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## Town of Sandown, NH Board of Selectmen Minutes

6 Meeting Date: Monday, May 14, 2012

7 Type of Meeting: Regular meeting

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

9 Meeting Location: Sandown Town Hall

10 Present: Selectpersons: Brenda Copp (Copp), Tom Tombarello (Tombarello), Stephen  
11 Brown (Brown), Hans Nicolaisen (Nicolaisen), James Devine (Devine), Lynne Blaisdell,  
12 Office Manager and Cynthia J. Robinson, Recording Secretary

13 Absent:

14 Late to arrive:

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

16 Pledge of Allegiance

### Review of minutes of previous meetings

- 17  
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29
- Board members reviewed the Minutes of April 30, 2012. Selectman Tombarello noted in line 33 strike "...and dying active duty" so the sentence would read "...to supporting and assisting the wounded, ill and injured veterans...". **MOTION:** Selectwoman Copp moved to accept the Minutes of Monday, April 30, 2012 as amended. Selectman Tombarello seconded. Motion passed unanimously.
  - Board members reviewed the Non-Public Minutes of April 30, 2012. **MOTION:** Selectman Tombarello moved to accept the Non-Public Minutes of April 30, 2012 as written. Selectman Nicolaisen seconded. Motion passed unanimously.

### Public Comment and Announcements

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42
- Police Chief Joseph Gordon informed the Board the Police Department has received a grant from Department of Safety Homeland Security and FEMA for portable radios in the amount of \$10,754.26. Chief Gordon is before the Board to request the Board accept this grant. Chief Gordon explained that the Police Department would be purchasing five Motorola radios (APX6000) at a cost of \$2,098.08/each for a total cost of \$10,490.40. Chief Gordon explained the changes that will be taking place regarding radio frequency. Chief Gordon stated he is applying for a new license for the narrow band change for the radios and once approved the new radios will be reprogrammed. **MOTION:** Chairman Brown moved to accept the grant from the Department of Safety in the amount of \$10,490.40 for the purchase of five radios for the Police Department funded

43 totally by the government. Selectman Tombarello seconded. Motion passed  
44 unanimously. Chairman Brown signed the agreement.  
45

- 46 • Selectman Tombarello asked Chief Gordon if his department was ready to start  
47 assisting with the enforcement of the House Numbering Ordinance on June 1,  
48 2012. Chief Gordon stated the Town is already divided into four sectors for the  
49 Community Outreach Program so he will have the patrolmen as they work the  
50 roads in these sectors take note of any house that does not meet the  
51 requirements of the Ordinance. There was discussion about placement of the  
52 numbers and material the numbers are made of. Chairman Brown asked Chief  
53 Gordon if he would provide the Selectmen's Office and the Code Enforcement  
54 Officer with the list of the houses that are in non-compliance so the violators can  
55 be followed up on by the Code Enforcement Officer. Ms. Blaisdell will provide  
56 the Police Department with a computer list of addresses.  
57
- 58 • Ms. Blaisdell announced that there are four individuals who are working on a car  
59 wash as an Eagle Scout fundraiser. The car wash will take place on Sunday,  
60 May 20, 2012 from 11:00 A.M. to 3:00 P.M. at the Fire Station. A fee will be  
61 charged.  
62
- 63 • Ms. Blaisdell announced that the Food Pantry is in need of specific items. A list  
64 of these items can be viewed on the Sandown website and Cable TV.  
65

### 66 **Old Business**

- 67
- 68 • Ms Blaisdell asked the Board if they want her to put out an RFP for the fireworks  
69 this year. Selectman Nicolaisen stated he thought the confusion last year had to  
70 do with how to reply to the RFP and suggested the RFP say what can you offer  
71 us for the specific amount of money appropriated. Selectwoman Copp reminded  
72 the Board last year an individual was told the Board would put the fireworks out  
73 to bid this year. Consensus of the Board is to send out an RFP for the fireworks.  
74
- 75 • Ms. Blaisdell noted that she and Paula Gulla went through the vault and cleaned  
76 it out which resulted in approximately 76 boxes that can be disposed of based on  
77 the Municipal Records RSA. Ms. Blaisdell would like to utilize the services of  
78 North East Record Retention who will come in, secure the boxed material and  
79 take it to their facility for proper disposal. They charge .12/lb and a box weighs  
80 approximately 30 pounds [\$3.60/box]. Ms. Blaisdell stated the Municipal  
81 Records Committee has to meet to discuss the final disposition of the records.  
82 Ms. Blaisdell would like to offer this service to other departments in the event  
83 they have material they want to dispose of. Ms. Blaisdell noted areas of the  
84 budget this cost could come out of. Selectman Tombarello explained that this  
85 material cannot be recycled at the Transfer Station because of the possible

86 sensitive nature of the material in the boxes. Consensus of the Board is to move  
87 forward with the shredding of the material.  
88

89 **New Business**

90  
91 **Review and possible selection of quotes received by Highway Department**  
92 **for waste oil furnace and line striping**  
93

- 94 • Ms. Blaisdell went over the quotes the Town received for the waste oil furnace.  
95 The Public Works Director having worked with one company in the past and their  
96 quote being second lowest would like to go with Omni Waste Oil Equipment. Ms.  
97 Blaisdell noted that \$5,350.00 was appropriated for the furnace but it did not  
98 include the chimney kit, which is needed for installation. Ms. Blaisdell stated the  
99 Public Works Director would look at his budget for funds to cover the overage.  
100 Selectman Tombarello noted the Omni bid has the most BTU's. Selectman  
101 Nicolaisen noted the other quotes did not include the chimney kit and shipping  
102 where the Omni quote did. Ms. Blaisdell reminded the Board \$2,500.00 would be  
103 coming back to the Town through a grant from the state. Ms. Blaisdell noted that  
104 an additional \$730.00 would be needed to cover the chimney kit and shipping.  
105 **MOTION:** Selectman Tombarello moved to allow the Highway Department to  
106 purchase the Omni waste oil equipment at a cost of \$6,080.00 per the quote.  
107 Selectwoman Copp seconded. Motion passed unanimously.  
108
- 109 • Ms. Blaisdell noted the Town received two quotes for the seven miles of line  
110 painting that was put out to bid. Ms. Blaisdell noted that there was a discrepancy  
111 in the description of the lines between the two quotes and she wasn't sure if that  
112 would make a difference in the quote. Ms. Blaisdell will look into this. Board  
113 members reviewed the per linear foot quotes: 1) .078 & .038 [Seal Tec] and 2)  
114 .09 & .05. [Sir Lines]. **MOTION:** Selectman Tombarello moved to allow the  
115 Highway Department to give the seven miles of line painting to Seal Tec Asphalt  
116 Coating out of Londonderry, NH at .078 [double line] & .038 [single line].  
117 Selectman Devine seconded. Motion passed unanimously.  
118

119 **Review memorandum received from Municipal Resources, Inc. (MRI) and discuss**  
120 **drafts of Requests for Proposal for 2012 Revaluation**  
121

- 122 • Ms. Blaisdell noted the memo from Scott Marsh at MRI. Ms. Blaisdell reminded  
123 the Board the Town must have a revaluation per RSA in 2013. Mr. Marsh  
124 provided the Board with two different formats and a list of companies that do this  
125 work. Ms. Blaisdell stated Mr. Marsh offered to provide the Board with input on  
126 which companies to send letters to or not. Selectman Nicolaisen noted that MRI  
127 is listed and would it be proper for them to have input. Ms. Blaisdell will check  
128 with MRI on this question. There was discussion about the difference between a  
129 statistical update and a full revaluation. Ms. Blaisdell stated at this time her

130 concern is the appropriation of the funds to do the revaluation before Town  
131 Meeting all of which should be done by August 15<sup>th</sup>. Ms. Blaisdell added it costs  
132 considerably less to do a statistical update compared to a full revaluation.  
133 Consensus of the Board is to have Mr. Marsh come in to discuss the questions  
134 brought up tonight. Ms. Blaisdell will have Mr. Marsh come to the Board's first  
135 meeting in June.

136  
137 Ms. Blaisdell brought up the suggestion Mr. Marsh made last year about the  
138 Town hiring an outside appraiser to assess the utility lines. Ms. Blaisdell  
139 suggested the Board think about this and talk about it with Mr. Marsh at the  
140 meeting in June. Ms. Blaisdell noted this would have to be added to next year's  
141 budget.

142  
143 **Discussion regarding custodial position at Transfer Station**  
144 **Formalize making floater position a regular position**  
145

- 146 • Ms. Blaisdell asked the Board to make Justin Burnham a regular employee at the  
147 Transfer Station since he has been working regular hours due to their being short  
148 handed. Ms. Blaisdell stated she has been reviewing the personnel files to make  
149 sure they reflect correctly what the employee is doing for the Town with minutes  
150 to back this up. Ms. Blaisdell noted that Mr. Burnham was hired as a "floater"  
151 and by making this change tonight his file will correctly reflect what Mr. Burnham  
152 does at the Transfer Station. **MOTION:** Selectman Tombarello moved to hire  
153 Justin Burnham as a regular employee at the Transfer Station at \$9/hour.  
154 Selectman Devine seconded. Four ayes [Copp, Tombarello, Brown and Devine]  
155 and one abstention [Nicolaisen]. Motion passed.

156  
157 **Review of Sanitary Inspection done by Department of Environmental Services**  
158 **(NHDES) on well at Town Hall/Fire Station**  
159

- 160 • Ms. Blaisdell stated that a representative from NHDES came in and did a  
161 sanitary survey of the water system. Ms. Blaisdell noted there were no  
162 deficiencies but some recommendations were made: 1) a minor deficiency was  
163 the local of the well and 2) they recommend a water meter by installed.  
164 Selectman Nicolaisen noted no water samples were taken. Ms. Blaisdell pointed  
165 out the purpose of this survey was to evaluate the capabilities of the water  
166 system's sources, treatment facilities, distribution system, and management to  
167 continually produce safe drinking water. Ms. Blaisdell noted that water testing is  
168 done on a regular bases by the Health Officer and it has been testing fine.

169  
170 **Acceptance of donations made to Sandown Senior**  
171 **Affairs Transportation Program**  
172

- 173 • Ms. Blasdell noted the request for the Board to accept donations (3 checks) to  
174 the Sandown Senior Affairs Transportation Fund in the amount of \$175.00 as a  
175 result of the surveys sent out. **MOTION:** Selectman Nicolaisen moved to accept  
176 donations in the amount of \$175.00 to be deposited in the Sandown Senior  
177 Affairs Transportation Fund. Seconded by Selectman Tombarello. Motion  
178 passed unanimously. Ms. Blaisdell thanked the public for their donations and the  
179 surveys that were returned. Ms. Blaisdell added surveys are still being accepted.  
180

181 Chairman Brown announced a 10 minutes recess.  
182

183 **Discussion with Ken Sherwood regarding process of payments under Health**  
184 **Officer and Code Enforcement accounts and change of work requirements**  
185

- 186 • Ken Sherwood, Building Inspector/Code Enforcement Officer/Health Officer was  
187 present for this discussion. Chairman Brown announced that this discussion  
188 would ordinarily be held in Non-Public Session, but at the request of Ken  
189 Sherwood it is going to be held in public session. Chairman Brown noted that no  
190 questions or comments would be accepted from the public, as this is a meeting  
191 between an employee and their supervisors. Chairman Brown informed Mr.  
192 Sherwood that what is discussed tonight has been agreed upon by the full Board.  
193

194 Chairman Brown began by asking Mr. Sherwood why he has and does he need  
195 1000 minutes on his cell phone while other employees have 400 minutes. Mr.  
196 Sherwood stated he does not know. Ms. Blaisdell stated Mr. Sherwood was  
197 originally set up that way and it has stayed separate from the other cell phones  
198 because he wasn't due for an update. Currently other employees share 400  
199 minutes. Ms. Blaisdell will look into Mr. Sherwood's account to see if the Town  
200 can save money with another plan. Chairman Brown asked why there are  
201 roaming charges. Mr. Sherwood stated when he uses the cell phone to conduct  
202 business while on vacation.  
203

204 Mr. Sherwood asked to read his response to the letter the Board sent him dated  
205 May 8, 2012. Mr. Sherwood began by explaining his recent time away from the  
206 office and noted the fact he has always had coverage in his absence. Mr.  
207 Sherwood described the numerous positions he holds as inspectors and the way  
208 he is paid for those positions [fee based or stipend]. Mr. Sherwood stated he is  
209 like a subcontractor not a full, part time, seasonal or temporary employee he  
210 sees himself as a fee based official. Mr. Sherwood stated while his stipend pay  
211 is based on an hourly rate it is a stipend position.  
212

213 Mr. Sherwood explained the activity associated with the current hours he works  
214 and the professional atmosphere he tries to present. Mr. Sherwood expressed  
215 concern over the possible impact the new hours will have on services to the  
216 community. Mr. Sherwood stated he has always had coverage when he takes



217 vacation at no additional cost to the Town. Mr. Sherwood does not see why he  
218 should be limited to 20 days vacation [per personnel policy] and have to obtain  
219 prior Board approval so long as he has coverage.

220  
221 Mr. Sherwood stated according to state labor laws no employer may withhold  
222 more than one weeks wages for work performed without special permission from  
223 the Department of Labor. Mr. Sherwood implied that the new schedule for  
224 payment of fees might be in violation of labor laws as there could be some time  
225 in between inspections that lead up to the rough inspection. Mr. Sherwood  
226 recapped for the Board his understanding of the history on how the current  
227 payment schedule for work performed was developed. Mr. Sherwood mentioned  
228 his desire to cross train the Assistant.

229  
230 Mr. Sherwood noted the two inspections being required for the enforcement of  
231 the House Numbering Ordinance and the possible imposing of a fine and how  
232 costly this could be because of the time required to do the job.

233  
234 Mr. Sherwood stated he is aware that he serves at the pleasure of the Board of  
235 Selectmen and they have the best interest of Town in mind. Mr. Sherwood  
236 stated he will do anything and everything the Board requires but he hopes the  
237 Board will take his comments into consideration.

238  
239 Chairman Brown brought up Mr. Sherwood's comment about the state law and  
240 paying within a certain period of time, Chairman Brown does not believe that  
241 would cover a fee based employee. Chairman Brown brought up Mr.  
242 Sherwood's comment about is it fair to do the inspection and not get paid the full  
243 amount for maybe six months or a year or until the final inspection is done.  
244 Chairman Brown asked Mr. Sherwood is it fair to pay you the full amount and  
245 never have a final inspection. Mr. Sherwood stated he sees both sides of the  
246 issue, his concern is the bookkeeping headache. Chairman Brown stated the  
247 Health Officer and Code Enforcement Officer pay is an hourly fee based on the  
248 budget. Mr. Sherwood stated he believes it was originally set up as a stipend  
249 position. Ms. Blaisdell stated it is budgeted as an hourly position. Chairman  
250 Brown explained the Board's concern about drawing on the funds whether work  
251 is performed or not. Selectwoman Copp explained stipend versus hourly pay  
252 and gave examples of each [selectmen & fire fighters versus time sheet].  
253 Chairman Brown suggested perhaps some research has to be done on this.

254  
255 Chairman Brown noted that recently Mr. Sherwood was away from the office  
256 more than he was in the office and on occasion no one was aware he was taking  
257 time off until the Assistant showed up. Chairman Brown explained this was a  
258 concern of the Board. Mr. Sherwood stated he doesn't want everyone knowing  
259 he is away. Selectman Tombarello brought up incidents where the fee was paid  
260 but a final inspection was never done. Selectman Tombarello asked what the

261 process is for following up on final inspections. Mr. Sherwood stated people  
262 forget to call him. Selectman Tombarello stated but you got paid. Mr. Sherwood  
263 stated he is hesitant to enforce strict adherence to the Building Code. Chairman  
264 Brown explained this is the reason why the Board is changing the pay structure it  
265 doesn't seem right that a fee is paid and no final inspection is performed there  
266 has to be a way to complete the process. Mr. Sherwood gave several examples  
267 of ways to complete the process. Ms. Blaisdell noted that recently the office has  
268 been getting calls from mortgage companies asking about work that has been  
269 done on a property but they are unable to determine whether inspections have  
270 been done and calls have to be referred to Mr. Sherwood. Mr. Sherwood stated  
271 when an inspection is done it is noted in the file.

272  
273 Selectwoman Copp pointed out that the voters want the existing House  
274 Numbering Ordinance enforced and she is not seeing much done in the way of  
275 code enforcement. Mr. Sherwood questioned the legality of the House  
276 Numbering Ordinance and suggested contacting legal counsel. Selectman  
277 Nicolaisen stated the Ordinance has already been reviewed by legal counsel and  
278 voted on back in 1987.

279  
280 Selectman Nicolaisen brought up Mr. Sherwood's comment about his not being a  
281 Town employee until it came to the labor law. Selectman Nicolaisen asked Mr.  
282 Sherwood is he an employee or a subcontractor. Mr. Sherwood stated that is a  
283 difficult question to answer because of the different positions and how they are  
284 paid. Chairman Brown addressed Mr. Sherwood by saying he hoped Mr.  
285 Sherwood considered himself a Town employee. Mr. Sherwood stated he  
286 doesn't feel he fits neatly into any of the configurations for the definition of  
287 "employee". Chairman Brown asked Mr. Sherwood if he received and signed the  
288 employee personnel policy. Mr. Sherwood answered in the affirmative.  
289 Chairman Brown then explained to Mr. Sherwood that he has to follow the policy  
290 and he will have to decide whether he wants to travel or work because the Town  
291 needs a Building Inspector because the position of the Assistant is not to fill in  
292 every time Mr. Sherwood decides to go on vacation. Chairman Brown further  
293 explained the Assistant is to be used for the 20 days vacation and any  
294 emergency that may arise. Mr. Sherwood stated it seems to him the Board is  
295 trying to make the position too business like and professional and have  
296 everything run during specific hours. Mr. Sherwood stated he doesn't think this is  
297 what the Town's people and contractors want but he will do whatever the Board  
298 wants. Selectman Devine stated that's good that is what the Board wants.

299  
300 Chairman Brown stated the creation of the office hours is not to make things  
301 more difficult but to present a more professional atmosphere by making it easier  
302 for residents and contractors to find the Building Inspector in. Mr. Sherwood does  
303 not feel he should be in the building when other employees have left for the day.  
304 There was some discussion about changing Mr. Sherwood's hours to fit those of

305 other Town Hall employees. Chairman Brown stated that Mr. Sherwood is the  
306 only employee where their supervisors don't know where the employee is or what  
307 they are doing. Selectman Nicolaisen stated he feels when Mr. Sherwood is on  
308 vacation the cell phone should be turned over to the Assistant. Mr. Sherwood  
309 stated he would like to utilize the assistance of the Assistant more frequently.  
310 Selectwoman Copp stated the hours are for the convenience of residents not  
311 whether or not the inspector wants to be left alone after other employees have  
312 left. Chairman Brown explained to Mr. Sherwood how the Assistant could be  
313 utilized based on the letter sent to Mr. Sherwood. Chairman Brown asked why  
314 Mr. Sherwood would sign a Building Permit yet the Assistant does the inspection  
315 and receives pay. Selectman Tombarello stated it appears at times Mr.  
316 Sherwood is being paid for work he didn't perform. Selectman Nicolaisen does  
317 not feel the paper trail for paying the inspector is set up properly.  
318

319 Board members discussed the letter to Mr. Sherwood regarding the new office  
320 hours, house numbering, vacation time with Board approval and fee pay  
321 structure for possible changes; 1) house numbering system – no change, 2)  
322 vacation time with Board approval - no change, 3) office hours Monday and  
323 Thursday – no change to Monday hours and change Thursday to 1:00 PM to  
324 4:00 PM and 4) fee schedule – no change. Chairman Brown told Mr. Sherwood  
325 that if he wants to take 20 days vacation for the remainder of the year he has no  
326 issue with that but the two week notice is required. Tracking of time will begin  
327 today. Ms. Blaisdell will make the changes to the letter discussed tonight for Mr.  
328 Sherwood to sign tomorrow.  
329

330 Selectman Nicolaisen would like to see the cell phone forwarded to the Assistant  
331 noting this will eliminate the roaming charges. Selectman Nicolaisen feels when  
332 an employee is on vacation they should be on vacation. Ms. Blaisdell will look  
333 into the cost for cell phone forwarding. Mr. Sherwood asked if he could utilize the  
334 Assistant to perform inspections in order for him to learn the job. Chairman  
335 Brown informed Mr. Sherwood the Assistant is to be utilized when Mr. Sherwood  
336 is on vacation or ill otherwise Mr. Sherwood is to do the inspections.  
337

### 338 Correspondence

- 339
- 340 • Letter from Xfinity regarding updates to their services. Anyone wishing to review  
341 the letter can contact the Selectmen's Office.  
342
  - 343 • Letter from a resident requesting a copy of a letter from legal counsel dated July  
344 11, 2011. Ms. Blaisdell noted that there is nothing in the letter that is non-public.  
345 Consensus of the Board is to release the letter as requested.  
346
  - 347 • Letter from legal counsel regarding a complaint sent to the Assistant Attorney  
348 General regarding a change to petition Warrant Article #19 at Town Meeting.



349 Legal counsel is handling this. Ms. Blaisdell noted that legal counsel was  
350 present at the meeting so she is aware of the change that was made. There was  
351 discussion about a House Bill.  
352

353 **Department Liaison Report**  
354

- 355 • Selectman Tombarello noted there was a good turnout for the Gun Safety  
356 Program.  
357
- 358 • Selectwoman Copp stated she attended the meeting with the insurance agent  
359 where they discussed life insurance for the fire fighters. The amount of the life  
360 insurance was reduced from \$25,000.00 to \$10,000.00 so that it matched the  
361 life insurance offered to other Town employees and a quote will be obtained for  
362 this change.  
363

364 **Other**  
365

- 366 • Selectman Nicolaisen noted that the discussion about whether to have the  
367 Building Inspector's cell phone forwarded to the Assistant when the Building  
368 Inspector was on vacation was never resolved and he would like an answer.  
369 Chairman Brown asked if the cell phone was also being used personally. Ms.  
370 Blaisdell stated no this was a Town cell phone. Consensus of the Board is when  
371 the Building Inspector is on vacation calls will be forwarded to his Assistant. Ms.  
372 Blaisdell will look into the cost for this service and bring the results to the next  
373 meeting of the Board.  
374

375 **MOTION:** Chairman Brown adjourned the meeting at 9:50 P.M.  
376

377 Respectfully Submitted,  
378

379  
380  
381 Cynthia J. Robinson  
382 Recording Secretary