



Monday, November 13, 2023

Board of Selectmen Minutes – FINAL APPROVED

In attendance: Dianne Craig (Selectmen), Derek Tremblay (Selectmen), Alicea Bursey (Selectmen), Chief Ed Andersen, Judy Martz, Ryan Hall, Doug Frost, Shae Simino, Melissa Salinardi

CALL TO ORDER

The Board called the meeting to order at 6:29pm.

PLEDGE OF ALLEGIANCE

ROAD AGENT UPDATE

- **General Update:** Shae Simino reported that Center Road Bridge has been completed and is now open but marked with signage indicating “passing at own risk”. This area remains an unmaintained emergency access.

Shae asked the Board if they would agree to the purchase of new tires for the grader before the winter. He added that he has money in the budget and the tires are necessary as the old ones are bald and unsafe to use. Alicea Bursey asked if the grader is used during the winter months and Shae responded, yes. Shae indicated he expected the cost of the tires to be around \$7,000. The Board asked Shae to go ahead and gather three estimates for the Board to review and they had no concerns with this purchase as long as the money was available in his budget.

Shae mentioned that he contacted Sandy Sonnichsen to ask if she had heard anything about the truck grant that had been submitted. Ms. Sonnichsen mentioned that the tentative date for review of the grant application was November 17th. Shae will continue to check into this matter.

Shae stated that the computer at the Highway shop has died and that a new one will be needed. Dianne Craig mentioned that the Fire Department was in attendance to speak about computer requests and that there might be a possibility to purchase a computer through their proposal.

Shae added that a camera for the 1-ton truck will be added for safety measures as it is currently difficult to see out of the vehicle. He mentioned that one of the other trucks may need an additional camera as well.

Shae reported that a potential candidate for the assistant highway position has been in contact and is planning to follow-up with him and set up a proper interview once a resume has been received.

APPOINTMENTS:

- **Fire Computer Update (Doug Frost & Ryan Hall):**

Doug Frost presented a proposal for new desktop computers at the Fire Station. He explained that the current computers are out of date and are in desperate need of an update. He presented a packet of information for the Board to review which included the State NASPO contract. He shared that the cost of a new Dell Precision 3660 workstation, monitor and software should not exceed \$2,500 and added that the State NASPO contract provides a savings and has a better warranty and servicing package. Alicea Bursey asked if the cost included a

Office 365 subscription. Mr. Frost explained that if the Town did not already have a subscription, then that cost would have to be added. Dianne Craig stated that she did not believe that the Town had a Office 365 subscription but thought that purchasing a subscription would be a good idea for future use by other departments. Alicea Bursey asked about Adobe and Mr. Frost stated that the program would come with the basic Adobe reader but the professional Adobe reader would most likely be an extra cost. Alicea Bursey shared that she knew the town did not have subscriptions for either of these services from another board's experience when purchasing their secretary a computer.

Dianne Craig asked Shae what the computer was used for at the transfer station and if any files needed to be recovered from it. Shae responded with the computer was used mostly for email and he was not sure of what other files may have been on it.

Dianne Craig stated that she is in favor of the Fire Department going ahead with their order of the new computers. She added that the Highway Department could possibly order a simple model through the same contract. She asked Ryan Hall if the Fire Department had enough money in their budget to cover the expenses. Ryan Hall stated, yes.

The Board agreed for the Fire Department to go ahead with the order and purchase of the new computer for the Fire Station. Doug Frost explained that an ACH payment plan would have to be set up with the Town's account. Melissa Salinardi will contact the Treasurer to get approval for an ACH payment and she will work on getting an account set up to move forward with this purchase. The Board thanked Doug Frost and Ryan Hall for joining them.

Doug Frost and Ryan Hall left the meeting.

• **ZBA Updates (Judy Martz):**

Judy Martz, representing the Zoning Board, asked the Board of Selectmen to provide an update on her recent email correspondance regarding housing developments in Town. She added that she has heard from a few people that there may be more reason to continue to monitor the developments in Town and wondered if there were any additional updates from the Board or the Building Inspector.

Melissa Salinardi read the ZBA draft meeting minutes of November 8th for the Board of Selectmen to hear what was discussed. In the minutes, it was stated that the Building Inspector wanted to make sure the Board of Selectmen were in agreement with his efforts to move forward with investigating the current structure modifications and permitting.

Dianne Craig mentioned that the resident contacted the Board of Selectmen concerning the Building Inspector's right to enter a property without permission. Alicea Bursey stated that Land Use Boards did not have the ability to access a resident's property without permission, however, she was unsure if the Building Inspector fell under the same rule and that should be researched. Judy Martz mentioned that she will look into the regulations surrounding Building Inspector's and let the Board know. Dianne Craig asked Chief Andersen if he was aware of the regulation for the Building Inspector, however, he was also unsure.

Judy Martz also mentioned that all renovations and building projects in Town should be posted with the appropriate permits and she asked if this was being enforced. Dianne Craig responded that the Building Inspector is following-up on proper permit procedures and added that the current property under review does not have the proper permits and that the Board is waiting for an update from the Building Inspector. Derek

Tremblay added that if no permits have been acquired, then no renovations or construction should continue. The Board was in agreement and Dianne Craig mentioned that a Cease and Desist Letter may need to be sent. The Board will continue to monitor the situation and communicate with the Building Inspector for an update.

Judy Martz also brought to the Board's attention an update to the broadband discussion. She explained that Bruce Nadeau reported that the NH Coop surveyors were on his property at Tippicanoe and he learned that the intention of the surveying was to upgrade the poles for a high-speed internet option. Judy wondered whether this upgrade would affect the contract and bond that was previously made with Consolidated Communications. Alicea Bursey stated that it will not cause any burden to the Town if Consolidated loses customers to NH Coop, she noted that was always a possibility. She added that the bond is still a twenty-year bond no matter what happens.

- **Property Update (Chief Ed Andersen):**

Alicea Bursey requested to go into non-public session to discuss a property concern on Brook Road.

Alicea Bursey motioned to go into Non-Public Session under RSA 91-A:3, II (e), "Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof, or by or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph." Dianne Craig seconded the motion. All were in favor-yes; motion carried, 3-0.

The Board invited Chief Andersen to join the non-public session.

The Board entered non-public session at 7:09 p.m.

A property matter was discussed.

Alicea Bursey motioned to come out of the Non-Public Session at 7:21p.m. Derek Tremblay seconded the motion. All were in favor-yes; motion carried, 3-0.

Alicea Bursey motioned to seal the minutes indefinitely as it would adversely affect the reputation of any person other than a member of this board and it would render a proposed action ineffective. Derek Tremblay seconded the motion. All were in favor-yes; motion carried, 3-0.

APPROVAL OF MINUTES

- **Minutes of October 23rd:**

Derek Tremblay mentioned that he would like the Board to review of the minutes of regularly scheduled meetings (occurring the second and fourth Mondays of the month) during the regular meetings rather than the work sessions so that all members can make edits if needed. Dianne Craig and Alicea Bursey agreed to review the minutes during the regularly scheduled meetings.

Alicea Bursey motioned to accept the minutes of October 23, 2023 'as is'. Derek Tremblay seconded the motion. All were in favor-yes; motion carried, 3-0.

- **Minutes of November 6th:**

Alicea Bursey motioned to accept the minutes of November 6, 2023 ‘as is’. Dianne Craig seconded the motion. All were in favor-yes; motion carried, 2-0. Derek Tremblay abstained.

PUBLIC COMMENTS:

None

ADMINISTRATIVE ASSISTANT UPDATE

- **Tax Rate and Fund Balance Discussion:** Melissa reported that she is still waiting for the DRA to submit the initial tax rate. She has been in contact with the State and is waiting for the initial documents to be submitted. She will keep the Board updated on this matter. Melissa noted that an emergency meeting or an email approval may be needed last minute to move the matter along due to delays that the upcoming holidays will cause. Alicea Bursey stated that the Board needs to be cautious with email exchanges so as not to violate the spirit of the Right-to-Know laws. Melissa provided additional details around the process and the Board discussed the process for an emergency meeting should that be necessary.
- **Cemetery Email:** An email was received from the Cemetery Committee asking the Board to review a request for construction of a mausoleum at the Mill Village Cemetery. Dianne Craig mentioned that she believes that the issue primarily falls on the Cemetery Committee. Alicea Bursey asked if NHMA may have something written on this matter and also read from RSA 289 “Cemeteries” which indicated that the Cemetery Committee may need review their own policies and regulations first. Dianne Craig asked if the Cemetery Committee had regulations. Alicea Bursey stated that if the Cemetery Committee had regulations, they should be reviewed first and if not, the Cemetery Committee can review State RSAs. Melissa Salinardi will respond to the Cemetery Committee’s email.

NEW BUSINESS

- **Class VI Road Emergency Lane:** The Board responded to an email regarding a concern that the enactment of the emergency lane order for the Class VI portion of Center Road was not done prior to the fixing of the Center Road bridge. Alicea Bursey mentioned that this was repeatedly discussed at past Select Board meetings and though she couldn’t remember the vote the spirit of the provision was being followed and the process was transparent through Select Board meetings. Derek Tremblay clarified the concern was the Town would be liable if anyone got hurt. Dianne Craig mentioned that the intention was to never make the bridge or road a Class V and she added that she went back into the minutes with the help of Melissa Salinardi and did not find any information stating a public hearing took place. She added that a public hearing is referenced in the October 25, 2020 minutes note that there was a public hearing on the Lempster Coach Road Class VI on August 24, 2020; however, the minutes do not indicate a hearing took place. She continued by saying there was references to the Center bridge during the fire and in one of those meeting minutes, the Road Agent mentioned it is a Class VI road and a fire lane.

Dianne Craig asked Shae Simino if any of the road was fixed during the recent fixing of the bridge. Shae responded, no.

Alicea Bursey read RSA 231:59a, which states, “*231:59-a Emergency Lanes. – I. Notwithstanding RSA 231:59 or any other provision of law, a town may raise and appropriate, and the selectmen may expend, money for the repair of any class VI highway or private way which has been declared an emergency lane under paragraph II. Such repair may include removal of brush, repair of washouts or culverts, or any other work deemed necessary to render such way passable by firefighting equipment and rescue or other emergency*

vehicles. A capital reserve fund under RSA 35 or a trust fund under RSA 31:19-a may be established for this purpose.

II. No expenditures shall be made under paragraph I unless the selectmen, following a public hearing, declare the relevant class VI highway, private way, or portion thereof, as an emergency lane, and make written findings, recorded in the minutes of the meeting, that the public need for keeping such lane passable by emergency vehicles is supported by an identified public welfare or safety interest which surpasses or differs from any private benefits to landowners abutting such lane.

III. In the case of a private way, notice shall be mailed to all persons known to have a legal interest in the way, 10 days prior to the hearing, and the emergency lane shall not be declared if permission is denied by any person with a legal right to deny such permission. Neither the appearance nor non-appearance of such persons at the hearing shall prevent such permission from later being denied or withdrawn.

IV. A declaration under this section may be rescinded or disregarded at any time without notice. This section shall not be construed to create any duty or liability on the part of any municipality toward any person or property. Utilization of this section shall be at the sole and unfettered discretion of a town and its officials, and no landowner or any other person shall be entitled to damages by virtue of the creation of emergency lanes, or the failure to create them, or the maintenance of them, or the failure to maintain them, and no person shall be deemed to have any right to rely on such maintenance. This section shall not be deemed to alter the classification or legal status of any highway or private way, or to limit or restrict the authority of towns to regulate the use of class VI highways pursuant to such statutes as RSA 41:11, RSA 236:9-13, and RSA 674:41, or to authorize any person to pass over any private way when permission has been denied. This section shall not be deemed to alter the duties or powers of any party under RSA 227-L concerning forest fires.”

Derek Tremblay asked if any expenditures other than FEMA funds were spent in the fixing of the Center Road bridge. Shae responded that all expenditures fell within the estimated funds through FEMA. Dianne Craig added that the only expense would be the highway employee’s time.

Derek Tremblay asked what would constitute a public hearing and thought that if it was discussed during a regular meeting it would be considered a public discussion. The Board discussed their ability to clarify the situation and Derek Tremblay suggested that the Board declare the Center Road bridge as an emergency fire lane now, with the consideration that the project has been fully funded by FEMA. Alicea Bursey stated that she felt this was in line with the intent of previous meetings and was supportive of using this method to clarify the road/bridge area have not reverted to a Class V.

Derek Tremblay motioned to declare Center Road Bridge (Merrigans Corner) as an emergency lane bridge per RSA 231:59a. Alicea Bursey seconded the motion. All were in favor-yes; motion carried, 3-0.

Dianne Craig added that Lempster Coach bridge was also mentioned in the minutes but could not find that a final vote was captured. The Board thought it best to declare Lempster Coach, Class VI an emergency lane as well so that fixing of the bridge can take place as soon as the funds are available through FEMA. Alicea Bursey stated that she recalled attending meetings where the impact of the fire lane on the status of the bridge was discussed.

Derek Tremblay motioned to declare Lempster Coach, Class VI Bridge an emergency lane per RSA 231:59a. Alicea Bursey seconded the motion. All were in favor-yes; motion carried, 3-0.

Derek Tremblay asked Melissa Salinardi to respond to the resident's email stating that the Board was thankful that they brought the concern to the Board's attention and that the Board was able to clarify the situation to protect the Town's interest.

- **Budget Review:** The Board decided to review all budgets during the regular meeting on December 11th. The Board agreed to have a limited agenda during the meeting so that budget discussion can be their primary focus.

BOARD OF SELECTMEN

- **FEMA:** Dianne Craig reported that Lempster Coach bridge, Class VI is being reviewed by Eckman Engineering and will be submitted by herself for the final scope of work approval within the week. She added that extensions for bridge work will also be submitted within the week for the remaining bridges.

Melissa reported that a preliminary meeting with FEMA took place on Monday, November 6th. The meeting was to discuss the damages of the July 2023 storm. She added that the Road Agent and herself were in attendance and have been communicating through emails with the FEMA representative to make sure all of the information that is needed is submitted properly. Shae Simino added that the FEMA representative stated that if bridge damages are found on the updated NH DOT bridge reports those damages can be considered part of the July 2023 storm.

OLD BUSINESS

- **Handbook:** The Board is still working on handbook changes. This item was tabled until a future meeting.
- **Performance Review:** Prior to the meeting, Alicea Bursey sent out the performance review templates to the employees. Shae Simino will make changes based on his employee positions. All performance reviews will be reviewed at a future meeting and the Board will make appointments with the employees to discuss their performance. No further actions were made at this time.
- **Employee Compensation:**
Alicea Bursey requested to go into non-public session to discuss an employee matter.

Alicea Bursey motioned to go into Non-Public Session under RSA 91-A:3, II (a), "the dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted." Dianne Craig seconded the motion. All were in favor-yes; motion carried, 3-0.

The Board entered non-public session at 8:06 p.m.

An employee matter was discussed.

Alicea Bursey motioned to come out of the Non-Public Session at 8:29p.m. Derek Tremblay seconded the motion. All were in favor-yes; motion carried, 3-0.

Alicea Bursey motioned to seal the minutes indefinitely as it would adversely affect the reputation of any person other than a member of this board and it would render a proposed action ineffective. Derek Tremblay seconded the motion. All were in favor-yes; motion carried, 3-0.

- **Planning Board Update:** No update was given.

STANDING ITEMS

- Monthly Budget Review – last meeting of every month (summary given from the secretary).
- Veterans Monument Repair
- Flag Poles at Cemetery
- Planning Board Update
- Professional Development (Ongoing)
- MOU Review (five-year review)
- Code Enforcement Position
- Other Items

Derek Tremblay motioned to adjourn. Alicea Burse seconded the motion. All were in favor-yes; motion carried, 3-0.

The meeting adjourned at 8:30 p.m.

The next meeting of the Board of Selectmen is scheduled for Monday, **December 4, 2023 at 6:00 p.m.** This will be a working session.

Respectfully submitted by Melissa Salinardi