

**Board of Selectmen
August 26, 2020**

Present: Mark P. Duffy, Chair; Richard C. Edwards; Kenneth G. Fifield (joined the session at 6:24p.m.); Dino A. Scala, Town Administrator; and Toni Bodah, Secretary.

Mr. Duffy called the posted meeting to order at 6:05 p.m. **Mr. Edwards moved to enter Non Public Session under RSA 91-A:3, II (b). Mr. Duffy seconded the motion. Roll call vote: Mr. Edwards – ‘aye’; Mr. Duffy – ‘aye’. The motion passed 2-0, and the Board immediately entered Non Public Session.**

The Board returned to public session at 6:06 p.m. During the immediately preceding session, the Board voted that Dylan Boyer would fill the vacancy of beach monitor for the remainder of the season at \$13/hour. **Mr. Duffy moved to enter Non Public Session under RSA 91-A:3, II (a). Mr. Edwards seconded the motion. Roll call vote: Mr. Edwards – ‘aye’; Mr. Duffy – ‘aye’. The motion passed 2-0, and the Board immediately entered Non Public Session.**

The Board returned to public session at 6:20 p.m. During the immediately preceding session, the Board voted to authorize an increase to \$18.09/hour for Amber Marcoux for her position in the Welfare office. **Mr. Edwards moved to enter Non Public Session under RSA 91-A:3, II (a). Mr. Duffy seconded the motion. Roll call vote: Mr. Edwards – ‘aye’; Mr. Duffy – ‘aye’. The motion passed 2-0, and the Board immediately entered Non Public Session.**

The Board returned to public session at 6:21 p.m. During the immediately preceding session, the Board confirmed the hourly rate of \$36.64 for Teresa Williams for consulting services. **Mr. Edwards moved to enter Non Public Session under RSA 91-A:3, II (a). Mr. Duffy seconded the motion. Roll call vote: Mr. Edwards – ‘aye’; Mr. Duffy – ‘aye’. The motion passed 2-0, and the Board immediately entered Non Public Session.**

The Board returned to public session at 6:22 p.m. During the immediately preceding session, the Board confirmed the hourly rate of \$24.08 for W. David Stephen for his temporary role in the Building Department. **Mr. Edwards moved to enter Non Public Session under RSA 91-A:3, II (a). Mr. Duffy seconded the motion. Roll call vote: Mr. Edwards – ‘aye’; Mr. Duffy – ‘aye’. The motion passed 2-0, and the Board immediately entered Non Public Session.**

The Board returned to public session at 6:33 p.m. During the immediately preceding session, the Board voted to accept a performance evaluation for Victor Vinagro. **Mr. Fifield moved to enter Non Public Session under RSA 91-A:3, II (a). Mr. Edwards seconded the motion. Roll call vote: Mr. Edwards – ‘aye’; Mr. Fifield – ‘aye’; Mr. Duffy – ‘aye’. The motion passed 3-0, and the Board immediately entered Non Public Session.**

The Board returned to public session at 6:45 p.m. During the immediately preceding session, the Board voted to authorize an increase to \$16.39/hour for David Ouellette. **Mr. Fifield moved to enter Non Public Session under RSA 91-A:3, II (a). Mr. Edwards seconded the motion. Roll call vote: Mr. Edwards – ‘aye’; Mr. Fifield – ‘aye’; Mr. Duffy – ‘aye’. The motion passed 3-0, and the Board immediately entered Non Public Session.**

The Board returned to public session at 6:59 p.m. During the immediately preceding session, the Board voted to authorize an increase to \$79,822.88/year for Brock Mitchell. At this point the meeting moved to the Opera House. Those present at this time included: Brock Mitchell; Jim Miller and Ted Taylor (videographers); Wayne Robinson; Alyssa Hall; Howie Knight; Bo Keating; Don Cheever; Phil Twombly; Larry Moody; Neil Rowe; Shirley Murphy MacCormack; and Sgt. Michael Fenton. Mr. Duffy led all in the Pledge of Allegiance.

1. Appointments

a) Brock Mitchell re: Transfer Station Work – Mr. Mitchell is ready to move the scale. Although this was not part of the original project, there are sufficient funds to address this move, which would result in improved traffic flow. Mr. Mitchell solicited quotes from a number of individuals; however, he was only able to obtain one quote: CMJ Enterprises LLC for \$26,000. **Mr. Fifield moved to accept the quote from CMJ Enterprises LLC in the amount of \$26,000 to move the scale at the Transfer Station. Mr. Edwards seconded the motion, which passed 3-0.**

b) Phil Twombly, Heritage Commission re: Donation of Building – Mr. Twombly advised that the Heritage Commission has received a donation of a cobbler's building, which is currently located on Stoneham Road and which the Commission would like to locate on the Union Station property. Prior to being moved, the chimney must be taken down and the roof removed. The building would be re-assembled when relocated in Union. The total cost for this project would be around \$5000, which would come from Fund 04. Mr. Twombly was unsure whether the building would be placed on a slab or on blocks. He did confirm that once moved the building would be maintained by the Heritage Commission. The building will require no utilities. Mr. Duffy suggested that Mr. Twombly speak with the Building Inspector for placement approval. Mr. Duffy noted this addition would be great for the village of Union.

c) Parks & Rec Advisory Committee re: Feasibility Study for Community Center – Mr. Knight referred to the members of this advisory committee, as well as to the needs assessment conducted last year, with various focus groups and a survey. 80% of those responding to the survey were in favor with moving forward with this project., therefore, an RFP was sent out, with 2 responses. The Committee has decided that the proposal from Harriman would best fit the needs of the community. The cost would be \$24,500, which would come from Fund 05. This fund is generated through various fundraisers, donations, etc. Mr. Knight listed the 10 tasks of the scope of work, which would include public forums, cash flow analysis, concept design and potential funding sources. The project may be expanded to include a new Highway building. The purpose of the feasibility study is to move forward to identify currently unknown information.

In response to Mr. Duffy, Mr. Knight stated he thinks it would make sense to include the Highway building, noting the people using each part of the overall facility would not interact. The ultimate project is unknown—we must see what the study shows. Mr. Mitchell confirmed to Mr. Duffy that the Highway Department can get by with the current building for a couple more years. The Board members indicated their support for moving forward with the feasibility study, as proposed.

d) Larry Moody – Mr. Moody referred to the previous meeting of the Board of Selectmen and the discussion (regarding Bonnyman and Towle Farms Roads) that was held at that time. The comment had been made that the Bonnyman Road property owners were just seeking more waterfront property. Mr. Moody stressed this is not true. Mr. Moody stated he had brought the idea of using Towle Farm Road to the Selectmen before TFCC retained ownership of the road; however, that did not occur. Mr. Moody added that TFCC had already made up its mind prior to coming to the previous Board meeting. He added that the roads were not closed by TFCC until 1995. Mr. Moody noted that TFCC involuntarily dissolved in 1986, and there is no evidence that TFCC was revived until 1993. At that time a new ID was issued. They failed at that time to transfer their assets.

Mr. Duffy stated that the process being proposed is very involved and will take quite a while. Everyone must realize it could take at least 2 years. In the meantime, the Town must still deal with the condition of Bonnyman Road, even if the Board decides to pursue other options. Mr. Mitchell advised he has reached out to an individual regarding permitting costs for work on Bonnyman Road and will share that information with the Board when available. He added that there is much to be done prior to any earth being moved.

Mr. Edwards noted that all have agreed that the most important issue at stake is the quality of Province Lake. If the Board decides to continue to use and to make improvements to Bonnyman Road, the Town would likely need to take some amount of land (from the property owners) in order to move or widen the road. He noted that in 1982, Bonnyman Road residents took the Town to Court when such a suggestion was made. If that were to occur again, then obviously the main concern is NOT quality of the lake. Mr. Moody noted that such action would make several non-conforming lots more non-conforming. In addition, the Town would need to make those Bonnyman Road property owners 'whole'. Mr. Moody stated that the Town won the 1982 case to which Mr. Edwards referred, with restrictions.

Mr. Mitchell confirmed to Mr. Duffy that if the Town were to take Towle Farm Road, it would need to be widened. He added that the Town would need to make Towle Farm Road property owners 'whole'. Mr. Edwards does not believe TFCC will agree to this proposal and that the ultimate fight would be too big.

Mr. Moody refuted a number of points made at the previous meeting by Bill Kane. Mr. Duffy recapped: Mr. Mitchell will discuss our issues with DES; Mr. Scala will reach out to Town Counsel given the number of letters of support received by the Town for this project. He noted that a number of years have passed without the Town questioning ownership of Towle Farm Road. Mr. Duffy suggested that the residents submit a petition warrant article to see if there is support for Town ownership of Towle Farm Road.

2. Unscheduled Matters/Public Comment #1

--Mr. Rowe stated that in order to prepare such an article, they would need to know the cost to upgrade both Towle Farm and Bonnyman Roads, as well as the length of time necessary to appropriate those funds. Mr. Duffy is just suggesting an article to determine support of the voters. Mr. Rowe believes such support would be dependent upon the costs involved. Mr. Edwards stated that we will pull together some figures for their use.

--Mr. Moody was advised that a petition warrant article requires signatures of at least 25 people registered to vote in Wakefield. Signers of the petition do not need to live on either Bonnyman or Towle Farm Roads.

--Ms. MacCormack referred to discussions to save Bonnyman Road; however, who will fix her property. She referred to damage done during recent weather events, in addition to the general erosion problem on her property. There is a sink hole on her property, and boulders are coming out from under the road. These problems have increased since the road was paved. Mr. Edwards would like to see it returned to a dirt road. Mr. Mitchell is aware of the issues with Ms. MacCormack's property but noted there is nothing the Town can do on the lake-side without DES involvement. He is aware the road is deteriorating and is looking into options. He does not agree with removal of the pavement, stating that a dirt road will disintegrate faster during heavy storms. Ms. MacCormack asked whether the back road had ever been surveyed. Mr. Edwards stressed that the Town cannot do that as it cannot spend taxpayers' funds on private property. Ms. MacCormack invited the Board members to conduct a site visit to her property. Mr. Duffy reiterated that the Town must address Bonnyman Road while the Towle Farm Road proposal is being considered. He stated that area residents will be kept updated via email.

--Mr. Miller referred to the report on Channel 9 about COVID concerns for those having recently attended the bike rally in Sturgis. 6 people out of the 100 thought to have been infected at the rally reside in NH. If the Board were aware of any such individuals, could they request those individuals to be tested. Mr. Edwards stated that 349,000 attended that rally, of which he is one. He has now been home over 2 weeks, and his wife was tested. He personally knows 2 other Wakefield people who attended, both of whom were tested. Mr. Miller hopes we can all work together for the health of our residents. After seeing the same news clip, Mr. Duffy reached out for an update from our Emergency Management Director, which he hopes to have for the next meeting.

--Mr. Lee (via Zoom) noted that Channel 9 encouraged all who attended the Sturgis rally to be tested. The 14-day period is not the same as getting a test. If during that 14-day period any of those who attended have dealt with the public, then they have not followed the rules. Mr. Lee added that if public officials don't follow the rules, why should the rest of the public.

3. Unfinished Business – None scheduled.

4. New Business – None scheduled.

5. Proposed Capital Reserve Fund Expenditures

a) Landfill Closure \$5676.50 – This represents the cost for mandatory groundwater testing/reporting. Mr. Edwards moved to approve this \$5676.50 expenditure as presented. Mr. Fifield seconded the motion, which passed 3-0.

b) Police Vehicles \$33,809.95 – This represents the cost for the new cruiser, the purchase order for which was approved at the last meeting. Mr. Fifield moved to approve this \$33,809.95 expenditure as presented. Mr. Edwards seconded the motion, which passed 3-0.

c) Cemetery Maintenance \$950 – This represents the cost to grind 2 stumps and haul away material at the Lovell Lake Cemetery. Mr. Fifield moved to approve this \$950 expenditure as presented. Mr. Edwards seconded the motion, which passed 3-0.

6. Correspondence

--Mr. Duffy noted that a number of letters from residents of Bonnyman and Towle Farm Roads were received relative to issues/conditions in that area, which topic was previously discussed.

--Dave Tinkham has submitted a letter of resignation from the Conservation Commission. **Mr. Duffy moved to accept, with regret, the resignation of Dave Tinkham from the Conservation Commission. Mr. Edwards seconded the motion, which passed 3-0.**

7. Unscheduled Matters/Public Comment #2 – None forthcoming.

8. Administrative Matters

a) Town Administrator's Update

--Mr. Scala had a meeting with election officials earlier today. They reviewed supplies available, the election process, cleaning process, etc.

--Victor Vinagro, Wayne Robinson and Brock Mitchell have been working together to address the Town Beach. Some work was approved by the State and has been accomplished. However, additional work will require permits. Mr. Robinson advised he reached out to the State as the lease for the beach area needs to be renewed. In addition, many rocks and roots have worked their way to the surface, causing safety concerns. Mr. Robinson sought guidance from the State as to what we could do to improve the situation. It was suggested that we perch the beach, removing some trees and rocks. Permitting could cost over \$2000; however, DES may be able to waive some of that. There is a chance the work could be accomplished this fall. Mr. Fifield suggested that emergency management funds might be utilized given the potential danger to the spillway. Several small trees have already been removed. Ms. Scala noted we may need to hire someone to do permitting applications if DES is unable to assist.

b) Treasurer's Reports for July – Provided for the Board's information.

c) Building Permit Releases – Mr. Edwards moved to approve the building permit release for Glidden on Concord Lane. Mr. Fifield seconded the motion, which passed 3-0.

d) Payment Manifests – Mr. Edwards moved to approve PR #18 in the amount of \$87,509.08, as presented. Mr. Fifield seconded the motion, which passed 3-0.

Mr. Edwards moved to approve AP #22 in the amount of \$176,731.56, as presented. Mr. Fifield seconded the motion, which passed 3-0.

e) Minutes – Mr. Edwards clarified that on page 2 of the minutes of August 12, Ms. MacCormack was referring to her property on Towle Farm Road when she offered to give the Town 10' to address the situation on Bonnyman Road. **Mr. Edwards moved to approve the minutes of August 12, 2020. Mr. Fifield seconded the motion, which passed 2-0-1 (Mr. Duffy abstaining).**

Mr. Edwards moved to approve the minutes of Non Public Sessions #1 & 2 on August 12, 2020, as presented. Mr. Fifield seconded the motion, which passed 2-0-1.

f) Selectmen's Work Session

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--Mr. Scala and Mr. Fifield agreed to meet on Monday or Tuesday of next week.

--Mr. Fifield met with Chief Ventura and several business owners, as well as several State engineers at the intersection of Routes 153 and 16, near the Wakefield Marketplace. They discussed the possibility of installing a traffic light and/or reducing the speed limit in that area. Mr. Fifield stressed that this is a very dangerous intersection, for which the State may be able to utilize State emergency funds.

--Mr. Edwards has been approached by several residents, wanting to know whether the Town would be willing to donate some material to assist private roads. He confirmed that the Town cannot use taxpayers' money on private property.

--Mr. Duffy has reached out to Chief Ventura for a COVID update. Mr. Scala noted we are no longer having regular meetings; however, we are still receiving daily updates. Mr. Duffy will provide updated information at the next meeting.

Mr. Edwards moved to adjourn at 8:42 p.m. Mr. Fifield seconded the motion, which passed 3-0.

Respectfully submitted,
Toni Bodah, Secretary

Approval of Minutes:



Mark P. Duffy, Chair



Richard C. Edwards

Kenneth G. Fifield