



Town of Newton, NH

Newton Town Hall: P.O. Box 378, Town Hall Road, Newton, NH 03858

Town Hall Hours: Monday - Wednesday, 8am - 4pm; Thursday 12pm - 8pm

August 2, 2016 Board of Selectmen Minutes

NEWTON BOARD OF SELECTMEN

DATE: TUESDAY, AUGUST 2, 2016

TIME: 6:00PM

LOCATION: NEWTON TOWN HALL, 2 TOWN HALL ROAD

PUBLIC MEETING

- Call to Order

Chairman Doggett called the meeting to order at 6:01 pm. In attendance were Selectmen James L. Doggett, Chairman, Matthew A. Burrill, Vice Chairman, Robert S. Donovan, Jr., Lawrence B. Foote, Lisa L. Gonyer, and Town Administrator Nancy J. Wrigley. The public meeting was recorded and audiotaped; minutes were transcribed and typed by Selectmen's Office Manager Mary B. Winglass. The nonpublic meeting minutes were transcribed and typed by Town Administrator Nancy J. Wrigley.

Nonpublic Session under RSA 91-A:3 II (a) – (c) HR Matters

Selectman Foote moved to go into Nonpublic Session at 6:01 pm under RSA 91-A:3 II (a) – (c) – HR Matters. Second by Selectman Burrill with a unanimous roll call vote: Doggett – aye, Burrill – aye, Donovan – aye, Foote, - aye, Gonyer – aye.

Selectman Burrill moved that the Board of Selectmen just came out of a nonpublic session under RSA 91-A:3 II (a) – (c) HR Matters and to keep all discussion confidential until in the opinion of the majority of the members the circumstances no longer apply with the exception of announcing the following HR decisions. Second by Gonyer with a unanimous vote.

The Selectman unanimously approved to allow the proposed probationary step increase for Cory Drouin from Grade XX Step 7, to Grade XX Step 8, retro-active to 08/31/15.

The Selectman unanimously approved to take Christopher Maguire off probation and award the step increase from Grade XX Step 7, to Grade XX Step 8, retro-active to May 4, 2015.

The Selectman unanimously approved to take Scott LaValley off probation and award the step increase from Grade XX Step 7, to Grade XX Step 8, retro-active to May 4, 2015.

- Pledge of Allegiance

Chairman Doggett opened the public meeting with a salute to the flag.

- Approval of Minutes (Review prior to meeting)
- **Selectmen's Public and Nonpublic Meeting minutes dated June 21, 2016 and July 5, 2016**

Donovan moved to accept the Selectmen's Public and Nonpublic Meeting minutes dated June 21, 2016 and July 5, 2016 as written. Second by Foote with a unanimous vote.

- Scheduled Business
- **Road Agent: Paving Bids, Country Pond Culvert, Highland Street, Hold Harmless Agreement and Brush Trimming on State Roads, Fire Pond on Thornell Road**

Road Agent Mike Pivero addressed the following subjects:

Paving Bids: Pivero handed out the paving bid results for 2016. Three vendors submitted bids to reclaim 4000 sy, 2" base=480 ton; 1.5" top coat=360 ton on Maple Avenue to Lincoln Road. To reclaim 3813 sy with a 2" base=460 ton on Gale Village Road (Rt. 108 to #19). The lowest bid came in from Brox Industries at \$1.77 sy reclaim, \$64.00/ton for the base coat and \$69.90/ton for the top coat. Funding is to come from the 2013 and 2014 Highway Block Grant funds and \$45,000 from the highway paving budget. The total cost for both roads is estimated at \$99,200 which may vary for the quantities may change.

Selectman Gonyer moved to approve the bid proposal from Brox Industries for the 2016 paving schedule as recommended by the Road Agent. Second by Foote with a unanimous vote.

Country Pond Culvert: Pivero explained that the repair to the culvert was approved in 2014 with the plan to complete the work in 2015 unfortunately the Town did not receive State approval/permit until February 2016. Funds for this project were encumbered from the 2014 budget into 2015 and the Town purchased the pipe but the remainder of the encumbered funds are no longer available for this project since you can only encumber funds one time per state law.

Pivero suggested that the town install the pipe using the Highway crew this season and look at phasing the remainder of the work over the next couple of years before the permit expires in 2018. Pivero explained that he is planning on installing the pipe as a sleeve into the existing culvert for now, there is no advance cracking on the road but the bottom of the culvert is completely non-existent.

Selectman Donovan asked if the Town of Kingston is willing to help with this repair; Pivero responded no, he tried and they were agreeable to help fix the Webster bridge a few years ago but the majority of the homes using this road is Newton residents.

Selectman Burrill questioned the time line to complete this work. Pivero responded, low water is the best time so it will need to be put in place and grouted by mid October. Burrill explained that the Board of Selectmen has had several interactive meetings with the Boards of Selectmen from the surrounding town's and talked about working

together and maybe this is a great opportunity to make that happen. Pivero responded that he spoke with the Kingston Road Agent regarding this repair not the Board of Selectmen. Doggett added that in the meantime we need to allow Pivero to move forward with the repair and the Selectmen will reach out to Kingston. Pivero added that this repair will not fall into his work schedule for approximately five weeks.

Selectman Burrill moved to allow the Road Agent to go ahead with the plan for the Country Pond Culvert. Second by Donovan with a unanimous vote. The Board will take this item up with Kingston.

Highland Street: Pivero started this conversation by explaining that the Board asked him for an opinion on accepting Highland Street, which is a State road, as a town road. Pivero explained that if you accept Highland Street then you have to accept Whittier Street as well. They are one in the same and the State will require it and both roads equal 2.1 miles of road. As far as any funding to the town to help maintain these two roads; from the state Highway Block grant the town will receive approximately \$3,800 per year. Pivero added that he cannot plow/maintain that road for \$3,800 per year.

Pivero added that the Highway budget does not have the funds to keep up with the current roads never mind accepting a state road, therefore financially it would be a significant burden. Pivero stated that he believes, for the town to take the road as a town road would need a warrant article and a legislative order done in order for the road to go from state to town jurisdiction.

Selectman Gonyer spoke on the resident's concern is the heavy trucking on the road and what is the alternative trucking route. Pivero responded that the state will not even entertain it, you can try but you need an interconnecting road system from Route 125 to Route 108. Pivero added that if we were to stop truck traffic on Whittier and Highland Street that would bottleneck all the traffic down West Main Street to Peaslee Crossing Road.

Resident Thomas Krajewski responded to Pivero's comments that for this change to happen would need state legislative approval but would not need a town warrant article. Krajewski added that with the additional cost of maintenance is something to consider but so does everything else in town such as the Fire Department, Police Department and Recreation. Krajewski stated that the houses on Highland Street are right on the road which is not so on Peaslee Crossing Road.

Selectman Burrill talked about the financial burden which he is not in agreement to give to the town. Burrill added that he is sensitive to Mr. Krajewski's view but all departments received budget cuts this year and this would be an additional cut to the budget. Burrill stated the he does not feel that it is something we need to do now with other items on the table such as the fire station.

Selectman Gonyer stated that she lives on Route 108 and is quite familiar with the truck traffic and is agreement with Selectman Burrill, to incur a cost for a select few she feels that this would have to go in front of all the voters for approval. If this change does occur, traffic has to go somewhere and residents from West Main Street and Peaslee Crossing Road would be the next to come in front of the board and soon we will own every state road in town and we cannot afford it. Mr. Krajewski asked if the Board would try to get the State to put some restrictions on the road for any truck can go on that road, the State has it listed as a highway. Selectman Donovan agreed with Selectman Burrill and Gonyer and added that Peaslee Crossing Road has houses that are close to the road and there are also a lot of blind spots on the road as well. Chairman Doggett talked about the cost and the number of State roads in town.

Hold Harmless Agreement – Pivero explained that this is a housekeeping item updating the Hold Harmless Agreement between the Town of Newton and Eastern Seaboard Concrete Construction Inc.

Selectman Gonyer moved to sign the Hold Harmless Agreement between the Town of Newton and Eastern Seaboard Concrete Construction Inc. Second by Donovan with a unanimous vote. The Chair will sign on behalf of the Board.

Brush Trimming on State Roads – a resident in town has a number of times complained regarding the Highway crew cutting brush on the corner of Rt. 108 and New Boston Road. Pivero responded that when he gets a call from a resident with information that there is a safety issue on a state road then it is deferred to the state DOT. The response from the state is sometimes not adequate and if not dealt with in a reasonable amount of time the town takes care of it for it is a liability and safety issue. This mostly happens when there is a need for brush trimming in order to see oncoming traffic as you are pulling out of a road.

Selectman Burrill how much town money is involved in this example. Pivero responded about one hour of the highway crew's time with the necessary equipment comes to approximately \$100 per year (usually done twice per year).

Pivero explained that selective maintenance also happens on state roads when there is a storm that knocked a tree down and the state is tied up then Pivero goes out but if the Board is saying no then he will not go near it. The Board asked Pivero to use discretion when it becomes a life safety issue as well as a liability issue. The Board agreed on the good judgement call made by the Road Agent and to keep doing what he is doing.

Fire Pond on Thornell Road - Pivero explained that resident Marc Schiller of 39 Thornell Road approached the Fire Department on the feasibility of using an existing pond on his property as a fire pond; he plans on doing some work to the pond in order to use it as a fire pond. Pivero added that Mr. Schiller, Selectmen and the Fire Chief need to look at the feasibility as a potential for a fire pond.

Mr. Schiller talked about doing the work to the pond at no cost to the town; he has been in contact with the State Department of Environmental Services to discuss dredging and enlarging the pond and is also amenable to putting in an access and a hydrant.

The Board was in agreement that this is a wonderful opportunity; Fire Chief Alcainho is in agreement and grateful that Mr. Schiller is willing to fund the cost.

- **Fire Chief: Parades, Dry Hydrants, Fire Cisterns, Equipment & Apparatus, Education Agreement, Call Volume Increase, Amended Attendance Policy**

Fire Chief John Alcainho addressed the following subjects:

Parades: Chief Alcainho asked for the Board's input on having the town's fire apparatus attend other town's parades. It has been long standing in the fire service to proudly display the town's fire apparatus in communities that the town could serve. Newton Fire/Rescue has been asked to attend the 59th annual Newburyport Yankee Homecoming parade on August 7th. The Board was in agreement to allow the fire apparatus to attend parades, the only stipulation is to keep the Town Administrator in the loop when a parade is scheduled.

Chief Alcainho talked about the vehicle policy and updating the policy to only allowing CDL drivers to drive tank 4 and it is his recommendation to have this requirement for all fire apparatus. This follows the same practice as the

surrounding communities which have required it for years. The Board was in full agreement with the Fire Chief's recommendation.

Dry Hydrants: Chief Alcadinho informed the Board that there is not a lot of water currently available in the town's fire ponds due to the drought. The last fire utilized Smith Corner Road fire pond which is now dry.

Fire Cisterns: Chief Alcadinho asked the Board who is responsible for the maintenance and filling of the cisterns in town. The Fire Chief has been around town looking at the cisterns and it seems that some are in disrepair and need to be filled for they are dry.

A discussion took place that all are located on private property yet we are not sure if a maintenance agreement is in place. There is no gauge on any of the cisterns to find out if there is water in them.

A discussion took place with options to fill the cisterns by using the town's tankers using water from Country Pond or the option of hiring a pool company to fill them. The Board asked to get a cost on using a pool company. Developers put in the cisterns as part of new subdivisions and most if not all are on private property and the town has been given the right to access it. The next step is to pull the deeds and ask the Planning Board to search the records for any reference to a maintenance agreement.

Equipment and Apparatus: Chief Alcadinho referenced a two-page letter to update the Board of Selectmen of the current status of the fire departments equipment and apparatus.

Chief Alcadinho informed the Board that Tank 5 was making a noise at the last fire therefore it has been taken out of service. The truck is scheduled to be looked at on August 19th and is parked at 8 Merrimac Road.

Education Agreement: Fire Chief Alcadinho referenced the final agreement for Newton Fire/Rescue labeled "Formal Education Approval and Payment Request". This form is to be completed by a department member and submitted to the Chief of the Department for approval as detailed in Newton Fire/Rescue Standard Operating Guideline: Administrative – 09.

Selectman Burrill moved to approve the Formal Education Approval and Payment Request Agreement. Second by Donovan with a unanimous vote.

Call Volume Increase: Chief Alcadinho informed the Board that there have been 310 calls of service not counting inspections to date or burn permits. Last year the town had 307 calls in total; the department has seen a big upscale in structure fires this year with an excellent mutual aid agreement with surrounding communities. The town has been participating in a lot more mutual aid and EMS runs have increased this year.

Amended attendance policy: Chief Alcadinho explained that the policy changed by taking out the percentages of calls as a condition of continued employment. The amended policy requires members to attend a certain number of fire calls and drills per year based upon their years of service.

Selectman Burrill moved to accept the amended Fire Department Attendance Policy. Second by Gonyer with a unanimous vote.

Selectman Burrill discussed some fire department issues that were brought up at the town's last Safety Committee meeting. Office Manager Winglass added that certain deficiencies were addressed at the safety meeting that should be addressed with the Board of Selectmen. Chief Alcadinho talked about the equipment deficiencies that is a great concern and he is working on having all the equipment checked and tested annually per NFPA. Any equipment not working properly will be taken out of service.

- **Cont review of Trash Hauling Business**

Chairman Doggett stated that the Board of Selectmen received a policy revision proposal from resident Stephen St. Cyr to allow for a small entrepreneur to own and operate a Newton-only residential trash delivery business.

Chairman Doggett and Selectman Gonyer spent several hours looking to implement and rework the town policies and decided that they needed more input from the Board of Selectmen.

Selectman Gonyer added that the proposed revisions by Mr. St. Cyr were reviewed and questioned how to regulate this type of business; monitoring, controlling and if any town expenses are incurred, cost for special permit and/or sticker are just some of the items.

Selectman Burrill responded that his opinion is he does not want to see dump trucks at the Transfer Station; he is in favor if the goal is to transport resident trash and would like this to be a revenue source to the town. Burrill added that he does not feel that this should be limited to one company and the only way we will know is to have a pilot program to find out what works and what does not which will then feed a change to the policies.

Selectman Foote added that we may want to limit this to two or three companies and require a list of residents serviced by each company and issue them a sticker.

Selectman Gonyer added that some towns require stickers to be purchased from the town or special colored trash bags. For bulk items one option is to have the resident purchase a sticker to put on the item allowing the service to pick up the item and bring it to the Transfer Station.

Selectman Donovan added that he does not see how the town can regulate it to a certain number of businesses and we also need to require proof of liability and workers' compensation insurance. The board discussed possibly requiring a hold harmless agreement as well.

Chairman Doggett stated that he feels more time is needed and recommends bringing this back in front of the Board at the end of September. Selectman Gonyer talked about contacting other towns to find out how they regulate this use. Selectman Gonyer asked the Board if they want the policy committee to continue to work on revising town policy to allow for this type of business to use the Transfer Station. Selectman Burrill responded yes; Selectman Donovan responded no for he does not feel the town Transfer Station should be used for commercial business.

Selectman Foote replied that he does not feel it is a commercial business per say; we cannot restrict it to one individual and felt we could possibly allow it for six months to see how it works. Selectman Burrill talked about limiting it to Newton residents only and limit the number of customers and must verify and have agreements; the volume will stay the same and we should limit the size of the vehicles.

Resident Stephen St. Cyr offered to help in any way.

- **Safety & Loss Management Program and Policies Update**

The policies were all emailed to the Board of Selectmen more than a week prior to this meeting. Bill Landry, Vice Chairman of the Safety Committee talked about the steps taken to get to this point with the addition of 17 new policies and 5 new forms.

Selectman Gonyer moved to accept the Safety & Loss Management Program and Policies Update as amended. Second by Foote with a unanimous vote.

Selectman Burrill recommended introducing an amendment summary page or a revision log in order to list the date of the amendments.

Selectman Gonyer moved to rename the Safety Committee to the Joint Loss Management Committee to better indicate their purpose. Second by Foote with a unanimous vote.

Office Manager Winglass explained that with the acceptance of the updates tonight, department heads will now be asked to keep a log of all trips, slips and fall and to conduct a risk management inspection of all town properties.

- **Personnel Policies and Procedures Update**

Chairman Doggett and Selectman Gonyer spent many hours reviewing this policy update with a total of (9) nine changes with a complete cover to cover review.

Selectman Burrill moved to adopt the Personnel Policies and Procedures as updated. Second by Foote with a unanimous vote.

- **2016 Budget Review as of July 12, 2016**

The Board reviewed the total year-to-date expenditures as of July 12, 2016 and had no concerns.

- **Upgrade to Office 365 Email**

The Board reviewed documentation regarding the email migration taking place this Friday with IT personnel in the following Monday to update the computers.

- **Newton CIP Update**

Chairman Doggett explained that the Planning Board is updating the Capital Improvements Plan and asked for the Selectmen to sign a letter to department heads asking for their input.

Selectman Foote moved to sign the Capital Improvements Plan update letter. Second by Donovan with a unanimous vote.

- **Resignation from Jeannette Clark, Zoning Board of Appeals**

Selectman Burrill moved to accept Jeannette Clark's letter of resignation dated July 25, 2016 with the understanding that she will stay on until a replacement is found. Second by Foote with a unanimous vote.

- **Election Poll coverage: Sept 13th and Nov 8th**

The Board members will review their work schedule in order to have a quorum at the polls per state statute.

- **RSA 31:95-b to accept and expend unanticipated funds to the Newton Food Pantry in the amount of \$100 from the Newton Historical Society**

Selectman Gonyer moved per RSA 31:95-b to accept and expend unanticipated funds to the Newton Food Pantry in the amount of \$100 from the Newton Historical Society. Second by Foote with a unanimous vote.

- Announcements
- Other Business, Sign Manifests, Requisitions, Abatements, Tax Credits, Correspondence and Appointments

Selectman Foote moved to sign a Payroll Manifest for the pay period of 6/26 – 7/9 with a pay date of 7/14/2016. Second by Donovan with a unanimous vote.

Selectman Foote moved to sign a Payroll Manifest for the pay period of 7/10 – 7/23 with a pay date of 7/28/2016. Second by Donovan with a unanimous vote.

Selectman Donovan moved to sign a Vendor Manifest dated 7/19/2016 in the amount of \$1,284,877.31. Second by Foote with a unanimous vote.

Selectman Donovan moved to sign a Vendor Manifest dated 7/19/2016 in the amount of \$54.75. Second by Foote with a unanimous vote.

Selectman Donovan moved to sign a Vendor Manifest dated 8/2/2016 in the amount of \$280,923.32. Second by Foote with a unanimous vote.

Selectman Burrill moved to Sign a letter to North Shore Bank with an administrative change to the Police Special Detail Account and the Police Drug Forfeiture Account. Second by Donovan with a unanimous vote.

Selectman Burrill moved to sign a letter to the Town Treasurer regarding the Revolving Fund for Highway Construction and to pay all future bills as approved by the Road Agent. Second by Donovan with a unanimous vote.

Selectman Burrill moved to sign a Timber Tax Levy in the amount of \$135.00 to the owners of 11 Maple Avenue. Second by Gonyer with a unanimous vote.

Selectman Gonyer moved to sign a Welfare Manifest in the amount of \$1,175.00. Second by Donovan with a unanimous vote.

Selectman Gonyer moved to sign a letter to the Treasurer requesting to deposit the Highway Block Grant. Second by Foote with a unanimous vote.

2016 Matrix Updated & 2016 Classification Plan

Chairman Doggett found an amendment and asked for a motion to sign with the corrections.

Selectman Foote moved to sign the 2016 Matrix and Classification Plan as amended. Second by Donovan with a unanimous vote.

- Adjourn

Selectman Burrill announced that on August 24, 2016 at 6:30pm at the Newton Town Hall for a “Meet the Candidates” night. Mark your calendars for the Newton GOP is inviting all the Republican candidates running in the September 13th primary for a meet and greet with the residents, give a presentation and there will be light refreshments.

Selectman Foote moved to adjourn at 9:40pm. Second by Gonyer with a unanimous vote.

Respectfully Submitted,

Mary Winglass, Office Manager