

1 DRAFT

2 BOARD OF SELECTMEN

3 TOWN OF SANDOWN, NH

4 SANDOWN, NH 03873

5
6 **Meeting Date: April 25, 2011**

7 **Type of Meeting: Regular Meeting**

8 **Method of Notification: Public Posting at Town Hall**

9 **Meeting Location: Town Hall**

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11 Chairman Selectman Nicolaisen called the meeting to order at 7:00pm.

12
13 **Members Present:** Selectman Nicolaisen Chairman, Selectman Tombarello,
14 Selectwoman Copp, Selectman Brown

15 **Office Manager:** Lynne Blaisdell

16 **Recording Secretary:** Sue Reynolds

17 **Late to Arrive:** Selectman Devine 8:00

18
19 Pledge of Allegiance was done.

20
21 Chairman Nicolaisen asked the Board to review the minutes of April 14, 2011.
22 Chairman Nicolaisen stated line 137 should read the rates went down but the
23 appraisals went up....

24 **Motion by** Selectman Tombarello to accept the minutes of April 14, 2011 as
25 amended.

26 **Second by** Selectman Brown.

27 **In Favor** Selectwoman Copp, Chairman Nicolaisen, Selectman Brown,
28 Selectman Tombarello.

29 **Motion passes unanimously.**

30
31 Lynne also said there is a set of non public minutes going around for March
32 28, 2011.

33 **Public Comment**

34 Mark Trager with Conservation stating there are two events going on this
35 weekend. On Saturday, April 30th there is the Annual Fishing Derby at 7am for
36 kids ages 5 – 15 and on Sunday May 1st there will be a Vernal Pool Workshop
37 at the Town Forest. At 10am.

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39
40 **7:10 CIP Committee – Discussion regarding department participation in**
41 **Capital Improvement Plan**

42
43 Mark Trager (Planning Board) and Matt Russell (Planning Board alternate)
44 are looking for help from the BOS to get the information out to the
45 Department Heads early so if there is a project that would fall under the CIP
46 they are not getting the information to the CIP at the last minute. Matt states
47 that they have had great success with the new Police Station and it eliminates
48 the big slam for a big project and helps to plan for the future. He understands
49 that department heads may not have the time to look that far into the future
50 but he feels that it is well worth it for all departments if they take the time to
51 do so. They are asking the BOS to help motivate the department heads. He
52 stated the CIP is willing to sit with department heads to plan with them. Matt
53 asks if the CIP Committee can come to the next department head meeting to
54 talk to them about this. The BOS agree to have the CIP Committee come to the
55 department head meeting. Matt also explains that the CIP is for projects over
56 \$15,000.00 with a plan life of 15 years and it is a capital expense and not a
57 reoccurring cost and would need to be financed by a bond. He also says this is
58 authorized by an RSA it's not just something that is made up. Mark states this
59 can also act as a trigger and mentions that if the Library is looking for a new
60 building in the future they can be looking for grants to help them now.
61 Selectman Tombarello asks how many items are on the chart from last year
62 and Matt said the chart is the same, it hasn't changed and the big thing was the
63 police station for the past few years. He also said the library was on there but
64 cancelled due to a situation and preparing for a new plan. Selectwoman Copp
65 asked that an email be sent to the department heads prior to the meeting so
66 they will come to the meeting prepared and possibly be thinking of things
67 they may need in the future. Lynne said the next department head meeting is
68 May 16th.

72 **Motion by** Selectman Tombarello to accept the non public minutes of March
73 28, 2011.

74 **Second by** Selectman Brown.

75 **In Favor** Selectwoman Copp, Selectman Brown, Selectman Nicolaisen,
76 Selectman Tombarello.

77 **Motion passes unanimously.**

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80 **Motion by** Selectman Nicolaisen to reappoint Steve Brown to the Recreation
81 Commission for a 3 year term ending March 31, 2014.

82 **Second by** Selectman Tombarello.

83 **In Favor** Selectwoman Copp, Selectman Nicolaisen, Selectman Tombarello.

84 **Abstain** Selectman Brown

85 **Motion passes 4 - 1**

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88 **NEW BUSINESS**

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RFP for the Fireworks

91 Selectwoman Copp asked about the bids being sealed if they have a budget of
92 \$4,500.00 and asks what they are bidding on, length of the show? Lynne said
93 she hasn't bid for fireworks in the past. She also said the company will give a
94 breakdown of the length of time and number of shells and the size they will
95 be. Selectwoman Copp asks if they had the same company for the last 2 years
96 and one of those years they donated a good portion of the show to the Town
97 then why are they even going out to bid. She feels that the Board should allow
98 that company to do the fireworks again this year. Selectman Nicolaisen agrees
99 with Selectman Copp but they have to follow Town policy. Lynne said the
100 bidding process in for anything over \$5,000.00 however they are still required
101 to get 3 quotes to be brought to the Budget Committee. The BOS agree to
102 leave it as it is.

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105 **CORRESPONDENCE**

106 Lynne stated she sent a letter to the Field of Dreams chairperson requesting
107 that she come in to a BOS meeting to update the Board on the status of the
108 committee. She said that she received an email back from the chair stating
109 that she works on Monday's and cannot attend a meeting but she will email
110 Lynne the information that the Board is looking for. If that is not sufficient

111 then she can try to send another member of the Committee to the meeting.
112 Lynne said she is still waiting for the information via email. Selectwoman
113 Copp asked if the FOD is working on a new field in Town. Selectman Brown
114 said they are taking an existing field that was in disrepair and trying to make
115 it into a Babe Ruth field. Selectman Copp asked if the Town had put money
116 into that field. Lynne said no, the FOD Committee had a golfing fundraiser and
117 some BOS golfed in the fundraiser and used their own money for the entry fee.
118

119
120 Lynne stated there is a letter from a Federal Communications Commission
121 stating there are compliances that need to be in place by January 1, 2013. She
122 said this in regards to Channel Band Width and this is not an area that she has
123 any experience on and she has tried to contact them as to what this is in
124 regards to. She said it has to do with either the Cable channel or the tower in
125 Town but as soon as she has more information on it she will bring it back to
126 the Board.

127
128 Selectman Nicolaisen said the Board received a letter from a company on
129 behalf of the home owner that owns Lot 11 – 7 and would like to clear the lot.
130 He is requesting to access the wooded lot through the Transfer Station instead
131 of going through Cranberry Meadows. Selectman Nicolaisen said his only
132 concern is that he can't do this during the hours of operation of the Transfer
133 Station and he would have to use the gravel road not the paved road. Member
134 of the public Donald Forsyth, 8 Sealey Street stated he thinks the BOS are
135 making a good decision in regards to allowing this company to use the
136 Transfer Station as access to the wooded lot. Selectwoman Copp asks about
137 the abutters and Selectman Nicolaisen said it is a wooded lot and there aren't
138 any abutters that it would be concerned.

139 **Motion by** Selectman Brown to allow Trimbur Forests to use the as access to
140 the land fill to haul the logs providing they are not hauled during operating
141 hours of the Transfer Station and Trimbur Forests provides the BOS with the
142 Certificate of Insurance and details of the entire program.

143 **Second by** Selectman Tombarello.

144 Selectwoman Copp asks about the amount of trips per day and Selectman
145 Nicolaisen said he has 40 acres to cut and it doesn't matter how many trips
146 they make a day as long as it is not done during hours of operation.

147 **In Favor** Selectman Brown, Selectman Nicolaisen, Selectman Tombarello.

148 **Abstain** Selectwoman Copp

149 **Motion passes 4 - 1**

150 **7:40 Mr. Donald Forsyth discussion regarding the Community Garden**
151 Donald said he wanted to discuss 4 or 5 major items and anything that
152 pertains to him he doesn't mind discussing in public but the other items he
153 would like to discuss in non public because he feels that reputations may be at
154 stake. Donald said that he feels that he pays more of his share of the current
155 use money that goes back to the Town. Selectman Brown asked if this has
156 anything to do with the community garden and Donald said yes, but he would
157 like names to be in non public. The Board feels that they are here to discuss
158 the community garden and it will all be discussed in public session. Donald
159 said that he feels that because he brought up health and safety issues to the
160 Conservation Commission and they didn't like them they are not allowing him
161 to have a piece of the community garden this year. He also stated that in years
162 past he was very involved in Town Politics and did not agree with the Town
163 purchasing the acres of land that the community garden sits on. He stated last
164 year he asked for a spot in the garden and at that time he was also taking care
165 of a homeless man and also a disabled man in town. Donald said he agreed to
166 help Mike get a garden going, but he did not agree to the upkeep of it. He also
167 said that Mike purchased a scarecrow for the field and it caused a lot of
168 commotion in town when it disappeared. Donald also said he was approached
169 by the Food Pantry and asked him to help someone else with a garden, so he
170 now has 3 garden spots. He felt that there were no real guidelines given by
171 the Conservation Commission as to time frames, etc. He said in order to plant
172 organically he had to plant Alaskan peas prior to the time he was "allowed" to
173 plant according to the Conservation Commission. He said this year when he
174 went to request a spot in the garden he was told no because last year he
175 planted corn, he didn't clean it up and he purchased and hung a scarecrow. He
176 also said he received a phone call in regards to donating Mike's corn to the
177 boy scouts and Mike said no he needed the corn to make the Christmas
178 decorations. Donald said this spring he went to pick his parsnips and received
179 a phone call from Scott stating the he was gardening too early that that they
180 didn't want "your type" in the garden. Donald showed the BOS the lots he had
181 last year and asked them to ask the Conservation Commission which lots he
182 had and they wouldn't be able to tell them. Selectman Brown asked Donald if
183 he paid the \$20.00 fee and Donald said the fee was waived for everyone.
184 Selectman Brown asked if he cleaned out the garden and Donald said yes and
185 he also said he spent \$80.00 to winterize the garden in his areas and he spent
186 \$160.00 on peas to set the nitrogen for the 3 gardens as well. Selectman
187 Brown asked if he tilled and planted 3 garden spots this year and Donald said
188 no all he did was pick his parsnips. Donald said he did what he did because he

189 understands planting organically and not everyone does and he feels that all
190 the rules should be for everyone. Selectwoman Copp asked if Donald has read
191 the rules and Donald said he wasn't sure what he received last year and
192 wasn't sure what he signed. Selectman Copp asked if Donald cleaned up the
193 gardens in the fall and he said he went in this spring and cleaned all three.
194 Selectman Nicolaisen said he read that Donald planted \$100.00 worth of stuff
195 this year already. Donald said he did not plan anything but did soil
196 preparation already. Selectman Tombarello asked why Donald made a phone
197 call at 5:30 am and woke an entire family. Donald said he was told to call him
198 at that time. Selectman Brown said it is not the BOS decision but feels they
199 should stand behind the Conservation Commission's decision.
200 Chuck Crow and Brian Butler from the Conservation Commission came before
201 the BOS to discuss this situation. Chuck stated that Donald had 3 gardens last
202 year with 2 other gentlemen. He states that all 3 gardens were planted early
203 and not cleaned up in the fall. Also he states the Conservation Commission
204 asked for donations last year and they did not contribute. Chuck said that
205 Scott told him that he was awakened by a phone call at 5:30 in the morning
206 and Donald told him that he had already planted \$100.00 worth of seeds in
207 the 3 plots. Chuck also states that he has already accessed the 3 plots this year
208 and those plots have already been given to other people that have paid for
209 them. Brian Butler said that Donald asked last year for the plots and the
210 Conservation Commission gave them to him but told him he had to wait until
211 the work from the Conservation Commission was completed before he could
212 do anything to his plots. Brian states that Donald came in early and began
213 planting, he also explained to him that nothing can be planted in the winter as
214 the Conservation Commission will be going it to the gardens again to do more
215 tilling prior to them being ready in the spring. He also said he told Donald
216 there will be a spring planting date and asked him not to do anything until
217 that date or after. Donald handed in his application for plots at this time for
218 this year. Selectman Tombarello asked if Donald had signed anything for the
219 plots and Chuck said no, the signatures were Mr. Bullock's and Mr. Tibbet's.
220 Chuck stated this year's form is a little different from last year's. Chuck said
221 he has an issue with a member of the public calling a volunteer at 5:30 in the
222 am complaining about the situation. He also feels that Donald does not know
223 how to follow the rules and as far as he is concerned Donald lost his gardening
224 privilege for this year. Chuck said if he wished to garden next year he is
225 more than welcome to as long as he follows the rules and regulations and if he
226 gives Scott a written apology about the phone call he made to him. The BOS
227 agree with Chuck and stand behind the Conservation Commission's decision.

228 8pm – Jim Devine arrived.
229 Chuck asked Selectman Brown about calling the police in regards to Donald
230 being on the property. Selectman Brown said it is up to the Conservation
231 Commission as to how they want to handle the situation. Donald said he will
232 be walking on the property daily and report any issues directly to the
233 Conservation Commission. Donald also said Scott told him that his garden
234 was being taken because corn was not picked up, the scarecrow was put up
235 and a handicapped woman needed the plots. Donald feels that his civil rights
236 are being violated as he is a disabled veteran himself.

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239 **OLD BUSINESS**

240 **Further discussion regarding ordinance of no guns in town buildings and** 241 **personnel policies and procedures.**

242

243 Selectman Nicolaisen said he would like to give his two cents on this issue. He
244 said sometimes it hard for the Board to make decisions and the feel like they
245 are doing what is best for the Town. He said they put together their policy and
246 procedure packet according to LGC and made a few changes. He also stated to
247 the residents of the Town that if they know there is something heated on the
248 agenda he encourages them to come to the meeting and voice their opinion
249 then and not wait until the next morning to bombard to office with phone calls
250 and emails. He said they are discussing this issue for the fourth time. He
251 stated that RSA 159:26 that was enacted in 2003 that the state supersedes the
252 Town governing authority of fire arms. He feels that number 12 needs to be
253 removed by law but is ok with him if the Board doesn't make a decision on
254 this until next week. Selectman Tombarello feels like Chief Gordon will need
255 to come before the Board to discuss this as well. Selectwoman Copp said
256 there are 3 ceremonial rifles at the Fire Station as well. She feels if they limit
257 the employee's rights to carry fire arms they may cause issues. Selectman
258 Brown said his personal opinion is that the public does not need to have a gun
259 strapped to their hip while registering their dog and he also wishes the
260 attorney that wrote the threatening letter to the BOS was present and did not
261 just submit the letter. He feels that if members of the public are allowed to
262 carry fire arms in Town Hall while doing Town business then the Board
263 should allow the employees to do the same. Selectman Tombarello said he
264 hopes that the public use their better judgement and keep their fire arms at
265 home. The Board agrees that it would be intimidating for an employee to be
266 faced with a member of the public with a fire arm on their hip. Selectman

267 Devine asked if the Board will hold off for one more week and he will look into
268 the court cases for next week's meeting. The Board decided to wait until next
269 week to review this again and make a decision. Selectman Brown thanks the
270 Tri Town News for the editorial and support they gave to the Board of
271 Selectmen.

272
273 Selectwoman Copp asked about discussing revamping fees and permits with
274 inspections in Town and asked that it be put on a future agenda.

275
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277 **Building Layout**
278 There was discussion on the kitchen being 21 x 7 and Selectman Brown said
279 the size of the kitchen would depend on the amount of equipment needed for
280 it. He also feels there may be additional plumbing needed to complete the job.
281 He said he's not sure a stove is needed if the kitchen is just for the office staff.
282 Selectman Nicolaisen agrees that they need to know the size first then decide
283 on the amount of equipment needed. Lynne said the architect is looking into
284 the design and the need to decide if it will be a community kitchen. She said
285 she will ask Sal to have information on that for next week's meeting.
286 Selectwoman Copp suggested using ½ the kitchen for the new kitchen and the
287 other ½ for the finance office. Lynne said she will get more information from
288 Sal in regards to the renovations for next week. Lynne said she will invite the
289 Building Inspector to the meeting as well.

290
291 Selectman Devine asked if the Assessor's can come to a BOS meeting so he can
292 understand how things are being assessed. Selectwoman Copp said that is
293 figured out by the equalization report. Selectman Devine said he will talk to
294 the Assessor's in the office first.

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298 **LIASIAN REPORT**
299 Selectman Brown said he attended Chief Gordon's seminar at the Elementary
300 School on gun safety and self defense in your home. He said it was a very
301 interesting and said if there is anyone that didn't know about it but would like
302 to attend something like this they need to contact the Chief to let him know.

303
304 Selectwoman Copp said she attended LGC's Right to Know in Newton and said
305 that was very good as well.

306 Selectman Tombarello also said he attended the gun safety and self defense
307 seminar with Selectman Brown and said it was really good.

308
309 Selectman Nicolaisen said he attended the Planning Board meeting and said it
310 was a good meeting. He said they talked a little about the CIP plan.

311
312 Selectman Nicolaisen said the Recreation Commission will be selling raffle
313 tickets for tickets to a red sox game. Selectman Brown said that a motion was
314 made at the last meeting based on a Recreation letter asking for permission
315 for the town office to sell raffle tickets and he said there was a second part to
316 the letter that he totally ignored, which was to sell them at the entrance of the
317 land fill on Saturday's and Sunday's outside of the gate, which should have
318 been part of his original motion.

319 **Motion by** Selectman Brown to also allow recreation commission members
320 when they are available to also sell raffle tickets to the red sox game outside of
321 the entrance of the land fill on Saturday's and Sunday's.

322 **Second by** Selectman Devine.

323 Selectman Nicolaisen said it was ok as long as it does not interfere with traffic
324 in any way.

325 **In favor** Selectwoman Copp, Selectman Brown, Selectman Nicolaisen,
326 Selectman Tombarello and Selectman Devine.

327 **Motion passes unanimously.**

328
329 Selectman Nicolasien said the raffle tickets will be on sale at the BOS office
330 and Bruchetti's starting on Monday. Selectman Brown said there are 4 tickets
331 to the game as well as transportation on a coach bus on June 5th.

332
333 Selectman Tombarello said he spoke to the Code Enforcement Officer and
334 asked if he went by the property in question and he said he did go by and saw
335 nothing that would render a flag according to him and there was no need to
336 knock on the door. Lynne asked if the Board wants her to send Mr. Byron a
337 letter as a follow up from the BOS and they said yes.

338
339 Selectman Nicolaisen stated at a future meeting the Board will discuss the
340 Hampstead town ordinance in regards to barn or yard sales.

341
342 Selectwoman Copp asked if Lynne spoke to Scott in regards to the \$2,500.00
343 to do the report and if anyone spoke to Michael as well. Lynne said that

344 Michael talked to Scott to follow up on some issues and Lynne has not heard
345 back yet. She said there needs to be more discussion on it.

346

347 Motion by Selectman Brown to adjourn.

348 Second by Selectman Tombarello.

349 ***In favor*** Selectwoman Copp, Selectman Brown, Selectman Nicolaisen,
350 Selectman Tombarello and Selectman Devine.

351 ***Motion passes unanimously.***

352

353 Meeting adjourned at 8:45

354 Respectfully submitted

355 Sue Reynolds