



MINUTES
Board of Selectmen Meeting
Monday, January 25, 2016 Town Meeting Room
6:00 PM

Selectmen: Richard Wright, Ed Thorson, Russell Smith

Town Personnel: Dennis Pavlicek, Town Administrator; Pam Bryk, Administrative Assistant; Henry Thomas, Fire Chief; Norm Bernaiche, Assessor.

Public: Nancy Marashio

1 Public Input

2 Presentations/Appointments

a) Norm Bernaiche, Assessor/JMW Trust

Norm Bernaiche presented to the Board the Abatement Recommendation, Settlement Agreement he had written for JMW Trust. The recommendation is an abatement of \$31,301.43 for lots 16A-351-060 and 16A-303-072. The breakdown for the three years is 2013 - \$8,598.94, 2014 - \$8,921.47, 2015 - \$13,781.02. The taxpayer will drop the appeal based on this agreement. The 2016 tax bill will show the new values. The Board was in agreement with Bernaiche and signed the abatement recommendation and the abatement.

b) Nancy Marashio/Adopt a bylaw for voting at town elections

Marashio spoke to the Board regarding the Moderators blog that identifies issues. There has been talk about media being at the polls photographing and interviewing voters, they want to make sure that they are not interfering with the voters, to give them limited time inside where polls are, no filming at the registration process. Under RSA 31:41c would permit the Town Meeting to adopt bylaws to prohibit any activity that affects the safety, welfare, and rights of voters within or near a polling station. Marashio said there has been issues with some towns,

as a moderator I do have the authority by law to instruct the police to remove someone. But it ends there, there is nothing to charge them with. Wright said if they step outside the law then there will be a charge. I think people would see this as overreacting and over addressing a situation that hasn't happened here. Thorson said he would be there when the polls open. Marashio spoke of an incident that happened a few years back, that did intimidate some voters. Pavlicek said the RSA 31:41c should cover that type of scenario if the Town adopted bylaws. Marashio concerns are that the moderator blog is seeing people ruder than normal and wanted to bring it to the Board's attention. She commented that it is not Newbury citizens but observers and party representatives that come around. Thorson commented that Marashio would not be talking about this unless she very concerned, we should put it on the warrant. Thorson made a motion that if any concerns come up at the Presidential primary election we will add a warrant article to adopt RSA 31:41c. Smith seconded the motion. All in favor.

Marashio told the Board that there is a senate bill being heard on Wednesday that they might find interesting. The secretary of the state who does enforcement of voters would like the town clerk or supervisors of the checklist take responsibility. They would have to make sure that the legal voter is who they say they are.

The last thing Marashio wanted to discuss was the warrant article for the new safety service buildings. She recommended that we have the town attorney look over the wording. Pavlicek said he already had the attorney review it. Marashio already has had calls regarding this warrant article and questions from the residents on how they can amend it. Pavlicek said he had questions also. Wright said the voters cannot create a new warrant article at town meeting if they wanted to have two separate articles one for fire and one for police. They can only amend the article presented. Marashio said that is why the wording is important, I have to stay within its scope. Thorson said could it be amended to have it built someplace else other than Bald Sunapee. Marashio said it depends how it is worded. Chief Thomas asked if the article is amended to build just a fire station then it goes out to vote for an hour but it comes back nay. What can be reconsidered. Pavlicek said whatever was in the original article can be reconsidered. We can put it off for a month, we establish a meeting date before we leave.

3 Discussion

- a) Attorney Robinson letter

The Board received a letter from Attorney Colin Robinson regarding the property 20A-326-425, it is a boat house. Town Attorney agreed that we have no authority under RSA 41:14a, we could do a warrant article but that would be a blanket article for the town. Wright said the town should not give an easement, they are in a civil lawsuit now, there is no sense getting involved. Pavlicek said he will tell the attorney that they can do a petitioned article for town meeting, they need 25 signatures and then the voters can vote on it. Wright said originally there was temporary access granted to build the boat house and access across town property, we grant access now, they will drop the lawsuit. Thorson commented that we should not deed the right of an easement over town property. The taxpayers can decide if they want to do that. Board was all in agreement that they will not give an easement over town property. Smith made a motion, Thorson seconded, all in favor.

b) 2016 Town Planning Services Agreement

The Board signed an agreement between the Town of Newbury and Kenneth McWilliams LLC for services in 2016.

c) Snowmobiles/ATVs

There was an incident on the first weekend in January where two snowmobiles were on the lower soccer field at Fisherfield. The Recreation Director sent in a memo and would like to have signs put up on the field. The Board was in favor of having signs put up.

d) Traffic Cones/Inclement Weather

Wright mentioned that a couple of weeks ago he was on Ledge Hill, it was snowing and there was an accident. The issue Wright has was that the fire truck had the lights on and was used as a road block. What would happen if someone plowed into the fire truck. We should be using cones for a barricade. Thomas replied that all the training fire fighters go through are instructed to use the fire equipment as a barricade. The truck is used for the safety of the people working the scene and the people involved.

e) Warrant Articles

- Old Safety Service Building disposition (email from Dennis Mires)
- New expenditure trust fund for South Newbury Buildings
- Lower the warrant article for AV equipment

Pavlicek mentioned that Mires sent in an email regarding the warrant article for the new safety service building and if you should include the disposition of the old safety service. Thorson said we should approve

the article the way it is written and that the disposition of the old building will come up next year if this article passes this year.

Wright said the new expenditure trust fund for the South Newbury buildings was created in error. It should not be a separate article, these buildings have been taken care of from the existing maintenance trust general fund. Wright is not against putting more money in the trust fund, over the last seven years the town has spent about \$57,000 on South Newbury Buildings. Thorson asked what are we going to do with these building. Wright said there was talk of a museum years ago for town artifacts. The trust fund money is only used for the town's general government buildings, it is not used for safety service or highway. Wright said he would move to pass over this article, the money can only be used for maintenance and repair. It can not be used to modernize the buildings. Wright said leave it as is and we will explain at town meeting.

Pavlicek found a better price for the audio visual equipment and asked if the Board wanted to change the amount of the article to \$12,000 from \$15,000. Wright said he would like to change the article at town meeting and pass over it and do more research. Wright said he doesn't like the cost of it and would like to get it under \$10,000, also would like to use the money out of the Selectmen's project. Smith said to leave the article as is. Thorson said we should change the cost on the article. Smith made a motion to change the cost on the article to \$12,000. Thorson seconded. Two yay, one nay.

On article 7, NH Department of Revenue said we should have an amount for the trade in/sale of the old cruiser on the article. Minimum expected \$3,000 was added to the article.

- f) Selectboard Coverage at polls/Presidential Primary February 9th

Thorson will be there to open.
Wright will be there at 12 noon.
Smith will be there 4 p.m. to closing.

- g) Town Facebook page/Consultant/Master Plan information

Steven Whitman from Resilience would like to help the town set up a facebook page and keep it updated with Master Plan happenings. Pavlicek and Bryk will be the authorized users on the page. The Board approved.

4 Regular Business

- a) Zoning Board Appointment - Nancy Marashio

The Board signed the Appointment for Nancy Marashio as an alternate for the Zoning Board. Wright encouraged Marashio to file to serve on the Zoning Board.

41. Correspondence

41.1. Zoning Board

A notice from the Zoning Board granting a variance to Masoud and Susan Azodi-Kazerooney, Gerald Drive, map/lot #29A-055-377.

41.2. Monthly Report - Assessing Changes

The Board signed the December 2015 assessing changes.

41.3. Planning Board

The Board received the proposed changes for the zoning amendments.

41.4. Office of the Sheriff/Merrimack County

Letter from Scott Hilliard stating open bidding for an used DVR Security Recording system.

42. Approve Payroll/Payables

42.1. Payroll/Payables January 23, 2016

The Board approved and signed payroll and payables.

43. Acceptance of Minutes

43.1. January 11, 2016 Meeting

The Board approved and signed the minutes and non public minutes.

44. Other Business

44.1. Intent to cut

The Board approved and signed an intent to cut for Bradford Fish and Game, Gillingham Drive, map/lot #051-109-453.

The Board approved and signed an intent to cut for Carl Eric Unger, Mountain Road, map/lot #025-174-501.

44.2. Veteran's Credit

The Board approved and signed a Veterans credit for Joseph Spaulding, 020-099-200.

The Board approved and signed a Veterans credit for Gary Hescok, Autumn Lane.

44.3. Land Use Change Tax

The Board approved and signed a land use change tax for James and Mary Condry, Meadow Road, map/lot# 041-415-059 in the amount of \$11,300.00

44.4. Abatement

The Board approved and signed an abatement in the amount of \$31,301.43 for JMW Trust, map/lot #s 16A-351-060, 16A-303-072.

5 Non-Public Session

Per RSA 91-A:3, II, a-e

- a) The Board voted to go into non public session at 7:36 p.m. under RSA 91-A:3,II,a.

The Board came out of non public session at 7:41 p.m.

6 Adjournment

- a) The meeting adjourned at 7:41 p.m.

Motioned by Selectman Thorson, seconded by Selectman Smith, All in favor.

Richard J. Wright, Selectman,
Chair

Edward Thorson, Selectman

Russell L. Smith, Selectmen