DRAFT, SUBJECT TO REVIEW, CORRECTION AND APPROVAL

DUNBARTON BOARD OF SELECTMEN (BoS)
MINUTES OF MEETING
Thursday, March 22nd, 2018
TOWN OFFICES 7:00 PM

Dunbarton Board of Selectmen held their scheduled regular meeting of the Board of Selectmen at the above time, date and place with Mike Kaminski, Chairman, presiding.

The following Board Members were present:

Mike Kaminski, Chairman
Robert “Bob” Martel, Vice-Chairman
David Nault, Selectman
Line Comeau, Town Administrator, acting as recording secretary.

Members of Boards/Committees & Town Officials:

Linda Landry, Town Clerk
Kerri Lavoie, Deputy Town Clerk
Jeff Trexler, School Board
Clem Madden, School Board
Heather Lalla, School Board
Jarrett Dunkin, School Board
Mark Antonia, School Construction Committee
Dan Sklut, Police Chief
Christopher Remillard, Sergeant DPD
Ken Swayze, Planning Board Chairman
Brian Pike, Planning Board member
Judy Stone, Cemetery Trustee
Don Larsen, Cemetery Trustee, Chairman
Jeff Crosby, Road Agent
Patrick Bowne, Transfer Station Supervisor (arrived 8:30pm)

Leo Martel, Historical Awareness

Members of the Public:

Mike Guiney
Justin & Shelby Nault

It is noted for the record that Leo Martel was videotaping the regular Selectmen meeting.

Mike Kaminski, Chairman, called the regular Board of Selectmen (BoS) meeting to order at 7:00 PM with the full Board present. Mike Kaminski stated that Line Comeau would be recording the minutes.
OLD BUSINESS:

Approve the regular meeting minutes from March 15th, 2018.

MOTION:

Robert Martel made a motion to approve the regular meeting minutes of, March 15th, as amended. Dave Nault seconded the motion.

DISCUSSION: None

VOTE: (3-0)

Approve the (2) non-public minutes from March 15th, 2018.

MOTION:

Dave Nault made a motion to approve the non-public meeting minutes of, March 15th, form 7:53pm. Robert Martel seconded the motion.

DISCUSSION: None

VOTE: (3-0)

MOTION:

Dave Nault made a motion to approve the non-public meeting minutes of, March 15th, from 8:15pm. Robert Martel seconded the motion.

DISCUSSION: None

VOTE: (3-0)

PUBLIC COMMENT:

Linda Landry stated that she would like to introduce her new Deputy Town Clerk, Karrie Lavoie.

Christopher Remillard stated that he brought in flyers for Board on the departments upcoming events; Stop the Bleed; the Drug Take Back; and the Bicycle Rodeo.

No other public comment.

Town Clerk, discussion for Clerk department support
Linda explained to the Board that because Kerri would not be able to cover for her for a minimum of a month until she is certified by the State. She contacted the former deputy, Gary Maccubbin for possible counter clerk coverage. Linda asked the Board, if they had any objections.

The Board consensus was that Linda could do this if she stays within her budget.

Linda Landry stated that the appointment slips for this year’s Hogg Reeves were ready for the Board to sign.

Linda Landry also stated that the appointments to the Theatre Restoration were ready for signature and asked the BOS to correct the date as the appointees were approved at last week’s meeting.

**Mike Guiney, resident of Kelsea Road**

David Nault recused himself on the subject and sat with the public.

Mike Guiney stated after last week’s storm, asked the Board why Kelsea Road had not been plowed. Mike stated that the town had all day to plow but when he returned at 4pm the road had not been plowed as it is normally done. Mike claimed that after viewing all the other dirt roads, felt Kelsea Road had not been done the same.

Jeff Crosby, Road Agent replied to the question. Jeff asked for clarification on Mike Guiney’s comment of Kelsea Road not being plowed. Mike Guiney replied that it had been plowed, but not at the level of the other town roads.

Jeff Crosby explained the process of plowing the dirt roads, turnaround and other maintenance.

Mike Kaminski stated to Mike Guiney that he understood and did not want to dismiss his concerns so the Road Agent could address his concerns.

Dave Nault stated that the storm occurred on the day of voting going all day long. Dave replied that he left at 4:30pm to plow the road at approximately 5pm to open it up for people before they got home.

Mike Guiney stated that he felt the road was not opened until after Wednesday afternoon.

There was further discussion on the two-day storm.

Bob Martel stated that this problem will probably be resolved by next winter, all parties agreed.

Dave Nault returned to the table as an acting Board member at 7:14pm.

**Hogg Reeves.**
Dave Nault acknowledged one of the two new Hogg Reeve couples, Justin & Shelby Nault. Dave Nault stated that as the new Hogg Reeves, the tradition is that the Hogg Reeves are responsible for collecting the cows and swine that get loose throughout the town, and place them in the Town Pound.

The Board consensus was that because the Pound was overgrown with brush, it was suggested that the new appointees help with the of clean up the Town Pound. Dave Nault gave Justin a copy of the history of the Town Pound to Justin. Michael Kaminski stated that the cleanup would only involve two to three hours at the most.

**Cemetery Trustee Appointment**

Don Larsen, Chairman of the Cemetery Trustees and Judy Stone, Trustee member. Don Larsen made a recommendation to the Board to appoint Justin Nault as a Cemetery Trustee for a three-year term.

**MOTION:**

Robert Martel made a motion to appoint Justin Nault as a Cemetery Trustee. Michael Kaminski seconded the motion.

**VOTE:** (3-0)

The Board signed the appoint paper for the new Cemetery Trustee.

**Ken Swayze Planning Board Chairman recommendation to the Board for the Dunbarton Elementary School Building Project.**

Michael Kaminski asked Ken Swayze for a summary of the motion proposed by the Planning Board.

Ken Swayze stated that the Planning Board had met on the previous evening. The Planning Board had voted unanimously to allow the School Board to start work via a limited permit. A copy of the Motion of the Planning Board was provided to the Selectmen and School Board, (attached). Ken stated that the functional purpose of the motion was to cooperate with the School Board to get their project going. Typically, because nothing had been submitted, that is necessary for plan review and or other functions, the Planning Board had voted to give them a permit in part and have the BOS advance them to the building department to put it in place. Ken stated that some of that work and acting in good faith allows for the Town to get some advanced information.

Dave Nault asked how the Planning Board was noticed of the project.

Ken Swayze stated that the inspector had received a set of plans on the project the previous week with questions coming from the inspector. We recognized it as the project of the school to which, some of the members were not aware that the project was off to a quick start. Under certain RSA’s there would be a waiting time. This motion was not developed under this RSA, the idea is for the Planning Board to have some control and direct them to get a permit to get them going. Under the State’s RSA, there
would be a 60-day waiting period which, we were told flew in the face of the intentions of the School Board Building Committee.

Bob Martel stated that it is noted there is a 60-day waiting period but, asked Ken if this motion would allow for less than the 60-days.

Ken replied that under this motion, it can, under the State’s provisions it cannot. This is the purpose of developing this motion. It requires obviously, that the town has an interest in protecting the level of construction, and integrity of the project, to protect the children, we need time to review. The building inspector is relatively new, fortunately the department is not real busy now.

Jeff Trexler, School Board stated for the record that the School Board had not received the motion being discussed until 6:42pm that evening, so there has not been enough time to review and consider the motion as written.

Jeff Trexler stated that he was present at the Planning Board Meeting and didn’t understand what the motion was all about last night. Would like to have received it earlier in the day to discuss it with their attorney.

Jarrett Duncan, Putney Road, School Board, stated that he is not familiar with the Planning Board process and/or the Selectmen’s process. Jarrett asked for clarification in the process for determining a plan review without a formal application.

Dave Nault stated that the Town’s process starts when someone would apply for a building permit. During the building process, the inspector needs to determine if the project needs to go for Zoning approval or Planning approval, or Selectmen, when it involves roads, then it gets forwarded to that department. It all depends on the scope of the project.

Michael Kaminski stated that the challenge is that a building permit can have 30 days or more to review the permit which was only dropped off a week before the work was to start.

Jarrett Duncan asked what the process was for a motion being filed by the Planning Board to make a recommendation to the Selectmen for an objection. Jarrett also asked if there is an opportunity for the School Board to have time to respond or make an objection to this motion.

Michael Kaminski replied that the School Board certainly can object to the motion but it was under the understanding that there is a sense of urgency because the school is looking to break ground on the following Monday. We could defer this for a week, because the Board does not like to make a knee jerk decision because the Board only meets once a week. The Board is sensitive to the needs of the Town, and sensitive to the needs of the School Board Building Committee. Would like to see this project move forward.

Jarrett Duncan stated that when reading the motion, it refers to RSA 674:54 when there was never any formal application made by the School to the Planning Board. The School has never made a formal application under this RSA.
Ken Swayze stated the purpose of the RSA in the motion is strictly a reference to grant the permit for the School Board to get a limited building permit to proceed with construction. Ken Swayze stated that this is the normal process of the charter of the Planning Board to make the decision if a project presents itself for a building permit. Ken stated that the motion is a recommendation or counsel as to what would be required.

Jarrett Duncan asked what authority does the Planning Board have to issue a building permit.

Jarrett also stated that during all their research, it states that they are exempt of Planning Board review because there is no substantial change in use. Jarrett shared three case examples of change in use under RSA. Jarrett argued that the School Board is exempt of applying to the Planning Board or the Board of Selectmen.

All parties agreed that a building permit is required through the town, and that the scope of the project falls under the level of the State for review.

Michael Kaminski responded to Jarrett Duncan, that this is the school’s opinion. Mike stated that the town has legal counsel the same as the school board, but our board chose not to go there. If we did, go there, there is a risk that a decision could determine that there is a substantial change, and this would trigger the 60-day review under RSA 674:54. Mike further stated that the Town has the authority to hold the building permit in abeyance until it is fully reviewed, possibly paid for by a third-party review and/or by the State.

Ken Swayze stated that the purpose of the Planning Board meeting was to determine if a review is required, not because there was dissention of the board. It is in place that we, the Board decided we were backing out and making a recommendation to the Selectmen to get a building permit.

Jeff Trexler asked Ken where the 60-day review period is noted in the building code. Jeff stated that the building code action on application shall be a reasonable time, etc. as soon as practical.

Michael Kaminski asked Jeff Trexler what was a reasonable time to review an 80-page plan set.

Jeff Trexler shared his frustration with the entire process of how this project was approached. The process didn’t allow the school board to prepare to respond.

Brian Pike stated that he felt that the process should have been that the School Board submit the plans to the Planning Board 60-days ago not the other way.

Jarrett stated that speaking on behalf of the School, felt that the proposals presented to the public were more than adequate in notifying the town, including town officials.

There was substantial discussion on the authority of filing and/or issuing a building permit.
Michael Kaminski gave the option to the School Board to review the Planning Board recommendation, and amend it as needed.

Jeff Trexler stated that all we are looking for is a foundation permit to include the slab and underground work. Jeff Trexler recommended that both parties meet on Monday to review the remaining permit with our attorneys to see if we need to comply with RSA 674:54.

Michael Kaminski responded that if left to the attorneys, it would be decided in court. Going this route could be lengthy and a disservice to our town. The School is at risk of losing, and stopping the construction.

Michael Kaminski asked Jeff Trexler when he wanted to receive this permit. Jeff Trexler replied Monday would work. Jeff said he would be willing to meet with the Building Inspector to review the plans.

*There was a different opinion at this point, on assigning and issuing a building permit.*

Ken Swayze stated that it was decided at the Planning Board that we would go with a recommendation to allow the project to move forward with more than just a foundation.

*There was further discussion on preventing the project from being delayed.*

Michael Kaminski asked the school board to help write the amended motion in hopes of having an agreed language to a motion to issue a permit this night.

*Members of the School Board & Ken Swayze exited the room to work on the amended proposal.*

Bob Martel, stated that because there is a lot of information discussed tonight, he stated that he would in the final decision without a decision before next Thursday evening or even later.

Dave Nault agreed that we should try to come to some agreement to allow the permit to be issued before next Thursday.

*The Board considered comments from the public at this time.*

**TOWN BUSINESS/MAILBOX:**

- The Board signed the Milfoil Grant contract for 2018.
- The Board reviewed and signed the 2% approved payroll increase
- The Ethics committee will be holding their annual training meeting on April 10th beginning at 7:30pm
- FYI from Police Department regarding the report of a complaint from a resident in town.
- We received solicitation from a company who does repairs to generator, will pass on to department.
- NRRA report of site inspection of the department. The report also included the town’s Mack truck. The Board asked that it be posted on the town’s website.
FYI; received notice from the Merrimack County budget along with a meeting notice and vacancy in their position.

**PUBLIC COMMENT:**

*There was substantial public comment discussed on the school project.*

Jeff Crosby asked for clarification on the warrant article of the full-time police officer total cost for 2019.

Dave Nault responded to Jeff that it was pointed out to use after the town meeting that there would be an additional increase to the towns budget of $20,000. Dave Nault stated that this increase would have to be absorbed in the Police departments budget for that year.

Dan Sklut further responded that the Police department would increase the $48,000 but the total cost for the officer will in 2019 would be $68,000.

Brian Pike asked if the Board is considering other options for replacing the transfer station truck and/or if the town would be forming a committee to review the options.

Robert Martel responded that because we have numbers of what it will cost when the town’s truck is being repaired and compare the options for the future.

Michael Kaminski stated that the town will also have to look at the department as a whole to include employee retention among other things.

Dave Nault stated that the transfer station department will be reviewed closely in all aspects in the next two to three years.

Jeff Crosby asked once more, for clarification regarding the Police department’s budget. Jeff noted that the town will see a $47,000 dollar increase in the police departments budget, but for all intents and purpose there will be a $20,000 additional increase on the town financial side.

The Board responded in agreement.

Brian Pike asked of the Board if there was a vote of the legislative body not to use any surplus for any warrants.

Line Comeau explained that the current practice of the Board is to use surplus toward the operating budget and let the warrant articles stand on their own. Line explained the reason for the surplus being used toward the transfer station truck was from the sale of dumpsters.

Dave Nault, asked the Road Agent about a potential problem along the side of Robert Rogers Road that should be addressed before any damage occurs. Jeff Crosby stated that he would look into it.
Dave Nault asked for an update of the Town Library door.

Line Comeau replied that she had called the contractor and continues to include Mary in the communications, however had no updates to report and will continue to follow up.

**Appointment to the co-Chair of the Select Board.**

Dave Nault asked Bob Martel if he would have any objections to be the Co-Chair of the Selectmen. Bob replied that he wouldn’t have any objections.

**MOTION:**

Dave Nault made a motion to reappoint Bob Martel as the Co-Chairman to the Selectmen. Michael Kaminski seconded the motion.

**VOTE:** 2-0

**Michael Kaminski stated that the Town Administrator was requesting a non-public for a hiring action.**

**MOTION:**

Bob Martel made a motion to go into non-public per RSA 91-A:3 II (b) at 8:45pm. Michael Kaminski seconded the motion.

**Discussion:** None

**ROLL CALL VOTE:**

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Dave Nault made a motion to come out of none-public at 8:51pm and resume the regular meeting. Robert Martel Seconded the motion. **VOTE:** (3-0)

**MOTION:**

David Nault made a motion to hire Donna White for the Building Planning & Zoning Administrator at the probationary rate of pay with an increase to Step I at the end of the sixth month probationary period. Bob Martel seconded the motion.

**DISCUSSION:** None

**VOTE:** (3-0)
The School Board returned with their motion recommendation for the building permit.

DISCUSSION:

Line Comeau pointed out to the School Board that the Building Inspector is only here part time and wanted to clarify that if things don’t happen in the same day, that it’s not because he is ignoring the School Board.

Jeff Trexler stated that he will work with the Building Inspector to review the plans and provide any answers that he has may have that he can answer.

MOTION:

Dave Nault made a motion to allow that the Building Inspector, upon satisfactory review of the plans and specifications, issue a limited permit for the foundation and framing construction. A permit for the remainder of the project will be issued by the Building Inspector only when the Building Inspector is satisfied that the requirements of the applicable codes, and ordinances has been met.

The School District will continue to work cooperatively with the Town by providing requested information and assistance to advance the project.

DISCUSSION:

VOTE: (3-0)

Robert Martel stated for the record that he would like to thank the Planning Board for coming up with a temporary solution to try to address the problem to get the school project to move forward.

MOTION:

Dave Nault made a motion to go into non-public per NH RSA91-A:3 II (c) at 9:04pm. Mike Kaminski seconded the motion.

ROLL CALL VOTE:

Michael Kaminski: Yes
Robert Martel: Yes
Dave Nault: Yes

MOTION:

Dave Nault made a motion to come out of non-public at 9:29pm and resume the regular meeting.

There were no motions made during this non-public meeting.
Robert Martel made a motion to adjourn the regular meeting at 9:30pm. Dave Nault seconded the motion.

**Discussion:** none

**VOTE:** (3-0)

Respectfully submitted,

__________________________________
Line Comeau, Recording Secretary

__________________________________
Mike Kaminski, Chairman

__________________________________
Robert “Bob” Martel Vice-Chairman

__________________________________
David Nault, Selectman