

**Board of Selectmen
September 26, 2018**

Present: Connie Twombly, Chair; Vinton Wallace; Dennis Miller; Kelley A. Collins, Town Administrator; and Toni Bodah, Secretary.

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

The Board returned to public session at 6:08 p.m. **Ms. Twombly moved to seal the minutes of the immediately preceding Non Public Session indefinitely. Mr. Wallace seconded the motion. Roll call vote: Mr. Wallace – ‘aye’; Mr. Miller – ‘aye’; Ms. Twombly – ‘aye’.** The motion passed unanimously, and the minutes were sealed.

Mr. Wallace moved to enter Non Public Session under RSA 91-A:3, II (a). Ms. Twombly seconded the motion. Roll call vote: Mr. Wallace – ‘aye’; Mr. Miller – ‘aye’; Ms. Twombly – ‘aye’. The motion passed unanimously, and the Board immediately entered Non Public Session.

The Board returned to public session at 6:23 p.m. During the immediately preceding Non Public Session the Board voted to increase each step on the Fire/Rescue pay scale by \$1/hour, and to move Brad Beveridge to the Captain line on that revised scale, to \$23.82/hour, all effective as of September 24, 2018. **Mr. Miller moved to enter Non Public Session under RSA 91-A:3, II (c). Mr. Wallace seconded the motion. Roll call vote: Mr. Wallace – ‘aye’; Mr. Miller – ‘aye’; Ms. Twombly – ‘aye’.** The motion passed unanimously, and the Board immediately entered Non Public Session.

The Board returned to public session at 6:35 p.m. **Ms. Twombly moved to seal the minutes of the immediately preceding Non Public Session indefinitely. Mr. Wallace seconded the motion. Roll call vote: Mr. Wallace – ‘aye’; Mr. Miller – ‘aye’; Ms. Twombly – ‘aye’.** The motion passed unanimously, and the minutes were sealed.

Mr. Wallace moved to enter Non Public Session under RSA 91-A:3, II (c) & (e). Mr. Miller seconded the motion. Roll call vote: Mr. Wallace – ‘aye’; Mr. Miller – ‘aye’; Ms. Twombly – ‘aye’. The motion passed unanimously, and the Board immediately entered Non Public Session.

The Board returned to public session at 6:37 p.m. **Ms. Twombly moved to seal the minutes of the immediately preceding Non Public Session indefinitely. Mr. Wallace seconded the motion. Roll call vote: Mr. Wallace – ‘aye’; Mr. Miller – ‘aye’; Ms. Twombly – ‘aye’.** The motion passed unanimously, and the minutes were sealed.

Ms. Twombly moved to enter Non Public Session under RSA 91-A:3, II (e). Mr. Wallace seconded the motion. Roll call vote: Mr. Wallace – ‘aye’; Mr. Miller – ‘aye’; Ms. Twombly – ‘aye’. The motion passed unanimously, 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 voted to deny a request for a meeting with an individual involved in a criminal issue. **Mr. Wallace moved to enter Non Public Session under RSA 91-A:3, II (a) & (c).**

Mr. Miller seconded the motion. Roll call vote: Mr. Wallace – ‘aye’; Mr. Miller – ‘aye’; Ms. Twombly – ‘aye’. The motion passed unanimously, and the Board immediately entered Non Public Session.

The Board returned to public session at 6:46 p.m. Mr. Wallace moved to seal the minutes of the immediately preceding Non Public Session indefinitely. Mr. Miller seconded the motion. Roll call vote: Mr. Wallace – ‘aye’; Mr. Miller – ‘aye’; Ms. Twombly – ‘aye’. The motion passed unanimously, and the minutes were sealed.

Mr. Wallace moved to enter Non Public Session under RSA 91-A:3, II (e). Ms. Twombly seconded the motion. Roll call vote: Mr. Wallace – ‘aye’; Mr. Miller – ‘aye’; Ms. Twombly – ‘aye’. The motion passed unanimously, and the Board immediately entered Non Public Session.

The Board returned to public session at 7 p.m. Mr. Wallace moved to seal the minutes of the immediately preceding Non Public Session indefinitely. Ms. Twombly seconded the motion. Roll call vote: Mr. Wallace – ‘aye’; Mr. Miller – ‘aye’; Ms. Twombly – ‘aye’. The motion passed unanimously, and the minutes were sealed.

Ms. Twombly led all in the Pledge of Allegiance, then welcomed Dennis Miller as a member of the Board. Those present at this time included: Tom Beeler; Neil Rowe; Shirley MacCormack; Larry Moody; Ed Noble; Robert & Rose Baxter; Dave Tibbetts; Phil Twombly; Jim Miller (videographer); Ed Comeau (videographer); Norman Butler; and Relf Fogg.

1. Appointments – None scheduled.

2. Unscheduled Matters/Public Comment #1

--Mr. Fogg asked whether an email from the Conservation Commission was on the agenda, with the answer being “no”. Mr. Fogg referred to said email being urgent.

3. Unfinished Business

a) GPS Units for Public Works & Police – Chief Ventura provided quotes for both departments. It may be more critical for the Public Works Department to have these installed prior to snow season; however, the Police Department could probably wait. Cost for Public Works is a one-time fee of \$1006.84, plus \$171/month. Cost for Police is a one-time fee of \$806.61, plus \$133/month. It is important to manage the safety of our drivers, which will be monitored by the Emergency Management Director (who is the Police Chief). Mr. Miller questioned how this information will be stored. Ms. Collins indicated a device would plug in to each vehicle, then the information goes into a software system. Various levels of permission for access could be established. Mr. Miller questioned how long the information would need to be kept. Ms. Collins was unsure. Mr. Miller would like to know whether this information would be discoverable in the event of a Court action. Mr. Wallace believes retention would be determined by the Town’s policy. Ms. Collins noted that the Town may wish to print some data to be kept on file. Mr. Miller would like to see a policy as to how we maintain those records. Ms. Collins will draft such a policy and have Town Counsel review. **Mr. Wallace moved to move forward with both GPS Unit proposals immediately. Mr. Miller seconded the motion, which passed 3-0.**

b) Facility Use Agreement – Ms. Collins explained that this originated with a request to use the Opera House for a wedding reception, although similar requests are received by the Greater Wakefield Resource Center. Ms. Collins contacted the Town's insurance carrier, who provided a draft Facility/Premises License Agreement. All Board members agreed that alcohol should not be allowed in Town buildings. Ms. Collins will revise the draft document. She noted that we have no custodian, and many people use the buildings, with doors often left unlocked, lights left on, doors propped open, etc.

c) Bonnyman Road – Neil Rowe Request – Mr. Rowe had requested that the full Board, Director of Public Works, AWA, UNH Stormwater and NH DES meet on site to walk the road and develop a plan to address the road, perhaps to include use of Towle Farm Road. Ms. Collins has been unable to determine a date when all parties are available. Ms. Twombly suggested that the new Director of Public Works should view the road. She added that the road has been walked by various members of the Board of Selectmen, as well as the previous Director of Public Works within the last 18 months. DES, AWWA and UNH were present as well. DES developed a plan acceptable to them; however, this plan was not acceptable to the affected residents. Now we have a new Director, and he should be given time to review the situation. Mr. Miller agreed that the new Director should give the Board his advice.

Mr. Rowe noted that the Board and DES went out to look at Mr. Thomas' water problem. However, the problem is much greater. It runs from Route 153 to the junction of Point and Towle Farm Road. Ms. Twombly again indicated that the new Director should view the site and advise the Board. Mr. Rowe would like to be present for that viewing. Mr. Miller stated the Director should first view the road by himself, then can meet with Mr. Rowe thereafter. Mr. Moody asked whether Mr. Wallace has viewed the road. Mr. Wallace advised he has not done so, adding that he is not an engineer and needs to hear advice from the Director of Public Works. Mr. Moody referred to a court case involving the layout of the road. Ms. MacCormack noted that some issues are not visible from the road; rather they are visible only from the lake. She stated that every time a construction vehicle travels the road, rocks are loosened and fall into the lake. It was noted that Town employees cannot go onto private property without written permission from the property owner. Ms. Twombly is confident that Mr. Mitchell (Director of Public Works) knows what to look for and hopes he can do so prior to the bad weather.

4. New Business

a & b) L Chip Stewardship Plan and Land Trust Alliance Resolution – Ms. Collins referred to the L Chip window project. She noted that in order for the Town to be reimbursed for expenditures, we must approve the Stewardship Plan and adopt the Land Trust Alliance Standards and Procedures. Mr. Miller asked what commitment the Town would be making. Ms. Collins advised the commitment would be to take care of the asset with which they are assisting us, which includes the entire building. Ms. Collins briefly reviewed the history of this project. **Mr. Miller moved to approve the Land Trust Alliance Standards & Procedures (read aloud and into the record and attached hereto), as well as the L Chip Stewardship Plan. Mr. Wallace seconded the motion, which passed 3-0.**

c) State Bridge Aid Program – As a result of the presentation by HEB Engineers, our first step is to put two more bridges on the SBA. We have not heard whether Maple Street and Canal Road bridges have made the list. We will now attempt to add bridges on Marsh and North Old Farm Roads. Ms. Collins advised Mr. Miller this would result in 4 out of 7 bridges to be addressed on the SBA program.

However, there are many options available to address those 7 bridges. Ms. Collins advised that one bridge only requires maintenance and does not need to get on the SBA program. **Mr. Miller moved to execute the applications to the State Bridge Aid Program for bridges on North Old Farm Road and Marsh Road. Mr. Wallace seconded the motion, which passed 3-0.**

d) Hazard Mitigation Grant Program Application – This application could result in financial assistance to remove/replace the Maple Street bridge. HEB has prepared this document (for Ms. Collins' signature), which is due September 28. If we get grant approval, we will likely move up on the SBA list as the State's share would be reduced. Mr. Miller asked how this application commits the Town financially. Ms. Collins noted that the Board could always reject the grant if approved. **Mr. Miller moved to authorize Kelley Collins to execute the Hazard Mitigation Grant Program Application as presented. Mr. Wallace seconded the motion, which passed 3-0.** Mr. Miller advised that he and Howie Knight plan to visit HEB to view the inter-active spreadsheets prepared by HEB regarding funding options.

e) OHRV and Snowmobile Registration Agency – In 2017, the Board declined to support the Town Clerk's application to become a registration agency as it would draw business from other local businesses. The Town Clerk indicates she has discussed this with local business owners, who have indicated they have no problem with the Clerk's office adding this service. Mr. Wallace would like to know whether these registrations can be done on line. **Mr. Wallace moved to approve this application and to authorize the Chair to execute same. Mr. Miller seconded the motion, which passed 3-0.**

f) Abatement of Interest for Map 34, Lot 4 – Ms. Collins noted that this abatement is a contractual agreement as part of the payment plan. She expects the contract to be paid off shortly and would like to have the abatement in place. The Town has collected \$8500 to date from the payment plans in place. Ms. Collins noted that letters regarding tax deeding were sent out last week, mostly having a deadline for payment of October 23. If payment is made to the Tax Collector, only the deed year must be paid. If a payment plan is established with the Town, the Town is willing to waive an amount of interest; however, the plan would include payment of all taxes and other costs. **Mr. Wallace moved to approve the abatement of \$1215 in interest for Map 34, Lot 4, as described. Mr. Miller seconded the motion, which passed 3-0.**

5. Proposed Capital Reserve Fund Expenditures

a) Cemetery Maintenance CRF \$3040 – Mr. Twombly joined the Board and explained that this expenditure represents repair of a tipping wall at the cemetery on Route 153, just north of Wakefield Corner. TEN Construction completed the work, which looks great. Mr. Twombly provided a brief history of establishment of this fund. Mr. Miller asked whether perpetual care funds could be used for such work. Mr. Twombly advised that perpetual care does not cover this work. **Mr. Wallace moved to approve this \$3040 expenditure as presented. Mr. Miller seconded the motion, which passed 3-0.**

6. Correspondence

a) Robert Baxter re: Heritage Commission Membership – Ms. Collins read Mr. Baxter's letter aloud, in which he expresses his disappointment in not being appointed to the Heritage Commission despite his expertise.

Ms. Twombly noted that the Board of Selectmen only make such appointments based on recommendations from the Heritage Commission.

b) Robert Baxter re: Selection of Engineers for Bridge Management Plan – Ms. Collins noted that the Board only sees Kleinfelder’s response to Mr. Baxter’s email to them. Although Kleinfelder submitted a proposal, that firm was not ultimately chosen by the Board.

c) Rebecca (Merrill) Champaigne Resignation – Ms. Twombly read aloud Ms. Champaigne’s letter of resignation as Deputy Tax Collector/Assistant Town Clerk. **Mr. Wallace moved to accept with regret and thanks Ms. Champaigne’s resignation. Mr. Miller seconded the motion, which passed 3-0.**

d) NH DoT re: Unauthorized Access on Route 153 – Mr. Miller noted that many homes in that area have driveways directly onto Route 153. Ms. Collins referred to the approved subdivision for this particular lot having designated access from another road.

7. Unscheduled Matters/Unscheduled Comments #2

--Mr. Rowe asked for clarification of the process to be used to notify the Director of Public Works and provide Mr. Rowe with his report prior to the next meeting. Ms. Twombly stated that Town Administrator will communicate with the Director, who will view the site as his schedule allows. No report will be shared without the Board having first reviewed it. Mr. Rowe noted he had expected that AWWA and DES would supply grants and address the entire road, rather than addressing it in pieces. Ms. Collins referred to the grant and plan in place earlier this summer, which could not move forward because we could not obtain the necessary easements. Mr. Rowe noted that plan was to address a problem on Mr. Thomas’ property. Ms. Collins indicated it was the plan that DES would allow. Mr. Rowe would like to address another section of the road. Ms. Twombly stated this subject would return to the agenda when we have a report from the Director of Public Works.

--Ms. MacCormack referred to school buses traveling by her property on Bonnyman Road. She stated that construction vehicles weaken the road and hopes it won’t take a school bus falling into the lake to make people realize this is a serious matter. Mr. Wallace noted the Director may recommend the road be posted with a weight limit.

--Mr. Fogg referred to a culvert replaced by the Town on Bonnyman Road 10 years ago, paperwork for which should be located at the State. He stated that the Board must take into account the need to keep our lakes clean and our people safe.

--Mr. Fogg referred to Pond Road. He noted that the Town’s fix after removal of the damaged culvert has actually caused more problems. More wetlands are being created and are spilling over onto abutters’ properties. This is damaging the quality of Lovell Lake. The Town is knowingly allowing sediment into Lovell Lake every time it rains. The Town should replace the culvert, which may require State approval. He does not believe this would be a long process, estimating it would take 4 people and a machine about 8 hours. This issue was discussed at the Conservation Commission meeting. Mr. Butler believes the culvert was undermined by traffic driving over it. It began to sink, then buckled and became dangerous to vehicles trying to drive by it. He added that Pond Road is a Class V road. Mr. Butler suggested that the Town admit to the Class V status, fix the culvert and then address the road as a “Highway to Summer Cottages.” Mr. Fogg stressed the urgency involved.

Ms. Collins advised that the fill was placed by a former Director of Public Works. The staff has indicated that the culvert was damaged by a plow, although residents do not pay to have the road plowed. Mr. Butler does not agree. The Board agreed by consensus to have Ms. Collins direct the Director of Public Works to contact DES for a permit for an emergency repair.

8. Administrative Matters

a) Administrator's Update –

--Ms. Collins is seeking permission to take 4 days off between now and December. **Mr. Wallace moved to approve this time off as submitted. Mr. Miller seconded the motion, which passed 3-0.**

--The Sanbornville Water Precinct is conducting shut-offs this week. They originally had planned for 50; however, that has been reduced to 23. Rick Skarinka of DES has contacted us as this action may result in welfare, health and/or safety issues. The SWP Chair has been asked to notify the Building/Code/Health Officer of any shut-offs.

--Ms. Collins referred to the Town's efforts to acquire Turntable Park from the State. \$1500 was appropriated for this venture on the Town warrant. Our long-term lease expired in May 2017. The Town has been communicating with Chris Gamache at the Bureau of Trails since May 2016. Originally, we had hoped to acquire the property rather than enter into another long-term lease for a variety of reasons. Mr. Gamache had referred to administrative matters to be addressed within State government. Now we are being told we would have to pay fair market value. Ms. Collins recommends that for now we write to the State to go forward with their appraisal, following which the Board/Budget Committee can decide whether to take the proposed acquisition to the voters. We could also ask Councilor Kenney to move the project along. Mr. Miller suggested that the Heritage Commission become involved, adding they might have access to a grant for such a purchase. Ms. Collins advised the Heritage Commission has been involved and hopes to purchase and move the freight house to that site. Mr. Miller will attend the meeting of the Heritage Commission to discuss this issue.

--The Town has received a letter from ISO, which firm evaluates Fire Departments and establishes a rating which affects what people pay for fire insurance. They also evaluate Building/Code Departments. According to ISO, our last evaluation resulted in a rating of 6 (out of 10). The Building Inspector is currently working on this survey and will meet with ISO personnel.

--Ms. Collins is recommending that the Board write off 4 outstanding ambulance bills totaling \$1977.30 and that 3 others be sent to Experian, totaling \$1249.48. **Mr. Wallace moved to write-off \$1977.30 in outstanding ambulance bills and to send \$1249.48 to Experian, as recommended. Mr. Miller seconded the motion, which passed 3-0.**

--Ms. Collins suggested establishing a date/time for a work session with the Police Chief, Building Inspector and Director of Public Works to review vehicles and available funds. The Police Chief has a vehicle that could be used until winter. Some funds are available within the budget. We need to review our needs and available funding. There is an auction at the White Farm in Concord mid-October. Our representative would need authorization to make a purchase. We should rank our needs and consider available funds as well as future funding needs. We also need to establish a date to meet with Department Heads for the 2019 budget. It was agreed to meet Friday, October 5 from 8:30-9:30 a.m. to discuss vehicles, then book several budget sessions, lasting until 2:30 p.m.

--Parks & Recreation is requesting that the Board waive the bid requirement for their feasibility study for building needs. Both Mr. Robinson and UNH have provided letters. This process has been put out to bid twice and has come back higher than available funding. UNH did not bid for various reasons.

However, UNH now is able to do the work for \$10,000 or less. These funds are available. **Ms. Twombley moved to waive the bid requirement of the Town's Purchasing Policy for the Parks & Rec feasibility study. Mr. Miller seconded the motion.** Mr. Wallace noted he agrees as this project was put out to bid previously, with results being out of our reach. **The motion then passed 3-0.**

--The GWRC has provided their minutes and financial statements. Any questions can be emailed to Ms. Collins for follow-up.

--The Surveying Department of HEB Engineers has determined that the Canal Road Bridge is owned 50-50 by Wakefield NH and Acton ME. They indicated the property line runs down the middle of the channel. Ms. Collins will share this information with the Acton Board of Selectmen. Mr. Miller suggests that information be shared with the Maine Attorney General and Maine DoT. The Board agreed by consensus. Ms. Collins noted that Wakefield Police Department should enforce the posted weight restrictions of that bridge. Mr. Wallace noted we may need to have the State Police involved as they have portable scales. Mr. Fogg asked whether there is an emergency action plan in the event the arch collapses. Yes—drive 9 miles around, although other options have been discussed.

--Ms. Collins noted she is getting ready to set the tax rate. She presented a revised MS 535 for signature, which was revised to match the MS 9 & MS 10. The Board executed the revised MS 535 as presented. Ms. Collins noted that by having hired an independent firm to assess values, the Town picked up \$8.5 million in utility values. Combined with the increase in assessed values, the Town now has over \$1billion in assessed values. Mr. Miller suggested that Howie Knight be allowed to sit in on the tax rate setting. Ms. Collins noted that this is no longer done in a meeting setting; rather it is all done via computer. She will bring information to the Board at a meeting prior to setting the rate.

--Spectrum announces it is going 100% digital. This notice has been forwarded to Clearview to air on Channel 3.

--At the last meeting in October, we will have a public hearing to consider revision of the building fees. The cost for construction is currently \$110 per square foot; however, our existing fees are based on \$70 per square foot.

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

c) Building Permit Releases – Execution of this document releases the Town from liability in allowing the owner to build on a private or Class VI road. **Mr. Wallace moved to approve the release for Mansfield on Plantation Drive. Mr. Miller seconded the motion, which passed 3-0.**

Mr. Wallace moved to approve the release for Vallee on Concord Lane. Mr. Miller seconded the motion, which passed 3-0.

d) Payment Manifests – The Board executed a void in the amount of \$310. **Mr. Miller moved to approve PR #24 in the amount of \$74,763.26. Mr. Wallace seconded the motion, which passed 3-0.**

Mr. Wallace moved to approve AP #47 in the amount of \$94,797.95. Mr. Miller seconded the motion, which passed 3-0.

e) Minutes – Mr. Wallace moved to approve the public minutes of September 12, 2018, as presented. Mr. Twombley seconded the motion, which passed 2-0-1 (Mr. Miller abstaining).

Mr. Wallace moved to approve the Non Public minutes of September 12, 2018, #'s 1, 2, 3, 4 and 5, as presented. Ms. Twombly seconded the motion, which passed 2-0-1 (Mr. Miller abstaining).

Mr. Wallace moved to approve the minutes of September 14, 2018, as presented. Ms. Twombly seconded the motion, which passed 2-0-1 (Mr. Miller abstaining).

f) Selectmen's Work Session – Ms. Twombly moved to appoint Dennis Miller as the Board's representative to the Budget Committee. Mr. Wallace seconded the motion, which passed 3-0.

Mr. Wallace moved to appoint Dennis Miller as Vice Chair. Ms. Twombly seconded the motion. Mr. Miller shared his belief that Mr. Wallace should act as Vice Chair. Mr. Wallace withdrew his motion, and Ms. Twombly withdrew her second.

Mr. Miller moved to appoint Vinton Wallace as Vice Chair. Ms. Twombly seconded the motion, which passed 3-0.

Mr. Wallace noted that the Town needs another location for emergency evaluations, other than the Public Safety Building, perhaps the Paul School. Ms. Collins agreed this should be discussed during the Emergency Operations Plan update meeting.

Mr. Miller moved to adjourn at 9:18 p.m. Mr. Wallace seconded the motion, which passed 3-0.

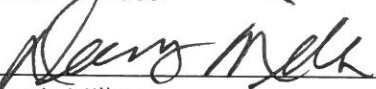
Respectfully submitted,
Toni Bodah, Secretary

Approval of Minutes:



Connie Twombly, Chair

Vinton Wallace



Dennis Miller