

**Board of Selectmen
September 25, 2019**

Present: Mark P. Duffy, Chair; Richard C. Edwards; Kenneth S. Paul; Kelley A. Collins, Town Administrator; and Toni Bodah, Secretary.

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

The Board returned to public session at 6:54 p.m. During the immediately preceding Non Public Session, the Board voted that the position of Planning/Building/Code Assistant would become a fulltime position as of September 30, 2019. The meeting recessed until 7 p.m. At that time those present included: Brock Mitchell, Director of Public Works; Joe Gore, Transfer Station Manager; Jim Miller; John Blackwood; Connie Twombly; Buddy Dee; Margie Galabrun; and Paul Romano (videographer).

1. Public Hearing re: RSA 31:95-b – Mr. Duffy opened the public hearing, the purpose of which is to consider a Highway Safety Grant application in the amount of \$15,024. The public hearing remained open for comment/questions as the Board continued with business as follows.

2. Appointments

a) John Blackwood & Ryan Murphy – (Mr. Murphy is not present.) Mr. Duffy noted that the Board has discussed Mr. Murphy’s request to access his back lot for a logging operation via the Town’s transfer station twice and has denied said access both times. Subsequently, a conversation occurred with Mr. Blackwood, and a site walk was conducted, which Mr. Edwards attended. Mr. Edwards confirmed that he viewed the site and noted it would be much work to create a road. However, it might be possible for the logging trucks to travel along the side of the railroad tracks in the area recently utilized by Eversource. This would require permission from Eversource. Mr. Edwards stressed that the timber could not be hauled other than when the facility is closed (Tuesday, Wednesday and Thursday afternoon). However, he does not see an issue if the logging crew is working in the area any day of the week. Likely the project will not exceed 5-7 work days, although it could take 2 weeks, or longer, if the weather does not cooperate. The logger would haul all material out during the 2 ½ days, to be stockpiled on Mr. Blackwood’s property. The gate must be closed and manned at all times when the hauling occurs at the property owner’s expense. Mr. Edwards does not envision any destruction to the road as the project will not occur until the ground is frozen. He would support granting access under the terms noted if the rest of the Board is in agreement.

Mr. Paul asked whether a field would be created after the logging project. Mr. Edwards stated this is a logging operation only—a one-time access. Ms. Collins asked whether the property owner would later want to use the Town’s property to haul in/care for the horses he plans to have. Mr. Edwards reiterated it is only a 1-time logging operation. Mr. Paul would like to see a written plan to include where it crosses Town property. Ms. Collins stressed that the Town should not be expected to plow that area. Mr. Mitchell suggested the possibility that a Town employee be paid (by the property owner) to man the gate, then could be available to plow if necessary. Ms. Collins stressed that the Town would then be paying the employee overtime. Mr. Mitchell stressed that the logger could not go through the compactor area. A bond should be provided to the Town in case damage occurs.

Conditions of access were recapped as follows:

- All vehicles would travel beside the railroad tracks, using Eversource's right-of-way (required in writing)
- Logging trucks would haul material on Tuesday, Wednesday, and Thursday afternoon
- Gate must be manned (possibly by a Town employee on overtime)
- Material will be stockpiled on John Blackwood's property
- Project will occur when the ground is frozen
- Access granted for a 1-time logging operation only
- Vehicles will stay to the left-hand side going in
- Town will require a bond

Mr. Paul noted that the last he knew, the Board was against granting this access—all of a sudden it's a 'go'. The Town would require receipt of written permission from Eversource for use of their right-of-way by the logger. Ms. Collins pointed out that the subject property is in the name of Mr. Murphy's wife, not in the name of Mr. Murphy.

Mr. Duffy asked whether the property owner plans to have the area stumped after it is logged, as he does not want to be asked for access again. Mr. Edwards will ask that question; however, he believes the property owner wishes to generate funds to create a field for horses on the lot where the home is located. Mr. Paul still wants to see a written plan.

Mr. Blackwood asked whether there is an RSA that requires access be given to land-locked parcels. Ms. Collins advised that is no longer the case. She communicated with both NHMA and Town Counsel on this issue and has copies of relevant RSA's. She noted both NHMA and Town Counsel advised against granting this access. Mr. Duffy stated the issue would be tabled until written permission from Eversource for use of their right-of-way is received.

b) Brock Mitchell re: Proposed Purchase of a Transfer Station Truck – Mr. Duffy noted that this truck became available and could replace an existing truck. The truck is a good deal! The Trustees of the Trust Funds have approved use of the relevant capital reserve funds. Mr. Mitchell explained that trucks were being investigated in preparation of development of a warrant article. It was estimated that \$80,000 would need to be raised for the article. Then this truck came to his attention. The cost is \$18,500, and the truck would suit our purposes. It could still be used in the future if another truck is purchased. Mr. Gore referred to saving over \$60,000, without consideration of maintenance. In addition, the Town would save on hauling costs currently paid to Waste Management. **Mr. Paul moved to authorize the purchase of a truck for the Transfer Station for a cost of \$18,500. Mr. Edwards seconded the motion for discussion.** Mr. Paul questioned whether the Town would have to make 2 trips for each trip of Waste Management. Mr. Gore advised that would not be the case. He referred to a savings of \$1000/week in hauling costs. Mr. Mitchell noted we could haul steel as well as MSW. Ms. Collins was advised that a CDL license would be required to drive the vehicle. Mr. Paul stated that in the worst case, it could replace the yard truck. Discussion followed regarding sizes of various cans needed/available. Mr. Paul noted he anticipates warrant articles for repaving and a retaining wall. This purchase would eliminate the need for a warrant article for a truck. Ms. Collins advised that overall

revenues are down. Revenue from recycling is down over \$30,000 from last year at this time. Expenses are tracking \$30,000 ahead. This purchase could help defray that loss. Overall, prices for recycled material are down from last year. Mr. Mitchell noted we now have the capability of stockpiling some material in hopes of getting the best price.

Should the Board approve this purchase, it would be funded as follows: \$6600 from the Highway Heavy Equipment CRF; \$10,000 from the Transfer Station Facility/Recycling CRF; and \$1900 from the Transfer Station operating budget, which has been approved by the Trustees. **The motion then passed 3-0.**

4. Unfinished Business (out of agenda order)

d) Pond Road Agreement – This topic is being taken out of order so that Mr. Mitchell can participate. The easement agreement has not yet been finalized. Mr. Mitchell stated we should not plow beyond the private driveway in question; rather, plowing should stop at the end of the easement. In addition, the Town should not have to wait for receipt of written permission from the property owner in order to accomplish necessary repairs. [Ms. Collins read aloud pertinent language in the current agreement drafted by the property owner's attorney.] Mr. Paul noted that the draft agreement does not refer to "no parking", which it should. Ms. Collins will communicate with Town Counsel that the agreement should state that the Town will notify Grantor when routine maintenance or safety issues occur. The TA pointed out that Item #4 includes the "no parking" language. Language referring to plowing past the driveway of #357 Pond Road will be removed. Ms. Collins will communicate these changes to Town Counsel in hopes that the final agreement can be signed at the next Board meeting.

3. Unscheduled Matters/Public Comment #1

--Mr. Miller asked about the planned use of the funds from the Highway Safety Grant. Ms. Collins advised the funds are for added patrols for 3 programs: Drive Sober or Get Pulled Over; Clique it or Ticket; and U Drive U Text U Pay. There is no longer any sobriety checkpoint.

--Mr. Miller then referred to item 5-e on the agenda (Equipment for New Cruiser). He was under the impression that the cost of equipment was included in the relevant warrant article. This will be explained shortly.

There being no further public comment, Mr. Duffy closed the public hearing under RSA 31:95-b.

4. Unfinished Business

c) Driver Feedback Signs Wakefield Corner (out of agenda order) – Mr. Edwards met on site with Chief Ventura and Bill Lambert of NH DoT to identify optimum placement of 2 driver feedback signs. Eastbound, a sign will be placed 1265 feet east of the existing speed limit sign. Westbound, a sign will be placed in the location of an existing advance pedestrian warning sign (which sign will be removed). This sign may be moved further west so as not to disturb the abutting property owner. Hopefully, this will help the safety situation. If not, the signs can be removed. Mr. Duffy noted that these signs, in addition to the Police Department already having increased their presence, may be helpful. Mr. Mitchell was informed that the Town has no liability to maintain these signs. Ms. Collins provided a brief history of the issue of liability. The Town has refused to assume liability for the signs. The State will remove, not repair, these signs should repair be required. Mr. Dee noted that since the units have been sitting for a considerable amount of time, their batteries may need replacement.

If that is the case, the Church is willing to see that accomplished. Mr. Dee then asked whether the Town is willing to assume ownership of the units. Mr. Duffy indicated the Town will not own the signs. Ms. Collins added that the Town will not own, insure or maintain the signs. If damaged, the signs will be removed. Mr. Edwards noted that the Town may replace batteries if necessary, but will otherwise not maintain the signs. Neither will the Town expect the Church to have the signs repaired.

Highway Safety Grant Action

Mr. Edwards moved to approve the Highway Safety Grant application as presented, and to authorize the Chair to execute same on behalf of the Town. Mr. Paul seconded the motion, which passed 3-0.

a) Comprehensive Public Rights-of-Way Ordinance – This proposed ordinance relates to wireless facilities' access to public rights-of-way. Ms. Collins noted that NH is not a Home Rule state. Therefore, action must be taken to give authority for regulation. The Town must adopt an ordinance/regulation. The window to accomplish this is short, so towns are banding together to address the situation. Ms. Collins recommends getting in on the ground floor of this effort, rather than paying Town Counsel to create an ordinance just for Wakefield. Town Counsel could ultimately tailor the ordinance to fit our needs, if necessary. Our cost could be less than \$1000 if we join the group effort. **Mr. Paul moved to allow Ms. Collins to enter agreement with DTC for development of a Comprehensive Public Rights-of-Way Ordinance. Mr. Edwards seconded the motion, which passed 3-0.**

b) Disposal of Crown Vic – We were unable to find a buyer for this vehicle this summer. Ms. Collins advised the vehicle is not drivable. It was agreed to have Brock Mitchell do his best to find a solution, to include contacting a salvage yard.

5. New Business

a) CAI GIS Internet Services Annual Maintenance Contract – This is a renewal of an existing contract, with no change in cost for services provided. **Mr. Duffy moved to approve the contract with CAI as provided. Mr. Paul seconded the motion, which passed 3-0.**

b) Cleaning Contract – Subsequent to this work going out to bid, additional information was received regarding the public safety building. Therefore, Ms. Collins recommends that the Board reject all bids received and rebid the project. **Mr. Edwards moved to reject all bids received and to rebid this project. Mr. Paul seconded the motion, which passed 3-0.**

c) Building Inspector/Co-Code/Deputy Health Officer Position – As this position is open, Ms. Collins prepared a draft advertisement for the Board's consideration. The Board agreed to post the hours as being between 15-32 per week. The Board also agreed by consensus to waive the requirement to post the position for 10 days internally prior to advertising same to the public.

d) Review/Sign Fee Agreement re: Representation in PSNH Abatement Appeal – Ms. Collins referred to the Town having contracted previously with George Sansoucy for valuation of utilities, which resulted in a significant increase in those values. PSNH filed for an abatement, which was denied by the

Board of Assessors. PSNH is appealing that denial, as well as denials received from other towns in New Hampshire. The firm of DTC currently is representing 69 towns for appeals of various years. They are conducting a mediation session on Saturday and Sunday at NHMA, following which they will share that information with the various towns they represent. This mediation may or may not include 2018 abatement applications. If we sign on now, we could benefit from this mediation session. **Mr. Paul moved to enter into the Fee Agreement with DTC to represent the Town of Wakefield in the PSNH/Eversource abatement appeal. Mr. Edwards seconded the motion, which passed 3-0.**

e) Equipment for New Cruiser – Ms. Collins advised that Ford apparently ran out of the 2019 body style, the quote for which many police departments used when developing their 2019 budgets. The equipment for the new style costs more than anticipated/budgeted. The cost of the equipment was included in the relevant warrant article; however, that CRF will be about \$4000 short for the equipment. The Chief is seeking authority to pay for the balance from the Police Detail fund. **Mr. Edwards moved to authorize use of the Police Detail fund for the shortfall for the new cruiser equipment as recommended, and to authorize Kelley Collins to execute the purchase order for same. Mr. Paul seconded the motion, which passed 3-0.**

6. Proposed Capital Reserve Fund Expenditures

a) Highway Road Projects \$15,225.60 – This represents the cost of shoulder gravel for recent paving projects. **Mr. Edwards moved to approve this expenditure as presented. Mr. Paul seconded the motion, which passed 3-0.**

7. Correspondence

a) Charter Communications – Charter provided 2 letters advising of upcoming line-up changes.

b) Fogg Design re: Shoreland Permit Application – This abutters' notice regarding a shoreland permit application was provided for the Board's information.

8. Unscheduled Matters/Public Comment #2 – None forthcoming.

9. Administrative Matters

a) Town Administrator's Update

--Ms. Collins asked that the Board consider a change to the Personnel Policy regarding earned time accrual now that our FF/EMT's have 24-hour shifts. Basically, those workers have a 48-hour work week rather than the 40-hour week for other Town employees. The Town does not pay overtime for FF/EMT's until 106 hours/week. Ms. Collins has revised the Personnel Policy to reflect a week's vacation being 48 hours, and increasing the rate of earned time accrued accordingly. Funds are available in the budget to implement this as of October 1, 2019. Mr. Paul was advised that Fire Chief Nason has reviewed and approved this change. **Mr. Edwards moved to approve this change to the Personnel Policy, with the change to become effective as of October 1, 2019. Mr. Paul seconded the motion, which passed 3-0.**

--Ms. Collins again referred to the Personnel Policy and noted that the current wait for new employees for health insurance is 60 days, and 6 months for dental. She recommends the wait for both be 60 days.

Mr. Edwards moved to change the wait for dental insurance to 60 days, effective as soon as our provider allows. Mr. Paul seconded the motion, which passed 3-0.

-- NH Dot advises they will be increasing the speed limit from 35 to 45 mph through the lights in Union.

--Dates for the Budget Committee's review of the proposed 2020 budget have been established (October 21 & 30 and November 2). We have a few outstanding issues which will be addressed at the October 9 Selectmen's meeting. We hope to deliver the draft budget to the BC by October 15. Ms. Collins will likely not attend the Saturday, November 2 session.

--Health Trust will conduct 2 informational meetings to allow Town employees time to better understand the benefits available and to have questions answered. The Board is welcome to attend.

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

c) Building Permit Releases – None forthcoming.

d) Payment Manifests – Mr. Edwards moved to approve PR #24, a void and reissue with no value. Mr. Duffy seconded the motion, which passed 3-0.

Mr. Edwards moved to approve PR #25 in the amount of \$80,311.04, as presented. Mr. Duffy seconded the motion, which passed 3-0.

Mr. Edwards moved to approve AP #27 in the amount of \$18,500 (for the Transfer Station truck), as presented. Mr. Paul seconded the motion, which passed 3-0.

Mr. Edwards moved to approve AP #28, a void and reissue with no value, as presented. Mr. Duffy seconded the motion, which passed 3-0.

Mr. Edwards moved to approve AP #26 in the amount of \$132,980.94, as presented. Mr. Duffy seconded the motion, which passed 3-0.

e) Minutes – Mr. Duffy moved to approve the sealed minutes of Non Public Session #1 on September 11, 2019, as presented. Mr. Paul seconded the motion, which passed 3-0.

Mr. Edwards moved to approve minutes of Non Public sessions #2,3,4,5 & 6, on September 11, 2019, as presented. Mr. Paul seconded the motion, which passed 3-0.

Mr. Duffy moved to approve the minutes of both September 10 & 11, 2019, public sessions, as presented. Mr. Edwards seconded the motion, which passed 3-0.

Mr. Edwards moved to adjourn at 8:58 p.m. Mr. Paul seconded the motion, which passed 3-0.

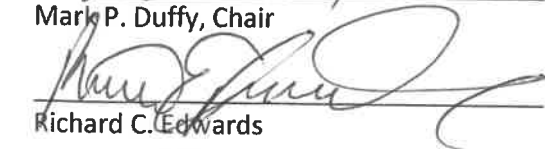
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Respectfully submitted,
Toni Bodah, Secretary


Approval of Minutes:



Mark P. Duffy, Chair



Richard C. Edwards



Kenneth S. Paul