

**Board of Selectmen
October 23, 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 6:06 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 6:08 p.m. During the immediately preceding Non Public session, the Board voted to authorize an increase to \$16.93/hour for Julia Morse, effective October 21, 2019. **Mr. Edwards moved to enter Non Public Session under RSA 91-A:3, II (b). 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 6:13 p.m. During the immediately preceding Non Public session, the Board voted to hire David Ouellette as Transfer Station Attendant at the hourly rate of \$13.65. **Mr. Paul moved to enter Non Public Session under RSA 91-A:3, II (a). Mr. Edwards 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 6:53 p.m. No action was taken during the immediately preceding Non Public session although data from the recent wage study was discussed. **Mr. Edwards moved to enter Non Public Session under RSA 91-A:3, II (c). 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 6:56 p.m. No action was taken at the immediately preceding Non Public session, although tax-deeded properties were discussed. **Mr. Edwards moved to enter Non Public Session under RSA 91-A:3, II (e). 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 6:59 p.m. During the immediately preceding Non Public session, Ms. Collins advised the Board of an anticipated trial date for pending litigation. At this point, the Board moved to the Conference Room. Those present at this time included Dean Giffin, Peter Kasprzyk and Paul Morrill, Sanbornville Water Precinct Commissioners; Donna Lane; Phil & Connie Twombly; Joe Gore; Chuck Robbins; Rick Poore; Pam Wiggin; Carroll Shea; Paul Romano (videographer); and Jim Miller. Mr. Duffy led all in the Pledge of Allegiance.

1. Appointments

a) Chuck Robbins re: Shoreland Protection – Mr. Robbins spoke to his efforts to encourage the Town to hire a Shoreland Protection officer several years ago, as well as the number of hours that are dedicated to this effort. He stressed the importance of protecting our lakes. Mr. Robbins cited the current shoreland protection officer as having a backlog so deep that it would take a year to catch up.

Mr. Robbins provided information and photos of 3 shoreland violations, which are outstanding for 3 years. When asked the status of these issues, DES indicated they would review 2 files and get back to Mr. Robbins, and DES is drafting an Administrative Order for the third issue. He stressed that DES is not helpful and that Wakefield's SPO needs time and assistance.

Mr. Robbins then presented a draft warrant article which seeks to make the Shoreland Protection Officer in Wakefield a fulltime position. Should that proposition not pass, Mr. Robbins indicated the Town would abolish all local lake rules and default only to State of NH Chapter 483-B Shoreland Water Quality Protection Act.

Ms. Collins indicated that the SPO was hired at 10 hours/week. When that individual was moved to full-time, the Board revised his job description to include other duties. She stated that the proposed warrant article would actually tie the Town's hands in the event of a vacancy in that position. In addition, zoning can only be changed through the Planning Board in the zoning regulations. Mr. Duffy stressed that the current SPO is doing good work. Mr. Robbins noted that the proposed warrant article is meant to draw attention to the need for a full-time SPO, adding that Wakefield should be a leader in this regard. Mr. Duffy and Ms. Collins believe that Wakefield is leading and referred to 46 cases for which permits have been issued. Many residents come in to the SPO for advice. Ms. Collins understands the shock value of the proposed warrant article; however, it would prohibit use of the current SPO's services for any other purposes, even if there were no shoreland work to do.

Mr. Robbins stressed that our lakes are the major generators of revenue for this town. We should not be afraid to spend funds to protect our lakes. He added that we need full-time SPO in addition to Building Inspector/Code Enforcement Officer, as there is so much not being addressed. Mr. Duffy noted how quickly a shoreland violation can occur. Mr. Robbins stated that we need a consequence for violations. Ms. Collins advised that enabling legislation must exist for this to occur. Mr. Edwards stated that we all want what is best for the Town. Mr. Robbins referred to the Town spending \$55,000 for health/safety, \$500,000 for fire protection and \$1.5 million for police. We should be willing to invest in protection of our lakes, and we cannot depend on DES.

b) Charlie Edwards – Canal Road Bridge – Mr. Edwards clarified that the proposal he is about to present has not been approved by the Board. Rather, it is an option he is sharing in the hopes of saving the Town money and still address its needs. The proposal has been developed by a civil engineer from a structural engineering firm. He then presented a video, which included various scenarios for addressing this bridge proposed by HEB Engineering. In going through the State Bridge Aid program, Wakefield's final cost to address this bridge could range from \$80,000 to \$124,000. Mr. Edwards proposed installation of foundations on either side of the existing arch, with a new travel way above the arch. The poured concrete over the top would relieve all weight from the existing arch. Borings would be done to ensure safety prior to digging. The only weight on the arch would occur during the 7-day curing process. This would avoid need for State financial involvement and would meet all State specs, but at a much lower overall cost. Currently the State has no funds available until 2026 at the earliest. As long as the Town of Acton Maine is willing to participate, the final cost would be in the vicinity of the Town's 20% cost under the State's plan. If this bridge gets shut down by the State, it would involve a 9-mile drive around.

This plan would not damage the canal. Mr. Edwards thanked Jim Miller for his efforts in producing the video presentation.

Ms. Collins advised there is a balance of \$153,000 in the Bridge CRF. Another \$53,000 could be made available from SB 38 funds. Total funds granted to Wakefield under SB 38 was \$116,000. \$40,000 was earmarked for Union sidewalks; however, DOT will not allow us to do the project we had planned. Therefore, Ms. Collins had recommended that the Board put \$53,000 in the Bridge CRF and the other \$53,000 in the Road Construction Projects CRF. That would result in a total of \$206,000 available in the Bridge CRF. Mr. Edwards stressed that Wakefield's final cost could be reduced if the Town of Acton participates financially.

Mr. Kasprzyk asked whether it would be possible to use granite on the sidewalks. Mr. Edwards confirmed this could be done. Mr. Paul asked whether the existing concrete slab would be removed. Mr. Edwards is not sure, but likely not, as it might adversely affect the integrity. Ms. Wiggin referred to this being a keystone bridge. She asked whether this process has been used on another keystone bridge. Mr. Edwards will determine that. A brief discussion followed regarding whether the aforementioned concrete is visible from the road. Ms. Wiggin also asked whether this would involve a Section 106 review. She noted this is a compliance review for historic assets. Mr. Edwards advised that the idea of this process is that there would be no damage to this historic bridge. Ms. Wiggin noted that the entire area is a historic district. The Section 106 review ensures that we do not destroy in any way a historic asset of the Town and is required when public funding is involved.

Ms. Collins stated that it sounds great to not involve the State; however, NH DOT will always be the agent to inspect bridges. Mr. Edwards confirmed the intent to not involve the State as a funding source only. He confirmed to Mr. Duffy that the intent is to use wing walls, not pillars. Ms. Wiggin noted that the walls on either side of the canal are 13' deep. Mr. Edwards confirmed to Ms. Collins that the engineer would remain on site for the duration of the project.

Mr. Duffy noted that the first step is to approach the Town of Acton to determine whether they are on board. Mr. Edwards is willing to meet with the Town of Acton. This project would be a "Poured in Place Rigid Frame Bridge." Mr. Paul believes the contractor would want an exemption from liability. Furthermore, he does not believe the Town of Acton will have a 50% interest in that bridge, as the Town of Wakefield has much more valuable property in that area. We have always said we need to clear the span of that bridge. Ms. Collins will need to determine legally how ownership would be affected should the Town of Acton choose not to participate financially. Mr. Edwards is seeking support to move forward, as we need to do something or the bridge will be closed. Mr. Twombly asked whether Mr. Edwards plans to participate in the bidding process for this purpose. Mr. Edwards stated he has no plans to participate as a contractor. Although the Heritage Commission has not discussed this particular project, Ms. Wiggin is confident that the Commission would support any effort to fix and use the bridge correctly. She stressed that we need to be watching current use by large trucks, suggesting that the Police Department might want to take notice.

c) Sanbornville Water Precinct – Donna Lane – Ms. Lane advised that 3 bids were received for the CDBG project, ranging from \$367,150 to \$455,958.33.

Although the Water Commissioners are waiting on references, it is anticipated they will recommend the bid be awarded to Integrity Earth Works out of Wolfeboro at \$367,150. The Commissioners are hoping that the Board would conditionally approve awarding of the contract to Integrity Earth Works in the amount of \$367,150 for the Rines Road Water Main Loop. Mr. Duffy read a statement from Brock Mitchell, Director of Public Works [attached and made a part of these minutes].

Mr. Kasprzyk confirmed to Mr. Duffy that a 'coat' is included in this bid, with the intent to finish the road in the spring. Once the contract is awarded, the SWP could discuss with the contractor the process given the imminent arrival of winter. Perhaps the contractor will believe there is enough time to accomplish the entire project. However, we must have a company to work with prior to working out the details.

Ms. Collins asked what other costs are involved with the \$367,150—borings, engineering, paving, etc. She received confirmation that the engineer has assured them the work can be accomplished within the grant funding. Mr. Paul was advised by Mr. Kasprzyk that there is no exclusion for ledge, etc. The depth of the water main is 5-6'. Funding is \$350,000 from CDBG and \$250,000 from the Water Trust Fund. Mr. Duffy is concerned that the road must be paved for plowing season. He asked how traffic will be affected during the borings. Mr. Kasprzyk advised it will likely be 1 lane. They plan to go under the railroad tracks. A 100% bond will be required. Mr. Paul suggested there could be a problem with cash flow. Ms. Lane stated that the contractor can wait for CDBG funds to become available; but she is not sure about DES payment schedule. She stated that the SWP may need to obtain interim financing. **Mr. Paul moved to award the bid to Integrity Earth Works at \$367,150, contingent upon communication with the Town for a start/finish date and approval by the SWP and DES. Mr. Duffy seconded the motion, which passed 3-0.**

Mr. Morrill suggested that the Board authorize the Chair to execute necessary documentation on behalf of the Board. **Mr. Edwards moved to authorize the Chair to execute the contract with Integrity Earth Works, as necessary. Mr. Paul seconded the motion on the condition that the contract is emailed to each Board member prior to the Chair's execution of same. The motion then passed 3-0.**

Ms. Lane then referred to the Authorized Signature Form for requesting release of CDBG funds. She recommended it would be easiest to authorize Ms. Collins to sign these requests. **Mr. Duffy moved to require 1 signature and to authorize Kelley Collins to execute the CDBG disbursement requests. Mr. Edwards seconded the motion, which passed 3-0.**

Ms. Lane referred to the form documenting how the Grant Administrator for this project was chosen. **Mr. Edwards moved to authorize the Chair to execute this form as presented. Mr. Paul seconded the motion, which passed 3-0.**

2. Unscheduled Matters/Public Comment #1

--Patty Philbrook referred to Mr. Robbins' concern about water quality. She advised that the Wakefield lake associations share ideas on common issues. She suggested the Board reach out to them with any questions or concerns.

3. Unfinished Business

a) Disposal of 2010 Crown Vic – Ms. Collins advised we have received a written offer for \$50. Mr. Edwards moved to accept the bid of \$50 for the 2010 Crown Vic. Mr. Paul seconded the motion, which passed 3-0.

b) SWP CDBG – Forms – Addressed previously.

4. New Business

a) Park Maintenance Bid Award – Ms. Collins advised that 2 bids were received: Hales @ \$23,390.01/year; Turnkey @ \$24,780/year. Parks & Rec has recommended that the Board award the bid to Hales—our current contractor and the lowest bidder. Mr. Paul moved to award the bid for Park Maintenance to Hales at \$23,390.01/year. Mr. Edwards seconded the motion, which passed 3-0. The Board then executed the contract as presented.

b) Homeland Security Grant \$4445 – This grant relates to equipment for the 2nd floor of the PSB. We were originally awarded \$6980 and have met the 50/50 soft match. Mr. Duffy moved to accept the EMPG grant agreement as presented. Mr. Paul seconded the motion, which passed 3-0.

c) Purchase Order \$39,900 – This purchase order to Apex is for maintenance at the wastewater facility. There are only 2 companies to do this work, and only 1 provided a quote. If approved, the cost would come from Fund 2 (balance of \$170,000) and the relevant CRF (balance of \$111,385). Mr. Paul moved to approve the purchase order to Apex for \$39,900. Mr. Edwards seconded the motion, which passed 3-0.

5. Proposed Capital Reserve Fund Expenditures – None scheduled.

6. Correspondence

a) Wakefield Inn/Nicastro Family – The Nicastro Family expresses thanks to the Board for support of traffic calming devices.

b) First Congregational Church – The Church is also grateful for the Board's consideration of safety issues in the Historic District.

c) Charter Communications – Charter announces an increase in pricing.

d) State of NH – This is an FYI from the State (as the Town does not own this dam) regarding needed work to the Union Meadows Dam.

e) WPI – Cash on Hand – Provided for the Board's information.

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

8. Administrative Matters

a) Town Administrator's Update

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--Ms. Collins stated there are several budget areas to review. She provided firm numbers for insurance, which the Budget Committee has reviewed/approved. We have a CAP program at 8% for Workers' Comp and Property Liability, both of which have increased. Unemployment went down. Property Liability includes enhanced cyber attach coverage. **Mr. Paul moved the section total at \$110,509. Mr. Duffy seconded the motion, which passed 3-0.**

In addition, Ms. Collins suggested increasing the Health Insurance line by \$16,268 (to \$478,094). She had included a small buffer for unanticipated plan changes; however, given 2 recent status changes, the entire buffer would be eliminated. **Mr. Paul moved to increase the Health Insurance line (01-41551-210) to \$478,094, for a new section total of \$1,129,724. Mr. Duffy seconded the motion, which passed 3-0.**

--The health insurance rate increased by 7.4%; the dental rate increased by 3.9%. Ms. Collins is seeking authorization to execute renewals for these 2 insurances. **Mr. Duffy moved to authorize Kelley Collins to execute the renewals for health and dental insurance. Mr. Edwards seconded the motion, which passed 3-0.**

--The GWRC advises it has 3 rentals coming up at which beer and/or wine will be served.

--We have received a request to waive the requirement for a bond. The Board has waived a portion of 2 sewer bills for 38 Meadow Street, with the understanding that the property will be connected to the Town's sewer system. Normally, a bond is required for such a connection; however, the property is located on a State road, and no work will be done on Town property. Therefore, the contractor has requested that the Board waive the bond requirement. Brock Mitchell supports waiver of the bond. **Mr. Duffy moved to waive the bond requirement for 38 Meadow Street to connect to the Town's sewer system. Mr. Paul seconded the motion, which passed 3-0.**

--Ms. Collins requested to work from home on Friday, October 25 in order to work uninterrupted. The Board agreed by consensus.

--Ms. Collins asked whether her presence at the Saturday, November 2, meeting of the Budget Committee is essential. Mr. Paul expressed confidence that he could handle the situation.

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

c) Building Permit Releases – None forthcoming.

d) Payment Manifests – Mr. Paul moved to approve PR #27 in the amount of \$78,605.80. Mr. Edwards seconded the motion, which passed 3-0.

Mr. Paul moved to approve AP #31 in the amount of \$55,442.68. Mr. Edwards seconded the motion, which passed 3-0.

e) Minutes – Mr. Edwards moved to approve Non Public minutes of session #1,2,3,4 & 6 of October 9, 2019, as presented. Mr. Duffy seconded the motion, which passed 3-0.

Mr. Edwards moved to approve the sealed Non Public minutes of session #5 of October 9, 2019, as presented. Mr. Paul seconded the motion, which passed 3-0.

Mr. Edwards moved to approve the public minutes of October 9, 2019, as presented. Mr. Paul seconded the motion, which passed 3-0.

Ms. Collins referred to a meeting she attended regarding Turntable Park. The Town's possible purchase of this property may be back on the table. We could not purchase the property if Federal funds had been originally used to purchase same. It has been determined that Federal funds were not used. The State previously indicated we would have to pay for a commercial appraisal, and to pay fair market value. We are hopeful that the State may pay ½ of the commercial appraisal and that the property only has value to the Town of Wakefield due to historical artifacts and buried tanks. Mr. Duffy questioned whether Conservation funds could be used for this purchase. Ms. Collins thought it may be possible; however, there would be many covenants in place. She will communicate with the Conservation Chair, Steve Brown. She will also draft a letter to the State for the Board's signatures.

Mr. Paul moved to adjourn at 9:09 p.m. Mr. Edwards seconded the motion, which passed 3-0.

Respectfully submitted
Toni Bodah, Secretary

Approval of Minutes:

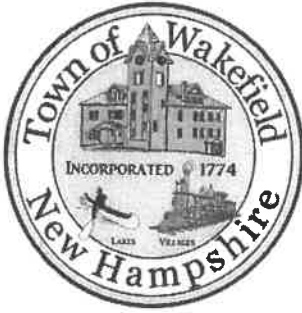


Mark P. Duffy, Chair

Richard C. Edwards



Kenneth S. Paul



TOWN OF WAKEFIELD, NEW HAMPSHIRE
PUBLIC WORKS DEPARTMENT

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To: Board Of Selectman
From: Director of Public Works
Date: 10/23/19

Re: Water Precinct Water Line Replacement

It is my professional judgement that this project be postponed until Spring 2020. Winter is quickly approaching and it is my opinion that it is not in the best interest of either party (the Town nor the Water Precinct) to begin a project of this magnitude this late in the year.

I fully understand that the funding from this project poses some time constraints. If the waterline does go through this year, it is the request of the DPW that any trenching being completed, be patched at the very least with asphalt for the winter months and then repaved back to its current, or better condition, with a finish coat in the spring at the completion of the project. This will help to ensure that not only the road keeps its integrity throughout the harsh winter months but the new water line also be adequately protected from damage from the elements.

I have every confidence, as the Public Works Director, that the future of this department and the Water Precinct is to have a more proactive plan for road reconstruction/repair/maintenance/sewer and Water Line projects that fits uniformly so we can both succeed and be prepared for the needs of both departments.

Regards,

Brock Mitchell