

DRAFT



Town of Winchester 1 Richmond Road Winchester, NH 03470

MINUTES of the BOARD OF SELECTMEN MEETING

Wednesday
April 11, 2007

Board Members Present: Theodore Whipple (Chairman), Gustave Ruth, Kenneth Berthiaume and Sherman Tedford. Also present: Town manager John Stetser, secretary Roberta Fraser
The meeting was called to order at 7:00 pm

1st Order of Business: Acceptance of minutes from April 4, 2007

Sherm makes a *motion* to approve the minutes of April 4, 2007

Ken seconds it

Motion carries.

2nd Order of Business: Announcements

Ted announces that there is a broadband forum meeting in Keene on Friday April 13th and someone from the town will be attending it.

There is a local officials workshop being sponsored by the LGC on Thursday May 10 at the Jaffrey Fire Station
Gus announces that he has worked with Cliff Struthers to finish the survey for the Winchester Sand & Gravel right of way. Ken asks who is responsible for creating the right of way, the actual road, and what will it cost? Gus lets him know that the conservation commission is marking the right of way and then some trees will be removed and that should pay for the work on the right of way. Mr. Robichaud will be upgrading the right of way as he sees fit to use it.

3rd Order of Business: Open to the Floor

Cyndy Ryder asks what the status is on a meeting of the Solid Waste Management District and Roberta lets her know that she is trying to schedule it with the representative from Richmond.

4th Order of Business: Old Business

Ted announces that the Town Manager's review needs to be performed and will be discussed at the end of the meeting in Non- public.

Sherm has a copy of the addendum sent out with the fire truck specification sheet and they are not correct. John will fix them and create a new addendum to be sent out.

Sherm makes a *motion* to take up Erin Robb from the town beach committee and Tom Dunn from the LGC before the public hearing for Comcast.

Ken seconds it

Motion carries

5th Order of Business: New Business

Tom Dunn, Local Government Center representative, addresses the board and discusses various services that the LGC offers the town and various seminars and workshops that are offered for the town to participate in. He also explains the insurances that the town has with LGC and what the benefits are to have it with them. Sherm asks if the town can be the host for regional classes and Tom lets him know it can and he will get a list of participating area towns to the board. After a few more questions, Mr. Dunn leaves.

Erin Robb is at the meeting representing the Town Beach committee and she has brought bids for work on the concrete to be performed at the town beach. The board listens to her bids and then discusses the bid process. Sherm would like the bid process done over and to have it follow the Town's standard procedure. Erin will work with John and do that. Erin also introduces Tom Twombly to the board and requests that he be appointed to the Town Beach committee. Ted lets her know that she needs to put her request in writing and then the board will consider it.

Public hearing regarding Comcast Cable Company contract with the town:

Comcast acquired Adelphia Cable, which was the town's current cable provider, last spring and it is time to renew the contract between the Town of Winchester and Comcast Cable Company.

The Board of Selectmen and Ms. Birmingham have met several times and have negotiated different aspects of the contract. Ms. Birmingham is at the meeting tonight to finalize the contract and to answer any questions the board or the public may have. The town's attorney, Bart Mayer, has looked over the contract and has some concerns regarding different aspects of the contract. Sherm asks Ms. Birmingham to start by addressing the attorney's concerns, and she does. The concerns are minor ones and most Comcast is willing to relent to. Sherm makes a *motion* that is says up to three hundred feet be required in density count. Gus seconds it. *Motion carries.* There is a long discussion about the timeline for notification of problems. The town only has ten days for any type of notification, whereas Comcast has ninety days to respond to a notification of a problem. The board is concerned that leaves a possibility of no cable for ninety days in town. Ms. Birmingham explains that is highly unlikely, barring a major disaster, and that it is ninety days to *respond and cure* a problem. After further questions about the time period and indemnification period, Sherm and Ken both ask that Lisa meet with John and Bart Mayer and workout the contract and address Bart's concerns before the board takes action. Lisa describes to the Board how stable and strong the Comcast Cable Co. is and it shouldn't be a concern to anyone that something will happen to the company.

Sherm makes a *motion* to close the public hearing and reenter public session

Ken seconds it

Motion carries

Sherm makes a *motion* to have John, Bart and Comcast get together and work on the details for the contract

Gus seconds it

Motion carries

Sherm makes a *motion* that, if permissible, John signs the Comcast Cable contract. Ken seconds it. *Motion carries.*

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6th Order of Business: Town Manager's report

John has two department reports that he reads highlights from, the assessing department and the police department. (See attached) o

- < Vachon & Clukay has prepared a tax recommittal warrant for the board to sign so that James Tetreault can officially take over the tax collecting.
- < The DES has reviewed the financial assurance report on the town's unlined landfill and they are happy with it.
- < The Emergency Services Facilities assessment committee will meet Tuesday April 24, 2007 at 6:00pm at the town hall
- < After discussing the bridge with Hoyle, Tanner & Associates John is withdrawing his recommendation on reconstructing the "Kelly" bridge on Old Westport Road. If the town applies for State assistance through the State Bridge Aid, the bridge could potentially be 80% paid for. This process takes longer, but John feels it is the right way to do it. Ted asks if there is a firm date to get started on this, and John lets him know that he is getting engineers to look at the bridge and make recommendations of what needs to get done. Once approval from the state is achieved, then the town can pay for it and get reimbursed.
- < John Stetser and John Gomarlo will be meeting with a Star Spangled Banner reporter on Thursday to discuss the transfer station and a story will be in the Star Spangled Banner.

Sherm has some questions for John:

When Officer Fisher graduated from the police academy, did he get a salary adjustment? Chief Phillips answers that and lets him know he received a \$1000.00 raise.

Sherm doesn't feel the bridge can wait three years and needs to be addressed now. John explains to him that the new Verry Brook Bridge allows for heavy equipment to pass over it, so no one is ever left unserved because of the "Kelly" bridge.

John discusses the building inspection report, very little was found unsafe in the building, number one being the electrical panels down stairs. The concern about the floor in the main hall is unjustified; the inspector thinks it is just cosmetic.

7th Order of Business: Open to the floor
None tonight

8th Order of Business: Department Heads/ Committee Chairpersons

Chief Phillips addresses the board and requests that he be given permission to move forward on the purchase of a replacement cruiser. The new cruiser will be replacing the one obtained at auction in 2001. There was a warrant article approved last year for \$12,500.00 for a cruiser and he would like to take the rest out of the police special detail fund account.

The board discusses this and Sherm makes a *motion* to move forward and start the process for the purchase of a new cruiser, to be purchased after July 1st and using warrant article 14 from last year and the other \$12,500.00 out of the special detail account. Gus seconds it. *Motion carries*. Chief Phillips asks to keep the old car to use for parts and the board is okay with that.

Karen Berthiaume asks Chief Phillips to address Chris Frado's concern from last week. Chief Phillips addresses the board and lets them know that in regards to the concern brought to the board last week about Gene Park leaving two hurt dogs at the Humane Society after hours, it was not Gene or anyone from Winchester who did that and it was another town entirely, but unfortunately Winchester was blamed for it. Chief Phillips has spoken to the Humane Society and they know it was not Winchester. And further more, Gene Park or anyone from this town would never do that.

Jim Ammann addresses the board and lets them know that there is a VT Yankee drill coming up on April 18th at the emergency services building. The EPA regional director from Boston will be there.

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9th Order of Business: Any other Business to come before the Board

Ken has some concerns about the way welfare requests are handled in this town. He is concerned that someone recently purchased a prescription of Viagra and the Town paid for it. He would like to know the state statutes on welfare and what is required and mandated of the town to pay. He believes an informational work session is in order so the board knows what the rules and regulations are and what they can do regarding welfare services given out. John explains that he doesn't know much about the welfare rules and regulations that Peg Tatro goes by, but he will contact the LGC and see if they will do an instructional information meeting for the board. The board would like that done as soon as possible.

Ted has a list of properties that will be tax deeded that the board needs to discuss. Ken makes a *motion* to hold a work session on Monday, April 16, 2007 at noon to discuss the tax deeds and the town manager's review and any other business that may come before the board.

Gus seconds it. *Motion carries*.

10th Order of Business: Office Documents

Gus makes a *motion* to sign the lease agreement for WSP LLC.

Sherm seconds it

Motion carries

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There are two permits to operate that need to be approved for the racetracks in town, one for Monadnock Speedway and one for Winchester Motorcross. There is an extensive discussion regarding the racetracks and whether the board should sign the permits or not. Sherm feels that there may be violations occurring and that a citizen brought concerns to the board last week and the board should satisfy that those concerns have been addressed before approving the permit. Ken agrees, but Gus doesn't feel the board should not sign the permit because of one person. Ted agrees. He would like to see the provisions of operation for the racetracks attached to the permits. After further discussion, Sherm makes a *motion* to not sign the permit for Monadnock Speedway for one week.

Ken seconds it

Motion carries

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Gus makes a *motion* to approve the WSP LLC racetrack permit.

Sherm seconds it

Motion carries

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There are two intents to excavate that need to be signed by the board.

Ken makes a ***motion*** to not sign any gravel intent to excavate until the inspections have been done.

Sherm seconds it.

Discussion: The board discusses whether the intents to excavate should be signed or not, Sherm and Ken don't think they should be until they can verify all of the conditions have been met that the planning board states. Sherm wants the inspection done first. Gus explains that the planning board does not do the inspections by April 1st because of weather conditions, but that the owners have to still file their intent to excavate with the town. After much further discussion, Gus lets the board know that they have to sign these and Roberta explains that they are for taxation purposes, not whether there permit is valid or not. Ken withdraws his motion and Sherm states that each member can sign it or not, it doesn't need a motion.

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11th Order of Business: Adjournment

Gus makes a ***motion*** to adjourn

Ken seconds it

Motion carries unanimously

Meeting is adjourned at 10:05 pm

April 11, 2007 BOS Minutes approved by:

Date Signed:

Theodore Whippie, Chairman

Gerald Hastings, Selectman

Kenneth Berthiaume, Selectman

Sherman Tedford, Selectman

Gustave Ruth, Selectman

R. Fraser 04/16/07