

Selectmen's Meeting Minutes
Monday, October 2, 2017

At the Selectmen's Meeting held on Monday, October 2, 2017 at 6:30 p.m. the following people were in attendance: Peter Corey and Wendy Hersom,

The Board met with Brian Emerson of Cornerstone Energy Services, Inc. to discuss the permanent access easement over Localizer Road for Eversource. Brian said that they are not at all excited about giving up the easement but they are willing to relocate it. Brian said that the language allows them to go to the neighbor to complete it if necessary. Wendy said she is pretty sure the neighbor is Pondicherry. Shawn said you are not going to get easements from them. Wendy said if we need this for another purpose for some type of development and we don't want to give that up. Is along the rail bed an option? Shawn said same thing Pondicherry owns that. Peter said we want to be sure it is clear that we are not beholden to buy land for them to get an easement. Brian said it may not be feasible to do it at all. They understand there are challenges. They aren't talking a ton of money here. Eversource is trying to provide for themselves the best they can obviously. Peter is fine with it as long as it is clear we are not obligated to go find them a right-of-way on someone else's land. Wendy said she feels we are still obligated to give the easement with how the Access Easement Deed is worded. Brian's understanding was to provide them something from the Localizer Road. Wendy said that is not what it says. Wendy has a problem with the wording of the last sentence. Peter thinks we are close—it is just fixing the language. Brian will send a word document to Judy to forward to our town attorney and see what she thinks about it. He said the lawyers can go back and forth to come up with something that is agreeable to both parties. Wendy said we may be able to commit to ten years, so \$600 a year is not a lot. Marsha asked if this had anything to do with Northern Pass and Brian said it does not. Northern Pass is in a different corridor.

A motion was made by Peter Corey to approve the minutes of the September 25, 2017 Selectmen's Meeting. The motion was seconded by Wendy Hersom. All in favor 2-0. Motion passed.

The Board reviewed the Contribution Assurance Program Agreements with Primex for the Workers' Compensation Program and Property & Liability Program. The Board decided to hold off on the Agreement for the Property & Liability Program.

A motion was made by Peter Corey to enter into the Contribution Assurance Program (CAP) Agreement for the Town's Workers' Compensation Program. The motion was seconded by Wendy Hersom. All in favor 2-0. Motion passed.

June Garneau of Mapping & Planning Solutions attended the meeting to discuss an issue with the wording in the Termination & Limit of Liability section of the proposed Memorandum of Understanding for the Whitefield Master Plan Update. June said she did not understand the issue with the wording. She has used it in all her plans. Once the plan is developed it goes out through review and the planning board and selectmen all approve it. If the town is accepting it as their document, she will print it and deliver it. She said every project needs an end and the end would be when everyone else approves it and adopts it. It would no longer be her document it would be the Town's document. Wendy said the issue may be with the definition of content liability. June is looking for approvals from the planning committee as opposed to being relieved of any liability or omissions of the data. Wendy said we don't have an issue with that. That is completely fair. She said new management may come in and doesn't

like this master plan and would want to be able to access June and her services forever and that is what she didn't understand. There needs to be an end to the project. Once there are final reviews and it is all approved that is the end of the project. Wendy said if the town is relying upon June to create a document based on her expertise for writing master plans and something is missing from it that is what we are looking at. June said she still feels the project needs an end. The project is over when the selectboard and planning board adopt it. What if we discover there was a significant error we find in constructing the plan and if there was a mistake in that creates a liability for the town in the future. Wendy said that is what she is looking at it. Wendy said none of us are experts in planning guides and that is why we are hiring June. Wendy said if June was given bad information she is covered in the section that is worded "shall not be liable for opinions rendered, advice, or errors resulting from the quality of data that is supplied. Peter said if we change the terminology in the sense once you approved it she is done so instead of content liability relieves MPA of any further obligation to this master plan. June's responsibility is to gather the information and write the plan. Wendy said everything in the plan is content. Peter said the master plan is a low risk environment. Most of the information is going to come from the participants to create the plan. Everyone was in agreement that we would change the last sentence in the Termination & Limit of Liability to read: "Approvals of the Plan by the Planning Committee and Adoption by the Board of Selectmen constitute completion of the contract by MAPS."

The Board drafted a letter to Randal Suozzo at DES re: level 2 operator supervision for the Water Department and a letter to the Science, Technology & Energy Committee re: HB 234 and the negative impact it would have on Whitefield.

A motion was made by Peter Corey to enter into non-public session at 7:15 p.m. pursuant to RSA 91-A:3, II(a) the dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted. The motion was seconded by Wendy Hersom. Roll call to enter non-public session: Corey – Yes; Hersom – Yes.

The Board adjourned from non-public session at 7:50 p.m.

The meeting adjourned at 7:50 p.m.