

**Board of Selectmen
September 9, 2015**

Present: Richard C. Edwards, Chairperson; Kenneth S. Paul; Connie Twombly; Teresa A. Williams, Town Administrator (joined in progress); and Toni Bodah, Secretary.

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

The Board returned to public session at 7:04 p.m. Those present now included Ed Comeau (videographer); Donna Martin (videographer); Jim Miller; Tom Beeler, *The Granite State News*; Chief Ken Fifield; and Andrew Keller & Michaela Cote of Nh Solar Garden. Joining the session in progress were Pam Wiggin, Nancy Hall; Peter Brown; Carroll Shea and Reuben Knisley.

Mr. Edwards led those present in the Pledge of Allegiance.

1. Appointments

a) Andrew Keller, Nh Solar Garden– Mr. Keller stated that Nh Solar Garden was created several years ago as a result of a change in State law, which allows the sharing of power generated. This option would allow the Town an opportunity to reduce its costs for electricity in the form of a rebate. The number of solar gardens allowed under the current law are either built or are in process. Nh Solar Garden is now looking for purchasers of the excess power generated. Mr. Keller confirmed that some of their projects have received grant funding, such as in the Town of Milton. Perhaps by the spring of 2016 the legislature may amend the regulation, allowing for additional facilities to be developed. At this point, the Town of Wakefield only has an option to purchase power. The Board will keep this opportunity in mind.

b) Pam Wiggin & Peter Brown, Wakefield Heritage Commission, re: Sanborn House – Ms. Wiggin referred to the application to the Planning Board to construct a Dollar General on the site of the Sanborn House. Planning Board regulations now require that the building be moved to Town owned property, as recommended by the Heritage Commission. One location considered was Turntable Park; however, the State owns that property and does not want the building moved to that property. The developer may not demolish the building. Ms. Wiggin suggested that we should be considering a plan in the event the application is approved by the Planning Board.

In response to Mr. Paul, Ms. Wiggin stated that she had no knowledge of this regulation until about a week ago. Mr. Paul noted that there are nearly 400 buildings in Wakefield that might fit this criteria, and he stressed that we cannot find 400 locations for same. He asked who would pay to move the building. Ms. Twombly stated that the developer would pay. Mr. Paul asked about the cost of necessary site work, foundation, etc. Ms. Twombly assumes the Town would absorb that cost. Mr. Paul believes we are way ahead of ourselves in looking for a location to move the building. Ms. Wiggin again referred to the Planning Board regulation. Mr. Edwards believes that the current owner could tear down the building if he chooses to do so.

Mr. Paul stated that the Planning Board should have asked the opinions of the Heritage Commission and the Board of Selectmen prior to adopting this regulation.

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He personally is in favor of ignoring it. He stressed there is no funding in place to accomplish it. Ms. Williams has concerns about this regulation and is not sure that the Planning Board followed the proper procedure. NHMA does not believe this was done legally. However, Ms. Williams has not been able to discuss this with Town Counsel. Perhaps the Planning Board will need to waive this requirement since there is no funding or suitable location available.

Ms. Wiggin stated that the Heritage Commission does not know how to go forward, noting we should not wait until the last minute. Ms. Twombly believes that the regulations were sent to Town Counsel when they were being prepared, and Town Counsel indicated he could defend same in Court. Mr. Edwards understands the concern with an historical structure; however, the homeowner should be able to have rights to do what he wants with his own property. Ms. Wiggin stressed that she is not trying to save the building; rather she is trying to determine how the Heritage Commission should move forward. Mr. Edwards stated that if the Town has neither a suitable location nor funding, the regulation is null and void. Mr. Brown indicated that we should have a road map in place to follow in the future, assuming this regulation holds up. Mr. Edwards does not believe it is worth moving the building as the cost to do so would be too high. Mr. Paul noted that the value of the building is in the general location of where it currently is. If the Town does not follow the ordinance, then the Planning Board would have to take the Selectmen to Court. He reiterated that the Planning Board should have communicated with the Board of Selectmen and the Heritage Commission when drafting this regulation, and the Board of Selectmen should just ignore it.

Ms. Wiggin suggested perhaps we should develop a list of suitable properties, adding that perhaps a private party would be interested. Mr. Edwards has no problem with the Heritage Commission investigating locations to move the building, even though he has reservations about moving it. Ms. Wiggin and Mr. Brown spoke to the historical value of the Sanborn House to the Town. Mr. Paul suggested the Board send a memo to the Planning Board indicating that the Board of Selectmen and Heritage Commission should have been involved in drafting this regulation.

Ms. Williams wonders whether it is likely that the application would be approved by Planning Board next week. Ms. Wiggin believes there are other issues with the application. Mr. Edwards again referred to the homeowners' rights to do what he wants with his property. Ms. Twombly noted we will have a better idea of the situation after the September 17 public hearing.

c) Chief Ken Fifield re: Revised Job Descriptions – Chief Fifield presented 6 job descriptions for his department. Some duties have been redistributed. Mr. Edwards asked whether any of these new job descriptions justify changes in the current wages. Chief Fifield advised that would not be the case, rather he is just cleaning things up. The job description for the Patrol Detective is new because the position is new. Also, there has been no job description for Sgt Prosecutor since John Ventura was hired, as this was not previously done by a sergeant. Ms. Williams noted that when we solicit new information for the wage chart, we will be asking 15 other towns for information on the Patrol Detective and Sgt Prosecutor positions. Chief Fifield confirmed this will not result in any changes on wage ranges on the current chart. **Ms. Twombly moved to accept the 6 job descriptions as presented by Chief Fifield. Mr. Edwards seconded the motion, which passed 3-0.** Ms. Williams noted that most of the Town's job descriptions have not been revised since 2007. Several department heads are working on this.

2. Unscheduled Matters/Public Comment #1

--Mr. Miller indicated he is quite confused. He noted he is very involved in filming meetings. He does not understand how we now have a regulation against tearing down a 100-year-old building. Mr. Miller referred to something similar in the Master Plan that is "advisory only." He noted it is one thing to manage progress, but quite another to stop it. Mr. Miller does not believe the public was advised or involved. Ms. Twombly noted that the Planning Board has been working on bringing all regulations up to date for over a year. This regulation was approved by the Planning Board at a posted meeting, along with all other revised regulations. She does not believe, however, that many people were in the audience. Mr. Miller was advised that the Planning Board must conduct a public hearing, following which it can then adopt regulations. Mr. Miller noted that he could check the meeting film as he does not remember any such discussion. He stated he is appalled that this somehow got pushed through. He also stated he does not believe the Heritage Commission should twist the arms of the Board of Selectmen.

--Mr. Comeau asked about the difference between a regulation and an ordinance. Ms. Twombly advised that an ordinance must be approved by the voters. The Town of Wakefield Development Regulations are a combination of Site Plan Review Regulations and Subdivision Regulations and were approved by the Planning Board, as has been done in other towns. Mr. Comeau noted that Brookfield recently revised an ordinance, which was on the ballot. Mr. Paul advised that an ordinance, such as the zoning ordinance, does go before the voters; however, regulations are different. They can be reviewed at a public hearing, then adopted by the board. Mr. Comeau is concerned that the public was not duly notified in this case.

3. Unfinished Business

a) Town Seal – Ms. Williams shared Mr. Miller's latest effort with the Board. Mr. Miller had made some adjustments based upon the Board's previous comments. He will continue to work with the color for Town Hall.

4. New Business

a) Wakefield Inn Event – The Inn plans to host a private family wedding on their property, at which liquor will be served. Because the Inn has a liquor license, the State of NH requires a letter of approval from the Town. The Board executed the letter provided.

b) Trick or Treat! – The Board agreed that Trick or Treat will take place on Saturday, October 31, from 5-8 p.m.

5. Proposed Capital Reserve Fund Expenditures

a) Invasive Species CRF \$4,375 – This represents the amount previously approved by the Board for Great East Lake. **Mr. Paul moved to approve this expenditure as presented. Ms. Twombly seconded the motion, which passed 3-0.**

b) Police Vehicle CRF \$165 – This represents the cost of a basic hardware package for the new police cruiser. **Mr. Paul moved to approve this expenditure as presented. Ms. Twombly seconded the motion, which passed 3-0.**

6. Correspondence

a) NH DOT – Participation is encouraged at public meetings to discuss projects for the State’s 10-year plan. See the State’s website for a list of proposed projects.

7. Unscheduled Business/Public Comment #2

--Chief Fifield is aware of concerns having been expressed regarding the signage on Route 153 North—specifically, warning signs. Bill Lambert of NH DOT will attend the October 14 Selectmen’s meeting to take public comment and address questions.

8. Administrative Matters

a) Town Administrator’s Update

--Ms. Williams advised of a recent issue at Town Hall, during which the cleaners discovered a leaking water heater in the basement. The water heater will be replaced.
--The maintenance person at Paul School recently took debris to the Transfer Station. However, based on recent decisions of the Board of Selectmen, the staff did not allow the debris to be disposed of at no charge and produced a slip for \$70. Ms. Williams asked whether the Board wishes to bill the Paul School or to waive the fee. Mr. Paul noted that the Town also provides snow removal at no cost to the School, which comes from the taxpayers’ pockets. The Board agreed by consensus to waive the \$70 fee.

b) Building Permit Releases – None received.

c) Payment Manifests – Mr. Paul moved to approve AP #26 in the amount of \$781,053.05.
Ms. Twombly seconded the motion, which passed 3-0.

d) Minutes – Mr. Edwards moved to approve the minutes of August 26, 2015, as presented.
Ms. Twombly seconded the motion, which passed 3-0.

There being no further business, the meeting adjourned at 8:35 p.m.

Respectfully submitted,
Toni Bodah, Secretary

Approval of Minutes:

Richard C. Edwards, Chairman

Kenneth S. Paul

Connie Twombly