

**MINUTES OF THE SELECT BOARD
MONDAY, APRIL 20, 2015 - 7:00 PM**

Present: Patty Scholz-Cohen, Chair, Lorn Buxton, Selectman, David McGuckin, Selectman and Bette Jane Riordan, Secretary.

Also present: Carl Roediger, Peter Rice, Clint Springer, and Will Connell.

Chair Cohen convened the meeting at 7:00 PM, and proceeded to the first item on the Agenda.

1. Minutes.

Selectman McGuckin made a Motion to Approve the April 7, 2015 minutes of the Select Board, as amended. Selectman Buxton seconded, and the Motion carried.

2. Old Business.

a. Oceanside Contract.

Selectman Buxton had previously provided Chair Cohen and Selectman McGuckin with edits to the proposed contract with Oceanside, and stated the contract needed to be put in final form. Chair Cohen expressed some concern with a provision calling for the agreed upon price of \$61.00 per ton to be open for future re-negotiation to a higher price, based on agreement by both parties. Selectman Buxton explained that the Town is already \$17.00 per ton ahead as there are no separate hauling charges. Selectman McGuckin stated he was fine with the contract. Selectman Buxton will forward the contract to Oceanside for signature.

b. Ocean Road issues.

Chair Cohen reported that Ocean Road resident Chris Peterson had proposed clearing some brush in getting ready for the burial of power lines on Ocean Road. She said that the Conservation Commission had met and gave their recommendation to go ahead with the removal of the brush.. She added that Mr. Peterson also wants to remove pine trees. Selectman McGuckin expressed skepticism as to why they want to remove the trees, and stated the Conservation Commission needs to make a recommendation about this request. He has no problem with the brush removal.

c. 79 Wentworth Road.

Selectman Buxton stated he had reviewed Attorney Springer's letter regarding the merged lots issue and found it straightforward. He stated the Town's attorney would draft a response.

3. New Business.

a. Avitar abatement.

The Board reviewed the abatement requests for 188 and 190 Wentworth Road. Selectman Buxton made a Motion to Proceed. Selectman McGuckin seconded, and the Motion carried.

b. Cadillac Tax.

Selectman Buxton stated that Congressman Guinta's representative had written to the Board asking to speak to the Town's employees regarding the 40% tax on health care packages as contained in Obamacare legislation. (Affordable Health Care Act). Selectman Buxton explained that New Castle's current plan qualifies and it could cost a few thousand dollars more. Though the tax would not be effective until 2018, New Castle will fall in the range where the tax has to be paid. Selectman McGuckin questioned whether the tax would be paid by the Town or its employees. This issue ties in with the fact that New Castle has to find a new carrier for the property liability trust. While Primex is one carrier who provides coverage, the Board agreed to further research available carriers. The Board agreed to have Selectman Buxton call back Congressman Guinta and arrange to have his representative speak to employees at the June meeting of the Safety Committee. The second choice is to have him come to the May 4th Select Board Meeting.

c. Proposed Warrant Article on Easement Authority.

Chair Cohen reported that she had spoken with Attorney Loughlin to clarify what he drafted. She had concerns that the provision dealing with a petition with 50 signatures which would cause the sale or acquisition of town land to be placed on the ballot for Town meeting wasn't written clearly. She and Attorney Loughlin edited that sentence for greater clarity. Right now if the Town wishes to purchase or sell land, it must go before the Planning Board and Conservation Commission with public hearings, without a provision for townspeople to put the sale or acquisition to a vote at Town Meeting. Selectman Buxton pointed out that the language in question is pulled directly from NH RSA 41-14A. Chair Cohen would like her and Attorney Loughlin's additional language added. After further discussion Selectman McGuckin made a Motion to Accept Attorney Loughlin's changes to the article, which was seconded by Chair Cohen. Motion carried. Selectman Buxton will send the proposal for review by the DRA (Department of Revenue Administration).

d. Non-financial warrant articles.

Selectman Buxton stated that the Select Board had already approved these articles but there was an option for the Board to recommend approval in the Town Warrant. He explained this option was really intended for petitioned warrant articles. Chair Cohen explained why she prefers not to recommend so as to remain neutral and allow the voters to decide on petitioned articles independently.

Chair Cohen recognized Carl Roediger who asked to be heard. He asked that the Select Board take a position on the current petition to eliminate the fire wards. He stated that the petition is "a solution in search of a problem", and would eliminate three elected positions which have worked well for the past fifty years.

He likened the action to having a splinter, and seeking to remedy it by amputating a limb. He stated no specific problem has been identified. If the article passes an entire board would be eliminated. They wouldn't have a chance to get better. He suggested attempting to work out the problem. He stated the petition was an execution, and the fire wards would be lame ducks for a full year before the article is to take effect. He wants to identify the issue. There has been no performance appraisal, just a termination. While he realizes this

is a legal procedure, he questioned whether it is the right thing to do. He feels that people need to see the Select Board's position in print in the Warrant. He stated the problem needs to be identified and solved. He believes the petition is a potentially horrible policy move.

Selectman McGuckin asked if it was the intent of the fire wards to manage the Chief and the department? Mr. Roediger replied they are not an advisory board and cited the applicable NH RSA. He stated that only firefighters have signed up to run for the fire ward positions. The Chief runs the show. If the concern is that the board is only comprised of firefighters, it shouldn't be. He doesn't oversee the Chief. Selectman McGuckin asked if this wasn't a squishy relationship between the wards and the Chief? Chair Cohen stated she can understand that in an emergency or fire scene the Chief is in charge when the fire wards are performing as firefighters, but questioned other non-emergency situations. She gave performance appraisals as an example. Mr. Roediger stated the fire wards provide communication and shared expectations. He reiterated that the petition to eliminate them is horrible town policy and sends a message to the Fire Department. The fire wards are a layer of protection between agencies and the Chief.

Selectman McGuckin questioned the layer of protection comment, stating the town is too small for a police commission, and eliminating the fire wards is a more efficient way to run the town. Discussion continued on fire engineers versus fire wards and RSA 154:1.d. which states that the Fire Chief reports to Fire wards, and he hires and manages the department.

Chair Cohen asked to bring the issue back into focus: Should the Select Board make a recommendation on this article? She expressed concern about what kind of precedent would be set when the Select Board just said it does not want to take a position on petitioned warrant articles. She would only support making a recommendation if the language of an article is confusing or illegal.

Selectman Buxton stated he has no objection to voting on this now and called for a vote. He made a Motion to Vote on the issue of making a recommendation on the warrant article. Selectman McGuckin stated he was not prepared to vote and noted there needed to be a second to the motion. Chair Cohen reiterated her position that she would only vote to make a recommendation if the article's language was confusing or illegal. Selectman Buxton's motion did not receive a Second so was not carried forward. Selectman McGuckin stated his plan is to speak at Town Meeting about supporting the dissolution of fire wards. Then the Chief could request them to remain as advisors. Once again, Mr. Roediger asked the problem be identified.

e. Property & liability trust.

Selectman Buxton explained the legal history of the separation of the insurance arm from the Local Government Center, and how it will go out of business in June 2016 which requires New Castle to find another carrier. No one is happy about this, but it's a fact and the town must find a new carrier. There was discussion about various options. Selectman Buxton will report back to the Board.

f. Elm Court plowing.

Selectman McGuckin reported that during a snowstorm, a basketball court was damaged by the Town's plowing. The town normally plows the snow to the end of Elm Court. The property owner had left the equipment in the street instead of moving it onto their property. All agreed the property owner would have to pull this off the street in the future. Cost to replace the damaged item is approximately \$98.00. Chair Cohen suggested doing an article for Island Items' fall issue cautioning residents to remove impediments from the roadway.

g. CIP structure.

Chair Cohen recognized Clint Springer, former Selectman, who explained his concerns about the CIP Committee's possible incorrect formation. He referred to NH RSA 674:5, calling attention to the last sentence, which he thought contradicted Selectman's Buxton's interpretation of the Budget Committee's role in the process. Mr. Springer referred to the 2009 Town Report, Selectmen's letter regarding formation of the CIP. Selectman Buxton agreed that because the original intention was to form the CIP under the Planning Board, but was subsequently moved to the Select Board, a warrant article would be appropriate. Selectman McGuckin asked how to fix the problem. Mr. Springer stated a warrant article was needed to lay out the committee formation to include representatives from Budget Committee, Planning Board, Select Board, and three members of the public, as required by the RSA. Selectman McGuckin noted that the article should include that the CIP Committee appoints its own Chairman. Selectman Buxton will draft a warrant article consistent with the RSA and acceptable to DRA.

4. Any other business to come before the Board.

a. Poll duty

Selectman McGuckin asked the Board to select which time period each would cover for Town elections and meeting. The Board agreed that Chair Cohen will take the AM shift from 9-12:30; Selectman McGuckin, 12:30 to 4:00 PM, and Selectman Buxton, 4 till close.

b. Shingle damage.

Chair Cohen stated the Public Safety Building's shingles might have been improperly installed. John Ricci, the General Contractor, has been contacted to inspect the shingles and the roof. There is a shield of protection so the wood will not be harmed from moisture. Selectman McGuckin will follow up on this matter.

c. Moderator for Candidates' Night.

Selectman Buxton stated that Jane Lannon has agreed to moderate Candidates' Night on May 7 at 7:00 PM. The Board discussed the process. The Board agreed to invite Ms. Lannon to the next Select Board Meeting, Monday May 4th at 10:00 AM.

d. Resident Peter Rice asked to address the Board. He suggested that there be a decent sound system installed upstairs should the warrant article for Town Hall renovation pass.

There being no further business to come before the Board, Selectman Buxton made a Motion to Adjourn, which was seconded by Selectman McGuckin. Motion carried. Meeting adjourned at 8:46 PM.