

TOWN OF TAMWORTH SELECT BOARD

Select Board Meeting 5:00

Thursday, April 18, 2024

MEETING MINUTES

CALL TO ORDER: Behr called the meeting to order at 5:00, those present include Select board members Behr, Prentice, Schaeffer, Doucette, Town Administrator Keats Myer, Ed Comeau of Governmentoversite.com Willie Farnum, Linda Cook, Melanie Streeter, Daymond Steer, Maureen Diamond, Peggy Poirier, Mark Debitetto, Rick Moreau, Nelson O'Bryan, Paul Priestman, Ellen Farnum, Becky Mason, Ian Haskell, Becky Mason, Paul Priestman, Shannon Cake, Kelly Goodson, Maud Anderson, Richard Roberts Alan & Mrs. Libby.

CHANGES/ADDITIONS TO AGENDA:

- Intent to Cut Map 408, Lot 56, Access Road, High Street
- Timber Yield Tax, Map 410 Lot 50 - \$596.23, Ratify Correction
- Limitation of Liability for Erection of a Building or Driveway on a Class VI Road

NEW BUSINESS:

- **Department Head report:** Rick Moreau, Maintenance - Spring Cleanups are underway, which is a bigger clean up due to the last storm. We lost a furnace here in the building, but it is fixed as of today. Completed some painting of the Town House: Entry way, ceilings, and stairwell. Town Office floors are all re-waxed, except for the Tax Collector's office. Remote button will be replaced with a hard wired button for handicapped accessibility. Fire box testing is scheduled. Might have a half day outage when TCNA hooks up its electricity. Tennis courts are up and running. Will be installing a bulletin board at the rec building and the tennis courts. New flags all around town.
- **TCNA Update** On behalf of June Aprille, Maureen Diamond read the letter regarding the paving of the parking lot behind the town offices. (see letter below). Diamond is pleased to be able to clarify the record.
- **Nelson O'Bryan, Conservation Commission** Discussion – Offering to give the group a “tutorial” on conservation easements. A Conservation Easement is a deed which a landowner can give to a grantee (for example the town, or a nonprofit dedicated to conservation) to establish what can and cannot be done with the land under a CE. The deed goes with the property, and is in perpetuity. CE's are generally on wood lots or agricultural land (no residences, or commercial establishments). CE's can be written in a number of ways. Frequently an entire lot is under an easement, but not necessarily – it can be a part of a lot. A CE can cover a variety of scenarios (one lot, parts of a lot, many lots, etc.) People tend to want easements in order to keep land as it is – scenic, wildlife, recreational. Restrictions: some new easements allow a landowner to erect solar or wind power for personal use. Subdivision: most easements prohibit subdivision of the easement. Process: Prentice asked - If a property has potential for development does the commission include that aspect. O'Bryan responded that while the priority is conservation, it would review for commercial or residential use. A CE be changed, only with difficulty, as it is considered a charitable trust. Therefore to change it the AG has to approve, or go to court. Once a CE is signed and recorded, and there is baseline documentation of the land at the time of conservation easement. Property tax implications – the CE is taxed at the same rate as property that is in current use. A few statistics: 44% of Tamworth's acreage is in CE. The town is the smallest holder of CE's – most of them are held by local nonprofits, like CLC, or LRCT. Mason asked

if L-Chip funds are used to buy an easement, do they have a say? Yes, they have to sign off on it, so they probably do have some say.

- **Paul Priestman** – the Sewer Commission is requesting that the SB and Trustees of the Trust Funds to consider revising the Town’s Investment Policy to allow for longer term higher-yield investments – their aspiration is to reserve a certain revenues, and invest them at a high rate. Much like the NHRS can invest in long term. Behr states that the SB is also not investment experts, and they would defer to the Trustees of the Trust fund’s expertise. Doucette – a question: should there be a separate policy for the Sewer Commission goals?
- **Authorization to Sign White Lake State Park Contract –Behr read: Be it RESOLVED:** That Dana Littlefield, Police Chief of the Town of Tamworth is duly authorized to enter into contracts or agreements on behalf of the Town of Tamworth with the State of New Hampshire, acting by and through the Department of Natural and Cultural Resources, and is further authorized to execute any documents on behalf of this Municipality which may be in his/her judgement desirable or necessary to effect the purpose of this resolution. Prentice moved to accept this resolution, Schaeffer seconded, Doucette yes, Behr yes, Schaeffer yes, Prentice yes.
- **Building Notification Form Revision** – Working with the Planning Board, Lianne revised the Building Notification form. They worked to condense it and make the flow more logical. Almost entirely it is the same information as the old one, but reformatted. They added the line “is this a subdivision” Becky Mason asked if there anything enforceable statement on the document. Doucette noted that the form will assist the Code Compliance Agent monitor identify construction that might be in the flood plain.

OLD BUSINESS:

- **Update on Transfer Station Improvements** – Richard Doucette gave background on the history of the Warrant article approval and funding. Cost estimate we received initially was \$1.4M, which was the amount approved by the voters in 2022, then a more detailed design by our engineering firm increased the estimate to \$2.4M cost. More than half the money was just moving dirt and place concrete. So the Transfer Station Improvement Committee (TSIC) worked to try to get federal grants to make up the difference, which didn’t pan out. Late last year they started to look at the North Country Recycling parcel which was for sale. They wanted \$1.5M – so they made an offer of the \$800K and the deed to the current Transfer Station. More recently, based on advice of counsel, the Town would need a special town meeting to authorize this deal – which would require a judge to approve that. Members of the TSIC feel strongly that the Town should try. Willie Farnum - here tonight to ask the Select Board to go to superior court to go to ask for permission for a special town meeting. Out of the \$1.4M, over 50% was coming from other than tax dollars. If we do not get a special town meeting, the owner is not interested in waiting, and even has lowered the price to sell quickly. The TSIC’s goal is a safe and economical station for the next 40-60 years. If we look short-term, there is \$125K to build a bathroom and septic system. The Rochester landfill has only ten years left – the state has goals in reduction of what goes into the landfill – TSIC wants to be a part of their goals. Ellen Farnum feels this could be argued as an emergency as we need the citizens to weigh in. Streeter asked what happened to the ARPA funds designated for the building of a bathroom –Doucette explained that it made sense to wait on the bathrooms until a design was finalized. Then the design came in to too high, they started to explore other options, further delaying the bathroom construction. Streeter asked if there had been testing at the potential new site. Doucette shared that there is no testing possible

until there is a purchase and sale agreement. LRPC has offered to fund the testing. Mason is concerned there is no business plan – still will have to truck all the regular trash and recyclables, and possibly more employees. What is the return going to be? Also is concerned about traffic on 16. Marc Debitetto stated his appreciation for how hard the TSIC committee is working. Currently the return on recyclables is very low. Insurance is high, manpower is high, wants to know if there were multiple engineering firms? And how did they come up with their estimates for the current plot. He thinks the new property is overly priced – and the current property is priced to low. The town should be providing a service in a cost effective way. Is also concerned about the access to the property. Is this going to cost the townspeople money over and above what is currently estimated. Kelly Goodson noted that the new property could create revenues above and beyond what's happening with the recycling. Daymond Steer: what would someone do with the existing transfer station, and is there a bond needed. Doucette stated we do not need to borrow any money. Is superior court open to comments from the public. Yes. It must be publically noticed. Prentice asked about Legal costs – Doucette motioned to pursue a special town meeting for the Transfer Station Project, Prentice seconded, Doucette yes, Behr yes, Schaeffer no, Prentice no. 2 yes, 2 no. Prentice recommended that it be put on the next agenda.

ADMINISTRATOR REPORT:

- Bank Balance: \$3,238,075
- New Assessing Clerk's training going well,
- I am working on Tax Warrant with the Tax Collector and Assessing Clerk, we will need to have a brief meeting to sign the warrant – would 6:00 on 5/9/24 work for everyone?
- Emery Roberts has made a request to change the meeting time back to 6:00 pm for the summer.
- Change meeting to 6:00

SIGNATURE FILE:

- Behr motioned to approve Meeting Minutes, April 9, 2024 and Meeting Minutes, April 12, 2024, Schaeffer seconded, roll call vote Doucette yes, Behr yes, Schaeffer yes, Prentice yes.
- Behr motioned to approve Nonpublic Meeting Minutes:
 - RSA 91-A:3, II (a), April 9, 2024, Nonpublic Meeting Minutes,
 - RSA 91-A:3, II (a), April 12, 2024, Nonpublic Meeting Minutes,
 - RSA 91-A:3, II (d), April 12, 2024, Nonpublic Meeting Minutes,
 - RSA 91-A:3, II (c), April 12, 2024, Nonpublic Meeting Minutes,
 Schaeffer seconded, roll call vote Doucette yes, Behr yes, Schaeffer yes, Prentice yes.
- Behr motioned to approve Intent to Cut Map 408, Lot 56, Access Road, High Street, Schaeffer seconded, roll call vote Doucette yes, Behr yes, Schaeffer yes, Prentice yes.
- Behr motioned to approve Timber Yield Tax, Map 408, Lot 53, Sub lot 1, No Cut, Schaeffer seconded, roll call vote Doucette yes, Behr yes, Schaeffer yes, Prentice yes.
- Behr motioned to ratify the correction to Timber Yield Tax, Map 410 Lot 50 - \$596.23 Schaeffer seconded, roll call vote Doucette yes, Behr yes, Schaeffer yes, Prentice yes.
- Behr motioned to approve Excavation Tax Assessment, Map 206, Lot 40, \$230.00, Excavation Tax Assessment, Map 413, Lot 13, \$00 (Under 1000 CU), No Tax, Excavation Tax Assessment, Map 413, Lot 14, \$140.00, Excavation Tax Assessment, Map 201, Lot 39, \$1,014.52, Excavation Tax Assessment, Map

210, Lot 03, \$0 (Under 1000 CU), No Tax, Schaeffer seconded, roll call vote Doucette yes, Behr yes, Schaeffer yes, Prentice yes.

- Behr motioned to approve Driveway application, Map 211, Lot 51, Schaeffer seconded, roll call vote Doucette yes, Behr yes, Schaeffer yes, Prentice yes.
- Behr motioned to approve the Limitation of Liability for Erection of a Building or Driveway on a Class VI Road, Schaeffer seconded, roll call vote Doucette yes, Behr yes, Schaeffer yes, Prentice yes.
- Behr motioned to approve Payroll Manifest: \$55,864.89, Schaeffer seconded, roll call vote Doucette yes, Behr yes, Schaeffer yes, Prentice yes.
- Behr motioned to approve Accounts Payable: \$404,403.26, Schaeffer seconded, roll call vote Doucette yes, Behr yes, Schaeffer yes, Prentice yes.
- Cash Used: \$3,031,351.70

SELECT BOARD UPDATE:

- Doucette – TSIC Meeting, today Steve and Richard met with TJ Eldridge in Ossipee, found meeting with him as very helpful. Learned that consolidating the days brings down hauling costs. Ossipee doesn't take brush. Repost the transfer station position at \$20-25 an hour. Doucette motioned to repost the position at \$20-25, Schaeffer second roll call vote Doucette yes, Behr yes, Schaeffer yes, Prentice yes.
- Behr - Library Trustees meeting was postponed. Volunteered to be the Tamworth representative to the Age Community with Marianne Jackson. Behr will be on the steering committee
- Steve Schaeffer: Found TJ's information very helpful. Lots of knowledge about the work involved with the recycling commodities market.
- Prentice: Planning board had a work session to discuss the Master Plan – and how to approach revising it. May 8th is the second work session, they have invited some people who were very involved in the last master planning process. The Build Out analysis is supposed to come back in the next couple of weeks in a rough draft form. This coming Monday, the 22nd at Runnell's Hall is the LRPC meeting. The topic is on brown fields (contaminated land).

PUBLIC INPUT: Melanie Streeter: May 7th the congregate meals are coming to Union Hall for anyone over 60, with a recommended donation of \$3.00 – family style. Every Tuesday at 11:30. Used to be at the Town House, would have 30 or 40 people come through. Mason: Question about the cost of the town leasing the current transfer station site from the new owners (in theory)– Doucette mentioned it would be a symbolic \$1. Mason mentioned the May 5th car fair at Club Motorsports, and the Energy Commission's presentation on Community Power. Streeter raised the idea of creating a public works department. Mason: Looked at different towns way of managing facility stickers and found that Ossipee charges \$40 for a two-year sticker. And many of them are open four days a week.

NONPUBLIC: At 6:32 Behr motioned to go into non public session RSA 91-A:3, II (a) Session #1, RSA 91-A:3, II (a) Session #2, RSA 91-A:3, II (a) Session #3, Schaeffer second, roll call vote Doucette yes, Behr yes, Schaeffer yes, Prentice yes. Behr motioned to come out of nonpublic session at 7:10, Schaeffer second, roll call vote Doucette yes, Behr yes, Schaeffer yes, Prentice yes.

ADJOURNMENT: 7:43 moved to adjourn.

Letter read at meeting by Maureen Diamond:

Dear Select Board,

April 11, 2024

I am writing to follow up on the discussion I had with you at the April 9 Select Board meeting about TCNA's plans for the Town Office parking area. The assertion that the plan originally called for paving the entire parking area including the current gravel area was personally troubling because I was certain the engineering plans did not show that, and also certain that I had not misrepresented the project plans in any discussions with the Select Board.

After I left the April 9 meeting I checked the engineering site plan drawings from first draft to final which the Select Board approved. Each version includes a notation for the demarcation line of "transition from paving to gravel" parking. An enlarged printed copy of the final site plan showing this notation has been placed in the town admin office if you wish to see it. Never at any time have I, either personally or representing TCNA, stated a commitment to paving the entire lot including the current gravel area, which would be very costly.

At your April 9 meeting it was also said that there would be added cost to the town for maintaining the gravel parking area. I checked with Richard Roberts on this point because he is very familiar with the plans and has been working closely with us on site. The town already maintains what is now the rough gravel/mud area for overflow parking. The TCNA building plan calls for enlarging and improving the gravel area to provide 6 additional parking spaces (for a total of 35 vs. 29 now, inc. 2 handicapped parking). The plan also includes a new pole light for the expanded area. Although there will be fewer paved spaces (15 vs 29 now), the surface of the unpaved area will be greatly improved. Overall maintenance costs for the parking lot are not expected to change significantly. Rather than speculating further, let's see how it turns out and we can then address any specific issues that arise.

As you know from the MOU and the lease revision, TCNA is making every possible effort to avoid adding any ongoing costs to the town as a result of this project. If anyone has specific concerns, they should notify the TCNA leadership so that the issues can be addressed. TCNA is grateful to the many generous donors and granting agencies funding the project who recognize the significant benefits that TCNA, and this project in particular, bring to our town.

Sincerely,



June Aprille

Submitted by Willie Farnum To reflect discussion of Transfer Station Improvement Committee Request:

April 18, 2024 SB Meeting

First why we are here tonight:

To respectfully ask the Select Board to petition the Superior Court for a special town meeting.

Before I get in to why;

I know that some residents feel that we have not been open about what we are working on, so I would like to update you on where we are at this point.

The voters approved \$1,410,200 to do improvements to the transfer station at 2022 town meeting, by a positive vote of 77%, only a 66% vote was required. 146 yes 42 no

Of \$1,410,200 raised \$692,200 is taxation (over the years of 2021 through 2024) and the remainder is from USDA grant \$493,000, the Tamworth Foundation \$125,000 and \$100,000 from ARRP federal funds. 51% of the money is not from property taxes.

Sanborn & Head engineering firm was hired to draft final plans and bid documents.

In December of last year, the estimates came in and were in the 2 plus million dollars, just for the work to build the buildings (site work was over \$800,000) and, this did not include purchasing needed equipment.

There were other attempts to further reduce the cost to the town by applying for two additional grants, one for the EPA and one from NBRC, both of those failed. If they had been granted we would have had to bring it to the voters and would have done so in March of this year.

In December the Transfer Station Committee (TSIC) realized that the project was not feasible at the present site. So, we started looking for other properties that might work, and would stay within the budgeted amount raised. None of the properties that we looked at were for sale, the owner would have needed to be convinced to sell. During that discussion someone suggested that the North Country Recycling of Plains Road was on the market. Listing price was \$1,500,000. The property had a lot of the necessary amenities that would be needed: 125 X 40 foot storage building, 50 X 60 3 bay garage, truck scales, horizontal baler, 3 Phase power, 83 acres of land about 20 plus acres were on flat, sandy soils.

The Select Board appointed two select board members and myself to try and negotiate a price.

We came to a tentative deal at 1.1 million. However, we knew that we would not have enough money for the needed improvements to make it a recycling and transfer station for municipal waste, so we suggested that if the sellers would be willing to take the deed to the present transfer station as part of the payment, we might be able to make it work. One of the benefits here was that NCR would lease back to the town the property until we had made the necessary improvement to open the new site.

We consulted with Paul Wheeler a relator about the value of the present transfer station property and the result was that it is worth between \$300,000 and \$350,000.

The thought was that we could use \$800,000 in cash and the present transfer station property value \$300,000 for the purchase. We still need money to set up the new location, so an additional \$610,300 was needed. This makes the total expense of the project \$1,710,300.

We inquired through our relator if NCR would wait until the next Town Meeting in March 2025 for the town to vote and they said no.

Back to the warrant article passed in 2022. The amount was \$1,410,200. We cannot spend more than that amount.

Thus, we need a special town meeting to ask the voters if they will approve raising an additional \$300,100 for this project. It would not raise taxes as it is land of the present transfer station that would be transferred.

Time is of the essence because the seller is motivated to sell as soon as possible.

I check the listing today and the price has been reduced to \$1,050,000.

If this is not the direction the town wishes to go in, there are still issues that need to be addressed at the present Transfer Station:

Septic and bathroom required by law. est.	\$125,00
Replace 25-year-old MSW compactor est.	\$35,000
Truck scale est.	<u>\$150,000</u>
Total	\$305,000

\$493,000 UDSA funds would be unusable

\$125,000 Tamworth Foundation funds would need to be returned.

\$618,000 lost finical help in modernizing the town's transfer station.

Our objective tonight is to consider whether the Select Board would agree to petition the Superior Court for a special town meeting. I don't want to take up the Select Boards time this evening to discuss all the Pros and Cons, but be assured that there will be several public hearings before any votes are taken.

The members of the TSIC are willing to share the pros and cons with anyone. Our meetings are always open to the public and our minutes are posted on the town's website.

Again, our objective is to have a transfer station to safely and economically deal with the resident's waste.

Members of TSIC are; Willie Farnum, Chair, Gabrielle Watson Vice-chair, Richard Doucette, Maud Anderson, Kelley Goodson, Ian Haskell, Steve Shaeffer Selectboard rep., Sue Stowbridge alternate, Ellen Farnum minutes.

Thank you for your time.

Willie

Emery Roberts

Karl Behr

Richard Doucette

Lianne Prentice

Steve Schaeffer