

**Board of Selectmen
10 September 2007
Minutes**

6:08 p.m. - Chairman Brian Forst called the meeting to order. Present were Chairman Forst, Selectmen Don Guarino and Dave Clairmont, Administrative Assistant Tim Warren and Clerk Lois Dionne.

Fire Department

Students - Fire Chief Tim Robbins brought three of the new students at the fire department to introduce to the Selectmen. Two of the students couldn't be present tonight - Cassy Tourigny and Ben Clark. The three students here tonight were Tom Trask, Matt Gilman and Scott Larose.

Truck – Selectman Clairmont asked the status of the fire truck that is to be refurbished. Chief Tim Robbins replied that the truck had been sent out last Wednesday, but he didn't know what had been done on it. He said the process should take 60 – 90 days.

Building – Selectman Clairmont asked if the Chief had done any research on buildings for the fire department. Tim R. replied that there had been a meeting, and the majority of those attending felt rather than put money into the old building, they would prefer to put money into a new building on the new property. Dave asked that Tim bring the department's suggestions to the Selectmen before budget season.

Other – Selectman Guarino asked if the students are used in the department's rotation schedule. Chief Robbins stated that they weren't, basically, because we have a policy that no one under twenty-one can drive a truck. He said if they are certified ETs they could go out as a second on a crew, but they don't do it very often, and our policy doesn't allow uncertified people to go out on mutual aid. Selectman Clairmont asked how the certifications are coming along. Chief Robbins stated that Firefighter LeMay had finished his I Class Saturday, and is waiting to take his national boards, and another firefighter is waiting to take his national boards. Selectman Clairmont asked if the Chief had instituted a policy where people who drive the big trucks need to have a CDL license. Chief Robbins stated that the Town has had that policy all along. He said the policy currently is that they need a CDL license to drive any fire department vehicle. Selectman Clairmont invited Chief Robbins and any members of his department, to go to his place

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of business so they could see if a steel building might meet their needs for a new fire station.

Highway Department

Truck Rates – Road Agent Paul Perkins was in to discuss the rates the town pays for snowplowing and hauling.

Selectman Clairmont brought stubs to show what rate the State pays, and their policy. He said he isn't suggesting that the Town pay State rates, but felt it would give them an idea of what is being paid.

There was a great deal of discussion on the rates, and that it has been three years since the rates had been addressed. The increase in fuel and other factors were issues considered.

MOTION – Chairman Forst moved to amend the rates paid by the Highway Department to plow roads and haul materials as follows:

Plow Rates

6-Wheeler	\$65 per hour
1-Ton pickup with sander	\$51 per hour

Haul Rates

6-Wheeler	\$48.50 per hour
10-Wheeler	\$63.00 per hour
Tri-Axle	\$68.00 per hour

A 50-cent per hour fuel surcharge will be added to the hourly rate for every .10 cents per gallon increase in the cost of gas over \$3.25 per gallon.

Selectman Guarino seconded the motion. Motion passed 2-0. Selectman Clairmont abstained from voting, as he is one of the Town's contract plowers.

Canaan Road – Road Agent Paul Perkins stated that he has heard rumors that he had widened Canaan Road as a favor to someone on the road. He wanted to clarify that he had been asked by the Planning Board to widen that road. Selectman Clairmont stated this was a request of the Planning Board, as a condition of approval of the Zanes subdivision, that Canaan road be widened. Don felt that in the future, if it comes about that a road is too narrow, that the developer should be responsible for the widening of the road. Dave agreed with Don, and said if the Town should do the work, they would be reimbursed for the cost of it. Dave said the primary reason for Paul widening the road was that he (Dave) had brought the request from the Planning Board for it to be done, and also because of the problems with plowing the road.

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7:05 p.m. - Public Input – No one was present for public input.

Highway Dept. – Cont.

Places Mill Road – Chairman Forst asked if Paul had been out to look at Places Mill Road. Paul replied that he had. He said the work has begun; culverts had been installed. Tim Warren said Bob Flanders had been out there a couple of times, and Bob felt it was looking good.

Middle Route – Chairman Forst asked about the status of Middle Route. Paul said the approximately 750’ section that had been worked on would have a base coat of pavement put down tomorrow. There was a brief discussion on Middle Route, and a couple of places that need to be shimmed. It was agreed that it would be a good idea to wait another year to be sure the road is stabilized before putting the final coat of pavement down.

Review of Minutes – The Selectmen reviewed the minutes of the last two meetings.

MOTION – Selectman Clairmont moved to accept the minutes of August 27, 2007 as amended. Selectman Guarino seconded. Motion passed 3-0.

MOTION – Selectman Clairmont moved to accept the minutes of the August 29, 2007 workshop as written. Selectman Guarino seconded. Motion passed 3-0.

Fuel Bids

The Town had requested bids to supply our heating oil, gas and diesel fuels for the Town for the coming season for the four Town buildings. All bids were due by today. Tim had received bids from five different companies - Stafford Oil, A.D.&G. Fuel Co., Foley Oil Co., Fred Fuller Oil Co. and Dutile & Sons.

The prices for heating oil per gallon were as follows:

Stafford	Fixed Rate for Oct. 1, 2007 thru Apr. 2008 (Prebuy)	\$2.399
A.D.&G. Fuel	Fixed Rate for Oct. 1, 2007 thru Apr. 30, 2008	\$2.309
Foley Oil	Fixed Rate for Sept. 1, 2007 thru Apr. 30, 2008	\$2.379
Fred Fuller Oil	Fixed Rate for Sept. 1, 2007 thru Apr. 30, 2008	\$2.2950
Dutile & Sons	Fixed Rate for 2007-2008 Season (Prebuy & includes cleaning of the heating system for the four buildings)	\$2.259

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Foley Oil was the only company that could offer diesel and gas.

There was a good deal of discussion and consideration of the bids, and whether it was felt that Foley would continue to supply the gas and diesel fuel, if we went with another company for the heating oil.

MOTION – Selectman Clairmont moved to accept the bid from Dutile & Sons, Inc. to supply fuel oil to the Town for the coming heating season. Selectman Guarino seconded. Motion passed 3-0.

MOTION – Selectman Clairmont moved to accept the bid from Foley oil for gasoline and oil purchases per the bid received September 10, 2007, however, the Board reserves the right to seek other sources if the prices become erratic. Selectman Guarino seconded. Motion passed 3-0.

FYI' & Other Business

Lakes Region Assoc. Meeting – Tim informed the Board that they had received an invitation to the Lakes Region Association's annual meeting to be held at Meadowbrook Musical Arts Center in Gilford on Wednesday, September 26, 2007. Tim said the association is in charge of promoting tourism in the Lakes Region.

Tonnage – Tim reported that the tonnage the recycling center sent to Penacook in August was 128.81 tons, which is down from 139.67 tons sent in August 2006.

There was a brief discussion of the recycling center. Dave said he had spoken with Doug Kapplain, Recycling Manager, and Doug had told him that they had to close the compactor early due to overflow only one time, and that was July 4th weekend. The pile of crushed glass was discussed, and it was wondered if it could be used in the upgrade of Places Mill Road. Tim will check into it.

Timberman Triathlon - Tim informed the Selectmen that sponsors of the Timberman Triathlon, that took place a few weeks ago, had dropped by a letter of thanks, and some tee shirts, a water bottle and a hat as a thank you. He said they had also given some to the Police Department.

Help Recycling Center – Tim said we had advertised for part-time help at the Recycling Center, but had received only one application so far. He said he is waiting to see if we receive any more interest in the position. Tim reported that Tom Teague had received authorization to go back to work, but with stipulations on lifting. Tim stated that the guys from the Highway Department have been helping out so the employees at the recycling center could take time off. Don said the Recycling Employees go out of their way to be helpful, and felt some of the residents take advantage of them.

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Cap Mowing- Recycling Center – Chairman Forst said it is time for the cap at the recycling center to be mowed, and felt we should put out a request for a bid to mow the cap.

Winter Sand – Tim said that last spring a resident had asked about a pile of sand for this side of Town so residents could get sand this winter. He said the issue had been brought forth in the spring, and we had said we would address in September. Selectman Guarino felt we had discussed it, and decided that we would use the pile at the recycling center. Selectman Clairmont felt the concern had been the availability on the days the center is closed. There was a brief discussion, and it was decided that we would leave it the way it is. On days the recycling center is open, residents could get the sand there, and otherwise it is available at the highway garage in the Iron Works 24 hours a day. It was also stated that if a storm is predicted, residents could get a couple of buckets of sand at the recycling center ahead of time when they go to the dump.

Budgets – Tim informed the Selectmen that it is time to set a maximum increase they would like to see in the department's operating budgets. After discussion and careful consideration, it was decided that there should be a maximum increase of 2%.

Gale Road – Tim stated that last Friday Lee Morrill had asked permission to cut saplings on the left side of Gale Road so the leaves that come off the trees don't fill up the ditches. Tim said he had told Mr. Morrill that he couldn't make that decision; Mr. Morrill had said he understood and left. He (Tim) said that shortly thereafter Mary Ann Morrill had called and said she had spoken with Dave Clairmont, and told him they wanted to trim some of the saplings on the left side of Gale Road. She said Dave had said he had no problem with it, and she asked Tim to contact the other two selectmen to get a consensus that it would be okay to do it. Tim said he had called both Brian and Don, and left messages. He said Brian had gotten back to him, and said he didn't see any problem with it, because it was what the Selectmen had told them to do, as long as they didn't cut anything over three inches in diameter. Tim said he had notified the Morrills that they could cut on the left side of the road as long as they didn't cut anything over three inches in diameter. Tim said Mr. Donovan had come in late on Friday afternoon, and asked if the Morrills had been given permission to do the cutting. Tim said he had told him that the Morrills had asked, he had polled the Board, and the Selectmen felt this is the first step in what they were requiring of them in our specifications in order for them (Morrills) to obtain a building permit.

Tim had an email from Terri Donovan in which she stated that they (Donovans) were aware of a "telephonic vote" of two Selectmen that gave Lee Morrill permission to cut trees (up to 3" in diameter) and brush up to the stone wall on Gale Road, and no notice had been given to the abutting landowner in this matter. Terri further stated that they (Donovans) do not give permission or agree to have any brush or trees cut abutting their property.

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Terri felt that by the Board of Selectmen conducting business in this fashion on Friday, they were in violation of the spirit and intent of the NH Right-to-Know Law, and suggested that the Selectmen invite Town Counsel or the Local Government Center to provide training on the NH Right-to-Know Law.

There was a good deal of discussion on the matter. The Selectmen felt this permission had been given in a public meeting when the Morrills were presented with the specifications for upgrading Gale and Donovan Roads. Chairman Forst stated that in granting that permission, no permission had been given to cut any brush anywhere near the Donovan property. Tim Warren felt the point being made is that the decision was not made during a public meeting, and the landowner was not notified prior to the cutting. Dave Clairmont said the decision was made during a public meeting, and we had a public hearing on it; this is the start of the process for upgrading the road. Chairman Forst stated that whatever the outcome of this is, whether the Morrills upgrade the road as the Selectmen specified, or whether they don't upgrade it, he said he doesn't want the Selectmen to have to deal with every little "burp" in the road. Brian said the specifications indicated that banking was going to have to be cleaned up. He felt that was an indication of the direction that was going to be taken. Brian said he would have to read the Right-to-Know Law carefully to know if the Selectmen had violated it. Dave Clairmont felt by allowing the cutting was reiterating the permission that had been given the Morrills after public forum and public discussion, and everything had been done in a proper manner.

There was also considerable discussion as to whether by doing this cutting, the Morrills were accepting the specifications set forth by the Selectmen, or if it was just the Morrills exercising their right to maintain the road for access to their property. It was also stated that the Morrills should make a decision because the variance they have expires in one year from date of issuance, and that we should ask the Morrills for an official decision regarding the road.

Stevens Road – Tim informed the Board that the Maleks had removed the fence from the Town right-of-way in front of their home on Stevens Avenue. He said Mrs. Malek said that since the fence has been removed and someone has been mowing the right-of-way, and bushes have been planted in the right-of-way where the fence used to be. There was a brief discussion that mowing is okay, but no one could plant anything in the right-of-way.

8:52 p.m. Enter into Non-Public Session as per RSA 91-A:3, II(c)

Selectman Guarino moved to Enter into Non-Public Session as per RSA 91-A:3, II(c) - Matters which, if discussed in public, would likely affect adversely the reputation of any person unless such person requests an open meeting; however, this cannot be used to protect a person who is a member of your Board, Committee or Subcommittee. Selectman Clairmont seconded. Motion passed 3-0.

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The Selectmen discussed a town clerk issue with Deb Cornett.

9:22 p.m. – Out of Non-Public Session

Selectman Guarino moved to come Out of Non-Public Session. Selectman Clairmont seconded. Motion passed 3-0.

Disaster Planning – Deb asked who was in charge of the Town’s disaster planning. Tim replied that the Fire Chief was our Emergency Management Director. Deb stated that at the Town Clerk’s conference she had attended, they had stressed the need to have a disaster plan in place. She said there is a free online template that could be accessed with all the information needed to get it going. Tim Warren said he would have Tim Robbins look into it.

Returned Checks – Deb stated that currently if a check, made out to the Town, is returned for insufficient funds, the bank will not redeposit it. This makes a lot of work for her office, and she would like to have the bank try to deposit it one more time, but the bank has said the Selectmen would have to authorize them to redeposit the check. The Selectmen approved Deb’s request, and Lois will contact the bank to authorize them to redeposit the check one time.

Tree outside Academy Building – Tim reported that one of the trees outside the Academy Building had been damaged two different times by storms this year. One half had broken off in the spring, and another piece had broken off the tree last week. Tim said he had been asked if we want to cut the tree down, but Tim suggested that we cut the lower branches off to improve its appearance, and try to save the tree. The Selectmen agreed that it would be better to try to save the tree, and if that didn’t work it could be taken down at a later date.

Davis Property – Tim informed the Selectmen that the trailer on the Davis property in Shellcamp had been removed, but the variance has expired on the property, and he has no idea what is going on down there.

Class VI Road Policy – Selectman Clairmont said he had read some of the Class VI Road Policies that they had received from other towns, and with information he had gotten from portions of them had made some changes to the Check Sheet that the Class VI Road Committee is using to complete evaluations of the roads for the Selectmen. Dave presented the other Selectmen with a draft of his changes, and asked them to review them carefully, and give their opinions or suggestions so he could bring it to the next Class VI Road Committee meeting. The Selectmen briefly reviewed and discussed the changes, and will review it carefully so they can discuss it next week.

Allison Lake – Cat Alley - Tim said we have not heard anything back from Ms. Lake’s Attorney, and wondered if we should send him a letter asking them to provide proof that the drain was installed according to the specifications the Town had requested by

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September 30th. There was a brief discussion and Selectman Clairmont stated that our choices are growing more limited as time wears on; we have to get permission from her to do it, and get the job done the way it should be done, or wait, and if it doesn't work, there will be ice all over Cat Alley again. Chairman Forst agreed that he had seen the pictures, and the job wasn't done right. He asked what happens if we leave it the way it is and water is pumped onto Cat Alley again, could we get a legal cease and desist of the pumping of water, and could we charge her for fixing the road? After more discussion, it was requested that Tim call LGC to see how it should be handled.

ZBA Interview – Selectman Clairmont asked if there had been any more interest in the open position for an alternate on the ZBA. Tim replied that there had only been the one from Mr. Gilbert that he had told them about a few weeks ago. Selectman Clairmont asked that Tim schedule a time for an interview with Mr. Gilbert.

Gale Road – Selectman Clairmont asked if we had any response to the letter we had sent to Attorney Wood regarding the Morrills upgrading Gale and Donovan Roads. Tim said we had heard nothing yet.

Places Mill Road – Selectman Clairmont asked if the contract and bond were in place for the Places Mills Road upgrade. Tim said he hasn't seen anything yet, but Bob Flanders was supposed to check with Attorney McLaughlin today. It was stated that there had been no discussion of a payment schedule with the Potters. Tim will check with Bob Flanders to see if there is a contract and if any money has been deposited in the bank.

Christmas Tree – Selectman Clairmont asked if the Selectmen had given any thought to Israel Willard's suggestion to have a committee to have a Christmas tree out in front of the Academy Building. It was agreed it would be nice to see a tree there, and a letter should be sent to Mr. Willard to see if he could organize some people to help him, and bring a proposal to the Selectmen.

Well Cover – Selectman Clairmont asked Tim if he had notified Nanci Mitchell that he (Dave) had checked on a concrete cover for one of the wells, and the one he has is too badly decayed to be used. Tim said he had notified her, and she would contact the companies she had been told about to see what they had for covers.

Police Station – Selectmen Clairmont stated that he had met Mr. Witham of Witham Construction, who specializes in jacking up buildings, and had asked him to contact Chief O'Brien to see about giving him an estimated to jack up and put a foundation under the old town hall.

10:30 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(c)

Selectman Clairmont moved to Enter into Non-Public Session as per RSA 91-A:3, II(c) - Matters which, if discussed in public, would likely affect adversely the reputation of any

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person unless such person requests an open meeting; however, this cannot be used to protect a person who is a member of your Board, Committee or Subcommittee.
Selectman Guarino seconded. Motion passed 3-0.

The Selectmen discussed a Police Department issue.

10:50 p.m. – Out of Non-Public Session

Selectman Guarino moved to come Out of Non-Public Session. Selectman Clairmont seconded. Motion passed 3-0.

MOTION – Selectman Guarino moved to seal the minutes of the above non-public session. Selectman Clairmont seconded. Motion passed 3-0.

10:52 p.m. – MOTION – Selectman Guarino moved to adjourn the meeting. Selectman Clairmont seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk

