

Town of Tamworth
Board of Selectmen's Meeting
Town Office
June 16, 2011

Members Present William Farnum, Robert Abraham, and John Roberts

Others present Town Administrator Cassandra Pearce, Road Agent Richard Roberts, Police Officer Dana Littlefield, Town Clerk Kim Noyes, Rosiland Gray, Tom Cleveland, Donna Polhamus, Susan Ticehurst, Bruno Siniscalchi, Sam Martin, Mr. & Mrs. Mersfelder, David Little, Karen McNiff, John Gotchen, Mr. & Mrs. Farley, Representatives of Club Motor Sports, LLC including , Jim Hoenscheid, Jim Gove, Attorney Kevin Baum , Mr. Burke and Mr. John Pusateri representing PK Contracting, Ms. Gail Marrone, Keats Myer, Anne Abear and several other members of the community.

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

Department Reports

Highway Department Road Agent Richard Roberts discussed the following with the Board:

1. The paving at the transfer station has been completed.
2. The equipment for the paving on Maple Road has been moved and paving is expected to start soon.
3. Mr. R. Roberts discussed changing the work schedule of the highway employees to 4-10 hour days for the summer months. These hours would be worked from April 15 – November 1. Members of the Board agreed that this was a good idea for this department and requested Mr. R. Roberts work this schedule on a trial basis. The schedule will be from Monday – Thursday between the hours of 6:00 a.m. and 4:00 p.m. Mr. Abraham was agreeable to the change as long as the amount of overtime would not be increased.

Emergency Management

Director Littlefield and Mrs. Pearce discussed the training offer from the State of NH Department of Safety and Homeland Security for the purpose of training individuals to identify and conduct individual preliminary damage assessments and how the process works in regard to natural disaster declaration. It was reported that 15 people from the Tamworth departments have expressed an interest in this training to date. Members of the Board expressed a desire to have this training scheduled and offered at the Town Office. Further, it was recommended that other communities be invited to this training.

Public Comment –

1. Ms. Susan Ticehurst read a letter to the Selectmen posing the following questions and asking them to keep an open mind, and defend democracy, at this meeting. Further, she advised that the will of the citizenry has been expressed by vote and must be upheld. The specific questions were:
 - a. Which people are required to obey by the ordinances and laws and who is exempt?
 - b. Which ordinances and laws do not need to be obeyed?

A copy of Ms. Ticehurst's letter was given to the Board for their review.

Administration

1. The Board was requested to consider what they would like to propose to the CIP committee for the coming year. The plan is to meet the CIP Committee on June 30. A public hearing of the CIP committee is scheduled for September 13. After their hearing, the Selectmen will get a copy of the information to be considered during the budget preparation for 2012. Mrs. Pearce requested the Board submit suggestions to her prior to the June 30 meeting and she will compile the information for the meeting. Mrs. Pearce advised the Board that they should consider placing funds in the budget for revaluation update.
2. Beach Testing Information – Mrs. Pearce advised the following:
 - The State water testing bureau initially reported that they cannot continue the testing at the beach due to no funding; however, they have also been informed that the program will pick back up on July 1.
 - Training of individuals: There appears to be no one available to train our own testers – even Green Mtn. Conservation Group does not train for this type of testing. From the paperwork that was supplied, it appears with certain precautions, that formal training may not be necessary. Nelson O'Bryan in addition to Mr. Abraham and Mr. P. Roberts has agreed to conduct the testing
 - A & L Labs would be happy to test samples that we deliver to them in Conway on the day of the testing. Each test is \$25 and turnaround time is 3 business days for results.
 - PSU is another site that can be utilized for testing of beach water for Ecoli. The Board was interested in this option and requested this be looked into further. The cost of the testing would be \$20 per test.
3. The Remick Museum has filed an appeal with the BTLA for a \$28 LUCT that they have been assessed.
4. Mr. Bergeron has looked at the railings and after some touch up paint is completed to the posts the project will be complete.
5. A follow up letter has been drafted to Chocorua Valley Lumber explaining their requirements to acquire a special use permit from the Town. The Board signed the letter.
6. A driveway application for map 413-023 was signed.

John Mersfelder

Solar Exemption Information

Mr. Mersfelder met with the Board of Selectmen to discuss a letter submitted on behalf of 14 property owners (7 properties) that have recently put in voltaic solar systems on their property. Mr. Mersfelder

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explained that the reason these systems were installed was for the purpose of doing the right thing to conserve energy provided by fossil fuels, reduce carbon dioxide emissions and to provide a model for others to install the systems. In addition this installation was to reduce their own electrical costs and become more self sufficient.

Mr. Mersfelder advised that the Office of Energy and Planning indicates the intent for a solar exemption was for the purpose of offsetting the costs associated with the system including the installation. The Town's current exemption is for the amount of \$500.

Three items were requested of the Board to be considered from the letter:

1. Support a warrant article for the 2012 Town Meeting pending review by Town Attorney. *The entire Board indicated they were in favor of supporting a warrant article for the 2012 Town Meeting to consider changing the exemption amount, further, the wording presented within this letter may not be the exact wording that the Board would put through.*
2. Support to initiate the warrant article for the 2012 Town meeting, rather than by citizen petition, in order to provide critical leadership. *The response from the Board was that they would initiate the warrant article as requested.*
3. Support to initiate a warrant article to rescind the warrant articles on energy systems passed at the 1980 Town Meeting. *The response from the Board was that they would initiate this warrant article.*
4. Selectmen are requested to consider holding in abeyance the payment of taxes for the July 1 to December 31, 2011 tax period on current energy systems or recently installed photo voltaic systems, pending a decision on a new energy system warrant article at the March 2012 Town Meeting. If the article does not pass, taxes for the period delineated within this request would become due immediately. If passed, they would not be collected. *Members of the Board did not agree with this request advising that the assessments of the solar systems will remain on the property for the 2011 tax year.*

Mr. J Roberts inquired if any of the residents had come to the Town Office to discuss the exemption. Most present indicated that they did not come to the town office as they believed that the exemption would create a tax neutral status.

It was reported that the OEP website indicates that the Town of Tamworth has a solar exemption and that it was implied the exemption offered by Tamworth made the systems tax neutral.

Selectmen
CMI - North Country
Soil Service

Mr. Farnum indicated that last fall the Selectmen had been contacted due to the fact that a taxpayer in town had a question about a newspaper article regarding the construction taking place on the property of CMI. Further, the inquiring person wondered how CMI could be constructing roads without a permit from the Planning Board, especially since the Superior Court had ordered that CMI get a permit before

beginning construction. A few weeks later the Board of Selectmen received a letter from another individual with a similar question. The citizen had seen the video clips on the internet, of the construction, at CMI's property that had been done.

A representative of CMI attempted to interrupt Mr. Farnum with a question, and was advised that this was not a public hearing and that there would be no public comments allowed during this discussion. Mr. Farnum continued by indicating the Selectmen felt that the Board should do a site walk to see if there was indeed a violation of the TWCO and before the walk could be arranged it snowed so the walk was delayed until the spring. The Selectmen hired a wetland scientist because they felt the expertise of a professional scientist was necessary to evaluate the alleged violations. As the Board wanted to receive a comprehensive written report, if in fact there were violations of the TWCO, they decided to hire North Country Soil Services (Gregg Howard) to conduct the inspection of the property and create a report to the Selectmen. The report dated June 1, is now in hand.

Mr. Farnum moved and Mr. J Roberts supported that the Selectmen accept the report from North Country Soil Service described as Site Inspection of Valley Motorsports Park Project NH Route 25 Tamworth, NH dated June 1, 2011 and signed by Gregory W. Howard a certified wetland scientist. Vote was: 2-1-0. Motion passed.

Mr. Farnum moved and Mr. J Roberts supported to send a copy of the report to the Planning Board and the Conservation Commission. Vote was: 2-1-0 Motion passed.

The report states that there are seven violations of the TWCO and the Selectmen must decide what to do about the reported violations. The TWCO in section J. Administration and Enforcement section 2. was read. *Mr. Farnum moved and Mr. J Roberts supported to ask Attorney Sager to prepare and send a letter to the property owner as required by the ordinance. Vote was: 2-1-0. Motion passed.*

Mr. Farnum moved to ask Attorney Sager (town counsel) to file with the District and/or the Superior Court, as appropriate, and to take all other reasonable measures to ensure Club Motorsports, Inc., Motorsports Holdings, LLC and any other party responsible for violating the TWCO be enjoined from doing so, and that Attorney Sager seek all penalties, attorneys fees, remediation and other relief as may be allowed under the TWCO and the law. Mr. J Roberts seconded this motion. Vote was: 2-1-0. Motion passed.

Discussion amongst the Board throughout included:

1. Mr. Abraham expressed concern with the number of people in the room. Mr. Farnum offered to move this portion of the meeting to the outside back parking lot. The attendees standing indicated that was unnecessary.
2. Mr. Abraham expressed concern with items in the report and thought that Mr. Howard would have been at the meeting to answer the Board's questions and to discuss the report. He would have liked to have had the opportunity to have a conversation with Mr. Howard. Mrs. Pearce advised she was unaware that Mr. Abraham expected or wanted Mr. Howard at this meeting. Mr. J Roberts indicated that even if Mr. Howard was at the meeting, he should not be coming in to change his report.

3. A discussion regarding whether Mr. Abraham was in favor of hiring Gregg Howard in the first place took place. The response from Mr. Abraham indicated he did not like the price that was given to the Town for this site inspection.
4. Mr. Abraham discussed prior conversations held regarding Mr. Farnum recues himself. Mr. J Roberts agreed indicating he believed it was appropriate for Mr. Farnum to recues himself, but that decision was not of the Board of Selectmen, but that of Mr. Farnum.
5. Mr. Abraham indicated that maybe Mr. Howard was interpreting the TWCO incorrectly as the report discussed water body impacts. That is not part of the TWCO.
6. Mr. Abraham expressed dissatisfaction with Mr. Farnum not allowing public comment during this discussion as it is allowed during every other topic that is discussed during all Selectmen's meetings.

Selectmen's Updates

1. Mr. J Roberts advised he was unable to attend the last conservation commission meeting and will be unavailable to attend the planning board meeting in the coming week.
2. Mr. Abraham advised he would be meeting with the school superintendent next week and plans to attend the energy committee meeting also scheduled.
3. Mr. Farnum presented a document control layout for all applications, forms, and permits that are issued by the Town. Mr. J. Roberts asked if any of the wording would change on the forms. Mr. Farnum indicated no words have been changed by members of the ORC, but could be changed by members of the individual boards. The Board agreed that changing the format to be consistent was a good idea.
4. Mr. Farnum attended the library trustee's meeting in which it was brought to his attention that the stone wall built between the library and the store was placed onto the property of the store by an estimated 8" – 12". Mr. Paul King has reviewed this information and has confirmed that this has taken place. The Board will be receiving more information regarding this issue in the near future.
5. Mr. Farnum believes that the economic development commission is moving ahead at great paces to bring businesses to the Tamworth area.

Administration

1. *Mr. J. Roberts moved and Mr. Farnum supported to provide the requested support of the merger between Visiting Nurses and Hospice Care Services of Northern Carroll County and Carroll County Health and Home Care Services. Vote was unanimous. Motion passed.* Mrs. Pearce advised that she was able to contact this organization who confirmed the organization will remain in the county of Carroll even after the merge; although, not in its current location.
2. PA 28 Form for DRA for the 2012 year – The Board signed indicating that they would not be utilizing this form during the 2012 year.
3. The Board approved an application for website Link for Ossipee Valley Snowmobile Club
4. The Board approved an application for website Link for Union Hall Assoc.
5. The Board approved an application for website Link for Canoe King of New England
6. The Board approved an application/permit for a raffle for Chocorua Community Church (Raffle #1)
7. The Board approved an application/permit for a raffle for Chocorua Community Church (Raffle #2)

8. *Mr. J. Roberts moved and Mr. Abraham supported to approve minutes of the Board of Selectmen meeting of 6/1/2011 as written. Vote was unanimous.*
9. *Mr. J. Roberts moved and Mr. Abraham supported to approve minutes of the Board of Selectmen meeting of 6/2/2011 non-public session as written. Vote was unanimous.*
10. *Mr. J. Roberts moved and Mr. Abraham supported to approve minutes of the Board of Selectmen meeting of 6/2/2011 as written. Vote was unanimous.*
11. *Mr. J. Roberts moved and Mr. Abraham supported to approve minutes of the Board of Selectmen meeting of 6/3/2011 as written. Vote was unanimous.*
12. *Mr. J. Roberts moved and Mr. Abraham supported to approve a payroll manifest in the amount of \$15,681.15 with authorization for a transfer in the amount of \$10,648.03 for direct deposit (included in this amount), and an additional transfer of \$4,526.53 to be transferred for the Federal tax deposit (not included in the amount above). Vote was unanimous. Motion passed.*
13. *Mr. J. Roberts moved and Mr. Abraham supported to approve a payroll manifest in the amount of \$774.58 with authorization for a transfer in the amount of \$109.19 to be transferred for the Federal tax deposit (not included in the amount above). Vote was unanimous. Motion passed.*
14. *Mr. J. Roberts moved and Mr. Abraham supported to approve an accounts payable manifest in the amount of \$389,635.67. Vote was unanimous. Motion passed.*
15. *Mr. J. Roberts moved and Mr. Abraham supported to approve an accounts payable check register in the amount of \$389,635.67. Vote was unanimous. Motion passed.*
16. The Board will be given information that is currently displayed on the Town's website to review and it will be a topic of discussion at the next meeting. The Board was informed that Gail Marrone would like to be added to the list of schools in Tamworth on the website.
17. Mrs. Pearce advised that a request has been received from a local radio station. The station would like a telephone call from a member of the Board on Friday, 6/17 to discuss tonight's meeting. The Board advised that the minutes will be available for them to review.
18. The Board discussed the request of the Town Treasurer to purchase a laptop computer for the sole purpose of conducting electronic banking. Mrs. Pearce advised that the IT person for the Town did not recommend this expense as the computer would need to be connected to the Town's network as other computers. The Board decided they would not purchase a laptop at this time. This will be reported to the Treasurer.
19. Mr. Dana Littlefield returned to the meeting at 6:40 p.m. and advised the Board that the school board has agreed to place an additional \$12,000 toward the generator project.
20. The Board discussed putting gravel out to bid for this year. Mr. J. Roberts indicated that it was not required this year with the change in road agents.

PK Contracting, Inc.

Proposed Business

Discussion

Mr. Burke and Mr. John Pusateri met with the Board to discuss the proposal to purchase property at 563 Plains Road. The company of PK Contracting Inc. is a demolition/dismantling/salvage company that is proposing to utilize this property for a staging area, equipment location and a lay down yard. No hazardous material will be located or stored at the facility. They do not believe that this operation constitutes a junkyard under State law. The goal is to employ about 15 people year round. Permission is requested from the Selectmen to move forward with this project prior to purchasing the land.

After some discussion, it was recommended that PK Contracting contact the State of NH DES to discuss whether this operation would be covered under the laws of a junkyard. If not, then they can go ahead with the project. If it is determined that a junkyard license is required, Mr. Farnum explained the basics for acquiring a license.

Investment Policy

The Board reviewed the latest revised investment policy and made additional changes where necessary. The Board discussed the bonding of an employee who reconciles accounts and has the treasurer sign off on the reconciliation. According to this policy, the employee must be bonded. The Board advised that would be a policy (according to this investment policy) that would be written by the treasurer. The Board also discussed the use of NH PDIP and decided at this time, the use of this banking facility will not be allowed. Mr. Abraham advised he was very comfortable with the NHPDIP but would agree to remove it at this time. *Mr. J. Roberts moved to approve the investment policy as it is amended. Mr. Abraham supported this motion. Vote was unanimous. Motion passed.*

Main Street Playground & Skate Park

Ms. Gail Marrone and Keats Myer attended the meeting to discuss the \$8500 held by the Tamworth Foundation for the purpose of placing a playground in the vicinity of Main Street. Ms. Marrone recommended the facility be built at the Remick Park. The Board was amenable to this suggestion but would check the deed for the park before moving forward. The Board discussed volunteers erecting the playground; determining due to liability issues that may be associated with this project, the Board would rather hire a contractor to do the job. The insurance on the playground would also be looked into. The Board advised that they would contact Ms. Marrone after they have checked the deed and discussed the insurance requirements. The Board discussed the type of playground to be erected and the possibility of placing a skateboard park behind the Town Office.

Town Clerk Dog Warrant

Ms. Noyes presented a listing of dogs that have not been registered in the Town of Tamworth as required by law. There are currently 89 dogs on the listing of unregistered dogs in addition to the 565 dogs that have been registered. Ms. Noyes advised that the warrant should be created by the Selectmen's Office and they have 20 days to create it. She continued by indicating that she would be meeting with Chief Poirier to discuss this further. The warrant will allow the police department as animal control officers to assess a penalty in the amount of \$30 in addition to the regular fees to any resident who has not properly registered their animal.

Non-Public Session

Mr. Farnum moved and Mr. J. Roberts supported to enter into a non-public session per RSA 91-A: 3 II a & c at 6:35 p.m. Farnum, Yes, Roberts, Yes, Abraham, Yes. Motion passed.

Mr. Farnum moved and Mr. J. Roberts supported to adjourn the non-public session at 7:00 p.m. Vote was unanimous. Motion passed.

Adjournment

Mr. Farnum moved to adjourn the meeting at 7:00 p.m. Mr. Roberts supported this motion. Vote was unanimous. Motion passed.

Respectfully submitted,
Anne M. Abear

Approved by Tamworth Board of Selectmen: 6/30/2011

William Farnum

Robert Abraham

John Roberts