

Town of Tamworth
Selectmen's Meeting Minutes
January 15, 2009

Selectmen Present: William Farnum, Thomas Abugelis and John Roberts.

Chairman Farnum opened the meeting at 3:12 p.m.

Others present throughout the meeting included: Christine Atherton (CASA), George Laban (VNA Hospice), Road Agent Bruce Robinson, Police Chief Dan Poirier, Sam Martin, Ruth Timchak, Roselind Gray, Donna Lane, Jay Nelson, Peter Howe, David McNamara, John Gotgen, Cassandra Pearce, Anne Abear and other members of the community.

NON-PROFIT ORGANIZATIONS:

CASA - The Board met with Christine Atherton of CASA (Court Appointed Special Advocates) to discuss the organization's requests for funds for 2009. The request is for \$500. Ms. Atherton explained that 22 cases have been dealt with within Carroll County this past year. 67% of the funding received for CASA is received from the state and federal government. As Ms. Atherton is new to the requesting format of the Town, the Board explained what would be necessary to put the request of CASA on the Town Warrant for 2009.

VNA – HOSPICE- The Board met with Mr. George Laban to discuss the request for funding in the amount of \$4000 which is down from 2008's request of \$4,209. The Board further discussed the warrant article that has been submitted to the Town in the past that clearly states that if the Town does not approve funding, VNA Hospice may be unable to provide service to the community of Tamworth. Mr. Laban apologized for the wording on the warrant article and advised this was not the case. The VNA Hospice Organization will serve the residents of Tamworth whether funding is received or not. Mr. Laban discussed two new programs that included the School Smiles program in which 250 children of Tamworth participated and a program called Good Beginnings in which visits are made to young mothers. 78 visits under this program were reported.

MWV – ADDICTION TREATMENT SOLUTIONS – This organization was to meet with the Board but failed to show. The Board requested Mrs. Pearce contact them and offer to place them on the agenda of the January 22, 2009 meeting.

DEPARTMENT HEADS:

The Board discussed the following with Police Chief Poirier:

1. False Alarms: Chief Poirier discussed false alarms that have gone off one in particular at a home on Gilman Valley Road in which no key holder was found, the driveway was unplowed with multiple alarms sounding. The Board discussed putting an ordinance into place for the false alarms. Chief Poirier advised he had retrieved a copy of the Town of Moultonboro's ordinance, and he would be creating an ordinance for the Board to review.

The Board discussed the following with Road Agent Bruce Robinson:

1. Compressor Installation – Mr. Robinson gave the Board a price of \$1,500 for materials and labor to install the compressor at the new garage. The Board felt the expense was high and recommended finding a less expensive solution for this installation.
2. Log Sheets – The Board discussed the log sheets that were created by emergency management director Dana Littlefield for the purpose of assisting the director in responding to FEMA funding requests during disaster declarations. Mr. Farnum recommended this form be used in place of the current time sheets. The Board offered to meet with employees of the highway department. Mr. Robinson requested two weeks to use the new forms prior to this meeting.
3. Driveway Permit Application – The Board discussed the revised driveway permit application that was revamped by Mr. Farnum. After further revisions by the Board and Mr. Robinson were made. *Mr. Farnum moved and Mr. Abugelis supported to adopt the revised driveway permit application as amended. Vote was unanimous. Motion passed.*
4. Extended Warranty on new vehicles – Mr. Robinson advised he spoke to Mr. Valladaris regarding any problems that they are seeing with new equipment. The reported problems have been related to electrical. Mr. Robinson will discuss extended warranties with surrounding communities and the SAU office to see what they have found to be the best for them and why.
5. Hired Help – Mr. Robinson presented a current rate listing for hired help. The prices ranged from \$40 to \$70 depending on vehicles and drivers being hired. Mr. Robinson advised if the Town were to provide a driver and hire a vehicle, the price would be \$20 less per hour per vehicle.
6. New Garage – Mr. Robinson advised equipment/tools were being moved to the new garage as needed and his shop was also being utilized. Mr. Robinson was requested to make a list of tools to be purchased for the use at the garage.
7. Oil purchase – The Board discussed purchasing oil in 55-gallon drums. Mr. Robinson advised he would like to purchase this from Ossipee Auto.
8. Fuel storage – Mr. Robinson advised the diesel tank still has some material in it and it would be moved when it is empty. The Board discussed putting a shelter over the tank.

CHOCORUA COMMUNITY PROJECT:

The Board met with members of FST-Peter Howe and David McNamara, Grant Administrator - Donna Lane, and Contractor - Jay Nelson to discuss the Chocorua Community Project and its completion. Mr. McNamara reviewed the list of items to be completed for the project and advised the final walk through could not be conducted until spring. Mrs. Pearce discussed individual items remaining which included the drainage, landscaping, seeding, road sign at Deer Hill Road, driveway drainage issue at the Dam Ice Cream Shop, spring planting issues and silt fencing. Mr. McNamara advised he still needed to meet with Deputy Fire Chief Bowles to discuss the concern of the fire hydrant location.

Labor compliance and open audit issues for payroll of Nelson Communications were discussed. Mr. Nelson advised he felt that the labor issues had not barring on the Town and that if payment was being held from him until this was settled was not the Town's responsibility. Mr. Nelson advised the contract states payment is due to his company monthly and presented a listing of dates payments were made. Ms. Lane disagreed with Mr. Nelson's payment schedule as presented. A discussion of liquid damages ensued. The Board advised liquid damages have been and continue to accrue from the date of 9/21/09 until the project is completed. Mr. Nelson advised the railings were changed and were not built to the original specs. This issue was a decision on behalf of the Town and not his

company. Mr. Nelson discussed seeking legal action against the Town for breach of contract and to seek monetary action for the purpose of Nelson Communication him not being paid timely.

Mr. Howe advised the current estimated liquidated damages total \$52,000 and FST has been acquiring hours that remain unpaid as they are over and above the current contract. He presented an hourly contract not to exceed \$32,500 for the Board to consider signing. After review, the Board decided they would have the contract reviewed before it is signing to ensure that the cost for this contract would be reimbursable under the State funding. Mr. Howe indicated FST might also file suit against the Town for not paying the amount due them. The Board advised this was an option of FST and requested a detail of the outstanding amounts due FST. Mr. Howe advised he would provide that information to the Board.

Mr. Roberts recessed the meeting at 5:50 p.m. for 5 minutes.

Mr. Farnum reconvened the meeting at 5:55 p.m.

PUBLIC COMMENT:

1. Sidewalks in Chocorua Village – Ms. Judith Reardon presented a letter to the Board requesting they maintain the new sidewalks in the Chocorua Village. The Board advised they do not maintain sidewalks due to cost and liability issues. Ms. Reardon was advised to check with NHDOT's Brian Chase to inquire if additional "winging" could be done by the plow drivers to assist with clearing the sidewalks further. Mr. Gotgen did not recommend "winging" back the snow any further due to the recently planted trees.
2. Marking of New Railings in Chocorua Village – Mrs. Pearce advised the State is unwilling to mark the new rails for the Town. If the town marks them and damage is done during plowing, the Town is still responsible for their repair. Mr. Abugelis volunteered to put up the markings along all of the railings.
3. Transportation/Bus Service – Mr. Farnum discussed with Mr. Gotgen his potential interest in being appointed to the Carroll County Transportation Project to work on Tamworth's future transportation needs.

OTHER BUSINESS:

1. LUCT – The Board signed a land use change tax warrant for map 214 lot 001-001 property owned by Daniel & Sally Cunningham in the amount of \$1,000.
2. Firework's Permit – A fireworks sale application was presented for map 210 lot 012-001. The Board requested the fire chief review and approve the application prior to the Board's approval.
3. Intent to cut – An intent to cut for map 411 lot 035 property owned by Edward Steele on Great Hill Road was approved.
4. Selectmen's Minutes - *Mr. Abugelis moved and Mr. Roberts supported to approve the minutes of January 8, 2009 as written. Vote was unanimous. Motion passed.*
5. P/T Highway Applications – The Board requested interviews be set up beginning at 3:30 p.m. with the current P/T highway applicants. These interviews will be held on Thursday, January 15.
6. TCNA Internet Service – Mrs. Pearce read a request of the Tamworth Community Nurse to acquire access to the internet through the Town's server. The Board did not feel this to be an appropriate at this time and denied the request of Ms. Rainville.

7. Arthur Baldwin – Mrs. Pearce advised an email had been received from Mr. Bowditch advising Mr. Baldwin had passed away and his service would be held at Welsley Church on 1/24/09.
8. Conservation Commission 2009 Warrant Articles – Mrs. Pearce discussed the possible warrant articles for the 2009 town meeting. Mr. Farnum recommended checking with Mr. Beecher to discuss what the articles will be prior to the Board making any recommendations on placing the articles on the warrant without a warrant article.
9. 2008 Town Report & Warrant – The Board discussed their report and made recommendations of a dedication of the 2008 Town Report. Chairman Farnum was given the task of writing the article for the town report. The Board discussed additional 2009 warrant articles for the Town warrant.
10. Oil Separation – The Board discussed the states requirement for drainage/oil separation at garages with floor drains. Mr. Roberts will acquire a copy of PSNH's policy on floor drains.

NON – PUBLIC SESSION:

Mr. Roberts moved and Mr. Farnum supported to enter into a non-public session at 7:00 p.m. to discuss personnel and legal issues under the provisions of RSA 91 A: 3 II a, c, & e. Roberts, Yes, Farnum, Yes, Abugelis, Yes. Motion passed.

Mr. Roberts moved at 7:22 p.m. to adjourn the non-public session. Mr. Abugelis supported this motion. Vote was unanimous. Motion passed.

The Board discussed highway personnel and the need to have a meeting with the employees to discuss the new reporting requirements forms to be completed for equipment and material use. The Board decided they would hold this meeting on January 29, 2009 beginning at 2:00 p.m. and would request all highway personnel and hired truck drivers to attend the meeting.

ADJOURNMENT:

Mr. Roberts moved and Mr. Farnum supported to adjourn the meeting at 7:22 p.m. Vote was unanimous. Motion passed.

Respectfully submitted,
Anne M. Abear

Approved by Tamworth Selectmen, 1/22/09

William Farnum

Tom Abugelis

John Roberts