

**BOARD OF SELECTMEN**  
**Minutes of December 29, 2008**

**MEMBERS PRESENT:** Vice-Chairman Mr. Breton called the meeting to order at 4:05 PM. Selectmen Galen Stearns, Mr. McMahon and Roger Hohenberger were present, as was Town Administrator David Sullivan. Chairman Dennis Senibaldi was delayed and arrived at 5:00 PM. Mr. Breton opened with the Pledge of Allegiance, then read the agenda into the record.

**EAGLE SCOUT PROJECT:** Mr. Arun Behl approached seeking the Board's endorsement of a proposed project at New Plains Cemetery. Mr. Behl reviewed his plans to construct a covered, informational kiosk in the area of the flagpole. Cemetery Trustee Wendi Devlin advised the Board that the Trustees had met with Mr. Behl, and fully supported his proposal.

After a brief discussion, Mr. Stearns moved and Mr. McMahon seconded to endorse the proposed Eagle Scout project for the New Plains Cemetery. Passed 4-0.

Mr. McMahon then moved and Mr. Stearns seconded to waive any related permit fees. Passed 4-0.

**2008 YEAR-TO-DATE BUDGET REVIEW:** Finance Director Dana Call advised the Board that there are no major encumbrances remaining for 2008, and that she is currently projecting approximately \$75K will remain at year-end. Mrs. Call noted that no department is sorely over budget, and that some revenues, particularly the rooms and meals tax, have been delayed and are pending. A brief discussion ensued regarding carry-overs into 2009.

**BID AWARDS:** Highway Agent Jack McCartney advised the Board that two (2) bids had been received for the paving projects, which include Langdon and Weston Roads, and a portion of Flatrock Road. Bids received were as follows:

<b>Vendor</b>	<b>Langdon/ Weston Rds.</b>	<b>Flat Rock Rd.</b>
<i>Busby Construction</i>	\$ 67,675	\$182,820
<i>JGE Enterprises</i>	55,750	54,500
<i>CSSI</i>	65,830	60,860
<i>Tate Bros. Paving</i>	67,935	No Bid
<i>Hudson Paving</i>	68,590	88,150

Mr. McCartney noted that the funding for Langdon/Weston Roads was carried over in the Capital Outlay fund from 2007, and that funds for Flatrock were currently within the budget. A brief discussion ensued regarding the disparity of the bid received from Busby.

Mr. McCartney then recommended that the bid for Langdon/Weston roads be awarded to JGE, noting that the Town has worked with this company in the past with no issues.

Mr. Stearns then moved and Mr. Hohenberger seconded to award the bid to JGE for their bid amount of \$55,750. Passed 4-0.

Mr. McCartney also recommended that the bid for Flatrock Road be awarded to JGE, subject to further review and confirmation that their proposal is in keeping with the bid specifications. Mr. Sullivan recommended the Capital funds be utilized with the residual to come out of the operating budget, if available.

Mr. Stearns then moved and Mr. McMahon seconded to award the bid to JGE as recommended, with funds to come from Capital Outlay and the bottom line budget. Passed 4-0.

**OLD/NEW BUSINESS:** Mr. Sullivan announced that the State Office of Emergency Management and FEMA were requesting towns to compile data relevant to individual damages from the ice storm. He noted that information must be submitted no later than Monday, January 5<sup>th</sup>.

*Mr. Sullivan* advised the Board that he had posted the public hearing notice for the budget, and that it differed slightly from that discussed the previous week. Mr. Sullivan explained that the end language had been clarified as per the Board's concerns.

*Transfer Station Manager Dave Poulson* advised the Board he had spoken at length to Covanta Inc. regarding the contract for single-stream removal services to address the Board's concerns regarding the potential for rejected loads and a \$500 surcharge for each. Mr. Poulson indicated that it had been clarified that a full load would have to be rejected and it would need to be a consistent problem with the Town's waste before the surcharge would be assessed. He further noted that Wheelabrator has the same language in their current contract with the Town, that it has never been an issue, and that he was comfortable with leaving such language in the contract.

After a brief discussion, Mr. McMahon moved and Mr. Hohenberger seconded to approve the contract as presented. Passed 4-0.

Mr. Poulson then noted to the Board that he continues to work on finalizing the contract with Integrated Paper for their single stream services.

*Mr. Poulson* advised the Board that he had been approached by the mother of a local boy scout who, along with others, wanted to undertake a fundraising effort in which they would pick up Christmas trees around town for transport to the Station. Mr. Poulson noted that allowing them to do so would require the Board to waive the commercial hauler fee. Discussion ensued regarding limiting the number of trees or having them transported to the landfill instead.

Mr. Sullivan noted that the Administration had received several calls from residents regarding the Town removing debris from private property, which the Town is not doing, and that staff had discussed opening the landfill for disposal by the residents for chipping/burning in the spring. He noted that the Board would need to authorize the old landfill to be opened under the oversight/coordination of the Highway Agent and Mr. Poulson. Discussion ensued regarding staffing.

Mr. Hohenberger moved and Mr. Stearns seconded to open the old landfill on dates/times to be determined and with staffing to be determined to facilitate residential debris disposal. Mr. Stearns then requested that the Christmas Tree removal program be included as well, and Mr. Hohenberger concurred. Passed 4-0.

*Mr. Sullivan* extended thanks to Mr. Case for coming out at this early hour to cablecast the meeting. He then took the opportunity to, again, publicly acknowledge the efforts of Chief McPherson, Mr. McCartney, their staffs, and the police staff, for their response and efforts during the ice storm and for a job well done.

*Mr. Stearns* announced that three petitions had been received as follows: to bond the amount of \$5M for conservation land; to change the amount of funds collected from current use taxes that go directly to the conservation fund from 100% to 50%; and to adopt the use of a Land Use Change Tax Fund under the provisions of RSA 79A:25-a. *Mr. Sullivan* noted that first petition has been scheduled for a bond hearing on January 12<sup>th</sup>, and a brief discussion ensued.

*Mr. Breton* inquired whether a warrant article had been drafted relative to amending the operation of the Police Contracted Services fund, and *Mr. Sullivan* noted he was working on it along with several other non-monetary and “housekeeping” items.

*Mr. Sullivan* reminded all that the deadline for submission of citizen petitions to the Town warrant was end of day on January 13<sup>th</sup>. School Board member *Michael Hatem* approached to note that school warrant petitions should be submitted to the SAU office, rather than the Town Clerk.

**OLD/NEW BUSINESS:** *Mr. McMahon* requested the Board consider that there be no further non-public discussions with the School Board regarding the High School access road, as he did not feel the matter qualified as such. *Mr. Hohenberger* concurred.

*Mr. Breton* indicated that, the previous Monday, he and *Mr. Sullivan* had spoken to the property owners and advised them that once an official position had been taken by the School Board they would meet again. *Mr. Breton* felt that, until that time, the matter should be discussed in non-public.

*Mr. Hatem* approached to note that, since the bond failure, the School Board has been moving forward on this matter. Discussion ensued. *Mr. McMahon* pointed out that a proposed contribution of \$450K toward the road from the School District is not enough. *Mr. Hatem* noted it represented what would be the net cost to the District for a gravel roadway less 30% reimbursement from the State. Discussion ensued regarding the State aid, which is paid back over the life of the bond rather than all at once.

*Mr. Hatem* stated the District did not wish to have a lawsuit between the Town and School, however, the District was not acknowledging that the road was necessary; rather the \$450K was being offered in good faith. Discussion ensued regarding the roadway being the District’s responsibility and the initial school bond amount as approved by the voters.

*Mr. McMahon* inquired about statements made by Owner Representative *Glen Davis* regarding a savings of \$1.4M to date on the project, and whether that was true. *Mr. Hatem* replied in the negative, noting he believed *Mr. Davis* had been misunderstood. Discussion then ensued regarding the NFPA requirements as they pertained to the access road.

*Mr. Sullivan* suggested that the discussion of this matter be suspended, and that he and *Mr. Breton* be allowed to return to the property owners to discuss the District’s position with them further. Lengthy discussion ensued regarding whether the road is want or a need and the differing reasons for the Boards’ positions on the matter.

*Mr. Senibaldi* noted that if the School District were to build the 20’ minimum the Board of Selectmen would have no part in or jurisdiction over it. He inquired how the District would obtain funding for such an access and how they could justify requesting funding if they did not believe the road to be a requirement.

Mr. Hatem replied that the Board of Selectmen would need to be involved in such an access road, as the District cannot undertake eminent domain proceedings. Lengthy discussion ensued.

Mr. Tom Case approached stating his disagreement that the road was necessary based upon reading the NFPA code, which he noted requires a second access to the building within 150'. Discussion ensued regarding previous correspondence from the Fire Marshall indicating the access is required.

**NON-PUBLIC SESSION:** Mr. Stearns moved and Mr. Senibaldi seconded to enter into a non-public session in accordance with RSA 91-A:3-II b. Roll call vote – all members “yes”. The topic of discussion was personnel and the Board, Mr. Sullivan, Chief Lewis and Ms. Devlin were in attendance.

*The Board* discussed potential Officer candidates. Mr. McMahon moved and Mr. Hohenberger seconded to extend a conditional offer of employment to the recommended candidate in accordance with the employment policy; and to authorize payment in full of the employee clothing allowance upon hire. Passed unanimously.

Mr. Hohenberger moved and Mr. Stearns seconded to adjourn. Passed unanimously.

The meeting was adjourned at 5:50 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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