

**MINUTES**  
**BRISTOL SELECT BOARD**  
**January 30, 2014**

**PRESENT:** Select Board Members: Don Milbrand, Joe Denning, Janet Cote, Betsy Schneider, Shaun Lagueux, and Town Administrator Michael Capone.

Mr. Milbrand opened the meeting of the Bristol Select Board at 6:00 PM.

**Minutes of January 23<sup>rd</sup>, 2014**

Mrs. Cote motioned to approve the minutes of January 23<sup>rd</sup> as submitted, seconded by Ms. Schneider. The Board voted 5-0 in favor of the motion.

**Manifest of January 30<sup>th</sup>, 2014**

Mrs. Cote motioned to accept the manifest of January 30<sup>th</sup>, seconded by Mr. Denning. Ms. Schneider inquired on fuel bills charged to the Fire Department. Mr. Capone will look into the matter. 4.89 gallons were also charged to the motorcycle. The Board voted 5-0 in favor of the motion.

**New Business:**

Mr. Milbrand read a letter from Teresa Adams requesting the Board's approval to obtain a liquor license with the State of NH. A letter drafted from the Board responding to this request was read. Mrs. Cote inquired if they were operating under the Tavern's liquor license. The Board agreed to sign the letter.

**Budget Transfers and Encumbrances**

Mr. Capone explained the process by which the Budget Transfers are accomplished under (RSA 32:10). He presented the Board with a listing of four areas in the budget which were over spent.

Mr. Denning motioned to move \$1,400 from line 01-4311-117 to line 01-4152-312 to cover a \$1,363 deficit in the Property, Contract Services budget line. The motion was seconded by Ms. Schneider. Mrs. Cote stated she had reviewed RSA 32:10 and spoke with legal counsel at NHMA about budget transfers as well as DRA. She explained the law and how it applies to transfers as intended under RSA 32:10 clarifying that transfers should be completed within two weeks of closing books. Mr. Capone suggested that perhaps she was thinking of RSA 32:7, however Mrs. Cote stated she was not and that under RSA 32:10 the Board should be aware of the correct practice. As she understood, the Town's books were still open so the Town is not in violation of the RSA currently. Mr. Capone reviewed the practice with auditors to ensure the Town conducting business legally. The auditors stated a period of time to allow remaining bills to come in. The Board voted 5-0 in favor of the motion.

Mr. Denning motioned to move \$50,300 to General Legal line 01-4153-320 from the following areas: \$39,400 Outside Details 01-4210-141, \$7,600 SW Construction and Demo Disposal 01-4324-362 and \$3,300 KP Part Time Attendants 01-4522-120 to cover a deficit of \$50,211, seconded by Mrs. Cote. With no further discussion, the Board voted in favor of the motion 5-0.

Mr. Denning motioned to move \$1,500 to the Library Interest line 01-4712-735 from the KP Part Time Attendants line 01-4522-120, seconded by Mr. Lagueux. Upon vote by the Board, the motion passed 5-0 in favor.

Mr. Denning motioned to move \$250 to the Police Cruiser line 01-4902-760 from the PD Car 2 budget line 01-4210-661 to cover the overage incurred with the purchase, seconded by Mrs. Cote. Upon vote by the Board, the motion passed in a vote of 4-0 with one abstention by Ms. Schneider.

The total transfers made were \$53,450.

Mr. Capone presented the Board with a list of encumbrances to discuss. Mrs. Cote stated to the Board that per RSA 32:7, encumbrances can only be made during the fiscal year. She spoke with legal counsel at NHMA and the Town's DRA representative. Mrs. Cote explained that certain items such as contracts, bonds or warrant articles with lapsing statements are excluded. Ms. Gerlarneau from DRA suggested warrant articles to encumber funds. The Board discussed their views on the matter. Mr. Capone explained that he had spoken with Attorney Sanderson from NHMA, the Auditors and DRA. His understanding from those discussions was that there are allowances within the accounting period for the following month (January). The Auditors noted that allowing time for transactions from the previous month (December) to be processed would allow for more accurate transfers and encumbrances and less adjustments to the books during the audit process than if we closed the accounting period too soon.

Upon further discussion of the encumbrances, the Board reviewed the amount proposed for wood chips for the Kelley Park Project. Ms. Schneider stated there should have been three quotes and only one was received. Mr. Denning suggested that the Board should move forward as they have in the past encumbering funds, and address the issue later. Mr. Lagueux inquired on which items are exceptions that can be voted on. Mr. Capone further explained his information received from discussions with legal counsel and DRA and stated that it important to proceed in a way that everyone was comfortable with. Mrs. Cote clarified that the Town has more leeway with transfers due to the timing of closing books. However with encumbrances, the situation is different and the Town has limited options. Mr. Lagueux inquired if all remaining encumbrances could be covered under one warrant article. Mr. Capone noted that they should be separate articles.

Mr. Capone noted that a Purchase Order in the amount of \$13,500 had been authorized by the Board in October for paving the sidewalk along Route 3A. Mr. Denning motioned to encumber funds, \$10,000 from sidewalks (account 01-4311-6310 and \$3,500 from paving (account 01-4312-390), seconded by Mr. Lagueux. The Board approved the encumbrance in a vote of 5-0.

Mrs. Cote motioned to pursue the encumbrance of funds for wood chips at Kelley Park as a warrant article, seconded by Mr. Lagueux. Ms. Schneider inquired if they could still obtain three quotes. The Board discussed moving forward with the warrant article and approving a purchase order at a later date once three quotes were received.

Mr. Capone discussed the encumbrance proposed for the Building Maintenance Fund for three light poles downtown in the amount of \$19,275. The Board approved these funds at a meeting in July of last year. Mr. Lagueux motioned to encumber the Building Maintenance Fund Contingency, seconded by Mr. Denning. Upon vote by the Board, motion passed in a vote of 5-0.

The Board discussed encumbering the warrant article funds for the Master Plan and Old Town Hall. Ms. Schneider motioned to encumber \$8,921 for the Master Plan and \$84,933 for the Old Town Hall, seconded by Mr. Lagueux. Upon vote of the Board, the motion passes with a vote of 4-0, with one abstention by Mrs. Cote.

#### **Warrant Article Review and Discussion**

Mr. Capone provided the Board with the proposed warrant articles for Town Meeting. He noted that the order of the articles as they appear on the warrant can be changed by the Board. This order was for purposes of discussion.

Mr. Denning motioned to accept Draft Article 6 for \$25,000 to be placed in the operating budget for contingency expenses, as a warrant article, seconded by Mrs. Cote. The Board voted 5-0 in favor of the motion.

Mr. Lagueux motioned to accept Draft Article 7 for \$162,000 to purchase a six-wheel dump truck for the Highway Department, and to raise and appropriate \$81,000 for the first year's payment, seconded by Mr. Denning. Ms. Schneider inquired on trade in value. Mr. Capone estimated the trade in value of \$7,500 towards the purchase and would be recognized as revenue. After further discussion, the Board took a vote on the motion and the motion passed in a 4-1 vote, with Ms. Schneider opposing.

Draft Article 8, to establish a Capital Reserve Fund for the purchase of a fire engine and to place \$25,000 in the fund was reviewed. Mr. Lagueux motioned to accept Article 8, seconded by Ms. Schneider. The Board voted 5-0 in favor of recommending the article.

Draft Article 9 for establishing a Capital Reserve Fund for the purpose of Town Building Maintenance and placing \$20,000 in the fund was motioned for acceptance by Mr. Denning and seconded by Ms. Schneider. The Board voted 5-0 in favor of the motion.

Draft Article 10 is proposed to raise \$80,000 for Old Town Hall repairs. Mr. Denning motioned to accept the article, seconded by Ms. Schneider. The Board voted 3-2 in favor of the motion.

Draft Article 11 proposes to raise \$55,000 for playground equipment for Kelley Park, \$25,000 from general taxation and \$30,000 from the Kelley Park General Fund unless the article does not pass at Town Meeting then budget line 01-4522-820 will be increased to \$15,000. Mr. Capone explained that if the money could not be raised, then the current equipment would need to be brought to current safety standards. The Board discussed the language in the article, addressing concerns with the second part of the article which adds money to the budget line. Board members felt it would be cleaner to separate the two pieces out and not list them together in the same article. Mrs. Cote inquired if the Town needed to cover the \$70,000 which was replaced with \$55,000. Mr. Capone stated that he spoke our DRA advisor about the article language. Since the \$15,000 that would come from the KaBOOM grant would not be given to the Town but would come in the form of a \$6,000 discount and a \$9,000 direct payment to the vendor, we could not consider that money in the warrant article because we would not be collecting it. The Board felt that of the \$55,000, \$25,000 would come from taxation and \$30,000 would come from fundraising. The \$15,000 from the KaBOOM grant would make up the balance of the money for the project. Mr. Denning motioned to recommend to raise \$55,000 for Kelley Park, with \$25,000 from general taxation and \$30,000 from the Kelley Park general Fund, seconded by seconded by Mr. Lagueux. The Board voted 3-2 for the article, with Mrs. Cote and Ms. Schneider opposed to the article.

Draft Article 12 proposes to establish a revolving fund pursuant to RSA 31:95-H for purchasing a replacement ambulance with \$40,000/year of ambulance patient proceeds to be placed in the fund. Mr. Denning motioned to accept the article, seconded by Mrs. Cote. The Board voted 5-0 to recommend the article.

Draft Article 13 proposes to establish a revolving fund pursuant to RSA 31:95-H for purpose of a police special detail wages, benefits and for the purchase of police cruisers and to raise and appropriate \$5,000 to be deposited into the fund. If the article passes line 4211- in the budget will be reduced by \$40,000. Mr. Denning motioned to accept the article, seconded by Mr. Lagueux. Mr. Milbrand suggested removing the last sentence of the article, and they should be separated. The Board voted on the amendment to the article 5-0 in favor, and held a discussion on it. Ms. Schneider inquired on why the Board would add \$5,000 to this fund if the above fund wasn't even funded. Mr. Capone explained that this money would essentially be seed money used to start a fund and pay initial operating expenses. The Board voted 4-0 with one abstention by Ms. Schneider to recommend the article.

Mr. Denning inquired how the Board planned to address the statement that was removed from the warrant article at Town Meeting.

Draft Article 14 proposes to establish a revolving fund pursuant to RSA 31:95-H for the purpose of promoting more recycling through improved Transfer Station operations. The funds will be allowed to be carried over from year to year and not be included in the Town's general fund balance. Mr. Denning motioned to accept the article, seconded by Mrs. Cote. After discussion by the Board, Mr. Lagueux made a motion to remove the word 'more' from the first sentence stating the intent was really about more efficiency at the Transfer Station, seconded by Mr.

Denning. Mr. Milbrand inquired if the article was approved, could the Board still rescind the article? Mr. Capone stated the Board could do this. With no further discussion, the Board voted 5-0 in favor of the motion.

Draft Article 15 proposes to purchase a Striker Power Pro power stretcher in the amount of \$15,845 for ambulance 4A1 to be offset by any trade-in value. Mr. Denning motioned to accept the article, seconded by Mr. Lagueux. Mr. Denning commented on the need for this equipment which could be shared with other Towns. Mr. Lagueux agreed that it was important for this to be included in the fee agreements negotiated yearly. Upon vote by the Board the motion passed in a 3-2 vote on the stretcher, with Mrs. Cote and Ms. Schneider opposed.

Draft Article 16 proposed to authorize the Selectman will allow a seven (7) year lease agreement for \$210,350 to purchase a municipal sidewalk tractor as described in the warrant article with \$35,000 for the first year's payment. The agreement will contain an escape clause. Mr. Lagueux motioned to accept the article for discussion, seconded by Mr. Denning. Ms. Schneider inquired if Mr. Bucklin had obtained any numbers for a used tractor. Mr. Capone had received the quotes and reviewed them with the Board. A reconditioned tractor with all the same equipment was quoted for \$134,001.00. If the Town leased there are three payment schedules available for financing the \$134,001:

Three (3) years = annual payment \$45,930.

Five (5) years = annual payment \$28,545.

Seven (7) years = annual payment \$21,467.

Mr. Lagueux inquired if the Highway Superintendent was comfortable with leasing a used tractor. Mr. Bucklin stated he felt it would suit their needs however the life expectancy would only be 10-15 years. The Board discussed the various financing options and how the longevity may impact the decision to finance used equipment. Mr. Lagueux motioned to accept the new bid of a factory reconditioned machine for a five year lease, seconded by Mr. Denning. The Board 5-0 in favor of amending the warrant article language. The Board voted 3-2, with Mrs. Cote and Ms. Schneider opposed to accepting the warrant article for consideration at Town Meeting.

Draft Article 17 proposes to authorize the Bristol Select Board to petition the State of NH Site Evaluation Committee to grant intervener status to the Town as set out in RSA 541-A:32 and the Committee's Administrative Rules (202:11) due to the impact of wind projects on the Newfound Lake view shed and to raise \$10,000 to cover legal expenses associated with the Town's participation as an intervener. Mr. Lagueux motioned to accept the article, seconded by Mr. Denning. Upon vote by the Board the motion passed in a vote of 5-0.

Draft Article 18 proposes the Select Board will not consider a Payment in Lieu of Taxes (PILOT) with any renewable energy facility in accordance with RSA 362-A:6-A. Mr. Lagueux motioned to accept the article, seconded by Mr. Denning. The Board voted 5-0 in favor of accepting the article.

Draft Article 19 proposes that all wind and energy facilities that may come to be located in the Town of Bristol, post security in the form of a letter of credit, cash or bond, prior to initiating operations in order to cover the costs to remove any and all equipment from the Town of Bristol upon cessation of a period of operation of more than 12 months. Mrs. Cote motioned to accept the article, seconded by Ms. Schneider. The motion passed in a vote of 5-0.

Draft Article 20 proposes raising \$20,000 to repair/replace the roof of the Old Fire House.

Draft Article 5 proposes adoption of the operating budget.

Mrs. Cote suggested the Board discusses the order of the articles, with the operating budget article listed last after all money articles. She motioned article 5 for discussion purposes, seconded by Ms. Schneider. Mrs. Cote motioned to remove the last two sentences from Article 5, seconded by Mr. Lagueux. The motion passed by a vote of 5-0.

Mr. Lagueux made a motion to table further discussion of Draft Article 5, seconded by Mr. Denning. The Board voted 5-0 on the motion.

Mr. Capone inquired if the Board wanted to propose to raise \$13,500 from the general fund balance for Kelley Park project. Mr. Denning motioned to create an article to see if the Town will vote to raise and appropriate the sum of thirteen thousand five hundred dollars (\$13,500) for the purpose of purchasing a log crawl tunnel and 300 cubic yards of certified wood carpet for Kelley Park. This sum to come from fund balance and no money will be raised from taxation, seconded by Ms. Schneider. Ms. Schneider commented on the dollar amount which may have been intended for repairing equipment. Mrs. Cote clarified that the funds were encumbered for a use that was not the intended use towards the equipment versus the wood chips and other supplies. After discussion by the Board, several members agreed that the money was to be spent on fixing non-conforming items at the playground. Ms. Schneider and Mrs. Cote added that when the money was put into the line last year, it was not intended for a log crawl, but instead it was meant to repair what was there and the carpet and chips. Mr. Milbrand stated the \$15,000 added back in to the operating budget was put in to cover the repair costs should the article not pass at Town Meeting. The Board discussed the costs associated with the wood chips and the log. Mrs. Cote suggested changing the language of how the money is to be used.

Mr. Denning made a motion to see if the Town will raise and appropriate the sum of \$13,500 for the purchase of a log crawl tunnel and 300 cubic yards of certified wood carpet for Kelley Park. Mr. Lagueux stated the language in the article addressed all the needs as stated. The Board voted on the article as moved by Mr. Denning. The motion passed in a vote of 3-1-1, with Ms. Schneider opposed and Mrs. Cote abstaining.

Mr. Capone emailed the Board copies of the latest revenue worksheet. A budget line was set up for the Day Away Program as requested by Ms. Schneider. Mr. Denning made a motion to add \$650 into the Select Board's proposed operating budget for 2014 seconded by Ms. Schneider. The Board voted 4-1 in favor of the motion.

Mr. Milbrand suggested the Board discusses how they want to address the School Resource Officer (SRO) position. Mr. Denning inquired how the Board addresses this if it has not passed. Other members of the Board stated this position would be an additional paid employee by the Town, on the Town's payroll. Mr. Milbrand suggested they wait and see if it passes the School Board and the Budget Committee budget's, and then add it to the Town's budget. Mr. Denning inquired on how other School Districts handle SRO positions. Both Mr. Capone and Mrs. Cote spoke with DRA on the position. Mrs. Cote inquired if the Board can address it at Town Meeting after other votes. She also asked if it was possible to obtain advice on which was the best possible way to proceed with the article.

### **Town Administrator's Report**

Mr. Capone reviewed a prior request on a historical review from the Department of Energy. A form was sent asking for the Board's input. Mr. Capone is willing to be the contact person for the survey, if the Board appoints him. Mrs. Cote motioned to appoint Mr. Capone as the contact person for the historical review, seconded by Mr. Lagueux. The Board voted 5-0 on the motion.

Mr. Capone provided the Board with copies of the Barter-Exchange policy as proposed. Mrs. Cote motioned to accept the Barter-Exchange Policy as presented, seconded by Ms. Schneider. The Board voted 5-0 in favor of the motion.

### **Select Board Items**

Mrs. Cote inquired on the revisions for the Grant Policy and whether it was approved. Specific revisions were discussed regarding time sensitive grant application procedures. Mrs. Cote motioned to pass the Grant Policy as revised, seconded by Mr. Denning. The Board approved the Grant policy in a vote of 5-0.

Mrs. Cote also inquired on the auditor's report issues. Mr. Capone noted that some of the issues had been addressed and that others were in process. He will keep the Board updated.

Mrs. Cote also suggested as per public comments made at the last meeting, that the Board holds weekly meetings instead of bi-weekly so the Board is more up to date on Town business. Mr. Denning provided some background on when the Board did hold weekly meetings which ended up putting more work on the Town Manager at the time who was not able to accomplish all tasks in a week's time. Ms. Schneider inquired if it was scheduled weekly but not needed, could they not have a meeting. Mr. Capone noted that it has benefits as well as challenges. Mr. Denning suggested that they wait until after Town Meeting and let the new Board determine how they wish to proceed.

Mr. Lagueux inquired if the Highway Department was able to secure more sand and salt. Mr. Capone will check into that.

### **Public Comments**

Paul Simard suggested that the Board consider a historical area he called “La Grande Portage” as part of the historical review for the Northern Pass project.

Ernie Richards commented on the options to be considered with regard to the SRO position suggesting it goes back to the School District and leave the Town out of this.

With no further public business to come before the Board, at 8:10 PM, Mr. Lagueux made a motion to enter into non-public session under RSA 91-A: 3 (b) and (e). It was seconded by Ms. Schneider. The Board voted 5-0 in favor of the motion by a roll call vote.

With no further business to come before the Board, at 8:37 PM Mr. Lagueux made a motion to seal the minutes. The motion was seconded by Ms. Schneider. The Board voted 5-0 in favor of the motion by a roll call vote.

At 8:37PM, Mr. Lagueux made a motion to come out of non-public session. The motion was seconded by Ms. Schneider. The Board voted 5-0 in favor of the motion.

At 8:38PM Mr. Lagueux made a motion to adjourn. The motion was seconded by Ms. Schneider. The Board voted 5-0 in favor of the motion.

Respectfully Submitted:

Kelly Lacasse

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Don Milbrand, Select Board

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Joe Denning, Select Board

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Betsy Schneider, Select Board

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Janet Cote, Select Board

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Shaun Lagueux, Select Board