

**TOWN OF EFFINGHAM  
BOARD OF SELECTMEN  
MEETING MINUTES**

August 16, 2016

Selectmen present: Henry Spencer  
Lawrence Edwards  
Leonard Espie

Minutes transcribed by: Cheryle A. Feirick

The regular meeting was called to order at 5:00 pm.

The Mail, Manifest and Signature and Action Folder were reviewed.

Pledge of Allegiance

**REVIEW AND APPROVE MINUTES and WEEKLY MANIFEST**

The Board approved the minutes of the August 9 regular and non-public meetings, August 11 site walk minutes and weekly manifest in the amount of \$10,164.31

**PUBLIC COMMENT:**

Jory Augent asked the Board where the town is with the bridges; Jory stated chances are the Granite Road bridge won't be open this year so, he would recommend and he will petition the town's people to open Wilkinson Swamp Road (a 1-mile long, class V road) this winter. He expressed if something happens on Nutter Road people and Emergency Personnel couldn't get through. John Meisner reiterated what Jory said and agreed, John stated when he was on the board he tried to get the road reopened and the town's people voted it down. This is a public safety issue. John also said the road had not been plowed over the last 5 years unless a private individual ran through it with their plow. John informed the board the town had contacted a logger to do logging work to widen the road. Selectman Spencer will look into this further.

John Duplinsky requested to see a copy of the minutes from the site walk done on Molly Philbrick Road. He also asked the Board if they made a decision on what they will be doing; Selectman Spencer stated no decision has been made until the board finds out what the town's and property owners rights and privileges are. The minutes only stipulate what the board agreed to do on John Duplinsky's property.

**PLANNED DISCUSSION WITH DEPARTMENT HEADS:**

Fire Chief Burbank met with the Board for his monthly report. Chief Burbank reported August is inspection month, the P K Motel's inspection has been completed. The Elementary School and Lakeview still need to be inspected. Selectman Spencer asked Chief Burbank his opinion of using the fire department trucks to clean out culverts. Chief Burbank explained this is a lot of wear and tear on the two new trucks and something could break while flushing the culvert. Man

power is also an issue, the culverts are done during the day and the men work out of town. Selectman Edwards expressed this would be good training for the Department. John Meisner stated in the past the Fire Department did clean out culverts and it caused more damage. Jory Augenti stated if a culvert blows out, then it was a bad culvert to start with. Jory expressed we the (town) all need to work together. Selectman Spencer mentioned this is the first time he brought this up and wanted Chief Burbank to have more time before responding.

Selectman Espie asked if Freedom is on the run cards; Chief Burbank stated they never were taken off. Chief Burbank reminded the board, there are no run cards for auto accidents, too many variables, there are run cards only for fires. Selectman Espie informed Chief Burbank he had reviewed the personnel policies and put together a list of documentation that he would like to see in a file of department personnel. Membership Roster with rank of member, P.O.V., ID's, copy of driver's license-showing CDL when applicable, EMS/CPR certification, F1 certification, EMT certification and doctor's note certifying the health condition of the member. Selectman Espie stated the Town of Effingham requires a CDL license to drive the fire truck but the State of NH doesn't. Selectman Espie is aware that without a reason the board cannot examine a personal file.

#### **PLANNED MEETING: Province Lake Association Watershed Alliance**

In attendance was Linda Schier, Director of the Action/Wakefield Watershed Alliance, who is partnering with the Province Lake Association Watershed Alliance in restoring Province Lake. Peter Dinger, resident of Effingham and President of the Province Lake Association Watershed Alliance, Jamie Houle from the UNH Storm Water Center and Sally Soule of NH Department of Environmental Services. Jamie spoke about the site walk that was done by all parties present including Selectman Edwards and Espie. A four 4-page plan was given to the Selectmen for review and their file. The plan explained how the group identified locations in with trying to stop sediment from getting through into Province Lake, make it maintenance friendly, to maintain a ditch not the road. The location is between Wakefield and Effingham. The Town of Effingham's responsibility is 40% of the project this cost includes labor and machines, time involved is 3 days on the Effingham side only; material would be covered through the grant. Linda asked if the project would be doable for the town this fall; Selectman Spencer is unsure if this could take place, the board will look into monies available in this year's current road budget. Jamie referred to the plans explaining specifically what would be done, UNH Storm Water Center will provide over site while the work is being done. The plan is to use an existing culvert, no installation of new culverts. Linda shared her contact telephone # with the board to pass on to the highway contractor to schedule a time to meet. Linda stated another approach to this; the materials estimate actually came in less than the group anticipated, they could fund more of the entire project. Chris Seamans asked since the water runs down the road, is there no ditch? The answer is there is a poorly defined ditch, not an adequate ditch line. This section was chosen this because there are no abutters; the land owner Chris Pongrast is in favor of this project and has given his permission, he owns the properties on both sides of the road; the project will be done by staying within the right of way. Selectman Spencer stated the board is looking forward to seeing what the town can learn from this project. The alliance's first project was done on Brackett Road north side of Lovell Lake-town road in Wakefield, twelve sites were done. The board was welcomed to go out and visit the site.

#### **SELECTMEN'S COMMENTS AND REPORTS:**

Selectman Spencer stated the town now has an injunction on the Steven's Road Bridge. An appearance hearing has been filed with the court by the Town's Attorney. The Board agreed that September 7 in Portsmouth would be the best time to meet with the Attorney. Selectman Spencer will contact Matt Serge for a time on this day. A public notice will be posted.

Selectman Edwards reported after looking into costs for maintenance on the Elm Street Bridge girders on the Green Mountain Road side, the cost will be greater than the \$15,000.00 the Selectman are allowed to spend without an RFP. An RFP will be needed and Selectman Spencer will begin working on an RFP.

Granite and Snow Road Bridges discussion took place; it is important to get numbers on the table to hand over to the budget committee. Selectman Henry Spencer is going to look into the amount of weight that is being hauled out of the transfer station, in case the weight limit needs to be reduced.

Jory Augenti asked Selectman Spencer if he could elaborate on the injunction. Selectman Spencer reported the board did not put the actual purchase of the culvert out to bid; this is what he derived from the injunction. The Board did receive 3 estimates and they were not put out to bid. Selectman Spencer was asked if he could give the names of the individuals that filed this injunction; Selectman Spencer did announce the four names of individuals who filed the injunction. Jory expressed ever since Lawrence came on the board he has been stepped on and neglected; Lawrence has gone over and above in drawing up plans, contacting engineers trying to save the town money. Jory stated this should not be a surprise to anyone, who brought this forward. Jory hopes the board will fight this to the end and get the town's money back including legal fees. Selectman Spencer stated this same process was done for the salt shed (estimates received-lowest estimate taken) and never was put out to bid.

Mellisa Seamans asked if the town purchased the culvert and what are the terms; did the board sign a contract and make a payment out of the town's account; Selectman Spencer replied, yes the town did sign a contract and make a payment on the culvert. Mellisa stated she is all for an open bid process, she recommends the board take out (2) ads for culvert bids; and by taking these ads out does the board think this would satisfy the petitioner? As a resident, she stated two one-time ads in the newspaper; would be cheaper than a one-hour of an attorney's time. Melissa stated about a month ago Mr. Cahalane submitted a request for 91-A and gave the board 15 minutes to respond; she asked if the request was met? All Selectmen said they had turned over everything they had.

Chris Seamans referenced a 1995 warrant article and an amended article from early 2000 giving a specific dollar amount when required to put items out to bid; Chris asked did the board meet the intent of the warrant articles to receive complete bids for this culvert? Selectman Spencer's answer was no, we received estimates.

#### **OLD BUSINESS:**

Selectman Edwards reported the repairs on Molly Philbrick Road, removing two water cutouts, try to restore as natural as they can and a 3<sup>rd</sup> one that needs silt fencing. Digging out the wall at transfer station for metal container and replace walkways at the Municipal building. Discussion continued on the portico at the library, the office still has not received the detailed estimate from

Target New England, no decision can be made on who will do the work. Cold patching is being done; crack sealing has not been scheduled to date.

Selectman Spencer will be attending a HAZMAT conference September 13, 14 and 15; good for when filing for grants and important for a board member to know what is required if the town had to do hazard mitigation. The Board will be given a checklist of steps to follow when going into a non-public (91-A). Selectman Edwards will go out to the Plantation Road property to look at the temporary markers that were placed for the owner to put up fencing. Selectman Spencer asked Selectman Edwards to email him after he has gone out there with his views on the request. When moving the propane tanks at the Library, Amerigas requirements are the pipe needs to be 16" below grade; the estimate is filed in the Selectmen's office.

Selectman Espie will order the new door for the modular and the transfer station door has been repaired. He spoke to Karen Payne about the two programs that are available through the high school for volunteering. Selectman Espie stated the individual(s) must report to someone. He asked the office staff to check with the Town's insurance carrier for liability for specifics. I asked the Board specifically what they are looking for volunteers to do; as Selectman Espie understood it was for the proposed park. Selectman Espie asked about the key policy: it was explained the Chair of each board receives/signs out a key for the front exterior door to obtain access to the meeting room. In addition, Barbara Thompson has a key because she is on two boards.

Mellisa Seamans mentioned another area volunteers are needed; is the butterfly trail at the Effingham Elementary School. The volunteer(s) would work with the PTO and the PTO carries their own insurance.

**NEW BUSINESS: None**

**PUBLIC COMMENT:**

Jory Augenti stated going back to roads why is it appears this year everyone is concerned on how the roads are ditched and water runoff onto their property; we need the runoff, we don't have a sewer system; the water has to go somewhere. He tries to keep the sides of the road on his frontage off to the side even after they grade. He has said for many years; why when they grade can't they stop and stick the M O board out. He acknowledges he takes his tractor out and tries to ditch off in the other way. He feels our current grader operator still needs more training; and can make runoffs without breaking through stonewalls

Chris Seamans stated approximately 6:30pm last night a gentleman at Trout Run-Lost Valley was wearing a backpack blower; blowing sand out onto the town road. The next morning when he drove by, the sand was still in the middle of the road. Chris reported leaving a message for our Police Department. Selectman Spencer will follow this matter up. Chris also made mentioned there is a pothole at the intersection of Town House Road and Champion Hill Road that needs some cold patch.

Dave Strauss asked where the second load of calcium chloride at; Selectman Edwards stated that once all the roads are graded, the final application will be done.

Mellisa Seamans- stated she wasn't in the room when the discussion with the fire chief on run cards took place and asked for clarification. Mellisa stated when we purchased the new utility vehicle she understood that would be used for training and blowing out culverts; is this being done? Selectman Spencer replied this subject of blowing out culverts will be followed up at another meeting. Mellisa asked if in the event that Government Oversight was unavailable to tape the meeting would the Town consider audio taping the meeting? Selectman Spencer will place this on the board's next agenda for discussion.

**NON-PUBLIC IF NEEDED PER (RSA 91-A): None**

**WEEKLY DISCUSSION BY THE BOARD OF SELECTMEN: None**

Adjourned @ 6:50pm

Date: \_\_\_\_\_

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Henry Spencer

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Lawrence Edwards

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Leonard Espie