

## **SELECTMEN'S MINUTES MONDAY, APRIL 14, 2014**

The Selectmen's meeting for Monday, April 14, 2014 started at 6:30 p.m. Present were Selectman Bussiere, Selectman Gaudiello, Selectman Hatch, Selectman Malloy, Chairman Clark, Administrator Scruton and Clerk McNeil

Chairman Clark welcomed everyone and led in the Pledge of Allegiance.

Chairman Clark opened the public hearing to accept a conservation easement on Village Place off Route 9 – Map 238 Lot 0014 at 6:33 p.m. Chairman Clark asked for public comments. Paul Mausteller felt that Selectman Bussiere and Selectman Gaudiello should recuse themselves based on Selectman Bussiere as an abutter and Selectman Gaudiello as an abutter to the Village Place subdivision, but not to the conservation easement area. Selectman Bussiere stated that he is not an abutter; he sold the property to Three Socios. Mr. Mausteller felt that the proposed well, to be placed on this easement, would have a 500' radius and Mr. Bussiere's property on Route 9 would be in this radius. Alan Kelley, representing himself as a citizen, passed out comments and concerns regarding the conservation easement deed with respect to compliance with provisions of State and local regulations. Administrator Scruton noted that the hearing is only to accept the conservation easement. The Planning Board still has action to take – if the well ever occurs, it is not a Selectmen decision. Mr. Kelley feels this is an addition after approval of the site plan. He further questioned why the Board is considering this when the Planning Board is supposed to vet ordinance compliance. The well easement creates new development. This needs to be done through site plan before it comes to the Board of Selectmen. He feels that the Board would be violating the easement. Attorney, John Arnold, representing Three Socios stated that the waterlines aren't going to pass through abutter's properties. The site plan will be taken up with the Planning Board. The Conservation Commission has already vetted this easement. This is a use approved by the ZBA. Ken Grant wanted it confirmed that with buried gas tanks the well should have a 500' radius. Attorney Arnold stated that placing the tanks needs a permit from DES. Steve Jeffery spoke as a private citizen. He stated that the ZBA has no authority to approve the use. The conservation easement was approved before any houses were built. Pam Failing, as a citizen, explained the process through the Conservation Commission. It came around a second time and it was considered that the area is being protected as it was in a prime wetland. It was thought that it would have minimal impact as only one well. Attorney Arnold noted that the well and water easement has been reviewed but will be coming back for a site plan. The conservation easement deed has been reviewed by town counsel. Alan Kelley commented on the tax assessment of the well

and how it would affect the owners of Village Place. He felt the subdivision plan should be revoked and revised. The well would have accessory value to Three Socios and be taxed to the people who use it. The town doesn't tax open space. Selectman Hatch stated that she has trouble with two Planning Board members talking about an application that they will be voting on. Selectman Hatch further noted that both Alan Kelley and Steve Jeffery have made a pre-judgement on the case. She asked if they are you going to recuse themselves. "How can you make a case as an individual and are a planning board member - you can't have it both ways." Paul Mausteller commented on changing status of the land and felt that Village Place should amend and change their subdivision. Mrs. Mausteller felt that this information should be shared for constructive feedback. Jerry Cote stated that he has attended some of these meetings. The land owners have to maintain that land - they should have income from that well. Pam Failing noted that this is not a benefit for the people of the subdivision but a third party. Atty. Arnold noted that you need to keep in mind that this is an underground well and waterline. The open space will look the same. Chairman Clark closed the public hearing at 7:41p.m. Selectman Gaudiello stated that she would recuse herself from the vote. Selectman Bussiere also recused himself. Selectman Hatch moved to accept the conservation easement and to make sure that it meets all of the criteria of the Planning Board, seconded by Selectman Malloy. It was unanimously voted in the affirmative.

Chairman Clark opened the public hearing on the personnel plan at 7:45 p.m. Selectman Hatch moved to table any proposed changes to earned time, to accept the proposed changes in the plan language for health insurance, and to remain with our current plan, seconded by Selectman Gaudiello. The Board requested that Administrator Scruton gather more information on earned time. Selectman Gaudiello felt that the town employees asked some good questions and raised good points. Clerk McNeil spoke on behalf of the employees and thanked the Board for meeting the employees during the day. It was unanimously voted in the affirmative. The public hearing closed at 7:47 p.m.

Chairman Clark opened public hearing on the Wilhelm property conservation commission purchase at 7:47 p.m. The property is in the middle of the 1300 acre Tamposi property. The conservation commission would like the Boards support in the purchase of this piece of property. The cost will be discussed in non-public session. The Planning Board office and Selectmen's office have fielded several calls on the lot as it appeared on Craigslist. Ken Grant asked why the town wanted to spend taxpayer's money on a land locked parcel. Selectman Bussiere noted that it is in the best interest of the town. The hearing closed at 7:53 p.m.

Chairman Clark opened the public hearing to accept a gift from the Firemen's Association at 7:48 p.m. The Association is proposing changing the training room around, adding a ceiling camera and putting in speakers. The cost for the work is \$3,600. Selectman Bussiere moved to accept a gift of work and material from the Firemen's Assoc., seconded by Selectman Hatch. Pam Failing asked if other town organizations can use the space for meetings. Chief Walker noted that permission would come from the Selectmen but there is a problem with security and a cost to have someone there to open and close the building. It was unanimously voted in the affirmative. The public hearing closed at 7:55 p.m.

#### APPOINTMENTS

Chief Walker – Ambulance Billing Rate – Chief Walker stated that it is time to review the ambulance billing rates. Selectman Bussiere moved to accept the rates as presented, seconded by Selectman Hatch. It was unanimously voted in the affirmative. In another issue, insurance money that is sent directly to the patient does not always come back to the town where it is owed. It was recommended that the policy be modified to have COMSTAR more aggressively pursue payments that were made to the patient by the insurance company and should be made to the town. Chief Walker and Administrator Scruton will work to modify the policy.

Jerry Cote – Deer Ridge Drive – Mr. Cote commented that the road was hot-topped in 2012. The hot-top did not last two years when it should have lasted 10 years. The road is cracked and he feels the base needs to be done properly. He feels that the money was wasted. Peter Cook stated that town engineers, Dubois and King, inspected the work when it was done. They grinded and paved the road which was more than they had planned to do. Administrator Scruton looked at the road and didn't agree with Mr. Cote's complaint. He suggested that the Board view the road. Mr. Cote doesn't think that it was compacted properly and doesn't suggest that a second coat should be put down. Dan Ayer noted that water is the biggest problem on the roads. Paul Mausteller asked if the town has considered hiring an engineer instead of hiring a subcontracted engineer.

#### PUBLIC COMMENTS

Ken Grant asked about work being done on the Swenson property for \$50,000 going out for an RFQ or RFP. The town had gone out for an RFQ for a surveyor for a period of three years. Two were hired. To date only \$2,000 has been spent out of the \$50,000. Mr. Grant asked about surveying work that went out to David Vincent at a cost of approximately \$40,000. Selectman Bussiere stated that was paid for by another entity and not the taxpayers.

REVIEW OF MINUTES – March 17<sup>th</sup> March 31, and April 7. Selectman Hatch moved to accept the minutes of March 31<sup>st</sup> and April 7<sup>th</sup>, seconded by Selectman Bussiere. It was unanimously voted in the affirmative. The minutes for March 17<sup>th</sup> will be reviewed at the next meeting.

## STAFF REPORT

1. Regarding a piece of town owned property on Small Road, Selectman Gaudiello moved to put the property out for seal bid, seconded by Selectman Malloy. It was unanimously voted in the affirmative. Selectman Gaudiello moved to, with the authority of the town's attorney, seek someone to clean up the property, seconded by Selectman Bussiere. It was unanimously voted in the affirmative.
2. Selectman Hatch moved to request the Trustees of the Trust Funds release what is left (currently \$3,952.34) in the Road Reclamation Capital Reserve Account to close out the account, seconded by Selectman Bussiere. It was unanimously voted in the affirmative.
3. Selectman Gaudiello moved to authorize money that is in the Transportation Capital Reserve Fund (currently \$95,986.55, \$20,000 will be added at the end of the year) be used as a match for the Young Road Culvert in which FEMA will pay about \$200,000. Additional money in that account will be used as a 20% match for engineering for the Green Hill Road Bridge and the Old Settlers Road culvert, seconded by Selectman Hatch. It was unanimously voted in the affirmative. A letter will be sent to FEMA noting that the town currently has the money available.
4. Selectman Gaudiello moved to authorize Administrator Scruton to sign the engineering contract with HTA that has been authorized by NHDOT, seconded by Selectman Hatch. It was unanimously voted in the affirmative.
5. The town received two, fully compliant RFPs for property and liability insurance– from Health Trust and Primex. Primex was the lowest price. Selectman Gaudiello moved to go with the recommendation of Primex and to lock in a rate for three years, seconded by Selectman Malloy. It was unanimously voted in the affirmative.
6. A preliminary plan with wetlands and topography has been completed in draft format on the Swenson property. The town is continuing to gather data as to the size of building(s) with septic, drainage, parking spaces etc. that can fit on that lot. Administrator Scruton has not proceeded with the purchase and sales until we know the size of the lot and the location.
7. The Board of Selectmen will meet with the library trustees on April 15<sup>th</sup> and May 12<sup>th</sup> with Recreation Commission. Selectman Hatch noted the agenda for the library trustees meeting.

8. The new FEMA maps have been received and there has been no change with Barrington.
9. With regard to the 12 acres tax deeded property on Beauty Hill Road, the town is waiting for the prior owner's financial information. This is due by April 16<sup>th</sup>. No decision was made on the 15% penalty until the Selectmen have all of the information.

#### Clerk McNeil

Clerk McNeil requested signatures on the following: Intent to Excavate for Lenzi, Hiltz, Lavoie and Guptill, vendor manifest dated 4/10/14, payroll manifest dated 4/6/2014, abatement #21 and Intent to Cut for Virtuous Realty and NHBBC.

#### OLD BUSINESS

Solar Power RFQ – Administrator Scruton thanked the two respondents for completing the Request for Qualifications. Administrator Scruton noted several options for the Board to consider. Selectman Bussiere favored putting solar on the proposed highway garage asking the two companies to bid on the project. Administrator Scruton felt the bid should be opened to more companies. Selectman Gaudiello suggested looking at a more comprehensive plan including other buildings in town to maximize our savings. Jack Bingham stated that the town needs 145 k.w. to make the project cost effective. Selectman Malloy suggested forming a subcommittee due to the technical nature of the project, but it was decided not to form such a committee at this point. It was suggested that Administrator Scruton put together an RFP so the two firms are able to submit proposals with the same specifications on what would be best for the town.

#### Planning Board Appointments

Selectman Hatch moved to appoint Robert Williams for a three year term on the Planning Board, and appoint Dan Ayer as an alternate for one year, seconded by Selectman Malloy. It was unanimously voted in the affirmative.

#### SELECTMEN'S REPORT

1. Selectman Gaudiello attended a short School Board meeting. She added compliments to all of the people involved with "The Community Profile".
2. Selectman Hatch noted the "The Community Profile" was well organized, well attended with a variety of different age groups.
3. Selectman Bussiere recently attended a Recreation Commission meeting and a Conservation Commission meeting. He will be riding with Officer Joy for an afternoon in the near future.

4. Selectman Malloy will be attending the Planning Board meeting instead of the Library Trustees meeting on April 15<sup>th</sup>.
5. Selectman Clark had nothing to report.

Selectman Bussiere moved to go into non-public session at 9:30 p.m. per RSA 91 A: 3 II a, c d or e for land negotiation, seconded by Selectman Hatch.

Chairman Clark asked for a roll call, Bussiere – aye, Gaudiello – aye, Hatch – aye, Malloy – aye, Clark – aye. It was unanimously voted in the affirmative.

There was discussion regarding the purchase of property.

Selectman Bussiere moved to come out of non-public session at 9:40 p.m., seconded by Selectman Gaudiello. It was unanimously voted in the affirmative.

Selectman Bussiere moved to go into non-public session at 9:45 p.m. per RSA 91A:3 II a, c, d, or e to discuss personnel, seconded by Selectman Hatch. Chairman Clark asked for a roll call, Bussiere – aye, Gaudiello – aye, Hatch – aye, Malloy – aye, Clark – aye. It was unanimously voted in the affirmative.

The Board discussed a personnel issue.

Selectman Bussiere moved to come out of non-public session at 10:10 p.m., seconded by Selectman Hatch. It was unanimously voted in the affirmative.

The Board discussed Planning Board issues.

Meeting adjourned at 10:15 p.m.