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**Town of Henniker
Selectmen Meeting
November 15, 2016
Henniker Town Hall**

Members Present: Kris Blomback, Chairman; Tia Hooper, Vice Chairman; Robert French, Selectman; Ben Fortner, Selectman; Scott Osgood, Selectman

Town Administrator: Christine Trovato

Guests: Peter Flynn, Leigh Bosse, Bill Marko, Kathleen LaBonte, Leon Parker, Keith Demoura, Nancy Demoura, Joan O'Connor, Michael Ponn, Mike Flecchia, Steve Forster, Bob Garrison, Scott Dias, Bruce Trivellini, Cherry Palmisano, Bob Morse, John Kjellman; Mike Vignale, Matt French

Recording Secretary: Karen Rose

Chair Blomback called the meeting to order at 6:15 pm with the Pledge of Allegiance.

CONSENT AGENDA—

1. Hire Tim McComish as a part-time seasonal heavy equipment and snow plow driver
2. Hire Douglas Howard for part-time seasonal sidewalk snow removal
3. Accept letter of resignation from Ron Taylor from the Budget Advisory Committee

A motion was made by Vice Chair Hooper to approve the Consent Agenda as presented; Selectman French seconded. Motion Passed 5-0.

Public Forum #1

Mr. Trivellini spoke about the removal of sand at the Highway Department. He asked for a copy of the purchase order to the contractor. Town Administrator Trovato stated there was none. Mr. Trivellini stated that was a direct violation of the procurement policy.

Mr. Forster received his new tax bill and it has substantially increased. He asked last year for a lot line adjustment which was approved by the Planning board. He needed this to refinance his house. He wants someone to explain to him why the lot line adjustment increased his taxes by \$3700. His second question was regarding an interoffice memo from May 2012 from Nicole Gage to Mark Fougere and Kurt Sinclair which he read and stated in part "cannot find a history of Mr. Forster coming in for a site plan review. It was suggested somebody needs to be made an example of disregarding zoning ordinances and the town needs to do a public outreach campaign to remind residents of building permit rules and zoning ordinances". Chair Blomback stated the Select board would take it under advisement and look into the matter. Mr. Forster stated he did not want to talk to George about this.

Been sending letters and rarely get responses. Interoffice memo- cannot find history of Forster coming in for site plan review. Suggested somebody needs to be made an example of disregarding zoning ordinance and town needs to do public outreach campaign to remind residents of bldg. permit rule.

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Scott Dias complimented Kyle Parker whose last day is 11-18-16. He hopes the new hire will be someone who works similarly to Kyle Parker.

Vice Chair Hooper wanted the issue about moving the material at the Highway Dept. on the agenda for discussion. Town Administrator Trovato stated the materials were prepared for today's meeting, however Tom Weston was unavailable today and she had not received any response from the Army Corp. of Engineers. The intent is to place it on the next agenda.

OLD BUSINESS

Item 1a: Perambulation update

Bob Garrison came before the board to provide an update on the perambulation of the town. He reported that the perambulation is complete and asked the Select board members to sign the statements. Selectman Fortner signed as perambulator for Hillsboro and Deering; Selectman French signed for Bradford. Vice Chair Hooper asked for a copy of all the statements. Town Administrator Trovato stated that Mr. Garrison has GPS coordinates for every bound and even found bounds and markers that were not discovered years ago. Mr. Garrison stated that Cherry Palmisano worked with him on coordinating all the towns and had done a remarkable job. Bob stated he has all the info on a CD which he turned over. He also showed the Select Board a sample aluminum sign which he ordered 150 of. Chair Blomback thanked Mr. Garrison on behalf of the board and town. Mr. Garrison received a standing ovation.

NEW BUSINESS

Item 1b: Request to approve KV Partners, LLC consultant agreement

Town Administrator Trovato received an email from Brian Lynch, NHDOT, approving the engineering study for Phase 2 of the TAP project # 40440 in the amount of \$20,000 with the balance of \$5,300 to be approved at a later date. This is the Safe Routes to School project. She stated that all engineering firms were pre-approved under the LPA program with NHDOT. The lowest bidder is awarded the contract and in this case it was KV Partners represented by Mike Vignale. She stated that the project is an 80/20 split with 80% coming from the FHWA program.

Selectman French asked about the width of the sidewalks and Mr. Vignale stated that due to ADA requirements they need to be 5 feet wide. Selectman Fortner asked about the area where Western Ave meets Route 114 and that no sidewalk is visible on the aerial. Town Administrator Trovato stated there is a permanent easement there and the town has permission to use the under cover of the building as the sidewalk. Selectman Fortner asked about the sewer and his concerns about ripping things up in a few years. Town Administrator Trovato stated that the water department has the information and has been included in the process.

Selectman Fortner stated that the Water Dept. has concerns about the pipes and he asked if we are building sidewalks that may have to be torn up in a few years. Mike Vignale stated that the Water dept. knows what is coming and is aware of everything. Chair Blomback expressed concern about ripping up sidewalks down the road. Town Administrator Trovato is providing the Water Dept. information as she gets it.

Vice Chair Hooper recommended that the Water Dept. meet with the Road Management Committee to discuss the pipes and the roads. Selectman Fortner stated he didn't see this as a function of that committee and would like the Select board to work with the Water Dept. directly. Chair Blomback stated that the Select board charged the RMC with doing a Master Plan of the roads and would just as soon have them work with the Water Dept.

Chair Blomback asked about getting some feedback from the Wastewater Dept. on the condition of the pipes. Town Administrator Trovato informed him that the pipes are videotaped regularly. Vice Chair

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Hooper stated that Mr. Levesque said at a meeting that the pipes may have to be taken care of in twenty years.

Chair Blomback asked the Town Administrator to requested a memo from the Wastewater Dept. regarding the general condition of the pipes. By consensus vote, the board approved.

Selectman Fortner stated that when the Select board is in discussion of a motion, the policy is to take a vote to allow the public to comment.

Selectman Fortner made a motion to allow the public to speak. Selectman French seconded the motion. Motion passed 4-1 (Osgood).

Dr. Trivellini stated that he met with the Water Dept. and they asked him about the Safe Routes project and they didn't know what the status was. He convinced them to itemize a plan for their pipeline construction will be. He encouraged them to work with the Road Management Committee.

A motion was made by Vice Chair Hooper to recommend the Town Administrator reach out to the water commissioners and invite them to join the Road Management Committee for a discussion. Selectman French seconded. Motion passed 5-0.

A motion was made by Selectman Osgood to authorize the contract for KV Partners in the amount of \$52,600 and to allow Town Administrator Trovato authority to sign the contract. Chair Blomback seconded. Motion passed 5-0.

Item 2: Request to approve GMI SRTS

Town Administrator Trovato is requesting the Select Board to approve the construction contract with GMI Asphalt LLC for the Safe Routes for School project in the amount of \$280,044 and to authorize her to sign the contract. She stated that this is Phase 1 of the project. She pointed out on the map that the blue line illustrated Phase 1 and the red line illustrates Phase 2. Vice Chair Hooper asked about the impact to the stone wall at McGraws. Chair Blomback encouraged the engineering firm to reach out to the Water Dept. to make sure if anything needs to be done while construction is underway. Town Administrator Trovato reported that this project is 100% funded. Vice Chair Hooper thought waiting until the college has ended for the year would be a good time to do it.

A motion was made by Vice Chair Hooper to approve the construction contract with GMI Asphalt in the amount of \$280,044; Selectman Osgood seconded. Motion passed 5-0.

A motion was made by Vice Chair Hooper to amend the above vote to include that the Town Administrator has authority to sign the contract with GMI Asphalt; Chair Blomback seconded. Motion passed 5-0.

Item 3A: Request from Police Chief French to discuss a grant application

Chief Matt French came before the Select board to request a grant application for Mobile Data Terminals (MDT) and the software that goes along with them. He stated that the original grant was for two MDTs and then he amended it to get two more and the software that goes with it. The final numbers of the grant were \$24,575 with an out of pocket expense to the town of \$300. He was able to use money from 2015 and 2016 to provide a match for the grant through licensing fees and another MDT from another grant and now there is no cost to the town. Selectman Fortner asked about the match and Vice Chair Hooper and Town Administrator Trovato explained that the town has to pay for the equipment and provide proof of payment in the town will be reimbursed. Selection Fortner ask if there were any invoices available that were used for the match as proof, if so he would like a copy of them.

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Vice Chair Hooper made the following motion:

The Town of Henniker Board of Selectman, in a majority vote, accepted the terms of the Emergency Management Performance Grant (EMPG) as presented in the amount of \$24,575.00 for the purchase of Mobile Data Terminal devices and software. Furthermore, the Board acknowledges that the total cost of this project will be \$49,150.00 in which the Town will be responsible for a 50% match (\$24,575.00). Further, the Board authorizes the Town Administrator to sign all documents related to the grant.

The above motion was seconded by Selectman Osgood. Motion passed 5-0. .

Item 3b: Road Management Committee update

Chair Mike Flecchia wanted to update the Select board on the progress made by the Road Management Committee (RMC). He asked for the date the warrant article is due by. Vice Chair Hooper asked that Cherry send out the information on the dates to the Select board members. Mr. Flecchia asked how the RMC should proceed on Western Avenue. If the Select board is pushing off the work, then the RMC will do the same. Vice Chair Hooper asked about the timing of advertising the new bids. Town Administrator Trovato reported that she would like to have it out before Thanksgiving with a return by the second meeting in January. Vice Chair Hooper asked for a copy of the documents. Chair Flecchia indicated that the RMC's report will be ready for the Select board early December.

Selectman Fortner asked how things were going with the minute taker? Chair Flecchia said rocky as they had not approved last meeting's minutes. They will approve the minutes at the next meeting and provide feedback. Selectman Fortner asked why the spreadsheet that the Town Administrator has asked for three weeks ago was not provided to her. Chair Flecchia said they were handed out at the meeting the Administrator attended. He stated he received an email from the Administrator during the meeting from her personal email. Town Administrator Trovato confirmed that she has not received the report as of the date of this meeting and that the committee is under the same rules as all other committees of the Right to Know law. Vice Chair Hooper stated that the numbers are sensitive and asked that the RMC be allowed to keep it as an internal working document.

Selectman Fortner stated that the document was handed out at the meeting then why can't it be made available electronically. Chair Flecchia said there were 9 versions and all are drafts. Vice Chair Hooper stated that the spreadsheet will be part of the full report.

Selectman Fortner made a motion to direct the Road Management Committee to reply to the Town Administrator's request for documents; Selectman Osgood seconded. Motion passed 3-0-2 (Hooper, French)

Item 4: Request by Dr. Trivellini to discuss policy on minutes

Dr. Trivellini wanted to address the discussion regarding assigning a professional minute taker to the RMC at the October 18 Select board meeting. He stated that the Chair Blomback said four times that he had an email from a resident that accused the Select Board of doing something wrong. He stated that his name was given as the complainant in the email and that he was offended that he was being accused of writing an email accusing the Board of wrongdoing. His original intention was to find out how minutes were created, disseminated and tracked. He apologized if the Select board thought his email to be accusatory. Through his inquiry, he determined that there is no policy as such on how minutes are produced and transmitted. He would like to clarify the issue so the problem can be resolved. Minutes need to have changes tracked including the draft minutes. He stated he found this to be across all the committees in town.

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Vice Chair Hooper apologized to Dr. Trivellini if he felt personally violated. Chair Blomback stated he was taken aback by the request and its tone and assumed that the email was addressing not just the Select board minutes but all minutes in the town. He said he took it as accusatory. Chair Blomback stated further that he tries to operate above board and put as much on the website as they can without creating an undue burden on the staff.

Dr. Trivellini stated that he was not aware that the RMC had written to the Select board about minutes. Selectman Fortner said that in reading the email of October 6 he can understand how it can be interpreted differently by different people. Chair Blomback stated that the Town Administrator edits the minutes only for grammar, punctuation, spelling of names and the ultimate check and balance is the acceptance by the committee of the final minutes. Both Selectman Fortner and Osgood agreed.

Chair Blomback read from the NH Municipal Association's explanation on minutes, in part, that they should be summary in nature and not stenographic or verbatim, that residents should get a good idea of what took place. Dr. Trivellini reiterated that he is not talking about content but the chain of evidence to produce the documents.

Vice Chair Hooper made a motion to have the minutes, once done, sent in draft form word document, to the Select board with a copy to the Town Administrator with no edits and no prior changes. Selectman Fortner seconded. Motion passed 3-2 (Blomback, Osgood)

Selectman Osgood stated this was a bad idea and a waste of time and we will end up with 5 different versions of drafts. Chair Blomback wanted to clarify that this decision is no reflection on how the minutes are put together in terms of content.

Item 5: Discuss building inspector position/scope of work

Town Administrator Trovato reported that Kyle Parker had tendered his resignation with his last day being 11-18-16. The position will be advertised as a part-time position on an on-call basis. In the past Mick Costello was an interim Building Inspector but both Fire Chiefs have concerns about this taking away from his current duties. Vice Chair Hooper stated she would like to have Mick Costello's comments on this. Selectman Osgood stated that he had emailed his comments on the job description to the Administrator. He feels that the position should have someone who is ICC certified. Chair Blomback asked Scott Dias for his thoughts and he agreed the person should be certified. Selectman Fortner raised a point of order regarding involving the public to speak.

Chair Blomback made a motion to allow blanket approval for him to discuss with the public; Vice Chair Hooper seconded. Motion passed 4-0-1 (Fortner).

Scott Dias stated that hiring an unqualified person is opening the town up for liability. He said it is important that the individual be accessible. Vice Chair Hooper distributed the job description to those in the public and asked for edits by the next Select board meeting.

No other vote was taken.

Item 6: Request to discuss Employee FSA plan

Town Administrator Trovato asked to discuss the employees FSA plan per the memo by Russ Roy dated 11-10-16. The employees' health plan changed in 7-1-16 with a high deductible. The employees are currently on a Health Reimbursement Plan (HRA). In the FSA plan, employees set aside money as pre-tax dollars. They have to use it or lose it annually and have 90 days into the next year's plan to use it or rollover \$500. Russ detailed the pitfalls for the employer which allows for the full amount to be made available on day one of the employee signing up. Federal law does not allow for an employer to chase any balance due to the employer if the employee resigns. The IRS allows setting aside up to \$2600 and Russ

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suggested \$1500. The annual fee for the plan is \$500. The transaction fee is \$2.50 per employee per month.

Selectman French asked if the employees are aware of this plan. Town Administrator Trovato reported that several meetings have taken place with the employees on the changes in insurance. She indicated that it is likely only five employees may take advantage of this. She stated that this is the last Select board meeting before a decision has to be given to the provider by November 30th in order to implement it in time for the plan year.

Vice Chair Hooper wanted to postpone the vote until the Budget Advisory Committee meeting on Saturday. Selectman Fortner wanted to do some more research, have some hard numbers, and said he thought they owed the employees a well thought out decision. Chair Blomback was concerned that the benefit could go as high as \$2600 eventually. Selectman Osgood stated that they should take a chance on behalf of the employees and that the only loss is if they leave. He felt it was a low risk and the Select Board should approve it.

Selectman Fortner made a motion to table this item until it can be reviewed further with the Budget Advisory Committee with the understanding that it will be revisited before the deadline. Vice Chair Hooper seconded. Motion passed 4-1 (Osgood).

OTHER BUSINESS

Item 7: Review public minutes of 10-18-16 and 11-1-16

The public minutes of October 18, 2016 were reviewed

A motion was made by Selectman Fortner to approve the minutes of October 18, 2016; Selectman French seconded. Motion passed 4-0-1 (Osgood).

The public minutes of November 1, 2016 were reviewed.

A motion was made by Selectman French to approve the minutes of November 1, 2016; Selectman French seconded. Motion passed 5-0.

Item 8: Town Administrators Report

Town Administrator Trovato met with Tom Weston who stated that Robbie Ostertag and Jeff Stillman were working at Bacon and Liberty and spotted smoke at the chicken coop on Newton Road. They reported it to 911 and the Fire Department and used a fire extinguisher to extinguish the fire. They saved the nearby house and the chickens. Congratulations to them both.

Town Administrator Trovato reported that Flanders Road was completed. The original estimate was \$138,141 for 2,170.56 tons of asphalt, which is 30 more tons than previously estimated. On Veterans Day, Troy and Jeff prepared the apron to be paved in front of the garage, Chip also worked on the holiday and Tom Weston worked both days putting signs on the edges. Once the pavement sets, they will rent a shoulder machine and compactor. Tom Weston said that the last pipe will be going into Quaker on Wednesday with culvert pipe, ditching and graveling work to be completed by next week.

Item 9: Selectmen's Reports

Selectman Osgood congratulated the Election Committee on the great job they did.

Vice Chair Hooper stated that all is going well with the Road Management Committee.

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Selectman French echoed Vice Chair Hooper's sentiments on the RMC. He stated he was meeting Wednesday night with the Currier and Ives Byway Council at 6 pm at the Main Street Bookends in Warner. Henniker Brewing will be there.

Selectman Fortner reported that the Community Center Activities Committee have concerns about the access to the Community Center which he addressed with the Town Administrator. He made a statement about the rules of order for the Board and that a motion is required to allow the public to have input. He appreciates the Chair's meeting style but the rules exist for a reason. He said he is a little shocked that we continue to not follow the rules. We expect our employees to follow policy and we should also. It helps with the flow of the meeting and how people feel when they leave this meeting. Vice Chair Hooper stated that while policies are great, she believes collaboration is key and that the Select board meetings have had more participation recently than ever.

Item 10: Nonpublic RSA 91-A:3 (if needed)

None

Item 11: Request by Dr. Trivellini to discuss the motocross track at 60 Juniper Ridge

Chair Blomback stated that since no one is present from 60 Juniper Ridge, no decision will be made this evening.

Selectman Fortner made a motion to table this item until a notice goes out to the residents at 60 Juniper Ridge; Selectman French seconded. Motion passed 5-0.

Town Administrator Trovato said a letter will go out to them on 11-18-16 and they will have 30 days to respond.

PUBLIC FORUM#2

Peter Flynn asked the Select board to have a minute taker at the Budget Advisory Committee Meeting. Town Administrator Trovato will check to see if Cherry is available. Vice Chair Hooper volunteered if she was not. Mr. Flynn also stated that the policy for reviewing the budgets does not match with how it is being done and in the future, the Select Board should discuss changes to the policy.

Selectman Fortner made a point of order as to why he was not allowed to speak on this issue when other Select board members were allowed to. He asked if Mr. Flynn will propose the changes at the next Select board meeting and asked that the Town Administrator put it on the agenda as a first reading.

Kathleen LaBonte asked if anyone could attend the Budget Advisory Committee meeting?

Selectman Fortner made a point of order that the conversation was between two citizens.

Dr. Trivellini stated that while the minute taker is taking minutes for other committees like RMC, he wondered why the land consultant is taking minutes at his rate of pay for the Planning Board. His rate of pay is much higher.

Adjournment

A motion was made to adjourn the meeting at 8:55 pm by Vice Chair Hooper and seconded by Selectman French. Motion passed 5-0.