

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

Meeting Date: Monday, July 30, 2012
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), Tom Tombarello (Tombarello), Stephen Brown (Brown), Hans Nicolaisen (Nicolaisen), James Devine (Devine) and Cynthia J. Robinson, Recording Secretary
Absent: Lynne Blaisdell, Office Manager
Late to arrive: Paula Gulla, Selectmen’s Secretary – 7:04 P.M.
Call to Order: Chairman Brown 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 July 16, 2012. It was noted in line 6 the date should read July 16, 2012 not June 18, 2012. **MOTION:** Selectman Tombarello moved to accept the Minutes of Monday, July 16, 2012 as amended. Selectwoman Copp seconded. Four ayes [Copp, Tombarello, Brown and Devine] and one abstention [Nicolaisen]. Motion passed.

Public Comment and Announcements

- Selectmen Nicolaisen asked if the people who donated the irrigation system have been thanked. Selectman Nicolaisen thanked Scott Hamilton, Artie Genualdo, Aaron Atherton, Public Works people, and Ron Dulong for their work on the lawn, it looks great.

Paula Gulla joined the meeting at this time – 7:04 P.M.

Appointments

**Troy Palmer
Discussion regarding status of land use change tax on parcel
located on Hampstead Road**

- Present for this discussion were: Troy Palmer and Scott Marsh of Municipal Resource Inc. (MRI). Mr. Palmer is before the Board because the Assessing Department wants to take land his land out of current use and he does not feel it

44 should come out. Mr. Palmer would like the opportunity to explain to the Board
45 what he is doing on his property. Mr. Palmer presented the Board with a drawing
46 of his property showing what agricultural activity is taking place. Mr. Palmer
47 stated that while there is activity taking place on the land that is in current use it
48 does not mean it has to come out of current use. Mr. Palmer stated all he is
49 doing is taking soil from one area and moving it to another area in order to make
50 a flat field. Mr. Palmer pointed out the gardens and pond that are located on the
51 site and other agricultural activities he is engaged in. Mr. Palmer stated he has
52 spoken with members of the Current Use Board and he is applying for a federal
53 grant to assist with his agricultural development plans.
54

55 Chairman Brown asked Mr. Palmer if he spoke with the Town's assessor. Mr.
56 Palmer stated he has to no avail. Scott Marsh stated what triggered this action
57 was Mr. Palmer's submission of a Notice of Intent to Excavate application stating
58 he was going to remove some soil from the property. Mr. Marsh further
59 explained that when the Notice of Intent is filed it states that a land use change
60 tax is to be assessed. Mr. Marsh stated a letter was sent to Mr. Palmer in April
61 2012 asking him what area was disturbed but no response was ever received so
62 a best estimate of area disturbed based on aerial photographs was assessed on
63 the property. Mr. Palmer stated he never received the letter.
64

65 Chairman Brown asked if just disturbing the land causes it to come out of current
66 use. Mr. Marsh stated the purpose for putting land into current use is to have it
67 remain in its natural state. Mr. Marsh stated originally this land was wooded
68 when it was logged it did not come out of current use because it was going from
69 wooded to pasture. Mr. Marsh stated by filing the Intent to Excavate this is taking
70 the activity on the property to another level that could be considered a
71 commercial activity. Mr. Marsh noted that the area being excavated is not eligible
72 to be in current use. Mr. Palmer stated the Current Use Board stated he could
73 move soil around on site and not have the land come out of current use. Mr.
74 Palmer stated he sold 8,000 yards of soil last year and paid taxes on it. Mr.
75 Palmer stated the law allows you to remove a certain amount of soil before it is
76 considered a commercial activity and he is nowhere near that amount (45-50,000
77 yds).
78

79 Mr. Palmer asked the Board to view the site to see what he is doing. Selectman
80 Devine asked Mr. Palmer if the address on the letter from the Assessing
81 Department is correct. Mr. Palmer stated yes. Selectman Nicolaisen noted that
82 while Mr. Palmer is not directly selling the soil he is bartering with the excavator
83 which can be considered selling. Selectman Nicolaisen asked if Mr. Palmer has
84 paid the taxes for removing the trees and soil why is the land being taken out of
85 current use. Mr. Marsh stated because when an Intent to Excavate is filed it
86 states on the form that land being excavated is not eligible for current use noting
87 that the excavating of land is different from logging. Mr. Scott added where a

88 land use exchange tax has been issued Mr. Palmer needs to file an abatement.
89 Selectwoman Copp asked what action would need to be taken by Mr. Palmer to
90 have all the land come out of current use. Mr. Marsh stated he would have to
91 take some action that would reduce the land to less than ten (10) acres.
92

93 Mr. Palmer was directed to file an abatement application within sixty (60) days of
94 the bill being issued. Selectman Tombarello and Mr. Marsh will view the site and
95 report back to the Board.
96

97 **Non-Public Session under RSA 91A:3 II (a) Employee Matters**
98

- 99 • **MOTION:** Selectwoman Copp moved to go into Non-Public Session per RSA
100 91-A:3 II (a) Employee Matters. Selectman Tombarello seconded. Roll call:
101 Copp – aye, Tombarello – ayes, Brown –aye, Nicolaisen - aye and Devine – aye.
102 Motion passed unanimously.
103

104 **MOTION:** Selectman Tombarello moved to come out of Non-Public Session.
105 Selectwoman Copp seconded. Motion passed unanimously.
106

107 Chairman Brown announced while in Non-Public Session the Board voted to seal
108 the Non-Public Session Minutes.
109

110 **Kenneth Sherwood**

111 **Discussion regarding house numbering ordinance and**
112 **discussion regarding employee matters**
113

- 114 • Kenneth Sherwood was present for this discussion. Chairman Brown noted for
115 the record that Mr. Sherwood asked to have this employee matter take place in
116 public session. Chairman Brown stated that he will talk for the Board but all
117 Board members have agreed to everything that is being stated.
118

119 Chairman Brown began by asking Mr. Sherwood why he has not signed the two
120 letters given to him in May. Mr. Sherwood stated he thought a new letter was
121 going to be issued. Mr. Sherwood stated he didn't receive the May letter until
122 July and he thought it was going to be discussed tonight. Mr. Sherwood asked to
123 have a group put together to go over the directives in the letter. Chairman Brown
124 told Mr. Sherwood no these directives were not open for discussion. Mr.
125 Sherwood asked why he is being asked to turn his cell phone over to the
126 Assistant Building Inspector when he is on vacation and why does he have to
127 request two weeks in advance for unpaid time off when other departments don't
128 have to. Chairman Brown stated they are not discussing other departments.
129 Chairman Brown went on to say how could someone call for and get an
130 inspection when Mr. Sherwood is on vacation; the Town's cell phone needs to be
131 left with the Assistant. Chairman Brown pointed out to Mr. Sherwood it appears

132 when the Board asks him to do something he is always coming up with an
133 alternative and it is getting frustrating. Mr. Sherwood stated he is not trying to
134 frustrate the Board.
135

136 Chairman Brown asked Mr. Sherwood what days he was gone last week. Mr.
137 Sherwood stated he was gone for most of the week. Chairman Brown stated that
138 does not answer the question adding it was the Board's understanding he was
139 gone Monday through Friday. Mr. Sherwood noted his request was for the
140 mandated hours on Monday and Thursday. Selectman Tombarello asked Mr.
141 Sherwood if he saw that only Selectman Tombarello signed the vacation request.
142 Mr. Sherwood stated he didn't see it at all. Selectman Tombarello asked Mr.
143 Sherwood why he took vacation without knowing if it was approved. Mr.
144 Sherwood's response was that he knows Selectman Tombarello is after his job.
145 Selectwoman Copp asked Mr. Sherwood if he told anyone he was going on
146 vacation for the entire week. Mr. Sherwood stated the Assistant Building
147 Inspector knew he was gone for most of the time. Selectwoman Copp asked Mr.
148 Sherwood if anyone knew he was going to be gone for longer than the seven
149 hours he put in for. Mr. Sherwood stated at least the Assistant knew. Chairman
150 Brown stated it would have been nice if Mr. Sherwood had informed the
151 Selectmen's Office of his time off.
152

153 Selectwoman Copp stated that Mr. Sherwood is being allowed 20 days of unpaid
154 vacation time per year. Based on Mr. Sherwood's application of the vacation
155 time policy he would be taking approximately 22.8 weeks of vacation if he puts in
156 for just the hours. Selectwoman Copp stated the vacation form has to be signed
157 by three selectmen and the Town cell phone has to be left with the Assistant. Mr.
158 Sherwood stated if the Board wants the cell phone left with the Assistant he
159 would do that. Chairman Brown pointed out back in May, Mr. Sherwood said he
160 would leave the cell phone with the Assistant.
161

162 There was discussion about Mr. Sherwood doing inspections during office hours.
163 Mr. Sherwood stated he understood he could do inspections on Thursday. Once
164 he was informed he must be in the office during office hours he no longer does
165 inspections during office hours. Selectman Tombarello asked Mr. Sherwood why
166 he is writing "mandated" next to his office hours on the time sheet. Mr. Sherwood
167 stated because as a fee based official he can be in the office other than the
168 mandated hours. Selectman Nicolaisen noted that Mr. Sherwood keeps saying
169 unpaid hours. Selectman Nicolaisen pointed out that one night no one may
170 come into the office so Mr. Sherwood isn't paid but another night ten permits may
171 be issued and Mr. Sherwood is paid that is how these positions have been paid
172 from the beginning. Selectwoman Copp talked about Mr. Sherwood being paid a
173 stipend for some of his positions, which means he gets a flat rate no matter how
174 many hours he works. Mr. Sherwood talked about the positions he holds from
175 the standpoint of keeping office hours.

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Selectman Nicolaisen asked Mr. Sherwood if he is submitting his fee based pay as 50% on application and 50% on final. Mr. Sherwood stated he has not submitted an invoice since that policy took effect. There was discussion about an invoice submitted to the Finance Director to be paid to the Assistant Building Inspector without authorization from the Board of Selectmen.

Chairman Brown went over the directives in the May 21, 2012 letter with Mr. Sherwood. Chairman Brown informed Mr. Sherwood his days off last week count as a week's vacation out of his three weeks allowed. Mr. Sherwood stated no problem. Chairman Brown stated Mr. Sherwood's vacation week is Monday through Friday. Mr. Sherwood talked about the different positions he holds and the different ways he is paid. Chairman Brown stated maybe the solution is to not have one person responsible for four or five positions. Mr. Sherwood was told the cell phone is to be left with the Assistant when he is on vacation. Chairman Brown stated a workshop would be set up to discuss the best way to divide up the fee schedule so that everyone who has a part in it gets their percentage. Mr. Sherwood acknowledged his understanding of these directives and signed the letter. Selectman Tombarello explained to Mr. Sherwood that it is not the intention of the Board to suspend or terminate him the Board is just looking to have Mr. Sherwood follow certain requests just like any other employee. Ms. Gulla will provide Mr. Sherwood with a copy of the signed letter.

Chairman Brown stated the house numbering ordinance can be discussed at a future meeting. Mr. Sherwood stated starting Wednesday he would be going over the list to correct any inaccuracies and provide the selectmen with an updated list by the end of August. Mr. Sherwood stated he is prepared to issue any fines and purchase the numbers that have to be put up.

Chairman Brown called for a five minutes recess.

MOTION: Selectwoman Copp moved to place a copy of tonight's minutes in Ken Sherwood's personnel file. Selectman Tombarello seconded. Selectman Devine would like a copy of the Minutes given to Mr. Sherwood and he be asked to sign a receipt stating he received the minutes. Selectwoman Copp asked that at the same time Mr. Sherwood be notified that a copy of tonight's minutes will be placed in his personnel file. Ms. Gulla will write out the receipt. Motion passed unanimously.

Non-Public discussion under RSA 91-A:3 II (d) Property

- **MOTION:** Selectman Tombarello moved to go into Non-Public Session per RSA 91-A:3 II (d) Property. Selectwoman Copp seconded. Roll call: Copp – aye,

219 Tombarello – ayes, Brown –aye, Nicolaisen - aye and Devine – aye. Motion
220 passed unanimously.

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222 **MOTION:** Selectman Tombarello moved to come out of Non-Public Session.
223 Selectwoman Copp seconded. Motion passed unanimously.

224
225 Chairman Brown announced while in Non-Public Session the Board voted to seal
226 the Non-Public Session Minutes.

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228 **New Business**

- 229
230 • There was no new business.

231
232 **Old Business**

233
234 **Update and status of properties with unpaid 2009 property taxes**

- 235
236 • Nothing to discuss.

237
238 **Correspondence**

- 239
240 • Letter from NH Department of Transportation informing the Town of the reduction
241 in the Highway Block Grant by approximately \$3,300.00.
242
243 • Update from White Columns Office Solutions regarding the monthly savings on
244 electricity. In June the Town saved \$198.00 for a total to date of \$561.00.
245
246 • Letter from Senator Jeanne Sheehan letting the Town know she is available to
247 assist the Town if need be. Her staff will be in Sandown on August 13, 2012
248 from 10:00 A.M. to noon. Ms. Gulla added Senator Frank Quinta staffs would be
249 in Sandown on August 7, 2012 at 1:00 P.M.
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251 • Email regarding the nomination of a Hometown Hero Award. To be discussed in
252 Non-Public.
253
254 • Monthly update from Dragon Mosquito. This report will be posted on the Town's
255 website.
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257 • The website hosting presentation will take place on August 27, 2012.
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259 • Email from legal counsel updating the Board on the status of the Danville appeal.
260

- 261 • Letter from NH Department of Environmental Services on the failure of the Town
262 to submit a water sample to monitor/report for nitrate and nitrite. Ken Sherwood,
263 Health Officer has been notified of this report.
264
- 265 • Letter from Xfinity notifying the Board that the final steps in their digital
266 enhancement will take affect on or shortly after August 21, 2012.
267
- 268 • Letter from Recreation Program inviting the Board to a luncheon on Thursday,
269 August 2, 2012 at the Ed Garvey Recreation Building at 11:00 A.M.
270
- 271 • Letter from Family Promise of Greater Rockingham County requesting funding
272 from the Town. Ms. Gulla described what services this organization could
273 provide to the Town. Consensus of the Board is to invite this organization and
274 CASA to a future Board meeting.
275

276 **Department Liaison Report**

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- 278 • Selectwoman Copp stated Cable met but did not act on anything as the Station
279 Manager was on vacation.
280

281 The Budget Committee will be holding their first meeting on August 22, 2012 at
282 6:30 P.M. and budget review will begin two weeks later. A budget workshop will
283 be held on August 7, 2012. Please contact the Selectmen's Office regarding the
284 email sent out by the Budget Committee's Vice Chairman.
285

- 286 • Selectman Tombarello spent Friday participating in the Recreation Program.
287

288 Old Home Day activities are many. The Old Home Day Committee continues to
289 meet every Wednesday.
290

- 291 • Selectman Nicolaisen announced the Conservation Commission is still looking
292 for volunteers.
293

- 294 • Selectman Devine moved to send Selectman Nicolaisen to the dunk tank.
295 Chairman Brown seconded. Unanimous.
296

297 There is a change in the septic laws. Selectman Devine asked that Ken
298 Sherwood be informed of this change and that he look into HB 1415.
299

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

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- 302 • **MOTION:** Selectman Nicolaisen moved to go into Non-Public Session per RSA
303 91-A:3 II (c) Reputation. Selectman Tombarello seconded. Roll call: Copp – aye,

304 Tombarello – ayes, Brown –aye, Nicolaisen - aye and Devine – aye. Motion
305 passed unanimously.

306
307 **MOTION:** Selectman Nicolaisen moved to come out of Non-Public Session.
308 Selectman Devine seconded. Motion passed unanimously.

309
310 Chairman Brown announced while in Non-Public Session the Board voted to seal
311 the Non-Public Session Minutes.

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313 **MOTION:** Chairman Brown adjourned the meeting at 9:54 P.M.

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315 Respectfully Submitted,

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318
319 Cynthia J. Robinson
320 Recording Secretary