

Approved

SANBORNTON BOARD OF SELECTMEN'S MINUTES

January 13, 2016

Town Offices

The Board of Selectmen convened in regular session on Wednesday, January 13, 2016 at 5:00 p.m. at the Town Offices. In attendance were Selectman Karen Ober, Selectman Dave Nickerson, Selectman Johnny Van Tassel and Town Administrator, Charles Smith.

1.0 Pledge of Allegiance - Those in attendance recited the Pledge of Allegiance.

2.0 Public Comment - Peter Drouin Re: Transfer Station - Mr. Drouin informed the Board that he discussed the concrete pad proposed at the Transfer Station with Tom Cayer, who is a personal friend and asked him why it was going to be so much? Mr. Drouin stated there are concerns with the weight of the dumpsters and the truck's weight breaking the edges, so better specifications were used. Mr. Drouin explained there is no way that he can donate \$3K towards the project but would be willing to volunteer his time in the Spring, if the Town decides to purchase the materials. Selectman Ober thanked Mr. Drouin for his offer and felt like there was a lot of misinformation given, so she just wanted to confirm that it was labor he was offering. Lynn Chong read petition article #2 that states the Transfer Station should be operated in the same manner as before and stated any new spending should be voted on at Town Meeting so the people know.

3.0 Business

3.1 Solid Waste Committee (SWC) - Applicant interviews - Chair Nickerson stated the Board wanted to interview everyone and after tonight's meeting the committee can hold an organizational meeting. Chair Nickerson explained they are trying to get the Department of Public Works away from the Transfer Station operations and the SWC will advise the Selectmen but there will be some time involved with the current issues at the Transfer Station.

Andy Sanborn - Was not in attendance.

Tara Albert - I got involved because my husband wanted me to but I also work for DES and know a lot of the solid waste rules. I have contacts within that would help with things like signage through NH the Beautiful. I will not be able to help with permits because it would be a conflict. The Town went to single stream recycling without DES approval 2-3 years ago.

Robert White - I was a SWC member for 12-15 years and hope to bring some continuity with the past. I also use to work for DES and know some of the regulations. We should move the recreation equipment out of the Transfer Station's building and use that as the "swap shop". I do not want to spend anymore money and we should hold the individual responsible for intake.

Lynn Chong - I have been an environmentalist most of my adult life. I made the video for special town meeting, so I know what most Transfer Stations do and want to visit more. The EPA says to reuse, recycle, incinerate and then landfill, in that order. I feel we are doing a beautiful job and there are wonderful possibilities.

Jeff Burns - I served on the Master Plan Advisory Committee as a member of the Energy

Committee. I am very interested in the Transfer Station and how it moves forward. I have a lot of ideas of what we can do there and if a new building is needed, I am a carpenter by trade so I can volunteer my time. I want to be involved and reusing is important to reduce our waste because recycling is a poor second.

Jennifer Holt - I have been a resident for 19 years, I have three kids and I love our Town. The swap shop is not just a place to bring your things but a place to meet your neighbors, its social. I have personally benefited from the swap shop and I still have the table. I work at the Sanbornton Central School and am a nurse by trade. I know some families that depend on the items from the transfer station and if I see a coat at the swap shop, I will bring it school for a needy child. I am interested in the financing for this but as a nurse I bring the health aspect and have some ideas.

David Swanay - I am new to Town because I am retired and I moved here from Massachusetts. I am here because of Lynn Chong and discussions we have had regarding the swap shop. My wife's father use to refurbish bikes from the transfer station for kids in the area. I was an engineer for 50 years.

Donna Schimming - I am an import from Maryland and have lived in Sanbornton for 5 years. I feel all of these things are great but the Town needs to move in to the 21st century and protect the Selectmen. If we are keeping the swap shop, we need to move forward and keep taxes down. I have worked for the V.A. for many years and dealt with multi-million dollar budgets. I heard many resident say they were upset because they were not notified of the changes and I could start a spread sheet of residents. TA Smith asked Tara Albert if there would be any restrictions for as a member and a DES employee and Mrs. Albert replied no. Selectmen Ober noted the SWC would be taking direction from the Board and they wouldn't be setting policies before finalized because this is bigger than just the swap shop. Those in attendance agreed to decide on a five (5) member committee with three (3) alternates, at staggered terms of three years. Selectman Van Tassel stated it looks like we have a good group here but you will be advisory and there will be a whole slew of stuff to review, even the budget. The SWC requested a copy of Primex's Risk Assessment Report. The first meeting will be held on Monday, January 25, 2016 @ 5:30 p.m. at the Town Offices.

3.2 Dan Downes Re: Park View Drive – Mr. Downes stated he listened to the tapes of the Planning Board's (PB) meeting, which he was basically tossed out of and feels he was maliciously attacked because he was accused of being a trespasser. Mr. Downes stated he has been sand bagged by the Town Planner and the PB with his Attorney present on several occasions. Mr. Downes noted he was told he would be notified if the issues surrounding his property were discussed by the PB but he has been blocked by the Town Planner. Mr. Downes explained that he is paying taxes on two properties twice and is not paying for four others, after he had requested the area be remapped properly by the Town but then received four tax bills for properties he already owns. Mr. Downes referred to a PB meeting Board meeting that took place in December, when they said not if we would sue Mr. Downes but when... Chair Nickerson asked if the Town's Attorney has been involved? Mr. Downes replied yes without any resolve. Chair Nickerson asked where he was with the PB? Mr. Downes replied potentially Superior Court because he has conveyed some of his property through deeds and if I sell my property that is my right, I am not that smart or malicious. Mr. Downes stated this has been very expensive and he owns two homes on Park View Drive, two of those pieces were purchased from the Town. The well is on one piece and the septic is on the other piece with 440 feet of

private road. Mr. Downes stated he would like to merge all of the lots and be done with this, he has sold some of lots through writing deeds but he is not out driving stakes in the ground. Mr. Downes stated the Town Planner is very good at not giving the whole truth and feels this is a witch hunt. in which he has been slandered. Chair Nickerson explained the Selectmen can not direct the PB but we can discuss our authority with the Town's Attorney. Mr. Downes noted all of the discussion is on the tapes and he has never been so furious. Selectman Van Tassel stated he agrees with some of what has been said tonight. Chair Nickerson stated the BOS would check in to this. Selectman Van Tassel asked Mr. Downes what his plan is? Mr., Downes replied he wants out because this has been a nightmare since day #1 and has been going on for 8 years now, my Attorney said to talk to Selectmen.

3.3 Chair of the Trustees of the Trust Funds - Gail Morrison stated it is no secret it has been a different year for interest, who knew China would be such an influence. The Trustees met in November and listened to a representative from the Boston Management Asset Company, plus two representatives of the US Bank Wealth Management Services. Gail Morrison explained the Trustees feel they would benefit from some financial help and hope to meet with representatives from Franklin Savings Bank next, plus two or more groups if necessary. Gail Morrison presented the Board with a proposed warrant article. *"To see if the Town will vote to authorize the Trustees of the Trust Funds to charge against the Capital Reserve Funds any costs of employing professional brokerage/banking services to manage its investments pursuant to RSA 35:9-a."* Gail Morrison stated a decision to spend any Town funds in the process would need Town Meeting approval and they have only been able to do this since March 2014. Gail Morrison explained most of the capital reserve funds (CRFs) are invested in "CDs" currently and the funds can not be taken out until June. Selectman Van Tassel replied he would not be comfortable doing something other than CDs with the Town's people's money. Gail Morrison suggested the Town look at Vanguard and money market accounts as other options to make money for the Town. TA Smith stated the CRFs are set up with certain guidelines for the Town to follow and if the funds were in a money market account but the market was down, the funds would still be taken against and it is a big risk. Selectman Van Tassel stated if it was my money it would be different but it's the people's money and the funds should be in a savings account not a risk account, he will not support this. The Board will have the Town's Attorney review the article.

3.4 DPW Director Bordeau - update - Director Bordeau informed the BOS he is hiring full-time temporary help and a temporary labor position for the Town Offices/Library shoveling. Director Bordeau stated he has discussed Hermit Woods Road Bridge with Mike Bean, who feels he can save the Town some money. The BOS agreed it is the Town's policy to place the project out to bid. Director Bordeau provided a quote for fencing (953 feet) at the Transfer Station in the amount of \$21K. Selectman Van Tassel stated there is no question in his mind that all of these projects need to be done but they need to be prioritized. The information will be given to the SWC. Selectman Van Tassel noted the Board needs to move forward with the structural engineering study but the Police Department should be the first priority. There was a brief discussion regarding placing snow fence on some of the Town's roads. Director Bordeau stated he would check with landowners.

3.5 Structural Engineering RFPs - TA Smith stated the funds to move forward are in a CD account, so the Town would need to pay back the interest or wait until June. The

Board agreed to hold interviews with three of the engineering firms on 1/27/16.

3.6 2017 Warrant Articles -

Article #6 - Police Cruiser - Selectman Ober made a **motion** to recommend article #6 with changes. Chair Nickerson **seconded** the motion and the **motion passed unanimously**.

Article #7 - Retrofitting of the Police Station - Selectman Ober made a **motion** to recommend article #7 with the amendments. Chair Nickerson **seconded** the motion and the **motion passed unanimously**.

4.0 Authorize Payroll & the Accounts Payable Register – The BOS reviewed & signed the payroll and the accounts payable register, a copy was made available for public inspection.

4.1 DPW - Personnel Action Forms - Chair Nickerson **motioned** to hire Steve Davis as full-time temporary at \$15.75 an hour. Selectman Van Tassel **seconded** the motion and the **motion passed unanimously**. Chair Nickerson **motioned** to hire Richard Ober as a shoveler, temporary labor. Selectman Van Tassel **seconded** the motion and the **motion passed**. *Selectman Ober abstained.*

4.2 Private right-of-way acknowledgement and notice of limits of municipal responsibility - The BOS signed the acknowledgement for 284-5 Black Brook Road.

5.0 Review & Approve Minutes

5.1 12/23/15 draft - Members of the Board reviewed the draft meeting minutes of December 23, 2015. Selectman Ober **motioned** to approve the draft meeting minutes of December 23, 2015 without corrections. Chair Nickerson **seconded** the motion and the **motion passed unanimously**.

5.2 1/6/16 draft - Members of the Board reviewed the draft meeting minutes of January 6, 2016. Selectman Ober **motioned** to approve the draft meeting minutes of January 6, 2016 without corrections. Chair Nickerson **seconded** the motion and the **motion passed unanimously**.

6.0 Other Business

6.1 Non-Public Session - Under RSA 91-A:3 II (c) – Transfer Station, Operations Manager - Mike Adams requested that the non-public be held in public. Director Bordeau read a letter dated 1/9/16. On 1/9/2016 several incidents occurred at the transfer station. Prior to this day both Roy Clark and myself had previous conversations with Mike Adams, the on site manager about his responsibilities and the function of the swap shop. Earlier in the week Roy Clark asked Mike to:

1. Box up the fluorescent tubes that were creating an unsafe situation near the swap shop area where clothes and shoes were located. When I was at the transfer station on 1/8/2016 the tubes had not been boxed up. When I asked Mike why they hadn't been boxed yet he responded that he hadn't had time yet. I know Mike had time on Thursday when he was at the transfer station by himself.
2. Earlier in the week Roy gave Mike a list of to-do's, one of which was clearing a path to the oil drum for recycled oil. This job was also not completed. Mike has had ample time to complete both this task and the above task but continues to ignore instructions to keep the transfer station facility clean.
3. Mike continues to allow filthy items at the swap shop and argues with me when he is

instructed to be more selective and only allow items in good, clean condition in the swap shop. On 1/6/2016 at a Selectmen's meeting Mike was instructed that a red-maroon back arm cushion that was filthy and covered in pet hair was accepted at the swap shop is not an item that should be accepted. The Selectmen clearly explained to Mike that items in similar condition should not be in the swap shop. On 1/9/2016 I observed a filthy red chair in the swap shop. I took Mike aside to look at the chair and again explain that an item in this condition will not be accepted. Mike argued that the item could be re-upholstered. I took a picture of the chair and once again I instructed Mike not to accept items in this filthy condition. I instructed Andres to put the item in the dumpster. Items like this should be thrown away and the resident should be charged for it because the town will have to pay to haul it away. I will be setting very clear objectives for accepting items at the swap shop and make sure all the people working for the town, employees and volunteers know what will be accepted. Mike has been told several times but he ignores instructions.

In summary, Mike continues to ignore the recommendations from the Selectmen and direct orders from DPW Director and the Foreman. Mike has failed to complete simple tasks to improve safety at the transfer station. He continues to challenge authority and create a difficult work place. Director Bordeau explained he is trying to keep the facility kept up and Mike did not plow on Wednesday either. Chair Nickerson noted he went to the "dump" a few weeks ago and you said the fluorescent bulbs would be cleaned up but you didn't and asked him to explain why? Mike Adams stated he only had 3 hours between the time management class then attending a Selectmen's meeting. Mike Adams explained as for the chair, it was a different chair than the one discussed last week and he wasn't present when it came in because he can be in all those places at once. Mike Adams stated he didn't disagree but said he didn't see the chair and understood that items like that should not be accepted. The oil is quartered off and people should see an Attendant to place the oil in that area. Selectman Van Tassel stated there should have been enough time and the "MOM" meeting could have been skipped if there was things to be done, even after you were given direction and it was ignored. Selectman Van Tassel stated he use to work by himself and understands things can get busy but tasks can still be done. Selectman Van Tassel stated the Transfer Station should be run the way it was, it is not a free for all and doesn't want to see it become one but if you are being subordinate and you are not doing your job then you will be disciplined. Chair Nickerson stated there still has not been an explanation of why the bulbs were not picked up. Mike Adams handed the keys to the Transfer Station to the Selectmen. Selectman Ober made a **motion** to accept the resignation of Mike Adams. Chair Nickerson **seconded** the motion and the **motion passed unanimously**.

6.2 Non-Public Sessions - Under RSA 91-A:3 II (c) – Chair Nickerson made a **motion** to go into non-public session at 8:07 p.m. Selectman Ober **seconded** the motion. Roll call vote, Ober – aye, Van Tassel – aye and Nickerson –aye. TA Smith and DPW Director Bordeau were also present. The Board reconvened the public session at 8:31 p.m. Chair Nickerson announced an unanimous decision was made to reclassify the truck driver laborer position to a truck driver operator position and the board voted to seal the minutes.

6.3 Annual Report - AS Rollins reminded the BOS that a dedication was needed for the Town Report. _

7.0 Selectmen's Reports - Chair Nickerson updated the Board on the work of the Budget Committee.

8.0 ADJOURNMENT – Chair Nickerson made a **motion** to adjourn the meeting at 8:43 p.m. Selectmen Van Tassel **seconded** the motion and the **motion passed unanimously**.

9.0 NEXT MEETING (S) – The Board of Selectmen's next regularly scheduled meeting will be held on **Wednesday, January 20, 2016 @ 5:00 p.m.** at the **Town Offices**.

Respectfully submitted,
April Rollins, Administrative Specialist