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Town of Sandown, NH Board of Selectmen Minutes

Meeting Date: Monday, June 20, 2011

Type of Meeting: Regular meeting

Method of Notification: Public Posting – Two locations at Town Hall

Meeting Location: Sandown Town Hall

Present: Selectpersons: Brenda Copp (Copp), Stephen Brown (Brown), Hans Nicolaisen (Nicolaisen), Tom Tombarello (Tombarello), James Devine (Devine), and Cynthia J. Robinson, Recording Secretary

Absent:

Late to arrive: Lynne Blaisdell, Office Manager – 8:17 P.M.

Call to Order: Chairman Nicolaisen called the meeting to order at 7:00 P.M.

Pledge of Allegiance

Review of minutes of previous meetings

- Board members reviewed the Minutes of May 23, 2011. Chairman Nicolaisen noted in line 110 the word “votes” should be “voters”. **MOTION:** Selectman Tombarello moved to accept the Minutes of May 23, 2011 as amended. Selectman Brown seconded. Motion passed unanimously.
- Board members reviewed the Minutes of June 6, 2011. Selectman Brown clarified line 205 by stating the Red Sox game he referenced was an event sponsored by the Recreation Commission. **MOTION:** Selectman Tombarello moved to accept Minutes of June 6, 2011 as amended. Selectman Brown seconded. Motion passed unanimously.

Public Comment

- Barbara Lachance, Library Director, came before the Board to inform them that the family of Hazel Marlow, who passed away recently, would like to donate to the library, a granite bench in her memory. Ms. Lachance asked the Board if they would support the donation. Ms. Lachance stated that she and the Trustees of the Library support the request. Ms. Lachance stated she does not have the details on the placement of the bench at this time, but believes they are looking at the side of the library where the parking lot is near an alcove. All costs will be borne by the Marlow family and the Friends of the Library.

44 Selectwoman Copp asked if this would be placed on the grass where it may
45 impact the mowing of the lawn. Ms. Lachance stated these are details that
46 have not been worked out yet, but they will take this into consideration.
47 Consensus of the Board is they support the request. Ms. Lachance will come
48 back before the Board when she has the final details.
49

50 • Chief Joseph Gordon is before the Board to update them on the parking issue
51 within the rights of way on Spruce Lane and Balsam Lane that borders the
52 Beaulieu property. Chief Gordon stated this issue is becoming hostile noting
53 the police were called down there again this past weekend. Chief Gordon
54 informed the Board he is at the point where he is going to start towing the
55 vehicle(s) that obstruct the rights of way and he is looking for a consensus of
56 the Board on his decision. Chief Gordon presented the Board with
57 photographs and RSA's that cover this issue. Chairman Nicolaisen stated he
58 viewed the site today. Chief Gordon noted that this RSA applies to the rights
59 of way including to the water. Chairman Nicolaisen noted that this is a civil
60 matter but it is the Town's responsibility to make sure the rights of way are
61 clear so that emergency vehicles have access to the all the homes on Spruce
62 Lane and Balsam Lane. Chairman Nicolaisen added that at the last meeting
63 regarding this issue he felt the Board made it very clear to those present that
64 the rights of way were not to be blocked. Selectwoman Copp stated that Mr.
65 Beaulieu stated that night he would keep the right of way open. Consensus
66 of the Board is the rights of way need to be kept clear for emergency vehicles.
67 Chief Gordon noted that the complaint has to come from an abutter who
68 cannot get to his property and as of this time, he has not heard from any
69 abutters only a non-abutter. Chief Gordon will begin towing vehicles from this
70 area as the issues come up. Chief Gordon has spoken with all parties
71 involved.
72

73 • Richard Paul of REP Excavating and Landscaping came before the Board to
74 donate a lawn at the Town Hall. Selectman Brown asked why. Mr. Paul
75 stated the Town Hall needs one and he has an open slot in his work
76 schedule. Chairman Nicolaisen stated it is a good idea, but the Town Hall is
77 located in a "sand pit" and unless it is kept watered it won't last. Also
78 discussed was the location of the septic system and the proposed
79 improvements to this area. Mr. Paul stated he is willing to give it a try and put
80 down topsoil and hydro-seed it and if it doesn't take now, he will try again in
81 the fall. Mr. Paul asked that the Town be willing to fertilize the area a couple
82 more times this year. Consensus of the Board is to go ahead with the project.
83 Chairman Nicolaisen asked Mr. Paul to stay away from the septic system and
84 to work with Mr. Genualdo on this project.
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Mr. Robert Villella

Discussion regarding property assessments and current use assessment

- Robert Villella presented the Board with documentation on his property assessments noting the Assessor was not in last week so he asked to be placed on the Selectmen's agenda. Chairman Nicolaisen informed Mr. Villella he will have to work with the Assessor to straighten this matter out. Mr. Villella stated the assessment issue has to do with Philips Pond Estates and what he feels is an assessment that is too high [\$130,000.00 range] given the fact he purchased the lots for \$50,000.00. Mr. Villella felt the Assessor didn't want to talk to him about his property assessment. Selectman Brown asked him why the Assessor wouldn't talk to him. Mr. Villella stated he wanted some information. Selectwoman Copp does not feel the Board can respond to paperwork that they were just handed noting this is something Mr. Villella should be talking to the Assessor about. Chairman Nicolaisen asked the Board if they want to hear from Mr. Villella. With no objection heard Mr. Villella continued. Mr. Villella also noted he has the same issue with his Penacook Road property. Chairman Nicolaisen stated the Board couldn't make any decision without first going through the Assessor. Selectwoman Copp stated she does not want to set a precedent of coming to the Board before going to the Assessor. Mr. Villella was directed to speak with the Assessor this Thursday.

Mr. Villella spoke about the \$7,500.00 current use penalty he was assessed and his plan to file for an abatement. If the Town expects him to pay that amount he will appeal the decision. Mr. Villella explained how the current use penalty works from the time work begins to when the bill has to be issued [12 months] noting if a bill isn't issued within that time the penalty does not have to be paid. Mr. Villella stated he has not received a bill and it is past the 12 months [6/6/08]. Mr. Villella would like to work something out with the Town. Chairman Nicolaisen stated he is not ready to make any decision or comment at this time. Selectman Tombarello asked Mr. Villella if he has an amount in mind. Mr. Villella stated his attorney told him to pay zero. Mr. Villella recommended the Board have their attorney contact his attorney. Selectwoman Copp called for a point of information as she feels the discussion is improper noting it is not this Board's job to set up meetings for people with the Assessor and she would like more information. Chairman Nicolaisen directed Mr. Villella to speak to the Assessor and to give him the information he gave the Board tonight.

Recreation Commission

Discussion regarding hiring of summer lifeguard

- This discussion did not take place at this time.

132 **Non-Public Session under RSA 91A:3 II (c) Reputation**

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- 134 • Chairman Nicolaisen moved to go into Non-Public Session per RSA 91A:3 II (c)
- 135 Reputation. Selectman Brown seconded. Roll call: Copp – aye, Brown – aye,
- 136 Nicolaisen – aye and Devine – aye. Motion passed unanimously. Selectman
- 137 Tombarello was absent from this vote.
- 138
- 139 • Selectman Brown moved to come out of Non-Public Session. Selectman
- 140 Tombarello seconded. Motion passed unanimously.
- 141
- 142 • Chairman Nicolaisen announce that while in Non-Public Session the Board voted
- 143 to seal the Non-Public Minutes.
- 144

145 **Public Comment (continuance)**

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- 148 • Three men from Balsam Lane and Spruce Lane came before the Board in
- 149 response to Chief Gordon’s earlier public comment. Chairman Nicolaisen
- 150 informed these men he was down at the site today and told the individual he had
- 151 to move the truck so emergency vehicles had access. One individual [10 Balsam
- 152 Lane] stated this has been going on since the last meeting, now the vehicle is
- 153 blocking his right of way and nothing is being done about the situation. This is
- 154 causing another individual to trespass on his property in order to get to their
- 155 home. Another individual stated he thought there was a resolution to the situation
- 156 based on the meeting a couple weeks ago, but nothing has changed and seven
- 157 people have had to hire an attorney to resolve the issue. The police have been
- 158 called and they have done nothing about the situation. The people want the
- 159 vehicle(s) out of the rights of way. Chairman Nicolaisen stated that when the
- 160 Police Chief left the meeting tonight he stated he was going to start towing the
- 161 vehicle(s).
- 162

163 Ms. Blaisdell joined the meeting at this time.

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165 **New Business**

166 **Open and review bid received for Old Meeting House renovations**

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- 168
- 169 • Chairman Nicolaisen stated the only bid received was from David Rochefort in
- 170 the amount of \$26,000.00. Selectwoman Copp asked if there was any other
- 171 money for this project. Chairman Nicolaisen stated the fund raising by Mr.
- 172 Mencis. Ms. Blaisdell stated the only other funding is the grant that has been
- 173 applied for. Ms. Blaisdell stated that this bid could be accepted subject to
- 174 receiving of the grant. **MOTION:** Chairman Nicolaisen moved to accept the bid
- 175 of David Rochefort in the amount of \$26,000.00 subject to obtaining the grant

176 and fund raising efforts. Selectman Brown seconded. Motion passed
177 unaniously.
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180 **Review and possible signing of Grant Agreement for Wells Village Road culvert**
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- 183 • Board members reviewed the grant agreement paperwork. Chairman Nicolaisen
184 noted that the money would have to be put in next year's budget. The Town's
185 portion would be \$53,609.00 and the Federal Grant would be \$160,826.00 for a
186 total of \$214,435.00. Ms. Blaisdell noted the completion date of December 31,
187 2013, which still gives the Town time to plan for the next budget season.
188 Selectwoman Copp asked if this would be a warrant article or go in the budget
189 line the Board was talking about starting for grants. Chairman Nicolaisen stated
190 it would be a warrant article but the Board should still consider a budget line for
191 grants. Ms. Blaisdell noted the time frame for filing additional documents. Matt
192 Russell asked if there are any records showing how much money the Town has
193 spent fixing this culvert over the years as this would help to justify the amount of
194 money the voters are being asked to approve. **MOTION:** Selectman Devine
195 moved to keep records on any road improvement for 25 years. Chairman
196 Nicolaisen seconded. Ms. Blaisdell noted that in 2006 a new filing system has
197 been set up to keep track of any work done on Town roads. Two ayes
198 [Tombarello and Devine] and three nays [Copp, Brown and Nicolaisen]. Motion
199 fails.

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202 **Discuss possible revision to Personnel Policies & Procedures**

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- 204 • Ms. Blaisdell stated that questions regarding portions of the new Personnel
205 Policy and Procedures have been brought to her attention since they have been
206 handed out. The Finance Director asked if Seasonal and Temporary Employees
207 are considered Part-time Employees. Ms. Blaisdell asked the Board if they want
208 to add a sentence clarifying this. Selectwoman Copp feels the definition of Part-
209 time versus Seasonal and Temporary is quite clear. Consensus of the Board is
210 to leave this alone. Ms. Blaisdell noted in the section on Return to Work she
211 needs to add a couple words that were inadvertently left out and, the section on
212 workplace investigation and searches has to be looked into so she will bring this
213 back before the Board at another time. Chairman Nicolaisen referenced a letter
214 from the Gun Owners of NH about Sandown violating individual gun rights; he
215 feels this was written before the Board's final decision.

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220 **Discussion regarding request to create a town seal**

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- Chairman Nicolaisen stated that Ms. Blaisdell brought up the possibility of creating a Town Seal to be used on official documents. Ms. Blaisdell asked the Board if they are okay with her moving forward with this project. Ms. Blaisdell will ask residents for ideas. Ms. Blaisdell is also working on the Town badge that was brought up by Gary Paradis. Consensus of the Board is for Ms. Blaisdell to move forward with this project.

Old Business

Review contract for amusement vendor for Old Home Days

- Chairman Nicolaisen noted that they have not heard back from the amusement vendor. The contract is in the packet tonight for the Board to review. Selectman Tombarello noted a change in the contract regarding “snow cones” and stated that no money will be coming back this year. Chairman Nicolaisen stated that inquires about this vendor came back positive. Selectman Brown asked to make sure they provide a Certificate of Insurance. Consensus of the Board is they are okay with the contract. Ms. Blaisdell will put the contract in the signature file. The Old Home Day Committee would like the contract on file before they start advertising. Selectman Tombarello stated the dance is back on.

Review bids received for oil, propane, gasoline and diesel

- Selectwoman Copp stated she went over the spreadsheet and based on the information provided, she feels more clarifying information is needed before a decision can be made. Selectwoman Copp asked the Board if she could contact Difeo to have them explain the terminology used in their bid. Consensus of the Board is for Selectwoman Copp to contact Difeo.

Discussion regarding who will attend bid opening on July 7th for 2011 Roadway Improvement Plan

- Ms. Blaisdell asked the Board who would be attending the bid opening on July 7, 2011 at 3:00 P.M in the lower level. Selectwoman Copp will attend if the Department liaison is unable to make it. Ms. Blaisdell explained the bid opening process.

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Holt's Point Road discussion

- Ms. Blaisdell stated she has received a number of telephone calls regarding this issue that requires discussion. Ms. Blaisdell asked the Board if legal counsel should be present at the meeting. Majority agrees to have legal counsel present.

Miscellaneous

- Chairman Nicolaisen brought up a report on the Building Inspector's log where he went to 16 Philips Pond Drive and found a foundation installed without a permit. Selectwoman Copp spoke with the office staff to see if they had been made aware of this and they said no. Selectwoman Copp then spoke with the Building Inspector who confirmed this individual did not have a permit and because they put the foundation in before the June 1, 2011 deadline regarding fines, he decided not to fine him. The Building Inspector stated this individual had also installed a septic system without state approval. Board members discussed what action to take regarding the Building Inspector not following the Board's direction relative to fines for work started without a permit. Selectman Devine suggested issuing a Cease and Desist Order until all permits are in place. Ms. Blaisdell will draft a letter to the Building Inspector from the Board of Selectmen regarding this matter.

Correspondence

- Letter from Michele Short, Town Clerk /Tax Collector requesting to have the hard drives on three old computers wiped clean so they can be disposed of. **MOTION:** Selectman Tombarello moved to allow Michele Short to wipe clean three hard drives for zero dollars. Selectman Brown seconded. Motion passed unanimously.
- Letter from Michele Short, Town Clerk /Tax Collector requesting she be allowed to contact legal counsel regarding a bankruptcy case. **MOTION:** Selectman Tombarello moved to allow Michele Short to contact Attorney Gorrow regarding a bankruptcy case. Selectman Brown seconded. Motion passed unanimously.
- Letter from Paul Hanley giving his two-week resignation from employment at the Transfer Station. **MOTION:** Selectman Devine moved to accept the resignation of Paul Hanley. Selectman Tombarello seconded. Motion passed unanimously. The Board of Selectmen thanked Mr. Hanley for his service to the Town. Selectman Devine asked that a letter be sent to Mr. Hanley thanking him for his service.

308 **Department Liaison Report**

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- 310 • Selectman Tombarello thanked Mr. Genualdo and his crew for the work on the
- 311 railroad ties in front of Town Hall and also for the signs at the Food Pantry and
- 312 Clothes Closet regarding parking. The Tax Collector would like to let people
- 313 know there are still 261 dogs still not registered and fines will be going out in
- 314 July.
- 315
- 316 • Ms. Blaisdell stated that the Old Home Day Committee is looking for nominations
- 317 for Citizen of the Year. There are “drop boxes” located around Town.
- 318

319 Selectman Brown left the meeting at this time.

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321 **Non-Public discussion under RSA 91A:3 II (a) Employee Matters**

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323 **MOTION:** Selectman Tombarello moved to go into Non-Public Session per RSA 91A:3
324 II (a) Employee Matters. Selectman Devine seconded. Roll call: Copp – aye,
325 Nicolaisen – aye, Tombarello – aye and Devine – aye. Motion passed unanimously.
326 Selectman Brown was not present for the vote.

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328 **MOTION:** Selectman Tombarello moved to come out of Non –Public Session.
329 Selectman Brown seconded. Motion passed unanimously.

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331 Chairman Nicolaisen announced that while in Non-Public Session the Board voted to
332 seal the Non-Public Minutes.

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334 Chairman Nicolaisen adjourned the meeting at 10:00 P.M.

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Respectfully Submitted,

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Cynthia J. Robinson
Recording Secretary

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