

**Board of Selectmen
June 14, 2017**

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

Mr. Edwards called the posted meeting to order at 6:30 p.m. **Ms. Twombley moved to enter Non Public Session under RSA 91-A:3, II (a) and (b). Mr. Avellani seconded the motion. Roll call vote: Ms. Twombley – ‘aye’; Mr. Avellani – ‘aye’; Mr. Edwards – ‘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 preceding Non Public Session, the Board voted to authorize an increase to \$18.12 per hour for Barbara Schnurbush as Deputy Town Clerk. The Board also voted to hire Barbara Schnurbush as part-time administrative assistant at the Police Department at the hourly rate of \$16.13.

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

The Board returned to public session at 6:48 p.m. During the preceding Non Public Session, the Board moved to hire Richard Albanese as an on-call employee of the Fire Rescue Department.

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

The Board returned to public session at 6:50 p.m. During the preceding Non Public Session, the Board discussed a request to issue a proclamation in honor of a recently deceased resident of Brookfield. No action was taken.

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

The Board returned to public session at 7 p.m. During the preceding Non Public Session, Ms. Collins updated the Board on a recent Court hearing.

Mr. Edwards led those present in the Pledge of Allegiance. Those present now included: Pam Wiggin; Rick Poore; Marks & Tracey Kolb; Annette Perry; Carroll Shea; Ed Noble; Chuck Robbins; Tom Beeler, *The Granite State News*; Richard House; Tom Dube; Donna Martin (videographer); Ed Comeau (videographer); and Bob Oullette. Joining the meeting in progress were: Sgt. Mike Fenton; Jerry O'Connor; Jim Miller; Steve Brown and Dave Towle.

1. Appointments

a) Pam Wiggin, Heritage Commission, re: East Wakefield School – Ms. Wiggin was joined by Rick Poore for this discussion. She referred to the Board's suggestion that this property be included in the upcoming auction of Town property.

Board of Selectmen

June 14, 2017

Page 2

Ms. Wiggin has viewed the building, which is in excellent condition, and she believes it would be a wonderful asset for the Town. Each member of the Commission has viewed the property, and the Commission has voted unanimously to recommend the building be kept and to allow the Commission to manage the building and open it to the public. The Commission has school-type artifacts that could be housed in the building. Ms. Wiggin referred to the renovation of the JW Garvin building bringing so much to the Village of Sanbornville, as well as the 3 buildings renovated in Union doing the same for that village. The East Wakefield School would be a wonderful asset for the Village of East Wakefield. Ms. Wiggin already has volunteers willing to conduct programs and act as docents for the summer. She added the building could be open within 30 days.

Mr. Poore has viewed the property 3 times. The building is amazing. He spoke to its structural integrity. The chimney is in excellent condition. The lines of the building are straight; the area under the building is dry. The front portico needs roofing, and there are some squirrels in the soffit. The exterior needs to be scraped, primed and painted; and the shutters need some repair. The interior still has original paint, which would need to be washed. Mr. Poore stressed that the building is a treasure. Ms. Wiggin noted that other than the \$2000 budgeted annually within the Heritage Commission budget, renovation funds for various Town buildings have come from various fundraising efforts and grants.

Ms. Twombly is supportive of the project. Mr. Avellani could go either way. Mr. Edwards wondered how many buildings will the Town of Wakefield save. He referred to the assessed value of the property and the taxes that would be realized if the building were sold.

Ms. Wiggin estimated the first year renovation cost to be in the area of \$10,000. Ms. Collins asked what type of utilities would be necessary. Ms. Wiggin advised they would need electricity, which the Commission would cover if the Board so directed. She again spoke to assets provided to the Town via the efforts of the Heritage Commission. Ms. Collins noted that liability insurance would need to be increased if we open the building to the public, funds for which are not available within the Town's budget. Neither are there funds for electricity.

Ms. Twombly stated the property should not be auctioned, and the Board should allow the Heritage Commission to manage the property. Mr. Avellani agreed, as long as it does not cost the Town, other than for insurance. Ms. Wiggin noted that at the least, once improvements are made even if the project does not go as anticipated, the Town would have a more valuable building to offer to the public. **Mr. Avellani moved to have the Heritage Commission manage the property known as the East Wakefield School, at no cost to the Town other than for insurance. Ms. Twombly seconded the motion.** Ms. Wiggin will confer with the rest of the Commission. She referred to a similar situation with the former Union School property; however, at that time the Commission did not have sufficient funds to renovate the building. Ms. Collins noted that the motion is rather limiting and may need to be revisited at a later time. She noted that the cost of electricity might come from the Commission's budget, which ultimately is funded by the Town. If the Highway Department plows the property, that too is funded by the Town. Ms. Wiggin referred to the cost of lawn care, adding that the Spinney Meeting House property also needs mowing. Because of insurance restrictions, volunteers should not be mowing on Town property. The properties cannot be included in the existing contract for lawn care. Perhaps Hales would add these properties to our list for an additional cost, to be paid for by the Commission.

It was agreed that the Wakefield Department of Public Works will plow the property. **The motion then passed 3-0.**

Faith Renewal Fellowship church as vacated the premises; however, they still have a number of items left in the building. If Faith Renewal wants the items, Mr. Edwards will see that they are removed.

2. Unscheduled Matters/Public Comment #1

--Ms. Perry noted that docents are not paid—they provide this service for the love of it.

3. Unfinished Business

a) PSB II Plumbing and Sprinkler Bids – Mr. Edwards advised 3 bids were received for the sprinkler project (for which he budgeted \$100,000): John L. Carter Sprinkler Company - \$177,650; Fire Protection Team - \$134,000; and Life Safety Fire Protection - \$85,000. The subcommittee would recommend the Board accept the \$85,000 bid; however, Mr. Edwards would like to review the bids with a more knowledgeable individual to be sure we are comparing “apples to apples”. **Mr. Avellani moved to refer the 3 bids for the sprinkler project back to the subcommittee for the Public Safety Building. Ms. Twombly seconded the motion, which passed 3-0.**

Mr. Edwards advised one bid for the plumbing project was received: Pioneer Mechanical - \$22,500. The subcommittee recommends awarding this bid to Pioneer Mechanical. **Mr. Avellani moved to award the contract for plumbing at the Public Safety Building to Pioneer Mechanical in the amount of \$22,500. Ms. Twombly seconded the motion, which passed 3-0.**

Mr. Edwards advised that Knight Security is already under contract for the fire alarm system of the first floor of the Public Safety Building. They have provided an estimate of \$4750 to extend the system to the second floor. **Ms. Twombly moved to have Knight Security extend the system to the second floor of the Public Safety Building for a cost of \$4750. Mr. Avellani seconded the motion, which passed 3-0.**

4. New Business

a) Purchase Order Police Vehicle – This purchase was approved in the 2017 budget and requires a purchase order. **Ms. Twombly moved to execute the purchase order to Irwin Automotive in the amount of \$28,689, as presented. Mr. Edwards seconded the motion, which passed 3-0.**

b) Purchase Order Highway Truck – The Board has already approved this purchase. **Mr. Avellani moved to execute the purchase order to Freightliner of NH in the amount of \$159,688, as presented. Ms. Twombly seconded the motion, which passed 3-0.**

c) Paving Bids – The Board opened the 5 bids received as follows:
R&D Paving - \$60/ton, \$166,380
Brox- \$62.95/ton, \$176,385.90
FR Carroll - \$64.80/ton, \$184,680
Vermont Roadworks - \$66.38/ton, \$190,776.12
Pike - \$64/ton, \$182,400

Some bids include other costs—i.e., for handwork, shoulder gravel, etc. Ms. Collins suggested taking the bids under advisement and referring them to Leigh Nichols, Director of Public Works, for his recommendation. **Mr. Avellani moved to refer all bids received for paving to Leigh Nichols for his recommendation. Ms. Twombly seconded the motion, which passed 3-0.**

d) Police Detail Rates – Ms. Collins advised that the Town was cited in the 2016 audit for lack of documentation that the Board voted to approve these detail rates, as well as rates for on-call personnel, meeting and training and for shift coverage for Fire Rescue. **Mr. Avellani moved to approve the Police Detail Rates as presented, effective as of March 13, 2017. Ms. Twombly seconded the motion, which passed 3-0.**

e) Fire Rescue Rates – Mr. Avellani moved to accept the rates for on-call (\$15/hour), meeting and training (\$10/hour) and shift coverage (\$15.39/hour), as presented. Ms. Twombly seconded the motion. Ms. Collins stated that we should also approve the rates for overnight coverage (\$40 per week night, Monday – Thursday; and \$60 per weekend night, Friday – Sunday). **Mr. Avellani amended his motion to include approval of both rates for overnight coverage. Ms. Twombly seconded the amended motion, which passed 3-0.**

5. Proposed Capital Reserve Fund Expenditures

a) Technology CRF \$4070 – Ms. Collins advised this work was in accordance with the 2017 budget. The Assessing Tech's computer was replaced; her old computer was repurposed for public use; the Town Clerk's computer was replaced; and her old computer was repurposed for use at the Transfer Station. **Ms. Twombly moved to approve this expenditure as presented. Mr. Avellani seconded the motion.** Ms. Collins advised this work was done by the same computer company generally used by the Town. Assuming no emergency arises, we do not anticipate additional computer expense this year. **The motion then passed 3-0.**

b) Police Vehicle CRF \$373 – This represents the cost of decals for the new vehicle. **Ms. Twombly moved to approve this expenditure as presented. Mr. Edwards seconded the motion, which passed 3-0.**

6. Correspondence

a) Carroll County Commissioners – Mr. Avellani stated the Commissioners are suggesting the towns pay a portion of their county taxes in July and December in order to save the County a little interest. He believes the towns would then lose an amount of interest. **Mr. Avellani moved that the Town of Wakefield not pay taxes to Carroll County twice per year. Mr. Edwards seconded the motion.** Ms. Collins explained that the County also believes it may save taxpayer money if it does not have to borrow money. However, it could likely result in the Town having to borrow money in the fall in anticipates of taxes due. Any delay in setting the tax rate increases the likelihood of the town needing to borrow funds. Ms. Collins does not believe this option would ultimately help our residents. **The motion then passed 3-0.** Ms. Collins will send a letter advising the County of the Board's vote.

b) Towle Farm Community Corp – TFCC is requesting to be notified of any building permits issued for building or use by construction vehicles on their private roads.

Ms. Collins will pass this along to the Building, Police and Fire Departments. It is likely that the Building Department could flag their software to accommodate this request. **Mr. Avellani moved to refer this information to the Building, Police and Fire Departments. Ms. Twombly seconded the motion, which passed 3-0.**

c) Union Village Community Assoc – UVCA has expressed its disagreement with advice received by the Board from Town Counsel regarding Article 20 of the 2017 warrant. They have also requested DRA to advise them of the appeal process to follow with respect to that department's Disallowance Letter. Ms. Collins stated that UVCA has sent a letter to DRA asking about the appeal process. She explained that once the Board ratified the vote of Town meeting, DRA reviewed the Town's appropriations as voted and, subsequently, disallowed Article 20. DRA reviews our proposed warrant in the fall; however, they only review how the articles are crafted. DRA waits until after the Town vote to review those articles for the legality of the appropriations. Once our vote was ratified, our municipal representative at DRA reviewed each article with a view to its legality. The Town did not ask DRA for a ruling on Article 20. Ms. Collins received an email notification that there was information on the DRA portal to be viewed. When she checked the portal, she found a revised MS 232, which disallowed Article 20 as "not a valid purpose". Ms. Collins so advised Dave Mankus, Tom Dube, Jerry O'Connor and the Board of Selectmen. The next day she received a Disallowance Letter from DRA, which she shared with the Board, as well as Messrs. Mankus, Dube and O'Connor. DRA has removed that amount from the Town's appropriations; we cannot raise those funds through taxation. The Town does not have that money to spend. Ms. Collins assumes that the Town will be copied on DRA's response to UVCA's correspondence.

Mr. House stressed that UVCA was unable to rebut Town Counsel's opinion at the last meeting due to Attorney-Client privilege. Eventually, having received information from Town Counsel, he noted that a second option was referred to in that opinion. However, the Board stressed adherence to Town Counsel's opinion that the appropriation was not legal. Now UVCA must do battle with the State, which he believes is a less homey environment. He stated that the Board could have been more proactive to effect a different outcome. Mr. Edwards noted that several members of this Board actually support the project; however, the Board must rely on qualified advice of Town Counsel.

Mr. House referred to the issue of fire protection. He noted that the Town had opportunities to acquire both the Drew Mill Dam as well as the Siemon Dam; however, that Board refused the opportunities. He stressed that the Town has just as much need for water as it does for firetrucks. In answer to Mr. Edwards, Mr. House stated that the driving force of this effort has been for fire protection. Mr. Edwards noted that if UVCA had focused their efforts on fire protection, it would have been a different scenario. Mr. Edwards questioned whether the Town should assess properties adjacent to the pond as waterfront. Mr. Shea stated he already is taxed for waterfront. He referred to a hydrant near his home from which he has never seen water flow despite efforts of the Fire Department. This has caused loss of property. He stressed that the primary purpose all along has been fire protection for the community, as well as for recreational use.

Mr. Miller is sympathetic to UVCA; however, there is a process involved in requesting public funds. The requesters must prove public benefit. He noted the Board originally voted to recommend the article.

The Board has an obligation to all taxpayers to weigh the balance of what is right for the taxpayers. At Deliberative Session, Town Counsel recommended that we take a year to review this issue and get it right. However, those present did not agree. We had an opportunity to right the ship at that time.

Ms. Perry questioned what would happen in the event we took a year to get this right and her house has a fire between now and then. She referred to several other fires in Union where property was lost. Ms. Perry stressed that Union needs water, and the firefighters need water to do their job.

Mr. Dube shared his dismay when the Siemon Dam was taken down. He decided then he would not see the Drew Mill Dam torn down. Mr. Dube stated things are continually being taken away from Union. He referred to so much history in the Village of Union, which is totally isolated. Mr. Edwards made a comparison between the villages of Union and East Wakefield. Mr. Dube stated that UVCA would likely be willing to transfer ownership of the Drew Mill Dam to the Town of Wakefield.

Mr. O'Connor noted that East Wakefield residents asked for assistance with several dams a number of years ago; however, the Town did not provide assistance. The Board of Selectmen refrained from getting involved. Mr. O'Connor referred to the minutes when this current petition was discussed. Very little discussion regarding fire protection was involved. Rather, most of the discussion involved protection of wildlife. At Deliberative Session, Town Counsel stated this article was not constitutional. DRA says we cannot spend taxpayers money on this.

Mr. Shea stated that the only thing Union has received was the rebuilding of the bridge on Bridge Street. The sidewalks are in terrible shape. Ms. Twombly suggested going to the State about the sidewalks as they are on a State road. Mr. Towle has read the letters from Town Counsel and DRA. He stated it comes down to more than a casual impact on the public benefit. Mr. Edwards stressed that DRA has removed the funds from the Town's appropriations. We will have to see whether there is an appeal process.

Mr. Shea requested that Town Counsel be asked how he based his opinion on this matter. Mr. O'Connor asked whether the Board will ask Town Counsel to appeal to DRA. Mr. Edwards stated there is no plan to do so at this point. Mr. Shea wonders whether DRA based its action on the opinion of Town Counsel. Mr. Edwards stated that the Board will ask a few questions and get back to UVCA.

8. Administrative Matters

a) Town Administrator's Update

--We have our renewed groundwater discharge permit, good through June 2022.

--Ms. Collins has spoken with the individual who did the draperies in the opera house regarding the conference room windows. The original estimate for this room is a year old and has increased by \$311, to \$3829. This project involves a 6-8 week lead time. Is the Board comfortable with this cost or should other estimates be obtained? **Ms. Twombly moved to accept the bid of \$3829 to make and hang curtains in the conference room, and to make a down payment of \$2297.40. Mr. Avellani seconded the motion, which passed 3-0.**

--The Great East Lake Improvement Association will conduct its annual meeting at Weeks Park.

--Ms. Collins has conducted an initial meeting with Department Heads, which she believes went well.

--The Lions Club did the original construction of the stage at Turntable Park and would like to do some sprucing up of same. They have provided a plan of action to Wayne Robinson, which Ms. Collins shared. They may need to take some debris to the Transfer Station. Since this is a Town structure, the Board agreed by consensus to waive any disposal fee.

--Ms. Collins will be meeting with DRED at Turntable Park to see what the Town needs to do to acquire that property.

--Rochester Housing Authority has donated to us a skateboard ramp. Wayne Robinson and Leigh Nichols will view prior to acceptance.

--Ms. Collins has written to Faith Renewal Fellowship regarding items they left behind when they vacated the premises.

--Leigh Nichols has received a price from Bellmore for cleaning culverts and catch basins, which price is less than the \$5000 required to be put out to bid. He has been receiving numerous complaints from those using both Bonnyman and Brackett Roads. It may be in the Town's best interest to accomplish this project sooner rather than later. The Board agreed to go ahead with Bellmore for this year, with the understanding we will solicit for more bids in 2018.

--Our 2016 audit includes a Governance Worksheet which requires the Chair's signature. Mr. Edwards accomplished this.

b) Building Permit Releases – None forthcoming.

c) Warrant for Unlicensed Dogs – A brief discussion ensued regarding the purpose of licensing dogs. **Ms. Twombly moved to execute the warrant as submitted. Mr. Avellani seconded the motion, which passed 3-0.**

d) Payment Manifests – **Ms. Twombly moved to approve AP # 19, a void in the amount of \$1143. Mr. Avellani seconded the motion, which passed 3-0.**

Ms. Twombly moved to approve AP #18 in the amount of \$779,336.73. Mr. Avellani seconded the motion, which passed 3-0.

e) Minutes – **Ms. Twombly moved to approve the minutes of May 19, 2017, as presented. Mr. Avellani seconded the motion, which passed 3-0.**

Ms. Twombly moved to approve the minutes of May 24, 2017, as presented. Mr. Edwards seconded the motion, which passed 3-0.

Ms. Twombly moved to approve the minutes of the Non Public Sessions of May 24, 2017, as presented. Mr. Avellani seconded the motion, which passed 3-0.

f) Selectmen's Workshop – No business.

Mr. Brown asked when East Wakefield will be getting sidewalks. Mr. Beeler stated that the State told the Town of Wolfeboro that the State does not maintain sidewalks; rather, they are the towns' responsibility.

Board of Selectmen

June 14, 2017

Page 8

Mr. O'Connor referred to the new sign at the intersection of Routes 16 and 109. Although the sign refers to the Chamber of Commerce, it lists the phone number for Town Hall. Ms. Collins read a portion of the Board's minutes from October 2016, which indicate that the Board approved the Chamber listing the Town's phone number. It was anticipated that the Town's recorded greeting would direct callers to the then current president of the Chamber.

Mr. Miller noted that there are currently 3 positions available on the Wakefield School Board. Those interested should contact the SAU.

Mr. Avellani moved to adjourn the public session at 9:10 p.m. Ms. Twombly seconded the motion, which passed 3-0.

Mr. Avellani moved to enter Non Public Session under RSA 91-A:3, II (c) at 9:13 p.m. in the meeting room and move to the Town Administrator's office. Ms. Twombly seconded the motion. Roll call vote: Mr. Edwards – 'aye'; Ms. Twombly – 'aye'; Mr. Avellani – 'aye'. The motion passed 3-0, and the Board entered Non Public Session.

The Board returned to public session at 9:32 p.m. **Mr. Avellani moved to seal the minutes indefinitely as disclosure would likely have an adverse effect on the reputation of a person other than a member of the public body. Ms. Twombly seconded the motion. Roll call vote: Mr. Edwards – 'aye'; Ms. Twombly – 'aye'; Mr. Avellani – 'aye'. The motion passed unanimously.**

There being no further business, the meeting adjourned.

Respectfully submitted,
Toni Bodah, Secretary
(Transcribed in part via notes of K. Collins)

Approval of Minutes:

Richard C. Edwards, Chairperson

Connie Twombly

Lino Avellani