

MINUTES OF THE SELECTMEN'S MEETING - March 30, 1992

Present for the meeting which began at 7:00 p.m. were Selectman Johnston, Dodge and Pimenta. Michael S. Pimenta had been duly sworn in as a Selectman for a one year term by Town Clerk Sandra Gendron the previous Friday afternoon.

Road Agent Lee Murray was in for his regular weekly appointment. David McGuckin, Old Coach Road, had also been scheduled in at this time to discuss a road issue in front of his property. Mr. McGuckin explained that he wanted to install a berm, and presented to all those present a sheet which detailed exactly where he proposed the installation. He went on to state that he had made the same proposal to Lee who had expressed concerns with Mr. McGuckin's idea. Mr. McGuckin continued and stated that he would like to prevent the water run-off from further eroding the pavement on the roadway in front of his home. He described how each year he would build up the area and then Lee would plow it down, and he expressed understanding that this had to happen; however, he went on to describe that he proposed building a gravel berm approximately 2 1/2' to 3' along the pavement which would eventually be seeded if it proved successful in preventing the run-off for which it was intended. Selectman Dodge pointed out to Mr. McGuckin that the berm he was proposing to build would be on town-owned property and questioned Mr. McGuckin as to why he was not proposing to build this on his own property. Mr. McGuckin responded that if he were to build the berm further back on his property it would have to be too high, further stating that he realized the Town had the right of way. He stated that he would build up the area far enough so as not to interfere with normal maintenance of the road. Once again, he stated that if he built the berm on his own property it would be too high and went on to state that occasionally he backed a trailer into the area in question which he would not be able to do should the berm be too high.

Lee stated that there were 4' shoulders in that area of Old Coach Road and most likely the sand used for winter maintenance did spread along the grassed area, which he contended was town-owned property. Lee went on to state that there was a natural swale in the area and Mr. McGuckin's proposal would not work because there was not a culvert under his driveway.

Selectman Dodge stated that he would want to see the area being discussed and the Board would have to view it with consideration given to what future road improvements might be necessary on that section of Old Coach Road. Mr. McGuckin suggested that he be allowed to install his berm and leave it for one year to see if it would work. Selectman Dodge countered with the thought should Mr. McGuckin sell his property then the new owner would not be responsible for its removal if it became necessary, a thought that Selectman Johnston agreed with. Mr. McGuckin acknowledged that his property was, in fact, for sale.

Lee suggested that the area be seeded to the pavement, but lowered; he contended that it would still be spread with the spring sand, but once that was removed there should be no problem. Mr. McGuckin responded that there were varying widths of black top, and this suggestion would not be feasible; he contended that it would look awkward since there would not be a straight line to follow with the seed.

The meeting with Mr. McGuckin ended with the Board of Selectmen agreeing

*MSJ  
Lee*

to an on-site meeting which was scheduled for Wednesday, April 8th at 4:30 p.m.

Next in to see the Board of Selectmen was Ken Rhodes, Engineer for the Depot Street Bridge Project. Ken presented to the Board for their review a proposed schedule for the project stating that the Selectmen will have to get the concrete work done and the specs will have to be submitted to Jim Moore, State Representative for the Project, for his approval. Discussion ensued on the schedule proposed by Ken, and he stated, if there were no major setbacks, the bridge should be open and ready for use between Aug. 15th and Sept. 1st, 1992.

Selectman Dodge stated that the prospect of a timber frame bridge met the approval of those attending the Town Meeting. Ken expressed confidence that this type of bridge would be the one most likely settled on, but cautioned that the solution not be prejudged since the State Municipal Office will look to see that the Town remained open for any and all ideas when consideration is given to their financial reimbursement. Ken went on to describe what he will be looking for in the company that will eventually be chosen to provide the bridge; i.e. history, quality of workmanship, etc.

Ken asked the Board if they thought it would be appropriate to submit to Jim Moore the list of the five companies that it had been deemed could provide what the Town of New Boston was looking for in a bridge, to Jim Moore stating that all were qualified and; further, to make it known to Jim that the Town was not interested in a steel structure. Selectman Dodge responded that it was certain that the Board favored a timber frame structure, that it was known such a structure could be purchased; and, further, he contended that the State was not interested in a steel frame bridge due to high maintenance costs incurred by the use of steel. Selectman Johnston stated that the timber frame bridge was the structure presented to those in attendance at Town Meeting. Based on the above discussion, Selectman Dodge asked Ken if the remaining three companies would be acceptable to the State of N. H., and should their qualifications be reviewed before the names of said companies were submitted to Jim Moore. Discussion continued with the decision being agreed to by the Board of Selectmen that the package submitted to State Officials by Ken Rhodes would be for a timber frame bridge. It was further agreed that either Ken Rhodes or Selectman Dodge would contact Jim Moore with the names of the three companies that were known to be able to provide the desired product; and, should the State require more companies, then a timber frame bridge would be put out to bid.

Discussion continued on what reaction Jim might have to the three companies being submitted for his approval, with Selectman Dodge contending that if Moore disputed the number of companies submitted, the list could be readily expanded. All agreed that the experience of the company finally chosen would be tantamount, with emphasize being placed on the quality and the life expectancy of the product.

Ken briefly reviewed the entire project from his perspective for the benefit of newly elected Selectman Michael Pimenta and he left scheduling a return visit on April 13th for another update.

Next in to meet with the Board of Selectmen were Clair Duris and Rodney

Tenney who were representing the Worker's Compensation Fund. They had come in at the request of the Board of Selectmen since there were ongoing questions with regard to the Town hiring subcontractors who did not have Worker's Comp., and also the Board wished to discuss the substantial increase in monthly premiums the Town would be paying in 1992.

Mr. Tenney stated three facts right at the beginning and they were: 1. that it was understood that this fund was not a no fault insurance, 2. that the Compensation Funds of N. H. was not an insurance company, but a self-funded pool, and 3. that the Town of New Boston has the opportunity to control the costs involved, and he stated that the Town had saved some \$60,000. since joining. Mr. Tenney referred to a packet that he had presented to those in attendance. Linda Sizemore, Secretary to the Selectmen, had arrived for this meeting since she was the person in charge of Worker's Comp. in general within the office. Mr. Tenney proceeded to give the history of the fund and how it worked with a focus on preventing claims as the main objective in keeping costs down to the member communities. He went on to state that much education is offered to members in regard to prevention and he sees this as the key reason for the success of the program to date.

Ms. Duris explained her role in the process as being in charge of the payroll classification system. She stated that she looks at the various job descriptions provided by the community and then classifies them accordingly.

Selectman Dodge asked a question that had long been of concern to him which involved the Highway Department hiring local subcontractors who did not provide proof of having Worker's Comp. Much discussion ensued on this subject, with Ms. Duris and Mr. Tenney explaining the costs to the Town as being \$9.35 per \$100. of payroll when an uninsured subcontractor was hired. Such facts were stated as, if the uninsured subcontractor does not submit a claim for any injury while working for the Town, then the Town is reimbursed the charge, the point being that any claims against the Town lessens the refund to the Town. It was stated that the more payroll the Town has, the more premium available to apply losses against. Ms. Duris went on to explain, and more discussion ensued, with it being stated that the law was designed to protect the employee not the employer, and further, that the employer does gain since it cannot be sued by the employee on a liability claim, and the prevention of lawsuits was the original reason for the Fund's inception.

Selectman Dodge contended that the system presents a problem to small communities who try to use local subcontractors who may not have Worker's Comp. Insurance and asked if the Town should be looking only to those subcontractors who can provide the above-mentioned insurance. The two representatives stated that the Town is exposed even if someone volunteers their services to a community, further stating that some communities will only hire those who can show proof of Comp. Insurance clearly making the expense to the community less. The two went on to explain that some communities will have waivers signed, but they were of the opinion that the public purpose of the law cannot be waived, this contention being consistently upheld by Courts of Law.

Selectman Dodge, using himself as an example of a person self-employed

without Worker's Comp. Insurance, making sure that he understood what was being stated, reiterated that if the Town hires subcontractors without Worker's Comp. Insurance then the Town is at risk. Further discussion ensued with Ms. Duris and Mr. Tenney continuing to describe the program. Selectman Dodge suggests that, based on the explanation of the system, the Town is put in the position of not being able to hire locally anyone without Worker's Comp. Insurance. Mr. Tenney did not agree with that assessment contending that the Board of Selectmen should hire in the best interests of the Town realizing that there is exposure involved.

Discussion turned to the auditing process used by the Fund. The auditor looks at the 1099's for public exposure; however, the auditor does not make the decision based on this exposure and, once again, stated that the Board should act in the best interests of the Town including the financial interest.

Selectman Johnston turned the discussion to the 1992 increase and was told that it was based on the 1990 losses. These figures will be used two more years and then will be dropped and subsequent years will be used, assuming the losses will be less the rates will go down. Mr. Tenney again stressed the importance of the safety programs and the education necessary to follow the safety measures, and emphasized the need that this training and education be a constant process. He stated that the Fund strives to provide local communities with information that will keep everyone abreast of current standards.

It was pointed out by Ms. Duris that our payroll estimates have traditionally been on the low side. She suggested that if the estimates were closer then the costs would be closer lessening the need for additional bills. It was also pointed out by Ms. Duris and Mr. Tenney that the Fund was flexible since the member Towns are self-insured.

The meeting wound down with Mrs. Duris and Mr. Tenney contending that they considered the communication with the Town good, that the Fund provides a lot of training courses and encourages attendance. They wanted the Board to clearly understand that there were not discouraging their current hiring practices, but only wanted them to realize the exposure involved. This statement brought up the subject of volunteers in any capacity and Mr. Tenney said they were covered.

Selectman Johnston asked how well cases were investigated and Mr. Tenney responded that each case was thoroughly investigated with an adjuster personally seeing every claim. Mr. Tenney stated that the Fund wanted those entitled to a benefit to receive same; however, they did not want the Fund to be used fraudulently.

Next in to meet with the Board of Selectmen were members of the Gazebo Committee, who included Tony Hall, Judy Weatherwax-Knight, Sandy Gallup, Roland Gallada, Stephen Peach, David Hulik and Thomas Desmarais. Judy described the history of what was being proposed and stated that they were looking to build a gazebo much like the one in Belmont, N. H. She commented that State Officials had told her plans for this one were most requested by Town's planning to build such a structure. She further stated that the Committee was looking for a site on the Common which would not interfere with the septic system. She continued by stating that the present Baptist Church had no relationship to the Baptist

Society who had placed the memorial stone on the common signifying the site of their House of Worship; and, therefore, had no objection to the stone being relocated on the Common to accommodate the building of the gazebo. She stated that the Committee could apply for Federal Grants up to \$25,000. with matching funds from any source and there was also the possibility that a Recreation Grant could be applied for, similar to the one used for the tennis courts by the Central School. She concluded her presentation by stating that the Committee had set a maximum amount to be spent on the erection of a gazebo at \$50,000.

Selectman Johnston asked if it were still the intention of the Committee to solicit volunteers for the construction of the gazebo. Judy responded that due to the complexity of the construction, she was not certain if volunteers could be utilized. She went on to state that they might be used for such projects as site work, painting, the foundation, landscaping and the like. She further stated that the ultimate wish list for materials added up to \$20,000. The figure gives consideration to the expected longevity of the structure as well as the expensive detailed construction work and a granite foundation. The Board of Selectmen agreed with the theory that the gazebo should be built to last.

Discussion turned to the adoption of the American Disabilities Act which required that the gazebo would have to be handicap accessible. At this time Steve Peach, an architect by trade, showed a plan that he had drawn which would accommodate the above requirement with the construction of a natural berm. He considered that the slope would be low enough not to require the installation of handrails since it would still be classified as a walkway. He stated that the Committee as a whole felt good about the designed solution he was presenting.

Discussion turned to the location of the proposed gazebo with Steve, again, presenting what the Committee was suggesting as a site. He showed where the Baptist Stone might be relocated. He commented that the surface of the walkway would have to be non-skid and he went on to describe the architectural design with regard to the construction. Also discussed were the building costs as they related to the proposed structure and it was pointed out that there would be additional expense involved in the framing and shaping of the proposed roof. Tony showed pictures of the existing village buildings and the detail work that had been incorporated in the design for the proposed gazebo. Selectman Johnston offered his wholehearted support for the project as it had been presented.

Tony expressed concern at the prospect of using volunteers citing the pavilion at the school, the construction for which was originally sought to be done by volunteers and had run into many subsequent issues. There was some discussion on how kids might be kept from using the gazebo as a play area and Steve Peach suggested that there might be a gate at the top of the walkway preventing entrance onto the gazebo.

Sandy Gallup brought up for discussion funding for the project and fund-raisers that were underway. She stated that this would be a Recreation Department Project and further commented that her Department was still looking at the need for athletic fields, which brought up discussion with regard to in-town locations for such fields. She also stated that the concert series planned for the summer months would be

a fund-raiser for this project. Selectman Dodge offered his congratulations at this time to the Committee for their efforts and encouraged them to continue with their plans as presented.

In continuing to discuss the total amount estimated for the project, Tony estimated that the labor would most likely be an equal amount to that of the materials which had previously been estimated at \$20,000. and that is why the Committee had capped the cost at \$50,000.

Roland Sallada gave the history of the Baptist Stone as he had taken it from Town Reports. He contended that the present location had no significance and the stone could be relocated.

Steve Peach discussed creating a bid package to get a firm price for the gazebo and agreed that volunteers would have to be limited to specific jobs. Before the Committee left there was general discussion on the bidding procedure.

On a motion made and duly seconded, Willard O. Dodge was elected to serve as Chairman of the Board of Selectmen for this year.

Selectman Dodge and Johnston brought Selectman Pimenta up to speed on the Hazardous Waste Day and the contracts that they had reviewed. Selectman Dodge stated that it looked like the Town would be using the same contractor has it had in 1991, but had a few questions to ask Mike Richards before the contract was actually signed, which he would do.

Selectman Dodge moved to instruct the ladies publishing the Community Times to remove "Authorized by the Board of Selectmen" and replace it with "Authorized by the Citizens of New Boston." This motion was offered based on the consensus vote taken at Town Meeting which clearly indicated that the Board of Selectmen should have no involvement in the publication of the newsletter. The motion was seconded by Selectman Johnston and unanimously voted by the Board of Selectmen. Sandra Gendron would write to Cindy Coughlin stating the Board's decision.

Mail was reviewed, checks were signed and the meeting was adjourned at approximately 11:05 p.m.

Respectfully submitted,

  
Sandra Gendron  
Administrative Assistant

As an addendum to these minutes it should be noted that the Selectmen had been individually contacted and approved the dates of May 2, April 11 and May 9 for alcohol to be served at the Tom Mansfield Gym. This decision was based on the exception that must be granted by the Board of Selectmen in order that alcohol might be served in any town building as was voted at the 1992 Town Meeting in the revision of the ordinance which had prohibited such.