

**Town of Effingham
Board of Selectmen
Meeting Minutes**

March 13, 2017

Selectmen present: Henry Spencer
 Lawrence Edwards
 Leonard Espie
Minutes transcribed by: Cheryle A. Feirick

The Regular meeting was called to order at 5:00pm

The Mail, Manifest, Signature and Action Folder were reviewed

Pledge of Allegiance

REVIEW AND APPROVE MINUTES AND WEEKLY MANIFEST:

The board approved the regular and non-public minutes of March 2017. Manifest was approved in the amount of \$266,417.49 this includes a school payment.

PUBLIC COMMENT:

Irene Riordan asked if the town's computers had in fact been hacked and if DRA was notified; it was explained the town's word documents were encrypted (held for ransom). The town did not pay any ransom to get their documents back in order. Selectman Spencer was asked why the remaining board members were not notified of this; he explained when he was made aware of the situation, it had already been taken care of.

Jory Augenti referenced a mailing that was sent out to residents from John Meisner who is running for Selectman; Jory expressed he feels John is slamming the board of Selectmen in his statements. He stated this document is not completely factual. Jory also spoke on the court's ruling that was denied and the court chastising the board for not following what the town's people voted for in warrants. He referenced the legal costs involved for the injunction and cost to add jersey barriers to Steven Road bridge because it was not done last year. Jory reiterated he is standing up for the board.

Michael Cahalane spoke on the court case being dismissed due to standing and that it can be filed for reconsideration. He said whether or not this is over, is to be decided. He brought up not understanding why the board won't wait to see what will happen with the procurement ordinance; especially for what has been spent to date on Snow Road, the contracted amount of \$14,100.00 for Engineering services and the cost per hour if other services need to be done.

Erik Jones asked again if and when the Procurement Ordinance will be on the website; the Town Administrator responded once she has completed editing spelling errors and redundancies.

PLANNED DISCUSSION WITH DEPARTMENT HEADS: None

SELECTMEN'S COMMENTS AND REPORTS:

Selectman Spencer reported on the two court cases; Camp Marist's rehearing was denied by the superior court, if they choose their case could be present to Supreme Court and the injunction's case was decided not in favor of the Plaintiff.

Reappointment to the Historic District Commission request was made by Elaine Chick in writing to the board for another three year term. Selectman Spencer motioned to reappoint, Selectman Espie seconded, no discussion and vote was carried.

An upcoming meeting on March 16 with the School District's Financial Board to discuss the details of the school tax formula was mentioned by Selectman Spencer. Selectman Espie stated the Town Administrator asked for a response from the board last week, no response was given; so she canceled it for the time being.

Town voting schedule has changed from two selectmen splitting the day to both Selectman Spencer and Espie being there all day; this is required.

Block grants: Selectman Spencer talked about these grants being awarded each year and would require feasibility studies be done to determine where the needs are, ie. replacing windows at the library. These grants are awarded at 50% match; more research will be done after town meeting.

Signs for Stevens Road: were picked up by John Meisner from the state prison in Concord and put up by Selectman Edwards.

Jersey barriers on Stevens Road: Selectman Spencer reported speaking to Evans Bros. about putting the barriers back to the original location; he was told once the line of ice is gone they will be moved. It was stated with the equipment they have, there is no reason why the ice has to be gone to be moved. Selectman Edwards expressed they be moved now, it has been going on long enough. He proposed the town hire Dig N Doze to move them and send the bill to Evans Bros.

Procurement Ordinance: It was asked by the board if the Selectmen's office contacted the Town's Attorney on making changes from the public hearing; they were informed no direction came from the board to contact the attorney and only the Town Administrator had received of these notes. Selectman Spencer spoke with the Town's Administrator, she stated she did not receive notes from the board or to forward them to the Attorney. Selectman Edwards said he called and spoke to the town's attorney about the article in the town report noted as a policy, not ordinance. The Attorney's response was this change can be done on the floor of town meeting. He also spoke to a Municipal Attorney and she said it doesn't matter either way.

Budget vs. actual: Selectman Edwards noted after reviewing the report he questioned over runs on software support in several departments; he is looking for further clarification. Selectman Spencer made note of these overruns and will have the answers for the board's next meeting.

Precast for Stevens Road: Selectman Edwards reported speaking with Michie Corp. today to get an idea of their schedule for precast; he reported if they signed up today it would be ready in June. If the town waits much longer, we will be in the same situation we were in last year. Selectman Edwards motioned on proceeding with the precast, seconded by Selectman Espie and discussion followed. Selectman Spencer feels if they were to proceed with the precast, then the understanding is the installation and engineering would be put out to bid. Selectman Edwards read a letter from the town's attorney on proceeding with the precast. After continued discussion, the board voted to proceed with the precast, Selectman Edwards and Espie voted, aye and Selectman Spencer voted to abstain for reasons given; the vote carried.

Injunction ruling: Selectman Edwards asked how come the office received notice from the Town's Attorney and the board was never notified or sent a copy before today's meeting; Selectman Spencer stated it had been sent to the office by the town's attorney in between meetings; business is being done today and copies of both cases were in the action folder today. Selectman Edwards received copies from the Town's Attorney. He stated he found this out on face book; is this how the Selectmen should find things out, instead of from their office. Selectman Edwards signed the Eckman Engineering contract,

Selectman Spencer will not sign. Selectmen Spencer asked if the town's attorney had a chance to review the contract.

Test boring statements: Selectman Edwards stated he received statements by email from Eckman Engineering for the test borings that were done; Eckman Engineering's charges were \$847.50 and \$1963.20 for New England Test Borings. Copies of these statements were given to the Selectmen's office.

DRA meeting: Selectman Edwards said he heard through the grapevine the Selectmen had a meeting with DRA; it was clarified the office staff met with DRA on routine items and this goes on throughout the year.

Town Elections: Selectman Edwards suggested to the board they reschedule voting for tomorrow because of the storm; he was told it is not the board's decision to make. State Rep. Ed Comeau informed the board the actual date of election cannot be rescheduled based on a statute, there are not snow days. Erik Jones reiterated the postponement of the elections is the Moderator's responsibility. Vickie Kirkwood asked if there had been a postponement how would the residents be notified; most likely an announcement would be put on the town's website. Other questions should be directed to the Town Clerk's office for more specifics.

Transfer station leak: Resident Tom Hart checked out the leak and found the shut off valve was cracked. A new shut off valve was purchased and replaced.

PUBLIC COMMENT:

Linda Edwards asked who will be responsible to call Michie Corp. regarding the ordering of the precast; Selectman Edwards said he will call them tomorrow morning. Linda also asked if there was payment due; Selectman Spencer stated a deposit had been made and he is not aware of what the payment schedule is.

Jory Augenti asked Selectman Espie if he is going to sign the contract for Eckman Engineering; he did sign the contract and the Selectmen's office will forward it by email to Eckman Engineering.

Michael Cahalane spoke on there being no actual plans out there for the Snow Road bridge and it is unfortunate the board won't put these items out for competitive bidding. Michael asked if Selectman Edwards was questioning the Town's Attorney or the Selectmen's staff on the timing of notification on the courts' ruling; Michael explained he was notified by the Town's Attorney and the judgment was sent from the court to the Attorney's office not to the selectmen office. The Selectmen would have been notified by the attorney.

Jory spoke about four culverts priced out for the Stevens Road bridge and the board chose the lowest proposal.

John Meisner stated advice from the Municipal Attorney is informational only; the Town's Attorney must be consulted for finalization. John also read the last paragraph of the court's ruling. John asked what wrong doing is he being accused of when he was a Selectman; Town House Road reconstruction was mentioned and he explained the paving was put out to bid; dirt work has always been done by the road contractor.

WEEKLY DISUCSSION BY THE BOARD OF SELECTMEN- warrant article questions/answers
NON-PUBLIC IF NEEDED PER (RSA 91-A:3II (a-e))-none

ADJOURNMENT: 6:50 pm

Henry Spencer

Date

Lawrence Edwards

Leonard Espie