

BOARD OF SELECTMEN
Minutes of January 28, 2008

MEMBERS PRESENT: Chairman Alan Carpenter called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Dennis Senibaldi, Margaret Crisler, and Roger Hohenberger were present, as was Town Administrator David Sullivan. Mr. Carpenter read the agenda into the record, followed by the Pledge of Allegiance.

ANNOUNCEMENTS: Mrs. Crisler announced the Annual NH Orchid Society Show and Sale, to be held the weekend of February 8th. Tickets are available at the Town Hall and Nesmith Library.

Mrs. Crisler then announced that tickets are available at the Fire Station for the Annual Firefighters' Ball, scheduled for March 1st.

LIAISON REPORTS: Mr. Senibaldi noted that the Housing Authority had received a \$50K grant to be used as seed money for engineering and similar costs. A discussion ensued as to whether acceptance of this grant would open up availability of units to non-residents.

Mr. McMahon approached noting that the Town and the Authority cannot be exclusionary under any circumstances, however, a criteria and target group can be established similar to that at McCauley Commons.

Mrs. Crisler noted that the Planning Board would be meeting the following week with Mr. Mayberry, the impact fee consultant.

MINUTES: Mrs. Crisler moved and Mr. Hohenberger seconded to approve the minutes of January 1st and 14th, 2008 as written. Passed unanimously.

Mrs. Crisler moved and Mr. Hohenberger seconded to approve the minutes of the emergency meeting held on January 22, 2008 as written. Passed 4-0-1, with Mr. Senibaldi abstaining.

CORRESPONDENCE: Letter received from the Local Government Center requesting the Town join them as part of a consortium of communities opposing proposed changes by the NH Retirement system to retirement/continuing health care benefits. Mr. Sullivan explained that the legal action initiated by the consortium would center on the changes being an unfunded mandated on communities, and the cost to participate would be approximately \$2400. A brief discussion ensued, however, no action was taken.

Letter received from the Zoning Board of Adjustment requesting that \$117 in fees related to a resubmitted application to the ZBA be waived. This request was based upon the fact that the resubmittal was due to the ZBA's desire for more engineering. Mrs. Crisler moved and Mr. Hohenberger seconded to authorize the Zoning Board of Adjustment to waive the fee of \$117 as requested. Passed unanimously.

Letter received from Mr. Russ Gebo announcing his resignation effective February 1st. Mrs. Crisler moved and Mr. Senibaldi seconded to accept Mr. Gebo's resignation with thanks for his years of service to the Town. Passed unanimously.

Letter received from Mr. Tom Case announcing his resignation from the Salem-Windham-Plaistow Regional Transportation Committee. Mrs. Crisler moved and Mr. Hohenberger seconded to accept Mr. Case's resignation with thanks for his years of service.

Letter received from Ms. Kristen Gleason, 17 Castle Hill Road, relative drainage issues in the area of her property. Mr. Sullivan suggested that the Board wait to discuss this matter with the Highway Agent.

OLD/NEW BUSINESS: Mrs. Crisler moved and Mr. Hohenberger seconded to release Town Counsel correspondence of January 17, 2007 relative to the proposed noise ordinance. After a brief discussion, the motion passed unanimously.

Mr. Senibaldi requested the Board consider waiving ZBA fees for Benchmark Engineering as they pertain to a variance necessary to construct recreational fields at the Spruce Pond development, which will be deeded to the town. After a brief discussion regarding open space requirements, Mr. Senibaldi moved and Mr. Breton seconded to waive fees not to exceed \$500 for Benchmark Engineering/H & B Homes relative to a variance for a zoning change for a parcel to be deeded to the Town. Passed unanimously.

PUBLIC HEARING/WESTCHESTER ROAD: Mr. Carpenter read the public hearing notice into the record. Mr. Sullivan advised that the cistern access had been completed as required, and that the roadway was ready for acceptance.

Mr. Senibaldi moved and Mr. Breton seconded to approve the bond release in the amount of \$75,000 relative to Westchester Road from station 0+00 to 15+00 subject to appropriate deed language. Passed unanimously.

Mr. Breton then moved that the speed limit on Westchester Road be posted as 25MPH. Discussion ensued, during which Mr. Senibaldi seconded the motion. Planning Director Al Turner then pointed out that there had not been a motion by the Board to accept Westchester as a Town road, as yet. Mr. Breton then tabled his motion, and Mr. Senibaldi his second.

Mr. Hohenberger then moved and Mr. Senibaldi seconded to accept Westchester Road from station 0+00 to 15+00. Passed unanimously.

Further discussion ensued relative to Mr. Breton's motion, including lack of review by the Highway Safety Committee and supporting evidence, and the Board's previous approvals of same on other roadways. Motion passed 3-2, with Mrs. Crisler and Mr. Carpenter opposed.

WORKSHOP/HIGHWAY AGENT: The Board requested that Mr. McCartney explain the drainage issues in the area of 17 Castle Hill Road as noted in Ms. Gleason's letter. Mr. McCartney explained that the entire area consists of sheet drainage, that Ms. Gleason's home is located at one of the lowest areas on the road, and that there were some drainage issues in the area prior to her home being built.

Discussion ensued regarding possible causes of Ms. Gleason's problem, the overall water table in the area, and the adjacent beaver dam. It was the consensus of the Board that the members would like to view the area individually, that Mr. Turner and Mr. McCartney re-inspect the area, and that staff follow-up to advise Ms. Gleason accordingly.

Mr. McCartney reviewed proposed changes to the plow/sand per hour rates with the Board, noting that the rates had not been increased in three years. He provided the rates of surrounding communities for comparison and, after a brief discussion, Mr. Breton moved and Mrs. Crisler seconded to accept the new per hour rates proposed by the Highway Agent as follows:

Equipment:	Current	Proposed
6-wheel dump truck w/wing (min 10' plow):	62.50	65.50
6-wheel dump truck (min. 10' plow):	55.00	57.50
6-wheel dump truck (1-ton, 9' plow):	50.00	52.00
4WD, ¾ ton pickup (8' plow):	44.00	46.00
Lg. loader for snow removal:	80.00	90.00

Motion passed unanimously.

Discussion then moved to overall maintenance costs of the current Highway fleet and hours expended by staff on repairs versus what the costs might have been had new vehicles been funded or leased instead of surplus vehicles. Mrs. Crisler felt that the Town needed to start paying the same attention to the Highway Department fleet as it does to the Fire and Police Departments and Transfer Station.

Further discussion ensued, however, no decisions were made.

OLD/NEW BUSINESS CONTINUED: Ms. Carol Pynn, Chairman of the Historic District/Heritage Commission, approached to request that Board authorize the expense of an additional \$450 over the \$1,000 allocated toward the purchase of a large Historic District marker sign for the Town Center District. After a brief discussion regarding the composition of the sign and the quotes received from Sewah Studios and Lakeshore Studios, Mr. Hohenberger moved and Mr. Breton seconded to approve an additional \$450 over and above the \$1,000 available for the purchase of historic signs. Funding to be from Property Trust. Passed unanimously.

Captain Yatsevich approached regarding digital linkage to the Town's three voter sites, which he indicated were run incorrectly in 2002. Captain Yatsevich noted that the matter had been disputed at the time by the Department, and had since been resolved with the town receiving a partial credit.

Mr. Carpenter recused himself from the Chair at this time, due to a conflict resulting from his employment with Verizon.

Captain Yatsevich then requested authorization to enter into a contract with Verizon to properly link the voter sites and for monthly service. Discussion ensued regarding the installation/monthly rates for one year versus a three year contract, the possible change from Verizon to Fair Point, and use of the Police Forfeiture Fund to subsidize available funding.

Mr. Breton then moved and Mrs. Crisler seconded to approve the Captain's recommendation to enter into a three year contract at the monthly rates of \$186.40, \$178.60, and \$188.35 per line, with a non-recurring fee of \$750 per line as specified. Passed 4-0. Mr. Carpenter resumed the Chairmanship.

Mr. Sullivan noted that Assistant Planner Shawn Logue had reached the end of his probationary period and inquired whether the Board wished to take any action on his status. Mr. Breton moved and Mrs. Crisler seconded to remove Mr. Logue from probationary status. Passed unanimously.

Mr. Hohenberger inquired as to the status of the town's vehicle fleet cards. Mr. Sullivan indicated there had been an ongoing issue with taxes, which has now been resolved, and universal cards will be put in place in the near future. A brief discussion ensued regarding the Fire Department's move to onsite diesel fueling, which is working out well.

Mr. Senibaldi inquired whether the Board wished to move all Code Enforcement duties to Mr. Logue in light of his removal from probation. Discussion ensued regarding Mr. Logue's training and performance to date, and the duties intended at the time of his hire.

Mr. Senibaldi then moved and Mr. Hohenberger seconded to appoint Shawn Logue as the Town's primary Code Enforcement Officer. A brief discussion ensued regarding the differences in enforcement duties, in which Mr. Turner clarified that Mr. Logue's capacity would be related to interpretation of the Town's code/ordinance and to zoning violations and enforcement. He in essence would be the lead code enforcement officer however Mr. Turner would continue to enforce the Health Codes as he is Health Officer. Passed unanimously.

Mr. Breton requested a review and discussion of Town Counsel's contract be scheduled for the next agenda for possible re-bidding. A brief discussion ensued.

NON-PUBLIC SESSION: Mr. Senibaldi moved and Mr. Breton seconded to enter into a non-public session in accordance with RSA 91A:3 IIa, c, d. Roll call vote – all members "yes". The topics of discussion were personnel reputations, and legal.

The Board, Mr. Sullivan and Mr. Turner were in attendance in the first session.

An ongoing legal matter pertaining to an enforcement matter was discussed. Mr. Breton moved and Mr. Senibaldi seconded to seek reimburse for the Town's legal fees incurred from the party in violation. Passed unanimously.

An ongoing legal matter pertaining to enforcement of a signage related zoning violation and a possible request by the Town for reimbursement of legal fees from the party in violation was discussed. The Board requested a total of the legal fees in question be compiled by staff for the Board's records.

Mr. Hohenberger then moved and Mrs. Crisler seconded that the Town move forward to recoup the total amount of legal expenses related to this matter. Passed 4-1, with Mr. Breton opposed.

Further discussion on this matter ensued, and Mr. Turner was instructed by the Board to undertake a review of signage at similar facilities to ensure their compliance with their original site plan approvals and the Town's regulations.

The Board and Mr. Sullivan were present for the remaining two sessions:

The Board discussed placement of liens relative to general assistance cases and agreed to continue to place liens except in emergency cases which would be reviewed by the Board

Mr. Sullivan asked the Board for input for the annual employee and volunteer of the year awards. After a brief discussion Mr. Senibaldi moved and Mr. Hohenberger seconded to present the awards to two individuals, names of which will be announced at the annual town meeting. Passed unanimously.

Mr. Hohenberger then moved and Mrs. Crisler seconded to adjourn. Passed unanimously.

The meeting was adjourned at 10:00 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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