

SELECTMEN'S MINUTES  
MONDAY, MARCH 28, 2016

The Selectmen's meeting for Monday, March 28, 2016 started at 6:30 p.m. Present were Selectman Ayer, Selectman Gaudiello, Selectman Hatch, Selectman Knapp, Chairman O'Brien, Administrator Scruton and Clerk McNeil.

Chairman O'Brien opened the meeting and led in the Pledge of Allegiance. Chairman O'Brien noted the procedure for meetings and any questions are addressed through the Board and not one another. There will be no bickering and you must act professional and kind.

Chairman O'Brien opened the public hearing on the issuance of a building permit for Janice Erricolo, Map 107 Lot 0004 – Small Road, a private road at 6:34 p.m. Selectman Gaudiello moved to issue the building permit with the conditions as requested by the road agent, seconded by Selectman Ayer. It was unanimously voted in the affirmative. The hearing closed at 6:36 p.m.

Chairman O'Brien opened the public hearing at 6:37 p.m. on the acceptance of \$400 from LCHIP. Selectman Ayer moved to authorize the Conservation Commission to accept and expend \$400 from LCHIP for monitoring the Calef Easement, seconded by Selectman Hatch. It was unanimously voted in the affirmative. The hearing closed at 6:38 p.m.

Chief Williams recognized Steve Misek who was recently promoted to Sergeant.

The public hearing on the acceptance of a donation of a 2006 Dodge Charger for the Police Department started at 6:40 p.m. Chief Williams stated the car is coming from the Eliminator Company in Lee. It has 17,000 miles and has lived in a heated garage. There is damage to the back end that will be repaired at an estimated cost of \$6,000. Once repaired, the car will be worth about \$18,000. It will be used for undercover traffic enforcement and interacting with the community. This will save the purchase of a car for one year. The Lee PD will be donating equipment for the car. Selectman Ayer moved to accept the donation, seconded by Selectman Hatch. It was unanimously voted in the affirmative.

#### APPOINTMENTS

Peter Cook spoke with regard to a decision that the Board made several years ago. Merit/step raises may not be given when an employee is at the top step of the matrix. For this year the Board agreed that several employees at the top step would get a one-time \$500 payment. Mr. Cook has one employee who is at the top step and won't be receiving the \$500 or the COLA because his pay has been frozen until the other employees with the same job title reach his pay rate. Jere Calef is that employee and he noted that he has worked for the Highway Department for 29 years. Several years back the wage matrix was adjusted and he was a grade above the target grade. Along with his work on the roads, he has been doing the driveway permits for about 16 years. He feels that it is not right that he is the only town employee that doesn't receive a COLA and a one-time payment. Selectman Ayer feels that plowing snow is

hard work that needs to be recognized. Selectman Gaudiello stated that this isn't about performance it has to do with the pay scale. His current salary is frozen because of his higher step on the matrix. Selectman Hatch noted that the salary is not to be frozen for ever just until the other employees reach Mr. Calef's pay rate.

Advisory Budget Committee – Steve Saunders represented the ABC with their recommendations for the budget process. They had concerns from last year's process with deadlines and not getting paperwork. They would like to start with the default budget like the school department and work upon that as a base. They would like a timeline for developing the budget. They would like the Department Heads to provide documentation one week before their meeting with the Board of Selectmen. The ABC would like to tie longevity into length of service with a satisfactory review of employee and COLA is based on cost of living. They would like the Board's opinion of steps and COLAs early in the budget process. There was a concern about how earned time is calculated in every budget. They also want more detail on rate of expenditure for budget lines and what is going to be spent closer to the end of the year. The ABC would also like to see a revenue report and revenue that is expected throughout the year and also fees that are charged by various departments. He feels that departments need a line for contingency or a line for unanticipated expenditures. They also noted that the Highway Department works for other departments. They would like that work documentation. Selectman Knapp asked about a default budget as the baseline compared to a zero based budget approach. Selectman Knapp felt COLAs and steps should be looked at after reviews. He felt there needs more accountability about revenue. Moving money from one budget to another should go before the Board for approval. Administrator Scruton thanked the ABC for their suggestions. Unspent money left in accounts has to go into fund balance. The ABC needs several new members.

#### PUBLIC COMMENTS

Steve Jeffery brought in a photograph that was taken from the street of his house and garage. Mr. Jeffery claims that code enforcement saw a pile of logs on his property that can't be seen from the street so they must have trespassed. He was told he was in violation of site review. Mr. Jeffery is still looking for a resolution. Administrator Scruton stated that the town's insurance company has closed out this claim. The next step is between a lawyer and a judge. Justin Purpora feels there are other properties in town that have had cease and desists that haven't been acted on or resolved namely one on Old Concord Turnpike next to Selectman Ayer. John Huckins, Code Enforcement officer stated that he followed proper procedure. The cease and desist that Mr. Purpora commented on started prior to Mr. Huckins working for the town. He has since worked with the people and has made progress. If the Board wants him to take every case to court he needs to look at the legal budget. Selectman Ayer noted that he appreciates Mr. Huckins hard work on his abutting complaint. Paul Mausteller asked if the Board feels that there is a conflict of interest with Administrator Scruton sitting on the Board of Primex. Administrator Scruton stated that the Board is made up of people who work in towns. This is an unpaid position. They sit on the Board to oversee the policy not the individual claim decisions of PRIMEX.

George Philbrick – Selectman Ayer recused himself from the conversation. At the previous meeting Mr. Philbrick was asked to get a bid for the clean-up on property that he bid on located on Pond Hill Road. The estimate came in at \$7,000. Instead of putting the whole \$7,000 in escrow as recommended at the previous meeting Mr. Philbrick would like the town to have his payment for the lot plus \$2,000 in escrow be what is held. He noted that he has purchased several abandoned houses near him cleaned them up and paid all the back taxes. This property affects him as it abuts his home. Selectman Knapp feels that there should be an escrow amount and not use the money from the sale. The town can enforce the P & S as a legal contract. Mr. Philbrick feels that he has come up with a fair solution. Dan Ayer feels that this has gotten blown out of proportion. Selectman Gaudiello moved to accept the \$2,000 escrow and sale of the property at \$5,150 and authorize Administrator Scruton to sign the purchase and sale agreement, seconded by Chairman O'Brien. Chairman O'Brien asked for a roll call, Ayer – recused himself, Gaudiello – aye, Hatch – abstained, Knapp – abstained, O'Brien – aye. The motion passes.

REVIEW OF MINUTES – March 14, 2016 – Selectman Gaudiello moved to accept the minutes of March 14, 2016, seconded by Selectman Hatch. Selectman Knapp abstained from the vote as he had not seen the minutes. The motion carries.

#### STAFF REPORT

1. Selectman Ayer moved to hire Total Notice for deed research, seconded by Selectman Gaudiello. It was unanimously voted in the affirmative.
2. Chief Walker commented on the SCBA bid. The low bidder (Fire Tech & Safety) withdrew their bid. The next low bid was \$114,140 – Industrial Protection Services and Chief Walker recommends this company. Chief Walker would like to include the rescue breathing option at \$8,360. With the remainder of the funds from the grant, Chief Walker would like to buy a fit-test machine to help with correct fit of their masks for \$9,000 or \$10,000 and various items like gas test meters. Selectman Ayer moved to approve the purchase of air packs from Industrial Protection Services and include the rescue breathing option at \$8,360 second by Selectman Knapp. It was unanimously voted in the affirmative. Selectman Ayer moved to support Chief Walker with his follow-up requests to purchase additional equipment with the balance of the grant money, seconded by Selectman Gaudiello. It was unanimously voted in the affirmative.
3. Selectman Gaudiello moved to appointment Selectman Hatch as an alternate to the Zoning Board of Adjustment, seconded by Selectman Ayer. It was unanimously voted in the affirmative.
4. Chairman O'Brien moved to approve the use of a dozer, raking and hydro seeding to stabilize the old town hall site with the money coming from the demolition line and the Executive contingency line for a total of \$4,520, seconded by Selectman Ayer. It was unanimously voted in the affirmative.
5. Selectman Hatch moved to reappoint, for three year terms, John Wallace as a full member of the Conservation Commission, Alison Desmarais to a full member and Ken Grossman to an alternate, seconded by Selectman Ayer. It was unanimously voted in the affirmative.

6. Selectman Hatch moved to reappoint Traci Bisson and Victoria Sellers as alternates to the Library Trustees with one year terms, seconded by Selectman Ayer. It was unanimously voted in the affirmative.
7. Currently the town has a Noise Ordinance that is very strict with a complication waiver process. Administrator Scruton and Chief Williams will be working on an amendment to the ordinance to allow a more general waiver based on common sense.
8. Administrator Scruton received a preliminary plan for a timber cut for about \$22,000 on a town lot off of Misty Lane. The plan will be discussed by the Conservation Commission.
9. The Town received notification for the Health Trust that our final rates are below the projection and even below 2015 rates.
10. Tony Gaudiello has resigned from the ABC and the Planning Board.
11. The School Board has appointed Garth Swenson as the liaison to the Board of Selectmen.
12. Congratulations to Planning Board alternate Josh Bouchard and his wife, owners of Spring Harvest Maple Farm who won a first prize for their maple syrup in 2015 at the Vermont MapleRama Festival.

#### Clerk McNeil

1. Clerk McNeil requested signatures on abatements #15 - #28, a deed for a mobile home being returned to a prior owner (Clohecy), five Intent to Cut applications, authorization to "participate in and received surplus personal property by the Federal Property and Administrative Services Act", vendor manifests dated 3/17 & 3/24, payroll manifests dated 3/13 and 3/20.
2. A request was received from a property owner to waive interest on the December tax bill as they bought the property in October and the tax bill went to the prior owner. The timing of the sale created a situation that was unclear to the new owner. They thought the tax money had been included at the time of the closing. Selectman Gaudiello moved to approve the request to waive \$144.38 in interest, seconded by Selectman Ayer. It was unanimously voted in the affirmative.
3. The town had a request from an abutter to purchase a town owned lot. A letter was sent to both abutters asking if they were interested in purchasing the property they could submit a bid. One bid was received and opened at the meeting from Diane Piwowarczyk for \$2,000. Selectman Gaudiello moved to accept the bid and to have the property merged with her other piece, seconded by Selectman Hatch. It was unanimously voted in the affirmative.

#### SELECTMEN'S REPORT

Selectman Ayer noted the presentation of the workforce housing charrette at the Planning Board.

Selectman Knapp noted that he has a meeting time conflict with being on the Planning Board and the liaison to the School Board as their meetings are on the same night. It was noted that if

Selectman Knapp is needed at the Planning Board someone else could attend the School Board meeting.

Chairman O'Brien missed the recent Recreation Commission Meeting but commented that summer camp is filling up and before and after school programs for next year only have seven openings.

#### PUBLIC COMMENT

Selectman Knapp noted the following comments: he suggested a "welcome packet" for new Selectmen, he would like the Board to come up with goals and objectives, he would like the department heads to attend the Selectmen's meetings, he would like the town to look into taking advantage of grant writing and requested that the Selectmen have town e-mail addresses.

Selectman Gaudiello noted that one of the goals is to deal with space issues with the town office and the library. She suggested that the Board go back to having workshops that are open to the public but the Board doesn't take public comment. It gives the Board a chance to work on various projects.

Peter Cook stated that road paving is going out to bid – the bid period will be open for 20 days with the bids due on May 5<sup>th</sup>. Regarding COLA and one-time payment for being on the top step, Mr. Cook stated that he does not want to accept anything that is coming to him.

Chief Walker noted that a local insurance company would like to partner up with Fire Department to provide a free CPR program. This is to get local companies involved in the community. It will be in the form of a \$2,000 grant for the Fire Department. When the time comes, he would like the Board of Selectmen to accept this gift.

Justin Purpora presented a citizen petition with 15 names to the Board "requesting the selectmen consider our dissatisfaction with the performance of our current town administrator, John Scruton" and to hire a full time town administrator.

Selectman Ayer moved to go into non-public session at 9:02 p.m. per RSA 91 A: 3 II for personnel, seconded by Selectman Knapp. Chairman O'Brien asked for a roll call, Ayer –aye, Gaudiello – aye, Hatch – aye, Knapp – nay, O'Brien – aye. The motion passes.

Selectman Gaudiello moved to come out of non-public session at 10:30 p.m., seconded by Chairman O'Brien. It was unanimously voted in the affirmative.

Selectman Gaudiello moved to seal the minutes indefinitely, seconded by Selectman Hatch. Chairman O'Brien asked for a roll call, Ayer – aye, Gaudiello – aye, Hatch – aye, Knapp – nay, O'Brien. The motion passes.

Selectmen Gaudiello moved to appoint Justin Purpora as an alternate to the Planning Board, seconded by Chairman O'Brien. Chairman O'Brien asked for a roll call, Ayer – abstained, Hatch – abstained, Gaudiello – nay, Knapp – nay, O'Brien – nay. The motion does not pass.

Selectman Gaudiello moved to reappoint Joshua Bouchard to the Planning Board for three years, seconded by Selectman Hatch. Chairman O'Brien asked for a roll call, Ayer – aye, Gaudiello – aye, Hatch – aye, Knapp – nay, O'Brien – aye. The motion passes.

Chairman O'Brien moved to appoint the following to the Recreation Commission: Lisa Allis for one year, Christine Morris and Jim Noble for two years and Jill Hilfiker and Jeffrey Heyliger for three years, seconded by Selectman Gaudiello. It was unanimously voted in the affirmative.

Selectman Gaudiello moved to appoint James Jennison as a full member to the Planning Board for three years, seconded by Selectman Ayer. Chairman O'Brien asked for a roll call, Ayer – aye, Gaudiello – aye, Hatch – aye, Knapp – abstained, O'Brien – aye. The motion passes.

The meeting adjourned at 10:36 p.m.