

Town of Tamworth
Board of Selectmen's Meeting
December 27, 2012
Town Office

Members Present Robert Abraham, John Roberts, and James Hidden

Others Present Administrator Cassandra Pearce, Anne Abear, Bruno Siniscalchi, Sam Martin,
Greg Howard and Duane Dale.

Chairman Abraham opened the meeting at 4:00 p.m.

The Board discussed an item on the agenda in which a resident of the Town was going to come in to speak to the Board regarding damage to his home in which he indicates it is caused by water and silt running off from a town road. The individual is acquiring additional information prior to coming before the Board.

Department Updates

1. C Pearce discussed the two prices received for material to fix the containers at the transfer station. The prices were 424.25 from Cross and 512.00 from Presby. The Board authorized purchasing the material from Cross.
2. R Abraham discussed damage to one of the electrical boxes on a pole at the transfer station and further indicated that it is unknown how the box was damaged. R Abraham has checked with the highway department to see if they had hit the box while plowing and it was confirmed that they had not. G Johnson will contact an electrician to fix the box.

Non-Public Session

R Abraham moved and J Roberts supported to move into a non-public session per RSA 91 A: 3 II c & e. This motion was made at 4:05 p.m. Vote was: Abraham, Yes, Roberts, Yes, Hidden Yes. Motion passed.

R Abraham moved and J Hidden supported to adjourn the session at 4:08 p.m. Vote was unanimous. Motion passed.

No decisions were made during this session.

Administration

The Board reviewed and approved the following as needed:

1. 2013 meeting schedule for the Selectmen's meetings.
2. A draft 2012 Town report for the Selectmen and a remembrance dedication page.
3. Additional grant information for training to be reimbursed for the fire department personnel.
4. The Board was advised that no quotes or bids had been received for the closet within the Town Clerk/Tax Collector's office. No encumbrance will be available for the 2013 year for this work. R

Abraham moved and J Hidden supported to encumber \$62,021 from the highway department to be utilized for road work. Vote was unanimous. Motion passed.

5. *R Abraham moved and J Hidden supported to accept the minutes of December 6, 2012 as written. Vote was unanimous. Motion passed.*
6. *R Abraham moved and J Hidden supported to accept the minutes of December 13, 2012 non-public session as written. Vote was unanimous. Motion passed.*
7. *R Abraham moved and J Hidden supported to accept the minutes of the December 13, 2012 regular meeting as written. Vote was unanimous. Motion passed.*
8. *R Abraham moved and J Hidden supported to accept the meeting minutes of December 17, 2012 as written. Vote was unanimous. Motion passed.*
9. The Board signed a contract with the Mercier Group for the 2013 – 2015 auditing years.
10. *R Abraham moved and J Hidden supported to approve a payroll manifest for pay date December 27, 2012 in the amount of \$22,523.59 with a transfer of \$12,648.63 for direct deposit and a transfer of \$6,726.40 for the federal tax deposit. Vote was unanimous. Motion passed.*
11. The Board discussed an accounts payable bill payment request for Richard Roberts who is billing the Town for \$1200 for the use of his private vehicle for the 2012 year. R Abraham indicated that the Board in the past has been adamant about road agents billing the town for the personal use of their vehicles. The Board agreed that R Roberts was doing a great job. R Abraham would have liked R Roberts to discuss this billing with the Board prior to submittal. R Abraham indicated the private vehicle had the back tank filled with diesel in the past. J Roberts inquired if the Town Treasurer had signed the checks for the week yet? A Abear indicated the checks had been signed but have not been released as the Board has not signed the manifest and check register. J Roberts indicated this bill represents \$5.00 per day and is an insured vehicle. The Board inquired whether a bill was paid for the 2011 year. *R Abraham moved and J Roberts supported to approve an accounts payable check register in the amount of \$328,720.10 with the understanding that the check for Richard Roberts will be held pending a meeting with R Roberts. Vote was unanimous. Motion passed. R Abraham moved and J Hidden supported to inform R Roberts, Road Agent to not use his private owned vehicle until further notice. Vote was 2-0-1. Motion passed.* J Roberts indicated the Town is not taking on any liability by allowing this vehicle to be utilized by the road agent.
12. *R Abraham moved and J Hidden supported to approve an accounts payable manifest in the amount of \$328,720.10. Vote was unanimous. Motion passed.*
13. The Board discussed the tax acquired property listing that was submitted by C Pearce at a prior meeting. The Board authorized sending the properties out for sealed bids.

Public Comment

1. Mr. Hammond discussed his concern of the Town not having an insurance binder on file for the use of the truck being billed by the road agent. J Roberts indicated that the Town does have an insurance binder on this vehicle.

St. Andrew's in the Valley – Possible Wetlands Violation

Duane Dale of the St. Andrew's in the Valley discussed the background of the work that has been done by the church to assist with the run off of the building to include:

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- a. In July, 2012 a plan was submitted to the Board with a request to place the runoff drain into the culvert drain to move some of the water. The Town denied this request due to the condition of the Town's culvert pipe.
- b. Trenches were hand dug by the church members to get to the area of an open pipe drain system.
- c. D Dale indicated he felt that being between old and new Route 25 has caused the water problem with the run off heading to the river from the mountain. The church is eager to do what needs to be done to correct the water problem and if a violation is found to correct that also.

R Abraham indicated a complaint has been received and the Town has hired North Country Soil Services for a review and explanation of the area and after receiving the permission of the church has gained access to the property. G Howard of NC Soil Services documented his visit to the property and explained to the Board the testing that has been done. The finding of his review shows that a drain pipe has been constructed/installed with the 25 foot buffer. The channel at the outlet of the drain pipe has been excavated into the wetland area.

With these findings, the Board indicated that they would send a letter to the Church advising that they are in fact in violation of the Tamworth wetlands ordinance and will have to submit a plan to the Planning Board of how they will remediate the violation through a special use permit.

A discussion regarding the parking area of the church possibly being within the 25' buffer of the wetlands took place. It is possible, but the area could have been impacted prior to the Town's ordinance going into effect. G Howard indicated that the aerial view could determine the expansion of the parking lot.

The Board discussed with D Dale that the Town has the ability to assess a penalty for this violation and it begins the day that notice is given to the land owner in writing. The Board discussed the time of year to conduct the remediation of the property and determined the best time is not when snow is on the ground. Mr. Howard is willing to view the plan when submitted by the church to correct the issue.

Sam Martin inquired if the water from the basement was being flushed to this drain pipe. The answer was no per D Dale.

D Dale apologized to the Board that this issue caused a problem and had to come to the Selectmen.

J Roberts advised that at the 12/13/12 meeting he abstained from a vote of the Board regarding the St. Andrew's Church as he did not feel the item that was being discussed needed a vote. He continued by advising that although J Roberts Excavating LLC had done work at the property with the replacement of the handicapped ramp, the company had nothing to do with the work on the drainage. The drainage project was a separate project and his company only worked on the ramp; however, the drainage pipe for the drainage project was left at the property by his company.

Selectmen Update

1. J Hidden discussed the planning board meetings and public hearing(s) that are coming up to include the petitioned warrant article hearings scheduled for 1/9/13 (with a snow date of 1/16/13) at 7:00 p.m. to be held at the KA Brett School.
2. J Roberts and R Abraham had nothing to report at this time.

Non-Public Session

R Abraham moved and J Hidden supported to move into a non-public session per RSA 91 A: 3 II a & e. This motion was made at 5:20 p.m. Vote was: Abraham, Yes, Roberts, Yes, Hidden Yes. Motion passed.

R Abraham moved and J Hidden supported to adjourn the session at 5:32 p.m. Vote was unanimous. Motion passed.

The Board discussed an illegal subdivision that took places years ago with Tamworth. Town Counsel after review the issue and has a solution for correction. The Board authorized moving forward with the attorney's suggestion.

The Board decided that only one administrative staff member will attend the Selectmen's meetings when practical.

Adjournment

R Abraham moved and J Hidden supported to adjourn the meeting at 5:32 p.m. Vote was: Abraham, Yes, Roberts, Yes, Hidden Yes. Motion passed.

Respectfully submitted,
Anne M. Abear

Approved by the Tamworth Board of Selectmen: 1/10/2013

Robert Abraham

John Roberts

James Hidden