

A regular meeting of the Franconia Board of Selectmen was held at 3:00 p.m. on Monday, March 27, 2017, at the Franconia Town Hall

Members Present: Bernardette Costa, Eric Meth, Jill Brewer, and Holly Burbank

Also Present: Arthur Chase, Michael Ransmeier, Esq., Tom Smith, Scott Leslie, Kim Cowles, Peter and Mary Grote, Karen Foss, and Carol Wills

Eric Meth called the meeting to order at 3:00 p.m.

- **Arthur Chase** – Arthur is requesting the sign at the beginning of Scragg Mountain Road, which states it is a Class VI road, be moved back roughly 800 feet because that 800 foot section is a Class V road. Arthur stated in 1998 when he subdivided the land he had to have 200 feet on a town approved road and he spent a lot of money to upgrade it to a Class V road which the Planning Board approved.

Attorney Michael Ransmeier, representing Dick Reinhold, stated that the Planning Board does not have the legal authority to accept a road for the Town. A road must either be accepted at Town Meeting or by the Selectmen if the Town has created the statutory framework for the Selectmen to do that. Mr. Ransmeier also stated a Class VI road is any road that the Town has not maintained for five consecutive years. His position is that the Town has never maintained this road and even if the Town had maintained it in the past, per RSA 229:5 (7), the non-maintenance of a road for five consecutive years automatically reverts it to a Class VI status.

Arthur stated that David Hunt used to grade the road. Scott Leslie, Town Road Agent, stated he has never maintained that road in the six years he has worked for the Town, but he has been told by members of his road crew that it had been maintained in the past. The Town does maintain Class VI roads for emergency travel only.

Holly shared an email from Town Attorney Walter Mitchell dated November 20, 2012, which states in part, "Therefore, a combination of operational law and the Commissioner's declaration, this road has been a Class VI road since December 20, 1990."

After a lengthy discussion, the Board was in agreement that based on the declaration from the Commissioner of the Department of Transportation and the fact that the road has not been maintained for five consecutive years, Scragg Mountain Road is a Class VI road.

- **Road/Sidewalk Plan** – Scott stated he has the road plan completed. The Board discussed sidewalk materials and pricing (i.e. stamped asphalt). Scott stated the most reasonable pricing is asphalt curbing and sidewalk, but he will get pricing on stamped sidewalks. Scott stated he will need to get bids soon if any of the sidewalks will be done this year. The Board

needs to make a decision on whether to wait and do all the sidewalks at the same time or do some each year.

➤ **Approval of Minutes/Board Signatures**

- The BOS minutes of March 20, 2017, were approved as amended.
- The Transaction List of March 30, 2017, was reviewed and signed by the Board
- Current Use Application - Cameron Cabot - Iron Foundry Road/Hoffman Road - Holly stated the application is dated December 13, 2015, but Sally did not receive it until after April 1, 2016. The Board signed the application.
- Notice of Intent to Cut from Ed Clough. The Board reviewed and signed.
- Veteran's Exemption Applications - There are three applications from Kenneth Knowlton, Phil Krill, and Angelo Costa. These are relating to the warrant article that was just passed. The Board reviewed and signed the applications.
- Solar Energy Exemption - This is related to a warrant article that just passed. Mr. Chardon. Reviewed and signed.
- Septic Permit Application - Thomas Smith was in attendance and spoke to this application. He presented plans to the Board for review. The plan is for a four-bedroom home on 8¾ acres on Toad Hill Road for John and Barbara Williams. After a brief discussion, the Board approved the septic design and signed the map.
- Appointment to Pemi-Baker Solid Waste District - Greg has asked Erik Rasmussen to be the representative for the Pemi-Baker Solid Waste District. The Board reviewed and signed the application.
- Letter to the Governor re: Elections - Holly stated she did get permission from the Mayor who originally wrote the letter and sent it around and asked if we could the language from his letter and he agreed. The Board reviewed and signed the letter.
- Dow Event - Kim Cowles stated Kayla Leslie and Alex Tocci would like to have a wedding on the Dow in September, and we would like to get approval for alcohol at the event. As in previous events, it is mandatory that they are insured and have a licensed bartender, and they have hired a company with a caterer's license. They will provide a Certificate of Insurance stating that the Town of Franconia is covered for liability.

➤ **Selectmen Office Reorganization**

- **Renovations** – Holly stated the first part of the reorganization is office renovations which include building an office for her to enable her to have a place to have a private conversation when necessary. Rick Gaudette drew a sketch to show where the new office would be and Rene Wills showed where the outlets and lighting would need to go.

The renovations include new carpeting, another heat register for the office, new windows, electrical work, a new safety exit on the door to the main hall, and installing

sheetrock on the ceiling area that has water damage. Kim and Cory will do a lot of the work such as removing the hardwood floor, laying down plywood, building the office walls, soundproofing the walls, and painting. The remaining work will be contracted out. The total estimate for this work is \$15,000.00.

Holly stated if the Board approved this plan the office would need to be moved into the main hall during construction. Profile Technologies has indicated that would not be a problem. After a brief discussion, Holly requested that perhaps there should be a contingency amount in case they run into a problem during the renovation and suggested \$2,000.00.

Bernardette made a motion that the Town proceed with the Selectmen Office renovation up to, but not exceeding, \$17,000.00; second by Jill. All were in favor and the motion passed.

- **Office Staffing** – Holly stated the second piece of the reorganization is the office staffing. Her proposal is to combine the current Secretary/Receptionist and Executive Secretary positions into one 32-hour position effective June 1st, through the end of December, adjusting the office hours to support that person being in the office. Holly is here Monday through Friday from 8:00am-5:00pm. The proposal is to close the office on Monday, which is consistent with the Town Clerk/Tax Collector office hours. The new combined position would come in from 3:00pm-6:00pm on Monday to do the BOS minutes; Tuesday, Wednesday and Thursday from 8:00am-4:30pm; and Friday from 8:00am-1:30pm. The hours on Friday could flex based on the length of the BOS meetings. Holly recommended offering a single plan health insurance based on the town personnel policy which allows for prorated health insurance for permanent part-time employees. Holly stated the new position would be advertised allowing for the two current employees as well as outsiders to apply for the position.

Holly stated the current Executive Secretary position works 10 hours a week for the Town and 10 hours a week for the Water Department. The recommendation is to create a Water Department Secretary and have the Water Commissioners manage that position. The Planning Board and ZBA Secretary would remain the same with that position taking the minutes on those boards.

Mary Grote suggested the Board consider video recording all meeting minutes and putting them on the website for everyone to view. Mary volunteered to look into the cost; however Holly said she would certainly look into that.

Bernardette stated that the Water Department pays the Town to do their billing which is counted as revenue for the Town and that might impact separating this out. Holly stated she would meet with the Water Commissioners and discuss this proposal and if they are in agreement with this and the Town doesn't lose much or any revenue then we can separate them, but if not, they can remain combined.

After a brief discussion, **Bernardette made a motion that the proposal Holly has presented for reorganization of the Selectmen Office take place as written; second by Jill. All were in favor and the motion passed.**

Committee Review – Holly raised a concern regarding a member of the Audit Committee contacting the auditors to discuss changing the audit dates which she does not feel is within the purview of the authority of the Audit Committee. Holly stated the Town will receive the audit report by the end of August based on the contract signed by Plodzik & Sanderson.

Holly inquired whether the Audit Committee was needed at this time. She stated with her new position and having new auditors this year as well as the Batchelder report; with all of that data we should allow the town to move forward. Holly stated she will be working with the auditors to improve internal controls and listen to any suggestions they have and when we receive their report based on last year's numbers and we can look at that and see where changes need to be made.

Bernardette stated the original purpose of the Audit Committee was to have them read the audit report and bring anything they thought the Board should understand from that report to the Select Board. The Board felt we needed people who had a little more financial savvy to get their eyes on it.

After a brief discussion, **Bernardette made a motion that the Board give thanks for the work that the Audit Committee has done and the Board feels they have now completed their work; second by Jill. All were in favor and the motion passed**

Tax Collector Deed Repurchases – Holly stated she received a letter from the owners of Map 34, Lot 9 requesting to repurchase the property together with payment in full. Holly would like the Board's approval to allow them to repurchase the property and she will work with the Town Attorney to get the Quit Claim Deed back in the owner's name. Holly stated they are also looking to repurchase the small piece of property behind the dump, but that will probably depend on the price.

Holly stated she has been in contact with the owner of Map 28, Lot 169 and she is hoping to repurchase the property before April 30th, which is the eviction date for the tenant. The repurchase price for that parcel is \$14,260.53.

Bernardette made a motion to authorize Holly to allow for the property owners of Map 34, Lot 9 and Map 28, Lot 169 to repurchase their properties; second by Jill. All were in favor and the motion passed.

➤ **Committee Reports**

- **Conservation Commission** – Jill stated she was unable to attend the meeting but she had a conference call with the members of the commission and reviewed the Lawrence Easement and all were in agreement. Eric stated he spoke with Rebecca Brown and they are going to try and sign on Wednesday.
- **CIP** – Bernardette stated she received an email from Steve Plant who would like to be appointed to the CIP Committee, so when the time comes to appoint people we will keep him in mind.
- **Energy Commission** – Eric stated the group is moving forward with the LED replacement of the street lights. There is a meeting tomorrow and Ken Eastman will be in attendance to discuss the issue of the light at the corner of Academy Street and Dow Avenue.
- **Northern Pass** – Eric stated that Advisory Committee submitted their first pretrial testimony for Track 1, which was due last Friday. Pretrial testimony for Track 2 is due on or about April 17th, and the Advisory Committee will be working on that. Eric also stated there has been a lot of email discussion regarding the TSA (Transformer Service Agreement) between Hydro Québec and Eversource which has apparently expired. The argument is that the adjudicative hearing cannot go forward without that agreement. Bernardette suggested that Ron Baillargeon be contacted regarding any engineering aspects of the pretrial testimony. Eric will reach out to him.
- **Planning Board** – There is a meeting scheduled for tomorrow night regarding the MTAG Grant with a presentation by Kaela Gray.
- **Transfer Station** – The Board discussed information received from North Country Council regarding the Environmental Management System (EMS). NCC will provide assistance and take on most of the workload to implement the EMS plan at no cost to the Town. Holly will speak with Greg about this and get his input.

➤ **Items to Revisit**

Holly inquired if the Board would like to revisit and consider whether they want to install this generator before next winter rolls around. Bernardette stated that Kim had explored that possibility and there is some electrical work that needs to be done first. Eric stated the Board should revisit this issue at some point.

➤ **Public Input**

Mary Grote questioned the type of liquor license the new owners of the Village Store had applied for. She stated there is a big difference between selling wine and selling hard liquor and serving it.

Peter Grote stated that the real purpose of the Audit Committee is checks and balances and independence. The Audit Committee is charged in our bylaws to communicate with the auditors and to provide an intermediary between you and the auditors through the Audit Committee. Peter stated in December the Audit Committee had a discussion with the Board and we proposed that we sit down and review and put together a set of bylaws that the Town and the Audit Committee is comfortable with, but that never took place. Peter cautioned the Board before they decide that they want a tame and non-independent Audit Committee that they think of the consequences and look at the financial history of the town going back ten years and see that independent audit committees are necessary. Peter stated he would like to sit down with Holly and the Board to discuss this.

Holly stated the vote today by the Board was to disband the Audit Committee. Holly stated she values the work the Audit Committee has done and would certainly lean on any member of that committee if questions arise. The Audit Committee has done the work they were formed to do and now it is time for the Town to move forward.

Eric stated with Holly here now in her position and the new auditors coming next week he would like to give the process a chance and see how it plays out in the short term.

Peter stated there is distinct evidence in the 2008 Town Report that oversight is needed on an ongoing basis that does not involve management. He stated there were problems last year where the Town didn't know how much money there was to spend and the DRA blew the whistle on spending. Holly stated the DRA did not blow any whistle. Peter stated he strongly disagreed.

Peter stated the purpose of the Audit Committee is to help the town with transparency. He asked what the Board was trying to hide. Holly stated there is certainly nothing to hide, but systems are in place now and it is time to move forward with the new auditors. The work of the Audit Committee is complete.

Bernardette suggested that since a vote had already taken place that the Board move forward with the meeting.

Eric stated that he appreciated Peter's concern, but he does not feel there is a lack of transparency and would like to give Holly a chance.

5:20 P.M. - Motion by Eric Meth, second by Bernardette Costa, to enter into Non-Public Session pursuant to RSA 91-A: 3 II(a). All were in favor and the motion passed.

5:35 P.M. – Motion by Eric Meth, second by Bernardette Costa, to come out of non-public session. All were in favor and the motion passed.

After a motion by Bernardette Costa, second by Eric Meth, all were in favor and the meeting adjourned at 5:35 p.m.

Respectfully submitted,

Carol Wills