

Adopted

Town of New Boston Selectmen's Meeting February 18, 2014

PRESENT: Rodney Towne Selectman
 Dwight Lovejoy Selectman
 Christine Quirk Selectman Absent
 Peter Flynn Town Administrator

Forestry Committee Chairman Kim DiPietro, Footbridge Committee members Sandy Van Scoyoc and Gail and Randy Parker and Road Agent Dick Perusse of the public were present.

A. CALL TO ORDER: A regular meeting of the Board of Selectmen was called to order by Rodney Towne at 6:00M beginning with the Pledge of Allegiance.

Consent Agenda-The Selectmen signed the consent agenda. Dwight moved to approve the consent agenda. Rodney seconded the motion. All were in favor. 2-0

B. PUBLIC FORUM:

None.

C. APPOINTMENTS:

6:05 PM-Special Informational Session relative to the Footbridge from Mill Street to the Library-Representatives from Holden Engineering to explain overview of details of scope and allow public input.

Peter noted representatives from Holden Engineering were unable to attend tonight's meeting due to the weather.

Peter reviewed some recent events that have occurred regarding the footbridge project as follows. Two weeks ago the project began progressing after Peter and Footbridge Committee members met with Tom Jamison at NH DOT to update Tom on the project status and funding. A transfer of ownership of the former Tracy property took place that opened the door to finish this project but this occurred very late in the DOT timeline. Peter then contacted Holden Engineering to work on the items required by DOT to continue to qualify for grant funding. There is a deadline of February 28 for engineering requirements and new DOT rules to be completed. Peter's review of the grant status as follows. The town spent \$20,000-30,000 and can get \$25,000-26,000 back from the DOT grant, of which \$13,000-14,000 was received. The town met with Holden Engineering on Friday about the status of the items needed and learned meeting the deadlines will be difficult. Peter learned today that DOT will reimburse what is owed to the town as soon as the town submits the appropriate invoices. New engineering is needed as the location of one side of the bridge has changed from the tavern to the library property and taking into consideration a portion of the former Tracy property will be donated to the town for the other side of the bridge. The town received commitment of this donation in writing from the new property owner. Peter has been in contact with Tom Jamison at DOT about the status of

reimbursement for the second phase of engineering the town would need to pay for, for the new location and received a vague answer. Today the town learned it cannot apply for reimbursement on any future work on this project because there is not a grant to support that and the original grant did not include reimbursement for engineering, only construction, up to \$300,000. Engineering costs will be \$20,000-30,000. Holden Engineering is owed \$1,000 at this time. The Selectmen need to decide if they want to proceed on this project without reimbursement or not continue the project. DOT Director of Bridges Nancy Mayville has been receiving copies of e-mails between the town and DOT all along. Peter noted in one e-mail that this could go before voters in March 2015. Nancy then replied saying that was too late as all money decisions need to be made by January 15, 2015. This would then require a Special Town Meeting to approve increased construction estimates after the engineering is done and to approve the location change.

Rodney noted there is still a question about if the town will have to pay back grant money it has already received. DOT has indicated it may be OK to keep the money if the next phase of engineering is done. If construction cannot be done, the town may have to pay back the grant money, a \$50,000 budget impact with no end benefit to the town, no bridge. DOT has not provided a definite answer on this and the town is in jeopardy of having to pay this back until the project is completed. Alternatively, Tom indicated the project could be stopped at this time and the town could reapply for new grants that have become available as land is now available for the bridge. This new grant money will be available next year. The town needs to evaluate the options and decide if a Special Town Meeting should be held and if more money should be spent. It recently cost \$4,900 for Holden Engineering to investigate the new location but not much engineering has been done.

Footbridge Committee member Randy Parker was present and noted that Tom indicated at the recent meeting that if the town acts, the town would not suffer a loss.

Rodney said this is not certain as it is a federal grant project and the federal government will make the final decision, not the state.

Randy noted \$20,000-30,000 was spent for Holden Engineering for the tavern site in good faith and the grant should reimburse this as agreed, 80% paid by the grant and 20% paid by the town. The town agreed to pay \$19,000 plus some money was raised through donations.

Rodney noted again there is still a possibility the town has to pay the grant back.

Randy noted the second phase of the grant was estimated at \$150,000 instead of a possible lower amount because of the grant requirement that the bridge be made in America. He asked if local people could be allowed to construct the bridge at a lower cost, which would still satisfy this requirement. This was also discussed at the meeting with Tom.

Rodney also noted the \$150,000 estimate is seven years old and the price of steel has increased since.

Randy noted the \$150,000 estimate was never acted on by the town or the town attorney. He asked if the town could negotiate to get out of the grant and asked if the town wants to get more involved in the project. He suggested the town meet with Tom again to get out of the project and get further help.

Rodney answered the town probably does not want to get more involved in the project and the town might get a better result on this project in the future. It was noted the donation money has not yet been used. The options for this money need to be determined with accountability to the people that donated. Rodney recommended the engineers be instructed to stop work on this project and notify Tom that the town will back away from this grant funding and consider different funding as it becomes available.

At this point Rodney made a motion to stop any further work on the project at this time. This was seconded by Dwight Lovejoy. All voted yes.

The Footbridge Committee member Sandy Van Scoyoc was present and offered the Footbridge Committee's assistance to the Selectmen as needed. She said the committee will consider what to do with the donations and discuss the decision with the Selectmen.

Footbridge Committee member Gail Parker was present and clarified the town appropriated \$19,000 for this project that will be used to pay back the grant if necessary and she reviewed the process of resubmitting the engineering invoices per the new requirements.

Item 1: Kim DiPietro-Discussion re: Forestry Committee updates: Forestry Committee Chairman Kim DiPietro was present to meet with the Selectmen to discuss projects the Committee has been working on.

- Kim noted the town has not heard back from Town Attorney Bill Drescher regarding the status of a quiet title for the Johnson forest. Correspondence on this matter began in early 2013. Kim has been researching this land-locked lot the Forestry Committee has had for a long time. She said the lot needs to be managed and the boundaries are in dispute with the abutter. The committee wants to come to a boundary agreement after establishing its rights. Kim requests using another land attorney for this matter. Peter and surveyor Bob Todd have tried to reach Attorney Drescher with no response. The Forestry Committee wants to log this area. Peter will contact Attorney Drescher again and if no response is received within two weeks the town will contact another attorney.
- Kim reviewed the Sherburne lot saying the Forestry Committee put a down payment on the property and the town decided to buy it. She noted the Highway Department is excavating part of the area and using it for fill storage. Maps, existing and proposed trails were reviewed. The Forestry Committee is working on creating a trail and asking the Selectmen for permission to change the trail to make it more enjoyable for use by horseback riders, hikers, cross country skiers and snowshoers. Kim will meet with the Road Agent to discuss the area of the trail where the Highway Department is excavating.
- Many town trails have been remarked with a new trail marking system designed to make it easier for rescue personnel to find people in distress on the trails. Barbara Thompson has tried contacting the Fire Department to discuss the new system with them with no response. Rodney will speak with Fire Chief Dan MacDonald to assign a Fire Department member to learn about this new system.

Item 2: Dick Perusse-Road Agent-Discussion re: Old coach Road and Dougherty Lane; presentation of paving quote and comparison sheet:

Dick presented the Board with a comparison of paving costs with about a dozen other towns in the area and pointed out that New Boston would be guaranteed the lower end of that comparison as a result of Advanced Paving holding to their 2013 prices. The Selectmen agreed to authorize the Highway Department to purchase from Advanced for the 2014 season. Also, Dick discussed the possible schedule to proceed with construction and repairs of Old Coach Road and Dougherty Lane.

Item 3: Police Chief James Brace-Re: Introduction of new Police Officer Applicant:

The Chief explained that the Part Time candidate was unable to attend tonight's meeting and he will bring him in for the introduction at the next meeting. However, the Chief did explain in detail the hiring process in which the candidate, James Moran completed written and physical agility tests, an oral board interview, and polygraph, psychological, medical and background examinations. Officer Moran also agreed to a two year training agreement and promissory note to the Town.

The Chief announced that Mike Masella is fully retiring from the New Boston Police Department effective February 19th and his position has been advertised.

D. OLD BUSINESS:

Item 4: Adoption of the Non-Public Minutes of January 6, 2014: The Selectmen reviewed the non-public minutes of the January 6, 2014 meeting. Rodney Towne moved that the minutes be accepted as presented. Dwight Lovejoy seconded the motion. All were in favor. 2-0
Adoption of the Public Minutes of January 13, 2014: The Selectmen reviewed the public minutes of the January 13, 2014 meeting. Rodney Towne moved that the minutes be accepted as presented. Dwight Lovejoy seconded the motion. All were in favor. 2-0

E. NEW BUSINESS:

Item 5: Discussion Regarding Election Day Schedule for Selectmen:
It was agreed that Dwight would monitor the morning schedule and Rodney would cover the afternoon/evening schedule.

F. OTHER BUSINESS:

Item 6: Town Administrator's Report:

1. **Rose Meadow/HUD Suit-** Case referred to LGC Property Liability Trust for legal review and representation. Response provided by Atty. Andrew Livernois who is representing the Insurance Carrier for the Town.
Update – Atty. Livernois will be part of the Non Public on Sept. 3 per his Request
Attorneys continue to attempt to work things out.
More questions from HUD requested this past week.
Update-Nov. 14th-
Settlement is being discussed per recommendation of HUD.
Major breakthrough at meeting at Town Hall on February 13th. Attorney's came to verbal agreement with Mr. Donovan and the Town as to the end solution. All agreed that the real issue was Mr. Donovan's lack of understanding of the process.

2. **Job posting and Recruitment-ZBA Clerk**-Job posted in Town Buildings and departments. Job description created. Valerie Diaz has been hired as the new clerk for the ZBA and has been through indoctrination and training by Nic Strong and Laura Todd.

3. **Riverdale Road Bridge-Dred issue**-Peter, Dick and Rep. Woodbury met with Office of Energy Planning representatives in Concord on Tuesday, December 10th. The meeting was very encouraging and the State will be working with us as advocates to provide the necessary documents required to help the town's case in drafting a legislative language that could add onto a bill submitted by the City of Concord. Meeting scheduled at DRED on January 9th.
 Town Administrator and Rep. Woodbury spoke before the Transportation Committee at the State Legislature on Tuesday, February 11th. Dick Perusse and Matt Low from Hoyle – Tanner were also present.
 Committee will decide shortly as to what action will be taken to send to the House for adoption. The desired end result is for the committee to 'recommend' for a vote to legislate before the full House. Dred Shoreline Protection Permit filed.

4. **Footbridge**- Town Administrator and three members of the group who are involved met with the DOT on February 5. Mr. Jamieson outlined the milestones of the project and was not too confident the town could meet them.
 Meeting with Holden Engineering engineers scheduled for Friday, February 14th to discuss total history of the project and where we stand at this time concerning timelines, land availability and funding.

Item 7: Selectmen's Reports:

None

Public Forum:

Item 8: Request for Non-Public Session per RSA 91-A:3, II(d) Meet with Willard Dodge:

Rodney made a motion to go into Non-Public session per RSA 91-A:3II(d) at 7:15 PM., with Dwight seconding the motion. All were in favor. 2-0

Poll vote: Rodney-yes, Dwight-yes. The Board then entered non-public session.

Move to exit Non-Public Session: Dwight made a motion to exit Non-Public Session at 7:55

PM with Rodney seconding the motion. All were in favor. 2-0

ADJOURNMENT: Rodney made a motion to adjourn the meeting at 8:00 pm with Dwight seconding the motion. All were in favor. 2-0

Prepared by Maralyn Segien