

TOWN OF ANTRIM – BOARD OF SELECTMEN
MEETING AGENDA
August 3, 1998

6:00 p.m. MEETING CALLED TO ORDER

6:00 – 7:05 p.m. MEET WITH ROAD AGENT, ROBERT VARNUM

- **Review, discuss, and draft a response to Mr. Harford's second letter referencing drainage on Brimstone Corner Road**

The Selectmen and Road Agent discussed Mr. Harford's letter. The Road Agent noted that he and the Police Chief have visited the site to review safety concerns. They both feel that this road is no more, nor less safe than any other one lane road in Antrim. The Road Agent noted that the culvert under Mr. Harford's driveway is his—it was provided by the Town but he paid for it and installed it. The drainage cutouts have always been there. The Road Agent states that he has never filled these in but only clears them out every 2-3 years. Mr. Harford's invitation to run the water onto the land of the Girl Scouts on Mr. Farnham's authority concerns both the Road Agent and the Selectmen since they do not believe Mr. Farnham is the owner. The Selectmen are satisfied with the Road Agent's explanation and would like the Town Administrator to correspond with Mr. Harford again. The Road Agent will review a draft of the letter for accuracy.

- **Discuss any items of concern for the August 19, 1998 meeting with Bennington & Francestown re: Tri-Town Landfill excavations**

The Road Agent had a prior commitment but has canceled, because he believes this meeting is more important. The Town Administrator suggested that the Selectmen and Road Agent try to reduce their suggestions to writing prior to this meeting. The Road Agent also questions the fact that the June tally sheets for Francestown do not show how much crushed bank run they made.

- **Roadside Mowing**

The Road Agent made the Selectmen aware that the roadside mowing started this morning and is being done by Carter Tractor.

- **Use of Sand from Mr. Harriman's pit**

The Road Agent will talk to Smith Harriman about the possibility of the Town obtaining (at Town Meeting) one of his pits. Mr. Harriman's pit is the source of our winter road sand, at a considerably reduced price.

- **#2 Fuel Oil Bid**

Mr. Varnum took this opportunity to let the Selectmen know that he feels they made a mistake in awarding the heating oil bid to a company other than Rymes. He notes that diesel fuel is critical to his winter operations and Rymes has always made it a point to come out at any hour of the day or night to fill him up. The Selectmen noted that they have no intention, at this time, in putting gasoline, diesel or propane out to bid.

- **Additional Employee for Highway Department**

Selectman Seeger asked the Road Agent if he has anything to present, justifying the need for an additional employee. The Road Agent noted that he had lost a full time employee several years ago and he was never replaced. This creates a hardship, especially during the summer when there is someone on vacation every week. (All the employees have four weeks vacation and the Road Agent doesn't allow vacation to be taken during the winter

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plowing season). Selectman Seeger would like the Road Agent to come up with some numbers for this year's budget and some justification of need.

- **Repairs to Gregg Lake Dam**

The Road Agent is concerned about the Selectmen's intention to have the Road Crew perform the repairs to Gregg Lake Dam. Specifically, the Road Agent would like the liability issue addressed, in writing. He does not feel that this is within the scope of the Highway Department's duties. The Selectmen asked the Town Administrator to call both our Property Liability Insurance Carrier and our Worker's Compensation Carrier regarding our exposure risk.

- **Classes for Highway Department**

Chairman Smith asked the Road Agent if he has any classes, seminars or workshops to attend. The Road Agent states that he doesn't really have time for these types of activities. The Selectmen urged the Road to go to any classes he can find time for.

7:05 p.m. GENERAL BUSINESS

- **Review and discuss Mr. Egelstrom's offer to give the Town Map 5, Lot 72 in exchange for the Town paying for an appraisal**

The Selectmen read and discussed Mr. Egelstrom's offer to donate a piece of land (Map 5, Lot 72 - off Hattie Brown Road) in exchange for the Selectmen paying for an appraisal. The Selectmen agreed unanimously that they would be willing to accept the land but they are unwilling to set a precedent by paying for an appraisal. The Town Administrator had already drafted a letter outlining some other options for Mr. Egelstrom.

- **Appoint Spencer Garrett as new Trustee of Trust Funds on the recommendation of existing Trustees**

The Selectmen had met with the two remaining Trustees a month, or so ago, and discussed appointing a replacement for Ann Dwight who had to resign when she relocated out of Town. The Trustees approached Mr. Garrett and he is willing to serve the Town as a Trustee of Trust Funds. Selectman Seeger made a motion that the Selectmen appoint Mr. Garrett and authorize the Town Clerk to administer the oath of office. Selectman Dargie seconded. Motion passed unanimously.

- **A.R.T.S. issues: letter of complaint re: ARTS personnel**

The Board reviewed the letter of complaint regarding treatment of a resident at A.R.T.S. The Selectmen would like to discuss this with the A.R.T.S. manager, Mr. Bill Lang. The Board asked the Town Administrator to memo Mr. Lang and invite him to the August 17, 1998 meeting at 6:00 p.m.

- **Verbal request from Pam Caswell asking that the Selectmen consider treating for mosquitoes**

The Town Administrator made the Board aware that the office received a message on our answering machine from Ms. Caswell asking the Board to consider treating for mosquitoes. Ms. Caswell believes that Antrim's mosquito problem is worse than the surrounding communities. The Town Administrator called the Department of Environmental Services, Agriculture Division. They stated that we would have to apply for a permit to treat with pesticides. The permit process takes between 60 and 90 days

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and we would have to identify the specific breeding grounds. The DES also noted that the entire State is experiencing mosquito problems with the North Country actually having the most significant problems.

- **The Fire Department would like permission from the Selectmen to have and consume alcoholic beverages at their Fire Department Muster on August 16, 1998**

The Selectmen unanimously approved the Fire Department having and consuming alcohol at the Fire Department during the Muster on August 16, 1998. Chairman Smith would also like a thank you to go to the Fire Chief for asking permission prior to the event.

- **Camp Chenoa would like to do a bridge dedication on August 16, 1998 – they would need to close the bridge briefly and may be have the Selectmen there (7:00 p.m.)**

The Selectmen thought a bridge dedication would be very nice, they will each check their personal calendars to see if one, or more of them are available on this occasion. In addition, the Town Administrator will send the Police Chief a memo asking that an officer be available to shut down the bridge for a few minutes during the dedication.

- **Bill Lang would like permission to take down some trees on Town land behind his property.**

Mr. Lang asked permission at a past Selectmen’s Meeting to take down some trees that are on a piece of Town owned property behind his house. The Town Administrator suggested waiting until after the Town property goes out to bid and see if Mr. Lang is still interested in bidding on the property. If he gets the property he can cut down any trees he wants.

- **Discuss recent oil bid award/contract**

The Selectmen briefly discussed the fact that several concerned citizens will be coming in tonight to express their wish to see the Selectmen reconsider the award of the heating oil contract to Johnson and Dix rather than the local vendor, Rymes Heating Oil, Inc. The Town Administrator made the Board aware that she has contacted two different attorneys for a legal opinion. Both lawyers note that once the Selectmen voted to award the bid to Johnson & Dix, the Town had a legal binding contract. In addition, there was some discussion that if the Board reconsidered and awarded the contract to Rymes, then Vaillancourt may also be able to sue the Town since they were also a lower bidder than Rymes. The Selectmen will be willing to discuss this matter further with the residents that come in.

- **Discuss removal of underground oil tank at Fire Department.**

The Town Administrator has two written proposals from reputable tank removal companies. One of these companies will perform installation—one does not. The Board would still like to put this matter off until it can be budgeted in 1999. The Town Administrator reminded the Board that we will still not be in compliance with the December 22, 1998 date for removal or rust proofing and that one of the State’s comments was that “as long as we are in compliance in all other ways...” This would mean we have to register that tank with the State and the Fire Chief has that paperwork.

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8:00 – 8:15 p.m. MEET WITH TOM DUNN FROM NH PROPERTY LIABILITY INSURANCE TRUST (NH-PLIT)

Mr. Dunn made the Selectmen aware of risk management seminars and workshops available to the Town. He noted that the best way of keeping premium costs down was avoiding claims. The Town Administrator took this opportunity to ask Mr. Dunn if our Highway Department would be covered under our liability policy for any work they do on a Town owned dam. Generally, Mr. Dunn believes that the exposure would be the same since the dam is Town owned and we are hiring a certified engineer to define the scope of work and to be on site to supervise the Highway Department in these repairs. He will verify this and get back to the Town Administrator. Mr. Dunn also sketched out some of the changes in coverage on the property liability insurance renewal. For example, PLIT is now covering volunteers deductibles on their health insurance. This would include motor vehicle accidents for call firefighters responding in their private vehicles. Back wages for wrongful employment practices are now covered up to \$50,000 and care, custody and control issues are now covered up to \$25,000.

8:15 – 8:45 p.m. MEET CHAIRMAN OF THE ZONING BOARD OF ADJUSTMENT, MR. TOM DAVIS AT HIS REQUEST

Mr. Davis addressed the Board with his resignation from the position of member on the Zoning Board of Adjustment and therefore its Chair. Mr. Davis sited the memo he received from the Selectmen, dated July 23, 1998 asking him, as Chairman to follow up on attendance issues and assuring a quorum at future ZBA meetings. Mr. Davis stated he is a very busy person and has volunteered his time for a good many years, as do many residents of Town. He does not have the time to organize and coordinate the Zoning Board of Adjustment and he believes this is the secretary's job. The Board is sorry that Mr. Davis feels this way and will be sorry to see him go. They appreciate his efforts over the last five years. The Selectmen requested that the Town Administrator send a memo notifying the remaining Zoning Board of Adjustment members of Mr. Davis' resignation and soliciting names for possible replacements from them.

8:45 – 9:15 p.m. MEET WITH MR DAVE BOULE AT HIS REQUEST

The Selectmen met with concerned citizens regarding the Board's decision to award the 1998-1999 fuel oil bid to Johnson and Dix. Citizens Present: Dave Boule, Brian Brown, Caryn Brown, Peter Moore, Michael Oldershaw, Tom Davis, Stuart Gross, Stephen Schacht, Mary Schacht, Christina Burnside and Scott Burnside. The general discussion was as follows: Rymes is a local company and they are currently registering \$15,000 worth of vehicles in Antrim. The Town should support the business in Town. If the Town went out to bid and showed Mr. Rymes the results and let him make an offer that would be another thing. Going out to bid isn't necessarily a bad thing but we are only talking about a \$400 a year difference. (the actual annual savings are \$524). Antrim has tried to bring business to Town and this looks really bad. Mr. Moore wants the Town to go out to bid but there is usually a clause that allows a Town to refuse any and all bids. Mr. Rymes has done a lot of things behind the scenes for this Town. Some people are not

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here for Jim Rymes himself, but for all the philanthropic needs of the Town he supports. This is worth reconsideration and the selectmen won't lose face, sometimes you get more respect by admitting you made a mistake. Mr. Davis asked if the Selectmen considered everything Rymes contributes or was price the only issue. The Selectmen only considered the issues of the bid. Chmn. Smith noted that price was an issue and Rymes did not provide the best price or even the next best price. Residents noted that customer service should also be considered. Mr. Gross buys \$4,000 - \$5,000 worth of diesel fuel a year and he may not get the best price but he has a close, convenient, satellite system with logistical positioning. If we're going to deal with a Concord company the Board may be inconveniencing us as a Town. Mr. Davis asked again if the Board did not originally consider mitigating factors, would they be willing to reconsider the bid award? Brian Brown noted that he spoke to Mr. Healey at Johnson & Dix and asked them if they would sue the Town if we withdrew the contract. Mr. Healey stated it would be highly unethical but they would probably only ask the Town to reimburse the cost of the performance bond. Selectman Seeger asked if anyone here tonight has spoken to Jim Rymes directly. Brian Brown stated that he has and he would be willing to call Mr. Rymes and see if he would take the Town back as an oil customer. The final sentiment expressed was that it is just good business supporting the local business owners and these residents hope the Board will reconsider their original decision.

Chmn. Smith made a motion to reconsider the decision to award the fuel bid to Johnson & Dix. Selectman T. Seeger seconded. The Selectmen discussed, at some detail, the items Mr. Davis asked them to consider. The Board honestly feels that even if they had known that Rymes would pull their registrations out of Town or how much money Mr. Rymes donates they still would have voted the way they did. In addition, the Board feels that breaching a legal and binding contract is not in the best interests of the community as a whole. The Selectmen also briefly discussed their belief (and their attorneys' legal opinion) that both Johnson & Dix and J. B. Vaillancourt could take legal action against the Town. **MOTION:** Selectman Denise Dargie made a motion to leave the award of the 1998-1999 fuel contract with Johnson & Dix. Chairman Smith seconded. **VOTE:** All three Selectmen voted in the affirmative.

Intent to Excavate – Chauncey

The Selectmen signed the Chauncey's Intent to Excavate

GENERAL BUSINESS CONTINUED

• **Discuss repairs to fences at tennis court and A.R.T.S. building.**

The Town Administrator made the Board aware that the Recreation Coordinator, Shelly Gardner has asked if the tennis court fence can be repaired. In addition, the Town Administrator noticed that the A.R.T.S. fencing that runs along the wetland is in disrepair. The Board asked the Town Administrator to check with the Road Agent and see if he has the capability of repairing these. If not, she will get a price from a fence company.

• **Accept the minutes of the July 20, 1998 meeting**

The Selectmen voted, unanimously, to accept the minutes of the July 20, 1998 Selectmen's Meeting, as corrected.

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- **Review and discuss Town tax deeded lots to be sold**

The Selectmen reviewed the draft of the ad to be placed for the tax deeded property available for sale. After consideration of the assessment cards, and assessed values, the Board unanimously agreed to place minimum bids on three of the parcels. The approximately six acres on Whitney Road will have a minimum bid of \$1,000. The approximately 6.51 acres on White Birch Point will have a minimum bid of \$7,500 and the approximately 14.6 acres on White Birch Point will have a minimum bid of \$10,000.

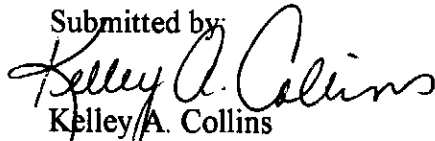
- **Discuss Land Use/Selectmen’s Secretary position appointment**

The Town Administrator made the Board aware that due to a personal emergency Kathleen Boyer has had to move back to Massachusetts and resign from her position as Land Use/Selectmen’s Secretary. The Town Administrator would like to offer the position to another of the applicants that participated in that application process. The Selectmen unanimously approved offering this position to Sherry Miller.

ADJOURNMENT

There being no further business to come before the Board, the Selectmen adjourned at 10:55 p.m.

Submitted by:


Kelley A. Collins
Town Administrator

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**ADDENDUM TO BOARD OF SELECTMEN'S MEETING MINUTES
AUGUST 3, 1998**

The following information was inadvertently left out of the draft minutes of the August 3, 1998 Selectmen's Meeting. The Town Administrator opened and read the following results of the request for proposal (RFP) for legal services to the Town of Antrim:

Bossie, Kelley, Hodes & Buckley

Attorney: \$100/hour
Paralegal: \$ 60
Travel: \$ 30

Upton, Sanders & Smith

Attorney: \$100-\$160 (Attorney Mayer \$140)
Paralegal: \$ 60 - \$90
Travel: .25/mile
\$1 long distance calls
.15 photo copying

Donahue, Tucker, Ciandella

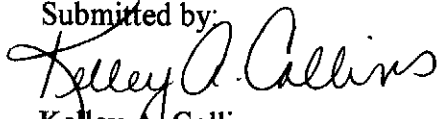
Attorney: \$120
Paralegal: \$ 60
Travel: \$.33/mile

Mitchell & Bates

Attorney: \$125
Paralegal: \$ 50
Travel: \$.315/mile
Toll & Fax: \$ 1.20
Copies: \$.15 each

The Board of Selectmen agreed, unanimously, to take the proposals under advisement.

Submitted by:


Kelley A. Collins
Town Administrator

TOWN OF ANTRIM PUBLIC NOTICE

The Antrim Board of Selectmen, Road Agent and Town Administrator will be meeting with the corresponding officials from the Towns of Frankestown and Bennington to discuss issues regarding the Tri-Town Landfill, including but not limited to, an excavation agreement and a release of liability agreement for Bennington's Highway Garage, as drafted by Attorney Bart Mayer. This meeting will be called to order at 7:00 a.m. at the Antrim Town Hall on August 19, 1998.

Posted @ Town Hall + Post Office
on Aug 3, 1998
