

Board of Selectmen January 11, 2017

Present: Richard C. Edwards, Chairperson; Kenneth S. Paul; Teresa A. Williams, Town Administrator; and Toni Bodah, Secretary.

Mr. Edwards called the posted meeting to order at 6:45 p.m. **Mr. Paul moved to enter Non Public Session under RSA 91-A:3, II (b). Mr. Edwards seconded the motion. Roll call vote: Mr. Paul - 'aye'; Mr. Edwards - 'aye'. The motion passed 2-0, and the Board immediately entered Non Public Session.**

The Board returned to public session at 7:10 p.m. Those present at this time included Leigh Nichols, Director of Public Works; Donna Martin (videographer); Ed Comeau (videographer); Jerry O'Connor; Tom Beeler, *The Granite State News*; Sgt. Michael Fenton; and Julie & Paul Twombly. Lino Avellani joined the session in progress.

Mr. Edwards led all in the Pledge of Allegiance.

1. Appointments

a) Leigh Nichols - Mr. Edwards stated that the purpose of this appointment is to clarify the plowing schedule and routine. Mr. Nichols referred to the Town of Wakefield's Inclement Weather Policy. He has obtained similar policies used by other area towns. The routine has not changed; however, there are new drivers on various routes. Mr. Nichols referred to each driver and their routes. Mr. Edwards suggested a scenario when snow comes at night. Mr. Nichols advised that the policy indicates plowing must begin when 2" of snow accumulates on the road. Time of day is not a factor--it all depends on how much snow is on the road. However, the Town is required by law, if officially notified of deficiencies on the road, to go out, regardless of the amount of snow--for example if notified by the Sheriff's office.

Mr. Nichols advised that on several occasions, they have operated without a full crew, due to illnesses; however, they still have kept to the same routine. He has started a Facebook page to keep the public informed. Mr. Nichols feels some people will complain just because he is the "new" guy. He referred to the Town's policy to leave snow on the road if rain/freezing rain is expected in order to allow the snow to soak up the rain. According to Mr. Nichols most of the policies used by other towns are nearly identical to the Town of Wakefield's policy.

Mr. Paul asked whether any changes should be made to the policy. Mr. Nichols stated he is working on a revised policy to recommend to the Board. He stressed the importance of having such a policy and working in compliance with it.

Mr. Edwards referred to issues relating to provision of sand and the icy conditions experienced this season. A public sand pile is now located outside the gate. Mr. Paul stated that the Town's Winter Sand Policy should be posted on site.

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Once the security cameras are in place, one warning should be issued, after which the Police Department should be notified. He also suggested erecting a bin with a roof for sand outside the gate. Mr. Nichols then shared the results of a survey he conducted regarding whether and how other towns provide sand to the public.

Mr. Nichols stated the crew members are getting used to the routes, and the snow pushers have worked very well when they have been able to use them. The pavement is first plowed, then straight salt is applied in accordance with DOT standards. Mr. Nichols confirmed to Mr. Paul that he is constantly patrolling the roads. Mr. Paul noted that the crew was frugal with its use of sand on Oak Hill Road this morning. Mr. Nichols will remind the crew of his expectation that the roads will be brown at the end of maintenance. Discussion followed regarding the various calibrations on the trucks when using salt and/or sand. Mr. Nichols stressed that anyone in Town should feel free to contact him at the office or on his cell phone with any issues--that is his job.

Mr. Paul referred to the need to keep the Facebook page current, as the public will begin to rely on it. He then referred to the previous Road Agents' having had a foreman. He believes Mr. Nichols needs a foreman and should not be chained to a plow truck. He referred to the many issues at the Transfer Station requiring attention. Mr. Nichols just obtained his Transfer Station operator license.

Mr. Paul questioned what plan Mr. Nichols has in the event of 2 weeks without snow. Mr. Nichols referred to the necessary maintenance on the trucks, as almost every storm has seen more than one truck down. Mr. Edwards asked whether some breakdowns are caused by use during minimal snowfall. Mr. Nichols stressed that he is operating in compliance with the Town's policy. He is willing to amend the policy; however, he would expect to get more calls from the public if the crew refrains from going out at night. Mr. Edwards asked what improvements need to be made. Mr. Nichols indicated that we still need to fine-tune doing the routes. Some adjustments have been made, which seem to be helping. Mr. Paul reminded Mr. Nichols not to be frugal with sand and salt.

2. Unscheduled Matters/Public Comment #1

--Julie and Paul Twombly stated they are seeking verbal support to receive a grant from the NH Preservation Alliance through the "52 Barns - 52 Weeks" program. The barn on the Twombly property is in very bad shape. The Twomblys have conducted research and have determined the barn is part of the homestead of Jonathan Gilman and is of important historical significance. The Heritage Commission is supporting this project as well. The Twomblys hope the Board will send a letter of support to the NH Preservation Alliance. The Board agreed by consensus to send a letter of support, as requested. Mr. Comeau was advised that the Twomblys are attempting to get the barn listed on the historic preservation list.

He confirmed to Mr. Edwards that the Town would not have any liability if they sign no contract. He cautioned the Twombleys to read the conditions of the grant very carefully.

3. Unfinished Business

a) Town Warrant - The Board members agreed with the current order to the articles. Ms. Williams advised that the operating budget figure in Article #35 is \$4,605,373. The default budget is \$4,568,964. **Mr. Paul moved to recommend Article #35. Mr. Edwards seconded the motion, which passed 2-0.**

Ms. Williams advised that the Budget Committee voted not to recommend the petition warrant article submitted by the Union Village Community Association. It was suggested at the Budget Committee meeting that language be added at the end of the article indicating that the article may not actually be legal. Town Counsel has recommended that no language be added, noting that a legal determination will be made if/when the article passes. Mr. Edwards indicated that he had supported the article based on the efforts of those involved and his willingness to allow the voters to voice their opinions. He now has a better understanding of the implications of this support. Mr. Paul would be in favor of adding language to the effect that if the article passes, it would need to be determined whether it is legal. Ms. Williams stated that if the article passes, the Board of Selectmen, with Town Counsel, would need to determine whether it is legal to fund the article.

Mr. O'Connor indicated that the Budget Committee discussed adding a note that the actions of the article may be unconstitutional or illegal. He noted the Selectmen don't give residents sand because they can't use public funds for private benefit; however the Board did not realize that giving funds to UVCA would result in the same situation. Mr. O'Connor referred to a 1937 NH Supreme Court case involving a bridge in which it was determined that "incidental benefit to the public was not sufficient." Mr. Edwards had not focused on the Drew Mill Dam being private property. Mr. O'Connor asked whether the Board viewed any engineering plans for the project. Mr. Edwards stated the Board had not seen any such plans. He stressed that he voted in support of the efforts of the group trying to better their community. Mr. Comeau stated that the Dam Bureau is not in support of waiving the application fees associated with this type of project for non-profit organizations.

Mr. Paul fully agrees with the Budget Committee that an explanation should be added to the article. **Mr. Paul moved to include language to the petition article--such as, "If this article passes, the Town may have to spend additional funds to determine its legality."** **Mr. Edwards seconded the motion, which passed 2-0.** Ms. Williams will finalize the warrant, which will be placed in the Selectmen's signature box. The Board executed the Default Budget.

4. New Business - None scheduled.

5. Proposed Capital Reserve Fund Expenditures

a) Technology CRF \$1775 - This represents the cost to replace the workstation for the paralegal at the Police Department. **Mr. Paul moved to approve this expenditure as presented. Mr. Edwards seconded the motion, which passed 2-0.**

b) PSB II \$1900.35 - This represents the cost of various parts relating to the recent water main project. **Mr. Paul moved to approve this expenditure as presented. Mr. Edwards seconded the motion, which passed 2-0.**

c) PSB II \$21.25 - This represents the cost of advertising the framing project. **Mr. Edwards moved to approve this expenditure as presented. Mr. Paul seconded the motion, which passed 2-0.**

6. Correspondence

a) Walter "Skip" Knights - Skip has advised the Board of his intent to retire as of January 30. **Mr. Edwards moved to accept the resignation of Walter "Skip" Knights as submitted. Mr. Paul seconded the motion, which passed 2-0.**

b) Town of Pittsburg NH - Mr. Paul stated the concerns raised by the Pittsburg Board of Selectmen relate to the Northern Pass project and the indication that any roads built must be maintained by the individual towns. No action was taken at this time.

7. Unscheduled Matters/Public Comment #2

--Mr. Avellani referred to the hearing on the waiver of fees of applications by non profits to the Dam Bureau (as previously discussed). He is not hopeful that it will pass as written. Perhaps there will be more support at a later date if rewritten.

8. Administrative Matters

a) Town Administrator's Update

--One bid was received for the framing project at the Public Safety Building. Mr. Edwards opened the bid as follows: Ed Dolaher & Sons \$11,250. **Mr. Paul moved to accept the bid (which included insurance information) of Ed Dolaher & Sons for \$11,250. Mr. Edwards seconded the notion, which passed 2-0.** Ms. Williams will prepare a contract.

--Ms. Williams presented an Agreement of Services for the Heritage Commission project relating to the grant awarded by the NH DHR. The Heritage Commission put the project out to bid and approved the bid of Mae Williams in the amount of \$12,052. **Mr. Edwards moved to execute the Agreement of Service with Mae Williams, as presented. Mr. Paul seconded the motion, which passed 2-0.**

b) Building Permit Releases - None received.

c) Payment Manifests - Mr. Paul moved to approve AP #44 (2016), a void in the amount of \$1436.69. Mr. Edwards seconded the motion, which passed 2-0.

Mr. Paul moved to approve AP #43 (2016) in the amount of \$56,156.69. Mr. Edwards seconded the motion, which passed 2-0.

Mr. Paul moved to approve AP #1 (2017) in the amount of \$645,528.42. Mr. Edwards seconded the motion, which passed 2-0.

d) Minutes - Mr. Paul moved to approve the minutes of December 28, 2016, as presented. Mr. Edwards seconded the motion, which passed 2-0.

Mr. Comeau noted that he has submitted HB 170. The current 91-A law requires meetings be posted in 2 public places, one of which **may** be a website. His bill would change "may" to "shall." Some towns are concerned this will present a difficulty for them. Mr. Comeau cited Wakefield as being an exemplary model for the posting of minutes and meeting notices. Thanks, Ed!

There being no further business, the meeting adjourned at 8:55 p.m.

Respectfully submitted,
Toni Bodah, Secretary

Approval of Minutes:

Richard C. Edwards, Chairperson

Kenneth S. Paul

Connie Twombly