well as on Town property. An official wetlands individual is working on this for the Town, and it may be that only minor repairs are needed. Mr. Maluchnik questioned whether the Town would do anything illegal or do damage to the lake. Mr. Paul referred to an earlier washout, which was repaired with rip rap as an emergency, with DES permission being sought after-the-fact.

Mr. Maluchnik questioned whether the Town has plans to cut down any embankment or trees. Mr. Paul stated the Board will wait for the permit to be in place, at which time cost will be considered. He referred to a specific area of run-off, which will hopefully be addressed as part of the permit. Mr. Paul referred to silt going into the lake, resulting in the need for a full-blown fill and dredge permit. Mr. Maluchnik wonders why the road going west would be cut down in that area, adding there are embankments in other areas. Mr. Paul referred to the importance of redirecting the run-off from Mr. Maluchnik's property.

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Mr. Maluchnik suggested viewing 276 Bonnyman Road in order to see a good idea to get the water and silt off the road. He stated all the material at #276 came from #236. Mr. Paul stressed that is why a mass mailing is important.

Conversation turned to signage for the road. Mr. Maluchnik suggested the Board consider posting the speed limit at 25 mph. He referred to large trucks that utilize that road, which road is not safe. Mr. Maluchnik referred to prior work of the Highway Department, for which the taxpayers are now paying to fix. He stressed we will never be able to fix the lake from the swamp water. Mr. Paul stated that if DES believes there is silt in the lake, they will make the Town remove it. Mr. Kasprzyk stated that all discussions have served to teach a lesson, adding that everyone makes mistakes.

Mr. Paul agreed that the speed limit on Bonnyman Road should be reduced. Lt. O'Brien suggested the Police Department put a traffic device on that road for a period of time in order to determine the average speed. Mr. Maluchnik submitted an 8-page letter for the Board of Selectmen, which he noted refers to his reading of letters at Board meetings, as well as his ability to speak at same.

3. Unscheduled Matters/Public Comment

--Mr. Steer thought the Town had received a letter in the spring from DES indicating that Bonnyman Road was all set. Mr. Paul stated the Town received a letter extending the deadline for permit application. Mr. Duffy stated there may have been a letter regarding a different issue (cutting of brush).

--Mr. Fournier asked where the Town stands with regard to perambulation of the Brookfield/Wakefield town line. Mr. Kasprzyk indicated that he is currently reviewing the statute in full, then plans to contact Brookfield to address perambulation of that line.

--Ms. Nichols stated that she had provided copies of letters and information regarding a code issue for the Nichols's property on Deer Ridge Road. Mr. Paul stressed that the Board had just received the 18 pages of information this evening and has not had an opportunity for full review of same. Ms. Nichols indicated that the issue is whether or not they need a building permit. Town Counsel has advised them that their structure is subject to removal by the Town. Ms. Nichols stated that she has been told a number of times that they do not need a permit; however, they've now been given until June 30 to obtain a permit. She has asked a number of times for the specific ordinance with which they must comply. Ms. Nichols indicated that this issue has been on-going for several years, and added her belief that they are not in violation of any ordinance. Ms. Nichols referred to various discussions at both Planning Board and Board of Selectmen meetings.

Mr. Paul would entertain a motion to extend the June 30 deadline to July 30 in order to allow the Board of Selectmen time to consider all information. **Mr. Kasprzyk moved to extend the deadline (as stated by Town Counsel) from June 30 to July 30.**

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Ms. Nichols stated they would move the structure if someone could provide the language in the ordinance that indicates their structure is illegal. **Mr. Duffy seconded the motion, which passed 3-0.** Discussion followed regarding the definition of “structure” over the past several years. The Nichols did give the Board permission to access the property to view the structure under discussion. The issue will be discussed again at the July 14 meeting.

Mr. O’Connor questioned who authorized Town Counsel to send the letter. Mr. Paul stated that the Board receives copies of CEO correspondence; however, he was not aware that the situation had escalated to the level of Town Counsel. Mr. O’Connor referred to a similar situation last year and suggested the Board be advised of such escalation.

4. Unfinished Business

a) Union School Property – Pam Judge and Craig Farley joined the Board. Ms. Judge advised that Mr. Farley had viewed the building, and she provided the Board with his report. She stated that we must first determine whether the Town wants to accept the property prior to developing a use for same. According to Ms. Judge, there are actually two separate properties, only one of which is subject to a reverter clause. The second lot is already owned by the Town and is the site of the septic system for the building. Mr. Paul questioned how likely it is that the Commission could get tenants for the building. Ms. Judge stressed that the Commission would want support of the Town for this project, rather than the Commission raising all the necessary funds. However, the Commission is interested in saving the building.

Mr. Kasprzyk noted that while the building is not particularly visible, the Union Village is a gateway to Town and would benefit by improvements in the area. Mr. Farley estimates \$21,000 to address the issues outlined by the Building Inspector. This estimate does not consider issues related to potential use. According to Mr. Farley, the lead in the original ceiling is only an issue if the drop ceiling is removed and the original ceiling left exposed.

Mr. Paul wants to hear that the Commission believes there is potential for tenants. Mr. Kasprzyk noted that given an investment of \$25,000 for renovations, the Town would have an opportunity to make some money even if it does not keep the building. Mr. Paul questioned why the owner does not do that. Ms. Judge referred to the owner’s strong feelings about the village of Union and his hope that the Commission would want to do something for that building. Mr. Paul asked whether the Commission would oversee the building. Ms. Judge believes the Commission would accept that responsibility. Mr. Duffy referred to other unfinished projects that require taxpayers’ money. Ms. Judge agreed but noted that very little needs to be done immediately to the building in question. She believes the water could be drained and the building shut down.

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Mr. Fournier questioned what the owner could do with building since the septic system is on Town-owned property. Mr. Paul suggested he could install another septic system or obtain an easement from the Town to utilize the existing system.

Ms. Judge stated that the owner needs a letter from the Town as to whether the Town is interested in accepting the property. Mr. Kasprzyk suggested that if the Town does not want to accept the property, perhaps it should consider relinquishing the second parcel on which the septic system is located. Mr. Judge referred to the value to the Town of the property on which the septic system is located. Mr. Duffy stressed we would need to shut down the building until the funds were available, as was done with the Spinney Meeting House. Mr. Paul stated that it is not important to make money; however, it is important for the building to not cost the Town money. Mr. Fournier asked about the zoning of the property [Residential I] and noted the area residents may have an issue with creating traffic. There followed a discussion of the building's possible use.

b) Perkins Hill Road – Mr. Paul viewed the site with the Road Agent. The Board had received a complaint about flooding across the street. Mr. Paul noted there is a 2' elevation drop just coming across the street. He has spoken with the individual making the complaint, and that individual will call Mr. Paul during the next heavy rain.

c) Fire/EMS Pay Policy – Chief Nason had previously requested the staff be allowed to take comp time, with prior approval from the Fire Chief, and to swap shifts. The Board wanted language to require that such options must occur within a specific 2-week pay period. The proposed policy was amended. **Mr. Duffy moved to accept the Fire/EMS Personnel Pay Policy as presented. Mr. Kasprzyk seconded the motion, which passed 3-0.**

5. New Business

a) Maple Street Bridge – NH DOT has expressed concern regarding the condition of the bridge and has recommended that the Town post the bridge as closed and barricade it at both ends. Those recommendations have been addressed. Residents have access via Bridge Street. The Board will need to consider how to proceed. Mr. Paul noted we already need to address the North Wakefield Road Bridge. Mr. Kasprzyk wonders whether the Town could consider use of Long Ridge Road to avoid use of North Wakefield Road Bridge. Ms. Judge noted that a portion of Long Ridge Road was discontinued. Mr. Paul believes the funds available will be used for the North Wakefield Bridge. Perhaps the Board could meet on site with a State engineer and the Road Agent.

6. Capital Reserve Fund Expenditures

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a) Ambulance - \$17,257.28 – This expenditure is requested by Chief Nason to equip the new ambulance. **Mr. Duffy moved to approve the \$17,257.28 expenditure from the Ambulance CRF as requested by Chief Nason. Mr. Kasprzyk seconded the motion, which passed 3-0.**

b) Town Hall Improvements - \$15,626.50 – This represents the final payment to Meridian. However, we are still waiting for them to address issues with shingles and screens. **Mr. Kasprzyk moved to prepare the check, to be held until all outstanding issues have been addressed to the Board's satisfaction. Mr. Duffy seconded the motion, which passed 3-0.**

c) WWTF - \$135.51 – This represents CMA's recent invoice related to the hydrological study. **Mr. Duffy moved to approve the expenditure of \$135.51 from the WWTF CRF. Mr. Kasprzyk seconded the motion, which passed 3-0.**

d) Technology - \$39.99 – This expenditure is required in order to renew the anti-virus software for the Supervisors' laptop. **Mr. Kasprzyk moved to approve the expenditure of \$39.99 from the Technology CRF as presented. Mr. Duffy seconded the motion, which passed 3-0.**

e) Landfill - \$1694 – This expenditure relates to mandatory post-closure monitoring of the landfill. **Mr. Duffy moved to approve the expenditure of \$1694 from the Landfill CRF as presented. Mr. Kasprzyk seconded the motion, which passed 3-0.**

7. Correspondence

a) NH Liquor Commission re: Biddy's Place Application – According to Ms. Judge, the applicant (who rents space at the Grange Hall) had hoped to sell cigars and did not realize such authority is given via a liquor license. Comment is expected from Police Chief Fifield. Ms. Judge advised that the Heritage Commission has not yet had an opportunity to discuss this issue, but they will do so on July 7. The issue was tabled until the July 14 Selectmen's meeting. Mr. Fournier noted that there is no smoking on Town property. Ms. Judge explained the intent was to sell cigars, not allow them to be smoked on the premises. Mr. Kasprzyk does not believe this to be an appropriate use of a Town building. Ms. Judge noted that this issue will not make, or break, the lease.

8. Unscheduled Matters/Public Comment #2

--Mr. Steer questioned why the Board would consider taking a risk on the Union School. Mr. Paul referred to its historical roots to the Town and expressed his understanding of why the Commission would want to preserve that building. He noted that the structure is in very good shape. The building is unique and the Town would need to find the right tenant. Mr. Paul added his belief that the Town would recoup its investment easily. Mr. Steer noted that if the owner takes the property, he can rent it out, and the Town would not have to take a risk.

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Mr. Paul stated the owner would have difficulty without a septic system. Ms. Judge stated that the Town needs to let the owner know whether the Town is willing to accept the property. She believes the Town would need to hold 2 public hearings prior to actually accepting the property. Ms. Judge stressed to Mr. Steer that the building is not in bad shape, rather it requires some maintenance. All the work does not need to be done at one time. Ms. Judge added that the Town should only accept the property if there are no conditions attached. Mr. Paul compared this building to other Town-owned buildings, adding his belief that it is a viable building. He suggested Town Counsel be contacted.

The Board agreed by consensus to move forward with this project, subject to the required public hearings, and to contact Town Counsel in order that he communicate with the owner (or his attorney) regarding any possible restrictions, and regarding the owners intentions for the building should the Town not accept ownership. Ms. Judge noted that the property is currently in the name of the Town. She suggested asking Town Counsel whether the reverter clause relieves the Town of any responsibility.

--Mr. Steer was advised that the Town's fireworks would be held on July 1.

9. Administrative Matters

a) Liaison Reports – **Mr. Kasprzyk**: The proposal regarding the energy retrofit was received. The total cost is \$24,000, with PSNH willing to cover half that cost. There are 2 ways to satisfy the Town's financial obligation: 1) The Town could pay 50% up front, or 2) PSNH would cover 100% of the cost, with the Town's monthly savings in energy costs being applied to its 50% share, until such time as that obligation is satisfied. Option 2 would likely take 2 years. The annual estimated savings is \$4600. Option 2 would not affect the Town's budget. A meeting with the PSNH representative will be set up. Mr. Kasprzyk advised that the Conservation Commission raised over \$800 at a recent yard sale, which funds will go towards camperships. The Jette Park project is complete and will be dedicated on July 31 at 1 p.m. The Heritage Commission continues to address the issues with the trees at the Grange. A non-profit group has been formed in Union regarding the Siemon dam, which may be turned over to that group if a conservation or historical easement can be developed. The non-profit group may become involved with other sites as well.

Mr. Duffy: Congrats to Dad Duffy in honor of his son Peter's high school graduation!

Mr. Paul:

--The Town received a letter from NH DOT regarding the sidewalk project for the Paul School area, which will likely be removed from their list. They advised of a program called "Safe Routes to School", which would be no cost to the Town (if approved). Mr. Paul will obtain more information.

--DES has advised that the Town has met its obligation regarding financial assurance for the landfill.

--The Lovell Lake Association thanks the Board for helping to keep their lake clean.

--The Great East Lake Association has invited the Board members to attend their July 10 meeting from 10a.m.m to 1p.m.

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--Mr. Paul will provide all members with the estimate for removal of the underground tank at the Annex.

--Letters have been received from several candidates for the Town Administrator position thanking the Committee for its time and consideration.

--Tamworth has provided notice regarding a cell tower application

--The Finance Clerk has noted that at the last meeting the Board ok'd use of other time, rather than waive the bereavement leave policy. She summarized how employees have previously been allowed to use accumulated time.

b) Selectmen's Letter of Appreciation – The Board agreed to send this month's letter to cameraman extraordinaire Jerry O'Connor.

c) MS-5 – The Board executed the MS-5 as prepared by the auditors.

d) Building Permit Releases – Mr. Duffy moved to approve the building permit release for Batchelder on Ballards Ridge Road. Mr. Paul seconded the motion, which passed 3-0.

e) Minutes – Mr. Duffy moved to approve the minutes of June 9 and June 15, 2010, as presented. Mr. Kasprzyk seconded the motion, which passed 3-0.

Lt. O'Brien noted that Tim Eldridge has information regarding the sidewalk program. A brief discussion followed regarding the summer DWI grants and patrols.

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

Respectfully submitted,
Toni Bodah, Secretary

Approval of Minutes:

Kenneth S. Paul, Chairperson

Mark P. Duffy

Peter M. Kasprzyk