

BOARD OF SELECTMEN
Minutes of April 4, 2016

CALL TO ORDER: Chairman Joel Desilets called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Jennifer Simmons, Ross McLeod, and Roger Hohenberger were present; as were Town Administrator David Sullivan and Finance Director Daniel Popovici-Muller. Mr. Desilets opened with the Pledge of Allegiance.

ANNOUNCEMENTS: Mr. McLeod noted that the Planning Board would be requesting a special election be held relative to the passage of Citizen Petition #1. Mr. Sullivan indicated he believed they would be coming before the Board on the 18th, and Mr. Desilets added they had also reached out to Town Counsel relative to the process to request same.

Mr. Desilets noted that the Planning Board would also like to have a joint meeting with the Selectmen within the next month or two. Mr. McLeod inquired what the topic was to be, and Mr. Sullivan noted none were set, as yet, however both boards will be asked for input on items for the agenda.

Chief Lewis approached and advised that the Citizen Police Academy which was to start in the spring has been cancelled due to a lack of response. He indicated the Department will try again in the fall; noting only eleven had expressed interest where at least 20 was desired. Brief discussion ensued.

Mr. Sullivan noted that minute taker Suzanne Whiteford had submitted her resignation, as had Town Planner Elizabeth Wood. Mr. McLeod moved and Mr. Hohenberger seconded to accept same with regrets. Passed unanimously.

CANOBIE LAKE BOAT ACCESS: Chief Lewis approached indicating that the Department has been monitoring, for some time, an area on West Shore Road utilized to access the Lake; clarifying that there is a public access available for residents on Hayes Hart Road. Chief Lewis indicated that the area on West Shore is a small opening to the Lake for carry-ins such as kayaks and canoes. He indicated he is concerned as it is starting to receive more and more traffic from both out of state residents and individuals with trailered boats; noting it is a great area for carry-ins but trailers cause an issue. Chief Lewis noted it is a narrow road, with a bend in the area in question, as well as pedestrian traffic; adding that quite a bit of erosion is occurring on the bank and, environmentally, it needed to be addressed.

Chief Lewis then proposed some mechanism to dissuade trailers be implemented in the area (eg, large rocks or posts) and it be posted as carry-in/carryout only. He indicated that he had spoken to Marine Patrol, and that such an area as this would be up to the Board to regulate.

Mr. Hohenberger expressed his support, indicating he would prefer large rocks be utilized. Mr. McLeod concurred, suggesting boulders or a jersey barrier, but noted that people do utilize trailers for kayaks. Chief Lewis clarified his concerns relate to the backing in/out of the trailers and the related erosion and blocking of the roadway.

Mrs. Simmons concurred with Mr. Hohenberger, as well, adding that the rocks would allow the space to get in and out with kayaks. Chief Lewis noted he could work with the Highway Agent to obtain same.

Mr. Desilets indicated he appreciated the concern regarding the trailers and safety issues, but was concerned with precluding access; questioning where else it would be available. Chief Lewis reiterated there is an access for residents on Hayes Hart Road, and there is also one in Salem by their water facility. Discussion ensued, and Mr. Breton noted the area on West Shore Road was never intended to be a boat launch; rather it just grew to be one. Further discussion ensued.

Mr. Breton suggested that the proposed sign reflect carry in/carry out only and refer others to the Hayes Hart launch, and Chief Lewis replied his only concern would be that the Hayes Hart launch is restricted to residents only. Mr. Desilets expressed concerns that non-residents would be precluded from using the lake.

Mr. Breton then moved and Mr. Hohenberger seconded to approve the Chief's proposal as presented.

Mr. William Schroeder, Canobie Lake Protective Association, approached in support of the Chief; indicating that they had spoken regarding same. He added that the trailer issue is fairly new and does represent a safety hazard as there is very little room between the lake and the road.

Mr. Desilets noted for clarification that the presentation was to prohibit the parking of any trailers, and a discussion ensued.

Mr. Breton amended his motion, and Mr. Hohenberger his second, to approve the proposal as presented with the exception of prohibiting trailers. Passed unanimously.

COMMUNITY DEVELOPMENT DIRECTOR: Ms. Scott advised that there would be a free networking event on April 18th at the Village Bean, as well as a public workshop with the Department of Environmental Services at the Town Hall on 4/27 regarding wells.

Ms. Scott then noted that, in February, she had begun offering extended office hours however she no longer has the staff available for same and was requesting a return to 8A-4P on Mondays.

Mr. McLeod moved and Mr. Hohenberger seconded to approve. Passed unanimously.

Ms. Scott then requested that the Board post for public hearing an amendment to the fees charged by the Department; specifically to add a new fee relative to ZBA extension requests.

Mrs. Simmons moved and Mr. McLeod seconded to post for public hearing as requested. Passed unanimously.

FEE WAIVER REQUEST: Mr. Desilets noted that the Windham Cooperative Kindergarten was requesting to utilize the Searles facility at no charge for their 50th Anniversary celebration. Mr. Sullivan added that this request is supported by both he and the Searles Coordinator, and that the fee in question was \$225.

Mr. Hohenberger moved and Mr. McLeod seconded to waive the fee as requested for the 11/24/2016 50th Anniversary of the Kindergarten. Brief discussion ensued regarding the Kindergarten's previous use of the facility and payment for same, and the building rates.

The motion passed unanimously.

INDIAN ROCK: Representative Walter Kolodziej approached explaining that there is a local Scout who would like to complete an Eagle Scout project at historic Indian Rock, and that former Selectman Al Letizio had also formed a preservation committee. He indicated the Scout wishes to clean up the area around the rock and install benches, and that his doing so was contingent upon the Board's providing a release of liability to the State to allow him to work on the property which is State owned. Mr. Kolodziej also indicated that he had spoken to Ms. Wendy Johnson, the Route 111 Project Manager at the NH Department of Transportation. Mr. Desilets noted that the project would also include signs, and that resident David Devries is interested in collaborating with the Scout. Mr. Kolodziej added that there would be restrictions (eg no heavy cutting) due to the presence of long-eared bats in the area. Discussion ensued.

Mr. Breton suggested that a letter be drafted to the State's Long-Range Planning Committee and Senator Birdsell, encouraging them to surplus the parcel immediately so the Town can obtain it via fund balance monies. Lengthy discussion ensued.

Mr. Sullivan noted that the Town's carrier, Primex, will provide coverage if the Town contracts with the State either on our own or via a Municipal Management Agreement similar to that in place for the Rail Trail. He indicated the Town would need to have some agreement, unless the State is going to give the land to us; adding that once the agreement is in place, the coverage is as well. He concurred with Mr.

Breton regarding getting this on the table at the State level sooner rather than later. Mr. Desilets noted he would hesitate to take official action on surplussing the land, as it is zoned commercial and the ultimate plan for it is unknown. Discussion ensued regarding the proper framing of a motion.

Mr. McLeod moved and Mr. Hohenberger seconded to assume the insurance liability for work needing to be done in the area of Indian Rock through development of a Municipal Management Agreement. After brief, further discussion, the motion passed unanimously.

SURPLUS VEHICLES: Discussion was had as to whether to dispose of surplus vehicles via auction or sealed bid. Mr. Desilets inquired how many surplus vehicles the Town had for disposal, and Mr. Sullivan replied there were three 2009 cruisers, one 2000 F350 pickup, and one 2008 Expedition.

Mr. Hohenberger indicated that DeLuca has been doing an excellent job on the Town's behalf disposing of our surplus vehicles via auction; expressing his support for staying with this process. Mr. Sullivan agreed, however, several inquiries have been received from residents and employees regarding the vehicles. He indicated the Board could establish a minimum amount and attempt to dispose of them via sealed bid and, if unsuccessful, then refer to them auction.

Mr. Breton noted that the Town had utilized a sealed bid process for several years, taking up much staff time and only realizing an average of \$1,200 per vehicle. He felt the Town receives the most bang for their buck through DeLuca's efforts. Mr. Hohenberger concurred.

Mrs. Simmons noted that she had attempted to value the vehicles via KBB, and that a lot of details were required to do so accurately. She then sought clarification as to whether the general public can attend the DeLuca auctions. Mr. Sullivan replied in the negative, noting the auctions are closed and an agent would need to be retained to attend.

Mr. Desilets felt that the sealed bid is a fair process, and a discussion ensued. Mr. Sullivan noted he would be happy with either direction, suggesting if going with a sealed bid that the vehicles be advertised with a minimum bid.

Mr. McLeod and Mrs. Simmons expressed their concurrence with Mr. Breton and Mr. Hohenberger. Mrs. Simmons suggested that it be advertised somehow that they are going to be available via DeLuca's auction. Mr. Sullivan replied staff could do so.

Mrs. Simmons then moved and Mr. McLeod seconded to continue the practice of auctioning off surplus vehicles through DeLuca Chevrolet. Passed unanimously.

OLD/NEW BUSINESS: Mr. McLeod inquired when the street sweeping would begin. Mr. Sullivan noted we are second on the vendor's list of Towns to complete, and it is anticipated to begin in mid-May. Sweeping will be completed approximately 2-3 weeks thereafter.

CORRESPONDENCE: Mr. Sullivan advised that, at the previous meeting, the Board had held a non-public discussion relative to a contract issue. He indicated that, as a result of same, a survey had been conducted of other communities regarding their solid waste operations/costs; which had been provided to the Board. Mr. Sullivan advised that the survey shows that our current tipping fee of \$67 places us in the middle of the pack; stressing however that hauling costs must also be considered. He indicated that a workshop with Mr. Poulson will be scheduled in the future to discuss this further.

Mr. Sullivan presented an administrative abatement to the Board for consideration; explaining it was related to the balance of \$4,000 over the owner's elderly exemption. Mr. Hohenberger moved and Mr. McLeod seconded to approve the abatement request. Passed unanimously.

Mr. McLeod sought clarification as to whether the solid waste survey results previously discussed included Salem, Londonderry and Hudson. Mr. Sullivan indicated he would verify with Mr. Poulson, and Mrs. Simmons clarified that the Town of Hudson offers curbside pickup.

Right-of-Way Permit: Mr. Sullivan requested that the Board execute an emergency repair permit which, per ordinance, had been authorized by Mr. McCartney on Crestwood Road.

Mr. McLeod moved and Mr. Hohenberger seconded to approve the permit. Passed unanimously.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. McLeod seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a and e. Roll call vote - all "yes". The topics of discussion were personnel and legal.

The Board, Mr. Sullivan, Ms. Scott, and Ms. Devlin were in attendance in the first session.

The Board discussed the vacant planner position, advertising of same, and interim assistance.

Mr. McLeod moved and Mr. Hohenberger seconded to contact with Mr. Fougere to fill the gaps as needed; contingent upon Mr. Sullivan verifying budget availability. Discussion ensued regarding the various other options presented by Ms. Scott, and the need for attendance at Planning Board meetings.

Motion failed, 2-3, with Mr. Hohenberger, Mrs. Simmons, and Mr. Breton opposed.

Mr. Breton then moved and Mr. Hohenberger seconded to support option three as presented by Ms. Scott; that being contracting with Mr. Manioan. Passed 3-2, with Mr. Desilets and Mr. McLeod opposed; both citing the lateness of the inclusion of this option.

The Board, Mr. Sullivan, and Ms. Devlin were present in the remaining sessions.

Mr. Sullivan updated the Board on a personnel matter relative to association memberships and a potential grievance regarding same. No decisions were made.

Mr. Sullivan updated the Board on a legal matter relative to a request to waive taxes. No decisions were made.

Mr. Sullivan updated the Board on a legal matter relative to a court decision. No decisions were made.

Mr. Sullivan discussed a proposed legal settlement with the Board. Mr. Hohenberger moved and Mr. McLeod seconded to approve the settlement as outlined. Passed unanimously.

Mr. Sullivan discussed a legal matter relative to a contract amendment. Mr. Hohenberger moved and Mr. McLeod seconded to support the addition of two (2) clauses to the contract as described by Mr. Sullivan. Passed 4-2, with Mr. Desilets opposed as he believed this to be a pointless effort.

Mr. Sullivan updated the Board on a personnel matter relative to staffing and contracted services. No decisions were made.

Mrs. Simmons moved, and several seconded, to adjourn. Passed unanimously.

Meeting was adjourned at 8:45 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

Note: These minutes are in draft form and have not been submitted to the Board for approval.