

Town of Effingham

68 School Street
Effingham, New Hampshire 03882
(603) 539-7770



Board of Selectmen's

Minutes for
June 15, 2021

PRESENT: Chairman Fuller, Selectmen Hart and Espie, Town Administrator Fraizer, Administrative Assistant McWhirter, Police Chief Duchesne and nine members of the public.

Meeting available to the public via Zoom.

Meeting called to order by Chairman Fuller at 9:02am followed by the Pledge of Allegiance. Chairman Fuller stated 5 minutes per individual will be allowed during public comment.

Signature folder:

Chairman Fuller made a motion to approve and sign the Selectmen's Meeting Minutes of June 8, 2021. The motion seconded by Selectman Hart and passed (3-0).

Chairman Fuller made a motion to approve and sign the Selectmen's Work Session Minutes of June 2, 2021. The motion was seconded by Selectmen Espie and passed (3-0).

2021 MS-232

RPF Environmental Proposal – will be reviewed after 2 more proposals are received. Asbestos was found in the children's room at the library and will be mitigated.

(3) Yield Tax on Timber Cut

(1) Notice of Intent to Cut Wood

Chairman Fuller made a motion to approve and sign the Manifest dated June 17, 2021, in the amount of \$32,403.69. The motion seconded by Selectman Espie and passed (3-0)

Mail Folder:

- NHMA mail regarding face coverings
- Gratitude letter from Freedom Food Pantry
- Correspondence from Charter Communications
- Email update from the Zoning Officer

91-A Requests from Irene Riordan re: list of projects Mike Cahalane is overseeing. This request has been answered.

Administrator and Selectmen Comments:

Administrator Fraizer:

- Administrator Fraizer has completed all required paperwork for DRA from Town Meeting. The next submission will be September 2021. She continues work on updating Systems of Award Management (SAM) on-line and updating Primex property and liability exposures. The 2020 Audit went very well.

Selectman Hart:

- Selectman Hart reported Evans Brothers is working on Cemetery Road and has left gravel to repair the parking lot at Larry Leavitt Preserve.
- Old broken flat top on Elm Street will be picked up by Evans Brothers.

Selectman Espie:

- Selectman Espie obtained a price of \$295 to have North Country Recycling leave a 30yd container in town for 2 weeks. This was discussed with Zoning Officer Boyden to assist residents in cleaning their property. More discussion to follow. Chairman Fuller suggests providing a list of vendors to use.
- Besides ticks the Transfer Station has an infestation of Japanese Knotwood, Selectman Espie obtained a sprayer to take care of the issue.

Chairman Fuller:

- JP Pest Control will spray for ticks at the Transfer Station.
- Schedule a work session after next weeks meeting to watch the NHMA American Rescue Plan webinar.

Departments and Committee Updates:

- Police Chief Duchesne reported the training for the canine is going very well and has been well received in the community. Chief Duchesne will have stats available going forward and the canine will be attending community events.

Public Comment:

- Linda Edwards, Province Lake Road. Mrs. Edwards shared that during the June 8, 2021, Selectmen's meeting, residents were advised to contact the office for information or express their concerns. She did that and shared her concerns and asked questions about the removal of granite from the Snow Road Bridge site. She went on to chronicle her actions. She called the office to get information about the granite and waited an hour for an answer. At that time, she contacted the Attorney General's Office for advice and was referred to the Effingham Police Department and filed a complaint.

She did receive a call back from Administrator Fraizer explaining that the debris would be taken to Hobbs Road and sorted. This was on page 9 of the contract with Hansen Bridge. Mrs. Edwards was not aware that the granite would be taken there.

During the June 8, 2021, Selectmen's meeting, Chairman Fuller explained that there was no "theft of town property" or "stolen granite". Per the contract the town does not own the granite debris being removed. He feels this project is moving along as expected and all protocol is being followed. Mrs. Edwards feels there is a lack of transparency when not all board members know what is going on.

- Mrs. Edwards shared her concern that the board read and responded to an anonymous letter at last week's meeting. Chairman Fuller explained that the accused subject of the letter asked him to read it verbatim.
- Mrs. Edwards shared her concerns that Mike Cahalane is allowed to volunteer his time to oversee nine specific projects in town. She feels the town voted him out as a Selectman and he should not be allowed to work on projects that she feels the current board is responsible for. Chairman Fuller stated that all these issues have been addressed at previous meetings.
- Jory Augentie, 234 Granite Street. Mr. Augentie asked the board if they contacted landowners on either side to the bridge to store split stone on their property. The answer from the board was no, it was not the town's responsibility to do so.
- At the May 18, 2021, the board voted (3-0) to allow Mr. Cahalane to volunteer to oversee nine projects. The board voted on an operating guideline to allow Mr. Cahalane to continue. Mr. Augentie does not believe it was a unanimous vote. Selectman Espie said he misunderstood and believed he was voting on the process, not on allowing Mr. Cahalane to continue his oversight.

Chairman Fuller asked the board members if they would like to revote on the guidelines. The guideline (attached) was read in full.

- Chairman Fuller made a motion to accept the operating guideline adopted on May 18, 2021, to allow Mike Cahalane to continue to oversee nine specific projects and to follow the town process. The motion seconded by Selectman Hart and passed (2-1).
- Via Zoom, Ms. Kirkwood asked if all 3 Selectmen signed the Snow Road Bridge Contract, who were the Selectman at the time the contract was signed and did all the Selectmen read the contract? Chairman Fuller stated that Fuller and Hart signed the contract, Cahalane abstained. Chairman Fuller did not read the contract because it was a USDA approved document.
- Jory Augenti, 234 Granite Street. Asked if David Strauss was able to get information on equipment regarding mowing, clearing trees and shrubs on the roadways. Chairman Fuller will follow up. Selectman Espie will contact NH DOT for information.
- Lawrence Edwards, Province Lake Road. Mr. Edwards has a problem with Snow Road Bridge. He considers it a large pollution problem and the NH DES permit is not being followed. He presented pictures of his concerns. Chairman Fuller feels that this is not the case. He stated the contractor is following protocol and has been working closely with HEB Engineering and NH DES. Mr. Edwards has contacted NH DES and filed a complaint.
- Irene Riordan. Ms. Riordan stated that the board is wrong and should relook at the Snow Road Bridge situation. Chairman Fuller stated that the board's responsibility is to the entire town and not to a small group that have an itch.
- Jory Augentie asked if the board will consider changing their meeting time back to 5:30pm. Chairman Fuller stated the board has been discussing the time change and has not decided.
- Lorraine Jordan, Plantation Road: Shared her concern that Mr. Cahalane was voted out of office at town meeting and is still involved in projects throughout the town. She does not feel he is qualified. Chairman Fuller reiterated that Mr. Cahalane is overseeing the projects not actually doing the work. Mr. Cahalane has been heavily involved in these projects over the last 3 years and the board wants continuity to complete these projects. Selectman Hart will be working alongside Mr. Cahalane.
- Rosemarie Wissenbauch, it is her understanding that Mike Cahalane is the coordinator of these nine projects. Ms. Wissenbauch's thought is that any concerns be brought to Mr. Cahalane to address with the contractor working on the project. Chairman Fuller agrees and that it would be helpful for concerns to be addressed directly through Mr. Cahalane's town email.

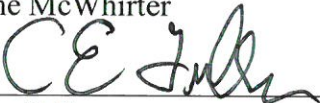
Non-public per RSA 91-A:3, II (a):

- At 10:20am, Chairman Fuller made a motion to enter non-public session under RSA 91-A:3, II (a). The motion seconded by Selectman Espie and passed by roll call vote. Hart Y, Espie Y and Fuller Y.
- At 10:34, Chairman Fuller made a motion to return the public session. The motion seconded by Selectman Espie and passed (3-0).
- Chairman Fuller made a motion to seal the non-public minutes. The motion seconded by Selectman Espie and passed (3-0).

The board recessed the meeting and 10:35am. At 10:42am, entered a work session to discuss the Transfer Station Ordinance and brochure.


Adjournment: At 11:30am, Chairman Fuller made a motion to adjourn the meeting. The motion seconded by Selectman Hart and passed (3-0).

Respectfully Submitted,
Darlene McWhirter

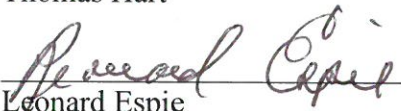


Charles Fuller

Dated: June 22, 2021



Thomas Hart



Leonard Espie

Selectmen's Office
68 School Street
Effingham, New Hampshire 03882
May 18, 2021

With the recent change in the May 2021 Selectmen's Election, the current project lead and related experienced person is no longer on a Town Board or Committee. There is a current and continuing critical need and a goal to continue the forward progress with many multi-year projects currently in process or actually underway in implementation.

Chuck Fuller had a discussion with New Hampshire Municipal Legal Counsel to determine the process that should be used to leverage former Selectman or any other citizen talent when they wish to support Town programs. As a result of the conversation, the Board of Selectmen consider and confirm the following:

The Board of Selectmen guidance includes:

- Determine the Person(s) who will be filling the different project roles;
- Define the degree of involvement and oversight by the Board of Selectmen (BOS);
- Define the Goal of the relationship process for each project item;
- Create a Project Name for the different projects that will be worked on to provide clarity.

Chuck Fuller is providing a recommendation for the following working guideline:

- Mike Cahalane has been approached post-Town elections to determine if he would provide continuing support and expertise to several Town Projects. He has been the lead person on several projects and reporting information to the Board of Selectmen. Mike has multiple years of municipal government training, education and experience support the Town project lists. His past Town Board & Committee active involvement spans 15+ years. This training and experience makes him well qualified to continue in the roles.
- There is no written contract regarding this relationship, only this set of guidelines. The work relationship is not an employee or consultant status. The status of involvement in projects can be changed at any time at the Board of Selectmen's discretion.
- Mike will be covered under the Town's Insurance policy when acting on behalf of Town related business.
- Mike may or will continue as a primary contact by phone and email for current Town projects as defined. This will be done in conjunction with and oversight by a named Selectman who will be considered the point person for that individual project item.
- Any written communications (primarily email and/or printed materials) to outside vendors will be included in a CC: Audrey.Fraizer@EffinghamNH.net. These communications will be archived on the Town computer servers. The email information will be available under the Right To Know Law. For briefing and reporting purposes, Mike may also include any of the Selectmen or Chairperson's of Town Boards or Committees or Library, as needed, at their primary Town-provided email address.

- Periodically as determined by the Board of Selectmen, Mike will be asked to present status level updates on the different projects. He may also be asked to present to other Town Boards and Committees as requested by their Chairpersons. These communications may be in written summary, delivered in person at a BOS Meeting or using Zoom video meetings. There is an expectation that these updates will occur every week or two on average. Specific time will be allocated on the BOS Meeting Agenda for these discussions.
- These guidelines are not by design all-encompassing of every instance or event that can or will occur. The Board of Selectmen will have oversight management discretion for this process.

The list of projects that Mike Cahalane will continue to work on:

1. Snow Road Bridge Replacement

Goal: To continue follow-through project management work in the total replacement of the bridge. Work starts the week of May 17th 2021.

Vendor Names: USDA Grants, Hansen Construction, HEB Engineers, Town Road Agent, Paving Contractor

2. Pine River Road Emergency Culvert Repair

Goal: Continue supporting the DES permitting process along with HEB Engineers to install the 3 overflow culverts. Coordinate Town Road Agent installation work. Coordinate the paving of the road breaks.

Vendor Names: NH DES, HEB Engineers, Town Road Agent, Paving Contractor

3. Bailey Road Culvert Replacement

Goal: Coordinate with the engineers and DES for delivery of the recommended culvert/bridge replacement plan. Assist with independent contractor bidding. Assist with writing the NH DES Grant (approximately \$140,000)

Vendor Names: CMA Engineers, NH DES, NH DES Grants

4. Transfer Station Used Oil Grant Program

Goal: Support the writing of the 2nd Used Oil Grant, NH DES for up to \$2,500 (requires 100% Town match). Support the needed improvements to mitigate water leakage in the concrete area near the containment building. Order the new waste oil container.

Vendor: Lost Valley Home improvement – Kevin Cote, Midwest Industrial Tanks

5. Calcium Chloride Treatment

Goal: Coordinate with the Town Road Agent and vendor for appropriate timing of application. Timing will likely coordinate with grader work and appropriate weather conditions.

Vendor: Town Road Agent, All States Materials or others as necessary

6. Town Road Crack Sealing

Goal: Provide support in determining the appropriate coverage on designated roads.

Vendor: RCH or others as necessary

7. Route 153 & Huntress Bridge Road Reconstruction

Goal: Continue to work with NH DOT regarding the project to mitigate areas of traffic safety. Coordinate with Paving contractors for paving options.

Vendors: NH DOT, Town Road Agent, Paving Contractors

8. Fire Station #2 Parking Lot Paving

Goal: Coordinating with Fire Department feedback regarding the replacement and expansion of the parking lot area. Coordinate with Paving contractors for paving options.

Vendors: Town Road Agent, Paving Contractors

9. Health Officer Active Investigation and Legal Action(s)

Goal: Continue to support the current Health Officer active investigations and legal cases including those now before the Superior Court. Mike has taken state sponsored Health Officer training.

Interested Parties: Town of Effingham, Town legal counsel, 3-4 state departments and agencies, Superior Court

