

BOARD OF SELECTMEN MEETING
Minutes of January 24, 2022

CALL TO ORDER: Chairman Ross McLeod called the meeting to order at 7:00 pm; opening with the Pledge of Allegiance. Selectmen Jennifer Simmons and Heath Partington were present, as was Town Administrator David Sullivan. Selectman Roger Hohenberger was excused. Selectman Bruce Breton joined the meeting later, remotely, for the non-public sessions.

ANNOUNCEMENTS: None.

PUBLIC HEARING – GRANT ACCEPTANCE: Mr. McLeod read the public hearing notice into the record, as follows: *“In accordance with RSA 31:95-b, the Board of Selectmen will hold a Public Hearing on January 24, 2022 at 7:00 PM at the Community Development Department for the purpose of considering the acceptance of PFAS RLF Grant Funds from the State of NH in an amount up to \$368,000. The grant will be used towards the cost of installing Point of Entry Water Treatment Systems at several properties in and around the Town Center, along with the first year of testing and maintenance costs associated with the systems.”*

Mr. Sullivan explained that, as the notice indicated, the purpose of this grant is to cover the installation and first year of operation and maintenance of up to nine POET systems to be installed in response to PFOS contamination. He indicated that as part of the process, the Board must formally accept the grant funds in an amount not to exceed \$368,000.

After brief discussion, Mr. Partington moved and Mrs. Simmons seconded to accept the PFAS RLF Grant funds in an amount not to exceed \$368,000. Passed unanimously.

PUBLIC HEARING – ROAD ACCEPTANCE: Mr. McLeod advised that this had been continued from 9/27, and read the original notice into the record as follows: *“The Board of Selectmen will hold a public hearing at 7:00 pm on September 27, 2021 at the Community Development Department to consider the acceptance of the following road as a public road: Weston Road from station 0+00 to 10+00.00.”* He then noted that he had not been in attendance at the first hearing.

Mrs. Simmons noted that she had reviewed the Engineer survey that had been sent to the Board, but would like to hear from Mr. Butler, who had previously been opposed to the acceptance; adding the vendor reported the issue as being the grade going down to the house and not the road. She inquired what the grade was on the plans.

Jon Butler, 9 Weston Road, reminded the Board that his walkway has eroded once and he has already installed a second. He noted that he was thankful the survey was done, however, his issue was not that the road wasn't built to plan, but rather that the road plan was flawed. He reiterated there is clear erosion on his property and added that when the engineer had come out he had believed that Mr. Butler had put the gravel in place. Mr. Butler advised he had explained that the Town had done so and it did not do a lot to slow down the water. He went on to note that he did not have a say on how his lot was graded, but had since contracted with Tokie to bring in 100 truckloads of fill to build up the yard; adding he thought, however, that the Town had probably wanted it as such.

Discussion ensued as to whether the gravel is working, the location of the neighbor's French drain, and whether a berm might have worked instead. Mr. Butler noted that it has improved over time, but will never be fixed. Mr. McLeod noted it sounded as if the issue was the Planning Board approved sheet drainage, and the road had been built with it to plan. He noted Mr. Butler's recourse might be to sue the Town. Further discussion ensued.

Dennis Senibaldi, General Services Manager, confirmed that gravel had been put in by the Town, and noted the drainage does work and the water flows as it should; adding the gentleman across the street maintains his drain. He went on to note that Mr. Zohdi, the engineer who had completed the survey, talks in it about how the developer had put the house in.

Mr. Senibaldi noted that the issue this evening is releasing the road bond, as that developer had not built the homes; adding it has been stated by many that the road was built to plan. He questioned how the road developer can be held accountable. Mr. Senibaldi went on to note that he has been out to the area many times during rain and the drainage does work; adding he has video of same. He noted it flows into the channel which, while not as prominent or big as the one across the street, does work. Mr. Senibaldi indicated Mr. Zohdi's report says it all and, while he feels for the difficulties Mr. Butler has, that is more an issue between him and the home builder.

Lengthy discussion ensued regarding this being a civil issue, that the road was built to plan and pre-dated the home, the location of homes not experiencing issues, the road design/approval, and Mr. Butler's disappointment with the approval process. Mr. Sullivan then clarified that should the Board accept the road, the bond has been reduced by \$2,250 to cover the cost of the survey.

Mr. Partington moved and Mrs. Simmons seconded to accept Weston Road as a Town road from station 0+00 to 10+00. Passed unanimously.

Mr. Partington then moved and Mrs. Simmons seconded to release the bond in the amount of \$51,300.80 for Weston Road. Passed unanimously.

USE OF FISCAL RECOVERY FUNDS: Mr. Sullivan requested that the Board support use of ARPA funds to compensate employees in the following cases:

- a. Pay those who have COVID for a maximum of 14 days from the date of their positive test; retroactive back to November 1.
- b. Pay those who are required to quarantine due to a family member testing positive for 5 days; should they test positive themselves during quarantine they would then fall under part A. This would take effect on January 25 and an employee would never be eligible for more than 14 days.

Mr. Partington inquired why "b" would not also be retroactive, and Mr. Sullivan replied it was because the Board had previously discussed option "a". Discussion ensued in that the Board could choose whatever date, potential added costs of going retroactive with "b", and the timing of the ARPA guideline change allowing the funds to be used for essentially any purpose.

Mr. Partington indicated he would like both options to be retroactive to November 1, and Mrs. Simmons concurred. After further discussion regarding the unknown costs, Mr. McLeod indicated he would be inclined to support an effective date of January 25.

Mr. Partington moved and Mrs. Simmons seconded to approve option "a" retroactively to November 1. Passed unanimously.

After further discussion, in which Mr. Sullivan indicated he could work up the added cost of going retroactive with "b", Mr. Partington moved and Mrs. Simmons seconded to approve option "b" effective January 25 conditional upon the Board revisiting that date at a future meeting. Passed unanimously.

Mr. Sullivan advised that a proposal had been obtained from the Town's current vendor, Alliance Mechanical, to add ion filtration to the HVAC systems at nine town buildings; explaining that while it is over the bid requirement, on a per building basis it is far less. He noted he had spoken to all involved, including Mr. Senibaldi, and Alliance was offering a good price; going on to request that the Board waive the bid process and utilize the current vendor to install the systems with ARPA monies.

After brief discussion regarding the timing of the installations, which Mr. Sullivan advised could begin immediately, Mrs. Simmons moved and Mr. McLeod seconded to waive the bid process. Passed 2-1, with Mr. Partington opposed.

Mrs. Simmons then moved and Mr. McLeod seconded to award the installation to Alliance Mechanical for the total price of \$30,000; funding to come from ARPA monies. Passed 2-1, with Mr. Partington opposed.

OLD/NEW BUSINESS: Mr. Sullivan advised that the Groundwater Management Permit, which relates to the ongoing PFOS investigation, has been completed and is ready for submission; adding the Board either needs to sign the document or authorize him to do so.

Mrs. Simmons moved and Mr. Partington seconded to authorize Mr. Sullivan to sign. Passed unanimously.

MINUTES: Mr. Partington moved and Mrs. Simmons seconded to approve the minutes of 1/10/2022 as written. Passed unanimously.

OLD/NEW BUSINESS CONTINUED: Mr. Sullivan advised he has completed all the budgetary information with the DRA and now needs at least three members to come in and sign the documents; adding it must be posted by Friday.

The Chair called for a five minute recess.

TAX ASSESSOR: Paul McKenney, MRI, presented the following to the Board for consideration:

- 25-G-43, Emerson Road: Recommendation is to reduce the assessment from \$27,000 to \$100 and an abatement in the amount of \$512.05, plus interest, be granted. This property is owned by the Rock Pond Improvement Association who also received an abatement for TY2020; this current abatement relates to the Association's filing of form PA-60.

Mr. Partington moved and Mrs. Simmons seconded to approve the abatement as requested. Passed unanimously.

- 19-A-800-3.1, 17 Pleasant Street: Request relates to the erroneous removal of a veteran credit. Recommendation is to grant an abatement in the amount of \$500, plus interest.

Mr. Partington moved and Mrs. Simmons seconded to grant the abatement as requested. Passed unanimously.

- 20-D-3011, 21 Bennington Road: Inspection of the property revealed listing errors related to inflated living area; recommendation is award an abatement in the amount of \$3,366.50, plus interest.

Mr. Partington moved and Mrs. Simmons seconded to award the abatement as requested. Passed unanimously.

OLD/NEW BUSINESS CONTINUED: Mr. Sullivan advised there are other residents across town who are dealing with PFOS issues from unknown sources and that the State has recently announced a rebate program for anyone who has had to install a filtration system. He indicated the information will be on the Town website, or residents can contact him or the DES for more information; adding the funds are not endless and people should call soon.

NON-PUBLIC SESSION: Mrs. Simmons moved and Mr. Partington seconded to enter into non-public session in accordance with RSA 91-A:3, II b and c. Roll call vote – all “yes”.

The Board and Mr. Sullivan were present in the first session, with Mr. Breton joining via conference phone. Mrs. Simmons made a motion to allow Mr. Breton to participate remotely, seconded by Mr. Partington. Roll call vote – all members voting Yes. Motion approved 3-0.

Legal – The Board met with Mr. McKenney, MRI, to review a pending abatement case and a proposed offer from the property owner. After hearing from Mr. McKenney as to his valuation of the subject property, Mr. Partington moved to support the valuation as determined by the Assessors, seconded by Mrs. Simmons. Roll call vote – all members voting year. Motion approved 4-0.

Personnel – The Board, Mr. Sullivan, and Police Captain Caron were present. The Board discussed with Captain Caron his possible interest in the Police Chief's position, which will become open upon the retirement of Chief Lewis this May.

Captain Caron left the meeting, at which time the Board further discussed the position. Mr. Breton then moved to have Mr. Sullivan extend a promotional offer to Captain Caron to assume the Police Chief position upon the retirement of Chief Lewis on May 1st, seconded by Mrs. Simmons. Roll call vote – all members voting Yes. Motion approved 4-0.

Mr. Sullivan left the meeting after this session.

Personnel – The Board discussed the ongoing recruitment for the Town Administrator position. No decisions were made.

Mr. Breton disconnected his call.

Mrs. Simmons moved and Mr. Partington seconded to exit non-public. Passed 3-0.

Mrs. Simmons moved and Mr. Partington seconded to adjourn. Passed 3-0.

Meeting was adjourned at 8:46 PM.

Respectfully submitted,

Jennifer Simmons, Selectman
David Sullivan, Town Administrator
Wendi Devlin, Administrative Assistant