

BOARD OF SELECTMEN
Minutes of December 27, 2012

CALL TO ORDER: Mr. Breton called the meeting to order at 4:05 PM. Selectmen Phil LoChiatto and Roger Hohenberger were present; as were Town Administrator David Sullivan and Assistant Town Administrator-Finance Dana Call. Selectman Ross McLeod was excused. Selectman DiFruscia was delayed and arrived at 4:10 PM. Mr. Breton opened with the Pledge of Allegiance.

ANNOUNCEMENTS: Mr. Sullivan advised that one of the Town's police cruisers had been involved in an accident; and deferred to Chief Lewis for further update. Chief Lewis noted that the department's Expedition had been on North Lowell responding to an incident during the ice storm, when two vehicles slid into it. He noted that the damage to the vehicle was minor, and there were no injuries involved. Chief Lewis added that the accident was no fault of the officer, who had been pulled to the side of the road assisting a resident who had slid off the road.

MINUTES: Mr. Hohenberger moved and Mr. LoChiatto seconded to approve the minutes of November 26, 29, and December 3, 10, and 17 as written. Passed 3-0.

CORRESPONDENCE: *Bond Release/Misty Meadow Road:* After a brief discussion, Mr. LoChiatto moved and Mr. Hohenberger seconded to approve the full release of \$33,325 plus interest to Eighty Mammoth Road, LLC. Passed 3-0.

Bond Release/Mitchell Pond Estates: After a brief discussion regarding the retaining of \$1,000 in order to install trail markers, Mr. LoChiatto moved and Mr. Hohenberger seconded that the Town pay the invoice for said markers out of the \$1000 cash guarantee; and that the balance of \$287.50 plus interest be returned to Mr. Robert Lee. Passed 4-0.

YEAR-END REQUESTS: Mr. Sullivan advised that he and Mrs. Call had reviewed the year-end fund balance, and expect that \$120K should remain; adding that in the past the Board has reviewed requests for the ensuing year for possible expenditure out of the current year. He noted that the following items could be removed from the 2013 proposed budget and funded this year:

- \$2,000 for the Community Development Department to conduct an Impact Fee study. A proposal is in hand from Mayberry.
- \$8,120 from the Administrative budget to purchase four (4) AEDs/cabinets; the electrical costs to install these items will come out of next year's budget.
- \$10,950 from the Fire budget to purchase six (6) portable AEDs.
- \$24,850 from the Police budget to purchase tasers.

Mr. Sullivan noted that, as to the proposed purchase of tablets or laptops, an additional \$6,000 +/- will need to be added to the 2013 budget; summarizing that, combined, \$40,000 can be removed from the overall proposed budget.

Captain Mike Caron approached, clarifying that the actual cost for the tasers will be \$26,316.15; which includes credit for the existing equipment and warranty on the new. Discussion ensued, and it was further clarified that the vendor will require \$29,180.16 up front, and will then send a refund check for the difference upon receipt of the old equipment.

Mr. Hohenberger moved and Mrs. DiFruscia seconded to approve the expenditure of \$2,000 for an impact fee study. Passed 3-1, with Mr. LoChiatto opposed, noting that he did not support impact fees.

Mr. Hohenberger moved and Mrs. DiFruscia seconded to approve the expenditure of \$10,950 for the purchase of six (6) portable AEDs. Discussion ensued regarding the lack of credit for the existing equipment before the motion passed 4-0.

Mr. Hohenberger moved and Mr. LoChiatto seconded to approve the expenditure of \$29,180.16 for the purchase of tasers with related warranties for the Police Department. Passed 4-0.

Mrs. DiFruscia moved and Mr. LoChiatto seconded to approve the expenditure of \$8,120 for the purchase of four (4) AEDs/cabinets. Mr. LoChiatto then sought clarification that this funding was for the units only, and Mr. Sullivan replied in the affirmative as there is no contract in place for the wiring as required to encumber the funds for same. Mr. Hohenberger noted that he would support the purchase of two units only, and not the additional two for Griffin Park and the Beach. Discussion ensued in that the Beach unit would be a portable one in keeping with the JLMC's recommendation, potential uses for this unit in the off season, and how to secure a unit at Griffin Park from vandalism, etc.

Chief Lewis approached noting that vandal-proof cabinets are available; adding that there is not much vandalism that occurs at Griffin Park save for at the skate park. Further discussion ensued regarding the use of a temperature protected case versus removal of the unit during the winter.

Mr. Alan Carpenter approached inquiring if the units automatically dial 9-1-1 when removed, and the Chief replied in the affirmative. Mr. Carpenter then suggested that the unit at Griffin Park be mounted near the restroom, placing it behind the security gate at night. The Chief concurred. Motion then passed 3-1, with Mr. Hohenberger opposed.

Discussion then moved to the possible addition of funds to purchase seven (7) laptops for use by the Selectmen and/or Planning Board during meetings. Mr. Hohenberger expressed his opposition to same, noting logistically the Boards will still have paper items during the meetings, and adding that the laptop would be a distraction to the members. Mr. LoChiatto noted that, while he didn't disagree, at some point the Town will have to move into the modern age. He noted that laptops would provide an integration of information, and he would like the Board to look into the possibility; adding that he did not have an issue with delaying the funding if the Board was dead set against it right now. Mrs. DiFruscia noted that she would like to look into the possibility further, suggesting a dry run to see how it would work for the members; adding that she believed it could aide in efficiency.

Ms. Ruth-Ellen Post approached as Vice-Chair of the Planning Board; noting that while her Board had not been asked for the input, she believed there would be a great deal of support of the idea as the Planning Board is currently very paper intensive. Lengthy discussion ensued regarding the pros and cons, and laptops versus tablets. Mr. Alan Carpenter approached and suggested that the Board reach out to the School District, as the latter may have extra Mac laptops available for the Boards to use as a dry run. Discussion ensued.

Mrs. DiFruscia then moved and Mr. LoChiatto seconded to appropriate \$5,600 for the purchase of seven (7) laptops. Discussion ensued, with input from Mr. Carpenter and Mr. Dennis Senibaldi, before the motion failed 2-2 with Mr. Hohenberger and Mr. Breton opposed.

Mr. Senibaldi then approached to discuss his previous request to expend funds to address the swale issue at Griffin Park; indicating he believed that Mr. Poulson had clarified with Mr. Sullivan whether or not the Town would be required to obtain a permit from the DES to complete this work. Mr. Sullivan indicated that Mr. Poulson had shown him a piece of correspondence to the effect that the Town would not need to obtain a permit. Discussion ensued regarding the requested funding, which would cover materials only including gravel/piping, as well as future plans to cover the entire area and/or extend it towards the soccer field.

Mrs. DiFruscia expressed that she had thought staff was going to check with the DES directly. Mr. Senibaldi indicated that he had spoken to Mr. Poulson, and Mr. Sullivan added that Mr. Poulson had called the DES and been advised that, per regulations, the Town can do whatever work they wish provided they are not impacting outflows. Discussion ensued regarding the previous fine imposed on the Town, the location of the wetlands, original design of the area, and the total material cost of \$7400.

Mr. Sullivan noted that Mr. Senibaldi's request does go against normal procedure, as it was not funded, and suggested that it be added to the 2013 budget. Lengthy discussion ensued, and it was the consensus of the Board that it be funded in the 2013 recreation budget.

After further discussion, with input from Mr. Senibaldi and Recreation Committee member Ralph Valentine, regarding DES regulations and the Recreation budget, Mr. LoChiato moved and Mr. Breton seconded to appropriate \$7,400 as part of the 2013 budget.

Discussion ensued, and the motion passed 3-1, with Mr. Hohenberger opposed as the request was not formally submitted by the Recreation Committee, nor did he believe this was the proper forum to amend the proposed budget.

Chief Lewis approached advising the Board that the Department's traffic counter had died, and will require approximately \$400 in repairs; adding that the vendor, Jaymar, recommends that the Town upgrade. Chief Lewis noted that the cost to do so would be \$1,495 and, after credit for the broken unit, the final cost would be \$1,318. Discussion ensued in that this amount is within the Chief's authority to approve, battery issues with the existing unit, and any related costs for the upgraded model.

Chief Lewis then noted he would need the Board to waive the bid process as it pertained to the tasers, as the purchase involved a sole source vendor. Mr. LoChiato moved and Mrs. DiFruscia seconded to waive the bid process to allow the Chief to sole source the taser purchase. Passed 4-0.

Mr. LoChiato then moved and Mrs. DiFruscia seconded to also waive the bid process for the AED purchase due to the lack of time to secure three bids, as well as brand preference and staff familiarity/training. Motion passed 3-1, with Mr. Hohenberger opposed.

DONATIONS: Mrs. Call asked that the Board accept several donations toward the Senior Christmas Party. Mrs. DiFruscia moved and Mr. Hohenberger seconded to accept with gratitude. Passed 4-0.

Mrs. Call then noted that an anonymous \$50 donation to the Police Department had been received that day. Mrs. DiFruscia moved and Mr. Hohenberger seconded to accept with thanks. Passed 4-0.

ECONOMIC DEVELOPMENT COMMITTEE: Mr. Bob Young, Chairman, advised that the committee had been studying water needs in the Exit 3 area, as it believes it to be an important issue relative to life/safety codes; adding that it was not feasible to think that the 400 +/- acres in that area can be developed with sprinkler systems via bedrock wells. Mr. Young noted that Pennichuck had been contacted and the latter had indicated they have little capacity left. Mr. Young noted that the amount of water needed for the area needed to be determined, and then reviewed the attached preliminary scope/fee with the Board.

Mr. Ralph Valentine, EDC member, approached noting that the Committee is looking for the Board's guidance as to how to fund the study. Lengthy discussion ensued regarding Pennichuck, infrastructure, and that normally such things would be negotiated between the developer and Pennichuck. Mr. Valentine felt that the Town needed to plan for development, and undertaking a private study such as this would provide alternatives. Mr. LoChiato noted the expense to developers of putting in pipes and that, while the study is a nice idea, a regional water system is very different than a Town one. Mr. LoChiato felt that this should be a warrant article, and a lengthy discussion ensued regarding the submission of a citizen petition, possible conflicts, seeking funding as part of the I-93 project, and life/safety requirements.

Mrs. DiFruscia indicated this needed more vetting, and expressed hope that a citizens petition would not be submitted; adding such things should be approached same as the Design Regulations were.

Mr. Alan Carpenter approached inquiring if Pennichuck had been asked to fund this, as they are a de facto benefactor, and Mr. Valentine replied in the negative. Discussion ensued.

Planning Board member Ruth Ellen Post approached, expressing concerns that the EDC has several valuable resources available to it that were not consulted, such as the Fire Department and Planning Board. Lengthy discussion ensued regarding the EDC consulting same, as well as speaking to surrounding Towns and with Pennichuck further. Mr. Young expressed his thanks for the Board's time and input; adding that the Committee will speak further with the Planning Board.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mrs. DiFruscia seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a. Roll call vote all "yes". The topic of the meeting was personnel.

The Board, Mr. Sullivan, Chief Lewis, Captain Caron and Ms. Devlin were in attendance in the first session. The Board discussed the vacant Records Clerk position. Mrs. DiFruscia moved and Mr. Hohenberger seconded to hire the recommended candidate. Passed 4-0.

The Board discussed the vacant Captain position. Mrs. DiFruscia moved and Mr. LoChiatto seconded to promote the recommended candidate; effective date to be determined. Passed 4-0.

The Board discussed the vacant Sergeant position. Mr. Hohenberger moved and Mrs. DiFruscia seconded to approve the recommended candidate; effective date to be determined. Passed 4-0.

Further discussion ensued, and Mr. Hohenberger moved and Mr. LoChiatto seconded to reconsider the motion. Passed 4-0.

Mr. Hohenberger moved and Mr. LoChiatto seconded to not fill the vacancy at this time. Passed 4-0.

Mr. Sullivan updated the Board on a potential grievance relative to compensation. No decisions were made.

The Board, Mr. Sullivan and Ms. Devlin were in attendance in the final session. Mr. Sullivan updated the Board on a grievance matter. No decisions were made.

Mrs. DiFruscia moved and Mr. LoChiatto seconded to adjourn. Passed unanimously. Meeting was adjourned at 6:30 pm.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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