

**Town of Sandown, NH  
Board of Selectmen  
Minutes**

Meeting Date: Monday, July 11, 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), Lynne Blaisdell, Office Manager and Cynthia J. Robinson, Recording Secretary

Absent:

Late to arrive:

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 June 20, 2011. Selectwoman Copp stated in line 279 this individual was waiting for a septic permit. **MOTION:** Selectman Brown moved to accept the Minutes of June 20, 2011 as amended. Selectwoman Copp seconded. Motion passed unanimously.
- Board members reviewed the Non-Public Minutes of June 20, 2011. **MOTION:** Selectman Tombarello moved to accept Non-Public Minutes of June 20, 2011 as written. Selectman Brown seconded. Motion passed unanimously.

**Public Comment**

- There was no public comment.

**New Business**

**Discussion and possible signing of quote received from International Salt for salt for the 2011-12 winter season**

- Arthur Genuardo, Public Works Director was present for this discussion. Mr. Genuardo asked the Board to sign the quote from International Salt for the coming winter season. Board members reviewed the quote from International Salt. Chairman Nicolaisen pointed out that a Sandown resident works for this company and delivers the salt to the Town. **MOTION:** Selectman Brown moved

to grant the salt contract for the 2011-12 winter season to International Salt at a delivered price of \$55.92/ton. Selectman Tombarello seconded. Motion passed unanimously.

### **Appointments**

#### **Keach-Nordstrom & Associates and Arthur Genualdo, Public Works Director Review and recommendations of bids for 2011 Road Improvement Plan**

- Steve Keach and Arthur Genualdo were present for this discussion. Mr. Genualdo explained that on Thursday they had the bid opening at 3:00 P.M. for the road improvement plan for this coming year. Mr. Genualdo noted that his liaison was present and they received two (2) bids. One bid was for part B & C only while the other was for only part A. Mr. Genualdo reminded everyone that part A has to be done before part B & C can be done only if there is money left over. Mr. Keach stated the bid for part A was for \$402,816.73, which was over the budgeted amount. Mr. Keach stated that subsequent to the bid opening, Mr. Genualdo found out that two other companies that had attended the mandatory pre-bid conference had extenuating circumstances that prevented them from submitting a bid. Based on this, Mr. Genualdo recommended the Board put the bid out again with the opening date of August 4, 2011 at 3:00 P.M. and then come before the Board on August 8, 2011. Mr. Genualdo feels the only other option is to put the money away and try again next year.

Mr. Keach feels that he could negotiate the winning bid down based on his experience working with the company, but he does not feel this is the spirit of the Town's Purchasing Policy. Mr. Keach noted while putting the bid out again would cut into time needed to do the job, he is confident the work will be completed on time. Mr. Keach noted that the pricing of the bids received showed the good rates on the paving tonnage prices. Selectman Brown asked if announcing the bid amounts in public would have an effect on the next bid. Mr. Keach explained the bid process has a reservation where the Town has the right to accept or reject all bids. Mr. Keach stated this would be a complete public bid not just the two (2) that bid the first time. **MOTION:** Selectman Devine moved to reject the two bids and re-bid the project. Selectman Tombarello seconded. Motion passed unanimously.

#### **Keach-Nordstrom & Associates, Arthur Genualdo, Public Works Director and residents of Holts Point Road, Beach Road and Round Hill Road Discussion regarding condition and status of Holts Point Road**

- Spokespersons for the residents of these roads were: Glenn Dyer and Tom Stachulski. Mr. Dyer and his neighbors came before the Board to discuss the poor condition of Holts Point Road noting that there are 33 homes that are

88 serviced by this road. Mr. Stachulski described some of the problems with the  
 89 road in 4/10 of a mile [189 potholes, 11 washouts, dust]. Mr. Dyer gave his  
 90 opinion as to why the road is in such poor condition and he feels because it is a  
 91 Class V road the Town should fix it. Attorney Diane Gorrow joined the meeting at  
 92 this time. Mr. Stachulski noted the gravel that is being put down on the road is  
 93 washing into the lake. Mr. Stachulski wants the improvements to Holts Point  
 94 Road placed in the Road Improvement Plan now.

95  
 96 Selectwoman Copp asked Attorney Gorrow about the quitclaim deed for the  
 97 road. Attorney Gorrow explained the purpose of the quitclaim deed and as long  
 98 as the Town can verify the right of way (ROW) it is okay. Mr. Stachulski read a  
 99 letter from Keach-Nordstrom dated 2009 relative to a 16 foot ROW. Roger  
 100 Barczak agreed with both Mr. Dyer and Mr. Stachulski regarding the condition of  
 101 Holts Point Road. Mr. Barczak noted that the next road improvement project is  
 102 three phases to improve Fremont Road. Mr. Barczak talked about the need to  
 103 come up with a way to insert a road that has become a priority. Mr. Barczak  
 104 suggested moving out the Fremont Road reconstruction plan to 2013 and  
 105 inserting Holts Point Road for 2012. This would only require one warrant article.  
 106 Selectwoman Copp expressed concern about the warrant article failing. Mr.  
 107 Barczak noted the change in the mindset of the voter in recent years due to  
 108 planning. Mr. Stachulski asked if the money discussed earlier for Hale True  
 109 Road could be diverted to Holts Point Road. Mr. Genuardo stated that if there  
 110 were money left over from part A of that road project there wouldn't be enough to  
 111 reconstruct Holts Point Road. Chairman Nicolaisen stated the Town has applied  
 112 for a \$150,000.00 grant to reconstruct Holts Point Road.

113  
 114 Mr. Keach also agreed that Holts Point Road is in need of work. Mr. Keach  
 115 explained that when the road improvement plan was first developed there was  
 116 uncertainty as to whether Holts Point Road was a Class V Town road. Today  
 117 there is no longer any question, it is a Town road [Class V with a 30 foot ROW]  
 118 based on the Town having maintained it for over two decades, a plat Mr. Keach  
 119 found at the Registry of Deeds and warrant articles where money was  
 120 appropriated for Holts Point Road. Mr. Keach stands by his report dated 2009  
 121 and proceeded to describe the problems and work that needs to be done to  
 122 improve the road. Mr. Keach referenced the May 2011 revised estimate of  
 123 \$127,000.00 to improve Holts Point Road only and the need for possible  
 124 easements onto private property. Mr. Keach stated that number might go up in  
 125 order to do survey work to find the center point of the ROW. Mr. Keach  
 126 discussed the possibility of adding other road improvements to bring the amount  
 127 of improvements up to \$300,000.00 in order to hold the same number in the  
 128 annual road improvements plan. Selectwoman Copp asked if a warrant article  
 129 would be needed to change the road improvement plan or just for the road. Mr.  
 130 Keach stated it would be just for the road.

Resident comments:

Barbara Lane – The road is dangerous from the standpoint of head injuries should someone fall and strike their head.

Amy Black - Stated it took an ambulance forty-five minutes to get to her house because the ambulance had to go around.

Gary Chipman – Mr. Chipman repeated another medical emergency where it took emergency vehicles longer than necessary because of the road conditions.

Lou Saviano - Questioned what the purpose is for putting down gravel other than to build up the sides of the road and fill the culverts. Mr. Genuardo stated he will not put down pavement unless he has a solid base.

Scott Douphinette – Talked about culverts that are needed to direct the flow of water noting these culverts and drainage easements will not detract from private property.

Roger Barczak – Asked that proper drainage be designed into the plan so that the road no longer floods. He doesn't want to see the Town having to go back to Holts Point Road to make additional repairs. Mr. Barczak asked who inspects these roads after they are completed. Mr. Keach stated Mr. Genuardo. Mr. Keach added he gives Mr. Genuardo minimal guidance during the construction process. Mr. Barczak recommends, given the fact that Mr. Genuardo and Mr. Keach are the creators of the road improvement plan, designers of the reconstruction plan, oversee and inspect the projects as they are being completed, put some type of diversity in place as to how that process rolls out. Mr. Barczak added this would be for all road improvement projects not just Holts Point Road.

Selectman Brown stated he would like to see this road become the number one priority and put a warrant article before the voters.

John Stanley – Asked what year these improvements would be done. Answer – 2012.

Sheldon Wolfe – Asked what standard would be used to build the road as far as the location of the road. Mr. Keach stated he would recommend going by the plan of 1964 and construct the road within the existing ROW. Mr. Wolfe asked what the next step is if the warrant article doesn't pass. Chairman Nicolaisen stated there is still the Hazard Mitigation Grant. Selectman Tombarello read an email from Susan and Randall Brown dated June 3, 2011 into the record. Mr.

175 Keach answered the questions as they were read and informed residents of  
176 these roads they will be inconvenienced during this process.

177  
178 **Members of the Field of Dreams Committee**  
179 **Update and status of Field of Dreams**  
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- 181 • Heather David and Oscar Ahoehn Jr. were present for this discussion. Ms. David  
182 stated the Committee has had no fund raising activity the last year and a half.  
183 Ms. David stated the bank statement has \$18,358.40. Selectman Tombarello  
184 asked if the savings account could be changed in order to receive more interest.  
185 Mr. Ahoehn stated there is nothing available for non-profit organizations. Ms.  
186 David stated they are starting to discuss specific fund raising projects. Both Ms.  
187 David and Mr. Ahoehn stated the Field of Dreams Committee is looking for new  
188 members specifically parents of kids that would be considered "T" ballers.  
189 Chairman Nicolaisen suggested putting this request in the newspaper, on the  
190 Town website and Cable station. Selectman Brown told Ms. David and Mr.  
191 Ahoehn they were invited to come before the Board because residents were  
192 questioning what was going on with the Committee, it was not the Board's intent  
193 to imply anything unusual was going on.

194  
195 **Ken Sherwood, Building Inspector**  
196 **Further discussion regarding fees for work done without a permit**  
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- 198 • This appointment was cancelled.

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200 **Non-Public Session under RSA 91A:3 II (c) Reputation**  
201

- 202 • Selectman Tombarello moved to go into Non-Public Session per RSA 91A:3 II (c)  
203 Reputation. Selectman Brown seconded. Roll call: Copp – aye, Brown – aye,  
204 Nicolaisen – aye, Tombarello - aye and Devine – aye. Motion passed  
205 unanimously.
- 206 • Selectman Brown moved to come out of Non-Public Session. Selectman Devine  
207 seconded. Motion passed unanimously.
- 208 • Chairman Nicolaisen announce that while in Non-Public Session the Board voted  
209 to seal the Non-Public Minutes.

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213 Chairman called for a two minute break.

214  
215 **Appointments** (cont)

216  
217 **Cable TV Advisory Board Members**  
218 **Discussion regarding appointments for the Board**

**Discussion regarding Ex-Officio position**

- Sandra Graves was present for this discussion. Ms. Graves is here to request a new Ex-Officio to the Cable Advisory Board as the current one has not attended a meeting and the Committee needs the vote to meet the quorum. The Committee meets the fourth Tuesday of the month at 7:00 P.M. Selectman Brown is willing to fill the position. Selectman Devine, the current Ex-Officio, was not aware he was a voting member. Selectman Devine stated he will make the meetings.

Ms. Graves asked whether a property owner [non-resident] could be a member of the Committee and participate in the meetings via "skype". Selectwoman Copp stated a Board member could participate in a meeting via "skype". Board members did not know the answer to this question, but will check with legal counsel. Ms. Graves stated that the Committee is recommending the appointment of Susan Godin to the Cable TV Access Board. **MOTION:** Selectman Tombarello moved to appoint Susan Godin to the Cable TV Access Board effective immediately. Selectwoman Copp seconded. Motion passed unanimously. Ms. Blaisdell stated a term limit has to be added to the motion. Selectwoman Copp withdrew her second and Selectman Tombarello withdrew his motion.

**MOTION:** Selectman Tombarello moved to appoint Susan Godin to the Cable TV Access Board effective immediately for a term to expire on March 31, 2013. Selectwoman Copp seconded. Motion passed unanimously.

**New Business** (cont)

**Discussion regarding contacting attorney regarding current use laws**

- Chairman Nicolaisen stated he and Selectman Devine sat in on a discussion between the Assessor and Mr. Villella regarding his property taxes. Mr. Villella had suggested the Town might want to have their attorney contact his attorney regarding this matter. Chairman Nicolaisen asked the Board if they want to contact legal counsel regarding this. **MOTION:** Selectman Devine moved to place the funds received from Robert Villella for Land Use Change Tax in an escrow account due to the threatened lawsuit. Selectman Tombarello seconded. Chairman Nicolaisen stated that there is a process to get the funds back from the Conservation Commission. Selectwoman Copp read the RSA pertaining to the Land Use Change Tax. Zero – ayes, Four – nay [Copp, Brown, Nicolaisen and Tombarello] and one – abstention [Devine]. Motion fails. Consensus of the Board is to go the course.



**Review and discussion of grant application for Old Meeting House through Methuen Festival of Trees Historic Preservation Grant Program**

- Ms. Blaisdell explained how the Methuen Festival of Trees has a grant that could be used for the Old Meeting House. This is a matching grant. Ms. Gulla is looking for Board support and signatures on the grant application. **MOTION:** Selectman Tombarello moved to allow Paula Gulla to apply for the grant from the Methuen Festival of Trees. Selectman Brown seconded. Motion passed unanimously.

**Old Business**

**Review of bids received for Oil, Propane, Gasoline and Diesel**

- Selectwoman Copp updated the Board on the status of the inconsistency in the terminology used in the bid process. Selectwoman Copp spoke with Local Government Center and based on the inconsistency in terminology used in the bid process they recommended all bids received by June 2, 2011 be cancelled out and nullified. **MOTION:** Selectwoman Copp moved that all three bids due by June 2, 2011 be cancelled out and nullified due to the inconsistency in the terminology. Selectman Brown seconded. Selectman Devine questioned the discussion where Selectwoman Copp tried to negotiate a bid reduction with one of the bidders. Selectwoman Copp stated she did not try to negotiate a reduction she only asked them if these were the best prices they could offer to which they stated no. Motion passed unanimously. Selectwoman Copp stated that Local Government Center recommended the next bids be put out separately. Ms. Blaisdell explained how she developed the bid letter and asked the Board for guidance with the wording. **MOTION:** Selectman Devine moved to re-bid the price for propane, oil, gasoline and diesel fuel. Selectman Tombarello seconded. Motion passed unanimously.

**Revisit Wells Village Road Hazardous Mitigation Grant Agreement  
Motion to approve agreement and confirmation of signed agreement**

- Ms. Blaisdell explained the memo from Ms. Gulla regarding the need for a motion for the Hazard Mitigation Grant for Wells Village Road. **MOTION:** Selectman Tombarello moved to accept the FEMA Hazardous Mitigation Grant for the Wells Village Road culvert in the amount of \$214,435.00 with the Town's portion of \$53,609.00 and the Federal portion of \$160,826.00 and the agreement was signed by the Board members on June 23, 2011 and June 24, 2011. Selectman Brown seconded. Motion passed unanimously.

**Correspondence**

- Letter from legal counsel regarding the Motion to Dismiss.
- Letter from Comcast regarding changes to their services.
- Letter from Department of Revenue Administration regarding their scheduled pre-revaluation meeting in Sandown.
- Letter from Paula Gulla about where to advertise the meeting of the group that will be discussing Performance Based Budgeting. Ms. Blaisdell stated it is the Town's policy not to use the website for groups that are not connected with the Town. Consensus of the Board is to stay with the Town policy.
- Letter from Waste Management about their rate increase for the coming year.
- Letter from legal counsel regarding the issue on Spruce Lane. Ms. Blaisdell asked the Board if they would want to release this letter if requested. Consensus of the Board is it is okay to release the letter if requested.
- Letter from Police Chief Joseph Gordon regarding Spruce Lane. Consensus of the Board is to stay out of the matter. Selectman Tombarello stated the Town's only interest is that emergency vehicles are able to pass safely. Selectwoman Copp stated Fire Chief Bill Tapley is fine with the new access as far as emergency vehicles being able to pass safely.
- Letter from the Chairman of the Recreation Commission requesting the Board hire Rachel Surette to fill the position of lifeguard at \$12.00/hour as budgeted for in the FY 2011 approved budget. **MOTION:** Selectman Tombarello moved to hire Rachel Surette to fill the position of lifeguard at \$12.00/hour as budgeted for in the FY 2011 approved budget as a non-regular employee for the remainder of the 2011 beach season. Selectwoman Copp seconded. Motion passed unanimously.
- Letter requesting the Board hire Scott Cameron MacNeil to work at the Transfer Station at a pay rate of \$9.00/hour. **MOTION:** Selectman Tombarello moved to hire Scott Cameron MacNeil to work at the Transfer Station at a pay rate of \$9.00/hour with a \$1.00 more per hour after training. Selectman Brown seconded. Motion passed unanimously.

#### **Department Liaison Report**

- Selectwoman Copp stated the Budget Committee would be meeting on July 13, 2011 at 6:30 P.M. to discuss their goals for this year. Ms. Blaisdell asked if the Committee has finalized their schedule. Selectwoman Copp stated she believes they have, but she will find out for sure on Wednesday.
- Selectman Tombarello thanked REP Landscaping for the new lawn at Town Hall.
- Chairman Nicolaisen stated the summer program is now up and running and thanked those working the program. Chairman Nicolaisen discussed the Recreation Commission's request to have the maintenance person put in more hours at the Recreation Building to maintain the floors. Ms. Blaisdell explained this person is very busy with the current job description. Selectman Brown noted that this position was budgeted for 40 hours and currently only 25 hours are being used. Selectwoman Copp asked for a daily accounting of his time. Ms.



Blaisdell explained how over the past couple weeks there have been many unplanned incidents that had to be addressed. Chairman Nicolaisen stated that when the Commission budgeted for maintenance work at the Recreation Building they budgeted for 10 hours and currently he is only putting in 2-3 hours. Chairman Nicolaisen stated the building is being used frequently and it has to be maintained. This will be discussed at a future meeting. Selectman Tombarello asked to look at the daily accounting of the maintenance person's time. Ms. Blaisdell suggested looking into hiring a profession company to do the floors at the Recreation Building where they are receiving fees for the building.

- Chairman Nicolaisen stated Lawn Master has volunteered to fertilize the new lawn at Town Hall this week.

**Non-Public discussion under RSA 91-A:3 II (b) Hiring**

- See Correspondence.

**MOTION:** Selectman Tombarello moved to adjourn the meeting at 10:25 P.M. Selectman Brown seconded. Motion passed unanimously.

Respectfully Submitted,

Cynthia J. Robinson  
Recording Secretary