



**Office of the Board of Selectmen**  
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**NEWTON BOARD OF SELECTMEN**

**DATE: TUESDAY, MARCH 2, 2021**

**TIME: 6:00PM**

**LOCATION: NEWTON TOWN HALL, 2 TOWN HALL ROAD**

**PUBLIC MEETING MINUTES**

**I. Call to Order**

Chairman Burrill called the meeting to order at 6:05pm. In attendance were Selectmen, Matthew A. Burrill; Chairman, Lawrence B. Foote; Vice-Chairman, Lisa L. Gonyer, Charles R. Melvin Sr., Town Administrator Nancy J. Wrigley, and Selectmen's Secretary Diane M. Morin. Utilizing Zoom Conference Call was Selectman Kathryn Michaels. The non-public session was audio taped. The non-public minutes were transcribed and typed by Town Administrator Wrigley. The public meeting was videotaped, and the public meeting minutes were transcribed and typed by Secretary Morin.

**Nonpublic Session under RSA 91-A:3 II (a) – Compensation**

**Selectman Gonyer moved to go into non-public session at 6:05pm under RSA 91-A: 3 II (a) – Compensation. Seconded by Selectman Foote with a unanimous roll call vote.**

**Chairman Burrill moved to recess the non-public session at 6:31pm. Seconded by Selectman Melvin with a unanimous roll call vote.**

Chairman Burrill announced that at 7:00pm the public portion will be recessed in order to hold a public hearing. If there are any agenda items let after the public hearing the Board will resume the public meeting.

**II. Scheduled Business**

**A. Resident – Concern for the Town**

Mr. Ryan Higgins addressed the Board. He has concerns on the funding for the Fire/Rescue Station sprinkler system and where those funds are coming from. He asked who was responsible for applying for the waiver for the sprinkler system? Chairman Burrill stated that a Town employee was going to apply for the waiver. Mr. Higgins asked if said employee was still employed by the Town. Chairman Burrill stated the employee is no longer with the Town.

Mr. Higgins asked who approved the progress of the building without documentation of said waiver? Chairman Burrill explained the Board found out about the non-compliant sprinkler system in October of 2018. At that time, the Board asked about the waiver and were told it was never applied for.

Mr. Higgins stated that it is his understanding that the Fire Chief recused himself from inspecting the new station for fire codes. Who was the fire inspector for the project? Chairman Burrill stated that was the building department. Mr. Higgins stated that the building department does not have fire code inspection responsibility, so who took over? Chairman Burrill stated the Board ultimately took ownership of the issue. The discussion went on to discuss why the waiver was not approved. The Board of Selectman did not sign off on the non-compliant sprinkler

system.

Mr. Higgins asked if Town Administrator (TA) Wrigley had investigated re-allocating funds to the bond? TA Wrigley responded that in the bond agreement it states that it cannot be paid down. Chairman Burrill stated that the bond was based on the hybrid sprinkler system.

Mr. Higgins asked what would happen to the \$300,000.00 from the sale of the old fire station. Selectman Gonyer stated that, upon voter approval, the funds would go into the Town Building Capital Reserve Fund.

Ms. Laura Hillard addressed the Board and stated that the safety of firefighters was very important to her. She stated that she was told by the State Fire Marshall's Office no such waiver exists. She asked the Board who was supposed to know that there was no waiver. Selectman Gonyer stated that it was a discussion that took place during the Fire Station Building Committee planning and that the Board was not part of the committee. There were many details talked about in those meetings that the Board was not aware of. Chairman Burrill stated that the design of the station included the non-compliant sprinkler system which would have kept the cost of the project below or at budget. He explained that once the Board was informed that no waiver was applied for and that the existing sprinkler system was non-compliant the Board worked to resolve the issues.

Ms. Hillard asked who signed off on the non-compliant plans? Chairman Burrill explained that the Board did not sign off on the plans. Ms. Hillard stated that not knowing the former Building Inspector she is unsure if we can trust what the Board has told the residents concerning fire code inspection. Chairman Burrill stated being a public Board they cannot say anything that will harm a person's reputation. He went on to say, that your decision making is only as good as the information you received. When the Board was notified of the problem, they worked to resolve the issue.

Mr. Higgins addressed the Board and stated that at some point in time, someone needs to take responsibility for the errors made. Selectman Gonyer stated the Board ultimately took ownership of the problem. The discussion continued on who should have taken responsibility.

**Chairman Burrill moved to recess the public meeting to open the Public Hearing at 7:00pm. Seconded by Selectman Foote with a unanimous vote.**

**Chairman Burrill moved to resume the public meeting at 7:42pm. Seconded by Selectman Foote with a unanimous vote.**

Construction Manager (CM) Pivero addressed the Board and went through a chronological timeline of events that have led up to the issues with the non-compliant sprinkler system. He stated that upon conclusion of his remarks their accountability is to be shared by all. He began with March 2015 when the Building Committee recommended that the fire station be the first building to be repaired or replaced. Members of the Fire Station Building Committee (FSBC) visited the Nottingham Fire Station and found that building, with a few customizations, would work for the Newton. That fire station did not have a sprinkler system. Then in June of 2015 the Fire Chief presented to the FSBC a list of requirements which included a sprinkler and ventilation system. The FSBC presented to the Board their proposal for a new fire station. CM Pivero stated that in order to have a sprinkler system, power and water were needed of which neither were available. CM Pivero reached out to Unitil to see the cost of 3-phase power brought to the site. He was given an estimate of \$80,000-\$100,000. He went on to state that Ron Lemere was involved in the conversation of the conceptual design for the sprinkler system

from the beginning. Mr. Lemere came up with the concept of a 3-hour fire wall, a wet system on the administrative side of the building and a dry system in the apparatus bay. He had no reason to not trust Mr. Lemere as he worked in the Fire Marshall's Office.

The next steps involved architectural design and site plans. In January 2016, a third party did an inspection of the old station and found several deficiencies. In March 2016, the warrant for a new fire station failed and the FSBC was dissolved.

Then in December 2016 the committee was reformed. The same plan was proposed with some changes to the design such as removal of doors and windows. The new plan passed in March 2017.

In April of 2017, the Board needed to make a decision whether to have the Architect provide a design build or full contract construction drawings. Full contract drawings would have added \$80,000 to \$100,000 and a 10 month wait. The Board decided to go with the design build in order to begin the project. Otherwise, \$100,000.00 would be needed at the old fire station to be able to keep using it. In July 2017, the Board chose Eastern Seaboard Concrete Construction as the Construction Manager. The Architect and CM Pivero met to review the design drawings. In August 2017, a foundation permit was issued. In September of 2017, the contract between CM Pivero and the Town was signed. On September 28, 2017 CM Pivero met with Mr. Lemere to review the conceptual drawings and especially the sprinkler system. CM Pivero stated that Mr. Lemere confirmed the design of the sprinkler system. On October 10, 2017 he met with the Architect who had questions. CM Pivero stated that he would get the answers to the questions when he next meets with Mr. Lemere. When he met with Mr. Lemere CM Pivero stated that Mr. Lemere once again reiterated that he would get a waiver for the sprinkler system. CM Pivero stated that at that time there was no issue therefore there was no action needed by the Board. Mr. Lemere, who had local jurisdiction, assured him the waiver would be granted.

On October 12, 2017, CM Pivero stated that he received a building permit for the building only and again Mr. Lemere stated the Town would be issued a waiver for the sprinkler system. On November 10, 2017, plumbing inspection was done by the inspector and no mention of the non-complaint sprinkler system was mentioned. On December 12, 2017, CM Pivero handed the sprinkler system drawings that were stamped non-compliant to Chief Alcadinho who handed them to the Mr. Lemere for review. In February 2018, the rough plumbing inspection was done which included the rough plumbing for the sprinkler system. In March of 2018, the sprinkler system was completed.

The inspector informed CM Pivero that an ansul hood over the stove was needed. No prior notice was given by the Building Inspector. This added an extra \$5,000.00 to the cost of the Fire/Rescue Station. In May of 2018, the process of installing the floor drains began. The inspector failed the installation because the inspector determined that P-Traps were needed. Former Selectman Donovan spoke with other local towns who had the same drainage system and confirmed that they did not have P-Traps installed. At a non-public meeting with CM Pivero, the inspectors and Selectmen at the site, one of the inspectors stated that it was not his job to tell CM Pivero how do the job. It is his job to tell him when its wrong. At the same meeting it was brought to the attention of the Board that there were ADA deficiencies.

CM Pivero stated that Selectman Foote sided with the Building Inspectors. Selectmen Foote asked if he was referring to the ADA code violations. CM Pivero asked to let him finish his story. CM Pivero stated that it added to the lack of cohesiveness to team and project. CM Pivero stated that Selectman Foote and one of his relatives who was working on the project, accused CM Pivero of not paying the relative for work done. Selectman Foote asked what that had to do

with the non-compliant sprinkler system. Chairman Burrill asked CM Pivero to please stick to the sprinkler system topic. A heated discussion ensued. CM Pivero took a few moments to calm down.

Ms. Hillard stated that this was all a show and that CM Pivero is speaking down to us. We still do not know who is to blame for the non-compliant system.

CM Pivero returned to continue with his presentation. He felt that the inspectors were being spiteful and at that time the Board chose to hire a third party to provide a full inspection. The Board chose SFC Engineering and Jeff Murphy was hired. Mr. Murphy in September 2018 did a site inspection with CM Pivero. In the report Mr. Murphy found some deficiencies that needed to be addressed including the sprinkler system which Ron Lemere never reported. In October 2018, a meeting was called at the site with all the stakeholders. Mr. Murphy ran the meeting and went through the violations. He asked Mr. Lemere if he applied for the wavier. Mr. Murphy did not get a response and stated that he had spoken to the Fire Marshall's Office and that no wavier was ever applied for. The Board instructed the team to apply for a waiver. The other code violations were minor and addressed. A temporary occupancy permit was issued with the condition that a compliant sprinkler system be installed.

Selectman Gonyer asked if the vehicle exhaust system was ever on the list of code violations. CM Pivero stated that it was not. Chief Alcainho addressed the Board and stated that the current exhaust system was never tested to see if it met NFPA standards.

CM Pivero stated that the Fire Department moved into the new station in November of 2018. On December 3, 2018, a public meeting was held to discuss the sprinkler and exhaust system. In that meeting questions were answered by Mr. Lemere. CM Pivero stated that exhaust system meets building code criteria. It does not meet NFPA criteria and there was no funding in the budget for it. CM Pivero stated that in February 2018 the project was still under budget. CM Pivero stated that Chief Alcainho and he met and were looking at installing a NFPA approved system instead of relying on grants.

CM Pivero stated the there was never anything in the budget to pave the entire site. There are some areas that must remain unpaved according to the Alteration of Terrain permit. CM Pivero went on to state that because the project was still under budget, they would be able to pave the areas even though it was not part of the project.

CM Pivero stated January 7, 2020 at a Selectmen's meeting, Mr. Murphy stated that the sprinkler system that was initially installed was the intended system from the start. CM Pivero stated that he should never have broken ground until all the waivers were in place.

Mr. Bill Ingalls addressed the Board. He asked why Mr. Lemere, who works in the Fire Marshall's Office, did not know about NFPA codes? Selectman Gonyer stated that the Board could not know what the person knew or did not know.

Mr. Ingalls asked who's the authority having jurisdiction? Chairman Burrill stated the Board of Selectmen. The Board seeks out experts for such matters. Mr. Ingalls stated that it is the Fire Chief, or his designee that has jurisdiction. Mr. Ingalls asked if there is enough in the bond to cover the sprinkler system. Chairman Burrill stated no. Funds will need to come from other sources such as the Town Building Fund.

Ms. Alice Dunn via Zoom addressed the Board. She asked if the Board is responsible for spending taxpayers' money? Selectman Gonyer stated that is correct but only what is approved

of. Ms. Dunn and the Board discussed why the Board did not verify that the conceptual drawings would not meet the fire codes. Chairman Burrill and Selectman Gonyer reiterated the Board relied on experts.

Mr. Dupre addressed the Board and stated that Selectman Gonyer's comment about passing the warrant based on conceptual design is incorrect. The taxpayers passed the warrant for a completed station.

Mr. Higgins asked how much of the \$300,000.00 that would be transferred to the Town Building Fund would be needed to complete the project. CM Pivero stated that as of February 26, 2021 there is \$57,851.00 left in the bond and to complete the sprinkler system another \$133,000.00 will be needed. Mr. Higgins asked what the cost is for the exhaust system. Chief Alcainho stated around \$50,000 to \$60,000.00. Mr. Higgins asked where the funds came from for the other items that were not part of the project. Chairman Burrill stated that the fire department had funds left over in the budget. Mr. Higgins stated that a SCBA grant was applied and that some of those funds would go towards the exhaust system. The public was led to believe that \$300,000.00 would be applied for and that did not happen.

Mr. Higgins stated that the Board should have taken steps to prevent the problems that the station has with a non-compliant sprinkler system by hiring a fire inspector. Chairman Burrill, Selectmen Gonyer and Foote stated the Board did hire a third party to provide the Board with violations. They also went on to state that the Board relies on experts to assist them.

Selectman Gonyer stated the Board was not informed that a fire inspector would be needed and there were members on the Board that should have known. Chief Alcainho stated that he informed the Board when hired that he does not inspect his own house. Mr. Higgins asked why no fire code inspector were brought on when the Fire Chief recused himself. Chairman Burrill stated that CM Pivero was going to give the plans to the building department for review. Mr. Higgins stated that the Board needs to take responsibility for the lack of actions. Selectman Gonyer stated that the Board did take responsibility. Chairman Burrill stated that was when the Board hired SFC Engineering per recommendation of the Fire Marshall's Office. Mr. Higgins went on to state that the Board still did not hire a fire inspector. Selectman Gonyer stated that not a single board member, indicated that we should hire a fire inspector.

Chief Alcainho asked who is reviewing the plans. Chairman Burrill stated that the plans are being reviewed by the Fire Marshall's Office. CM Pivero stated that the Fire Marshall's Office reviews State owned buildings, schools, or health care facility. The new sprinkler system plan does not need to go to the Fire Marshall's Office. Mr. Higgins asked again who has jurisdiction. Is it still the Board? Chairman Burrill stated that it is the Fire Marshall's Office that is reviewing the plans. Mr. Higgins replied that there still needs to be a fire inspector hired. Ms. Hillard stated that the Fire Marshall was never consulted earlier in the project. It was only after she met him that the Fire Marshall requested a site visit with Chief Alcainho.

Ms. Hillard asked why we are paying the salary for Fire Chief and allow him to recuse himself from inspecting the building.

Selectman Gonyer asked Selectman Foote if he was a Fire Inspector for the Town he replied yes. She went on to say that the Board had knowledgeable members on the Board that did not bring up these issues that could have been addressed earlier. Selectman Foote stated that it all happened too late to implement anything. Ms. Hillard stated that if a plan states non-compliant why those overseeing the project didn't take actions then.

Chief Alcainho stated this is the second building he recused himself of in town. He stated that he recused himself because if he missed something, he could be accused of looking the other way. He finds something he could lose his job. He stated that the Marshall's Office will not review a plan from a local municipality unless requested. He stated that he believes we are going down the same path as in 2017. Chairman Burrill stated that if Chief Alcainho has concerns to contact a fire inspector. Chairman Burrill stated that the Board is on the correct path, that the Board needs to find the correct person to sign off on the plans.

Chairman Burrill stated that Carter Sprinkler Systems designed a compliant sprinkler system and at this point the plans do need to be approved now by a 3<sup>rd</sup> party. CM Pivero stated that is incorrect. The plans should be approved and could have happened at any point in time. He went on to state that when the plans were completed a set was to go to the Fire Marshall's Office for approval, which it did. CM Pivero received a text from George that the plans were still at the Fire Marshall's Office and they were not sure why they are reviewing them. He believes that someone locally still needs to review and sign the plans. Chairman Burrill stated that at this point we need to hire a 3<sup>rd</sup> party. Selectman Foote stated that we are doing the same thing. Not getting signed plans. He was under the assumption that Carter Sprinkler systems was an engineer and now he is hearing they are not. Now the Board wants to hire someone three quarters of the way through to get signed plans. Chairman Burrill stated that the Fire Marshall's Office directed us towards this engineer and that they would stand in for the Fire Chief.

Mr. Crnolic addressed the Board. He stated that in October of 2018 that a mistake was made. And now in 2021 we are still seeing the same mistakes being made. Selectman Gonyer stated that no one informed the Board that a fire inspector was needed.

Mr. Higgins stated that for the future, no town official should be a part of Town projects. Selectman Gonyer stated that is why we hired a Construction Manager to oversee the project. Mr. Higgins asked who oversees the Construction Manager. Chairman Burrill stated that he is probably correct, that they should have hired neutral parties. Selectman Gonyer stated the Board was unanimous in all decisions made about the project. Mr. Higgins stated that the Board made decisions without all the information. Selectman Gonyer stated the decisions made were based on the information the Board received.

Mr. Higgins asked if there are enough funds to complete the fire station including a certified area for the firefighter's gear. Selectman Gonyer stated that it is time for the Town to bring in a third party fire inspector to do a review of the building.

Chief Alcainho asked why not bring back Mr. Murphy and finish the project. Mr. Higgins stated he is not a fire inspector. Chairman Burrill stated he may be called upon later. He also stated that he now understands that the Fire Marshall cannot take jurisdiction and that a local person not tied to the town needs to be brought in.

Ms. Alice Dunn asked Selectmen Gonyer the reason the Board hired all these different people because you were not an expert on the subject. Yet you took one person's opinion and never followed through. Mr. Higgin stated that Selectman Gonyer never stated she was right. Selectman Gonyer never said the Board, or she was right. She stated that the Board made decisions based on the information provided. Ms. Dunn continued with the taxpayers are left having to foot the bill because the Board never followed through.

Mr. Higgins stated on November 5, 2019 the Town received from the State a check for about \$48,435.38. He wanted to know where that money went to. Town Administrator Wrigley stated that it went towards updating the town tax maps to digital.

Mr. Higgins asked if the vehicle exhaust system was tested per code. CM Pivero stated that the only test done was with Chief Alcadinho and himself for CO readings in the building. When and if the final checklist was done by Mr. Lemere and Mr. Jeff Murphy that should have been done then. CM Pivero was not involved in that testing.

Mr. Higgins asked if the Board is favor of spending the exact cost for the vehicle exhaust system. Selectman Gonyer stated that she is in favor of that.

Mr. Higgins asked if the Board is in favor of having an analysis done on the building for life expectancy. The building was designed for 30 years. He went on to state that since the building is still in construction, we should be looking at any future upgrades that might be incorporated now.

Chief Alcadinho stated that there was talk about the mezzanine and that some of it could be retrofitted.

Chairman Burrill stated that he is agreement with Selectman Gonyer about health and safety. Selectman Foote agrees with both.

Mr. Higgins stated that a full firefighter exam should be considered for next year's budget. The gear bags are not compliant either. The gear needs to be in a separate room. He stated he understands that there is no funding for these items. The Board invited him to send the information to them.

#### **B. EOC Update**

Mrs. Trisha McCarthy stated that FEMA will be reimbursing 100% of the grants applied for. The paperwork is being submitted.

The Town has 1-4 active cases. The School has 13 recovered.

The EOC is working on setting up a mobile vaccination site at Packer Meadows. Some paramedics are working with FEMA vaccination sites assisting with vaccine distribution.

On one of the State conferences calls, a Fire Chief asked why they need to continue to wear masks if they have all been vaccinated. The State responded that they can still pass the virus onto others. They should continue to social distance and wear masks.

There are no changes in the way contact tracing should be handled.

We have had some employees and volunteers test positive for the virus and had notified the EOC. However, there were 3 employees that did not report they had tested positive after the fact.

The EOC was awarded a \$7,500.00 grant for hazard mitigation.

Chairman Burrill announced that the State is holding a vaccine clinic at the NH Speedway this Saturday through Monday. Selectman Foote stated that it is still for those in Phase 1 and must call for an appointment.

#### **C. Transfer Station – New Trash Compactor**

Selectman Gonyer stated that she spoke with Transfer Station Manager Gagnon and he is working on getting quotes for hauling and installation a third compactor.

**D. FD – Town email addresses for employees**

Selectman Foote stated that some of the firefighters would like a Town email address. He stated that Chief Alcaldinho spoke with Secretary Morin who informed him of the cost which was relayed to the firefighters that it was too expensive.

Chairman Burrill stated that he does not believe every employee needs a town email address. Secretary Morin stated that the current cost per user per month for just email is \$5.00. She is looking into a more secure system for emails that could cost \$22.00 per user per month. She also expressed concern about how they would access the email. Would the Town need to supply a device to each employee to be able to access their email? Chairman Burrill stated that the Board needs to ask the department heads how many email addresses would be needed.

Mr. Dupre asked if the Town was under a contract because it seems to be a very expensive amount of money for an email address. He asked if there are other options available. Selectman Gonyer stated that this is the first time this has been brought up. The Board will need to research it further. Selectman Gonyer offered that if it is too expensive, the employee could open an email account such as Gmail for just town business. Mr. Dupre stated that the Board is not overseeing the way funds are spent. Selectman Gonyer stated that the Town is not issuing email addresses to every employee but to those that need it to do town business. There are pros and cons to issuing town emails that need to be considered such as addressing right to know requests. She went on to say that the Board does look at these costs.

**E. Tax Collector – 2021 yearly contract Sanders Search**

Selectman Gonyer stated that this contract is for title searches that take place when a tax bill is not paid. The cost for 2021 is \$800.00 which is based on a projection of 40 searches being done at \$20.00 per search. If 40 searches are not done the cost would be less.

Chairman Burrill asked why in 2020 the projected searches were for 28. Selectman Gonyer stated the number is based on the previous year's number of liens.

**Selectman Melvin moved to sign the 2021 contract with Sanders Search. Seconded by Selectman Foote with a unanimous vote.**

**F. BOS quorum for March 9, 2021 Town Elections**

Chairman Burrill asked each member if they will be available for the Town Elections. Both Selectman Foote and Melvin will be there for the entire time. Selectman Michaels will be there most of the day. Both Chairman Burrill and Selectman Gonyer will be available as well.

**III. Other Business**

**A. Manifest**

**Selectman Gonyer moved to sign vendor manifest dated March 2, 2021 in the amount of \$810,032.11 of which \$716,000.00 goes towards the March Sanborn Regional School District payment. Seconded by Selectman Melvin with a unanimous vote.**

**Selectman Gonyer moved to sign Cable vendor manifest dated March 2, 2021 in the amount of \$14,008.47. Seconded by Selectman Foote with a unanimous vote.**

**Selectman Gonyer moved to sign vendor manifest New Fire/Rescue Station dated March 2, 2021 in the amount of \$314.77. Seconded by Selectman Melvin with a unanimous vote.**



**Selectman Foote moved to sign payroll manifest pay period February 14 – 27, 2021 with a pay date of March 4, 2021. Seconded by Selectman Foote with a unanimous vote.**

**B. Veteran Tax Credit**

**Selectman Gonyer moved to sign Veteran's Tax Credit for tax map 8-2-17-33 starting tax year 2021. Seconded by Selectman Melvin with a unanimous vote.**

**C. Appointments**

**Selectman Gonyer moved to appoint Marilyn Landry for a 3-year term to the Cable Committee. Term to expire April 30, 2024. Seconded by Selectman Melvin with a unanimous vote.**

Selectman Melvin informed the Board that he has been asked to be on the State committee for the re-design of the intersection of Route 108, Maple Ave, and Amesbury Road.

Chairman Burrill reminded voters that the polls will be opened at 8:am-8:00pm March 9,2021. The polling place will be at the Fire/Rescue Station.

**IV. Approval of Minutes**

**Selectman Foote moved to accept the non-public and public meeting minutes dated February 9 and 16, 2021 as written. Seconded by Selectman Gonyer with a unanimous vote.**

**Resume Nonpublic Session under RSA 91-A:3 II (b) – Hiring Public Employee**

**Selectman Gonyer moved to go into non-public session a 10:09pm under RSA 91-A: 3 II (b) – Hiring Public Employee. Seconded by Selectman Foote with a unanimous roll call vote.**

**Selectman Gonyer moved to close the non-public session at 10:19pm. Seconded by Chairman Burrill with a unanimous roll call vote.**

**Selectman Gonyer moved that the Board just came out of a non-public session under RSA 91-A: 3 II (a) - Compensation and that they keep all matters discussed confidential until in the opinion of the majority of the Board the circumstances no longer apply. Seconded by Selectman Michaels with a unanimous vote.**

**V. Adjourn**

**Selectman Gonyer moved to adjourn at 10:19pm. Seconded by Selectman Michaels with a unanimous vote.**

Respectfully submitted,

Diane M. Morin  
Board of Selectmen Secretary