

**TOWN OF EFFINGHAM
BOARD OF SELECTMEN
MEETING MINUTES**

August 9, 2016

Selectmen present: Henry Spencer
Lawrence Edwards
Leonard Espie

Minutes transcribed by: Cheryle A. Feirick

The regular meeting was called to order at 5:00 pm.

The Mail, Manifest and Signature and Action Folder were reviewed.

Pledge of Allegiance

REVIEW AND APPROVE MINUTES and WEEKLY MANIFEST

The Board approved the minutes of the August 2 meeting and the weekly manifest in the amount of \$22,985.81. Selectman Spencer asked about a bill received from Stoney Ridge Environmental for \$264.00. Selectman Edwards explained Stoney Ridge Environmental had to go out and meet with the Army Corp of Engineers to determine which trees over a certain size needed to be cut down on the Stevens Road bridge project. Selectman Edwards was asked if a report was given to the Selectmen's Office; he didn't think so. He will call and have them send the report. Selectman Spencer reminded the Board members that all correspondence must come through the office. Selectman Edwards stated it was just telephone conversation he had with Cindy at Stoney Ridge Environmental.

PUBLIC COMMENT:

Selectman Spencer reviewed that he, John Duplinsky and Highway Contractor met on August 8. Resident John Duplinsky of 126 Simon Hill Road and Molly Philbrick Road spoke about a couple areas of drainage ditches that are now on his property. Selectman Spencer asked if there was a cutout there before the work was done last year, John's recollection was there were no cutouts there, only a pile of dirt after the road crew did some work last year. The pile of dirt did not extend beyond the stonewall; the pile of dirt was about where the stonewall is. It would be very difficult for a large amount of water to pass by the pile of dirt. Now there is a 35' ditch with riprap. There was no road drainage ditch to begin with and then the town had the road crew do this work. John stated the Town does not have his permission to run surface water across his property and the Town does not have his permission to have drainage ditches on his property. John referred to TITLE XX TRANSPORTATION Chapter 231-CITIES, TOWNS and VILLAGE DISTRICT HIGHWAYS- Repair of Highway by Towns Section 231:75 AND TITLE LV PRECEEDINGS IN SPECIAL CASES Chapter 539 WILFIL TRESPASS Section 539:4. He never received notices that this would be taking place, he is here looking for a solution. His position will not change. Selectman Edwards stated he hasn't seen the

ditches he is speaking of. Selectman Edwards stated the town did not put in any new ditches, it improved the runoffs that were there. He explained the ditches have been there for hundreds of years and the town can take the ditches by prescriptive easement and he said that prior to fixing Molly Philbrick Road. Selectman Edwards said if this should go into litigation we will take it by prescriptive easement, if they don't want to take it by prescriptive easement, then we should petition the town to close the road. Selectman Espie wasn't sure which ditches are being spoken of. He recalled the town did go by the advice of the Highway Contractor. It was mentioned the Board should have involved an Engineer to prior to doing this work on Molly Philbrick. After much discussion between the property owner and the Board, the Board scheduled a sitewalk on Thursday, August 11 @ 8:00 am. The Board members will meet at the Library and go to Molly Philbrick to do the sitewalk.

Tom Thompson mentioned that three weeks ago he brought this up to the Board. Tom explained there are two sites with 2x4s in them on Molly Philbrick Road that are not on Barbara's property. He doesn't understand how the board can just go along and confiscate property in this manner because it has been going on for hundreds of years. Tom said he looked at the site on his way here and there is one site that pitches uphill again and the ditch is below it. Selectman Spencer stated the Board needs to have this discussion on what they town will do in the future for taking runouts by prescriptive easement. Prescriptive Easements will be placed on next week's agenda.

PLANNED DISCUSSION WITH DEPARTMENT HEADS:

Highway Contactor met with the Board for his monthly report. Included in his report the grading is almost done, just a couple more roads; Contractor will contact Selectman Edwards when the grading is done to schedule calcium chloride application. The drainage issues on Champion Hill and School Street have been addressed. Cold patch has been placed on shoulder on Green Mountain Road near the Davis Farm. Selectman Spencer reported he received two compliments about the grading and calcium chloride following the grading; and also the application of calcium being done twice instead of once. Selectmen have been evaluating their own sections of roads they see some areas that need attention and this will be scheduled for September. Selectman Espie reported he received a complaint from resident about dust from blower going into resident's open windows.

PLANNED MEETING: None

SELECTMEN'S COMMENTS AND REPORTS:

Selectman Edwards has received an estimate from Limerick Steeple Jacks for \$990.00 to replace the roof on the portico. He will provide a copy to the Selectmen's office. The Town Administrator has obtained an estimate for about \$3600.00 for structural repair and roof replacement of the portico from Target New England. Claudia will obtain a written detailed estimate (including materials) to be used and where the repairs are needed from Target. Once the Selectmen's office receives the email from Target it will be forward to the Board.

Selectman Spencer reported on a conversation he had with resident Jennifer Murphy on Plantation Road. She has sent a request to the Board for approval to relocate post fencing out by 18" from the existing fencing that is there. Selectman Spencer explained if going by the existing stonewall her temporary markers are right in line with the stonewall. Selectman Spencer asked the other Board members to go out to the site and see the temporary markers. Selectman Espie asked if this is still for her animals; and does she know the snow has to go somewhere. This matter will be continued until next meeting.

After reviewing paving estimates for three sections of Green Mountain Road; it was agreed to go forward with Highwatch to West Range Road in 2017. Discussion came up re: a section of West Range Road and Ryefield Road. A question was asked to the Highway Contractor if the town spent a little more money and put better subsoil down would this make the road last longer? Bob stated he couldn't determine this without getting boring or test pits to find out what material is there currently.

The Town's Attorney sent out a letter to a non-compliant resident in the Historic District. Selectman Spencer asked Claudia if she has a direct email address to the Historic District Commission; Claudia will check on the address she has on record. Henry gave kudos to the Historic District for doing an entire update of the Historic District regulations, they did a remarkable job. Also, Eric Potter has officially retired from the Historic District Commission.

Selectman Spencer did speak to the Fire Chief about the public nuisance on Steven's Road and Henry still needs to get out. The branches obstructing the stop sign at Ryefield and Route 25 have been taken care of by Selectman Spencer.

Estimates from Mr. Plante-Modular Building Co. have not been received by the town; Selectman Spencer will follow through with another call.

Selectman Edwards stated Michie Corp. still has not come out to look at Snow Road, he will reach out to them again. Selectman Edwards reported the transfer station wall and walkway at the Municipal Building are to be done once the grading is complete. The highway contractor will take care of the grate on School Street near the Old Thurston Homestead.

Crack sealing was completed at Highwatch. The second pallet will be done starting at the end of Winter Road towards Route 25 as far as the pallet will go. Selectman Edwards spoke to Ben today and a specific date wasn't given to start; Selectman Spencer asked to see if they can get it done by the middle of August. Selectman Edwards hasn't received an estimate on maintenance for the Elm Street Bridge. He did say all four beams at the end of the expansive joints need attention. He will follow up on this for next week. Selectman Spencer suggested the contractor understands that DES will need to be contacted since they will be working around water. It was expressed on the importance of getting this estimate just in case the job needs to be put out to bid.

Selectman Espie reported Randy cut back the branches around the shed, now the fascia need replacing. He reported there is rot around the frame of the back door and the back door at (Board room). Selectman Espie will look into the price for a new door and said they won't need to buy a lock set.

OLD BUSINESS:

Selectman Spencer was at the closing for the Wilkinson Swamp Property this afternoon, he delivered the check to Claudia.

According to the Town's Attorney the minutes need to be placed in the book. Selectman Spencer brought up for discussion the July 19th non-public minutes. It was expressed by Selectman Edwards that he understands what the Attorney said but doesn't agree with the minutes and cannot sign them. Claudia stated it doesn't matter if they are signed or not they are public record; at this point there are two signatures on them. Selectman Espie asked if they can correct the minutes; one can stipulate the minutes of the July 19 meeting was incorrectly entered into non-public, but was discussed at the meeting is correct. They will go into the book as a non-accepted draft.

Selectman Spencer referenced a conversation he had with Mellisa Seamans about extensive letter she wrote to the Board. All three Selectmen individually received a copy and the office received one. The letter didn't request for any action to be taken by the Selectmen she agreed with that. She didn't have any reason to have any discussion about that letter; she didn't feel that there was any purpose. Selectman Spencer is going to go by her wishes. The office has a copy if any one comes in to see it, the letter was never was part of the public record. Selectman Edwards wants to have a discussion with Mellisa Seamans before he makes a decision.

There was a request made by Mellisa Seamans of a sentence on the Board's July 5, 2016 minutes. The minutes referenced a sentence that Mellisa stated she did not make. You can not physically change minutes in the book but the Board can attach a change to the July 5th minutes referencing this meeting and what action took place.

Selectman Spencer will make a motion to strike this sentence from the July 5th minutes. Motion was made by Selectman Spencer, seconded by Selectman Espie with no further discussion, vote taken, all approved and document was signed.

Selectman Espie stated no finalization was made to sell the old fire truck @ transfer station. Town Administrator will consult with Town's Attorney on whether we need a town vote to sell. The Board will need to come up with a sale figure. Selectman Espie reminded the Board last week they spoke on students doing Community Service in town. Claudia stated that when she contacted the Liability Carrier, they said that we need to have a purpose. See if the student is insured by the school program first, Selectman Espie asked how do we cover the volunteers who do roadside cleanup? Claudia had not answer but will look into.

Paul Bartowicz spoke on two different programs the High School has for students when it comes to volunteer hours. They are Gold/Silver and Helping Hands. Paul suggested the Guidance Counselors be contacted for specifics. Selectman Espie will contact the Guidance office.

Selectman Edwards brought up the painting the Library building. He stated the drainage at the Library needs to be done prior to the painting. Discussion took place between the Board and Dig N Doze. The propane line will need to go deeper since the grading of the parking lot will be taken down. The draft plan isn't very clear from Bergeron Technical. Henry will contact Bergeron Technical for a more detailed plan.

Town Administrator brought to the Board's attention a letter submitted by Tom Thompson from NHMA. The letter is requesting any proposal the Board would like to submit for the legislative floor.

NEW BUSINESS: none

PUBLIC COMMENT:

Paul Bartowicz asked the Board if there is any crack sealing material leftover is there a possibility that the section from Elm Street to Ryefield be done. If not will the Board consider doing that area next year? Paul asked what the plans for the Hutchins Pond Road Bridge are. Several board members stated, there haven't been any discussions on Hutchins. The Board is currently working on Steven's Road, Granite Road and Snow Road. Paul recommended the Board have some rough numbers for the budget committee.

Tom Hart commented on a first response that came from the Select table, we'll take your property then, just like I said I wanted to. This remark was made when a property owner brought up his concerns. Selectman Spencer stated the remark was made by one Selectman, not a decision made by the Select Board.

Maureen Spencer, Welfare Officer reminded everyone now is the time to apply for fuel assistance with Tri-Cap. Also, it has come to her attention there are people in the community that need all kinds of assistance but don't want to come to her office. She asked the Town's people share the site NHEASY.NH.GOV with those needed parties. The site will walk you through inquiring for assistance and help with filing for assistance. The individual(s) don't need to see her, they can apply right online. Maureen stated NH Public Radio has been doing segments each week on homelessness for the public's viewing and if you know of anyone from the Military that need assistance she has a lot of information for them. Also, there is a opioid crisis in our Town-there is assistance out there, any information Maureen spoke about is available at the front of this office, Library and Police Station. Maureen will contact the Conway Sun Reporter to have this information placed in his article and on the Town's website.

NON-PUBLIC IF NEEDED PER (RSA 91-A:3, II (c-e)): Vendor and Legal Council

Roll call vote was taken to go into non-public at 7:10 pm: Selectman Spencer-I,
Selectman Espie-I and Selectman Edwards-I.

WEEKLY DISCUSSION BY THE BOARD OF SELECTMEN: None

Adjourned @ 8:05pm

Henry Spencer

Date

Lawrence Edwards

Leonard Espie