

Approved

Town of New Boston Selectmen's Meeting December 7, 2015

PRESENT: Joe Constance Selectman
Dwight Lovejoy Selectman
Christine Quirk Selectman
Peter Flynn Town Administrator

Dave Woodbury, Anthony Fournier, Amy Parrish, Ed and Kim DiPietro, Willard Dodge, Tom Miller, Road Agent Dick Perusse, Police Chief James Brace, School Board Chairman Wendy Lambert and Brandy Mitroff of the public were present.

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

Consent Agenda-The Selectmen signed the consent agenda. Joe moved to approve the complete consent agenda with notification of appointment of Brett Martin as a permanent full time Highway Department employee as he successfully completed the probation period and to appoint Glen Dickey as a Trustee of the Trust Funds until March 2016 to replace Charles Swinford who recently resigned. Christine seconded the motion. All were in favor. 3-0

B. PUBLIC FORUM:

None.

C. APPOINTMENTS:

Item 1: Request for Non-Public Per RSA 91-A:II, (c) and (e): Joe made a motion to go into Non-Public session per RSA 91-A:3II (c) and (e) at 6:03 PM. Christine seconded the motion. All were in favor. 3-0 The Board then entered non-public session after a poll of all members.

Move to exit Non-Public Session: Joe made a motion to exit Non-Public Session at 6:21 PM. Christine seconded the motion. All were in favor. 3-0

Joe moved to seal the non-public minutes for 10 years. Seconded by Christine. Vote was 3-0.

Item 2: Tim Trimbur-Forestry Committee Chairman-Discussion Re: Middle Branch Road Contract Agreement: Forestry Committee Chairman Tim Trimbur was present to meet with the Selectmen to discuss the Forestry Committee approved forestry maintenance procedure. He heard a few months ago the Selectmen were making allegations about him. At that time Tim requested a closed meeting and it was postponed to today. He spoke to Peter and learned Joe has an issue with how he is conducting business on town property. He heard the Selectmen will instruct the Forestry Committee on how to conduct business in the future. Tim reviewed the

numbers to explain why he conducts forestry management in this way. Tim came up with a formula that was approved by the Forestry Committee in 2007 and the formula brought in more money to the forest maintenance fund than if this task was done by other contractors. Per the formula money is deposited into a forest maintenance account that is doing very well. This fund was used to secure the Sherbourne lot along with donations from others in town.

Forestry Committee member Kim DiPietro reviewed the history of this process. She said the Forestry Committee has had operational guidelines since 2003 based on RSA 31:110-113 and New Boston Town Meeting 2003 Warrant Article 7. In 2000, the Sherbourne lot purchase was instigated by the Forestry Committee. The town approved \$5,500 plus a \$4,500 interest free loan from Mr. DeRoeth to buy a \$10,000 option. Tim worked at the Lydia Dodge lot to pay off the loan and it was paid off in 2001. This was the beginning of Tim's professional donation to raise money for the forest maintenance account. On December 2, 2002 the Forestry Committee met with the Selectmen to designate an area as town forest. This was brought to the town under Article 8 which passed at Town Meeting. The town auditor was consulted about professional donations and in 2003 Article 7 was proposed that 100% of timber revenue (the value of the services donated) would belong to the Forestry Committee up to a cap of \$50,000. This Article passed. This professional donation was explained to the town at the December 2, 2002 Selectmen's meeting and at the Deliberative Session and is found in the minutes of these meetings. This process has been successful for twelve years. Previously half went to the Forestry Committee and half went to the general fund.

Average \$2,337.61 per year using this method. Trimbur Forest donated timber revenue from three small cuts at the Lydia Dodge West lot from 2000-2013. In 2014 Trimbur Forests donated hemlock pole logs to the Highway Department from the Siemeze lot and timber revenues to the town of \$9,034.88. That logging is ongoing now per the contract signed by Selectmen July 1, 2014. \$9,000 in 2014 and \$15,000 in 2015 revenue. Bob Todd, Tom Miller, Duke Winslow and Dave Allen also contributed time and equipment to this project. The forest maintenance fund had \$951.78 in 2008 and has a current balance of \$25,224.67. Tim is responsible for the amount of this donation. He has been on the committee since 1997. Use of the fund includes hiring of foresters, building of log landings, recreational signs, replanting forest trees, updating forest management plans, bridge building and trail maintenance.

Tim said he began doing this 4-8 years ago, came up with the formula and it works, trying to contribute to the town, people may see a conflict of interest but all worked it out and agreed to it. He went over the math comparing his formula to a conventional benchmark if put out to bid. He used final tax reports 2014. Material cut up to March 31, 2015 was 516 tons of chips he gets that sustain Tim's operation. All log material goes to forestry maintenance fund minus trucking. If it was put out to bid in 2014, 40,155 board feet of pine would have been put out to bid for \$100/thousand for pine, 80 cords of wood at \$10-15/cord, 62 tons of pulpwood \$3/ton pulpwood, 516 tons of biomass chips \$1 /ton biomass chips at conventional bid. This totals \$5,517 for a conventional bid minus forester expenses. With his method, \$75 for trucking for Tim, gives town \$225 per thousand x 40,155 board feet. He put \$9,034.88 in the forest maintenance fund. His expenses are available. This is twice as much as the town would get with a conventional forester bid.

Dwight asked the capacity of his truck and he said he gets approximately 10 cords on his tandem truck. Dwight said other contractors get 8-10 cords per section. Tim said this is due to the configuration of the truck. This can be sold generally at \$100/cord delivered, Tim received \$10/cord plus selling the wood at \$100/cord. Tim said even so he still puts double what is received in a conventional bid in the maintenance fund. He will meet with the Selectmen to review this again more specifically.

Joe noted Tim's reputation is very important to him. He said this issue began when three people (Jon Stout, Willard Dodge and Tom Miller) approached him with concerns about their perception of the process, accounting and quality of work. The non-bid process was a concern as the town has a standard bid process that has to be conformed to. This could be perceived as a conflict of interest as Tim is the Chairman of the Forestry Committee even though he is donating time, competitors might want a chance. Joe began researching this and asked Forester John Newt to review the site and standard process. John gave advice about best practices and noted it is standard practice for towns to hire a forester for town forest harvest and this brings more revenue to the town. Joe read some of John's findings aloud. Joe asked for Tim's accounting earlier but never received anything until tonight. Joe reviewed the finances of this project during his research and found revenue for this year was \$10,218, 03. Expenditures for this year for the landing and New England Forestry Consultants was \$6,875, with \$3,342.78 left. Tim's donation of time and equipment is appreciated but without comparative numbers, how does the town know it would not have made more than \$3,300 if it had gone to bid?

Tim said the landing would have been built anyway even with an independent contractor and the landing would have likely been an expenditure regardless.

Joe said the landing was not needed in the beginning, it was a concern of the people that brought this matter to Joe as Tim was formerly accessing the lot from an abutter lot, but then in year two the landing was needed as the abutter lot could not be used. Tim said the landing was built for practicality and possibly to access the property as a hiking area in the future, and for maintenance of the lot behind Siemeze. Joe asked if there was a problem with the abutter. Tim said the abutter was considering selling his property and developing it so it was practical to have the landing to access the wood. Joe said the landing cost approximately \$7,000 and the Road Agent has since spoken to the abutter who said there was no issue. The Road Agent was present but did not speak to this. Tim said the landing was built due to practicality and possible development of the abutter land. Joe asked about the bid process for construction of the landing. Tim said he met with three people and got numbers, two did not have time for the project, Skip's quote was reasonable and he was contracted for the job. Joe asked if Tim consulted with Peter about bids for the landing and contractor and if the town bid process was followed. Tim said he got quotes and shared this information with the Forestry Committee members.

Joe noted John is a forester with 20-30 years' experience who discussed quality of work as follows: there is a considerable number of bumper trees that will have little value to the town, the operation came close to wetland and the landing had a pile of wood that is probably going to be used for chips left there and not cleaned up. Tim said there are chips there that he expects to pick up in January when he can begin work in the area again.

Joe noted timeliness is an issue as it took a long time. Tim said this is being done with patience and time. He said the bumper trees were intended as bumper trees. Excessiveness is the opinion of one forester. The forester also noted timber sale in landowner situation, 50/50 is not possible, that is only possible with quality in certain species and grades. It is not possible to split revenue with a landowner as the contractor would not make any money.

Joe said John gave a report of what he did in the 1990s at the Siemeze lot. Joe said the project needs to be completed with accurate numbers. Joe has learned while researching that the standard procedure for towns is to go out to bid. This situation in New Boston is irregular and may be negligent. He asked Tim to write up accurate numbers with estimated labor costs for the Selectmen to review. Tim said that is not the town's business. Joe said in this nonstandard arrangement it is the town's business but if Tim doesn't want to share it that is his decision.

Dwight had an issue when said Tim said "it doesn't matter what I get for it." Dwight said Tim's estimates are not consistent with what he has heard from others in the business. Dwight also has an exception with the amount hydraulic oil used during this project. Tim said he changes the oil a lot.

Willard Dodge of Tucker Mill Road was present and said he lives in the vicinity of the property in question and has been driving past the area for two years. He saw the letter. He said the common way to do business is 50/50 or per ton, cord, etc. He noticed the chip pile at various heights throughout the summer. There is a small pile there now. He was there when John viewed the land. At that time, John asked why all those saw logs were in the chip pile. Willard noticed over the past couple years that was pretty common. No one was there to say where the logs went except the guy on the site. He said a lot of loads went out of this property. He said for the Chairman of the Forestry Committee to be cutting every town lot for many years is wrong, this should be the last lot the town ever has cut without a bid, even if the town loses money by putting it out to bid. Willard walked the lot as well and noted it is now barren and marketable trees won't grow there again for approximately fifty years. It is also a tough lot to grow things on. He also noted there are two types of paints used for marking trees. He saw some that left that were not marked to be cut. Who knows what marks the trees that were removed had. Willard questions Tim's numbers, John said that it was a "sweetheart of a deal" for the person doing the work. Willard said shame on the town for allowing this to happen and recommended the Selectmen never let this happen again.

Kim said shame on the Selectmen, for going behind the Forestry Committee's back, never showed them letters or asked them to come in to meet with the Selectmen.

Joe asked that she maintain a civil tone.

Kim said this was all done by the Selectmen in secret, the Committee never saw the letter from John but has been following his Management Plan from 1996. The Committee wanted to know what he said and what the Selectmen's questions were. She asked why the Selectmen went out and denigrated Tim's reputation in public, without allowing him to counter what was being said. They are doing this to the whole Committee and the Selectmen that voted to allow it and the town that voted to allow it. The Forestry Committee asked for this meeting, not the Selectmen.

The Chairman of the Forestry Committee told the Selectmen anytime they wanted to talk about it the Committee was available.

Joe said this started due to concerns he received from citizens, no one went behind the Forestry Committee's back, he went to limited people to discuss the concerns and took time to assemble all information possible before meeting with the Forestry Committee. Joe asked Peter to get information from the Forestry Committee and nothing was received. Joe is happy to work with anyone on the Forestry Committee on the numbers.

Tim noted he took three to four loads per week, all tree painting was done by a hired forester and more trees will be left with the current process than would be left by a chipping operation. He will also rebuild the stone wall and leave the lot clean. Dwight's concern was that the lot has been a mess too long.

Tim working on a job on Clark Hill Road, has to finish there before going back to this property to finish. Dwight said when this issue began he called Kim and she said she was drafting a letter, so she must have known this issue had happened.

Kim said she learned of the issue when she heard gossip was being spread at the post office that Tim's reputation was being demeaned, he was in trouble and ripping the town off. That is why she was drafting a letter for a non-public session.

Joe said he never used those words.

Kim said the procedure was established through Warrant Articles, the Selectmen always signed the contracts and consent agreements, one was signed in 2014 and if anyone had questions the Forestry Committee answered them.

Dwight said the Selectmen didn't know there was a problem until complaints started coming in.

Kim said everybody hates loggers and what forests look like when they are done. Foresters never mark trees to take anymore, they just mark the trees to save so loggers have to decide what to do with the wood. As a result, on the 2nd NH Turnpike and Clark Hill Road wood was taken and marketable wood will not be there again for fifty years. The Committee doesn't want that to happen to town forest. The Selectmen don't understand the bidding process and should talk more with Tim about that. Should the forester be hired to be there everyday to make sure the forester is not taking too much? In this case the town is getting all money from stumpage and the Committee is afraid the town will lose control of the cut if these cuts are put out to bid.

Joe said this is important to the Selectmen and asked the Forestry Committee to schedule their meetings on nights when the Selectmen and Planning Board does not meet so he can attend the Forestry Committee meetings.

Tim noted saw logs are not chipped, the wood will be processed appropriately.

Item 3: Mr. Cormier-Continued Discussion –Old Coach Road-Re: Leachfield Easement:
Anthony Cormier of 18 Old Coach Road was present to meet with the Selectmen to follow up on

the issue he discussed with them at their November 16 meeting. He contacted his title insurance and his attorney. He heard back from the title insurance that they won't cover anything as it is technically not his property. The Attorney gave him options such as appeal the title insurance company's decision in court, go after the septic designer as they did not research where a septic could go, or go after the town as the Building Inspector approved the septic placement. The septic was installed in 1995. He bought the house two years ago. He received an e-mail from Peter. The e-mail was read aloud. Peter said at this meeting the town was interested in helping give him an easement to place some of the septic system on town property, approve a design with some septic on town property. Road Agent Dick Perusse was present and said the new septic would be in the same footprint as the old system, within his front yard, not under asphalt, but this is within the town right of way. TF Moran will view the area Monday to see what can be done. The Board told Anthony to get the design done, then the Board will approve the design with the Road Agent's guidance. The town would give an easement after the design comes in. The easement will go with the house if it is sold. Dick said there is no other location for the septic due to placement of the artesian well. He also said the town probably didn't inspect the septic location when it was installed, that was up to the state inspectors and the state relies on designers and holds no liability. Dick hopes this septic project can be done at the same time as the planned road improvement project in that area. Anthony also requested the streetlight in front of his house be removed. Joe moved to direct Peter to look into removing the streetlight opposing Mr. Cormier's house on Old Coach Road. Christine seconded the motion. All were in favor. 3-0

D. OLD BUSINESS:

Item 4: Adoption of Public and Non-Public Minutes of November 16, 2015: The Selectmen reviewed the public and non-public minutes of November 16, 2015. Joe moved that both be accepted as presented. Christine seconded the motion. All were in favor. 3-0

E. NEW BUSINESS:

Item 5: Year To Date Expenditures and Revenues-Report by Peter Flynn: Peter reported there are no red flags except in the legal budget that has approximately \$2,300 left but a bill of approximately \$10,000 is expected. \$10,000 additional will be requested for this line in 2016 as code enforcement expenses may increase. This will be discussed at a January Finance Committee meeting.

F. OTHER BUSINESS:

Item 6: Town Administrator's Report:

- Town Hall Basement: This project resumed today. The windows are near completion.
- StairChair Lift: This is installed and the project is complete.
- Fire Station-Land Survey Follow Up: This project will continue next year.
- Budget Schedule for Municipal Budgets: The municipal budget review is complete. The Finance Committee will meet January 9 to discuss and finalize the budget before the Public Hearing a week later in preparation for the Deliberative Session. The Finance Committee will review the school budget December 17.

Item 7: Selectmen's Reports:

Joe reported he met with School Board Chairman Wendy Lambert and NBCS Principal Tori Underwood and they straightened out communication between the school officials and the Highway Department. They will discuss other things in the future. The meeting that was scheduled for tomorrow is now cancelled.

Item 8: Appointment Request for Part Time Officer-James Brace: Police Chief James Brace requested that Benjamin Tokarz be appointed to the open part time position with the Police Department. He has been part time certified in Warner and worked in Henniker previously with nine years of experience and training. He is a tremendous worker. He owned a trash hauling business prior to becoming a police officer so is familiar with New Boston and its residents through the business. Joe moved to appoint Benjamin Tokarz as a Part Time Officer effective December 6, 2015. Christine seconded the motion. All were in favor. 3-0 Jim asked if the Selectmen had made a decision regarding last week's Public Hearing, and they have not.

Public Forum:

None.

Item 9: Request for Non-Public Per RSA 91-A:II, (a) and (c)-Legal: None.

ADJOURNMENT: Joe made a motion to adjourn the meeting at 7:32 PM. Christine seconded the motion. All were in favor. 3-0

Prepared by Maralyn Segien