

TOWN OF TUFTONBORO
BOARD OF SELECTMEN
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Selectmen's Meeting
9:00 am – Central Fire Station

Monday, August 1, 2016

MINUTES

Present: Chairman Carolyn Sundquist, Selectman Lloyd Wood, Selectman Bill Marcussen and Administrative Secretary Karen Koch.

Chairman Sundquist called the meeting to order at 9:00 am and proceeded with the Pledge of Allegiance.

Chairman Sundquist made a motion to approve the 7/25/16 public meeting minutes as corrected, seconded by Selectman Wood with all in favor.

Chairman Sundquist made a motion to approve the 7/26/16 public meeting minutes as written, seconded by Selectman Marcussen with all in favor.

The Selectmen met with Steve Wingate of the Conservation Commission. He shared that Ray Everest attended the Cow Island trip on behalf of the Conservation Commission and would like to do a natural resource inventory and management/protection plan for the property. Members of the Conservation Commission will work with him and then present this information to the Selectmen for review in approximately one year.

The discussion then turned to the Conservation Commission Land Purchase RSA 36-A:4 (I). Mr. Wingate passed out a packet of information regarding the Great Meadows land purchase for the Selectmen to reference while making his presentation. Mr. Wingate started by giving background information regarding Great Meadows. The landowner agreed with the appraisal done by Horizon's Appraisal Service for PID 17-1-2. An appraisal was not done on the 16 acre wetland parcel (PID 31-1-5). It was agreed with the landowner that fair price might be the tax valuation of \$425. Attorney Rick Sager put together a purchase and sales agreement for \$36,425 for both parcels. Sarah Fabian and Steve Wingate signed it. There is a Conservation Commission public hearing scheduled August 22, 2016 at 6:30 pm to spend \$36,425 for the two lots (\$26,425 from Conservation Commission fund and the remaining \$10,000 will come from a donation given by the Wolfeboro Tuftonboro Land Bank). Ecosystem Management Consultants updated a previous study to highlight the Conservation Commission priorities near the Great Meadow. This information was also shared with the Selectmen. The Selectmen thanked Steve Wingate and Mike Phelps for their work on this project.

Chairman Sundquist made a motion **to approve** the Conservation Commission purchase **of** PID 17-1-2 and 31-1-5 to add to the Great Meadows, seconded by Selectman Wood with all in favor. Steve Wingate expanded this motion explaining that it is the Town buying the land with Conservation funds. Options are with the Town as to how to use that land in the future.

The Selectmen will hold a public hearing at their August 8, 2016 meeting per RSA 31:95-b (IIIb), to accept the \$10,000 donation from the Wolfeboro Tuftonboro Land Bank on behalf of the Conservation Commission.

Selectman Marcussen asked the status on getting the Town Garage Property separated from the Great Meadow. It is understood that Lee Ann Keathley has been given permission from the Planning Board to record this correctly with the County. It is unknown if this has been completed or not.

Chairman Sundquist made a motion to approve a 2016 Homeland Security Grant Application letter showing their support, seconded by Selectman Wood with all in favor.

Chairman Sundquist signed the Virtual Town Hall website upgrade agreement. A motion was already made at the July 25, 2016 meeting to upgrade the website.

The Selectmen signed a thank you letter to Keith Garrett for his service on the Conservation Commission.

The Selectmen revisited the Lang Pond Road award of bid and invited Jack Parsons to participate in the conversation. Selectman Marcussen shared his opinion that his vendor choice is still the same. He reaffirmed that Integrity Earthworks is inexperienced in this area.

Selectman Wood shared his formerly mentioned research regarding RSA 447:16. His opinion is to let Integrity Earthworks add a bond if it is legal and acceptable or to reject all bids and redo the process.

Chairman Sundquist's opinion stayed the same. She doesn't feel that the Selectmen's reasons are strong enough to not move forward with Integrity Earthworks if they present a performance bond.

Jack Parsons confirmed that no official prequalification process was done. Although, none of the applicants were on the State approved contractor list. His recommendation is based on experience. He researched Integrity Earthworks past projects but did not find any solid evidence of past experience applicable to this project.

There was some discussion about the bond requirements, bond amounts, and the low bidder's confirmation that they would post a bond if required. Jack Parsons expressed concern that he doesn't want to have to use the bond. Selectman Marcussen explained further that a bond protects the Town in the event of non-performance but it doesn't get the job done in a timely manner. Selectman Wood added to this explanation stating that a bond is an insurance policy.

Chairman Sundquist doesn't feel that the chance of non-performance is reason enough to not accept the lowest bidder. Selectman Marcussen feels the opposite as the lowest bidder doesn't have any demonstrative experience in this area. Selectman Wood shared that he also doesn't believe that the reason to reject Integrity Earthworks is enough. He is most comfortable rejecting all bids, and redoing the process. It was then discussed amongst the group that the only issue with redoing the process is that all bidders know the other offers at this point.

Selectman Wood made a motion to stand with the original motion of the original bid, seconded by Selectman Marcussen. Vote passed 3-0. Chairman Sundquist voted yes with hesitation. It was asked that Karen Koch relay this decision to Integrity Earthworks.

Chairman Sundquist shared that she went to an election law workshop. One important point that was made was that there should be an alternate polling place in the event that the primary location is not available. The Selectmen asked that Karen Koch check with Tuftonboro Central School to see if they would be our second polling place if needed. Chairman Sundquist also shared that there should be more than just her signature on the certification of the ballots. The whole board or at least two Selectmen should be available for this certification. **She also mentioned if a Selectman is not able to perform his or her duties, they could appoint a Selectman pro-tem.**

The Selectmen agreed to support Ben Ladd to follow up for quotes and obtain more information for the Mirror Lake Boat ramp project.

Chairman Sundquist mentioned that the Selectmen, Treasurer Jack Widmer, Town Clerk Heather Cubeddu, Tax Collector Jackie Parsons and Administrative Assistant Diane Falcey had a good meeting with Meredith Village Savings Bank about

moving the Town accounts. We should receive their proposal next week. Jack Widmer will compare both People's and Meredith Village Savings Bank's proposals. All Town Office employees are agreeable to the potential transition to MVSb.

Selectman Wood shared an email from Nancy Piper about the well testing kits. 75 testing kits went out and 59 were returned. He also shared information regarding the temporary detour estimates of \$0 for both the Tuftonboro Neck and Sodom Road bridge projects.

Selectman Marcussen revisited the State program to overlay Mountain Road. It has been discussed to narrow the vehicle travel lanes and move the edge line in closer to improve safety for bicyclists. Selectman Wood mentioned that Mark Howard is in contact with the appropriate state official regarding this. He will ask him to come in and speak with the Selectmen.

Selectman Marcussen thinks we should move forward with our IT/network needs. The Selectmen asked Karen Koch to ask Lakes Region Computer to come and meet with them, as well as to call surrounding towns for vendor recommendations.

The Selectmen asked that Karen Koch contact Rick Sager about removing PID 41-3-3 Union Wharf Road from the Town Owned Property auction list as the Conservation Commission recommended that it not be sold. This is not a tax deeded property and was purchased by the Town in the 1940s.

Chairman Sundquist reviewed an email from Steven Clark complimenting Clay Gallagher and his team for Island Trash Day.

There was discussion regarding an email sent by Rich Page in regards to poor conditions at Tuftonboro Beach. The email was forwarded to the applicable department heads and they gave their input. Selectman Wood raised the suggestion of a possible meeting with the Road Agent, Police Chief and Gina Lessard to review the conditions overall, including additional issues, such as parking lot issues, overgrown bushes, etc.

The following correspondence was also reviewed: Ames Associates PID 13-1-12 abutter letter; updates from Road Agent; Board of Adjustment Notice of Decision for Sharon Wells and James Hoffman; councilor Kenney's schedule; the Sampler Newsletter; various meeting minutes and other correspondence.

It was decided that the Selectmen would review compensation at a later time.

Chairman Sundquist announced that there will be two non-public meetings today; the first one to give an employee performance review and the second for litigation.

During public input, Betsy Frago asked about Norway Plains' responsibility in regards to the review of the Lang Pond Road bids as well as questioned if Norway Plains reviewed the Invitation to Bid packet. Chairman Sundquist confirmed that Norway Plains did make mention that a performance bond was not included on Integrity Earthworks' bid but also didn't know if it was required or not. The Selectmen didn't know if Norway Plains was provided the Invitation to Bid packet for review. Chairman Sundquist shared that none of the people involved in creating the Invitation to Bid packet were aware that a bond was required until after the submissions were received. Ms. Frago also questioned why Selectman Marcussen was not available to attend the meeting Friday with Integrity Earthworks. Chairman Sundquist explained that Selectman Marcussen was originally available to attend but circumstances arose that prevented him from staying. Although Integrity Earthworks has not indicated that they would sue the Town, she asked if NHMA was asked if the Town can be sued for not taking the lowest bid. Chairman Sundquist responded that they did not inquire about this and this is a concern of hers as well. Ms. Frago also asked about the cost difference between the lowest bid and the second lowest bid. The Selectmen explained that it is approximately a \$30,000 difference.

Chairman Sundquist responded to Joe Kowalski's inquiry confirming that Meredith Village Savings Bank would be taking the space in Melvin Village regardless of whether or not the Town moved their business there. Mr. Kowalski showed concern for motor vehicle safety if the lanes are narrowed on Rt. 171 to accommodate for bicyclists. He also asked if this change would include other Towns. Selectmen Marcussen shared that this is something that they would need to discuss with them. Selectman Marcussen shared that narrowing of traffic lanes actually tends to slow traffic, improving vehicle safety, while also adding safety for bicyclists.

At approximately 10:43 am, Chairman Sundquist made a motion to move into a non-public session per RSA 91-A: 3 II (a) to give a performance review, seconded by Selectman Wood with all in favor. Roll call vote: Sundquist – Yes; Wood – Yes; Marcussen - Yes.

At approximately 11:10 am, Chairman Sundquist made a motion to end the first non-public session and move into a second non-public session per RSA 91-A:3 II (e) for litigation, seconded by Selectman Wood with all in favor. Roll call vote: Sundquist – Yes; Wood – Yes; Marcussen - Yes.

At approximately 11:32 am, Selectman Marcussen made a motion to return to public session, seconded by Selectman Wood with all in favor.

At approximately 11:33 am, Chairman Sundquist made a motion to adjourn, seconded by Selectman Wood with all in favor.

Respectfully submitted,
Karen Koch, Administrative Secretary