

1 **Town of Sandown, NH**
2 **Board of Selectmen**
3 **Minutes**
4

5 Meeting Date: Monday, August 25, 2014

6 Type of Meeting: Regular meeting

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

8 Meeting Location: Sandown Town Hall

9 Present: Selectpersons: Terry Treanor (Treanor), Stephen Brown (Brown), Cindy Buco
10 (Buco), Lynne Blaisdell, Town Administrator and Cynthia J. Robinson, Recording
11 Secretary

12 Absent: Hans Nicolaisen (Nicolaisen)

13 Late to arrive: James Devine (Devine) – 8:00 P.M.

14 Departed Meeting:

15 Call to Order: Acting Chairman Stephen Brown called the meeting to order at 6:40 P.M.

16 Pledge of Allegiance
17

18 **Attorney Diane Gorrow, Town Counsel**
19 **Discussion regarding monthly updates with Sandown School Board**
20 **and Budget Committee Representatives**
21

- 22 • Present for this discussion was Attorney Diane Gorrow. Acting Chairman Brown
23 announced after Attorney Gorrow is through talking the Board will not entertain
24 questions from the public. If any member of the public has questions they can
25 write them down and bring them to the next meeting where they will be answered
26 by the Board or forwarded to Attorney Gorrow if the Board cannot answer them.
27

28 Acting Chairman Brown started by noting the request by school board and
29 budget committee members to be on the Selectmen's agenda monthly to update
30 the public as to the activities going on at the school. This practice has not turned
31 out the way it was thought to have. After two meetings with these individuals
32 Chairman Nicolaisen decided he did not want to continue with the practice
33 because it had become counterproductive. Based on this decision Attorney
34 Gorrow was asked to come to tonight's meeting to see if this practice can be
35 discontinued and what steps might have to be taken to do so. Selectwoman
36 Buco asked Attorney Gorrow if she had a conflict of interest where the law firm
37 she works for represents the school district. Attorney Gorrow stated no because
38 this matter pertains to individuals who are asking to be placed on the agenda it
39 has nothing to do with the school district.
40

41 Attorney Gorrow stated it is her understanding that the Town Administrator in
42 cooperation with the Chairman set the agenda and through this process items
43 can be eliminated. Selectwoman Buco stated that in the Board's policy manual it
44 is the Chairman or Vice Chairman who sets the agenda not the Town

45 Administrator. Acting Chairman Brown stated a Board member is of the opinion
46 that the Board has an obligation to keep the meeting open for as long as it takes
47 to answer questions from the public because this is a public meeting. Attorney
48 Gorrow stated it is a public meeting subject to the right to know laws but the
49 Board does not have to entertain public participation. Attorney Gorrow noted the
50 difference between a public meeting and public hearing where there is an
51 obligation to hear from the public. Acting Chairman Brown asked if having the
52 Public Comment portion of the agenda is adequate. Attorney Gorrow stated the
53 Board could have or not have Public Comment on the agenda it is at the
54 discretion of the Board.

55
56 Selectwoman Bucu asked if there is any legal ramification for leaving this ten
57 minute agenda item on the agenda. Attorney Gorrow stated the business of the
58 Selectmen should be the business of the Town. By allowing elected officials to
59 come before the Board on a regular basis could come off appearing to be a
60 public forum where first amendment rights could become an issue if you allow
61 certain groups to come before the Board to express their opinions and not others.

62
63 Acting Chairman Brown stated the final question the Board has relates to the
64 police contract negotiations. Selectwoman Bucu is married to one of Sandown's
65 police officers. There was discussion at a past meeting that she should not be
66 sitting in on these discussions. Acting Chairman Brown stated Selectwoman
67 Bucu did say she would not vote but would like to offer her opinion during the
68 negotiations. Selectwoman Bucu stated she did say that but since that meeting
69 she has done some research and has questions for legal counsel. Selectwoman
70 Bucu asked what the law says about determining what conflict of interest is.
71 Attorney Gorrow stated there are conflicts of interest in various circumstances in
72 this case it has to do with a member of the Board. Attorney Gorrow stated NH
73 law says you are not qualified to act in legislative or quasi-judicial matters if you
74 as a Board member have a direct personal or pecuniary (financial) interest in the
75 outcome.... This would disqualify the spouse of a participating bargaining
76 member from participating in any part of the negotiations not just from voting.
77 Attorney Gorrow explained the difference between "direct, immediate and
78 definite" versus "speculative". Selectwoman Bucu asked how she should handle
79 her situation abstain from voting or recuse herself. Attorney Gorrow stated the
80 question of Selectwoman Bucu having a conflict of interest has been raised and
81 she should recuse herself from participating in the matter. Attorney Gorrow
82 stated the Town's ethics policy states conflict of interest should be addressed
83 before the issue is raised. Attorney Gorrow explained how negotiations are
84 considered non-meetings and not open to the public. Selectwoman Bucu stated
85 then when police negotiations are on the agenda she should before the
86 discussion begins recuse herself and leave the meeting. Attorney Gorrow stated
87 yes, it is important to show some physical act so there is no question in the mind
88 of the public.

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Review of minutes of previous meetings

- Board members reviewed the minutes of August 11, 2014. **MOTION:** Selectman Treanor moved to accept the minutes of August 11, 2014 as written. Selectwoman Bucu seconded. Motion passed unanimously.

Public Comment

- Ms. Blaisdell announced the passing of Anthony Lopez who was a resident of Sandown as well as a part-time Sandown police officer.
- Kevin Major came before the Board to request permission to have the Boy Scouts be present at the upcoming election for fundraising purposes. Ms. Blaisdell stated that is not why Mr. Major is actually before the Board. Acting Chairman Brown informed Mr. Major that he was nominated and has been chosen as the Granite State Telephone Home Town Hero for 2014 and he listed the reasons why the Town nominated him. The celebration will take place on Saturday, September 13, 2014. Mr. Major thanked all those who have helped him accomplish what he has done.

Mr. Major praised Boy Scout Troop 268 and gave an update on the Eagle Scout projects. The Boy Scouts will be fundraising at the Town Hall on Election Day September 9, 2014.

Other – Joint Check Agreement

- Present for this discussion was Arthur Genualdo, Public Works Director and Attorney Diane Gorrow. Ms Blaisdell received a call from Morello Construction regarding the Wells Village Road culvert replacement project. Morello Construction needs to subcontract with Oldcastle Precast Inc. for the culverts for Wells Village Road. Because Morello Construction is a relatively new company they cannot purchase “on account” with Oldcastle Precast. Because of this the Town is being asked to enter into a Joint Check Agreement between Morello Construction, the Town and Oldcastle Precast. The Agreement would require after the culvert is installed a check be made out to Morello Construction and Oldcastle Precast.

Ms. Blaisdell sent the Agreement to Keach-Nordstrom for their opinion and with the okay from Chairman Nicolaisen also sent it to Attorney Gorrow. The Board has a letter from Keach-Nordstrom dated August 22, 2014 who does not feel the Town should sign the contract because of the contract the Town has with Morello Construction that says the Town pays at the completion of all project work. Attorney Gorrow stated the intent of the Joint Check Agreement in paragraph (1)

133 is that Oldcastle would get paid whatever the contract requirements are. The
134 Agreement says monthly so this should be clarified to make sure it is in
135 agreement with the contract requirements. Attorney Gorrow sees no reason why
136 the Board shouldn't sign the Joint Check Agreement so long as the payment
137 schedule is in accordance with the contract with Morello Construction.
138 Consensus of the Board is they are okay with the change.
139

140
141 **Cheryl Eastman, Finance Director**
142 **Review of 2015 Proposed Budgets for Finance, Tan Note, Street Lights,**
143 **Debt Expense Principal and Interest**
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- 145 • Present for this discussion was Cheryl Eastman, Finance Director.

146
147 Finance Acct. 4150.1 – Ms. Eastman gave an overview of the proposed budget
148 noting the price for the software has not changed from last year. Ms. Blaisdell
149 stated depending on the status of this year's budget the software may be able to
150 be purchased at the end of this fiscal year. **MOTION:** Acting Chairman Brown
151 moved Finance Acct. 4150.1 with Gross Expenses of \$63,876.00, Revenue of \$0
152 and Net Expenses of \$63,876.00 be accepted and recommended to the Budget
153 Committee. Selectwoman Bucu seconded. Motion passed unanimously.
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155 Tan Note Acct. 4723.0 – Ms. Eastman explained the purpose of this account is to
156 cover interest on any short-term loan the Town may have to take out at the end
157 of the fiscal year. **MOTION:** Selectwoman Bucu moved Tan Note Acct. 4723.0
158 with Gross Expenses of \$8,000.00, Revenue of \$0 and Net Expenses of
159 \$8,000.00 be accepted and recommended to the Budget Committee. Acting
160 Chairman Brown seconded. Motion passed unanimously.
161

162 Debt Expense – Principal Acct. 4711.0 – **MOTION:** Acting Chairman Brown
163 moved Debt Expense – Principal Acct. 4711.0 with Gross Expenses of
164 \$50,000.00, Revenue of \$0 and Net Expenses of \$50,000.00 be accepted and
165 recommended to the Budget Committee. Selectwoman Bucu seconded. Motion
166 passed unanimously.
167

168 Debt Expense – Interest Acct. 4721.0 – Ms. Eastman explained the interest
169 charges are on the bond for the Minton property, which drop each year.
170 **MOTION:** Acting Chairman Brown moved Debt Expense – Interest Acct. 4721.0
171 with Gross Expenses of \$31,275.00, Revenue of \$0 and Net Expenses of
172 \$31,275.00 be accepted and recommended to the Budget Committee.
173 Selectman Treanor seconded. Motion passed unanimously.
174

175 Street Lights – Acct. 4316.0 – Ms. Blaisdell stated there are 13 street lights in
176 Town. **MOTION:** Acting Chairman Brown moved Street Lights – Acct. 4316.0

177 with Gross Expenses of \$4,200.00, Revenue of \$0 and Net Expenses of
178 \$4,200.00 be accepted and recommended to the Budget Committee.
179 Selectwoman Bucu seconded. Motion passed unanimously.

180
181 **Arthur Genualdo, Public Works Director**
182 **Discussion regarding 2014-15 plow rates, insurance requirements and**
183 **quotes received for salt**
184

- 185 • Arthur Genualdo was present for this discussion. Acting Chairman Brown noted
186 that a \$5.00/hour increase is being requested for plow truck drivers. Mr.
187 Genualdo noted that Ms. Blaisdell looked into the insurance requirements and
188 the changes will be sent out to current drivers. Mr. Genualdo noted that the
189 hourly rate has not increased since 2008. Mr. Genualdo noted that the loader
190 rate will not be increasing and given the increase in insurance requirements the
191 hourly rate for the plow trucks is warranted. **MOTION:** Selectwoman Bucu
192 moved to accept the \$5./hour increase for the ¾ ton [\$65/hr], 1 ton [\$70/hr] and
193 1 1/2 ton [\$75/hr] pick up. The loader stays the same. Acting Chairman Brown
194 seconded. Motion passed unanimously.

195
196 Salt – Mr. Genualdo stated that the Town for the past 8 years has been using
197 International Salt. This summer International Salt and Morton Salt have
198 combined into one and then there is Eastern Minerals. Morton Salt is
199 approximately \$5./ton more than Eastern Minerals. Mr. Genualdo called Morton
200 Salt to see if the trucking company they use is going to be the same as in the past.
201 They said yes. Mr. Genualdo stated this is major for the Town because the
202 driver lives here in Sandown and brings salt when needed. Mr. Genualdo is
203 asking the Board to continue to do business with Morton Salt because of this.
204 Mr. Genualdo noted that Eastern Salt could take as much as 2-3 days to deliver
205 salt. **MOTION:** Acting Chairman Brown moved to contract with Morton Salt for
206 bulk ice control at a cost of \$53.49/ton. Selectwoman Bucu seconded. Motion
207 passed unanimously.

208
209 Acting Chairman Brown asked Mr. Genualdo what is going on along Main Street.
210 Mr. Genualdo stated the power company is rerouting their lines by taking them
211 out of the woods in hopes to reduce the number of outages.

212
213 **Review of 2015 Proposed Budgets for Elections and Registrations**
214

- 215 • Nelson Rheaume was present for this discussion. Elec & Reg Acct. 4140.3
216 (Moderator) – The Board was presented with a revised copy of the proposed
217 budget. Mr. Rheaume went over the increase to the budget. **MOTION:** Acting
218 Chairman Brown moved Elec & Reg Acct. 4140.3 (Moderator) with Gross
219 Expenses of \$4,860.00, Revenue of \$0 and Net Expenses of \$4,860.00 be

- 220 accepted and recommended to the Budget Committee. Motion passed
221 unanimously.
- 222 • Elec & Reg Acct. 4140.2 (Supervisors) – Present for this discussion were
223 Rosemary Bruno and Diane Thompson. Ms. Bruno stated they need a new
224 laptop because the State no longer supports XP. They are currently using a
225 personal computer. Selectwoman Buco asked if there was enough money in the
226 software line. After Board discussion about licensing and anti-virus software the
227 Software line was increased to \$1,100.00. **MOTION:** Acting Chairman Brown
228 moved Elec & Reg Acct. 4140.2 (Supervisor) with Gross Expenses of \$4,725.00,
229 Revenue of \$50.00 and Net Expenses of \$4,675.00 be accepted and
230 recommended to the Budget Committee. Motion passed unanimously.

231
232 James Devine joined the meeting at this time – 8:00 P.M.

233
234 Ms. Blaisdell noted that someone is interested in the vacant supervisor position.

235
236 **Michael DiCroce, Candidate for County Attorney**

- 237
238 • Not present at this time.

239
240 **Review of 2015 Proposed Budgets for Assessing and Patriotic Purposes**

- 241
- 242 • Assessing Acct. 4150.3 – Ms. Blaisdell noted there is an increase in this year's
243 budget because of changes to last year's budget having to do with the cyclical
244 update. Mileage was also increased as was the website hosting. **MOTION:**
245 Selectwoman Buco moved Assessing Acct. 4150.3 with Gross Expenses of
246 \$67,192.00, Revenue of \$0 and Net Expenses of \$67,192.00 be accepted and
247 recommended to the Budget Committee. Selectman Treanor seconded. Motion
248 passed unanimously. Selectman Devine would like the information Scott Marsh
249 of MRI has on how property is being assessed. Ms. Blaisdell will arrange a
250 meeting between Selectman Devine and Mr. Marsh.
 - 251
252 • Patriotic Purposes Acct. 4583.0 – **MOTION:** Acting Chairman Brown moved
253 Patriotic Purposes Acct. 4583.0 with Gross Expenses of \$4,650.00, Revenue of
254 \$1.00 and Net Expenses of \$4,649.00 be accepted and recommended to the
255 Budget Committee. Selectman Treanor seconded. Motion passed unanimously.

256
257 **New Business**

258
259 **Acceptance of Donation from Sandlot Sports & Entertainment to**
260 **Old Home Day Donation Fund**

- 261
- 262 • Ms. Blaisdell stated a donation from Sandlot Sports & Entertainment in the
263 amount of \$650.00 was made and requested it go into the Old Home Day

264 donation fund. **MOTION:** Acting Chairman Brown moved to accept the \$650.00
265 donation from Sandlot Sports & Entertainment to be deposited into the Old Home
266 Day donation fund. Selectman Devine seconded. Motion passed unanimously.
267

268 Old Business

269 **Further discussion regarding proposed Cable TV Franchise Agreement**

- 270
- 271
 - 272 • Ms. Blaisdell stated she asked the Cable Committee to provide her with an
273 overview of the changes in the Franchise Agreement. What she received was a
274 letter from Gordon Champion dated July 28, 2014 outlining the changes. Ms.
275 Blaisdell went through the changes listed and feels they are reasonable and she
276 sees no reason for the Board to not sign the Franchise Agreement. Ms. Blaisdell
277 summarized the changes for the Board. **MOTION:** Selectman Devine moved to
278 accept the Cable TV Franchise Agreement between Comcast and Sandown, NH.
279 Seconded by Selectwoman Bucu. Motion passed unanimously. Ms. Blaisdell
280 thanked the Cable Committee and Gordon Champion for all the work they did on
281 reaching this Agreement. Selectman Devine would like a letter sent to these
282 individuals.

283 **Status of Fremont Road Bridge**

- 284
- 285
- 286 • There was no discussion.

287 Correspondence

- 288 • Census Bureau has openings for job opportunities. Anyone interested can
289 contact the Selectmen's Office or go to New.York.Recruit @Census.gov.
- 290
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- 293 • Progress Report from Dragon Mosquito for July 2014.
- 294
- 295 • Letter from the Chester Planning Board regarding a nine lot subdivision on Reed
296 Road.
- 297
- 298 • Household Hazardous Waste Collection Day will be held on Saturday,
299 September 13, 2014 from 9:00 A.M. through 12:00 P.M. at the Highway Garage
300 on Route 111A, 207 Middle Road, Brentwood, NH.
- 301
- 302 • Letter from NH Municipal Association regarding the 2015-16 Legislative Policy
303 Conference – Friday, September 26, 2014. If anyone is interested in voting they
304 should contact Ms. Blaisdell in the Selectmen's office.
- 305
- 306 • Cathy Gorman has asked if the Town of Sandown would be interested in hosting
307 aRight to Know workshop sponsored by NH Municipal Association.

- Letter from NH Department of Environmental Services granting the Wetlands Permit for the Wells Village Road culvert project. This was a two year long process to obtain.

311

312 **Department Liaison Report**

313

- Selectman Devine stated Conservation Commission meets this Thursday. All that remains to complete the Fire Memorial is a plaque. The Fire Chief has asked the Planning Board to update the fire requirements. Selectman Brown will bring this up at the next Planning Board meeting.

318

- Selectwoman Bucu stated the skateboard park has been cleaned up with help from the Highway Department. They also cleaned up around the new police station and did roadside cleanup.

322

- Acting Chairman Brown noted there was a two lot subdivision approved by the Planning Board on Phillips Pond Drive.

325

- Ms. Blaisdell stated the Request for Bids for the new police station reconstruction project has gone out to the public. Bids are due back by September 29, 2014 with a mandatory pre-bid conference on September 2, 2014 at 5:00 P.M. Contact the Selectmen's Office for information.

330

331 Acting Chairman Brown asked Board members if they want a full Board present to
332 discuss the police union contract negotiations. Consensus of those present was to wait
333 for a full Board on September 8, 2014.

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335 Acting Chairman Brown adjourned the meeting at 8:32 P.M.

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Respectfully Submitted,

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Cynthia J. Robinson
Recording Secretary

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