

BOARD OF SELECTMEN
2023

December 11, 2023,

MEMORIAL BUILDING

4:30 P.M.

The following are to be considered draft minutes only until approved by the Board at their next meeting.

Selectmen Present: Poul Heilmann, Chair; Amy Lewis, Vice Chair; Don Hill

Others: Tim Hayes, Road Agent; Chief Zullo; Iam MacMillan, FD Representative; Keith Cutting; Steve Dzubak

Zoning/Health Officer Report:

REPORT from ZONING COORDINATOR -- Board of Selectmen – Monday, December 11, 2023

Application for Zoning Permit – APPROVED

Barker, Steve and Sally, 123 Colby Hill Rd., application for a 709 SF roof-mounted solar array, engineering report submitted, appropriate fee paid, meets zoning ordinance.

Application for Zoning Permit- HELD PENDING APPROVAL

Iyengar, Arjun and Mishra, Suvana, 114 Philbrick Hill Rd., application for 34' x 28' attached, two-car garage plus 952 SF of additional living space including master bedroom and bathroom.

Residence currently is a three-bedroom home (tax card) with a State approved ISDS for three- bedroom home (NHDES subsurface div. records). The proposed addition would seemingly add a fourth bedroom. Currently awaiting response from owner whether this will be a four-bedroom home after renovations. If so, the ISDS would need re-design and expansion.

Other Business

1. Review proposed amendments to Zoning Ordinance prepared by Atty Johnston
2. Attend Zoning Board of Adjustment meeting 12/5
3. Review Large Community Production Well, Preliminary Well Siting Report and Pumping Test Proposal for the Village District of Eastman, dated 11/29/23, submitted for approval.

REPORT from HEALTH OFFICER -- Board of Selectmen – Monday, November 27, 2023.

No new business to report.

Respectfully submitted,
Tim Bray
Zoning Coordinator / Heath Officer

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Don sent an email to Tim Bray informing him of work being done on his road, Nichols Hill Road, and wondered if a permit had been submitted for that work. Tim Bray stated there is no permit on file. Don stated it appears now it is a septic replacement and wondered if a permit was required for that. Tim informed him yes a permit is required, unless it is the exact same size and the homeowner is doing the work. Don is unaware if it is the same size but the homeowner is not doing the work. Also, it is to be inspected before being covered up and Don thinks they are ready to move the equipment out. Poul stated there needs to be a follow-up with the Health Officer; Tim Bray needs to go up and find out what has been happening. Poul stated the town is very dependent on people doing the right thing and finding out if they need permits. Poul is wondering if fines need to be placed in situations where work is being done when not permitted. Tamara stated the after-the-fact fee is already in place; she is unaware if this is related to driveway and septic permits as well.

There was some discussion of a driveway that has already been partially done without an approved driveway permit. Poul said this raises the question of whether we should be more penalty-driven for after-the-fact permits. Amy suggested a fine per day, beginning when work is noticed and/or reported to the town. Tim Hayes asked when the fine per day would cease; when the permit is submitted or when it is approved. After some discussion, the Board agreed this is a good discussion to have with the Planning Board. Poul will consult with Planning about permit fees and possible penalties at their next meeting. Keith pointed out that the only thing to consider is how it will be enforced as these are not criminal acts. Poul stated these would be civil matters, to which Amy added it is important to set a precedent that we will enforce the fines. Enforcement will be part of the consultation with the Planning Board. Don will talk to Tim Bray about the non-permitted septic.

Minutes of November 27, 2023:

Page 4:

Tamara added the cascade ~~stuff~~ equipment the Fire Department put on be declined due to unreasonably low bid.

Page 5:

Attorney Johnston provided quite a bit of feedback on the revised Bylaws.

Page 7:

A stage three E-bike is ~~not~~ ridden only where permitted and only if the local jurisdiction says it's ok; it is essentially a motor vehicle.

The RFP for the solar array installation is on the website.

Amy made a motion to accept the minutes of November 27th as amended. The motion was seconded by Don. Amy, Don and Poul voted in favor of the motion.

Unfinished Business:

Energy RFP - Tamara informed the Board that one walk-through was done at the highway garage. Steve Dzubak contacted ten companies. Out of those ten, only one is currently

interested in giving a bid. Steve feels we may end up with one or two bids, which is disappointing, but the market has changed in the last two years pretty significantly.

New Business:

Budget Discussion:

- i. Fire – Ian MacMillan presented the proposed Fire Department budget. The only significant change over last year is under Fire Vehicle Repairs. This is due to Engine 3 needing a new exhaust system next year; the estimated cost is approximately \$10,000. Ian went through the individual lines of the budget with the Board explaining increases or decreases in the lines. Many of the increases are just due to inflation. The Board thanked the fire department members for all their efforts during the year to do some of the equipment repairs themselves, as it does make a difference. The overall proposed FD budget reflects a 3.5% increase over the 2023 budget. Amy asked that once the pagers are ordered and as many 2023 charges are charged to the budget Ian to take another look at the FD proposed budget and make sure it is still in line with what is being proposed. Ian will take care of that.

Ian stated the new truck has arrived and should be in service within a few weeks. Santa rode in on the new truck on Saturday. He believes the old fire truck will go up for auction, Kevin Roberts is handling that. There may already be some interested parties when it does go to auction, so there is some value there.

- ii. Police – Chief Zullo presented the proposed budget for the Police Department. The proposed budget is slightly down from last year's budget. The line is being kept open for the part-time position. There were recruitment efforts throughout this year that didn't work out. Chief Zullo and Sgt. Julian are doing fine, keeping things steady. A new line has been added for prosecution expenses. The Sullivan County Attorney's office is offering up prosecution services for towns now, which will substantially help the police department in many ways. This will be a big time saver for the department. The dollar amount in the line is a placeholder, but the attorney's office hope that they will be able to do it county-wide for free. At this point that can't be guaranteed, as they are a fiscal year budget. However, for the first half of the year the attorney's office will provide this service to Springfield for free.

Chief Zullo reviewed the lines of his proposed budget explaining the increases and decreases. Amy asked what was happening with the Explorer. Chief Zullo stated that is a 2016 and most departments are on a five or six-year-long rotation. The cruiser is well past it's life expectancy and has had a fair amount of issues this year. A new cruiser will be around \$60,000, completely outfitted. Poul stated there will be further discussion on the possibility of purchasing the cruiser under this year's budget. Amy asked why the change from the plan of a Dodge Ram last year to a Durango this year.

Chief Zullo explained that was when they were considering a third full-time officer and third cruiser. They also considered the increase in costs for a new cruiser.

- iii. Highway – Tim Hayes, Road Agent, reviewed his proposed budget. The overall budget has decreased by roughly \$29,000 and Tim is confident with what is being proposed. Tim went through his budget explaining the increases and decreases. Tim plans to replace all the culverts on Hogg Hill and the costs of the culverts has doubled. Signage was increased quite a bit as Tim plans to replace a majority of the signs in town to bring them up to DOT standards; most are not reflective, and some are damaged or missing. Another significant increase was the gravel line so Tim can have a stockpile and do the roads the way they need to be done. A surplus of gravel is needed in case we have another spring. Tim explained that paving was decreased to \$100,000 versus \$138,000 last year. Tim will break out the paving over two years to assure the roads get done properly. Next year he will ask for another \$100,000 and will be able to do all of Sanborn Hill Road. Tim hopes to be able to do paving in April rather than the fall as the expense may be lower. Tim's focus in 2024 will be to get the roads ready for paving.

Tim is comfortable with the budget he is proposing. Poul reviewed some of the purchases and asked how his communications were. Tim said his radios are fairly new and won't have to do anything with those for years. Tim does need to contact Hanover Dispatch and have their radios tuned in to Dispatch; he believes that is a free service.

Steve Dzubak asked about the discussion a while back about replacing the grader and possibly purchasing a truck; wondering where that fell in the budget. Tim stated that would be dealt with in the CIP. Tim pointed out that he decided to skip the new truck this year as the police department needs a new cruiser. Regarding the grader, that will be a long discussion. But Tim hopes to put off doing anything with the grader for three to four years. Tim is also exploring other options, like grants, regarding the grader. Don stated this will be heavily discussed every year until such time it gets replaced.

Amy asked how Cody was working out. Tim stated he couldn't have picked a better person. Jim Yager, the new part-time seasonal help, will be working 20 hours a week. Tim has plenty of work to keep him busy, and he'll be in for storms. Tim stated that Warren's wages in the summer need to be taken mostly from the cemetery budget and they haven't been. Jill pointed out that the hours need to be broken out on his timecard so they can be applied properly. Amy asked if Tim would look to rehire Jim again next winter. Tim stated it's possible, but he still wants to look into a full-time position. Tim stated this is all new to him and he is figuring it all out as it comes. The Board pointed out Tim is doing a great job. Don stated he is an advocate

of having people hired to do particular jobs, only because when we had a third person who was mowing sometimes it just didn't work; things get busy and the mowing didn't get done. When you have one person who does the landscaping and that's all they do it always gets done. The town has been very fortunate and continues to be fortunate with Tim in the seat. Tim stated the mowing is full-time – part-time, so it shouldn't take all week to get done. Tim could use that extra person to do the mowing and then he could pick one or two days a week to get projects done. Don pointed out we have landscaping companies in town and neighboring towns. Tim dealt with that in Sutton, where he is a cemetery commissioner. They contract out to mow the cemeteries; he is now at \$20,000 per year to mow three times.

Poul asked Ian MacMillan if anything would be needed for the EMP (Emergency Management Plan) in 2024. We have a line item for \$500, but that is it. Ian stated we've got the grant which is a \$10,000 grant, \$9500 is covered and it's \$500 in kind. Ian can't think of anything else coming up as an expense. The EMP does need to be redone; Ian received a list of approved contractors but hasn't done anything on that yet. Amy asked, with Pete Lacaille gone, who's got, or do you need somebody with, the NIMS certification? Ian will have to look into that. Ian stated he had a conversation with Pete last week and he is doing good and does plan to be back.

Poul asked what the next steps are on the Bylaws for the Fire Department. Ian stated that based on the comments from the first draft, they significantly redid a few areas of the Bylaws.

Everyone seems to be pleased with the draft of the updated Bylaws. The process has been going very smoothly. They need to review the attorney's comments on the changes that were made to the first draft and are hoping to do the reading of the Bylaws tomorrow and then vote on them at the January meeting and move forward from there. Amy added it is good to see the community feel coming back to the department. Ian stated it was a challenge, but feels they are coming out of it a better department.

Ian explained there is too much on the Chief right now, the Chief is the head of the department. Written in the new Bylaws the department will elect a president to handle the administrative end of things so not everything falls on the Chief. The president will appoint an advisory board. The advisory would be involved if someone were going to be suspended, disciplined, etcetera; they would handle the situation. Ian reviewed some of the specific roles of the officers and advisory committee.

Ian informed the Board the SOGs (Standard Operating Guidelines) are in the process of being revised and they will support the Bylaws. Amy asked how they will keep track of who's received the guidelines. Ian stated a copy will be available that everyone in the department can access; as well as everyone receiving an electronic copy. Tamara suggested a signature or electronic signature just showing they've received the document. Ian stated there is a sheet at the end of the Bylaws that members will sign showing they've received them, so they can certainly do that for the SOGs as well. The SOGs can also be reviewed during training meetings.

Poul asked if the change in Bylaws needs to be a warrant article. Amy explained it only needs to be a warrant if there is a change in the overall governance of the department. The department is in line to amend and vote into play new Bylaws. If the department wanted the Selectboard to take more of a disciplinary role then that would have to be a warrant article. The department doesn't seem to be going that way at this time, they feel confident they can handle any discipline in-house. If it went any further the Board would then get involved as the impartial observers.

The Board is here to support the Fire Department. Ian added the Board has been tremendous in everything that has gone on and thanked the Board for all their support. It's been a tough process, but Ian feels the department is in a much better place than it was. Tamara asked what the term of the president and advisory committee will be; it will be one year for each as the current president will appoint the advisory committee.

Keith Cutting stated under the statutes the Selectboard appoints the Fire Chief, if that is the governance that we follow, or are we under the old Fire Ward system? Ian is unaware of what the town ordinance is; the members of the fire department elect the officers. Keith explained how he understood the Fire Department function to be. If a Fire Ward system is in place you elect three fire wards at town meeting, and they meet and appoint the Fire Chief. The other organizational structure is that the Selectboard appoints the Fire Chief. Ian stated there is no firefighters association, the department itself elects its officers. Ian added if the form of governance states the officers needs to be appointed, his recommendation to the Selectboard would be that they appoint the officers that are elected by the members of the department unless they have an objection. Keith's opinion is that is what legally needs to happen based on his experiences, Ian is not sure that is true.

There was further discussion on the role of Chief, Captain, and Lieutenant and how those individuals obtain their authority. Don thanked Keith for bringing this matter up. Amy stated the SOGs must have one in play that in the absence of the fire Chief the authority goes to the Deputy Chief and so on; there is a clear chain of command, Ian verified that is correct. Keith interprets this as the Board giving up their authority to the members of the fire department. Amy stated they are not so much giving up authority, they are allowing a qualified Fire Chief to do what needs to be done in a situation that calls for it. Keith wants to know what qualifies the Chief; The Board does. Amy stated it is simple to ratify the elected Fire Chief that the fire company puts forth. In an area of discrepancy, let's say the department puts forward a recommendation for a Fire Chief, the Selectboard doesn't agree and doesn't ratify that person, whose authority takes precedence. The Board stated the department would have to vote again as the Board's decision takes precedence.

Ian thinks if things go about in the way where the department goes through the election process and then presents the slate of officers to the Board and with their approval they get certified as the Board of Fire Officers that should cover everything. Amy feels going forward the department has the right procedures and guidelines in place and will be in a better place. There is now a good working structure on how it should go from here.

Board and Department Updates:

- a. Agricultural Commission – Will be meeting on Wednesday.
- b. Buildings & Grounds – No update.
- c. Cemetery – Will be meeting tomorrow.
- d. Conservation Committee – Erin Meding is the new chair of the committee.
- e. Energy Committee – No further updates.
- f. Fire Department – No further updates.
- g. Highway Department – No further updates.
- h. Library – The budget is being worked on.
- i. Planning Board – Will be meeting next Thursday.
- j. Police Department – No further updates.
- k. Recreation Committee – About twenty kids arrived to see Santa this past Saturday. Jessalyn and Alison did a great job with the meetinghouse. The craft fair was a big success and plan to do things in a similar way next year. They had about 300 shoppers attend. Don added that the lift management during the craft fair went very well. This needs to be continued, particularly in an event situation like that where there is so much opportunity for something to go wrong. Ian pointed out that he works for an elevator company, and he had what was needed if anything had happened. Recreation is going to request at least the \$2000 for next year's budget. They still have some of the \$1800 left over but they have some events planned for 2024 and want to be sure they have sufficient funds for their desired events.

Tim Fraser is applying for a type of liquor license that will allow him to do little tasting tables at fairs. He will be asking the Board for permission, should we have another Family Fun Day, for Protectworth to set up a tasting table. For years the policy has been absolutely no alcohol on town property with the exception of the 250th beer tasting. Times are changing and there needs to be some procedures set up at some point, but it doesn't happen fast. There will need to be some research to make this process easy and clear.

- l. ZBA – 25 Woodcrest would like to use the apartment above the garage as an Airbnb. That is going to Planning with the Zoning Boards approval.
- m. Tamara received information on replacing the copier as our lease is ending. Pierre met Gardner at the cemetery and the survey will be roughly \$2500. The fire truck has license plates. Tamara shared that in researching something else for Mr. Jacques she found in 1971, written in the town report, the highway equipment account was listed under a Capital Reserve Fund. Tamara must do further research to determine if it's still active or if it was dissolved.

Correspondence/Signatures:

None.

Miscellaneous:

There was a good website meeting, made some progress. The next meeting is in January.

Steve Dzubak stated there should be a discussion to figure out a more efficient filing system for the town properties. Tanner brought up at the ZBA that it would be nice to have a folder for each property. The problem is the alphabetical system was used by homeowner so all prior special exceptions, variances, etc. are buried in a way they can't be found in a timely manner. There was some discussion on how this system could be corrected along with digitizing all the records. This will be a major project to investigate, possibly for next year.

The Board scheduled a work session to review the Health Insurance policy on Tuesday, December 19th at 5pm.

Meeting adjourned at 6:47 p.m.

Jill Hastings

Deputy Administrative Assistant