

SELECTMEN'S MINUTES

April 15, 2024, at the Town Hall

Present: Selectmen- Bruce Beane, Milton Presby, Thomas Smith, Jim Trudell- Advisor to the Selectmen, Celine Presby- Treasurer, Heather Torres-AA

Other Attendees: Tom Smith- Road Agent, Beth Carignan, Todd Landry-Emergency Management Director, Shon Grant, Greg Harville

Beane called the meeting to order at 6:00 pm.

Manifests & Invoices:

The manifests for 4/1/2024 & 4/15/2024 were authorized and new invoices for future payment were reviewed and initialed.

Treasurer's Report:

The Treasurer's Report was read showing a balance of \$194,845 in the WGSB checking account, \$50,000 in the NOW account, and \$367,573.98 in the (ICS) Insured Cash Sweep. Smith made a motion to approve the Treasurer's report as given, 2nd by Presby, all voted in favor.

Elections:

The annual election for Chairperson to the Select Board took place. Senior member Smith made a motion to elect Bruce Beane as chairperson, 2nd by Milton Presby, all voted in favor.

Meeting Minutes:

Minutes for the April 1st meeting were reviewed. Beane motioned to approve the minutes, 2nd by Smith, all voted in favor.

Committee/Department Reports & Needs:

Road Agent Tom Smith discussed HWY matters. A driveway permit on Under the Mountain Rd for Schafer at Map #222 Lot #001-001 needs to be inspected. Selectman Smith and Road Agent Smith will inspect next week. Smith informed the BOS that the guardrail on Hurdhill that is falling down over the dam is going to get replaced next week. Smith is currently pricing all metal culverts. The Select Board talked briefly about Chiefs pending bill for blasting that will amount to \$40,000. \$30,000 is for the ledge blasting and \$10,000 is for stripping the pit, taking care of stumps and getting it ready for future blasting including mixture and moving equipment. Trudell asked if Smith cut trees by the HWY Garage and if they are going to use the material. Smith said the material will be used either at the Highway Garage or Under the Mountain Rd. Trudell commented that it is good material, Road Agent Smith agreed. Smith said that they may be moving the tanks at the garage at some point. Presby noted that they need to be a certain distance from the building. Weight restriction signs will be coming down at the end of the week.

Selectman Smith asked about the old Hubberton road extension and whether there should be a class VI sign there because there is one on the other end of the road. Road Agent Smith agreed to put one up. Road Agent Smith asked the BOS if he can use the Truck to to get a load of sand at Henniker for the Lisbon Lion's Club. Smith asked the Select Board whether there is a plan for the excavator because he got a call from the company. Presby said there is not have a plan at this time and will revisit the topic at a future meeting. Rd. Agent Smith asked what's going on with the old loader as far as selling it. Beane has everything ready to put on the website about the loader. Beane asked if it would make sense to have it as a backup but that there is no where to keep it undercover. Selectman Smith pointed out that at the 2023 Town Meeting we told the Townspeople that we would be selling it. Beane responded that we should put it out to bid but couldn't take less than what we were originally offered for as a trade in of \$12,000. Trudell asked about the new loader and asked about an Apparatus that goes on the front of the loader to grind material. Road Agent Smith said that they do make such a part. * Carignan brought it to the Selectmen's attention that the Town Clerk's office will be closed the week of the 22nd for her vacation. Carignan explained that her Deputy would not be able to cover due to other work related commitments.

Emergency Management:

Landry discussed a new grant that the Town can apply for to purchase a new AED for the Town. Grant explained the details of the grant. A 30% discount is being offered and he wanted to extend the offer to the Town so people can have access to it. The full cost of an AED is \$2,268. With the discount the new AED will cost \$1,675. Trudell asked if we have one here. Landry explained that we do but it is limited due to utilizing it for the Lyman Life Savers. Beane did not have a problem with purchasing it as long as there is money in the Emergency Management Fund. The Selectmen discussed the matter and that it should be accessible to the Town Hall and will need to be stored in a heated place. Grant offered to train people on how to use it.

Zoning Board of Adjustment:

Harville discussed multiple topics pertaining to the ZBA. Harville talked about training and requested permission to hold a training class Saturday May 11th at the Meeting Hall having access to a computer and a projector. The Select Board offered the BOS meeting room as an option. Harville did not think it was necessary to have to pay someone to have the room opened and will ask the ZBA where they would prefer to have the training. Harville will let the Selectmen know where the ZBA members want to have the training after their upcoming meeting on Wednesday. Harville also discussed doing a "Mock Court" training session because there are new members and they meet very sparadically. Harville said it would be very helpful to have someone like the Town attorney speak so the two new members know how to perform in their roles as members and know what they are supposed to do as a Board. Harville recalled that in 2021 the entire town and all Boards had the option to attend a fake hearing. Beane did not think it was that extensive but nevertheless thought it would be a good idea. Harville expressed his concern over the ZBA having so much power that if the members do not understand the role of the ZBA

that the Town can be subject to significant liability of the law and injure the person who is applying if the Town and if the Board does not get it right. Harville expressed that he is trying to go about the best interest of the Town as to how to make sure that as a Board they have the best training for their volunteers. Harville suggested using a part-time resident who is a land use attorney, Mr. Donovan who might be willing to share his thoughts and watch the ZBA work as a team and help with the "Mock Court" training. Smith offered to come up with a fictitious variance request. Trudell will reach out to Mr. Donovan on behalf of Harville's request. The Select Board agreed that training was important and concurred with Harville's request to proceed and move forward with a "Mock Court" training session. Harville moved on to discuss his concerns with the secretary hours for the ZBA. Harville asked who approves the secretary's work, who approves that the work was actually done, who says that there was any work for the ZBA and was it meaningful for the Board and did the Board direct the work or was it normal office work. Harville suggested that it might be helpful for the Chairperson of the Planning Board and ZBA to approve the secretary's time and sign-off on the secretary's time sheet. Beane said it would allow the Boards to come to the Selectmen and give reasons as to why and what they need for a budget. Trudell suggested to make time sheet forms similar to the Road Crew and Road Agent timesheets which allow for a description of what was done for that time for both Planning Board and the ZBA and have it signed-off by the Chairperson of each department so whomever asks would know exactly what they did and when people ask what did this person do this day you can check the form. Harville has not discussed this with the Planning Board who would need to be on board with this change in order to move forward with the process. The Selectboard agreed that it was a good idea to have a work description on the form. Beane said it would allow each department head to know what their expenses are. Harville said it was reasonable management control regarding expenditures that the Chairperson of the Planning Board and ZBA have control of. Harville suggested that a payroll timeline is needed as to not hold up payroll on Mondays. Trudell, recommended putting the department budget on the timesheets. Harville said it was reasonable management controls which the Board of Selectmen are in charge of and as the Chairperson of the ZBA having control of the process would be useful to keep track of dollars since things get looked at, measured and approved differently. Harville made a comment but did not want to have a conversation necessarily about management controls and expenditures and requested that the Selectmen consider over the next several months adding a management control where the Chairperson of the ZBA and Planning Board have input into the job performance of the employees that are tasked to support those departments activities. Beane said that they do have a process. Harville said that we don't have a real process and that the Town is not doing it very formally and that is why he did not want to have the conversation and is just planting the seed for future discussions and that enacting appropriate job performance is not a bad idea for the Town in his opinion. Harville's last topic that he shared with the Select Board pertained to his time on the ZBA. Harville pointed out that since he has been a member of the ZBA, they had to cancel two Board of Adjustment meetings because of

the meeting not being properly noticed. Harville recited RSA 91:A which requires 24 hours notice of a public meeting unless it is an emergency and the notice must be posted in two places and has to include the time and place that the meeting starts. Harville explained to the Selectmen that a year or so ago the ZBA had a meeting that was cancelled because it was not noticed. Harville explained the circumstances of that meeting and that he had called the secretary two days before the meeting and reminded the secretary about the meeting and it didn't happen. Harville continued on regarding last Wednesday's meeting at 7:00 pm and explained that he reached out to the secretary three weeks ago and he sent an email not to forget to notice it and that he received an email back saying it was all set. On the Monday before this meeting he checked a couple of times and he did find it but it was hard to find on the website and it did not have the time and the notice in the Town Hall did not have the time. He called that Monday and said it was not noticed. He had a discussion and the secretary agreed to put the time on the website and fix the posting at the Town Hall. He checked again on Tuesday and it was not done. Harville said he had a written agreement that it would be done on Wednesday, when he checked again right before the meeting and it wasn't done. Harville explained that he is at a complete lost and doesn't know how to compel this person to meet our minimal obligations. Harville commented that this is one of a number of challenges he has had. Harville asked the Select Board about the process for the Board of Adjustment to control the assistant or the secretary assigned to the ZBA. Beane said the process of hiring and firing people in the Town is the Selectmen's decision and that it's not up to the department heads. It's up to the department heads to talk to the Selectmen and tell them what the problem is and the final decision comes from the Select Board. Trudell suggested that Harville write something up so the Selectmen have something if a matter needs to be addressed. This will give the employee the opportunity to give an explanation. The Select Board would then come back to the department head and explain how the matter was dealt with.

A motion to enter non-public session per RSA 91-A:3 (c) regarding employee training was made by Smith, 2nd by Beane, all in favor by roll call vote. Resumed public session. Beane made a motion to come out of non-public session, 2nd by Smith, all voted in favor.

Public Matters :

Smith discussed a potential new development that will be underway in Lyman, Bath and Lisbon in the near future and how it would potentially impact the surrounding area. The project is approximately 400 acres in total with the majority of land in Lyman. The bulk of the building will be in Lyman. Before developing access needs to be available thru Lisbon. Lisbon has been approached and said they want to look into it but based on Lisbon's rules Smith did not think that they can stop the project. As long as they can do a spec road, private, non-maintained road that is still along a class 6 road so the public could still have access the project should move forward. Smith will be meeting with the Lisbon Road Agent soon. The development will need to comply with Lyman's ordinances and the type of road going in. Beane stated that as long as it ties on to Class V road there

is no issue. Smith wanted to make the Board aware that the intended project is large in scope and give the other departments like the ZBA a heads up regarding the project.

The following was received:

- Blasting quote from Chief Bogie. Blasting Ledge - \$30,000.
Stripping of pit for blasting and also for future blasting and getting gravel ready for mixture including moving equipment - \$10,000.

New Business:

AA will participate in the Right to Know training workshop

Smith made a motion to adjourn the meeting at 9:00 pm, 2nd by Presby, all voted in favor.

The next regular Selectmen's meeting is scheduled for Monday April 29th at 6:00 PM at the Lyman Town Hall.

Approved:

Bruce E Beane

Thomas S Smith

Milton Presby
