

TOWN OF LISBON, NEW HAMPSHIRE
SELECTMEN'S MEETING MINUTES
5/09/2016

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:

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

The Board went into Executive Session at 5:34 pm.

The Board returned to Public Session at 6:27 pm

Review of Minutes of April 12th, 2016 Regular Meeting:

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

Review of Minutes of April 25th, 2016 Regular Meeting:

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

Review of Minutes of April 12th, 2016 Executive Session:

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

The Board reviewed correspondence and approved the payment manifests for AP and Payroll. P. Nightingale asked D. Merhalski to verify if the response time for the Eversource work station would be 2 hours as indicated in the letter from the Selectmen in Haverhill. D. Merhalski said he would contact Eversource and find out.

Josh Welch of Welch's Water and Wastewater arrived at the meeting and asked to talk to the Board about communication and other issues with the Town. He mentioned the letter listing three violations from EPA and stated that Welch's was not responsible for the collection system that was the subject of items two and three. D. Merhalski disagreed and asked if the inclusion of the Bath Road Pump house and three other pump houses was considered to be part of the system. J. Welch said that they were a part of the system but that they were excepted from Welch's responsibilities to the collection system and the rest of it was the duty of the DPW to maintain. D. Merhalski quoted the contract with Welch's and asked when it stated that Welch's was responsible for the wastewater system

where is indicated that the collection system was separate from that? J. Welch said that they were not responsible for the collection system. D. Merhalski asked who had maintained the system over the life of Welch's involvement with the Town? J. Welch said that Welch's had helped with maintaining the system but that the contract didn't require them to do that. D. Merhalski then asked if the contract said that Welch's was responsible for maintaining and operating the system, they had been maintaining the pump stations that were admitted by J. Welch to be a part of the system, and Welch's had historically maintained the system, why Welch's was now claiming that they were not required to maintain the system? J. Welch asked for a copy of the contract. P. Nightingale gave J. Welch his copy of the contract. D. Merhalski indicated the section of the contract that noted that Welch's was responsible for maintain the system and that it did not state a difference between the Wastewater facility, the pump houses, and the collection system, but that it simply said the water and wastewater system. J. Welch conceded that Welch's was responsible for the system. D. Merhalski asked if Welch's would be willing to assist with the response to the EPA and provide them with a timeframe, including a cost if Welch's would charge extra for it, for drafting an Operations and Management Plan as required in the EPA letter? J. Welch said that they would have to look at the template and get back to the Town. J. Welch then said that there was a problem with communication between the Town and Welch's and as an example, they didn't know that Weston and Sampson was holding up on the contract to investigate the source of contamination at Well #1. He also said that he didn't like that the Town Administrator had not notified him about the hold order and that he had been trying to make Welch's look bad with the contractors. D. Merhalski said that the delay in the payment form with the contract with Weston and Sampson was not holding up the work on the site, but had been a discussion about whether the Town wanted to use grant funds to pay for the project, understanding that the pool of money was large, the project at present was small, there would likely be a much larger project that these funds could go to pay for, and Weston had only asked to know if the Town wanted to avoid using these one-time only funds on the small project, or wait until the larger project could be identified and use the funds for that purpose. D. Merhalski said that work had never stopped because the project was in the grant-writing phase and Weston had been given the approval to proceed with the Town waiting to use grant funds for the larger project. He also said that Welch's was contractually bound to assist the contractor and the main delay in the project was not the payment form but that Weston had asked Welch's and the Town for a copy of plans for the well. After asking Welch's to come down to Town Hall to search for the records, as they had been in the Town for 20 years and Town staff had only been there for 2 years and the likelihood of finding the plans, which staff had tried to search for and could not, was more likely if Welch's came down to look for them than the staff that did not know where they could be or what they would look like. He said that Welch's had refused to even try t look for the plans and that had been the holdup. J. Welch argued that they wouldn't be able to find them if Town staff hadn't been able to find them. P. Nightingale told J. Welch that this was the same type of attitude that Welch's had demonstrated years ago and that it wouldn't have hurt them to have come down to town hall and just do a search for the plans rather than argue about it for weeks. J. Welch said that P. nightingale had wanted to get rid of Welch's all along. P. Nightingale said that when he was on the Board previously the Board had gone out for bids and he had admitted that Welch's had the

lowest bid price and he went along with Welch's, but that this constant uncooperative attitude from them was detrimental to the Town and he was tired of it. He asked how hard it was to look for some plans when the Town needed a contractor to have them? J. Welch did not respond. T. Demers said that Welch's had a better understanding of what permits and plans the Town had than any of them since Welch's had been operating the system for 20 years and that the Town relied on them to provide this documentation. He suggested that the Town get a filing cabinet to hold onto plans and documents at Town Hall so that all documents, plans, etc. could be kept in one place and that they wouldn't have to ask Welch's to look for them. J. Welch said that was fine. D. Merhalski said he could get a filing cabinet for Town Hall to contain these documents. He also asked J. Welch if he would now be willing to look for the plans and assist the Town with the response for the EPA letter without belligerence? J. Welch said that he would, but that they had already submitted the reports under item #3 to EPA. D. Merhalski asked for copies of the reports to send with the Town's response. J. Welch agreed to submit the reports to him tomorrow. J. Welch also mentioned wanting to install a pipe and hydrant into the main line before it reached the first customer so that they could treat the well and test before sending the water column into the system. P. Nightingale asked if this would require a gate valve similar to the \$1,200 one that the Town had to purchase for maintenance earlier in the year? J. Welch said it would. D. Merhalski said that the funding for this was not in the Town budget for this year and that it should be included in the budget submission for the department, but that they might be able to use some of the maintenance funding for the Water Dept. to pay for it if the Board wanted to do that. P. Nightingale asked for J. Welch to get quotes for the work and turn them in to D. Merhalski for the Board to review. J. Welch agreed to do that, he then left the meeting.

Administrator's Report:

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

Payment for the repair work on Truck #2 had been approved by the Board but the DPW Director, Kevin Clement, was asking the Board to use the Town's Unanticipated Expenditures line item to cover the full \$10,000 cost of the repair. D. Merhalski advised that this amount was intended to be a last-resort stop-gap measure to cover any departmental cost overruns and was not meant to be used until the department had expended its own funds during the year. The Board agreed and decided to assign funding from the Truck #2, #4 and Tools and Stock line items to cover this expense.

D. Merhalski informed the Board that the water and sewer rates could be reduced due to the addition of the flat rate fees that had been underestimated in the original billing as he had worked with Avatar, the Town's utility billing software vendor, to get the rates updated following the Board setting the rates at the last meeting. The Board reviewed the revised warrants and decided that the sewer rate would be fine as it was amended to require no addition of the wastewater fund balance, but the Water rates would still need to be raised to allow for the fund balance to remain healthy. After discussion about the amount needed to be set aside for the buying down of the fees, the board agreed to set the rate for water bills at \$7.50 with the use of \$25,000 to buy down the rate and set the sewer rate to \$8.84 per 1,000 gals. The statement about why the bills were so high was approved to be sent out with the bills as well.

Review of Fire Dept. Extrication Bids:

The Board reviewed the Fire Dept. Extrication bids that were received. There were four bids received. One did not meet the requirements of the bid, two were above the amount budgeted and one met the bid spec and was the lowest bidder. The Fire Chief, Greg Hartwell, had reviewed the bids and was recommending the low bidder that met the requirements. HSE, to be the vendor selected for the contract. A motion to award the contract to HSE was made by T. Demers, 2nd by P. Nightingale, motion passed 2-0.

Discussion of Town-Owned Properties:

D. Merhalski reviewed the deeds that he had researched and said that there were a few properties that he did not have information on as yet, though he had reviewed the deeds going back to 1969. As the records he was looking for did not contain the names of both parties, but rather had only the Town as a known for the search, he was having to go through the entire listing of Town-acquired deeded property from the present to the distant 1700's. He recommended that the Board determine which parcels from the list of approx. 10 that they were considering for sale that they would like to offer to the public and then contract with a Title Search company to find the deed records. He said that this would be a necessary step should the Town decide to sell the parcels during the closing process anyway, so it would likely be more productive and less costly than having him continue to search for the records on staff hourly rates. P. Nightingale asked about the individual that had come in to discuss the conservation status of land off Pearl Lake and if he could be brought back in to talk with the Board about its status at the next meeting? D. Merhalski agreed that he would contact him to invite him in to review the parcel's status at the May 23rd meeting.

Discussion of Admin. Assistant Position:

The Board reviewed the recommendation to revise the Administrative Assistant/Bookkeeper position to be part-time, unbenefited at 21 hours per week. D. Merhalski had recommended that the position be revised in a job description and that the Board review it at the next meeting, but still post for the position now with the current pay rate of \$15.91 an hour. The Board agreed to review the job description and release the posting at that pay rate. D. Merhalski asked if the Board wanted to be a part of the interview process? P. Nightingale said that it might be better for the Town Administrator to interview the position himself and then report back to the board to keep the Board out of the chain of command for the position. T. Demers agreed. D. Merhalski will conduct the interviews himself and report back to the Board with a recommendation for an applicant to hire.

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

The meeting was adjourned at 8:18 pm.

Respectfully submitted,
Dan Merhalski, Town Administrator