

Approved

Town of Grantham Board of Selectmen - Meeting Minutes May 25, 2016

The meeting of the Board of Selectmen was called to order at 5:00pm on Wednesday, May 25, 2016 by Chairman Kimball. The meeting was held in the Grantham Town Building, Jerry Whitney Memorial Conference Room at 300 Route 10 South, Grantham, NH.

Present: Chairman Warren Kimball; Selectman Sheridan Brown; Selectman Constance Jones; Town Administrator Melissa White; Administrative Assistant Ann Jasper; Police Chief Walter A. Madore, Sr.; Fire Chief Jay Fountain; NH District 1 Executive Councilor Joe Kenney; Peter James; and Shawn Hayward

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Town Administrator Melissa White

ADMINISTRATIVE - APPROVED

- Payroll Manifest #479
- Accounts Payable Manifest #500
- CAI Technologies; GIS Internet Services Maintenance Agreement 2016 - 2017
- Certification of Yield Taxes Assessed
 - M/L 212-006-000; 124 Miller Pond Road
- Building Permits:
 - M/L 213-010-000; 37 Anderson Pond Road – Shed
 - M/L 212-031-000; 3 Mill Pond Lane – Pave Driveway
 - M/L 215-057-000; 440 Road Round the Lake – Kitchen Remodel
 - M/L 233-089-000; 84 Route 114 - Deck

APPROVAL OF MINUTES

A motion to approve the regular and non-public meeting minutes of May 9, 2016 as written was made by Selectman Brown; seconded by Selectman Jones. **Approved by majority vote.**

A motion to approve the regular and non-public meeting minutes of May 13, 2016 as written was made by Selectman Jones; seconded by Selectman Brown. **Unanimously approved.**

Approved

APPEARANCES

- New Hampshire District 1 Executive Councilor Joe Kenney: New Hampshire District 1 Executive Councilor Joe Kenney introduced himself and gave an overview of the Executive Council. He explained that the Executive Council is a form of government that is unique to New Hampshire; there are five Executive Councilors, each representing one fifth of the population, who meet with Governor Hassan about every two weeks and participate in the active management of the business of the state including voting on most state contracts and all board, commission and judicial appointments. They are kind of the checks and balances in the Executive Branch.

Kenney remarked that part of his job as he sees it is to get out of Concord as much as possible and get out into the field and work with the constituents so people will get to know him and get a sense of what the position is and what he can do to help. He said he has logged thousands of miles and met thousands of people. He showed a map of the five Districts and District 1 encompasses over 50% of the geographic area of New Hampshire.

Kenney stated that the Executive Council plays a vital role in improving the State's infrastructure, especially roads and bridges, via management and oversight of the state's 10 year Highway plan. That process starts at the Governor/Council level. He noticed that Grantham has a resurfacing project for NH 114 ramps which is really a maintenance project. He said he believed they have gotten some additional funding through the federal Highway Plan so there should be more resurfacing projects in the coming years in New Hampshire.

- He highlighted some of the projects in which he and the other Executive Councilors are involved:
 - The State just signed a contract with a company in Quebec and they will be going north into Canada and sitting down with about 40 Canadian businesses to try to entice them to do more business with New Hampshire or to move to New Hampshire.
 - Last year they took the Executive Council on the road. They went to Claremont for breakfast and the main meeting was held in Newport.
 - He was recently in Lebanon for an AmeriCorps luncheon speaking about some of the programs.
 - They put in a Tiger Grant for the NH/VT I-89 Bridge and should find out in a couple months if the grant is awarded.
 - He works very closely with local Economic Development Councils on projects they try to support
 - They vote on all civil commissions such as for Justices of the Peace and complete background checks

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- He said what we are seeing in New Hampshire right now is a shortage in our work force so we need to have more workforce development projects to try to entice people to stay here.
- They are all involved in the opioid crisis in some way whether it's through a joint task force in the legislature or forums within our community groups.
- He said the Governor recently attended a ceremony at the Berlin State Prison where the American Legion Post 123 was renamed to the Sergeant First Class Ryan Savard Post 123. He said the inmates who are veteran's put on one of the finest veteran's ceremonies he has ever attended. He stated Ryan Savard's parents were there speaking about what an extraordinary young man he was. It was very touching and he was very impressed.
- In September, they will be dedicating a new eight million dollar marine patrol facility in Gilford on Lake Winnepesaukee which will be a new addition to state government.

Chairman Kimball told Kenney that he recently attended a symposium with other towns on solar electric and no one is sure how to regulate it for commercial properties. He asked Kenney if they could get some ideas or if they could hold a forum and get some direction. Kenney told Kimball that if he would like Grantham to host a regional forum, he could get the Commissioner of Revenue, John Beardmore, and also PUC Chairman, Martin Honigberg, to come and have a joint discussion on that subject. He continued that anytime you have a large impact on a small community, you really need to get the technical experts in there to explain how it will impact them in the next five to ten years. He said he would be happy to set that up. Town Administrator Melissa White asked if that should be done through our Energy Committee. Chairman Kimball said they should be asked if they would like to be involved.

Selectman Brown explained to Kenney the problem that the town recently had with engine brakes and not being able to put signs up on a state road. Brown asked if there was a way to intervene. Kenney said he could follow up with the Commissioner and ask her to give an explanation either way. He said signage has always been controversial in this state and gave some examples.

Kenney said he grew up and lives on the other side of the state in a small town with a population of about 4500 people so he understands the small town pressures and issues that go on and being a former selectman himself, he appreciates all that the Board does for the community. He asked if there were any questions. Selectman Brown said he would like to thank him for his service and commented that he stepped into some big shoes following Ray Burton. Brown said he is dealing with a short window of time as the new guy on the Selectboard but his impression is that the town receives great service from all the state agencies that it deals with and he knows that is partly due to the oversight of the Executive Council.

CORRESPONDENCE:

- Dick Mansfield: A letter was received from Dick Mansfield providing additional information in support of his and his wife's request for tax abatement. Town Administrator White

Approved

reminded the Board that she had the Town's Assessing Company review the Mansfield's initial request for tax abatement and they did not recommend granting the abatement based on the information they possessed at that time. She felt that the reason wasn't as detailed as it could have been and, as a result, Mr. Mansfield's subsequent correspondence raised points that warranted further attention. White asked Town Assessor, Mike Ryan, to review it. Ryan said that Mr. Mansfield's main argument is that the condition of the house is not good but average and if we changed the rating from good to average, the assessment would be revised to \$149,800. Ryan said that based on the information Mansfield provided in his Abatement application, a reasonable case could be made for revising the condition of his house. White said she believed it would be reasonable to change their decision based on the better information that they now have which would reduce the assessment by \$7,200. After discussion, the Board agreed.

A motion to accept the revised assessment of \$149,800 based on the additional information provided by Town Assessor, Mike Ryan, was made by Selectman Brown; seconded by Selectman Jones. **Unanimously approved.**

OLD BUSINESS

- Olde Farms Road Bridge: White reiterated from the last meeting that the Board decided to:
- Move forward with closing this project out;
 - Request the final as-built plans from Bridge Engineer Erin Darrow with annotations, if necessary.
 - Request back up detail for Darrow's most recent invoice.

White informed that she received an email response from Darrow stating that the as-built plan completion would require, among other things, the following: The Board to sign a contract addendum which includes indemnification; Payment in full of her last invoice; A retainer in the amount of \$2,500.00 towards payment for the plan preparation with an estimated total cost of \$5,000.00; and the remaining items on her Punch List be completed by others.

Chairman Kimball expressed confusion with some of Darrow's language in her Project Scope. Selectman Brown relayed the process for preparing as-built plans as he understood it. Selectman Brown strongly expressed that he absolutely does not recommend indemnification for Darrow and suggested hiring another engineer to prepare the as-built plans. He explained that indemnifying her would give up many of the town's legal protections in the event a claim was brought against the town if an injury was ever found to be due to a bridge design flaw.

Selectman Brown pointed out a couple other discrepancies in her proposal and said he doesn't see a path forward with Darrow. He stated that his proposal would be to terminate the contract with Darrow.

Approved

White asked the Board what they wanted to do about her last invoice. Selectman Brown thought there was one item on her invoice; "*Preparation of Materials for review by NHDOT; Jan. 2016*" that was not in any way necessary for this project. He said all the time billed for meetings has no specificity of what the meetings were about and suggested asking her what the meetings were regarding and where they were held. White said she can go back and look through some emails and might be able to piece it together. Selectman Jones recommended paying the bill so we don't get charged interest which Darrow said she would do. Chairman Kimball agreed with paying the bill to avoid interest and to terminating her contract. Selectman Brown said he is not inclined to pay the bill in its entirety and he went through the invoice identifying the following charges he would dispute: 1) The item he mentioned earlier about sending materials for review to NHDOT that she billed the town 1.5 hours for; 2) he does not believe that the preparation of the revised Punch List took 2 hours because it was almost a duplicate of the first Punch List; 3) She should give us a detailed itemized list for the 6.5 hours billed for "Time for Emails, Telephone Conversations & Text Messages, October 2015 – April 2016" instead of an aggregate so we can determine if that is accurate or not before paying it. He said in his opinion, he sees about 10 hours that could probably be removed from this invoice. Brown would agree to pay half and let Darrow know that if she wants us to consider paying the rest, she needs to give us a professional invoice. He commented that it shouldn't be a difficult task because most professionals keep track of their time in a program such as QuickBooks and they can easily run a report and he doesn't think they are asking for anything unreasonable. White said she will go through her emails to try to piece together the invoice. Selectman Brown stated that the client should not have to go through their files to figure out what the consultant was doing.

A letter will be mailed to Darrow informing her that the Town is terminating her contract.

- Miller Pond Road Bridge: White received the design plans from Neil H. Daniels, Inc. and forwarded them to NH DOT for review of the deck design and HL93 Design Live Load. She received an email from DOT informing that the plans do achieve the capacity as intended and noted a couple of things on the plans that need to be consistent. One was the slab thickness and sheet 4 shows the face of the curb at 16 inches and a different area shows 20 inches. Also, top mat #8 shows eight inches and the bottom mat #7 shows six inches. Selectman Brown said it looks like they used in their design a smaller diameter reinforcing steel for the top mat than the bottom mat and DOT is saying that the bottom mat is the one that is structurally relevant – probably the result of the diameters simply being transposed. She added the title of the bridge number was incorrect on the plan. White will get the plans corrected.
- Zoning Violation at 172 Cote Road: Shawn Hayward informed that he has been working on getting the debris out of his yard over the last few days. Chairman Kimball commented that it does look a lot better.
- Mitchell Automotive: No new information, however, a letter with pictures will be sent to the owner of the property because the situation is creating a fire hazard and a health hazard.
- M/L 233-101-000; 357 Dunbar Hill Road: A letter will be sent to the owner of the property pursuant to RSA 155-B.

Approved

NEW BUSINESS:

- Smoking at Grantham Recreation Park: A request was received from the wife of one of the coaches to post "no smoking" signs at the recreation park. There was discussion about creating an ordinance and Selectman Brown informed that he has dealt with a similar situation in the past and local communities are preempted from totally banning smoking outdoors by State law. A Town ordinance could not be more stringent than State law. He explained that towns have been dealing with this issue by setting off a designated smoking area somewhere on the property rather than attempting to enforce a total ban. He said the Town could put up signs asking people to be respectful and smoke in the designated area and not near the children/playing fields. He added that Claremont has dealt with this issue so it might be beneficial to call Jane Taylor, City Solicitor, to ask how they dealt with it.
- Building Permit at 84 Route 114: A Building Permit Application was received to build a deck at 84 Route 114. Town Administrator White had some concerns because the tax map shows the area where the deck is to be built infringing into the flood plain. Shawn Hayward will be building the deck and explained where the deck is to be situated and also stated that the owners of that property had to buy flood insurance at one time but they are no longer required to do so. White asked Hayward if the owners have an Elevation Certificate filed. Hayward did not know.

The question of a zoning variance came up and Selectman Brown explained that the Zoning Ordinance requires compliance with all State wetlands regulations. He said it would be worth a call to the NH Department of Environmental Services to see if they are okay with it.

After more discussion, Selectman Brown did some research and informed that the Flood Plain Management Coordinator at the Office of Energy and Planning is who issues the Flood Plain Management Certificates.

Chairman Kimball told Hayward that they will look into this and get back to him.

DEPARTMENT/COMMITTEE REPORTS

- Fire Department – April Report: EMS responded to 10 calls and Fire/Rescue responded to 9 calls.
 - The Fire Department hosted the monthly Mid-Western Hazardous Materials Team Training. The training consisted of reviewing new 4 gas monitoring equipment.
 - The Fire Department hosted the annual Rabies Clinic on April 2, 2016.

Selectman Brown asked Fire Chief Fountain if there is any update on when the damaged Fire Truck is expected to return. Chief Fountain said he does not have a date yet but estimated about two months.

Approved

Chief Fountain reported that there was an issue with one of the repeaters by the rest area and the issue turned out to be a cracked antenna in Hanover so it was fixed and Hanover and Grantham are splitting the cost.

- Police Department – April Report:

- The Police Department conducted officer testing for the vacant position on April 2, 2016. Fifteen candidates were invited to participate and seven of them responded but only five showed up for the testing. A conditional offer was made to one of the candidates who is a resident of Grantham. A background check is currently being conducted.
- Officer Schwartz attended the Firearms Recertification Class at NH PSTC on April 7, 2016.
- The NH Chiefs of Police Meeting was held on April 12, 2016 in Grantham Town Hall. The Chiefs were impressed by the facility. Chief Justice Nadeau presented information on the drug court initiative throughout the State. Judge Kelly spoke on the scheduling issues in the circuit courts. There was a presentation by Darren McLeod, Co-Founder of Life Raft Inc., a social media tracking software for law enforcement.
- Police Chief Madore attended the open house at Pearl's Little Angels on April 14, 2016 and provided the children an opportunity to see and touch the cruiser and ask questions.
- Sergeant Parsons attended the thirteenth annual Shield Our Children from Harm Professional Conference sponsored by CHAAD on April 19, 2016 where he learned about the internal and external influences that put adolescents at risk for abuse.
- Chief Madore attended an open forum in Newport on April 20, 2016 regarding the addiction crisis within the State.
- The Police Department assisted Grantham Village School on April 21, 2016 with a successful lock down drill for the after school program.
- Police Department Secretary Judy DiPadova attended a seminar at Primex regarding generational differences in the workplace. The workshop provided information on what motivates each generation and how to discover their strengths to create a stronger team.
- Drug Take Back Day was held across the nation on April 30, 2016. Grantham Police Department collected 52 pounds of unwanted and unused prescription drugs.

Chief Madore mentioned there is a discrepancy in the signs for four wheelers. White said she will look into that.

Approved

- Transfer Station:

March Report

Solid Waste – 5 runs; 56.93 tons
Construction Demolition Debris – 5 runs; 21.68 tons
Glass – 1 load; 7.31 tons; Expense: \$219.30
Tin Cans – 1 run; 2.0089 tons; Revenue: \$140.62
Cardboard – 1 run; 22.59 tons; Revenue: \$1,976.54

Fibers – Mixed Loose – (Paper) – 2 loads; 7.94 tons
Revenue: \$ 0.00
Expense: \$869.86

Comingle – w/o glass – (Plastic) – 2 loads; 2.62 tons
Revenue: \$ 0.00
Expense: \$165.00

Total tonnage of material taken away: 121.0989 tons
Tickets collected at Transfer Station: \$910.00

Total revenue from recycling: \$2,117.16
Total expense from recycling: \$1,254.16
New revenue from recycling: \$ 863.00

Transfer Station Supervisor Chris Scott apologized for the lateness of the March Report.

April Report

Solid Waste – 7 runs; 76.66 tons
Construction Demolition Debris – 5 runs; 25.08 tons
Glass – 1 load; 7.31 tons; Expense: \$219.30
Brush – 3 runs; 9.08 tons
Electronics – 1 run; 2.945 tons; Expense: \$792.35
Fibers – Mixed Loose – (Paper) – 1 load; 3.97 tons
Revenue: \$ 0.00
Expense: \$534.93

Comingle – w/o glass – (Plastic) – 1 load; 1.32 tons
Revenue: \$ 0.00
Expense: \$182.50

Total Tonnage of material taken away; 135.4811 tons
Tickets collected at Transfer Station: \$1,290.00

Total revenue from recycling: \$ 866.03
Total expense from recycling: \$1,729.08
Net expense from recycling: \$ 863.05

Approved

Transfer Station Supervisor reported that they are now hauling brush to Hammonds in Canaan. Durgin and Crowell is no longer accepting brush as they are building a pellet making plant instead. They are also hauling all metal to Concord as Scritzer closed the Claremont location.

- Town Administrator:
 - A reminder that the Upper Valley Lake Sunapee Regional Planning Commission will hold its 2016 Annual Meeting and Dinner on June 15, 2016 from 5:00-8:00pm at the Common Man in Claremont. Clark Freeze of the NH Department of Environmental Services will discuss the challenges facing New Hampshire's environment and how the partnership between DES and the Planning Commissions can help address those challenges.
 - White was informed by Nate Miller at the Upper Valley Lake Sunapee Regional Planning Commission that there is a vacancy open for a representative on the Commission. Miller commended Peter Guillette who serves on the Commission's Executive and Finance Committee and is the Treasurer for the Commission for a job well done. He stated that Guillette goes above and beyond the call of duty and the Commission is lucky to have him. White also wished to thank Guillette for doing that and being our representative.
 - The Sullivan County Commissioners are taking their budget hearings on the road and they will be holding a hearing at Grantham Town Hall on June 7, 2016 at 6:00pm.
 - White mailed the dooamage letters to property owners and their loggers who have not submitted their report of wood cut which was due by May 15, 2016
 - The Transfer Station was closed on May 16, 2016 for training and there was a high number or residents who came into the Town Offices who did not know that the Transfer Station was closed that day. White spoke to Transfer Station Supervisor Chris Scott about this and she ordered a sidewalk sign for him to post notices.
 - The Town Offices and Transfer Station will be closed on May 30, 2016 in observance of Memorial Day.
 - The Town Wide Yard Sale is June 11, 2016.
 - Upcoming Meetings:
 - The 250th Celebration Committee meeting is scheduled on Thursday, May 26, 2016 at 7:00pm in Town Hall.
 - The Zoning Board meeting is scheduled on Thursday, May 26, 2016 at 7:00pm;
 - The Open Space Committee meeting has been rescheduled to June 1, 2016 at 8:30 am;
 - The Trustees of the Trust Funds meeting has been rescheduled to Thursday, June 2, 2016 at 1:00pm;

Approved

- The Planning Board meeting is scheduled on Thursday, June 2, 2016 at 7:00pm;
- The Energy Committee meeting is scheduled on Monday, June 6, 2016 at 5:00pm;

OTHER

- Selectman Brown informed that he has been extensively researching the legal issues related to soliciting private gifts for the Town's 250th Anniversary. He explained that those gifts are regulated as charitable solicitations and will be viewed as restricted gifts required to be handled as trust funds. He reported that we currently do not have a fund that would allow us to do that so we would need to create a trust fund. Whereas this power may only be exercised by Town Meeting, it would require a special Town Meeting to create a fund with sufficient time to receive gifts for the 250th Anniversary in 2017. Brown said he spoke to White about this and she estimated the cost to be approximately \$500.00. He advised that we would have to post the Warrant for 14 days and put it in the paper 7 days prior to the meeting. He added that although the Trustees of the Trust Funds have to hold the fund, there is an option to have wording in the Warrant to authorize the Selectmen to be agents to expend the fund. Everyone agreed and White will reach out to the Supervisors and the Town Moderator to set a date for late June or early July.

NON-PUBLIC – SESSION I

In accordance with RSA 91-A:3 section II-c, a motion was made by Selectman Jones, and seconded by Chairman Kimball to enter into a Non-Public session at 7:22pm. Present were: Chairman Warren Kimball; Selectman Sheridan Brown; Selectman Constance Jones; Town Administrator Melissa White; and Administrative Assistant Ann Jasper

*A motion to leave Non-Public session and return to Public Session at 7:26pm was made by Chairman Kimball; seconded by Selectman Brown. **Unanimously approved.***

NON-PUBLIC – SESSION II

In accordance with RSA 91-A:3 section II-c, a motion was made by Chairman Kimball, and seconded by Selectman Jones to enter into a Non-Public session at 7:26pm. Present were: Chairman Warren Kimball; Selectman Sheridan Brown; Selectman Constance Jones; Town Administrator Melissa White; and Administrative Assistant Ann Jasper

*A motion to leave Non-Public session and return to Public Session at 7:30pm was made by Selectman Jones; seconded by Selectman Brown. **Unanimously approved.***

NON-PUBLIC – SESSION III

In accordance with RSA 91-A:3 section II-a, a motion was made by Selectman Jones, and seconded by Selectman Brown to enter into a Non-Public session at 7:31pm. Present were: Chairman Warren Kimball; Selectman Sheridan Brown; Selectman Constance Jones; Town Administrator Melissa White; and Administrative Assistant Ann Jasper

*A motion to leave Non-Public session and return to Public Session at 7:40pm was made by Selectman Brown; seconded by Selectman Jones. **Unanimously approved.***

Approved

ADJOURNMENT

There being no further business, Selectman Jones moved to adjourn, seconded by Chairman Kimball; **by Unanimous vote, the Board adjourned at 7:43 pm.**

The next Selectmen's Meeting will be held on **Wednesday, June 8, 2016** at 5:00pm in the Grantham Town Building; Jerry Whitney Memorial Conference Room at 300 Route 10 South, Grantham, NH.

Respectfully submitted,



Ann Jasper
Administrative Assistant