



Monday, September 26, 2022

Board of Selectmen Minutes

In attendance: Steve Smith (Chair), Dianne Craig (Selectmen), Derek Tremblay (Selectmen), Barbara Paronto, Alicea Bursey, Bonnie Belden, Kim McInnis, Kirsten Hershey, Ray Porter, Shae Simino, Melissa Salinardi, Bruce Nadeau (arrived at 7:13pm)

CALL TO ORDER

Steve Smith called the meeting to order at 6:31pm

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

Steve Smith motioned to accept the agenda and all documents that were signed by the Board. Derek Tremblay seconded the motion. All were in favor-yes; motion carried (3-0).

APPROVAL OF MINUTES

Edits were made to the September 12th draft. No concerns to the changes were made.

Steve Smith motioned to accept the minutes of September 12, 2022 "as amended". Dianne Craig seconded the motion. Motion carried (Steve Smith, Dianne Craig-yes and Derek Tremblay-abstain).

Dianne Craig motioned to accept the minutes of September 13, 2022 "as is". Steve Smith seconded the motion. Motion carried (Steve Smith, Dianne Craig-yes and Derek Tremblay abstained).

APPOINTMENTS

Ray Porter (Rand Pond Road)

Ray Porter presented a drainage issue on Rand Pond Road. As a resident living at 395 Rand Pond Road, he has spoken with a few neighbors who are concerned about runoff that could cause damage to their septic systems. He has offered his assistance in fixing the problem and asked the Board if it would be possible for the Road Agent to look at the area and come up with a plan for fixing the drainage issue.

Ray addressed the road agent, Shae Simino, and asked him if he could, "take a look at it." Ray believes that the water can be diverted around the problem area, even if that means utilizing his property as a source for the runoff water to go. Shae asked if there was a cross culvert in that area and Ray stated that yes there is a cross culvert, however, some of the area does not contain a culvert. Shae stated that he will go out to the site and inspect the area.

Dianne Craig asked if the issue has been ongoing because she thought that the Board of Selectmen, in a previous meeting, agreed to not touch Rand Pond Road after work had been done by the Steven's company. Ray stated that the drainage issue has been ongoing for years and resident complaints have been made. Dianne added that fixing the issue should be the

only approach and that moving the issue from one property to another would not be a good decision; she did not want to see the problem become another person's problem. Shae will connect with Ray to inspect the area and come up with a possibly solution to fix the problem.

Shae Simino (Road Agent)

- Transfer Station Employee: Shae gave a report that Michelle Roy has submitted her resignation from the transfer station due to personal reasons which include moving further away. The transfer station has two certified employees, besides Shae, and can still remain in operation. It was suggested to Shae that he look at hiring more employees again. Melissa has the previous applications, from the last round of hiring at the Transfer Station, and will give to Shae so he can call past residents interested in employment.
- Road Update: Shae reported that he is currently grading the roads and will be continuing this task for the next few weeks. He mentioned that the roller agreement with Hersey has been signed and the roller will be used only when necessary. Joel has been running the roller this fall. Except for a small leak, which was noted and documented before first use, there has been no issues with the roller. The Board reviewed the roller agreement. Dianne asked if the rented equipment would be covered by the Town's insurance policy if anything were to happen. Melissa Salinardi will contact the insurance company for an answer.
- 2008 Chevy Pickup: Shae reported that the 2008 Chevy pickup is going up on the auctions website either tonight or tomorrow. Steve Smith asked the Board if they would like to allow Shae to handle the selling of this vehicle. The Board agreed.

Steve Smith motioned to allow the Road Agent to act of behalf of the Board of Selectmen in the sale of the 2008 Chevy pickup. Dianne Craig seconded the motion. All were in favor-yes; motion carried (3-0).

Derek Tremblay asked if there was a minimum bid and what the market value was estimated at. Shae replied that there was not a minimum bid and the market value was about \$8,000. He also mentioned that there was a \$30 fee for the auction site that is only taken when the item sells.

Library (Bonnie Belden)

- Grant: Bonnie Belden reported that the library has been approved for the LWCF assistance to the DNCR for their projects. She remarked that the funds still have to be reviewed by the Governor and Executive Council which will take place on November 2, 2022 or November 22, 2022. However, she believes that the funds will be granted to the Olive G Pettis Library. She added that the grant is a reimbursement grant which includes any work beginning on October 1, 2022. The town must expend the money first and then get reimbursed. Bonnie asked the Board how they would like to proceed with purchases using Town funds.

Steve Smith asked what projects the library would like to accomplish in the Fall. Bonnie responded saying that the library's highest priorities would be to clear out the dead wood and debris from the trail area and to have the wall behind the courtyard built. Kim McInnis added that they would like to see the wall built so that the area stays protected and all the work that has already been done does not get damaged or ruined in the winter months. Steve stated that if the Road Agent had time, after he had completed his preparation for winter work on the roads, he would be able to set the wall.

Bonnie estimated the cost of the two projects mentioned to be between \$20,000 and \$25,000. Steve asked when the Town could expect to see the money returned. Bonnie stated, "possibly after the November meeting." Steve asked the Board what they thought about proceeding without the Governor's approval. Dianne said that she did not see an issue with the Governor not signing the grant, however, she would like to make sure the Town has

the funds to meet the needs of the project. Derek was concerned about monies owed for the TAN and wanted to know if it had already been paid back. He suggested that if it had been paid back, then moving forward would not be an issue. Barbara Paronto reminded the Board that tax bills will be going out in December and the Town will be receiving money into the budget at that time. The Board will research to see if the TAN has been paid and determine the next steps based on the standing budget and cash flow of the Town.

Bonnie also mentioned a few fundraisers that the library will be hosting. She is hoping to drum up some publicity with the Selectmen present for some type of breaking ground ceremony when the project is completed.

Steve remarked that the recent trail race around Gunnison Lake, which was hosted by the library, had a very good response and Bonnie added that seventy-eight (78) runners participated. Runners came from CT, MA, VT and all over NH. The Board was happy to hear that the event went well.

PUBLIC COMMENTS –

Kirsten Hershey addressed the Board and asked for an update on the situation that she is facing with Mr. Mark Stadtmiller. She remarked that at the last meeting the minutes reflected that there had been progress on this topic, however, she stated that no progress has been made. She remarked that there was more garbage, and a total of three (3) campers on the property and nothing has been done to improve the area. She suggested that Mark is not credible and has had different stories to tell every time she addresses him. She has now given him a no trespassing, which has not been received well, and now she says Mr Stadtmiller is harassing her with inappropriate gestures.

She remarked that she didn't believe he had a building permit and that he is not being compliant. She also remarked that he is dumping sewage on her property, which is a health issue. She wondered if, the Code Enforcement Officer, Bruce has seen the property any more times. She believes that Chief Andersen has gone up about three times and wants to know what is going to be done moving forward.

Steve responded by saying that after the last meeting, the Board did receive an update that things were not going well. He reached out to Chief Andersen and Bruce Nadeau and both had given him the impression that progress had slowed down. He continued by stating that the Board is following the date that was given to Mr. Stadtmiller during the October 20, 2022 meeting. They will not make any decisions before that date. Dianne added that Mr. Stadtmiller did pay his taxes, a building permit was filled out and that his septic was approved years ago. Kirsten remarked that the septic may be approved but he is dumping his grey water on her property.

Steve asked Bruce Nadeau to give a report of the situation. Bruce commented saying that Mark has done nothing to improve the situation. He mentioned that he told Mark not to move garage from one property to the other, however, he believes he has been doing this. He stated that the building permit is incomplete, although septic and the driveway permit have been approved previously. Bruce mentioned that Mr Stadtmiller has stopped answering his calls and has not returned any messages.

Bruce mentioned that he spoke with MS. Hershey and told her that this is a tricky situation because it is both a civil matter and a town matter. However, the Town's hands are tied until the October 20th deadline. Steve added that there is nothing that the Board can do until that deadline approaches.

Kirsten added that Mark has put a chain up in front of his property and has not allowed her to enter. However, she did serve him the no trespassing, effective Oct 20th. She also asked if the Board wanted a copy of her report from the surveyor about the pins. Bruce mentioned that he didn't believe the Board needed that information because that would be part of the civil matter.

No additional public comments were made.

COMMUNICATIONS

Administrative Assistant

Nothing new to report.

Board of Selectmen

Follow-up: Derek read aloud the response from Primex regarding the Road Agent taking the plow truck home before a storm for timely clean-up. The response was as follows, "The vehicle is covered at all times that the road agent is authorized to use the vehicle. If the Town authorizes for the road agent to take it home and start cleaning up with it early, it would be covered subject to limits and exclusions outlined in the coverage agreement. It's up to the Town how they'd like to handle the situation. We suggest following any applicable policies that are currently in place."

Both Dianne and Derek agreed that the plow truck was to only be brought to Shae's home when a storm was predicted.

Derek also asked how the Board responded to the email that they received several months ago regarding Chief Andersen's contribution during another Town's School Board meeting. Steve stated that he had reached out to Chief Andersen and the Chief reached out to the Sunapee School Board, who contacted their lawyer. They advised that there was no issue as Chief Andersen was not acting as a Police Chief during his address. The Sunapee School Board did not believe that Goshen had any reason to expect legal actions.

Complaint: Dianne brought a noise complaint made by Mr. and Mrs. Frenkiewich to the Board's attention. The complaint was against 226 Brook Road. The Frenkiewich's also believe that the house is being used as a home business although no proof was given. The Board discussed possible actions that can be made. Steve asked Bruce Nadeau to comment on the location. Bruce believed that the owner was told to clean up the site several years ago, but was unsure of the exact date. Alicea Bursey commented that the location was not zoned in the tourist district. She also mentioned that there were no ordinances that restricted renters of operating a home business out of their location.

Bruce asked if anyone had contacted the property owner, Mr. Greenhalgh, and both Dianne and Steve said, "no." Bruce suggested that the property owner be contacted first. Steve stated he had a conflict of interest due to his business and its involvement with Mr. Greenhalgh's business and therefore would not vote on this topic.

Derek mentioned that the junkyard statute may apply if the area needs to be cleaned up. Dianne expressed her concern stating that if the Board of Selectmen decided to review and clean-up "junkyard" homes that they should be prepared to address all "junkyard" homes and not just pick and choose certain ones.

The Board agreed that the best approach would be to address the concern with the property owner, Mr. Greenhalgh. Dianne asked Bruce, the Code Enforcement Officer, to discuss the noise complaint with Mr. Greenhalgh. Bruce will speak with him and give an update to the Board.

Kirsten Hershey asked if the Town would like to have a 5-year or 10-year clean up plan for “junkyards”. Steve mentioned that the Town has worked on this topic in the past. Derek suggested that it remain a standing item and be discussed and reviewed in the future. Steve mentioned that it is a discussion that involves many departments and he would like to get the right people in place before discussion is had. Dianne addressed the situation, not as a Selectmen, and stated that she understands where Ms. Hershey is coming from. When she purchased her home, it was next to a messy home and since that time, the area has been cleaned so she understands her frustration. Kirsten stated that she works hard to make her property better and would like to have some resolution.

OLD BUSINESS

FEMA Update

Dianne provided an update. She stated that out of the three road projects, one project has been approved and the others are being worked on. She added that FEMA came back last Thursday to review the bridges again. Center Road bridge is in the processing level. She also mentioned that hazardous mitigation is involved in the attempts of fixing the bridges and making them better so they will last.

Town Rental Agreement

Steve presented a draft that he created for a town rental agreement. The Board also reviewed sample rental agreements from Lempster and Unity. Dianne expressed concern stating that she did not think it was a good idea that the Grange Hall be rented. She also did not see the purpose for renting out the Town Beach and wondered how the Town would be able to monitor that type of request. Steve believes that any Town area can be rented and was hopeful that this agreement would benefit Goshen long-term. He also mentioned that any fee could be waived by the Board if it was agreed upon. Dianne said that she did not have any problem with the Gunnison Lake area being rented, however, she again expressed that she believes that the Grange and Rand Pond Town Beach access were unnecessary to add to the agreement. Steve believes that there are parts of Town property that should be cleaned up and residents should have the ability to use if so desired, including the Town Beach and Newton Park.

Barbara Paronto was worried about Town liabilities if the Town opened all renting options. Dianne added that she believes that the agreement should only be for buildings. Derek mentioned that he thought Unity’s agreement was to the point and suggested using that as a reference. He also suggested adding a line of the agreement for an occupancy total for fire code purposes. Dianne and Derek suggested to revise the Town building agreement and not add other areas into the agreement. Steve will make edits to the document and present them to the Board during the next meeting.

New Employment Policy

Steve stated that he reached out to the municipal association and has not heard back in regard to crafting a new employee handbook. Dianne suggested reviewing Lempster’s policy and taking parts of theirs. Derek suggested discussing emergency needs and then reviewing and making changes to the policy at a later time.

Melissa asked if the Board could tell her what the Administrative Assistant’s sick time and vacation time was, as she never received that information in her offer letter. Dianne said that she thought the Board should be consistent with the Policy and what was given to the Road Agent would be the same for the Administrative Assistant. This includes twelve (12) paid sick / personal days and two (2) weeks paid vacation with the ability to roll over five (5) days. There was some discussion regarding whether or not the vacation time was prorated for the Road Agent. Derek did not believe that it was.

Barbara Paronto suggested that the employees give advance notice if they would like to take time off. Dianne mentioned that it was already asked of the employees to give ample notice. Steve suggested that the Board continue to have policy discussion to set standards. Shae asked if he should wait to hire someone new at the transfer station until the policy handbook can be updated. Steve said that the need at the transfer station should be met before the policy handbook is finalized.

COVID / ARPA Funds

Nothing new to report.

Cease and Desist Draft Letter

The Board reviewed a draft cease and desist letter that was created by the Administrative Assistant. The Board did not feel like they had enough experience and knowledge to properly write the cease and desist. They agreed to ask Chief Andersen what his thoughts were on the matter.

Dianne expressed her concern and stated that if the Board moved forward with a cease and desist due to a “junkyard” statute, they should be cautious. She did not think that the reason for Mark Stadtmiller’s cease and desist was because of the “junkyard” status but rather because his living condition in the trailer was illegal. Derek read the previous minutes where the topic was discussed for clarification. Derek suggested that he would like to hear Chief Andersen’s opinion first. Dianne added that she would like to clarify if it should be the “junkyard” statute being enforced or the living situation. She stated that she is not comfortable doing a cease and desist and singling one person out. Derek stated that he didn’t believe that one person was being singled out but rather a complaint from a resident was being addressed.

Dianne stated that if the Board was going to go down this path, they would have to address every complaint made and send the Code Enforcer to every house that fits the description of a “junkyard.” Dianne asked Alicea if there was a local ordinance for junk yards. Alicea stated that the local ordinance is largely mandated by the State. Dianne remarked that she would like to see changes across the board not just for one individual.

Steve addressed Dianne and stated that he wished she had voiced her concerns during the previous meeting where it was discussed. Dianne stated that she did not think that the reason for the cease and desist was due to the “junkyard” status. Steve added that the condition in which Mr. Stadtmiller is living in is indeed not sanitary. Dianne wondered if the cease and desist could be issued for health reasons which would allow the Code Enforcement Officer to take action. The cease and desist will be sent to Chief Andersen for his review and the Board will make a decision during their next meeting.

MOU Grange/ SAU #102

Steve mentioned that the School Board had met to discuss the MOU and they have asked to be added to the first October meeting agenda. The whole School Board may be attending the meeting.

NEW BUSINESS

- **Newport Ambulance Contract:** Steve spoke with Chief Ryan Hall and the Chief supported the renewal of the ambulance contract with Newport. The first step would be to respond to Newport saying the Goshen is interested in renewing their contract and then the Newport Board of Selectmen will vote to approve during their next meeting. Steve asked if there were any edits from the Board. Dianne asked if the Board should put it out for bid in compliance with the purchasing policy. Steve thought that the Board had the opportunity to waive the

policy if needed. He also added that per a previous discussion he had prior to joining the Select Board, Golden Cross suggested to him that Goshen stay will Newport. Dianne wondered how many calls have been made from Goshen and suggested adding that information into the budget so that residents can see why the Board has decided to remain with Newport. Steve stated that for him, it has always been the issue of time and he believes that because Newport is closer, it is more valuable in the effort of saving lives. Dianne asked if there would be a cost increase. Steve mentioned he assumed there may be a 3% increase, however, he was not sure. Derek suggested moving the contract forward. Steve will contact the Newport Town Manager and hi them know that Goshen would like to move forward with contract renewal.

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- **October 10th Meeting:** The next BOS meeting will take place on October 10, 2022 ay 6:30 pm. Minute taking will be done through a recording device for that meeting.
- **Hersey Roller Agreement:** Previously discussed, no further discussion.
- **Grange Cleaning/Additional Hours for Custodian:** The Board discussed the cleaning of the Grange. They agree that Tammy Russell, custodian for the town, should begin cleaning the Grange as soon as the School Board has moved in. She can then continue to clean the Grange during her regularly scheduled cleaning day.
- **Time Clock Placement:** Two time clock placements were suggested by Melissa Salinardi. The Board decided that the placement for the Town Hall time clock should be on the second floor of the building at the top of the stairs. Once the filing cabinets are moved from that area, the time clock will remain there.

Melissa also explained that hours are currently recorded by the closest 15-minute mark and the time clock records to the minute. She asked how the Board would like her to determine employees pay based on this new method of recording. She asked if employees should clock-in as soon as they arrive or wait for their time to begin. Derek stated that the time clocks were not optional and should be used by the employees. It was suggested that the employees be told to only clock-in when their hours begin.

- **Highway Grant Update – SB 401:** Clarification was needed on this topic. Further information will be gathered and presented during a future meeting.

PLANNING BOARD UPDATE

Steve read the following updates from the Planning Board.

1. Annual excavation site inspections have been completed for NSG and the results were acceptable to the Planning Board.
2. The DeRoe Road class VI waiver request can be noted as a closed topic for BOS. Applicant has been advised to have waiver recorded into deed and BOS confirmed in an email that the class VI road does not need to be upgraded to a class V. The subdivision process can be resumed with the Planning Board.
3. Discussions regarding complaint at Anderson pit has occurred. A portion of the complaint involved noise and use of Jake brakes. Since this involves activity on Route 10 and the town has no Jake brake ordinance, the BOS just needs to be aware in case they are asked about it.

Alicea Bursey asked if she could address the Board regarding her recent email correspondence with Chairman, Steve Smith. Steve opened the floor to her and she asked if her standing Planning Board update was no longer an item on the Board of Selectmen's agenda. She

expressed that she felt chastised by her recent efforts to keep the Board informed and she asked what her role was going forward and what was needed from her by the Board. She also asked why the Planning Board update was moved to the end of the meeting and if that could change as she did not want to stay for the whole meeting if she was not needed.

In an effort to shorten the meetings, Steve mentioned that he sent out correspondence to Mrs. Bursey for her to provide a list of her Planning Board updates before the scheduled meetings. He believes that it is still important for the Boards to work together, however, it would be good for the Board to be able to review the items discussed beforehand. He also mentioned that he had previously moved the Planning Board discussion from the end of the meetings to the beginning of the meetings so the Mrs Bursey didn't need to stay through the entire meetings, but Mrs Bursey had stayed through all the meetings regardless, so he moved the planning discussion back to where it originally had been in the meeting's agenda. The placement of the discussion, if needed, can be altered.

Mrs. Bursey had some concerns regarding the request to present the Planning Board agenda items the Friday before the BOS meeting. She pointed out that the Administrative Assistant was not in the office on Fridays and asked if the Board would like the information a day sooner to accommodate the office hours. Steve mentioned that all the Board members can check their emails over the weekend and did not think changing the day was necessary; he did this to better accommodate her schedule. She also asked if the Board wanted the ex-officio to provide the Planning Board update. Steve stated that it would be up to the Planning Board Chair to decide how she wishes the information to be distributed, if she wishes the ex-officio or herself to give the updates, that is her decision, but the ability to address the board is still standing.

Dianne asked if all Boards were going to be held to this new standard. Steve said, "yes," and that he has emailed other departments as well in hopes to have better planning for future meetings. Dianne added that she was a bit shocked by Steve's decision to address the Board's without consulting the rest of the Board members and she asked how he came to that decision. Steve stated that part of the role as the Chair was to plan the agenda and he stated that organizing the agenda items and discussion falls under that ability. Dianne further added that she wanted to make sure that the Board was operating as a whole Board and not making decisions based on single member actions. She added that she wanted to make sure that the same things were being done for all departments and now just some.

Steve reminded the Board that yes or no decisions cannot be made over email correspondence. Also, a ZBA request to enter non-public was mentioned, however, due to its lack of information presented, the Board decided to not entertain the Non-Public request.

STANDING ITEMS

- a. Pre-Construction Meeting (Lempster Coach Bridge)
- b. UVLSRPC
- c. Grange Update
- d. Mt Sunapee Advisory Commission Update
- e. Library Grant Update
- f. Monthly Budget Review
- g. Veterans Monument Repair
- h. Flag Poles at Cemetery
- i. Other Items

Derek Tremblay motioned to adjourn. Steve Smith seconded the motion. All were in favor-yes; motion carried (3-0).

The meeting adjourned at 9:06 pm.

The next regular meeting of the Board of Selectmen is scheduled **October 10, 2022 at 6:30 p.m.**

Respectfully submitted by Melissa Salinardi