

Board of Selectmen

March 13, 2019 REVISED

Present: Kenneth S. Paul, Chair; Connie Twombley; Dennis Miller; Kelley A. Collins, Town Administrator; and Toni Bodah, Secretary

Mr. Paul 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). Mr. Miller seconded the motion. Roll call vote: Ms. Twombley – ‘aye’; Mr. Miller – ‘aye’; Mr. Paul – ‘aye’.** The motion passed unanimously, and the Board immediately entered Non Public Session.

The Board returned to public session at 6:36 p.m. During the immediately preceding Non Public Session, the Board voted to move Officer Bart Bentz from part-time to fulltime at the hourly rate of \$19.29. **Ms. Twombley moved to enter Non Public Session under RSA 91-A:3, II (a). Mr. Miller seconded the motion. Roll call vote: Ms. Twombley – ‘aye’; Mr. Miller – ‘aye’; Mr. Paul – ‘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 immediately preceding Non Public Session, the Board voted to authorize an increase for Chief John Ventura to \$74,908.29/year, effective as of March 11, 2019. **Mr. Miller 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. Miller – ‘aye’; Mr. Paul – ‘aye’.** The motion passed unanimously, and the Board immediately entered Non Public Session.

The Board returned to public session at 6:51 p.m. During the immediately preceding Non Public Session, the Board voted to authorize the hiring of Melissa Gutierrez as a call EMT at \$19.16 per hour. **Mr. Miller moved to enter Non Public Session under RSA 91-A:3, II (a) & (b). Ms. Twombley seconded the motion. Roll call vote: Ms. Twombley – ‘aye’; Mr. Miller – ‘aye’; Mr. Paul – ‘aye’.** The motion passed unanimously, and the Board immediately entered Non Public Session.

The Board returned to public session at 6:53 p.m. During the immediately preceding Non Public Session, the Board voted to accept the resignation of Barbara Schnurbush as Deputy Town Clerk and to offer Ms. Schnurbush 8 hours of part-time work as an Administrative Assistant at Town Hall at the hourly rate of \$16.98, effective as of March 18, 2019. **Mr. Miller moved to enter Non Public Session under RSA 91-A:3, II (a). Ms. Twombley seconded the motion. Roll call vote: Ms. Twombley – ‘aye’; Mr. Miller – ‘aye’; Mr. Paul – ‘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 immediately preceding Non Public Session, the Board voted to end the probationary period for Julia Morse, to appoint her as Deputy Town Clerk and to authorize an increase to \$16.09/hour as of April 1, 2019.

The meeting then moved to the Opera House, where those present signed in. Mr. Paul led all present in the Pledge of Allegiance.

1. Public Hearing #1 – Highway to Summer Cottages – The Board was joined by Attorney Biron Bedard. Mr. Paul asked whether anyone present this evening is against the designation of a section of Pond Road as a Highway to Summer Cottages. Not all present understood what that designation means.

Mr. Paul opened the public hearing at 7:04 p.m. Attorney Bedard provided the definition of this designation by reading aloud RSA 231:79-81. Basically, the Board of Selectmen, or Town Meeting, has the authority to designate a road as a Highway to Summer Cottages, which allows the Town to provide maintenance. However, that maintenance shall not occur between December 10 to April 10 (although there is pending legislation to modify those dates slightly).

Mr. Paul again asked whether anyone present is opposed to this designation. Jane Silcocks asked about the difference between what it is now and what it is proposed to be. Mr. Paul stated the designation would allow for maintenance during the summer and no maintenance during the winter. Geoff Denley asked how that is different. Mr. Paul advised the section of Pond Road has never been legally accepted as a Highway to Summer Cottages. That omission exposes the Town to great liability. Attorney Bedard noted that a portion of Pond Road is Class V, a designation of a Town road that includes year-round maintenance. He referred to the requirements involved in establishing a Class V road today. The portion of Pond Road at issue is a Class VI road, which the Town has no obligation to maintain. This petition to designate a portion as a Highway to Summer Cottages would allow the Town to legally do some maintenance without the full responsibility of maintaining it year-round. Mr. Denley stated it was always maintained and had signs indicating that no maintenance would occur between December and April. He questioned what has changed. Mr. Paul stressed that he has no interest in going backwards. The current Board would like to rectify the situation and allow for limited maintenance. Mr. Miller noted that in the 1990's the Board tried to address the situation; however, it was not done as it should have been.

Attorney Paul Alfano referred to his letter of March 6, 2019, adding that the Class VI road designation is new. He noted that the designation of Highway to Summer Cottages is an exemption from obligation to otherwise maintain the road. This road had been maintained previously. His position is that the portion to be designated is a Class V road except during December to April. That is why the culvert should be repaired. The Town should continue to maintain the road as it has previously done. Mr. Paul noted we may eventually need drainage easements to address various issues. Hopefully, the property owners will work with the DPW on these issues.

Attorney Alfano further stated that residents are asking that the Board vote to approve their petition, which will mean the road should be maintained in the spring, to include repair of the culvert, as well as replacement of the signs. Mr. Paul advised that the DPW calculated the footage of the Class VI portion and re-placed the signs where they should be. If we go to the bottom of the hill, we will need easements to be able to turn Town trucks around and will likely need to remove trees. Attorney Alfano stated for the record his belief that the sign should be at the bottom of the hill.

Mark Duffy noted that the Town has been maintaining the area for years, but understands the effort to make things legal. Most residents want the culvert fixed. The Town has already set a precedent as the road has been maintained for more than 20 years. The major concern is how the culvert will get fixed. Mr. Duffy added that he has seen trucks plow to the bottom of the hill. Mr. Paul stressed that tonight we are not talking about relocating signs; rather we are discussing designating a Highway to Summer Cottages. There will be additional phases to this project as time goes on, but let's get this designation established so that the hands of the DPW are not tied.

Frank Zappala questioned whether any owners of property on Pond Road are on record as being opposed to this designation. Mr. Paul advised that none here tonight are on record as opposed.

Leigh Nichols noted that it has been indicated that Pond Road was not legally designated as a Highway to Summer Cottages previously. He then referred to and read from an RSA. He stated we should know who removed the signs and who changed the wording on the replacement signs. Mr. Nichols stated there could be a penalty involved if the Board did not authorize the changes.

Relf Fogg asked whether the attorney is aware of any rights the property owners may be giving up via adoption of this designation. Mr. Paul noted that the relevant portion of Pond Road is not maintained in winter; however, there are people living out there. Who is plowing that area? Do they have insurance? He stressed that he hopes tonight to clarify the situation by voting, on the record, for a designation as a Highway to Summer Cottages.

Cynthia Wyatt stated that the Town previously plowed to 357 Pond Road, then turned around. She assumes the Town will continue to do so. She noted that her daughter had an accident because no signs were in place to indicate no maintenance would be done. After she reported the accident, the Town replaced the signs in a different location. Ms. Wyatt respectfully requests that the Town replace the signs at their original locations. She would be happy to work with the Town regarding removal of trees to improve an area for Town trucks to turn around. Debbie Woelflein agreed that the sign should be replaced in its original location.

Attorney Alfano stated that signs were not in place during the time the petition was circulated for signatures. The petition requests maintenance be done in the same manner as historically done (to the bottom of the hill), not to where the sign was relocated.

Mike Watkins sought confirmation that a Highway to Summer Cottages includes summer maintenance and that plowing is a separate issue. Mr. Paul confirmed. Mr. Nichols added that the signs were in place on June 21 but had disappeared by the beginning of July.

Attorney Alfano has a letter from John Woelflein who recalls the sign being at the bottom of the hill in the 1970's.

Mr. Paul asked for additional public comment. There being none, he closed the public hearing at 7:28 p.m. Mr. Miller questioned whether the Board would address both the road designation as well as the placement of signs this evening. Mr. Paul stated the Board should first establish the designation. The DPW should be consulted prior to moving any signs. **Mr. Miller moved to establish the Class VI portion of Pond Road as a Highway to Summer Cottages. Ms. Twombly seconded the motion, which passed 3-0. Revisited/Revised 4/24/19 following review of Clearview recording as follows: Mr. Miller moved to make this a road to summer cottages, from the current locations of the signs. Ms. Twombly seconded the motion, which passed 3-0.**

Mr. Paul asked that Ms. Wyatt communicate with the Town Administrator and DPW Director regarding the issue of relocating the signs. He noted that the current Town trucks are much larger than those

used in prior years. Mr. Paul also referred to significant surface water coming from the cottages on the hill.

At 7:30 p.m. Mr. Paul allowed time for those present for Pond Road to exit, if they chose to do so. At 7:38 p.m. Mr. Paul called the meeting back to order.

#2 – Public Hearing re: Revision of Building Permit Fee Schedule – Mr. Paul opened the public hearing to consider revision of the building permit fee schedule. CAI, the Town's mapping company, has increased the cost for mapping driveways from \$45 to \$60. This is a user fee, paid by the property owner. Mr. Zappala was advised this fee does not apply to existing driveways. Mr. Fogg wonders whether there will be driveway police and after-the-fact fees. Mr. Paul stated that the DPW will review any new applications that come in. There being no further comment, Mr. Paul closed the public hearing at 7:42 p.m. **Mr. Miller moved to approve the revision to the Building Permit Fee Schedule as presented. Ms. Twombly seconded the motion, which passed 3-0.**

3. Appointments - None scheduled.

4. Unscheduled Matters/Public Comment #1 – None forthcoming.

5. Unfinished Business

a) Transfer Station Equipment – Ms. Collins noted that at the last meeting the Board approved purchase of equipment for the Transfer Station. She presented a purchase order for a baler, as well as a grant application for partial reimbursement of that purchase. The Board executed both documents.

6. New Business

a) Facility/Premises License Agreements – The Gafney Library submitted 2 requests to utilize the Opera House, to include waiver of the associated fee. Mr. Miller noted the Board has been waiving this fee for non-profit groups. Mr. Paul stated that we need a maintenance person at Town Hall. **Mr. Miller moved to approve both applications submitted by the Gafney Library, to waive the \$200 for both, and to authorize the Chair to execute the agreements as presented. Ms. Twombly seconded the motion, which passed 3-0.**

b) Roadside Mowing – The DPW Director would like to put this work out to bid to third-party companies. The Board approved this action by consensus.

7. Proposed Capital Reserve Fund Expenditures

a) Landfill Closure \$3,435.85 – This represents the cost to renew our groundwater management permit, as well as the cost for PFAS screening, all done by HEB Engineering. **Mr. Miller moved to approve this expenditure as presented. Ms. Twombly seconded the motion, which passed 3-0.**

8. Correspondence

a) Charter Communications – Charter announces more line-up changes.

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

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c) GWRC Minutes – Provided for the Board’s information. Ms. Collins expects Ed Dolaher to view the GWRC roof later this week. If the job is large, it will go out to bid.

d) NH DOT re: Railroad Crossing Project – DoT advises the Town of plans to address the railroad crossing located at the junction of Routes 16 and 153. They are in the very early stages of this project and will meet in April with our Police, Fire, DPW, Town Administrator and BoS representative to review the project and any concerns. We may want to alert the Conservation Commission as well. DoT is asking about mitigation plans in the vicinity. More to come.

9. Unscheduled Matters/Public Comment #2

--Mr. Fogg thanked Ms. Twombly for all her service to the Town. He also thanked Mr. Miller for stepping in to assist. Thanks to Ken Paul as well!

--Jim Miller stated that we had an historic election yesterday, with a number of people involved in the process. More than 900 people cast their votes. More discussion equals better decisions. Mr. Miller thanked both Ms. Twombly and Mr. Miller, and noted he is looking forward to working with the new Board. After receiving confirmation that Pond Road is Town owned, rather than private, Mr. Miller applauded the Board for the procedure followed.

--Mr. Paul thanked all the Clearview staff for their efforts.

--Rose Cleveland Baxter noted that the DoT’s railroad project will be in her backyard. She hopes to receive notification in order to prepare for this project and hopes it does not begin at an unreasonably early time of the morning.

10. Administrative Matters

a) Town Administrator’s Update

--Ms. Collins hopes to attend the 2-day Risk Management Summit presented by Primex at the Mt. Washington in May. OK with the Board.

--Ambulance Write-offs: Ms. Collins recommends writing off 5 outstanding bills totaling \$5641.31; sending one outstanding bill to Experian in the amount of \$146.77, and moving one bill previously sent to Experian in the amount of \$142 to a write-off. Ms. Twombly noted it took Comstar 3 months to process her payment, during which time she continued to receive bills, even though Comstar confirmed they had received the payment. Ms. Collins will follow-up. **Mr. Miller moved to take action on ambulance bills as outlined by Ms. Collins. Ms. Twombly seconded the motion, which passed 3-0.** Ms. Collins referred to this being a monthly process in order to prevent a build-up of outstanding bills.

--Non Public Minutes: Ms. Collins noted that the Non Public Minutes of a November session were never reviewed/approved. Tonight is the last opportunity for this Board to do so! Discussion followed regarding the method used now to keep topics of various non public sessions separate. The Board is not actually having more discussions; it is just separating them. **Mr. Miller moved to approve the Non Public minutes of Session #2 of November 14, 2019, as presented. Ms. Twombly seconded the motion, which passed 3-0.**

--Ms. Collins advised she will be leaving at 12:30 p.m. on Friday, March 15.

b) Tax Collector’s Monthly Comparison – Provided for the Board’s information.

c) Building Permit Releases – None forthcoming.

d) Payment Manifests – Ms. Twombly moved to approve PR #7 in the amount of \$81,140.20, as presented. Mr. Miller seconded the motion, which passed 3-0.

Ms. Twombly moved to approve AP #7 in the amount of \$845,803.10, as presented. Mr. Miller seconded the motion, which passed 3-0.

e) Minutes – Ms. Twombly moved to approve all minutes of February 27, 2019, as presented. Mr. Miller seconded the motion, which passed 3-0.

Mr. Paul stated it was great to have worked with both Ms. Twombly and Mr. Miller. He welcomed Mr. Duffy back to the Board! Mr. Paul expressed thanks to all willing to put their names on the ballot.

Ms. Twombly read a prepared statement expressing thanks for the support offered to her over the past 6 years as a member of the Board of Selectmen. She also thanked all Town staff and departments, the Sanbornville Water Precinct Commissioners and the Town Administrator.

Mr. Paul thank Mr. Miller for his willingness to step in. Mr. Miller was grateful for the opportunity.

Ms. Twombly moved to adjourn at 8:15 p.m. Mr. Miller seconded the motion, which passed 3-0.

Respectfully submitted,
Toni Bodah, Secretary

Note: Approval of these minutes will be accomplished solely by Kenneth S. Paul, who will be the only sitting Board member at the March 27, 2019, meeting to have also been a Board member for this meeting.

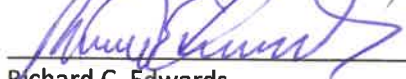
Approval of **REVISED** Minutes:



Kenneth S. Paul, Chair (on 3/13/19)



Mark P. Duffy, Chair (on 4/24/19)



Richard C. Edwards