

Approved

SANBORNTON BOARD OF SELECTMEN'S MINUTES

September 27, 2017

Town Offices

The Board of Selectmen convened in regular session on Wednesday, September 27, 2017 at 5:00 p.m. at the Town Offices. In attendance were Selectman Karen Ober, Selectman John Olmstead and Selectman Katy North. Town Administrator, Katie Ambrose was also present.

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

2.0 Public Comment - None at this time.

3.0 Business

3.1 Sanbornton Prosecutor - Jesse Renauld-Smith - Attorney Renauld-Smith and the Selectmen introduced themselves. Chair Ober stated she is glad that Attorney Renauld-Smith could come to meet with the Board. Attorney Renauld-Smith explained that he has taken a few cases and is glad to be here. Chief Hankard stated they are still working out some of the details but the communication has been good and is working out very well. Chief Hankard explained that Attorney Renauld-Smith has a good reputation in Court and has been taking some of the department's workload away, so we can do other things like investigative work, etc. Attorney Renauld-Smith informed the Board that he comes from a police background, which he served as until 2008 and pays great attention to the details but is not afraid to argue a case.

3.2 Cemetery Trustee Appointment – Debbie Gibson - The BOS skipped over this agenda item and decided later in the meeting, to request that Ms. Gibson be invited to the next meeting.

3.3 Police Chief - Department Head Update - Chief Hankard stated they received the new cruiser today and will be working on getting the decals. Chief Hankard provided a statistical comparison of this year versus last year. Chief Hankard reported motor vehicle stops and calls for service are down due to fewer cars being on the road, arrests and accidents have increased. Chief Hankard explained that the department is up to five Officers currently and Officer Morton will be on the road next month. Chief Hankard informed the Board the department is participating in "Beards for Bucks" to raise money for the Child Advocacy Center in Laconia and another Drug Take Back day is scheduled for October 28th from 10 a.m. to 2 p.m. at the Sanbornton Police Department. Chief Hankard stated Officer Weisensee is instructing a taser class in Tilton for recertifications, the ammunition purchase was \$1,630 dollars and he will be changing the Humane Society line in his budget to Contract Services for the Prosecutor's contract.

3.4 Shim & Overlay Bid SDPW 2017-3 Award - The Board reviewed bid documents from Pike Industries (\$129,529 dollars) and GMI Asphalt Paving (\$133,035 dollars) to shim & overlay Currier Road, Perley Hill Road and Meetinghouse Hill Road. Director

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Bordeau noted both companies were not willing to give a date for the project because their plates are full but this will all happen sometime this fall. Selectman Olmstead made a **motion** to award the bid for the shim & overlay on Currier Road, Perley Hill Road and Meetinghouse Hill Road to Pike industries, in the amount of \$129,529 dollars. Selectman North **seconded** the motion and the **motion passed unanimously**. TA Ambrose stated the draft contract has been provided by the Town's Attorney. Chair Ober made a **motion** to have the Clerk sign the amended shim & overlay contract. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**.

3.5 Brian Bordeau – Exit Interview - The following is the exact letter submitted; Board of Selectmen, enclosed you will find my exit interview questions and answers as I interpret them in my own words.

Why did you choose to come to Sanbornton DPW?

- I was familiar with this line of work and thought I could make a difference.

What did you like the most about working for the Sanbornton DPW?

- I liked working on the roads, fixing them to make them better for the public. If you like what you do, you won't work a day in your life, it becomes enjoyable and not just a job.

What did you like the least about your job here at the DPW?

- Struggling to keep qualified help and watching good employees move on because the Town can't afford to pay them what their worth. The training that you've invested in someone and watching someone else benefit from it makes little sense. As someone gets proficient in their job they begin to make the people's job around them a little easier as well.
- The hours required of this job are very demanding and seldom get balanced with compensation.

What changes would you like to see made to make this job easier?

- Some changes that I would like to see would be to stop taking funds from one Dept. to supplement another. I'm referencing taking funds from the DPW to give raises to other departments when the dept. you took the money from could have used that money to help solve a problem of people moving on to make more money elsewhere. If we can't pay the people what we need to make a dept. function properly, why would you divvy that money elsewhere? (and, not talk to your dept. head before you do it)?
- The pay matrix that has been implemented has been a complete disaster from the beginning and the employees have been caught in the middle. This began last fall during budgeting season when we were asked to not put in for raises for our employees.

Recommendations for future Director:

- Put the employees on the agenda first for these meetings, especially in the winter for the DPW and not make them sit there, they have put their day in already and would like to go home.
- Mandate rest periods for storms lasting 10 hours or more.
- Trade in vehicles that reach their useful life at 6 years old. Most warranties run out now and it makes no sense in keeping them any longer.
- Provide competitive pay for your employees and try to retain them. Your employees are your biggest asset and you need to take care of them.
- Use incentives, bonuses, longevity, and reward your employees that go the extra mile.
- I would like to see the town reinstate the CRF 4915.4 for heavy equipment replacement so when it's time to purchase your next grader in 10 years (now a 2007) and a new loader in 5 years (now a 2000) you have money to draw from and won't be such a big hit for the taxpayers all at once. Start now. The CRF for the replacement for the Fire truck is a perfect example.
- The new Director will have to establish good working relationships with the taxpayers and the contractors that will be doing work for the town and be as courteous as I was.
- The new Director will have to treat mud season as any other season and be responsive to the residents to get to their homes. This is a challenging time for people and they expect to have their roads passable. Overtime in this time frame is as important as a snowstorm and should be treated as such.
- I would like to see you put at least 25- 33% of your capital outlay monies into keeping your good roads up by shimming and overlaying them and not let them revert back to where they need major work all over again.
- A 10-year road plan was submitted on May 25, 2016 as is reflected in the BOS minutes. I will present you a copy of it now for you to do with as you wish.

This can be used as a working document for the next director to use as a guide and they can plug in the present rates for each line item to get the numbers they need to get a rough cost and use these numbers for coming up with future road budget projects. These are only recommendations and are all subject to change as our roads change differently as they age. (example - Perley Hill Road shim and overlay being moved up in the plan because its deteriorating faster than expected).

I have given my time here to the Town faithfully and it's time for the next person to build on it and move forward and hopefully provide the residents with as good of service as I have. I thank you for the opportunity to have served you all and wish you nothing but good luck. (End of letter). Director Bordeau provided the Selectmen with the Town's

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road plans. Chair Ober stated this road plan has been in place for a very long time and is available to the public, if they would like to see it.

3.6 Resignation – Evelyn Auger - The Board reviewed a letter of resignation from Evelyn Auger from the Planning Board effective September 30, 2017.

3.7 Evelyn Auger – Highway Department Director & Transfer Station Manager Positions & History - Please see the addendum.

3.8 Proposed Library Agreement with Total Security - The Board reviewed a standard service contract agreement from Total Security dated 7/21/17. Marcia Haigh explained the contract is to replace 3 smoke detectors and add one more, in the amount of \$585 dollars and they will not do the work until the agreement is signed. TA Ambrose stated she has concerns with some of the language, the Attorney has not reviewed this yet and the contract will be good for one year from the date it is signed. Selectman North suggested the contract expire at the end of the fiscal year. TA Ambrose noted the biggest issue is section #20 regarding insurance which falls under the Town. Marcia Haigh explained she was not comfortable signing the contract because she didn't feel she had the authority. The Board requested the contact be reviewed by Town Counsel for redline changes. Fire Chief Dexter added that sometimes these contracts are required because Total Security didn't install the current detectors.

3.9 Old Town Hall Rental Application - The Board reviewed the rental application submitted by "One Light Theatre" for a production of Cinderella to take place on November 4th through November 11th (8 days). TA Ambrose noted the Town Hall Steward and the Fire Chief have given their approval, occupancy can be at 100 people seated plus the actors. Selectman North made a **motion** to approve the Town Hall rental application from One light Theatre and to require a security deposit of \$200 dollars for heating. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**. The Clerk signed.

4.0 Other Business

4.1 Proposed Adult Care Facility in Tilton - Chair Ober reported that the Tilton Planning Board has approved (4 to 2 vote) the Adult Care Facility's Site Plan conditionally with approximately twenty different stipulations they will need to follow through with. TA Ambrose stated she has looked into Sanbornton's options because of the regional impact status this was given and essentially the Town has abutter status which doesn't give us any appeal rights or many other options. TA Ambrose added EMS issues would be addressed through mutual aid. Chief Dexter replied Tilton handles its own medical calls, unless they are tied up with another incident. Chair Ober stated she doesn't feel this will be the end all, be all and there will be an appeal. Isaac Sargent stated the use of the property was not listed, so the decision was not made in good faith and there is no definition anywhere for an Adult Care Facility, which is more of a boarding house because they will have no medical licensure but once the facility is established it will be ADA compliant then they will have 36 beds.

4.2 Thank You - Transfer Station Manager Austin asked that the Board publicly thank Linda Surette, Lynn Chong, Tami Provencal, Ceil White, Donna Schimming, Karen Cavese, Ryann Harding and Dawn Austin as volunteers at the Transfer Station.

4.3 Budget Reminder - Budgets from Department Heads are due by September 29th. The Selectmen will hold a meeting on Saturday, October 14th to review proposed budgets and provide questions to department heads.

4.4 State of NH DMV Software Upgrade - The Town Clerk's Office will be closed on October 6th, October 9th and October 10th due to a software upgrade. The office will reopen on October 11th for regular hours, please plan accordingly.

4.5 Letter from Nina Gardner on behalf of the HDC - The BOS reviewed and took under advisement.

4.6 Road Repair & Evaluation Capital Reserve Fund - TA Ambrose reported that the funds can be spent as soon as they are deposited.

4.7 Transfer Station Liaison - Chair Ober made a **motion** to appoint Selectman North the liaison to the Transfer Station. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**.

5.0 Selectmen's Reports

5.1 Update on the work of the Planning Board - Chair Ober provided an update.

5.2 Lakes Region Planning Commission - Chair Ober provided an update.

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

7.0 Laconia Daily Sun Reporter - Tom Caldwell Re: Erroneous News Article - The Board of Selectmen, TA Ambrose and Reporter Caldwell had a brief discussion of the erroneous article that was printed in the Laconia Daily Sun a few weeks ago regarding the Town's employees receiving pay increases, which was not true. Reporter Caldwell apologized to the Selectmen and to TA Ambrose for his mistaken article. Selectman North suggested that Reporter Caldwell do some serious fact finding and utilize the Board's meeting minutes for future articles. Chair Ober explained that once something like this happens, the Board has a general rule that there will no longer be any form of communication from the Town with Reporter Caldwell going forward.

8.0 Review & Approve Minutes

8.1 BOS 9/20/17 draft - Members of the Board reviewed the draft meeting minutes of September 20, 2017. Selectman Olmstead made a **motion** to accept the draft meeting minutes of September 20, 2017 with changes. Selectman North **seconded** the motion and the **motion passed unanimously**.

9.0 Donations - None at this time.

10.0 ADJOURNMENT – Selectman North made a **motion** to adjourn the meeting at 8:12 p.m. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**.

11.0 NEXT MEETING(S) – The Board of Selectmen's next regularly scheduled meeting will be held on **Wednesday, October 4, 2017 @ 4:30 p.m.** at the **Town Offices**.

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Respectfully submitted,
April Rollins, Administrative Specialist

Road Agent/ Department of Public Works

I want to shine some light on an issue that, over time, has had an impact not only on this town but on many individuals as well. That issue is the damage that has been done by joining the Transfer Station to the Highway Department.

I'll start with the 'good old days' so you have something to measure against. From 1953 to 1998, there were only 2 Road Agents in the town of Sanbornton. Imagine, 46 years in a row with one serving 21 years and the other 25. They were elected and the voters had to vote them into the position each and every year or they were out of a job. Neither of them ever advertised or fought for the job even though they always had opposition. They believed that the job they did during the year was advertising enough. In 1997 someone put a warrant article in asking that the position be appointed rather than elected. Mac Gilman spoke out saying that if the job was done well they didn't have to worry for they would win and the Voters agreed. The Article was defeated 81 to 32. The position stayed elected.

In 1999, we had a new Road Agent voted in. From then until now, 2017, we have had 9 Road Agents. Actually I should say there were 10 for in this period, the Board of Selectmen took over the duties of Road Agent when one Road Agent resigned. The Select Board held the Road Agent position until the next election. During these 18 years, the first 3 Road Agents were elected and the last 6 appointed.

In 2002 there again was a warrant article for appointment versus election. It failed 155 to 91. It was back on the warrant again in 2004. This time it passed thus the 6 appointed.

No more 20 or so years Road Agents. These nine men averaged about 2 years each. There were a lot of changes happening with the Highway Department and 2005 was the last time it was called 'Highway Department' in the Town Report. The 2006 Town Report reflected the new title as "Department of Public Works" although it wasn't until 2008 that the Transfer Station was fully placed under this DPW.

There were many people who felt this was not a wise move. I was against it and as time went on I was seeing the instability it was causing. Over several years I was very vocal about it. One issue that I brought before the Select Board was that they were legally supposed to re-appoint the Road Agent every year. That meant they also had to have the Road Agent 'sworn in' every year as well and they were not doing either. I also questioned the legal ability for the Selectmen to put the Transfer Station under the Highway Department. **RSA 231:63 states "Any town may vote to require a highway agent, in addition to his usual duties as highway agent, to have charge, under the direction of the Selectmen, of the care and maintenance of any one or more of the following"** and they list what is allowed. The RSA says the town may vote to do this. The Town in this case is the VOTERS. It does **not** say the Selectmen may do this.

My questions and complaints must have made the Select Board begin to question their actions and decisions as they met with the Town Attorney and discussed my concerns. I didn't know this had occurred until sometime after August 5, 2013, when I was sent a copy of a letter the Attorney sent the Selectmen dated August 2, 2013. In his letter the Attorney states "Specifically, you have asked me to address the concerns by Evelyn Auger during the public comment session". The Attorney **affirmed** that they **did** have to appoint and swear the Road Agent in each year.

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He then addressed Road Agent duties. He too quoted RSA 231:63's "allows the town voters to require additional duties" but he says that this did not "remove from the Selectmen the power to assign tasks". I had, and still have, no problem with assigned **TASKS**. I see a task as something that needs doing but is not overpowering or ongoing for long unlimited periods of time. Example: I may tell my son it is his job to mow the lawn every 2 weeks all summer. That is a task. If I tell him he is charged with the complete maintenance of our home and grounds and he must manage all areas including financial, that in my world is **Not A Task**. It is a permanent full time expansion of duties and responsibilities. That describes the melding of the Highway Department and Transfer Station. Moving a complete Department (the Transfer Station) is not a simple **TASK** in my opinion

The Attorney also writes that if the Town votes under (RSA 231:63) and assigns any of the duties listed in that RSA, the "Selectmen cannot remove those tasks from the Road Agent". The other side of this 'coin', seems to me that if the Selectmen **can't take out** what voters put in they **probably can't put in** what the town voters kept out. .

In the process of gathering information I ran across a Laconia Daily Sun newspaper article that I had saved. Its title read "**Sanbornton voters reject return to road agent system**". It said that the night before, in a Special Town Meeting, by "secret ballot" we voted 88 to 14 rejecting a warrant article that wanted to go back to an elected Road Agent. I had forgotten to write the date on the article but with the names of some selectmen I narrowed it down and started to try to find the minutes in the Town Reports of this meeting. The only Special Town Meeting I found for that time frame was not about the Road Agent.

At the Town Meeting that March we voted to see if we wanted to move Town Meeting to the month of May. The vote was taken either by voice or raised hands. Later we found that it must be done by ballot vote so on September 13, 2006 we held a Special Town Meeting. This Meeting opened at 7:00 PM and it adjourned at 7:25 PM, and it made no note regarding Road Agents. So where are the minutes for the meeting reported in the paper? Then I had a 'Believe It Or Not' moment. The very last piece of paper in the very last file folder I was going through was a copy of the minutes of that meeting. Those minutes are not in the town report! I must have requested a copy. What was mailed to me was a copy of 3 cut and paste pages of a **second** Special Town Meeting which followed the one above. It opened at 7:45 PM and was adjourned at 8:28 PM. Why was this 2nd warrant article not included in the first Meeting? Why are the minutes of this 2nd Meeting not in the Town Report? Is it important? For me the answer is YES!

In the warrant article there was more than just the question of making the Road Agent an elected position it also wanted to change and make it a three year term. But most important of all, using the exact wording of (RSA 231:63) it was asking the voters to adopt it, thus asking the town if they wanted all the things listed in that RSA assigned to our Road Agent. The article failed so NO we didn't want that done.

The Town Attorney wrote that if the town voted RSA 231:63 in, the Selectmen **could NOT take it out**. The town voted it out so shouldn't that mean they **can not put it in**? Again, wouldn't that mean in the reverse that just as they **can't take it out** if the voters put it in place, and our vote that night was that we didn't want it in, so wouldn't that mean the Selectmen **can't put it in** as they have done? Maybe they should check this out!

Over the past 10 years, our Town Government has ignored both the legal vote of this community in 2006 and the problems of an over- stretched Highway Department. The Highway Department had all it could handle and when another department was added it was over whelming. We can't un-ring the bell and we can't undo the damage that merger has caused. But we can have a better future.

Currently this Board is planning to make some long overdue changes to this issue. If they separate the joined-at-the-hip DPW and Transfer Station properly, and get them running well independently, they will certainly get a " Thank You" from me for the issue has been handled poorly for far too long,

Evelyn Auger, September 26, 2017