

BOARD OF SELECTMEN
Minutes of May 23, 2011

MEMBERS PRESENT: Chairman Ross McLeod called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Phil Lochiatto and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectman Kathleen DiFruscia was excused. Mr. McLeod opened with the Pledge of Allegiance.

ANNOUNCEMENTS: Mr. McLeod extended best wishes to Representative Mary Griffin, who recently celebrated her 85th birthday.

LIAISON REPORTS: Mr. Hohenberger noted that the Wall Street Advisory Committee had met the previous week to discuss the best options for laying out the Village Center in the area from Wall Street to Lowell Road. He noted that the meeting had been very well attended, with much public input received.

Mr. McLeod noted that the Planning Board would be conducting another design review meeting the following Wednesday at 6 PM.

Mr. Lochiatto noted that the Economic Development Committee continues to meet and work towards developing a strategic plan.

MINUTES: Tabled.

CORRESPONDENCE: Mr. Sullivan noted that a request had been received from a resident to utilize the Town van to travel to Crotched Mountain. He noted that the requestor, a trained van driver, had provided their insurance information to the Town, would be covering all fuel expenses, and would also execute a liability waiver with the Town. After a brief discussion, Mr. Hohenberger moved and Mr. Breton seconded to approve the request to utilize the Town van. Passed 4-0.

PUBLIC HEARING COMMUNITY DEVELOPMENT DEPARTMENT FEES: Mr. Sullivan read the public hearing notice into the record. Mr. McLeod noted that the Board has reviewed these proposed changes on several occasions. After a brief discussion, Mr. Breton moved and Mr. Hohenberger seconded to approve the Community Development Department fees as posted. Passed 4-0.

POLICE DONATIONS: Chief Lewis advised that the Department had recently recovered several items related to a burglary, for which the property owner had been reimbursed by their insurance company. He noted that the insurance company was now offering to donate the recovered items to the Department, which consisted of: a Samsung plasma TV, a Samsung flat panel monitor, a Samsung mini camcorder; and, an HP desktop printer. Chief Lewis advised that these items were in excellent condition with a combined value of \$1,260.99, and that he had received a letter from the insurance company releasing them to the Department. Mr. Hohenberger moved and Mr. Lochiatto seconded to accept these donated items with gratitude. Passed 4-0.

MOECKEL POND VILLAGE DISTRICT: Mr. Sullivan advised that a petition had been received from the required number of voters, ten (10), to establish a village district for the purpose of impoundment of water. He then explained that the Board must first vote to establish the boundaries of the district, which was the purpose of this meeting, and then a subsequent meeting will be scheduled to establish the district itself and elect officers.

Mr. Sullivan then reviewed with the Board a map depicting the boundaries as proposed by the petitioners; noting that each of the properties in question currently, or will in the future, abut Moeckel Pond. Mr. McLeod inquired whether the "line" separating Moeckel Pond from Rock Pond had been arbitrarily established, and Mr. Sullivan replied in the negative; noting that it had been suggested by the petitioners and was where the existing spillway was located.

Discussion ensued regarding inclusion of an additional sliver of property which touches the lake, as well as the impacts to neighboring communities/properties. Mr. Sullivan clarified that a property located partially in Pelham could be included, as it would be assessed in both communities proportionately.

Mr. Lochiatto requested that Mr. Sullivan clarify the purpose of the District, and the latter replied that it was related to repair of the Moeckel Pond Dam and had been submitted under the purposes of impoundment of water. Mr. Breton sought clarification as to whether the Town would incur costs to repair the Dam, and Mr. Sullivan replied in the negative; adding that repairs could be undertaken by either the District or a third party.

Mr. Neil Fallon, 26 Rock Pond Road, approached to confirm that the reason the District was being proposed for establishment was related to water and, in addition, for the purposes of accepting ownership of the Dam once repaired. He noted that the District is unable to fund said repairs, but others in the community who are spearheading the project would like to have an entity in place to assume ownership and future maintenance. Discussion ensued regarding the rationale for the proposed boundaries and the Moeckel/Rock Pond dividing line. Mr. Fallon clarified that the latter is the same used by the Rock Pond Association.

Mr. Lochiatto noted that the Town-owned Deer Leap area was depicted as being within the boundaries, and inquired whether the Town could opt out of the District. Mr. Sullivan replied in the affirmative, reiterating that the boundaries are set by the Board who may wish to not include the Town property from a liability stand point. Mr. Norm Young, 1 Jordan Road, approached to clarify further that the boundaries were being proposed as per the Town tax maps.

Mr. McLeod sought clarification of the process to follow setting of the boundaries. Mr. Sullivan noted that once the boundaries are established a Warrant will be posted in two places within the District inclusive of three warrant articles: 1) to establish the District, 2) to elect officers, and 3) to address any other business. He also noted that fourteen (14) days notice is required. Discussion ensued as to the process of the meeting itself. Mr. Sullivan noted that only those whose primary residence is within the District boundaries may vote, and that the Supervisors of the Checklist as well as the Town Clerk will be present at the meeting; similar to the old Town Meeting process.

Further discussion ensued as to inclusion of the Town-owned properties. Mr. Hohenberger then moved and Mr. Lochiatto seconded to set the boundaries as proposed, with the exclusion of lot 25-E-10. Passed 4-0.

Mr. Charles Dandreta, 1 Moeckel Road, approached seeking clarification of the Golden Brook area which runs into Moeckel Pond, and whether those properties along Patricia Street in this area had been included. Mr. Fallon replied in the affirmative.

Mr. Sullivan advised that he will proceed to schedule the hearing accordingly for the latter part of June.

POLICY – PLOWING UNACCEPTED ROADWAYS: Mr. Sullivan advised that Attorney Campbell had reviewed the draft policy, and suggested several amendments which had been incorporated including:

- Added bullet number 2 in Section I
- Added reference to RSA 41 in Section II
- Made correction to the first line of Page 2, relative to Class VI roadways
- On Page 4, added a paragraph relative to developer responsibility.

Mr. Lochiatto inquired why a two year limit was being placed on the agreement to maintain with developers. Mr. Sullivan replied that it was in keeping with surrounding community practices, and the intent was to keep the developer moving on the project. He added that it also limits the Town's exposure regarding available bond funds, and that the Town could extend the agreement if necessary. Mr. Lochiatto pointed out that the developer could, at the end of the two year period, simply say they would no longer plow the road. Mr. Sullivan noted that the bond could then be forfeited.

Mr. Lochiatto then inquired about a tie-in of this policy to Planning Board procedures, noting that there is a distinction between town roads that will be accepted at some point versus roads that will never be. Mr. Sullivan noted that not having an agreement for developers would be inconsistent with current Planning Board regulations, and that Section IV, Paragraphs 1, 2, and 3 essentially mirror the Planning Board regulations in place.

Mr. Hohenberger concurred with Mr. Lochiatto that the two year limit should be eliminated. He then inquired whether there were currently any “Emergency Lanes” in Town. Mr. Sullivan replied in the negative, and Mr. Hohenberger noted that he would prefer the Town not go down that path again. Mr. Sullivan reminded the Board that this issue had been broached by Ms. Scott, and that there are only two ways that public funds can be expended on private roads: 1) emergency lane status (for any private road including “camp” roads and unaccepted roads); or 2) via Section IV which speaks to roads constructed after 3/2011 and the public need criteria established in 1998. Mr. Sullivan noted that there are currently approximately 30 unaccepted roads that could come in to request emergency lane status that would meet the public need criteria. Discussion ensued regarding the Town’s criteria and the statutory language/requirements; as well as the minimum standards. Highway Agent Jack McCartney noted that the latter should be a minimum of 20’ of pavement with a 30’ right of way. Lengthy discussion ensued regarding the minimum standards, Emergency Lane statute, and the proposed rate per lane mile. Mr. Lochiatto sought clarification of the term “lane mile”, and it was determined that the policy should be amended to reflect \$640/tenth of a mile. Also, it was the consensus of the Board that the following, further amendments be made:

- Minimum road standard will be 20’ lane width/30’ right-of-way as suggested by Mr. McCartney
- The two (2) year limit will be removed
- A waiver provision will replace section VI, and the current section VI will be renumbered and titled “Exceptions”

Further, lengthy discussion ensued regarding the notification process, and it was the consensus that Mr. Sullivan clarify the percentage of residents involved. Mr. Sullivan will do so, and post this matter for further public meeting.

BID AWARDS: *Roadside Mowing* - Mr. Sullivan advised that one bid had been received as follows:

Vendor – Price for 3 years	Tractor w/ boom plus Operator (per hour)*	Tractor w/ rear deck plus Op. (per hr)*	Cost per mowing for former landfill
Blazing Saddles Mowing Services, Hooksett NH	\$55.00 (tractor) plus \$15.00 (operator)	\$55.00 (tractor) plus \$15.00 (operator)	\$500.00

**Estimated hours are quoted at 193, for total estimated lump sum services of \$13,500*

Discussion ensued as to the bidding process and the number of roads added since the previous bid. Mr. Hohenberger moved to award the bid for roadside mowing to Blazing Saddles as per their bid amount of \$13,500 and \$500/mowing of the landfill up to three (3) times. There was no second.

Further, lengthy, discussion ensued regarding the bid process, in which it was clarified that bids are advertised in the local paper and invitations to bid sent to previous bidders. Mr. Breton stated that he believed, to an outside vendor, that the process could appear to be rigged. Mr. Sullivan and Ms. Call took exception to Mr. Breton’s remarks, with Mr. Sullivan noting that the same procedure is followed for every bid and it was unfair for Mr. Breton to question staff’s integrity in such a manner. Further discussion ensued regarding the Board’s options regarding the roadside mowing.

Mr. Lochiatto then moved and Mr. Breton seconded to reject the sole bid received and place the service back out to bid in the Eagle Tribune. Passed 4-0.

After further discussion, Mr. Hohenberger moved and Mr. Lochiatto seconded to reconsider. Passed 4-0.

Mr. Lochiatto then moved and Mr. Breton seconded to reject the bid received and re-bid the package to a regional paper. Passed 4-0.

Catch Basins – Mr. Sullivan noted that three (3) bids had been received, as follows:

Vendor – Year 1	Bid Price – Clamshell with waste disposed off site	Bid Price – Clamshell with waste disposed at Town site	Bid Price – Vacuum system with waste disposed off site	Additional charges, if any
Larry Blanchette, Windham NH*	See below	\$14.50/basin	No bid	
Bellemore Catch Basin, Bedford NH	\$84.50/basin	\$25.00/basin	\$119.00/basin	
National Water Main Cleaning Co, Canton MA	\$35.00/basin	\$28.00/basin	\$55.00/basin	\$3.00/LF for lateral pipe setting if requested

**Price was quoted based on \$15.50/basin plus the cost of trucking and disposal to offsite landfill as follows: Landfill charge \$100/ton, trucking charge for approx 18 tons is \$250/load plus 10% handling fee and additional fuel surcharges. To calculate this cost on a per basin basis, the Town estimates each load of 18 tons (totaling \$2,050.00) would equate to approximately 36 basins or $\$2,050/36 = \$56.94 + \$15.50 + 10\% = \80 per basin. This cost does not include any testing of the waste.*

Discussion ensued regarding test results of the existing material, which had shown no issues, as well the number of basins and which vendors would hold the Town harmless as it pertained to contaminants. Mr. Sullivan clarified that only Bellemore would offer a hold harmless agreement.

Mr. Breton noted that the past practice of the Town in storing the material without annual testing was illegal, as well as being contrary to the Stormwater MS4 requirements. Further, lengthy, discussion ensued regarding the lack of basins in Town requiring vacuum removal, input from the DES and/or Stormwater Committee Chair, and the potential costs involved of retaining the material. Mr. Sullivan noted that about 200 cubic yards of material is collected annually, and testing would cost approximately \$600. He added that should testing reveal a “hot” pile, removal costs could potentially be \$30K.

Further lengthy discussion ensued, and Mr. Hohenberger then moved and Mr. McLeod seconded to award the bid for Catch Basin Cleaning to Larry Blanchette for the bid amount of \$14.50/basin with the material to be stored in Town and tested at the completion of cleaning operations. Passed 2-1-1, with Mr. Breton opposed and Mr. Lochiatto abstaining. Further discussion ensued regarding rescheduling this bid award for a future meeting with a full Board, and regarding the vacuum versus clamshell process, before it was clarified that the motion had, in fact, passed and the bid awarded to Mr. Blanchette.

Mr. McLeod briefly excused himself from the meeting, and Mr. Breton as Vice-Chairman called for a five minute recess.

Lease Financing – Mrs. Call advised that she had solicited quotes from six (6) area banks for the lease financing. After a brief discussion, Mr. Breton moved and Mr. Lochiatto seconded to award the lease financing to Enterprise Bank & Trust of Salem, NH; and to authorize Mr. Sullivan to execute the related paperwork. Passed 4-0.

OLD/NEW BUSINESS: Mr. Sullivan advised that price quotes had been solicited to repair a sinkhole located at the Griffin Park playground, the lowest of which was \$2,200. He noted that funds had not been budgeted for this repair, and inquired whether the Board would authorize expense of funds from the Property Maintenance Trust. Discussion ensued, and Mr. Lochiatto inquired as to the scope of work required.

Mr. Sullivan explained that 150sft +/- of rubber material will be removed, the area re-compacted, and the surface replaced. Discussion ensued regarding past drainage issues/repairs. Mr. Sullivan clarified that the Recreation Committee will again be covering drainage repairs prior to the area being resurfaced, and further discussion ensued regarding warranty of the surface and the previous year’s project.

Mr. Hohenberger then moved and Mr. Lochiatto seconded to authorize the expense of \$2,200 from the Property Maintenance Trust as requested. Mr. Lochiatto then requested that Mr. Sullivan clarify who will be undertaking which portion of the project. Mr. Sullivan noted that Boyden's Landscaping will be doing the drainage/subsurface repairs at a cost of \$750 from the Recreation budget, and the rubber company will then replace the coating. Further discussion ensued before the motion passed 4-0.

Chief McPherson approached to advise that Engine 3's pump manifold had developed a leak which he had had evaluated by a pump specialist who recommended replacement of the pump at an estimated cost of \$8,000. Chief McPherson noted that he had taken the vehicle out of front line service, however, the new engine was not slated to arrive until November. Discussion ensued regarding the re-sale value of E-3 with or without the repair, that a replacement manifold cannot be purchased but must be built, and available equipment. Mr. Breton suggested that Chief McPherson reach out to a smaller community who may be looking for a used engine and offer that, if they pay the estimated \$8,000 for the new manifold, the Town will give the truck to them in November. Discussion ensued.

Chief McPherson noted that he could not, in good conscience, recommend that the Board expend such a large sum of money on this engine; adding that he could, operationally, make the fleet work without it. Mr. Lochiatto moved and Mr. Breton seconded that the Chief not expend \$8,000 to repair the pump, and that the existing fleet be adjusted operationally to compensate. Passed 4-0.

Further discussion ensued, and Chief McPherson clarified that E-3 is still equipped and being utilized, however, it cannot be utilized as a primary attack vehicle without the pump.

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

The Board, Mr. Sullivan, Chiefs McPherson and Morgan, and Ms. Devlin were in attendance in the first session. The Chief discussed the temporary firefighter position with the Board. Mr. Breton moved and Mr. Hohenberger seconded to approve the recommendation of the Chief relative to filling the temporary position. Passed 4-0.

The Chief then discussed the vacant Deputy Fire Chief position. Mr. Hohenberger moved and Mr. Lochiatto seconded to approve the recommendation of the Chief and extend a conditional offer of employment to the candidate in question. Passed 3-1, with Mr. Breton opposed.

Mr. Lochiatto then moved and Mr. McLeod seconded to hire the candidate in question at Step 1, with an increase to Step 2 at six months contingent upon a satisfactory review. Motion failed 2-2, with Mr. Breton and Mr. Hohenberger opposed.

Mr. Hohenberger then moved and Mr. Breton seconded to hire the recommended candidate at Step 1. Passed 4-0.

The Board, Mr. Sullivan and Ms. Devlin were in attendance in the final session. Mr. Sullivan updated the Board on a legal matter. Mr. Hohenberger moved and Mr. Breton seconded to authorize the Town Administrator to negotiate a settlement as discussed. Passed 3-1, with Mr. McLeod opposed.

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

The meeting was adjourned at 11:00 PM.

Respectfully submitted,
Wendi Devlin, Administrative Assistant

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