

Town of Tamworth
Board of Selectmen's Meeting
April 19, 2012
Town Office

Members Present Robert Abraham, John Roberts and James Hidden

Others Present Administrator Cassandra Pearce, Richard Roberts, Daniel Poirier, Penny Colby, Dana Littlefield, Richard Colcord, H. Parker Roberts, Glen Johnson, David Bowles, Matt Bauman, Patricia Farley, David Little, Karen McNiff, John Gotjen, Bruno Siniscalchi, Ruth Timchak, Paul King, Sam Martin, Jim Burke, John Pusateri, Marilyn Indelicato, Joseph and Karen Coyle, Anne Abear and other members of the community.

Chairman Abraham called the meeting to order at 2:00 p.m.

Non-Public Session *R Abraham moved to go into a non-public session at 2:00 p.m. per RSA 91 A:3 II (a). Motion was seconded by J Roberts. Vote: Abraham, Yes, Roberts, Yes, Hidden, Yes. Motion passed.*

R Abraham moved to adjourn the non-public session at 2:01 p.m. J Roberts supported this motion. Vote was unanimous. Motion passed.

Selectmen's Discussion Selectman Abraham stated he had obtained legal advice on whether or not Selectman Roberts should be part of the hiring process for the new highway employee. He feels Selectman Roberts should step down from the process and has received this opinion in writing from one of two of the attorneys in which he contacted as Selectman Roberts is the brother to the Road Agent and a part-time employee of the highway department.

Selectman Roberts first stated that if Selectman Abraham had a problem he shouldn't be telling the other employees and should come to him. Secondly, Selectman Roberts stated he did not plan on stepping down unless one of the final candidates was of some relation in which any board member should do the same. He stated he has not worked one day as a part time employee for the highway department and he is only on the list for emergency purposes.

Selectman Roberts questioned Selectman Abraham decision not to step down from the Tri County Cap discussion and decision when asked to as his wife receives a pay check from the organization and Selectman Abraham stated we didn't need to bring up the past.

Selectman Roberts stated the hiring should be at the recommendation of the Road Agent as done before for other departments. He also suggested having Road Agents from other Towns come in to do the review of applications and the interviews with our Road Agent and make a recommendation to the Board.

Selectman Abraham stated he wished to just move forward with the Board of Selectmen and the Road Agent reviewing the applications.

The plan is to narrow the selection down to 6 applicants to interview.

Non-Public Session

R Abraham moved to go into a non-public session at 2:16 p.m. per RSA 91 A:3 II (a). Motion was seconded by J Roberts. Vote: Abraham, Yes, Roberts, Yes, Hidden, Yes. Motion passed.

R Abraham moved to adjourn the non-public session at 3:09 p.m. J Roberts supported this motion. Vote was unanimous. Motion passed.

Employee Meeting

D Poirier, P Colby, D Littlefield, R Colcord, D Bowles, and M Baumann met with the Board to express their concerns regarding the revisions made to the drug and alcohol testing policy following a motor vehicle accident. The policy was described as vague, intrusive and offensive and believed that if it remains in effect, it could set the Town up for a lawsuit due to the fact that it allows the employee who is taken to the hospital after testing to return to work immediately, pending the testing results. A discussion regarding the authority of the police department to utilize "reasonable suspicion" when dealing with any motor vehicle driver who in their opinion, may be impaired to have a drug and or alcohol test conducted.

A discussion ensued regarding how prescription medication can affect some tests, what type of communication is made between an employee and the testing organization should a test come back as positive initially and the type of testing that is conducted by the Town and what specific drugs are tested for according to the policy.

An employee who was recently taken to Huggins Hospital following a motor vehicle accident according to the revised policy, expressed concern regarding the amount of embarrassment, rumors, text messages and telephone calls that were received after being taken for the drug testing by their supervisor.

An employee inquired if the Selectmen, when traveling to their training, and happen to get into a MV accident, would they have to be tested? All members of the Board agreed that they had no problem with being tested.

It is the plan of the fire department to adopt a separate policy than the regular drug and alcohol policy of the Town as created by the Selectmen.

An expression of concern was given by an employee who is called in off work hours to complete a random drug screening. Their belief is that the testing should be done during working hours, not on their own time.

The Board advised that they would reconsider the policy pertaining to Drug and Alcohol Testing and would revisit this information at the next meeting. The fire department

personnel present advised they would be willing to review the revised policy at their next meeting of 4/26/12.

Recess

R Abraham recessed the meeting at 3:44 p.m.

Reconvene

R Abraham called the meeting back to order at 4:00 p.m.

Department Updates

Transfer Station:

1. G Johnson met with the Board to discuss the hauling contract for waste from the Transfer Station. He indicated the contract was extended for one year last year and it is time to start working on getting proposals for a new contract for the coming year. He further discussed the length of the contract from the current 5 year to a 3 year contract. He recommended proposals be requested from Bestway, NC Incinerator, Casella Waste, and Waste Management.

Highway Department:

1. R Roberts advised all roads were now open and are in good shape. He indicated he was looking to start work on Depot Road near Stratham Tire. He advised Cleveland Hill Road would be worked on in August. The Board requested R Roberts to consider contacting residents along Cleveland Hill Road to allow the Town to close the road completely to expedite the repairs to the roadway. R Roberts advised a written easement to run and or repair the swale near the Look's property has been received.
2. R Roberts thanked R Abraham for cleaning up the intersection near his property.

Public Comment

1. Pat Farley reminded the Board of the BIG event scheduled for this weekend at the Town House.

Town House Painting Proposals

1. Jeff Good – Brushed \$14,000 and sprayed \$12,800
2. Lemay's Paint & More – no bid sheet submitted
3. Williams Remodeling – Brushed \$5,600
4. White Horse Maintenance Inc. - Brushed \$7,358.55 and sprayed \$5,516.55
5. DCS & Sons – Brushed \$6,999 and sprayed \$6,800

The Board would like to make sure that the building is power washed and that acrylic latex is utilized.

R Abraham moved to award the painting job at the Town House to Williams Remodeling for the price of \$5,600 to brush the Townhouse. J Roberts supported this motion. Vote was unanimous. Motion passed.

NC Recycling LLC

Members of this organization met with the Board to discuss the business that is being started at 563 Plains Road. They advised the property was purchased 1 week ago, but will not be open until May 15, 2012 as they are awaiting the installation of a truck scale. The products that will be brought to the site will be metal only. They advised they do not accept any vehicles or any metal products containing fluids, such as radiators that are brought into the business – they must be flushed and without fluids.

A NH DES permit was acquired for a Scrap Metal Collection and Recycling Center in February of 2012 and the company has taken the necessary steps to certify every employee according to the permit. The Board inquired if the owner was interested in applying for a junkyard license through the Town?

A representative of Ski and Beach Association was at the meeting and expressed appreciation for the discussion that was taking place as he now has a better understanding of the business and requested representative of this business to attend the next meeting of the Association. Hours and days of operation were discussed. The only type of noise that should be heard is from the loader and excavator running.

The Board reported a public hearing would be held if an application is received for a junkyard license. After further consideration, R Abraham advised he felt comfortable with what was taken place on the property and did not see a need for a junkyard license at this time. John Roberts advised the property is being utilized as a recycling yard; however, he would like to research the junkyard regulations and ordinance to see if anything further is needed. The Board will contact the property owner once the review is complete.

Candle Pine Village

Signs

Marilyn Indelicato met with the Board to discuss the street sign that is missing for Elliott Lane. She advised that the individuals along the roadway have never paid for the sign replacement in the past, and wanted to know what can be done to get it replaced. The Board advised that the initial signs are purchased at the courtesy of the Town for all private roadways. Any replacement signs are the responsibility of the property owners along the roadway. The Board gave direction to M Indelicato regarding where to order new signs. M Indelicato thought that the roadway was not a private road and it was maintained by the Town when the driveways were plowed. The Board advised that the plowing along the roadway was only done to get to the driveways being plowed. The Board reiterated the roadway is in fact private and as a result of the decision made at Town Meeting not to plow driveways, the Town stopped plowing the road. The road would have to be brought up to Town specs and approved at Town Meeting prior to it being considered a Town road.

A request was made to acquire a list of roads that are not maintained by the Town. R Abraham advised it would be easier to supply the individual with a listing of public roads and he further discussed the road study committee which has been set up to determine the location of all Town class V and class VI roadways. This project will take a couple of years to complete.

Selectmen Updates

1. J Roberts discussed the cemetery meeting held this past week to review the private and town owned cemeteries. Additionally, the cleaning up of the cemeteries for the 2012 year has begun.
2. The Board is still considering a list of names for the health insurance review committee for Tamworth employees.
3. J Hidden attended the last planning board meeting in which they reviewed their procedures.
4. J Hidden advised that a map showing the wetland areas in Town will be available for residents who need to apply for special permits prior to making adjustments to their property.
5. R Abraham met with the KA Brett School Superintendent and advised the school board is working on assisting the moderator in the creation of a study committee. Information will be placed on the Tamworth Exchange.
6. The SAU office has hired a part time Certified Business Administrator and the new Superintendent has been selected.
7. R Abraham indicated he spoke to LR Water Company this morning regarding the water issue at the Veteran's Memorial. A letter has been submitted by LRWC to NH DES requesting the Town be allowed to acquire water from the UU Church to feed the memorial on a seasonal basis at a seasonal price. C Pearce requested a copy of the letter to be submitted to the Town Office. LRWC will contact the Town when they receive a response from NHDES.
8. R Abraham attended a meeting with Conservation Commission and had no report at time.
9. R Abraham indicated he attended the recent meetings regarding the Flood Plain/FEMA map updates.
10. R Abraham discussed an offer from Quality Insulation for a free energy audit of the Town buildings. The Board is interested in having them come to the Town Office as long as there was no fee involved.
11. J Roberts reminded the Board about the condensation problem related to the use of the Town Office a/c unit. This should be addressed.
12. R Abraham discussed a letter received from Bob Hammond regarding a mobile home on Durrell Road that has burnt and felt the property has become a health hazard. J Roberts will view the property prior to the next meeting.

Floodplain Map Updates

D Little met with the Board to discuss correspondence and procedures that have been utilized to update the FEMA maps and Flood Plain Ordinance. A letter has been drafted for the Board to view and consider sending to FEMA requesting that they consider several areas of changes to be made to the Town's maps. D Little advised that the Planning Board got involved due to correspondence received; it is the responsibility of

the Selectmen to respond to the letter. R Abraham indicated that the prior Chairman of the Selectmen may have requested D Little to write the letter.

D Little indicated a meeting was held earlier in the day with Jennifer Gilbert and the original draft letter submitted will need to be changed; the intent will remain the same. Several comments were made regarding the belief that FEMA will not change the maps, but will review the areas once the request is submitted.

R Abraham discussed the concern of the letter indicating that there was documentation attached to the letter that has not been seen by the Board and that should be available to the public in a format that they can view the information. He continued by stating that he has checked with legal counsel and LGC who advise that the information is public record and the public must have access to the information. If the information is not at the Town Office, there is no access to the information. A discussion regarding the specific computer program is necessary to view the information and according to John Gotgen, ArcView can be downloaded for viewing of the maps. R Abraham has not seen the information himself and is concerned as he wants to review the information that is being submitted.

R Abraham indicated the public may feel that it is being done without their knowledge as they do not have the information available to view.

P King discussed several concerns with the information that may be submitted to FEMA regarding the maps; although he has not seen the draft letter as proposed by D Little, he requests the Board consider the following:

- D Little used the best accurate info available on the computer, but is not a hands on sight/walk of the area,
- Correct street name and rivers for updating purposes,
- Does not recommend evaluating zone A as there is no accurate data justifying the revaluations, all of zone A is incorrect and this would help to reinforce “junk science” and would waste federal dollars. Don’t ask but insist FEMA remove all of zone A due to the unarticulated information
- Ask FEMA to recompute zone AE - along the Bearcamp River utilizing a new “stream gauge.”
- Request information as why all towns are not encumbered by these regulations and explain the extreme hardship for many who are incorrectly zoned.
- Contact Congress and Senators and ask for their assistance in getting rid of Zone A and notify them that there is a threat on the table that if Tamworth does not follow FEMA’s requirements that they may be kicked out of the NFIP for insurance ratings.

The Board agreed to move forward with Paul King’s recommendations and requested D Little to redraft the letter and requested he meet with the Selectmen on Tuesday, April 24, 2012 beginning at 6:30 p.m.

Non-Public Session

R Abraham moved to go into a non-public session at 5:37 p.m. per RSA 91 A:3 II (c). Motion was seconded by J Roberts. Vote: Abraham, Yes, Roberts, Yes, Hidden, Yes. Motion passed.

R Abraham moved to adjourn the non-public session at 5:59 p.m. J Roberts supported this motion. Vote was unanimous. Motion passed.

Administrative

1. An intent to cut for map 202-031 was signed.
2. An abatement for map 208-024 – Land Use Change Tax was signed.
3. A timber tax abatement for map 419-003 was approved.
4. A current use application for map 410-003, 410-004 and 411-048 was signed.
1. A land use change tax warrant for map 401-047 was approved
2. A gravel tax levy for \$855.24 was signed.
3. A timber tax levy in the amount of \$118.97 was signed.
4. A timber tax levy in the amount of \$12,404.36 was signed
5. A timber tax levy in the amount of \$138.48 was signed.
6. A timber tax levy in the amount of \$261.96 was signed.
7. A timber tax levy in the amount of \$701.52 was signed.
8. An elderly exemption for map 410 -001 was approved.
9. An elderly exemption for map 410-165 was approved.
10. An elderly exemption for map 206-072 was approved.
11. A Veteran's Tax Credit for map 410-115-002 was approved.
12. *R Abraham moved and J Hidden supported to appoint Keats Myer, Patricia Farley, Dennis Quinn, Karen McNiff, John Howell, Kristin MacIntire, Robin Gordon, William Farnum and Michelle Cleveland to the Economic Development Commission. Vote was unanimous. Motion passed.*
13. *R Abraham moved and J Hidden supported to approve a payroll manifest in the amount of \$17,373.44 for payroll checks dated 4/19/2012, a transfer in the amount of \$11,690.56 for direct deposit and a transfer of \$5,275.48 for the federal tax deposit. Vote was 2-0-1. Motion passed.*
14. *R Abraham moved and J Hidden supported to approve an accounts payable manifest in the amount of \$242,507.37 for checks dated 4/19/12. Vote was 2-0-1. Motion passed.*
15. *R Abraham moved and J Hidden supported to approve an accounts payable check register in the amount of \$242,507.37 for checks dated 4/19/12. Vote was 2-0-1. Motion passed.*
16. *R Abraham moved and J Hidden supported to approve the corrected minutes of 3/22/12 as written. Vote was unanimous. Motion passed.*
17. *R Abraham moved and J Hidden supported to approve the minutes of 4/5/12 as written. Vote was unanimous. Motion passed.*
18. *R Abraham moved and J Hidden supported to approve the non-public minutes of 4/5/12 as written. Vote was unanimous. Motion passed.*
19. *R Abraham moved and J Hidden supported to approve the minutes of 4/9/12 as written. Vote was unanimous. Motion passed.*
20. *R Abraham moved and J Hidden supported to approve the minutes of 4/16/12 as written. Vote was unanimous. Motion passed.*

21. The Town has received notice from Tom Peters that he is no longer interested in being on the LRPC as an alternate. As there are two full time members on that Board representing Tamworth, there is no need for an alternate.
22. An extension letter for timber cutting was received for the Balch Chocorua Trust property.
23. Danny Dineen is no longer interested in serving on the Zoning Board of Adjustment.
24. The Board discussed the prices received from many vendors in regard to the flag and pole installation at the Town House. J Roberts advised he will pick up the items if they were ordered in Concord. The price quoted was for \$599.

Adjournment

R Abraham moved and J Hidden supported to adjourn the meeting at 6:23 p.m. Vote was unanimous. Motion passed.

Respectfully submitted,
Anne M. Abear

Approved by Tamworth Board of Selectmen: 5/3/2012

Robert Abraham

John Roberts

James Hidden