

**Board of Selectmen
October 22, 2014**

Present: Richard C. Edwards, Acting Chair; Connie M. Twombly; Teresa A. Williams, Town Administrator; and Toni Bodah, Secretary.

Mr. Edwards called the posted meeting to order at 6:40 p.m. **Ms. Twombly moved to enter Non Public Session under RSA 91-A:3, II (b), to consider hiring an employee. Mr. Edwards seconded the motion. Roll call vote: Ms. Twombly – ‘aye’; Mr. Edwards – ‘aye’. The motion passed 2-0, and the Board immediately entered Non Public Session.**

The Board returned to public session at 6:50 p.m., at which time Mr. Edwards called for a recess. Mr. Edwards called the meeting back to order at 7 p.m. and led those present in the Pledge of Allegiance. Those present at this time included: Donna Martin (videotaping); Ed Comeau (videotaping); Ernie Brown; Peter Kasprzyk; and John Fournier. Two unidentified individuals joined the session in progress.

1. Appointments

a) Peter Kasprzyk re: Committee Membership Appointments by Board of Selectmen – Mr. Kasprzyk is concerned regarding the process by which the Board of Selectmen makes appointments to various boards/committees. He asked whether there is any policy in place other than taking the recommendation of the committee seeking members, such as a background check. He was advised that no such policy is in place. Mr. Kasprzyk suggested it may be prudent to conduct research to determine whether there were any actions in the individual’s past that would conflict with the responsibilities of that committee. Mr. Edwards and Ms. Twombly agreed that the general procedure is to accept the recommendation of the specific committee. Mr. Kasprzyk stated that if there are not enough qualified individuals willing to serve on a committee, perhaps the Town should not have that position. He gave the example that the Conservation Commission is actually an extension of DES. If people do not believe that commission is important enough to volunteer to serve, perhaps the Town should not have a conservation commission.

Mr. Kasprzyk stated that if an individual takes an oath, he/she should understand the oath being taken and the responsibilities thereof. We should also expect such an individual to respect the Board of Selectmen, other board members and departments, etc. Therefore, if a committee member is not following the oath, has obstacles with the rules/regulations or difficulties with the authority of the Board of Selectmen, that individual should be removed.

Mr. Kasprzyk further stated that when an individual is sworn in, they must uphold the oath 24/7, 365— not just during a meeting. Ms. Twombly noted she would expect the committee making the recommendation to be comfortable with the individual being recommended. Mr. Kasprzyk stressed that the Board of Selectmen is actually the leadership of the community. Ms. Twombly stressed that the Board must rely on the judgment of those on the various committees/boards. She added that the Board must have proof that a committee member is not upholding his/her oath.

Mr. Kasprzyk then requested that the Board members log on to GovernmentOversite.com, to minute 57 of the April 1, 2013 meeting of CROW. [Transcriber was unable to hear the transmission.] According to Mr. Kasprzyk, Relf Fogg can be heard taking responsibility for a former member of the Board of Selectmen, whom Mr. Kasprzyk believes to be himself, not being re-elected.

Mr. Kasprzyk then referred to the Conservation Commission having put out a request for bids for a forestry plan last winter, for which Mr. Kasprzyk submitted a bid.

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He believes that 3 individuals on that commission, each of whom has issues with Mr. Kasprzyk relating to the former cable committee, did not vote in favor of his proposal. However, it was ultimately determined that the Conservation Commission did not have the authority to award the contract. The commission member who obviously had an established conflict with Mr. Kasprzyk should have recused himself, but instead voted against Mr. Kasprzyk's proposal. At a subsequent meeting of the Board of Selectmen at which Nate Fogg discussed the project and at which Relf Fogg was present, Nate Fogg asked whether Relf Fogg had anything to add to the discussion. Relf Fogg replied in the negative; however, later in the meeting, Relf Fogg made comments to the Board that the individual who bid on the project was actually the petitioner of the project. According to Mr. Kasprzyk, an individual appointed to the Conservation Commission by the Board of Selectmen violated his oath of impartiality.

Mr. Edwards referred to Mr. Kasprzyk wanting the Board to remove Relf Fogg from the Conservation Commission; however, this suggestion is coming from an individual who has an issue with Relf Fogg. He asked Mr. Kasprzyk to explain the difference. Mr. Kasprzyk stressed the difference is that he has presented the Board with facts, not a concocted story. Ms. Twombly stated that this is an issue between Mr. Kasprzyk and Relf Fogg and should not be brought to this Board. Mr. Kasprzyk stated that he is not accusing the Board of Selectmen of any wrong-doing; however, Relf Fogg is in this position because the Board appointed him to the Conservation Commission. Mr. Fogg took an oath and has violated it. Mr. Kasprzyk indicated that he has additional public documents which he will share with the Board with the understanding the material will be reviewed over the next several weeks. He added that Mr. Fogg's behavior and accusations are out of line and he has attacked Mr. Kasprzyk's integrity and ethic. Additionally, Mr. Kasprzyk has been prevented from equal participation in the bidding process, which has affected his livelihood. Mr. Kasprzyk referred to several documents by number, which he presented to the Board (and which he wants returned once reviewed). Mr. Kasprzyk will return for the Board's first meeting in December.

2. Unscheduled Matters/Public Comment #1

--Ernie Brown is here to say thank you! Several years ago, the Board of Selectmen gave support for the project to extend the TRAC trail. This project is now finished, with much support from a number of individuals and town organizations. Very little of the trail runs between the rails—most is alongside of the rails. The Board is invited to meet on November 1 at 10 a.m. at the Miss Wakefield Diner to view the extended trail. The group is now applying for a grant to extend the trail towards Brookfield. Because of wetlands, much of that portion of the trail will be between the rails. They will be looking for letters of support in the future. This trail can be used by many, but not by 4-wheelers, dirt bikes or horses. Eventually, this will be a 12-mile hiking trail.

3. Unfinished Business – None forthcoming.

4. New Business

a) Potential Tax Acquired Properties – Although the Board was given a list of potential properties, there is still time for payments to be made. Therefore, the Board will take action on which properties to accept at the November 12 meeting.

b) CAI GIS Internet Services Maintenance Agreement – This program replaced MapsOnline several years ago, and the price for this service has remained constant during that time. **Ms. Twombly moved to renew the agreement with CAI for GIS Internet Services Maintenance in the amount of \$1800. Mr. Edwards seconded the motion, which passed 2-0.**

c) Proposed Sewer Abatement – The SWP has determined that the meter at the Town Hall Annex is malfunctioning. Therefore, the SWP has agreed to charge the account only a flat rate. Since the sewer use generally matches the water use, a sewer abatement of \$222.34 for this account is recommended. **Ms. Twombly moved to authorize an abatement of \$222.34 for the Town Hall Annex 2014-1 sewer bill. Mr. Edwards seconded the motion, which passed 2-0.**

5. Proposed CRF Expenditures

a) Cemetery Water Supply \$870 – This represents the cost to install a 13' dug well at Stonehedge Cemetery. **Mr. Edwards moved to approve the expenditure as presented. Ms. Twombly seconded the motion, which passed 2-0.**

6. Correspondence – None forthcoming.

7. Unscheduled Matters/Public Comment #2

--John Fournier shared information with the Board including a Feb 26, 1993 letter from then Town Administrator Roberta Smith, submitting perambulation returns in accordance with RSA 51. According to Mr. Fournier, Wakefield still has 4 incomplete perambulations to date. He questioned whether this was on the radar to be accomplished. Ms. Williams stated that the Board has not discussed proceeding with perambulation. Mr. Edwards indicated that it should be discussed.

Mr. Fournier then referred to a 2003 letter from his then attorney requesting that the Town of Wakefield establish the line. According to Mr. Fournier, this has not happened in 11 years. Mr. Edwards noted that it will not happen this evening. Mr. Fournier referred to a letter from Town Counsel, dated August 4, 2003, which referred to the boundary line between Middleton and Wakefield and read a portion of that letter. He referred to the change in his acreage, for which he has been taxed by the Town of Wakefield. Mr. Fournier referred to a Court decision, which indicated (in part) that there would be no remediation of a junkyard because of a town line issue. Mr. Fournier has met with the Strafford County Commissioners. He stated that there is a Federal law requiring them to report the County line. This can't happen because of a discrepancy in the town line. The Strafford County Attorney has advised that the proper method for Mr. Fournier to follow is via a writ of mandamus. Mr. Fournier stressed that the tax maps must be revised.

Ms. Williams still believes this is a matter for Court. Although perambulation is required via RSA's, many towns do not do perambulation any more. Mr. Fournier's next stop is with the Carroll County Commissioners. Perhaps the two counties can sort this out.

8. Administrative Matters

a) Liaison Reports – Mr. Edwards read aloud weekly reports (or a portion thereof) from the Police Department, Parks & Recreation, Highway Department and the Transfer Station.

Ms. Twombly reported that on November 1, the Heritage Commission will accept the designation of the Newichawannock Canal on the National Register of Historic Places. This will be part of NH History week. The Planning Board is working to fix various regulations to eliminate contradictions.

b) Selectmen's Letter of Appreciation – It was agreed that this month's letter would be sent to the Greater Wakefield Chamber of Commerce in thanks for their efforts on the recent fall fest event.

c) Training Spreadsheet – This was provided for the Board’s information.

d) Town Administrator’s Update

--Tax Rate Setting: The School Board is meeting this evening to review paperwork to send to the Dept of Education, then to DRA. The SWP has indicated they have submitted their paperwork. It has now been determined that Carroll County has not submitted its necessary paperwork, although we had previously been advised this had occurred. It may become necessary for the Town to take out a TAN note to continue to pay the bills. We may also need to consider how to address payment to the County, due in December.

--The Board previously gave the Chamber of Commerce permission to mount a monitor across from the benches in the hallway. However, we are getting ready to bid out some work in that area, and the monitor may need to be moved. The Board agreed that installation of the monitor should wait.

--PLT insurance figures for 2015 are now available at \$58,203, an increase of about \$4000 over 2014.

Ms. Twombly moved the PLT insurance figure for 2015 at \$58,203. Mr. Edwards seconded the motion, which passed 2-0.

--Ms. Williams has been invited to serve on the NHMA Board of Directors. There is currently no representative from Carroll County. This would be a 2-year position, with 7 meetings per year in Concord. NHMA would pay mileage, plus registration for the 2015 Annual Conference. This is OK by consensus with the Board. Congratulations!

e) Building Permit Releases – Ms. Twombly moved to approve the building permit release for Samuelson on Drake Road. Mr. Edwards seconded the motion, which passed 2-0.

f) Payment Manifests – Ms. Twombly moved to approve AP #36 in the amount of \$42,769.55. Mr. Edwards seconded the motion, which passed 2-0.

g) Minutes – Mr. Edwards moved to approve the minutes of October 6, 7 & 8, 2014, as presented. Ms. Twombly seconded the motion, which passed 2-0.

There being no further business, the meeting adjourned at 8:23 p.m.

Respectfully submitted,
Toni Bodah, Secretary

Approval of Minutes:

Kenneth S. Paul, Chairperson

Richard C. Edwards, Acting Chair

Connie M. Twombly