

**Board of Selectmen  
September 12, 2018**

**Present:** Connie Twombley, Chair; Vinton Wallace; Kelley A. Collins, Town Administrator; and Toni Bodah, Secretary.

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

The Board returned to public session at 6:14 p.m. During the immediately preceding Non Public Session, the Board reviewed letters of interest received for the vacant position on the Board. **Mr. Wallace moved to enter Non Public Session under RSA 91-A:3, II (e). Ms. Twombley seconded the motion. Roll call vote: Mr. Wallace – ‘aye’; Ms. Twombley – ‘aye’. The motion passed 2-0, and the Board immediately entered Non Public Session.**

The Board returned to public session at 6:19 p.m. During the immediately preceding Non Public Session, the Board voted to reinstate a penalty of \$3000, relating to lack of payment for disposal of demo material at the Transfer Station, if the previously reduced penalty of \$1500 is not paid within 15 working days. **Ms. Twombley moved to enter Non Public Session under RSA 91-A:3, II (c). Mr. Wallace seconded the motion. Roll call vote: Mr. Wallace – ‘aye’; Ms. Twombley – ‘aye’. The motion passed 2-0, and the Board immediately entered Non Public Session.**

The Board returned to public session at 6:26 p.m. During the immediately preceding Non Public Session, the Board voted to extend the deadline from October 19, 2018, to November 28, 2018, for a property owner with mitigating circumstances, relative to property in jeopardy of being deeded for non-payment of taxes. **Mr. Wallace moved to enter Non Public Session under RSA 91-A:3, II (a). Ms. Twombley seconded the motion. Roll call vote: Mr. Wallace – ‘aye’; Ms. Twombley – ‘aye’. The motion passed 2-0, and the Board immediately entered Non Public Session.**

The Board returned to public session at 6:43 p.m. During the immediately preceding Non Public Session, the Board authorized an increase to \$23.84 per hour (year 1 on the wage chart) for Victor Vinagro, effective as of September 10, 2018. **Ms. Twombley moved to enter Non Public Session under RSA 91-A:3, II (c). Mr. Wallace seconded the motion. Roll call vote: Mr. Wallace – ‘aye’; Ms. Twombley – ‘aye’. The motion passed 2-0, and the Board immediately entered Non Public Session.**

The Board returned to public session at 7 p.m. During the immediately preceding Non Public Session, the Board discussed revision of the existing positions and job descriptions at the Transfer Station. At this time those present (in addition to those having signed in) included: Ed Comeau (videographer); Niko Giokas (videographer); Robert & Virginia Morse; Tom Beeler; Relf Fogg; Charlie Cotton; Police Chief John Ventura; and Officer Matthew Martino. Ms. Twombley led all present in the Pledge of Allegiance.

**1. Appointments**

**a) Norman Butler – Pond Road** – Mr. Butler stated that a number of individuals present would like to make statements regarding maintenance of Pond Road. Hope Jahn’s family has owned property for many years, and she stated that the Town of Wakefield has always maintained Pond Road, other than from December to April.

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Signs that have been in place, indicating no maintenance from December to April, were removed earlier this year without notification to residents. Ms. Jahn believes basic road maintenance is a reasonable expectation.

Virginia Morse's family lives on Pond Road. She read aloud a letter from her brother, Ogden Morse, in which he refers to the current condition of Pond Road, safety concerns, interruption of mail delivery, etc.

Carol Avery read aloud a letter from the Taskers (319 Pond Road), in which they refer to the decline of the condition of Pond Road due to damage and removal of a culvert. The Taskers suggest the Town resume seasonal maintenance, return the Road to Class V, and replace the culvert.

Mr. Wallace asked who removed the signs. Ms. Collins indicated that the Highway Department removed the signs after it was determined that the road was not a "road to summer cottages". Mr. Wallace was not aware that the signs were removed until the public brought it to his attention. He believes the signs should be replaced and the road should be graded.

Robert Morse stated that Pond Road is different from many Class VI roads as it is a connecting road from Sanbornville to Acton ME. He referred to a number of service vehicles that use Pond Road. In a way this helps Sanbornville build its tax base. The road needs a couple loads of crushed gravel and some stone to stop erosion.

Craig Rowley, Lovell Lake Association, spoke to their actions to protect the lake and the dangers of phosphorus. He hopes the Town will join their efforts to keep Lovell Lake special.

Relf Fogg stated that it is critical to have the culvert replaced. He is willing to donate a culvert if the Town is willing to replace it.

Tom Ferrini noted that first responders must get where they need to go quickly. The existing pot holes present a challenge. It would take less time to go down Pond Road with a grader than it would take to travel around.

Richard Sager, Town Attorney advised he has done some research. This is not a matter of the Board vs. Pond Road; rather it is doing the right thing the right way. Based upon his research, it appears that a section of Pond Road is Class VI—Town owned but not Town maintained. In the early 1990's the Board considered making Pond Road a Highway to Summer Cottages, a classification whereby the Town agrees to summer maintenance only. Unfortunately, what was done at that time did not follow NH law. The Town may have done limited maintenance on Pond Road, but the road is not plowed by the Town. The residents present are not aware of who may actually plow the road, adding that they don't pay anyone to do so. Mr. Sager stated that a layout as a Class V road requires either a vote of Town meeting or a petition to the Board of Selectmen, which would involve public hearings. Layout as a Highway to Summer Cottages requires a petition to the Board and public hearings/meetings. This would not include winter maintenance. Mr. Sager read aloud from his letter to the Board of Selectmen, suggesting the residents petition the Board of Selectmen to lay out a portion of Pond Road as a Highway to Summer

Cottages. The petition would need to designate the start and end of the section. Mr. Sager recommends the Board avoid spending much money on a Class VI road as it could become a Class V without a vote of the Town.

Mr. Butler advised Ms. Twombly as to the language on the signs that were removed. Mr. Wallace questioned that if the road has received maintenance for 30 years, would it already qualify as a Class V road. If the signs were removed, was the road declassified to Class VI without notification? [A photo of the signs was shared with the Board.]

Mr. Sager stated that his job is to make sure any action is in accordance with NH law. He recommends pursuing the avenue to get the road designated as a Highway to Summer Cottages. Discussion followed regarding the required petition and whether it needs to be signed by registered voters. Mr. Sager advised that the statute refers to “resident”, adding that this would not require an article on the Town warrant. Rather, the Board of Selectmen has authority to accomplish this layout. In response to a question from the public, Mr. Sager stated that he has not traveled Pond Road. His research involved the law and material provided by the Town.

Maureen O’Keefe questioned what it would cost to grade the road and fill in the pot holes. Mr. Sager noted that does not matter. This is not an issue of money, but rather a legal issue. Ms. Jahn noted the road is more of a through-way than a Road to Summer Cottages. Mr. Sager advised the wording is per State statute. Mr. Butler suggested that NHMA might provide important information. Ms. Collins noted that she did consult *A Hard Road to Travel*, which is an NHMA publication. John Blackwood stated that the petition should come from the people who own property on Pond Road. Mr. Sager clarified that the petition can be submitted by 1 person; however, he recommends more signatures. Discussion followed as to whether those signing the petition must be registered voters.

Carol Dyer has done some research on-line. She questioned whether all roads designated as Highways to Summer Cottages are Class VI. Class VI roads seem to be dead ends and have not been maintained for 5 years. She questions this classification as Pond Road was maintained up until this year and is a through way to other roads. Mr. Sager stated there are a number of ways for a Class VI road to come into existence—by action of the Board or by action of Town Meeting. A Class VI can become a Class V if it has been maintained for more than 5 years. The definition of “maintenance” would need to be identified. The Town has not plowed Pond Road. Mr. Sager again recommends pursuing a solution by petitioning the Board to layout a portion of Pond Road as a Highway to Summer Cottages.

Mr. Butler questions whether there is any record of Pond Road having Class VI status, adding that the Town map indicates it is Class V. Mr. Sager stated that the State has it as a Class VI, and he assumes they received that information from the Town at some point. Part of Pond Road is Class V, but not all of it. Mr. Wallace questioned the repercussions of continuing to provide summer maintenance as was done previously. Mr. Sager stated that taxpayers could object to the Town spending money on a Class VI road. In the early 1990’s the Board tried to do the right thing, but it did not do it the right way. So let’s do it the right way now.

Mr. Fogg asked if the Town would object to a private contractor replacing the culvert. Mr. Sager stated that the Town has no liability in that event. No permission would be required from the Town if the petition is submitted to and approved by the Board. Mr. Butler states that Pond Road has been maintained within the past 5 years. He believes it already is a Class V and should not require any vote. Rose Cleveland questioned why the Town Attorney is discouraging the residents from pursuing Class V designation. Mr. Sager noted the residents can certainly petition Town Meeting to put an article on the Warrant. However, similar articles have not proven to be very successful. Kimberly Horn noted it seems reasonable to petition the Board rather than the whole Town. It is not difficult to produce such a petition. If it does not work, a petition could be submitted for the Town warrant. Mr. Ferrini agreed. Ms. Morse received confirmation that while a petition for Highway to Summer Cottages would require only one signature, more support would be recommended. Mr. Morse wonders if this action would be open to other similar roads. Ms. Twombly noted that residents on other roads could also petition, but each petition would be considered separately. Mr. Wallace suggested that perhaps residents should have been notified prior to the signs being removed. Mr. Blackwood noted that section of road to be designated should be the area between where the Town plow stops. Mr. Sager confirmed to Ms. Horn that he would be willing to assist in developing the petition if so directed by the Board. Speaking from her experience in Maine, Ms. Horn noted that residents should be cautious about beginning to maintain this road as it may then become a private road.

Peter Imler would not consider building on this road at this point. Just one year without maintenance has resulted in the road deteriorating dramatically. He has never seen the road in such poor condition. Mr. Butler thanked the Board for taking the time to discuss this issue.

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

**b) All Traffic Solutions Purchase Order** – Chief Ventura previously submitted a purchase order for the Board's approval for a radar trailer. This purchase is to be funded through a grant and, therefore, is time-sensitive. Ms. Twombly noted that the people voted for this purchase in the operating budget. She has executed the purchase order. Mr. Wallace has not signed the purchase order as he voted against this purchase. Chief Ventura noted that the Board serves at the will of the voters. This purchase was discussed with the previous Board during development of the budget. It was supported by the Budget Committee, as well as the voters. A second signature on the purchase order is required to carry out the wishes of the voters. If we pull out of this grant at the last minute, it may jeopardize future funding. Mr. Wallace noted that the Town already has a trailer. He stressed that we need to start addressing pay rates of the staff. Chief Ventura noted that Mr. Wallace's refusal to sign the purchase order indicates that Mr. Wallace is deciding what the voters should decide. Mr. Wallace noted that Chief Ventura should have had the purchase order with him when he addressed the full Board and the vote was taken. Ms. Collins noted that occurred when she was on vacation and not at the meeting. She was not asked for a purchase order prior to her departure. Chief Ventura stated that the voters decided in March 2018 that this purchase was necessary. The Board only decided which trailer to purchase. Ms. Collins explained the purchase order process to Mr. Sager, as well as the process to approve this purchase. Chief Ventura questioned whether the purchase can be made with only one signature on the purchase order. Mr. Sager stated that the action of the Board has already occurred—the Board agreed to make the purchase. Mr. Wallace will not sign the purchase order; however, he understands that Chief Ventura can proceed with only one signature.

**1. Appointments (back to agenda order)**

**b) Brock Mitchell, Seth Garland and Chief John Ventura re: GPS Units** – Mr. Mitchell noted that he has not yet had time to consider GPS units. Chief Ventura is happy to look back into the possibility of contracting with Verizon. He believes this topic was pushed aside in the wake of many recent changes. Mr. Wallace noted that the Board had received complaints about staff speeding, etc. The Police and Highway Departments were considering GPS units in order to support Town staff. He would like to move forward with this before winter. Chief Ventura stated it involves a fairly quick installation and turn around. This topic will be placed on the next agenda.

**4. New Business (out of agenda order)**

**b) Cost to Provide Copies** – Ms. Collins noted that a previous Board had set \$1/page as the cost to provide copies; however, the Court has determined that cost to be exorbitant. Mr. Sager indicated that \$0.25/page has been established as reasonable, although the Court still charges \$1/page. **Ms. Twombly moved to establish \$0.25/page as the cost to provide copies. Mr. Wallace seconded the motion, which passed 2-0.**

**3. Unfinished Business (back to agenda order)**

**a) Request for Shelter at Town Boat Launch** – Ms. Twombly read aloud a memo from Victor Vinagro, Shoreland Protection Officer, in which he indicates such a project would not meet set-backs and would likely cause run-off into the lake. Ms. Twombly also read aloud a memo from Wayne Robinson, Parks & Rec Director, who had a number of concerns with the request. Mr. Robinson suggested that use of a canopy might be a better solution. Mr. Wallace agreed that use of the canopy would provide more ventilation without causing an issue with set-back requirements or run-off. There is already not much room to get into the boat ramp. Mr. Rowley is not “married” to the idea of a shed, however, he would like to improve the working conditions. Mr. Wallace noted that the canopy is very easy to put up/take down; however, if it is left up, it might be damaged. Mr. Wallace has a canopy he is willing to donate for this purpose.

**2. Unscheduled Matters/Public Comment #1**

--Mr. Fogg saw a list of agenda items. The Town Administrator has indicated she will address the Personnel Policy during her update. He is asking the Board if the entire policy applies to all personnel. There is a list of things each employee should do and he hopes the Board embraces enforcement of that policy.

--Robert Baxter referred to case law which supported restricting the voices of Town employees/officers on social media.

--Joe Gore certainly hopes the Board will back Town employees when individuals attack their family's image. A person should have the right to defend themselves. He has a right to defend his name and family from lies on social media. When in Town uniform, he will always be respectful. Otherwise, he has the right to defend himself and his family.

--Ms. Collins has seen posts indicating that she has gagged employees from participating on social media. She cited an RSA regarding Freedom of Expression, which prohibits such interference. She has never promulgated a rule to curtail an employee's right to participate on social media.

--Mr. Wallace stated there are laws in place to protect people. If you feel the law has been violated, call the Police Department. If you are on Facebook, you are taking a risk. Currently, there is much bickering. We all need to have more coming together and face-to-face discussions. We must stop the nonsense. People have their own opinions. When you respond to someone else's post, you are opening yourself up. He will not stand for people being intimidated. Many posts are disgusting. The Town of Wakefield is currently a laughing stock. It is easy to be baited into these conversations. We should remember that we all love this town and move on.

--Mr. Fogg noted that social media is a good tool, but it can be tempting.

--Neil Rowe noted that at the last meeting, the Board voted to accept letters of interest to fill the vacancy on the Board. He asked whether the Board is ready this evening to make a decision. Ms. Twombly advised there is no decision yet, but they're working on it. Ms. Collins stated 10 letters were received. One was withdrawn, another was received late. Mr. Wallace noted it was discussed in Non Public Session. They have nailed it down and would like to get on the same page. Mr. Fogg noted it is appropriate for the Board to thank all those showing an interest. Ms. Cleveland hopes to see the names of all the people who applied on the ballot in March.

--Mr. Beeler was allowed to take a photograph of the Pond Road sign discussed previously.

### **3 Unfinished Business**

**c) Stafford Regional Planning Commission** – The Board has received a letter from Evan McDougal expressing his willingness to represent Wakefield as a Commissioner to SRPC. Mr. McDougal was in the audience and confirmed his interest. **Mr. Wallace moved to appoint Evan McDougal to represent Wakefield as a Commissioner to Stafford Regional Planning Commission. Ms. Twombly seconded the motion, which passed 2-0.**

**d) Highway Department/Building Inspector/Shoreland Vehicle Update** – The needs of these departments will be discussed among the various department heads. The estimate to fix the existing vehicle is at least \$2000. No action at this time.

### **4. New Business**

**a) CAI Technologies GIS Internet Services Contract** – Ms. Collins noted that this is basically the same contract we have had for the last several years. **Mr. Wallace moved to approve the GIS Internet Services Contract with CAI Technologies as presented. Ms. Twombly seconded the motion, which passed 2-0.**

**5. Proposed Capital Reserve Fund Expenditures** – None scheduled.

### **6. Correspondence**

**a) Neil Rowe re: Bonnyman Road** – Ms. Collins received this letter after the deadline for the last meeting. It was agreed, however, to arrange a meeting on site with the Board, Sally Soule of DES, UNH Stormwater, AWWA, and Mr. Rowe. Discussion followed as to whether both Board members would attend. Ms. Collins will reach out to get several dates/times over the next several weeks. Mr. Rowe indicated he would prefer to have all 3 Board members in attendance. This matter will be put on hold until a full Board is in place.

**b) Carroll County Delegation Public Hearing** – Mr. Comeau noted the Delegation will meet to consider a number of additional appropriations, none of which will come from additional tax money. Rather, funds would be taken from the fund balance. Mr. Comeau is not in favor of these funds being turned over to the State—he would prefer that they stay in Carroll County. He noted that non-profit organizations should approach the Delegation for possible funding. If these funds were turned over to the State, they would enlarge the pot to be matched by federal funding.

**c) Resignation from Diana Spaulding** – Ms. Twombly read aloud a letter from Ms. Spaulding, who finds it necessary to resign as Assistant Town Clerk.

**d) GWRC Bridal Shower** – Ms. Collins advised that a bridal shower will be held at the GWRC, at which they would like to serve mimosas. This is allowable (with Board permission) under the Management Agreement. The Board agreed to this request by consensus.

**e) Charter Communications** – Charter is advising us of a number of changes to their line-up. This information will be posted on the bulletin board at Town Hall, as well as on the Town's web site.

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

--Richard Reilley works for a substance abuse program in Dover. They were given 12 used mattresses, but none are the right size. He was advised he could approach the Board to seek a waiver of related disposal fees at the Transfer Station. Mr. Wallace recommended that Mr. Reilley check with Waste Management in Rochester. Mr. Fogg suggested that White Horse Addiction Center in Ossipee might take the mattresses.

#### **8. Administrative Matters**

##### **a) Town Administrator's Update**

--Personnel Policy: Ms. Collins is working on it. She is currently 46 pages in, although she has had to jump around a bit. She had hoped to have it ready for budget discussions.

--Ms. Collins reminded the Board that HEB Engineers would present the Bridge Management Plan on Friday, September 14, at 10 a.m. in the conference room. The meeting is open to the public, although it is not a public hearing.

--The Town has received a request from an abutter to Town property regarding a shoreland permit application. The property owner would like to repair a retaining wall. DES requires the abutters' ok.

**Ms. Twombly moved to support the property owner's repair of his retaining wall, as requested. Mr. Wallace seconded the motion, which passed 2-0.**

--L-Chip Window Project: The Town cannot request any reimbursement without a Stewardship Plan and Resolution, which Ms. Collins is preparing and will provide at the next meeting.

**b) Tax Collector's Collections Report** – This report was provided for the Board's information.

**c) Heritage Commission Membership Appointment** – The Commission recommends the appointment of Jeanne Loughan as an alternate for 3 years. **Ms. Twombly moved to appoint Jeanne Loughan as an alternate to the Heritage Commission, with a term through March 2021. Mr. Wallace seconded the motion, which passed 2-0.**

**d) Building Permit Releases** – Mr. Wallace moved to approve the release for Marconi on Grant Towle Road, as presented. Ms. Twombley seconded the motion, which passed 2-0.

**e) Payment Manifests** – Mr. Wallace moved to approve PR #23 in the amount of \$91,789.44. Ms. Twombley seconded the motion, which passed 2-0.

Ms. Twombley moved to approve AP #46 in the amount of \$799,618.04. Mr. Wallace seconded the motion, which passed 2-0.

**f) Minutes** – Mr. Wallace moved to approve the public minutes of August 27, 2018, as presented. Ms. Twombley seconded the motion, which passed 2-0.

Ms. Twombley moved to approve the Non Public minutes #'s 1, 2, 3, 4 and 5 of August 27, 2018, as presented. Mr. Wallace seconded the motion, which passed 2-0.

**g) Selectmen's Work Session**

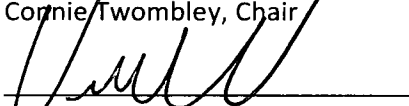
--Mr. Wallace wished Chris Allen a speedy recovery from a serious accident and expressed thanks for all the donations received. He also noted that Sassa is home but still going through treatment and wished her well in her recovery as well.


**Mr. Wallace moved to adjourn at 9:14 p.m. Ms. Twombley seconded the motion, which passed 2-0.**

Respectfully submitted,  
Toni Bodah, Secretary

Approval of Minutes:

  
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Connie Twombley, Chair

  
\_\_\_\_\_  
Vinton Wallace

  
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Vacant