

Town of Tamworth
Board of Selectmen's Meeting
Town Office
June 2, 2011

Members Present Robert Abraham and John Roberts

Others Present Administrator Cassandra Pearce, Police Chief Dan Poirier, Road Agent Richard Roberts, Park & Rec Director Parker Roberts, Transfer Station Attendant Glenn Johnson, Dana Littlefield, Treasurer Mary Mills, Jo Ann Klatskin of NH Public Investment Pool, Shawn Bergeron of Bergeron Associates, Bruno Siniscalchi, Ruth Timchak, John Gotjen, Mr. & Mrs. Farley, Ned Beecher, Karen McNiff, Anne Abear and other members of the public.

Due to the absence of Chairman Farnum, *Selectman Abraham was chosen to chair this meeting, opening it at 4:07 p.m.*

Department Updates

1. Chief Poirier discussed the following with the Board:
 - a. May 2011 Stats
 - b. The Board requested the Tamworth Police Department keep a close eye on the public boat launch over the summer months. They advised that the request was made to gate this roadway, but due to the road being a class V road, the Board is unwilling to accommodate this request.
2. Road Agent Richard Roberts discussed the following with the Board:
 - a. Mr. R. Roberts met with FR Carroll to discuss the 2011 paving projects. It is anticipated that Maple Road and the transfer station will be started by the end of next week.
 - b. All spring road postings have been removed from the roadways.
 - c. Mr. R. Roberts advised that Mr. Farnum placed a sign on Bunker Hill Road as requested by the Board at a previous meeting to keep ATVs from traveling beyond the gated way.
 - d. The Board discussed the driveway concerns of Mr. David Alward of Bryant Road. Mr. R. Roberts advised the highway crew picked up leaves at this property earlier in the day.
 - e. Mr. J. Roberts inquired if the highway department had a plan to replace a culvert pipe at 1433 Cleveland Hill Road? He requested Mr. R. Roberts review this pipe and to let the office know what his intentions would be.
 - f. Mr. R. Roberts advised that all of the equipment is running well at this time.
3. Mr. Glenn Johnson of the Transfer Station discussed the following with the Board:
 - a. Mr. Johnson advised everything was going well at the transfer station.
 - b. The fire department has intentions of using the chipper over the weekend beginning at 6:00 a.m. on Saturday.
 - c. Mr. Johnson commented that Mr. Knight would be taking Wednesday, June 8 off.
 - d. Mr. Johnson will be taking June 25 and another day off in August due to family commitments and Mr. Knight will be running the facility on his own during those days.
 - e. The facility ran well over the Memorial Day weekend and was the first time ever that the containers were not filled to capacity.
 - f. The backhoe at the station has been repaired and is running well.

Mr. Littlefield attended the meeting to discuss the costs associated with replacing the generator at the KA Brett School. Mr. Abraham indicated that he had a discussion with a propane supplier who advised that one 1450 gallon tank would be adequate for this project. Mr. Littlefield disagreed that one tank would be appropriate after the consideration of vapor within the tank and the need to have enough fuel to run the equipment for 72 hours.

Mr. Littlefield discussed the proposals provided by DW Electrical which ranged from \$64,750 for a 150 kW to \$52,875 for a 100 kW. The tanks cost ranged from \$7,388 to \$6,598 (does not include the cost of the 1600 gallons of propane to fill the tanks). Mr. Littlefield presented a proposal for John Roberts Excavation who offered to do the site work and excavation for the propane tank installation as an in kind – no cost to the community.

After further discussion, the Board reviewed the grant amount of \$63,084 and the proposal by Mr. Littlefield to place a 100 kW, utilizing MainGas' proposal for tanks and fuel at the cost of \$63,311. The Board requested Mr. Littlefield to find out if a requirement of the grant was to rebid this project if they chose to reduce the size of the generator. Mr. J. Roberts felt that there may be additional bidders interested in the 100 kW generator. The Board further requested Mr. Littlefield to check with the School Board or the Tamworth Foundation for the additional funds necessary to do the project. Mrs. Pearce reminded Mr. Littlefield of the need for the KA Brett School Board to encumber the funds as the project will not be completed by their yearend date of June 30, 2011. *Mr. Roberts moved and Mr. Abraham supported to authorize the rebidding of this project with the approval of NH DRA and pending discussions with the KA Brett School and the Tamworth Foundation for the additional funds necessary. Vote was unanimous. Motion passed.*

Selectmen's Updates

1. Mr. J. Roberts attended the Planning Board meeting which was held last week. He reported that they approved a boundary line adjustment and is working on the new application for the grandfathered gravel pits. They have scheduled a meeting for June 29 for a special use permit applied for property owners along Sanborn Brook.
2. Mr. Abraham had no updates at this time.

Administrative Items

Mrs. Pearce presented the following for the Board to review, approve and sign as appropriate:

1. Intent to cut for 401 lot 028
2. Intent to cut for 215 lot 055
3. Intent to cut for 214 lot 214
4. Letter of support for the merger of VNA & Hospice Care Carroll County – The Board inquired if this organization would remain in Carroll County after the merger as Mr. Abraham advised that the organization would be moving from the Tri County Cap Building? The Board will discuss this further at the next meeting.
5. Consent form for the Wells Fargo Financial Network

6. A current use application for Map 414 lot 18
7. A current use application for Map 407 lots 37 & 64
8. A LUCT for map 414 lot 10 in the amount of \$1,420.00
9. Timber tax levy in the amount of \$ 464.16
10. An abatement in the amount of \$623.00 for LRCT covering 14 properties that were billed during the 1st billing and should be non-taxable.
11. *Mr. J. Roberts moved and Mr. Abraham supported to approve the minutes of May 19, 2011 as written. Vote was unanimous. Motion passed.*
12. *Mr. J. Roberts moved and Mr. Abraham supported to approve the minutes of May 19, 2011 non-public session as written. Vote was unanimous. Motion passed.* Mr. J. Roberts requested a copy of these minutes be forwarded to Chocorua Valley Lumber to allow them to view the discussion that took place regarding the sale of gravel that has been excavated on their property.
13. *Mr. J. Roberts moved and Mr. Abraham supported to approve the minutes of May 23, 2011 as written. Vote was unanimous. Motion passed.*
14. *Mr. J. Roberts moved and Mr. Abraham supported to approve a payroll manifest in the amount of \$16,100.75 with authorization for a transfer in the amount of \$10,688.98 for direct deposit (included in this amount), and an additional transfer of \$4,834.31 to be transferred for the Federal tax deposit (not included in the amount above). Vote was unanimous. Motion passed.*
15. *Mr. J. Roberts moved and Mr. Abraham supported to approve an accounts payable manifest in the amount of \$ 15,000.00. Vote was unanimous. Motion passed.*
16. *Mr. J. Roberts moved and Mr. Abraham supported to approve an accounts payable check register in the amount of \$ 15,000.00. Vote was unanimous. Motion passed.*
17. *Mr. J. Roberts moved and Mr. Abraham supported to approve an accounts payable manifest in the amount of \$261,463.01. Vote was unanimous. Motion passed.*
18. *Mr. J. Roberts moved and Mr. Abraham supported to approve an accounts payable check register in the amount of \$261,463.01. Vote was unanimous. Motion passed.*
19. Mrs. Pearce advised that the Town awaits a response to the Selectmen's letter from the State of NH DOT regarding the Chocorua Community Project.

Ned Beecher –
Western Field Cons. Easement

Mr. Beecher presented a conservation easement that was approved at the last meeting pending review by legal counsel. He advised that through a conference call between the Town's legal counsel and the other parties involved, the appropriate wording was determined and added to this agreement. The new language expresses no liability to the Town or LR Conservation Trust (owners of the property) should an incident occur on the property in relation to the agricultural use that will continue to take place on the property. Further, the owner of the animals utilizing the property will be required to provide a hold harmless certificate in conjunction with a certificate of insurance naming LRCT and the Town as additionally insured. If in the event the certificates expire and are not renewed appropriately, the land will no longer be accessible to this person for agricultural use. The second change to the easement pertained to the length of time in which the cattle fencing would need to be relocated and updated. This time was extended from 18 months to 5 years.

The Board discussed prior easements and was assured by Mr. Beecher that he believes this easement to be unique as it is clearly being utilized for agricultural uses where the

other easement areas are not. The Board requested the Office check with the current insurance carrier of the Town on the other easements held by the Town.

After a thorough review of the document to insure the changes were made as recommended by legal counsel by Mrs. Pearce, *Mr. Abraham moved and Mr. J. Roberts supported to approve the conservation easement as presented pending the final correction needed of the signature page. Vote was unanimous. Motion passed.*

Shawn Bergeron – 3
ADA Compliant Projects

Mr. Bergeron discussed the following projects and gave updates of each:

1. Town Office railing project – should be completed by the end of the week.
2. Town House walkway project – Mr. Abraham advised he was concerned with the walkway landing. Mr. Bergeron advised the contractor has had to remove the walkway twice and after the final placement and his final review, finds that the walkway is in compliance with ADA standards. He will discuss this further with another expert in the field of ADA compliance.
3. Town House rest room project – Mr. Bergeron explained that the apparent low bidder had adequate references, but after further discussion was requesting a down payment in the amount of \$3,000. At Mr. Bergeron's recommendation, it was agreed upon by the Board to move onto the next bidder for this project. *Mr. Abraham moved and Mr. Roberts supported to accept the bid of Be Doo Builders for the restroom project at the Town House in the amount of \$10,100. Vote was unanimous. Motion passed.*

Mary Mills, Town Treasurer

Mrs. Mills and Ms. Jo Ann Klatskin of the NH Public Deposit Investment Pool (NHPDIP) met with the Board to address questions that the Selectmen had concerning the contract that was sent to the Treasurer for a signature. Ms. Klatskin made the following statements:

1. Liability concerns – the wording in the contract came directly from the NH AG's office which indicates that any liability items need to be directed and dealt with through the legal system (the courts).
2. Contractor vs Contractee – the contract with the NHPDIP is with State of NH, then with the municipalities. Any suit brought must be done so through the contractee and the municipality. No individual suits are allowed.
3. She explained that if any participant (Town, City) did anything incorrect acting willfully, NHPDIP is not responsible for their actions. Mr. J. Roberts inquired about a guarantee of protection from the State. Ms. Klatskin advised the State was the initial point of contract.
4. Holding Harmless – This statement pertains to holding the custodian (Bank of America) harmless. They are not part of the contractor. The contract is not with the Bank of America. It is between the NHPDIP and the State.
5. Fees for service were discussed along with the 3 agreements that are established. The agreements are available for public viewing on the website of nhpdip.com. All municipalities are given the option to participate in the NHPDIP.
6. History of the NHPDIP –
 - a. Established in 1993 by NH Statute

- b. The Board overseeing the pool consists of a number of State dignitaries to include the State Treasurer and Commissioner of NH DRA who decide what is best for the investors and determine the safety of the fund.
 - c. Holds several public meetings for information to be given
 - d. Rated by Standard and Poor's as satisfactory.
 - e. Only allow investments to be made in specific areas to protect funds
 - f. Daily liquid fund – all funds receive interest on a daily basis.
7. Signing of the Participation Certificate – According to Ms. Klatskin, the Town Treasurer has the authority to sign this agreement because the Town was already invested as a participant. Ms. Klatskin continued by indicating the Town Clerk is the one to approve the information as they hold the records of the Town and can verify who holds the oath for specific offices.

Town's Investment Policy

The Board chose to hold off on the discussion of the investment policy until the next meeting when Mr. Farnum would be present.

Park & Recreation Dept.

Mr. P. Roberts discussed the following with the Board:

- 1. Water testing at the beach – the State will no longer be testing the water at the beach and it will become the responsibility of the Town. Mrs. Pearce will acquire prices from A & L Testing. It was recommended that the Town contact the Green Mtn. Conservation Trust who could assist in training individuals to complete these tests. Mr. J. Roberts requested a few people be trained to conduct the tests. Mr. Abraham volunteered to be trained. The Board was asked to consider Nelson O'Bryan for the testing as another individual to be trained. He has done an outstanding job with testing at the old landfill site.
- 2. Summer Camp – It has been determined that since 50% of the children within the KA Brett School receive free or reduced lunch, the children who participate in the summer camp program for the Town of Tamworth are entitled to receive a free breakfast, snack and lunch during their participation. The Board agreed to move forward with this program based out of Wolfeboro.

Public Comment

- 1. Mrs. Farley discussed the business listings that have gone out. Many positive comments were given on this project.
- 2. The owner of the Foothills Campground off of Maple Road attended the meeting to discuss dust and sand damage that has occurred to two of their mobile homes by the process of sweeping of sand with town equipment. He described the damage as sand blast to the two buildings. He advised he met with Mr. R. Roberts who has looked at the buildings and would attempt in helping to correct the damage. The Board advised they were unaware of this incident, but were willing to meet Mr. R. Roberts and this property owner at the property at 7:00 a.m. on Friday, June 4. This was agreeable by all.

Non-Public Session

Mr. Abraham moved and Mr. J. Roberts supported to move into a non-public session per RSA 91 A 3 II b & c at 6:20 p.m. Vote Abraham, Yes, Roberts, Yes. Motion passed.

Meeting Recess

Mr. Abraham recessed the meeting for consultation with legal counsel via telephone at

6:21 p.m.

Meeting Reconvened

Mr. Abraham reconvened the meeting and announced the continuation of the non-public session at 6:45 p.m.

Mr. Abraham moved at 6:50 p.m. to adjourn the non-public session. Mr. Roberts supported this motion. Vote was unanimous. Motion passed.

Meeting Recess

Mr. Abraham moved and Mr. Roberts supported to recess the meeting to Maple Road on Friday, June 3, 2011 beginning at 7:00 a.m. Vote was unanimous. Motion passed.

Respectfully submitted,
Anne M. Abear

Approved by the Board of Selectmen: 6/16/2011

William Farnum

Robert Abraham

John Roberts