

**TOWN OF LISBON, NEW HAMPSHIRE**  
**SELECTMEN'S MEETING MINUTES**  
6/13/2016

**SELECTMEN PRESENT:** Thomas Demers (T. Demers), Peter Nightingale (P. Nightingale).

Town Administrator: Dan Merhalski (D. Merhalski).

**MEETING OPENED:** T. Demers opened the meeting at 5:34 pm.

**SELECTMEN'S BUSINESS:**

**Review of Minutes of May 23<sup>rd</sup>, 2016 Regular Meeting:**

A motion to approve the Minutes as amended was made by T. Demers, 2<sup>nd</sup> by P. Nightingale. Motion passed 2-0.

**Review of Minutes of June 9<sup>th</sup>, 2016 Special Meeting:**

A motion to approve the Minutes as written was made by T. Demers, 2<sup>nd</sup> by P. Nightingale. Motion passed 2-0.

**Review of Minutes of June 9<sup>th</sup>, 2016 Special Meeting Executive Session:**

A motion to approve the Minutes as written was made by T. Demers, 2<sup>nd</sup> by P. Nightingale. Motion passed 2-0.

A motion to go into Executive Session according to RSA 91-A:3, II (a) and (c) was made by P. Nightingale, 2<sup>nd</sup> by T. Demers. Roll Call vote: T. Demers – yea, P. Nightingale - yea.

The Board went into Executive Session at 5:39 pm.

The Board returned to Public Session at 6:16 pm.

A motion to seal the Executive Session Minutes was made by P. Nightingale, 2<sup>nd</sup> by T. Demers. Motion passed 2-0.

**Buffington Application:**

A motion to approve payment of the first applicant's bill in the amount of \$318.75 was made by P. Nightingale, 2<sup>nd</sup> by T. Demers. Motion passed unanimously. A motion to approve payment for the second applicant's bill in the amount of \$273.39 was made by P. Nightingale, 2<sup>nd</sup> by T. Demers. Motion passed unanimously.

**Discussion of Town-Owned Properties:**

Robert Cook of the Conservation Commission spoke with the Board about the listing of possible Town-owned parcels that could be offered to sale. He said that he and the Conservation Commission members had walked the lots and had a series of recommendations for the Board, detailed in a memo date June 13<sup>th</sup>, 2016 and provided to the Town. The bulk of

the lots had a recommendation to maintain, where applicable, the 25-foot natural vegetated buffer from all waterways. There was some discussion about the lots on Pearl Lake. P. Nightingale reviewed the maps presented and asked if there was a lot #16 for Tax Map 40? D. Merhalski said he would have to check the Town's records. The board thanked Mr. Cook and the Conservation Commission for their efforts and would review the memo in more detail before the next meeting on the 11<sup>th</sup> of July.

**Public Comment:**

Susan Wall asked if the Town was planning on mowing the former Ross Funeral Home site? D. Merhalski said that at the time of the mowing contract being signed with the current contractor the Ross Home had not been purchased, so it was not included in the mowing contract for this year. He said this was an oversight and thanked the resident for her bringing the item to the Town's attention. P. Nightingale asked D. Merhalski to request a cost from the current contractor, Michael Woolson, for adding this property to the current list of Town-owned lands and get back to them.

**Town Clerk/Tax Collector Items:**

Jennifer Trelfa, Town Clerk/Tax Collector, spoke to the Board about getting signatures for the deeding of parcels for tax liens that they had approved at the last meeting. She also spoke to them about various abatements for water and sewer billing. D. Merhalski asked the Board if the Town wanted to pay its own water and sewer bills for Town-owned property or abate these bills? J. Trelfa confirmed that in the past the Town has paid them. The Board agreed to pay the bills. The bills for the two services owned by the Lion's Club were brought up and D. Merhalski asked if the Town also wanted to pay them, as they had in the past, or send invoices to the Lion's Club for them? The Board agreed to pay for ½ of them in full but to invoice the Lion's Club for 50% of the total and reimburse the Town for that portion of the paid bill.

**Review of Proposals – Winter Sand:**

K. Clement, DPW Director reviewed the bids for Winter Sand with the Board. A motion to award the winter sand bid to David Lackie was made by P. Nightingale, 2<sup>nd</sup> by T. Demers. Motion was approved 2-0.

**Review of Proposals – Street Paving:**

D. Merhalski reviewed the bids for paving of Ash Hill Road and Dickinson Street. D. Merhalski commented that the bids had been due on Friday, and opened this morning, so K. Clement had not had a chance to review them. They were broken up into costs for each street for two of the bidders, and as a single lump sum for the third bid that was received. There was discussion about the amount of funding available for paving as K. Clement did not know why the figure in the account seemed to be different from the amount that D. Merhalski indicated in his memo to the Board. D. Merhalski said he would have to get the budget and run a report to find out what the exact amount currently available was and where the funding that was allocated for the encumbered funds had been spent. The Board agreed to let D. Merhalski leave the meeting to go to Town Hall and retrieve the information. P. Nightingale made a motion to accept the bid for paving Ash Hill Road by Blaktop for a maximum of \$40,450.08, 2<sup>nd</sup> by T. Demers. Motion passed 2-0.

P. Nightingale asked K. Clement about the man hours needed for a possible returning to gravel of Bishop Cutoff Road. K. Clement said it would take about a week for two guys at the DPW to complete it. T. Demers asked if they could reclaim the asphalt? K. Clement said they could. P. Nightingale asked if the \$1,900 estimate for materials included the culvert, if they had to do that? K. Clement said it did. P. Nightingale asked if the Board decided to do the project, would the DPW have the time to do that this year? K. Clement said the DPW would just have to make the time to do it. P. Nightingale said he wanted to make sure that the other projects in Town were still able to be completed and that the property owners were willing to match a good amount of the money needed to complete the project, which was the only way that he could justify putting it on the list. K. Clement said it was a good fall project. P. Nightingale said the Town should get a firm amount from the Salters before they decided to approve the project for the fall.

D. Merhalski returned to the meeting and told the Board that K. Clement was correct that the amount he had quoted was the correct amount and that he had mistakenly used the amount remaining in the Highway Block Grant line item in his memo. A motion to accept the bid from Blaktop for paving Dickinson Street was made by P. Nightingale, with the instruction for K. Clement to contact the bidder and pave more of Dickinson Street if the bidder would give them a better price for combining the projects up to \$12,928.00 in the bid. 2<sup>nd</sup> by T. Demers. Motion passed 2-0.

#### **Review of Draft Job Description – DPW Director:**

D. Merhalski spoke on the draft job description for the DPW Director position and where it had been researched and which communities he had used when creating the draft. He reviewed the description briefly and told the Board that he had asked K. Clement for any comments on the description and that K. Clement had said that he had none. P. Nightingale asked K. Clement if he had any comments? K. Clement said yes, he had comments that he wanted to give to the Board. P. Nightingale asked K. Clement why he didn't give his comments to the Town Administrator as he had been asked to? K. Clement said because he didn't have a lot of time to review it and he didn't want to be redundant by giving them to the Town Administrator and the Board separately. He then said the he would like to have defined what the term "complex administrative support" meant? D. Merhalski said that the Board hadn't written the description, he had, and this was precisely why he had asked for comments or questions about the description to go through him as the Board would not have an answer about this term as they did not draft it, he did, and he could have answered it before the meeting tonight. "Complex" means that it is not necessarily going to be defined, because the level of oversight varies but is expected to be at a higher level than a non-department staff member, and the Capital Improvement Plan would be an example of when this would be needed. K. Clement then commented on the item requiring the DPW to maintain town-owned buildings. He said he and his staff were ditch-diggers, not carpenters and he didn't know about building codes. P. Nightingale said the wording could be re-worded to something like "as reasonably able", like the repair of the railing at the Library, but not roofing. D. Merhalski said it will be a matter of what the Town needs to be done. We wouldn't be expecting the DPW to conduct an historic repair of the Railroad Station according to the Secretaries Standards of restoration, but if they are asked to fix a railing at the gazebo, they would do that. D. Merhalski agreed to try to re-word the item so that the Board and the DPW would have the

flexibility to hire a carpenter for advanced work, but the DPW would maintain buildings below a certain level of required expertise. T. Demers said he would like to see this left in there as the Part-time DPW worker was supposed to have carpentry experience. K. Clement said that there did not seem to be anything in the description that require him to do anything, be hands-on, it was an office job. D. Merhalski said the description refers to carrying out the responsibilities of the DPW and performing work of subordinates as required. That should cover all of the tasks of the DPW. P. Nightingale agreed with D. Merhalski that this was covered by that item. K. Clement said he wasn't qualified to be a welder. P. Nightingale said that they would look at revising it to be something that is within the skill set of the director, in the event that a specialized job was required that only one particular member of the crew could do and was not able to. K. Clement then asked about the educational requirements for the position. D. Merhalski said they would not be applied to the current DPW Director as they could not do that and he would be grandfathered for qualifications into the position, but for the future this would be looked for. T. Demers said that he liked the idea of having the DPW Director attend required trainings like the NH Road Scholar program or other similar trainings. D. Merhalski said he would amend the educational area to include a requirement for 8 hours of training or continuing education to be required, contingent on budgetary resources being made available.

**Public Comment:**

Terry O'Brien of the Cemetery Trustees informed the Board that the trustees had been to a training seminar on cemetery trustees and had learned a good amount and that the Town will need to change some things from its current way of doing things. One such item was the need for insurance coverage, and hiring a sexton. He also said that the Town would need to add the names of the new trustees to the bank account as signers for the trustee accounts. D. Merhalski agreed that he would work with the trustees to help accomplish this and would look forward to receiving more information from the trustees about the need for a sextant.

Dolly McPhaul introduced herself and stated that she was running for State Senate and just wanted to observe the meeting and let us know that she is running for office.

**Discussion and Appointment of Lion's Club Pool Staff – 2016 Season**

D. Merhalski said that he had expected to have representatives from the Lion's Club present to review the Job Description for the volunteer Recreation Director and a list of staff to be appointed. P. Nightingale asked what the purpose of the proposal was? The reason for this arrangement was to allow the Town to come into compliance with personnel laws and insurance coverage as the pool staff are legally Town employees, per legal counsel. The proposal was the idea of the Lion's Club after they had been briefed on the need to correct the matter. As the pool is scheduled to open on the 20<sup>th</sup> of June, the Board may want to approve the job description, appoint Tucker Clark as the recreation director, and indicate that he will present the list of staff appointments to the board as soon as possible. As there was no representation present to discuss the item, a motion to approve the job description and appoint Tucker Clark as the Recreation Director was made by T. Demers, 2<sup>nd</sup> by P. Nightingale. Motion approved 2-0.

**Review of Proposals - Transfer Station Bailer:**

D. Merhalski reviewed the bids for the bailer and indicated that there was a recommendation from Fred Garafalo to award the contract to the low bidder, Recycling Mechanical of New England. D. Merhalski said that while the bid amount is over the amount allowed at Town Meeting, F. Garafalo had written and received a grant for \$3,100 from NH the Beautiful, resulting in a gap of only \$547, which the Town Attorney had confirmed could be allocated by the Selectmen from another account. A motion to approve the bid from Recycling Mechanical to include taking the extra \$547 from the recycling and bailing expenses line of the Transfer Station budget was made by P. Nightingale, 2<sup>nd</sup> by T. Demers and approved 2-0.

**Request for Board Enforcement Action – Code Enforcement Officer – 46 Water Street:**

D. Merhalski reviewed a request from Stan Borkowski, the Code Enforcement Officer, regarding an issue at 46 Water Street where a barn is collapsing onto an adjacent property owner's garage and yard area. Stan has tried to compel the owner of the barn to correct the situation, including sending certified mailings for a requirement to apply for a building permit to repair the barn, but he has not received a response. It has come to the point of needing the board to take action to either impose fines, or go down the road toward condemnation. Stan is recommending fines, which the Board can assign from the date of the notice of violation, and will be assessed on a per day basis, up to \$100 per day. P. Nightingale asked if they needed to assign \$100 per day, or any amount up to \$100? D. Merhalski said it could be any amount they wished, up to \$100 per day, according to the Zoning Ordinance. T. Demers said that he was aware of the issue and that it has been going on for a long time, but that he wanted to have the owner be able to conduct the repairs, not just fine them indefinitely. P. Nightingale made a motion to assess a fine of \$25 per day, dating back to the date of the violation and with fines to stop at the start of construction activity at the site, 2<sup>nd</sup> by T. Demers. Motion approved 2-0.

**Administrator's Report:**

D. Merhalski reviewed his Administrator's Report with the Board.

D. Merhalski reviewed some water and sewer payments and a request by Don Butson to have a meter checked at his mother's residence as the usage was very high. The board agreed to have the DPW check the meter at D. Butson's mother's home and review the report at the next meeting. The water and sewer bills for the Lion's Club property, which has two accounts, were reviewed. D. Merhalski said the bills had been paid previously by the Town, but did the Town want to pay them, have the Lion's Club pay them, or abate them? After some discussion about the Lion's Club Pool property and income generated by the pool, the Board agreed to pay them and send an invoice to the Lion's Club for 50% of the amount.

The board reviewed the request to be appointed to the ZBA by Tucker Clark and decided to table the discussion until the meeting of the 11<sup>th</sup> of July when Tucker should be present.

The Board reviewed the packet of materials from the abutters off Breezy Hill Road regarding the septic tank of Mr. Casey and the application before the ZBA. There was discussion about the gate and the Town's right of way and the Board agreed to have Stan Borkowski, the Town's CEO, send a Certified Letter to the owner requiring them to remove the gate and any buildings within the Town's right of way.

D. Merhalski reviewed the workings of the Economic Development group working on the Industrial Park expansion off Mt. Eustis Road and how they are looking to be formally identified with the Town and be appointed as a Town Committee, named the Ammonoosuc Business Collaborative (ABC) and wished to appoint Jan Marshall, Al Costa, Mark Secord,

Peter Nightingale and Dan Merhalski to the committee. A motion to establish the ABC as a Town Committee and appoint the above members was made by T. Demers, 2<sup>nd</sup> by P. Nightingale. Motion passed 2-0.

D. Merhalski asked for permission from the Board to apply for a grant for the water and wastewater departments. The grant was a no-match grant for \$30,000 for an I and I project. A motion to authorize D. Merhalski to apply for grants for the Town was made by P. Nightingale, 2<sup>nd</sup> by T. Demers. Motion passed 2-0.

D. Merhalski told the Board about a letter he received from Mr. and Mrs. Cochrane who were told by Terry Welch, the former Water and Wastewater contractor, to “deduct 1,000 gallons off their bill”, due to an issue with dirty water. Mr. Welch had no authority to make this statement to them and only the Selectmen can authorize a reduction in the amount of the water and sewer bills. The Board agreed to have D. Merhalski send a letter to them indicating that Mr. Welch was not authorized to give them this discount and unless there was any documentation in writing from Mr. Welch, they are responsible for the full amount and to invoice them for the remainder of the bill.

D. Merhalski also indicated that he had received a bill for a water flow meter for almost \$4,000 that Welch’s had authorized without permission from the Town, and didn’t go out for bids. The Board agreed to have D. Merhalski contact the contractor that did the work and ask if it was necessary work and verify who authorized the work. If it was necessary, the Town can pay it, but they would like to verify the need for it and why it was installed without authorization.

D. Merhalski indicated that Rebekah Dumont, the new owner of Northrup’s had applied for a liquor license transferal, but that the state was requiring her to have a letter from the Town authorizing the transfer. A motion was made by P. Nightingale, 2<sup>nd</sup> by T. Demers to approve the transferal and revised draft letter from D. Merhalski to include the name of her brother. Motion passed 2-0.

P. Nightingale made a motion to adjourn, seconded by T. Demers. Motion passed unanimously.

The meeting was adjourned at 9:13 pm.

Respectfully submitted,  
Dan Merhalski, Town Administrator