

**Board of Selectmen
November 28, 2012**

Present: Kenneth S. Paul, Chairperson; Peter M. Kasprzyk; Richard C. Edwards; Teresa A. Williams, Town Administrator; and Toni Bodah, Secretary.

See list attached hereto for those also present.

Mr. Paul called the posted meeting to order at 7 p.m. and led those present in the Pledge of Allegiance.

1. Appointments

a) Public Hearing re: Marsh Road/Union Meadows Property – Mr. Paul opened the public hearing and asked for public comment. Jim Miller stated that he had watched the first public hearing on this matter and was struck by some comments made. Mr. Miller referred to the easement and the misconception that NH Fish & Game and the federal government are helping the Town purchase this land. He believes the Town is actually assisting those entities to purchase the land. Mr. Miller stated he had believed that the land was to be purchased for recreational use. Actually, it is being used to preserve wildlife habitats, as there are so many restrictions on recreational use. We would not be allowed to erect any structures, including a dock. We could develop a parking lot for 15 cars, but only if approved by the State of NH and the federal government.

Mr. Miller referred to not disturbing the land within 50' of a stream or wetland. He stated there was mention of use of snowmobiles; however, the easement states no motorized vehicles. One could hunt or fish, but he is not sure how one would get to the pond without disturbing the land.

Mr. Miller stated that the Town will need to submit a stewardship plan (at the Town's expense), which plan could be rejected. This plan must be in place for 10 years prior to any forestry activity. Mr. Miller added that there seem to be a lot of escape routes for Fish & Game and the federal government. They could require a different easement further down the road. Those organizations would also receive a percentage of any future sales price equal to the percentage of their original investment. Mr. Miller sees one way in and no way out.

Mr. Kasprzyk referred to all lake-front property owners being restricted in use of their property within 250' of the water. This is actually an easement held by the state. Mr. Kasprzyk believes it was made clear that the primary purpose in purchasing the property was to protect wildlife. Originally, he did not want to allow use of snowmobiles; however, he has agreed with the decision to do so. Mr. Kasprzyk also believes the proration of any future sales price is fair, being dependent upon the contribution made by each organization. He added that an amount of the current sales price will be going to an education fund to support Wakefield children. Hunting will be allowed. A road does exist; and the Town owns property on the other side of the Meadows which is more accessible for canoes and rowboats. The Conservation Commission has always been looking for tracks of land to benefit wildlife.

Mr. Miller stressed that everything is in perpetuity—there is no way out. Keith Fletcher stated that what the government can and cannot do is spelled out. We can disturb the soil via walking; however, we cannot dig holes, etc. This is about protection. We would be ensuring that the land will be here for our grandchildren—perpetual conservation. Regarding reference to eminent domain, Mr. Fletcher stated that some funds are coming from dedicated sources—taxpayers' dollars. The easement language is a result of attempting to protect the taxpayers' investment.

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He added that in the big picture, the Town is putting up \$35,000, L-Chip is contributing \$50,000 and Fish & Game is contributing \$85,000. The Town will get to do most of what it wants to do with the land for a very good price. Apparently, Fish & Game did want to purchase the land outright but was not able to do so.

Mr. Miller referred to camping on the property. Mr. Paul stressed that this is not a camping area. He added that the Town's contribution of \$30,000 will come from current use penalties, not tax dollars. Mr. Mankus stated that Fish & Game will be responsible for the stewardship plan. Timber cutting would be the responsibility of the Town and the Town would need to have a plan.

Virginia Long referred to the "one-way in, no way out" comment of Mr. Miller. She noted that the easement goes with the land, and the land owner has the right to sell. Therefore, the Town could sell the property (however, she would not suggest that it do so).

Relf Fogg stated that as a Conservation Commission member, he has gone back and forth on whether to support this project. He referred to an easement on Witchtrot Road, where the Town did not get what it thought it was getting. However, he believed this is a great deal. Then he realized that most of the language in the easement is verbatim from Agenda 21. Mr. Fogg stressed that we must think about what we are getting into. He would support purchase of the property if it were accomplished without government assistance. He would encourage the Board to include this project as a warrant article, perhaps compensating the current owner for the extended wait.

Mr. O'Connor referred to discussion as to whether camping is or is not permitted, by whom, and how often, as well as the statement that this property was not intended for camping. He noted that camping is being discussed because part of the sales pitch was use by the Scouts. Mr. O'Connor referred to the statement that \$75,000 would go to students of Wakefield. However, the Trust Fund will only use the interest gained on its investment, not the principal itself. Therefore, only \$2000 to \$3000 per year would likely be spent on education. Mr. O'Connor also made reference to the validity of Mr. Fletcher's assertion that 150 years from now someone won't determine that the soil has been disturbed and the purpose of the easement no longer exists.

Mr. Kasprzyk referred to the Witchtrot Road easement, which he personally fought because it did not allow for timber harvest. However, it was actually sold to the public as purchase of development rights. He also referred to the \$500,000 "gift" to the Conservation Commission to purchase easements being a one-time contribution. We have now had to learn creative ways to accomplish this without affecting the taxpayers. Mr. Fogg noted that \$150,000 is much different than \$500,000. Discussion followed regarding public hearings for the Witchtrot Road property.

Steve Royle referred to the easement and noted his interpretation is that the Town must supply the stewardship plan. Mr. Mankus stressed that is only for harvesting timber. Rich Cook of Fish & Game has indicated the State will develop the stewardship plan as holder of the easement. Mr. Fletcher provided a scenario whereby the purpose of an easement would cease to exist. Mr. Royle noted that a dam could give out, resulting in loss of the pond.

Sue Ducharme sees no problem with her federal tax dollars being spent to protect property in town. According to Ms. Ducharme, “in perpetuity” means that the water quality will be protected forever. This will become more critical as time goes on. Mr. Edwards noted it is already protected by State regulations. Mr. Paul asked how many acres of the subject property are unbuildable. Mr. Kasprzyk is not sure; however, as a result of changes in technology, many parts of existing cities were once unbuildable.

Mr. Miller stated he did not come to stop the project. He urges the Selectmen to consider action that would create more community support for the project. As far as he reads the easement, the property doesn’t come with strings—it comes with chains. Neither Mr. Kasprzyk nor Mr. Paul has received more than one complaint from the community about this project outside of a Selectmen’s meeting. Mr. Paul encourages those watching to contact the Board of Selectmen with concerns.

Mr. Fogg referred to a flood plain map posted on the wall, noting that 90% of the large parcel involved is in a flood zone. It is a good piece of property to conserve; however, it is naturally conserved. Mr. Paul questioned the accuracy of the map.

Ms. Judge believes this is a great piece of land to save for the future. We are getting way too involved in the easement. She suggested that many property owners will find in their own deeds that a utility company has an easement over their property. Much of the easement language needs to be there as a legal document. She has personally walked the property, as have a majority of the Heritage Commission members. Ms. Judge wishes that all those not in favor of this project would walk the property, which is a great place for all ages. Dave Tinkham stated that water quality is not just a State responsibility. Every individual in town shares that responsibility. He referred to the headwater of the Salmon Falls River being in trouble in Wakefield. If the water quality goes, so does the tax money. More importantly, we would have lost a resource. Mr. Mankus added that he and Mr. Tinkham have erected signs on the designated camping areas, which include the notation “Public Welcome.”

Mr. O’Connor presented the Board with a petition signed by 60 residents, requiring that this project be included as a warrant article on the March 2013 ballot. Mr. Paul then closed the public hearing at 7:45 p.m.

b) Public Hearing re: Conservation License Plate Grant – Ms. Wood explained that the grant is funded through fees for the moose license plate. The purpose of this grant is to preserve 2 Town record books and to have them digitized. Mr. Fogg asked whether fees are also generated via vanity plates. Ms. Wood stated it can be either plate. Mr. Fogg asked about any federal strings; however, this is a state funded grant. Mr. Paul closed the public hearing at 7:47 p.m. He noted that Ms. Wood had included this cost in a previous budget request, but the Selectmen removed that from the budget. Ms. Wood did some research and found this grant money. **Mr. Kasprzyk moved to accept the grant in the amount of \$8506, in accordance with RSA 31:95-b. Mr. Paul seconded the motion, which passed 3-0.**

c) Cynthia Wyatt re: Maple Street Bridge – Ms. Wyatt noted that the bridge has been closed for over 2 years, and she is wondering what plans the Board has for that bridge. She noted they have been unable to rent their commercial building because of this bridge closure. Mr. Paul noted the renter

would only have to drive 90 seconds out of the way to the other access on Bridge Street. He also stated that there are several bridges in town that require repair, including the bridges on North Wakefield and Canal Roads. One has no second egress, while the other has an egress that adds a significant driving distance. The engineering costs alone will likely be in the vicinity of \$20,000. Mr. Paul does not expect the Board to fund repair of the Maple Street bridge in the near future. He encouraged Ms. Wyatt to submit a petition to have the work accomplished. Annette Perry stepped forward at this time and presented a petition to the Board. She stated she has also communicated with Ray Burton, who will have the situation reviewed. Mr. Paul advised that the state does have a program via which they reimburse the Town for bridge repair; however, it takes about 10 years and may not even continue to be funded. Mr. Kasprzyk added that estimates developed by the state come in much higher than private contractors. Ms. Perry advised that she is trying to obtain estimates, as she really wants the bridge open.

Mr. Kasprzyk referred to the Town's old access off Route 16, across from Harmony Drive. Mr. Edwards noted it would likely be less expensive to open up the old access than it would be to repair the bridge. Ms. Wyatt asked whether Mr. Kasprzyk agrees with putting the bridge repairs on hold. Mr. Kasprzyk stated that he agrees there are more important issues with bridges, such as those on North Wakefield and Canal Roads. It was noted that tractor trailers may have a difficult time negotiating the turn from Bridge Street. Discussion followed regarding limited access on Route 16.

b) Amanda Bevard re: North Wakefield Bridge – Ms. Bevard was not in attendance.

2. Unscheduled Matters/Public Comment #1

-- Ms. Judge thanked the Board for its letter of support for her meeting with Ray Burton and Chris Gamache. The case for leaving the rails from Turntable Park to Route 16 was made, and it has been agreed that the rails will stay in place for at least one year, during which time the Heritage Commission will develop their plan for that area. Ms. Judge is now seeking the Board's approval in concept that the Heritage Commission and Parks & Rec will present a long-range proposal. This proposal will include leaving the rails in place, interpretive signage, possible use of motorized cars, and extension of the existing lease. Mr. Paul believes the Board will support this issue. Mr. Edwards and Mr. Kasprzyk agree.

--Ms. Judge stated that the Heritage Commission will host an Open House at the railroad station this Sunday (December 2) from 3:30 – 5:30 p.m.

--Mr. O'Connor noted that the approach and wing wall on the northwest corner of the North Wakefield Road bridge are beginning to blow out. He believes it needs to be protected before the ice and snow get in. Mr. Paul advised that the Board will discuss this during development of the warrant articles.

3. Unfinished Business

a) Work Fare Program – Ms. Williams has communicated with LGC regarding the Workers' Comp issue. If we have adopted such a program under the appropriate RSA (and she will check this with Ms. Fogg) which includes the provision for work fare, then Ms. Williams believes that participants in that program would automatically be covered. She is seeking that confirmation from LGC. Mr. Kasprzyk suggested that the participants execute a volunteer form, and he questioned the difference between this participation and someone volunteering to coach a baseball team. Ms. Williams stressed that the work fare participants would have received funds from the Town. She added that LGC has already

advised that such participants would not meet their definition of a volunteer. Ms. Williams will continue working on this, but it looks as though participants would be covered under workers' comp.

4. New Business – None forthcoming.

5. Proposed CRF Expenditures

a) Landfill CRF \$531.41 – Hopefully, this is the final payment for removal of the ash pile. **Mr. Kasprzyk moved to approve the \$531.41 expenditure from the Landfill CRF. Mr. Edwards seconded the motion, which passed 3-0.**

6. Correspondence

a) Vivian Chick – Mr. Paul read aloud Ms. Chick's letter in which she offers her gratitude for the Board's letter of appreciation.

7. Unscheduled Matters/Public Comment #2

--Mr. Fogg noted his impression that Don Jutton of MRI seemed puzzled that Wakefield is able to be efficient and effective without increasing taxes. Mr. Jutton had suggested combining several positions or appointing some officials instead of electing them. Mr. Fogg believes it would be detrimental to the character of Wakefield if either of those scenarios were to occur.

--Mr. Miller asked whether there has been any movement on the contract with Time Warner Cable. Ms. Williams advised she has communicated a little bit with Kate Miller of DTC. We need the build-out map from Mr. O'Connor (the highlighted version). Additional discussion is expected this week. Ms. Miller has sent information to TWC, but she needs information on the build-out map. Mr. O'Connor will check for the highlighted version. Mr. Miller noted that the request for \$10,000 in start-up costs was struck by TWC. He is of the understanding that TWC might be more receptive to a request for equipment, rather than money. ClearView is trying to develop a wish list. Mr. Miller has emailed a draft memorandum of understanding to each Board member, hoping that each would review. He added that the group is visiting other sites. Mr. Kasprzyk does not want to impede their progress. Mr. Mankus stated that it seems as though the cable provider is giving us franchise fees, then taking them back. Most important is ongoing build-out each year, at least 1-2 miles. Mr. Mankus does not know if this has been included in the contract. He was also given the impression that such costs might come out of our franchise fees. He will be hugely disappointed if the new contract does not include a little build-out each year. Mr. Paul noted that cable will be obsolete soon, which is why TWC does not want to complete the build-out. Mr. Fogg believes there are only 1-2 miles of build-out left in town. He noted that the previous cable committees have always been concerned with holding the provider to complete the build-out. Mr. O'Connor noted that build-out comes up a lot. He stated that 100% build out is difficult when the town continues to grow. Even PSNH requires a property owner to pay much of the cost to tie in when the property is located a distance from the main road. Perhaps the build-out should be limited to the main roads. Mr. Miller is hopeful that we can negotiate a build-out.

8. Administrative Matters

a) Liaison Reports – **Mr. Kasprzyk:** The Highway Department has finished on Brackett Road. They are now getting the trucks ready for snow, as well as doing a little shoulder work. The Road Agent

is coordinating with the Water Precinct on replacement of lines on Witchtrot Road. Reports from the Conservation and Heritage Commissions were already heard.

Mr. Edwards: Planning Board viewed 4 proposals for the NRI/Master Plan request from Mr. Mankus. All bids exceeded what the Planning Board was willing to give. The Planning Board sent the bidders back to the drawing board to work with \$8500—all or nothing. The Board has received revisions, but the proposals do not appear to be complete. Planning Board will revisit this. Mr. Edwards read a proposed amendment to the zoning map. The Zoning Board received an appeal to the decision on Dave Silcocks' application for a variance. According to Steve Brown, the ZBA has denied the request for a rehearing. The request could be taken to the Court. No Parks & Rec meeting on which to report.

Mr. Paul: WPI has solicited proposals for Opera House renovations. The group is hopeful the work will be accomplished prior to Deliberative Session. Meetings will continue next week regarding the 2013 budget, including warrant articles (Wednesday, December 5 at 3:30 p.m.). Mr. Kasprzyk referred to funds earmarked for a sprinkler system on the main floor of Town Hall. Ms. Williams stated that WPI is aware of available funds and the anticipated use of same. We may need to discuss possible displacement off Town Hall staff during this work. Mr. Paul stated that the new Food Pantry looks good and they plan to open in early January.

b) Selectmen's Letter of Appreciation – Mr. Edwards suggested it might be nice to send letters to new businesses in town, expressing appreciation for them moving into our community and wishing them luck. Mr. Kasprzyk suggested thanking all departments, commissions and committees for their participation in the MRI study. Mr. Paul noted the Board could consider a policy of sending a letter to all new businesses as they open. It was agreed that this month's letter would go to all Town departments, committees and commissions. We will work on a policy regarding new businesses.

c) Administrator's Update

--We have an Open Road Permit for Witchtrot Road. Although the work has begun, it does require the Board's signature. Mr. Kasprzyk stressed the importance of keeping the repaired roads in good shape. Ms. Williams noted that the weather is getting cold and they might have to come back in warmer weather. The Road Agent will supervise the issue.

--Ms. Williams presented a request to waive an ambulance bill because of hardship. The Fire Chief is in favor of this waiver. **Mr. Paul moved to waive the ambulance bill as requested. Mr. Edwards seconded the motion, which passed 3-0.**

--Ms. Williams advised that a former employee voluntarily rode with one of the new highway department members during a recent 3:30 a.m. plow route. **Mr. Kasprzyk moved to purchase a \$50 gift card for that former employee.** Mr. Edwards believes a letter of appreciation would suffice, as the former employee did this in order to make sure that the new employee succeeded. **No second—motion dies.**

d) Building Permit Releases – None forthcoming. However, Mr. Paul noted that *Town & City* had an interesting article regarding building permit releases.

e) Redeemed Property – Mr. Paul moved to execute a deed for redemption of tax-acquired property on Belleau Boulevard as presented. Mr. Kasprzyk seconded the motion, which passed 3-0.

f) Conservation Commission Membership – The Commission has recommended the appointment of David Tinkham as an alternate. **Mr. Kasprzyk moved to approve the appointment as recommended. Mr. Paul seconded the motion, which passed 3-0.**

g) Town Report Printers – 3 bids were received for printing of the 2012 Annual Town Report as follows: Town & Country = \$2059; Wharf Industries = \$2340; C&K Printing = \$1695. **Mr. Paul moved to accept the bid of C&K Printing in the amount of \$1695. Mr. Edwards seconded the motion, which passed 2-1.**

h) Payment Manifests – Mr. Kasprzyk moved to approve the AP#36 Warrant in the amount of \$361,625.36. Mr. Paul seconded the motion, which passed 3-0.

Mr. Paul moved to approve the Payroll #26 Warrant in the amount of \$65,056.12. Mr. Edwards seconded the motion, which passed 3-0.

i) Minutes – Mr. Kasprzyk provided several edits to the November 14 minutes. They will be corrected and presented for approval at the next meeting.

j) Non Public Session – Mr. Paul moved to enter Non Public Session under RSA 91-A:3, II (a). Mr. Kasprzyk seconded the motion. Roll call vote: Mr. Edwards – ‘aye’; Mr. Kasprzyk – ‘aye’; Mr. Paul – ‘aye’. The motion passed unanimously, and the Board enters Non Public Session at 8:50 p.m.

The Board returned to public session at 9:15 p.m. Ms. Williams advised the Board that temporary assistance might be required due to an unforeseen absence of the Finance Clerk. The Board discussed the possibility of acting on MRI’s suggestion to relocate that office to an area with less traffic during this absence so as to not disturb that employee’s workday.

The meeting adjourned at 9:35 p.m.
Respectfully submitted,
Toni Bodah, Secretary

Approval of Minutes:

Kenneth S. Paul, Chairperson

Peter M. Kasprzyk

Richard C. Edwards