

TOWN OF JEFFERSON  
SELECT BOARD MEETING MINUTES

December 16, 2019

The regular meeting of the Board of Selectmen for the Town of Jefferson was held at the Select Board Office Monday, December 16, 2019, at 7:00 p.m.

**PRESENT:** Tom Brady and Cindy Silver--members comprising a quorum of the Board

**OTHERS PRESENT:** Kathi Marshall, Assistant to the Select Board; Chris Milligan, Kim Perry and Bob Roy were also present.

Members of the board signed warrants for payroll and accounts payable. Invoices were approved for payment December 23, 2019. Board members also signed one notice of Intent to Cut for David Falkenham and one building permit at 48 Maple Lane for two decks. They also signed three abatements and initialed several bank statements and reconciled accounts. The Planning Board and the Conservation Commission both submitted their proposed budgets for upcoming fiscal year 2020 and the board accepted those.

Kathi presented for signatures the proposal from the Planning Board to appoint an alternate to serve on the board. Tom asked when the last time was that the town advertised for people to serve. He thought it might be a good idea to let people know these positions are available so citizens know they can step forward if they have an interest. Cindy mentioned other towns do that and perhaps we should too. Members held off signing the proposal until we could get information onto the website and in the local paper.

**Meeting Minutes Approval:** Cindy moved to accept the Select Board public meeting minutes for December 9, 2019, as recorded. Tom seconded the motion, and the motion carried.

**Report of Departments and/or Boards**

**Highway:** Mark was not present.

**Office:** Kathi said she had a very productive week. She followed up on some of the issues the board had asked her to check into. They included the town's legal team regarding deeded properties, the Department of Environmental Services in Concord and an update from Stuart at ADG regarding the proposed plans for the school. Tom asked her to elaborate on these as the meeting continued.

**New Business:** Kim Perry and Bob Roy stopped in to discuss the probable listing and sale of the Odd Fellows Hall (across from the town offices). They said Concord had finally approved the sale of the building since the group that used to meet at this hall have merged with the Bethlehem group. Now that the building is for sale the church that holds services there (Pastor Dean Stiles), would like to put a bid on the building. They feel they won't be successful since the value of the building is listed at \$160,000. They have been told their bid must come within 5% of the asking price. If a new owner does not want the church as a tenant, church members must find another place to worship as a church community.

As a contingency plan they are wondering if the town would consider letting them use the school—one or two classrooms. They would prefer a space that might be a little more permanent, but would consider the gym area if needed. They would set up chairs and take them down following each weekend service. They do have a coffee and donuts gathering after Sunday service so would like to have some access to the kitchen if possible.

Tom said the board is right in the middle of discerning what to propose for the school. He asked if the church members were looking for a dedicated space. They said they would like something with a little bit of a permanent feel to it, perhaps something that offered some closed space for Sunday School items. They would need it from 8:30 a.m. until 10:30 a.m. on Sundays, and for a pot luck supper once a month. They would need it for a couple meetings there as well.

They have a meeting with the congregation on the December 30<sup>th</sup> and would like to offer them some ideas about what contingency plans are out there. They mentioned a realtor felt the building was worth approximately \$100,000. Even if they were to acquire the building, there is a great amount of work to be done on it.

Tom said the board is still setting up an actual plan for the school, and are about five or six weeks away before they will have those definitive answers. He also added at this point the board is open to all inquiries because it opens up options to them with regard to planning. Cindy understood they wanted a room that was always set up and ready to go for church functions, but she said it may not be possible all the time. (Church membership is about 35-45 people.)

Kim and Bob said they would keep the board updated on what happens with the hall, and they would appreciate it if the board kept them in mind as they moved forward with a plan for the school.

### **New Business**

**Fire Department Budget:** Chris Milligan presented his budget at the previous week's meeting, but brought two proposals for consideration to include in that original budget. The first is for an alarm system in the Fire Station to be installed and monitored by Capital Alarm company. The total cost of setting up the system would be \$11,855.00. There would be a monthly fee to monitor and service same.

The second proposal is for fire extinguisher inspections. The company the Fire Department used to have has been bought out by Impact Fire. Chris feels the contract they have presented is pretty reasonable. The total for all locations is \$738.00. (Last year the cost was \$870.00.) Tom asked if this was supposed to go into the budget under each department where fire extinguishers were located. Chris said it should. Kathi checked last year's contract, and the payment was broken out by location as to the cost of inspections.

Chris mentioned the Historical Society was on last year's contract, and Tom asked if they should be included since they were not a town department. (Their annual cost was \$56.00.) Cindy noticed the Transfer Station was not included in the proposal, and said it should be added. The Odd Fellows hall was also on last year's invoice, and Chris said it was no longer our responsibility.

Chris feels the proposal for the alarm system is a good investment. They had two close calls this year in the firehouse, and if the trucks and building were ever destroyed it would be about \$2-2.5 million dollars to replace vehicles, equipment and building.

Since the estimate for the fire extinguisher inspections didn't have to be signed immediately Chris said he would reconfigure what was removed and what was added and return an updated estimate.

Chris told board members the town hall door right off the town offices was left open over the weekend and the light was left on. Kathi mentioned to him she noticed the door being open when she came in Monday morning, but she couldn't get it to close. Chris said he would close it from the outside. He had a difficult time with it. He noted it's a wooden door that never should have been put on there. He said we should have someone take a look at it; that perhaps we might need a whole new door. He said there

was the Christmas Fair Saturday and the concert Sunday and there is no telling how long we were “heating the outside” with that door open.

Kevin will not be available for the board meeting Monday, December 23, so Chris will return Monday, December 30, with a revised estimate on the fire extinguishers. A decision will be made as to whether or not these two proposals can go into the upcoming budget.

Cindy told Chris board members just signed off on the reimbursement for a training class for one of the firefighters. The reimbursement was for half the cost of the class, and Chris said the balance would be paid to him later. Cindy wanted to know how it would be paid. Chris said when a volunteer wants to take a training class they are required to pay for it themselves upfront. If they pass the course, the town reimburses them 50% of their expense. After they work for awhile the town will reimburse the balance of the cost. Cindy asked if this was considered payroll. She thought perhaps it should be similar to an invoice as opposed to hours worked. But Chris said it is actually training and our payroll system reflects training specifically. Chris said we draw it out over time because if the firefighter turns out to be not as devoted to the job, he or she may be likely to leave the department. If they do, it is their own money they lose, as opposed to the town's.

Tom asked if the number of firefighters we have today is much different than the number we had ten or fifteen years ago. Chris thought we have remained pretty stable with regard to number. Tom said as the board moves forward they want to make certain they are not regulating so much that young families cannot move here and make a living. Chris said his numbers could change in the future. As people get older they retire, and if younger people are not here to take their place it could make things difficult. Tom said we don't want to age ourselves out of a future. We need the town to be cost-effective so people can afford to live here. Chris said there are no apartment buildings in this town. No affordable cluster housing. People like to be able to walk to town establishments and here they can't really do that. And the work ethic has changed as well. Young people won't do the same jobs we're doing for the price we're doing them. Chris added that it's not only Jefferson—it's happening all over.

### **Unfinished Business**

**Old Corner Store:** Kathi tried to reach Amy Rousseau at DES (Department of Environmental Services) to discuss the water issue at the Old Corner Store and the repercussions of possibly allowing them water rights to the town well. Kathi said she told Amy the town is not really interested in selling the property, but might consider giving the store “water rights.” She mentioned that in 1917 the town voted to give the Select Board the power to give the store access to the well. Since it did not specify ongoing water rights, the store opted not to access the well.

Kathi asked DES if the town allows the store to have water “rights,” is the town obligated to give the other residents access if they are on that same surface-water system. Amy said the town would not be obligated to give water access to others on that particular spring-source. However, Kathi said when she spoke to the lawyers they said the town could be obligated if someone decided to press the issue. A judge could determine the town was found to be making “arbitrary distinctions.” That means the town could ultimately be obligated to give access to any resident who needed water. He said to be very careful about the possibilities, basically opening a can of worms.

At a previous meeting Tom had asked if the water had ever been tested at the source, and Amy described the process of how the sample has to be a “source sample” and the source has a “designated tap” to supply that sample. On November 26 a sample was taken, and it came back positive for E-coli and total coliform.

Amy also said any contract would have to be very carefully worded. If the town gave the store water rights the contract would have to stipulate that the town has water rights as well—in perpetuity. Just giving them access doesn't really change anything for the town. Yet under certain circumstances the town could be required to test the water on a regular basis.

Amy also stated that if the store gets water rights to the well it establishes a 100-foot radius around the site on which nothing can be built, placed or altered. Tom said that had been one of his concerns, because it means the town is basically giving up the land.

Kathi mentioned she e-mailed a copy of her conversation with the lawyers and with DES to Kevin so he would know what was going on with these issues.

**DES:** At the previous meeting Kathi presented a letter she wrote to DES to file a formal complaint about the water overrun that comes from behind the Old Corner Store. Kevin and Cindy wanted her to make certain she mentioned it is a hazard in winter and summer because it runs over a town sidewalk and the consistency of the water is slick. Kathi updated the letter with those suggestions and presented it again. Tom said he would like the letter to include the question that if that water is coming from a containment vessel, why is it leaking? Is this a potential hazard to surrounding properties? Kathi said she will make the changes.

**ADG:** Stuart sent an updated report that gives a little more detail to each of the plans he presented previously. Tom had asked if he could be more specific about what changes would be made with each of the rising prices in the proposal. Kathi distributed his report. Tom said the board needed to get in touch with the Fire Marshall so they could do a walk-through of the school. Then he asked if Stacey Dubois might be able to help, since she works in the Fire Marshall's office. Cindy said she would call her. Tom said to let her know we are trying to make these changes in the most cost-effective way, so it will be affordable. Cindy said we also have to keep in mind that once the plan is established and we know the cost, we also have to include the cost for someone to clean and maintain the building on a regular basis.

**Deeded Properties:** Kathi spoke with the lawyers regarding recently deeded properties and one, in particular, who paid a check in a partial amount of what was owed for past due taxes. Norman Brown returned the check to the town office. Kathi did not deposit the check, but spoke with the lawyers about how to move forward. She asked if there were any unforeseen consequences if the check had been deposited. The lawyer said never to deposit a check of partial payment unless there was a very specific contract that spelled it all out. He said you do not accept any payment on deeded property unless “every cent” is paid in full. Once you accept a check and cash it, the tenant can claim he/she is a “tenant at will” on the premises, having paid “rent for occupancy.” If the tenant doesn't pay in full “you go to court and evict.”

Tom asked Kathi to call the insurance company and make sure the deeded properties were moved to our insurance policy. Cindy said we should exhaust all possibilities before we actually evict a resident, so it was agreed that the lawyer should compose a letter stating the facts of the situation and letting the tenant know they must pay in full or they will be evicted. Kathi said she would contact the lawyer after she spoke with Linda about the current amount (years of taxes accrued, plus interest) owed. Then she would pass that information along to the lawyers

**Laredo:** Kathi called the number for Laredo and explained that Laredo is a program from the Registry in Lancaster. Any time properties change hands, are altered, abated, etc., they are posted in the

program. The assessor or tax collector can go online to check out the most recent updates. The cost is normally \$10 a month, with a small fee for items that are printed. There is no charge to towns unless they print something from the program. Since we receive an invoice each month with a zero balance due, they said the town of Jefferson never prints anything, we just gather information.

**SAM:** Kathi said a representative from SAM called her, and that has never happened before. Kathi told Tom she put all the previous notices on file, but the reminders are getting more and more serious—almost warnings. But so much about it doesn't add up. Their e-mails come through as SPAM. They claim you can't do business with the government if you do not belong. They are located in Florida and do not have a “.gov” address. At the bottom of their notices they say if you don't want to receive any more communications from them you can “unsubscribe” below. Kathi said she was going to call them.

**FYI:** Kathi presented the Planning Board minutes from their most recent meeting for the members to peruse. Tom said while he was away he tried to keep up with what was going on in town. He said he found the minutes for some of the boards were not up-to-date. Kathi said the Select Board minutes were current and are current every week. Tom looked up the Planning Board, Board of Adjustment and Conservation Commission minutes and some of them had not been updated since March or July 2019. He asked Kathi to remind them those minutes need to be posted following every meeting.

**Non-Public RSA-91-A:3 (If needed)**

**Public Input:** None

**Any Other Business**

**Adjournment** - Cindy made a motion to adjourn. Tom seconded the motion. The motion carried.

**The next meeting will be Monday, December 23, 2019.**

The meeting adjourned at 9:30 p.m.

Respectfully submitted,