

**Board of Selectmen
June 28, 2017**

Present: Richard C. Edwards, Chairperson; Connie Twombley; Lina Avellani; Kelley Collins, Town Administrator; and Toni Bodah, Secretary.

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

The Board returned to public session at 6:28 p.m. During the preceding non-public session, the Board discussed overall staffing of the Police Department and voted to authorize an increase to \$22.89 per hour for Officer Claire Briggs.

Ms. Twombley moved to enter Non Public Session under RSA 91-A, II (a). Mr. Avellani seconded the motion. Roll call vote: Ms. Twombley - 'aye'; Mr. Avellani - 'aye'; Mr. Edwards - 'aye'. The motion passed 3-0, and the Board immediately entered Non Public Session.

The Board returned to public session at 6:30 p.m. During the preceding non-public session, the Board voted to authorize an increase to \$22.89 per hour for Officer Sean Welch.

Ms. Twombley moved to enter Non Public Session under RSA 91-A, II (a). Mr. Avellani seconded the motion. Roll call vote: Ms. Twombley - 'aye'; Mr. Avellani - 'aye'; Mr. Edwards - 'aye'. The motion passed 3-0, and the Board immediately entered Non Public Session.

The Board returned to public session at 6:35 p.m. During the preceding non-public session, the Board voted to authorize an increase to \$18.58 per hour for Jeanne Paul.

Mr. Avellani moved to enter Non Public Session under RSA 91-A, II (a). Ms. Twombley seconded the motion. Roll call vote: Ms. Twombley - 'aye'; Mr. Avellani - 'aye'; Mr. Edwards - 'aye'. The motion passed 3-0, and the Board immediately entered Non Public Session.

The Board returned to public session at 6:37 p.m. During the preceding non-public session, the Board voted to authorize an increase to \$23.41 per hour for Officer Rich Laferriere.

Ms. Twombley moved to enter Non Public Session under RSA 91-A, II (a). Mr. Avellani seconded the motion. Roll call vote: Ms. Twombley - 'aye'; Mr. Avellani - 'aye'; Mr. Edwards - 'aye'. The motion passed 3-0, and the Board immediately entered Non Public Session.

The Board returned to public session at 6:47 p.m. During the preceding non-public session, the Board voted to authorize an increase to \$20.75 per hour for Scott Parsons.

Mr. Avellani moved to enter Non Public Session under RSA 91-A, II (e). Ms. Twombley seconded the motion. Roll call vote: Ms. Twombley - 'aye'; Mr. Avellani - 'aye'; Mr. Edwards - 'aye'. The motion passed 3-0, and the Board immediately entered Non Public Session.

The Board returned to public session at 7 p.m. During the preceding non-public session, the Board was updated regarding a pending matter of litigation.

Board of Selectmen

June 28, 2017

Page 2

Ms. Twombly moved to enter Non Public Session under RSA 91-A, II (a) and (c). Mr. Avellani seconded the motion. Roll call vote: Ms. Twombly - 'aye'; Mr. Avellani – 'aye'; Mr. Edwards – 'aye'. The motion passed 3-0, and the Board immediately entered Non Public Session.

The Board returned to public session at 7:17 p.m. During the preceding non-public session, Ms. Collins reviewed a personnel matter with the Board.

Ms. Twombly moved to enter Non Public Session under RSA 91-A, II (c). Mr. Avellani seconded the motion. Roll call vote: Ms. Twombly - 'aye'; Mr. Avellani – 'aye'; Mr. Edwards – 'aye'. The motion passed 3-0, and the Board immediately entered Non Public Session.

The Board returned to public session at 7:17 p.m. During the preceding non-public session, Ms. Collins shared information with the Board regarding a personnel matter.

The Board moved to the conference room, where those present included: Tom Beeler, *Carroll County Independent*; Jim Miller; Dave Mankus; Annette Perry; Dick House; Carroll Shea; Ed Noble; Jerry O'Connor; Donna Martin (videographer); Ed Comeau (videographer); and Bill Denley. Chief Ken Fifield joined the session in progress.

Mr. Edwards led all present in the Pledge of Allegiance.

1. Appointments – None scheduled.

2. Unscheduled Matters/Public Comment

--Mr. Miller asked whether there would be an opportunity for public comment during item 6.a of the agenda and whether the 3 minute limit on such comments would be enforced. Mr. Edwards expects the 3 minutes limit to occur during any such commenting period.

--Mr. Miller read a prepared statement in which he suggests that the Town use no more of its resources on the issue of Article #20 of the 2017 Town Warrant.

--Mr. Denley has reviewed available information and believes the real question is whether or not the State can be convinced that all public benefits reach the level of over-riding what would normally be prohibited. Mr. Denley indicated that the issue of fire suppression alone affects everybody and is a huge public benefit and purpose. He believes an appeal to the State would carry the day. Mr. Denley stated that the role of the Board of Selectmen changes once the warrant article passes, adding that the Board would now have a fiduciary responsibility to take on the case of the voters/residents. At this point it is irrelevant how individual Board members, or Town Counsel, feel about the appropriation.

--Mr. O'Connor referred to the discussion at Deliberative Session regarding the constitutionality of such an appropriation. He did not hear that the taxpayers would be on the hook to make sure that the appropriation ultimately occurs. Mr. O'Connor stressed that we must follow the constitution. DRA has stated we are too late for this year. Suddenly, this has turned in to a big fire issue; however, this group went to the Conservation Commission to get a letter of support for grant funding, rather than to the Board of Selectmen or the Fire Department. The Conservation Commission spent \$7000 on 2 studies, although he has not seen those \$7000 plans.

Board of Selectmen

June 28, 2017

Page 3

--Mr. House stressed that the Conservation Commission heard UVCA speak of the issue of fire suppression, as well as other issues; however, the Commission rejected all but those portions which would give the Commission material relative to such a commission. The Commission only funded that portion that it believed legitimately related to a conservation commission. Mr. House stressed that the Board's responsibility after the Town vote is to see whether the Town vote can be fulfilled. The appeal to the DRA's Letter of Disallowance is the responsibility of the Board.

--Mr. Mankus stated that a decision was made by the voters, and Town Counsel should be representing the voters. He stressed the importance of available water in the Union area for fire suppression.

--Mr. O'Connor noted that DES will supply the studies (that the Conservation Commission spent \$7000 to help produce) free of charge.

Mr. Edwards believes in the power of the vote and believes the Board was right to seek a professional opinion. Perhaps, considering the amount of passion involved in this issue, it might be appropriate to seek a second opinion.

3. Unfinished Business

a) PSB II Sprinkler Bids – At the previous meeting, Mr. Edwards had indicated that the subcommittee recommended awarding the bid to Life Safety in the amount of \$85,000, with the condition that the bid be reviewed in more detail in order to confirm its adherence to the specs. This review has been satisfactorily accomplished. **Ms. Twombly moved to award the bid for the PSB II sprinkler project to Life Safety in the amount of \$85,000, as recommended. Mr. Avellani seconded the motion.** Mr. Edwards confirmed to Mr. Avellani that no changes have been made to this bid. **The motion then passed 3-0.**

b) Paving Bids – Ms. Collins noted that all bids opened at the previous meeting were given to Leigh Nichols, Director of Public Works, for review in detail. Mr. Nichols has recommended awarding the bid to R&D Paving, who not only was the low bidder but who also provided quality work to the Town last year. **Ms. Twombly moved to award the bid for 2017 paving projects to R&D Paving in the amount of \$179,280, as recommended by Leigh Nichols. Mr. Avellani seconded the motion, which passed 3-0.**

c) Brookfield Highway Road Trash to Transfer Station – Ms. Collins spoke last week with Rich Zacher, Brookfield BoS Chair, about Brookfield's roadside trash. Brookfield's contracted Highway Department routinely finds miscellaneous rubbish, including some items for which we normally charge. Discussion followed regarding the possibility of the Wakefield Board allowing Ms. Collins to provide a letter allowing the Brookfield Highway Department to take roadside trash to the Wakefield Transfer Station and to have Manager Warren Winn track this material to ensure that its acceptance does not unduly burden the system. If approved, this process could be revisited in 60 days. Material brought in must be recycled as appropriate. Mr. Avellani expressed concern about the Wakefield taxpayers funding this process. Ms. Collins noted that the Town of Wakefield may receive income from some of the material brought in, which is not shared with Brookfield. The Board agreed by consensus to try this process for 60 days.

4. New Business

a) Town Hall Rear Parking Lot Restrictions – Ms. Collins referred to the limited number of spaces in the rear parking lot.

Board of Selectmen

June 28, 2017

Page 4

There are 6 staff members working in the lower level who require parking, as well as individuals seeking services located on that level. Generally, there are more Lovell Lake Food Center employees occupying those spaces than Town Hall staff/users. Ms. Collins would suggest that Town staff utilize spaces at the far end of the parking lot, another space should be reserved for handicap parking, with several being designated for use by those seeking Town Hall services. Ms. Collins has no wish to make it more difficult for local businesses; however she also wants to reserve space for staff and residents using Town Hall.

In addition, during the winter months, Lovell Lake Food Center employees utilize the parking lot early prior to the DPW being able to remove snow. Ms. Collins suggests the lot remain empty until the Highway crew is able to plow the lot. After hours and on weekends, parking need not be restricted (other than for plowing). Mr. Edwards agreed, noting there are other options available to the Lovell Lake Food Center staff. Mr. Avellani stated that we could certainly ask for their compliance. He questioned whether the Town Hall actually needs a dumpster, and suggested that Highway Department or Transfer Station staff could pick up the trash twice each week. Ms. Collins suggested further consideration during the budget process, at which time we might also consider absorbing property maintenance.

b) Cell Phone Reimbursement – Ms. Collins recommends that Wayne Robinson be added to the list of those employees receiving a \$30 monthly stipend as reimbursement for use of personal cell phones for Town business. Mr. Avellani stated that we should have a clear policy in this regard. **Mr. Avellani moved to pay Wayne Robinson a \$30 per month stipend for cell phone reimbursement. Ms. Twombly seconded the motion, which passed 3-0.**

c) Greater Wakefield Resource Center Request to Serve Alcohol – The GWRC has received a request to allow wine to be served at an event that may be held there. In accordance with the Management Agreement, permission is required from the Board of Selectmen. Mr. Avellani expressed concern about the Town's liability (since it is a Town-owned building) should any accident/incident occur. Ms. Collins advised that the Town's insurance carrier is ok with this request as long as the Town is named as an additional insured under the renter's policy. Ms. Collins will determine the required amount of coverage. Mr. Avellani suggested including an indemnity clause in the renter's agreement. **Mr. Edwards moved to approve the request. Ms. Twombly seconded the motion. Mr. Avellani stressed that he wants to be sure the Town is protected. The motion then passed 3-0.**

5. Proposed Capital Reserve Expenditures

a) Town Hall Improvements \$2297.40 – this represents the down payment for the curtains in the conference room, approved at the previous meeting. **Ms. Twombly moved to approve this expenditure as presented. Mr. Avellani seconded the motion, which passed 3-0.**

b) Police Vehicle \$28,689 – At the last meeting the Board executed the purchase order for the vehicle. We must now pay for this purchase from the capital reserve fund. **Ms. Twombly moved to approve this expenditure as presented. Mr. Avellani seconded the motion, which passed 3-0.**

c) Police Vehicle \$120 – At the last meeting the Board approved purchase of decals for the new vehicle. This request will pay to have the decals applied. **Ms. Twombly moved to approve this expenditure as presented. Mr. Avellani seconded the motion, which passed 3-0.**

6. Correspondence

a) DRA Response to UVCA (Article #20) – Mr. Comeau requested that the letter be read aloud, which Ms. Twombly did. DRA advises that any appeal of their Disallowance Letter must come from the Board of Selectmen. Ms. Collins stated that the Board may appeal after the tax rate is set, which is generally in October. However, such action would delay the tax bill process. Mr. House believes that paragraph 2 of DRA's letter allows the Board to request a reconsideration of the disallowance at this time. Ms. Collins agreed. Mr. Edwards wondered whether all concerned would be willing to let DRA's decision stand if the Board were to make such a request to DRA at this time. He advised that he has discussed this issue with the Fire Chief, who does not believe a cistern would have much effect as the buildings are too big. The Chief also noted that nothing seems to be working right down there. Mr. Edwards personally would be willing to get a second legal opinion. If that opinion agrees with Town Counsel, that would be the end of the matter. If that opinion should differ from Town Counsel, the let DRA review the matter and accept their decision. He would prefer not to delay the tax bills. Ms. Twombly does not want the tax bills delayed either.

Mr. Avellani believes the DRA letter is being misinterpreted and that we must wait until after the tax rate is set to appeal. Mr. O'Connor stated that it is too late for this year, and we should wait until next year. He added that the Board of Selectmen has not accepted the recommendations of the Budget Committee, Town Counsel or DRA. If this is now an Emergency Management situation due to the need for fire suppression, funds should be included in the Town's operating budget. Discussion followed as to the actual total cost to repair the spillway. Mr. Edwards is waiting for a breakdown of costs. Mr. Avellani raised a Point of Order. He stated that information should be asked for and received by the Board as a whole, rather than by individual Board members.

Ms. Collins asked whether the Board wants her to obtain a second opinion. Ms. Twombly noted that we actually received one earlier from Mr. Denley. Mr. Avellani noted that in the past the Board has denied a request to assist with repair of the Belleau Lake dam. If this Board decides to support this request, then it is setting a precedent to assist with repairs of all other dams in town. Mr. Edwards wants to support the voice of the voters. However, he voted to accept the opinion of Town Counsel. Mr. Avellani stressed that this Board keeps giving UVCA false hope; it makes a decision, then allows that decision to be second-guessed.

7. Unscheduled Matters/Public Comment #2

--Mr. Miller agreed that the people did vote; however, the voting process is not perfect—that is why we have laws. To make any attempt to go around those laws is a "government loophole". Town Counsel is here to protect the Town, and he did his job. He did it when he gave his written opinion, and he did it at Deliberative Session when he made a suggestion to amend the article. It does no good to ask the same question over and over again and to expect a different answer. No plans have been shared, no permits, no approvals.

--Mr. Mankus stated that we have a second opinion from former Town Counsel (Mr. Denley). If that opinion looks worthy to the Board, it could use it to ask for an informal review of DRA's Disallowance Letter.

--Mr. House stated that DRA made its ruling based upon material supplied by the Town—i.e., minutes of meetings and Town Counsel's opinion. Mr. Avellani disagreed, noting that the Town did not send that information to DRA. Ms. Collins explained that minutes of the Deliberative Session are uploaded to

Board of Selectmen

June 28, 2017

Page 6

DRA's portal. No other minutes were supplied. Mr. House still believes the Board has the option of asking for reconsideration of the Disallowance Letter now. He recommends seeking another legal opinion and going back to DRA. The Fire Chief has stated he needs water, and the public purpose is to insure the availability of water.

8. Administrative Matters

a) Town Administrator's Update

--Ms. Collins prepared a bid for painting of the connector (to be paid from the Town Hall Improvement CRF). The Board reviewed the specs and authorized Ms. Collins to advertise the bid, open the bid, tabulate the bid and make a recommendation to the Board. Those nicely painted walls will just scream for clean windows!

--L-Chip window project: Ms. Collins met with Victor Becker, who will assist her with measurements of the windows for the RFP. Ms. Collins anticipates the work to be accomplished in the fall of 2017 or spring of 2018.

b) Building Permit Releases – Mr. Edwards moved to approve a building permit release for Lawlor on Belleau Boulevard, as presented. Mr. Avellani seconded the motion, which passed 3-0.

c) Treasurer's Report – Provided for the Board's information.

d) Payment Manifests – Ms. Twombly moved to approve AP #21 in the amount of \$137,932.18, as presented. Mr. Edwards seconded the motion, which passed 3-0.

e) Minutes – Ms. Twombly moved to approve all minutes of June 14, 2017, as presented. Mr. Edwards seconded the motion, which passed 3-0.

Ms. Twombly moved to seal Non Public Session #'s 6, 7 and 8 of June 28, 2017. Mr. Avellani seconded the motion, which passed 3-0.

Ms. Twombly moved to adjourn at 8:54 p.m. Mr. Avellani seconded the motion, which passed 3-0.

Respectfully submitted,
Toni Bodah, Secretary

Approval of Minutes:

Richard C. Edwards, Chairperson

Connie Twombly

Lino Avellani