

**APPROVED**

**Board of Selectmen  
22 March 2010  
Minutes**

**6:00 pm** - Chairman Rachel Hatch called the meeting to order. Present were Chairman Hatch, Selectman Betty Ann Abbott and Don Guarino, Town Administrator Tim Warren and Clerk Lois Dionne.

**MOTION – Chairman Hatch moved to appoint Selectman Betty Ann Abbott as Select Board Chair. Selectman Guarino seconded. Motion passed 3-0.**

The meeting was turned over to Chairman Abbott.

The Selectmen will serve on the following boards and committees this year:

- Planning Board – Rachel Hatch
- Planning Board Alternate – Don Guarino
- Historic District Commission – Don Guarino
- Budget Committee – Betty Ann Abbott
- Recycling Committee – Don Guarino
- Cupola Committee – Rachel Hatch
- Public Safety Building Committee - Betty Ann Abbott
- LRPC - Betty Ann Abbott
- LRPC TAC – Don Guarino

**Select Persons Sessions** - Tim informed the Selectmen that they had received a flyer from Antioch University regarding the NH Select Persons Institute, which would consist of four all-day Saturday sessions to be held throughout the year – two in May, one in September and one in October.

**Bond Packet** – Tim said they had received the packet from Devine Millimet & Branch to apply for the bond for the Public Safety Building. He said that he and Jen had started working on the paperwork. Chairman Abbott noted that last week Laconia Savings Bank had offered a bond rate of 2.53%, which is better than what the last rate had been from the Municipal Bond Bank. She said Laconia Savings has more flexibility with the terms for setting up when we start paying and when we can draw on the money; it could be set up as a construction loan so we could get the money as it is needed, rather than getting all the money up front. Chairman Abbott stated that the Municipal Bond Bank charges a

\$7,500 origination fee, and Laconia Savings has an origination fee of \$2,500. Tim will pursue it further.

**Perambulation** – Dave Nagel brought in the final copy of the Perambulation Report of the Gilmanton/Canterbury town line for the Selectmen to sign. After a brief review, the Selectmen signed the report.

**Flag Project** – Dave Nagel has been concerned about the way the flag project in the Corners and the Iron Works has been done the past couple of years. He stated that he had donated time, money and energy to get the project started; it was a Boy Scout project, but he had felt the flags belonged to the Town, and the Boy Scouts were custodians of the flags and the project. Since Mr. Nagel stopped being in charge of the project, many of the flags have not been put up, and they haven't been kept in good repair. There have also been complaints by residents that the flags aren't up; out of sixty-seven flags, only thirty-three were put up last year. Mr. Nagel felt if the project is not going to be done properly, it shouldn't be done at all. Mr. Nagel said he has sent letters to the Scouts offering to help with the project, but has had no reply.

There was a brief discussion about the flag project during which it was suggested that the students at the Iron Works fire station take over the project. Chairman Abbott stated that she would rather give the Boy Scouts the opportunity to be in charge of the project first. Tim will speak with Fred Buchholz. Dave Nagel said he and his son would be willing to help; he felt we would need a commitment by April 22<sup>nd</sup> to get the project in place for this spring.

## **Recycling Issues**

**Fee Schedule** – Justin Leavitt had been asked to review and update the fee schedule for items that are accepted for disposal at the recycling center. Tonight Justin had a draft of the revised schedule. The fees are based on what it costs the Town to dispose of the items. After a review of the changes, the Selectmen approved the new fee schedule.

**CO-Op Meeting** – Justin briefly reported on the last Co-Op meeting. They will not be able to have an ash dump in Canterbury, as they were hoping, but would have a new one in Franklin. The land the Co-Op has in Canterbury is being sold. He explained that the Co-Op has an agreement with Wheelabrator that the Co-OP pays Wheelabrator's taxes. The Co-Op, passes this expense on to its members. Hopkinton and Webster have made it official that they are withdrawing from the Co-Op, so the Co-Op is looking for other members to join the Co-Op to help offset any future increases.

**Waste Furnace** – Selectman Hatch asked where we stood on the waste-oil furnace. Justin said he had talked with Paul Perkins after Andrew Stockwell had brought forth issues about the waste-oil furnace, and the availability of waste oil to supply two furnaces, one at the Highway Department and one at the Recycling Center.

Justin said Paul's biggest issue was that the furnace Justin had been interested in was a used furnace. Justin said he has been looking into, and had submitted applications for two grants for a furnace. If we get the grants, we would be able to buy a new furnace. He will wait until he hears about the grants before purchasing a furnace.

**Metal Pile** – Chairman Abbott stated that Justin had mentioned separating the metal, and asked if he would need separate chambers for each type. Justin replied that a man had come up from DES on Wednesday, and space-wise he could not separate the metal. He said a new plan would be drawn up for a concrete slab, and the project would be sent out to bid.

**Public Input** – No one was present for public input.

**Plastics Recycling** – Selectman Hatch asked if the recycling center had started accepting plastics numbered 1 thru 7 yet. She was told they had. Rachel stated that when she had been to the center last Wednesday, she had number 4 plastics, and when she asked Fred where it should go; Fred told her they weren't taking them yet. After discussion, it was determined that it was bags that Fred wouldn't accept. Justin said Fred had been right; they still can't take the plastic bags because they bind the shredders. Tim suggested that Justin have a barrel just for bags to make it easier for residents.

**Compactor** – Justin reported that the compactor had broken on Sunday. He said they had stayed open by hand feeding the trash into the extra container. There had been a problem with a piston, which had been welded. Metal shavings from the piston had gotten into the pump, and it burned out. We had an extra piston. We also had an extra pump, which we had purchased because we had been having problems with the old one. Justin said he had a gentleman come up and got the compactor running today. The cost for the repair was under \$1,000.

**Recycling Revenue** - Justin stated that he had sent out over twenty bales of cardboard at over \$100 per ton. The bales average between fifteen to twenty tons. He also sent out two tons of #8 news at \$97.50 per ton.

**Recycling** – Justin stated that he had two articles on recycling in the newspapers. There was discussion about getting kids involved in recycling. Justin said he had spoken with a lady from NRRA who runs school programs on recycling. Selectman Hatch will work with Justin and the school to try to get the school kids involved.

### **Academy Building Issues**

**Lighting** - Chairman Abbott asked if we had heard anything about the lighting survey that had been done at the Academy Building. Tim replied that we hadn't heard anything yet, but he will follow up on it.

**Chimney Project** – Tim informed the Selectmen that the chimney project would be done within the next couple of weeks.

**Cupola** - Selectman Hatch said she was going to finish the “Moose Plate” grant for the cupola, and plans were under way to meet with Steve Bedard and John Dickey to work on the LCHIP grant. Rachel said there is a workshop that you have to attend to qualify for the LCHIP grant. She said Steve Bedard had offered to attend that workshop.

George Roberts had expressed his concern at Town Meeting that the cupola is subject to vandalism at the highway garage because it is not covered. Rachel said Becky Rondstadt had offered, if the cupola fits, to house it in her barn. Chairman Abbott said she had gone to look at the cupola, and it seems to be in good condition. Don was concerned about the liability of having the cupola stored on private property, such as a fire, etc.

**Conservation Commission – Conservation Easements** – Present were Conservation Chair Nanci Mitchell, member Paula Gilman, Tom Howe and Peter Pinckney.

Nanci said they wanted to explain what a conservation easement is and to try to clear up some issues that had arisen when they were assigning the Perkins easement to the Town.

Nanci stated the Conservation Commission feels it is crucial that Town be able to hold conservation easements. She said that under RSA 36-A the commission is charged with the proper utilization and protection of the natural resources and for the protection of watershed resources of the town. She felt conservation easements are a good way to achieve that. She said they focus on natural resources and consider the public benefits. Some of the things they look at are forestry, wetlands wildlife corridors, views, proximity to other conserved lands etc. They spent many years working on the resource maps that are in the Academy Building, as well as the Natural Resource Inventory, of which there is a copy in the office.

Tom Howe stated that he is a volunteer on the Board of Directors of the Gilmanton Land Trust and a staff member of the Society for the Protection of NH Forests. He said he works with landowners helping to set up conservation easements, and supervises three or four other people who do that kind of work in other parts of the state.

Mr. Howe stated that a conservation easement is a written promise by a landowner that that land will never be developed further. That written promise becomes a conservation easement deed, which is signed by the landowner and the entity holding the easement. That deed gets recorded at the registry of deeds, and the restrictions that are spelled out in that document run with the land. It doesn't prohibit the sale of the property, but the new owners have to know that they are acquiring a property with restrictions and they have to abide by the easement restrictions. He said typical restrictions in conservation easements are that there is no commercial or industrial activity except forestry and agriculture. There is usually something that says there is to be no further subdivision of the property, and there are to be no structures or improvement to the land, unless they are done in

accordance, or are necessary to the agricultural or forestry use, or non-commercial outdoor recreational use or habit management purposes. There is to be no mining of sand or gravel, or sale of topsoil from the property; no altering of the land such as dredging or filling etc. There is to be no dumping of hazardous waste or man-made material and no burials.

Mr. Howe said when those provisions are set up, the organization such as the Forest Society and the Conservation Commission don't get the right to do those things either. He said it is their obligation to ensure that those restrictions are upheld, even to the extent of taking legal action.

He said the responsibility of the easement holder is to monitor the use of the land on a regular basis, they are obligated to maintain communication with the landowner, and they have to protect those easements.

Mr. Howe felt the Town is very well equipped to deal with this kind of stewardship, and they are doing a good job. He said a conservation easement has to protect significant conservation features and provide significant public benefit. Ways they do this are protecting drinking water and aquifers, habitat, plants and animals, scenic value, working forestland and working farmland. Various conservations easements were pointed out on a map and their particular values were discussed.

Chairman Abbott asked if buying conservation easements means the town is paying the owner for the development rights. Mr. Howe responded that is correct.

Mr. Howe stated that pedestrian access is a guaranteed right on conservation easements. Some guarantee snowmobile rights as well, but not all guarantee hunting rights. This is at the discretion of landowners. He said some easements specify hunting as a right, and if it is not posted, NH law allows hunting; the land can be posted "No Hunting". He added that no easements held by the Town prohibit hunting.

Mr. Howe stated that the language of easement is a negotiated set of terms established by the Town, thru the Conservation Commission, the landowner, and possibly others who may be "key funders" to the project, or others who share a co-holding arrangement in the easement, such as the Forest Society. Town Counsel approves all this before the easement is signed.

Mr. Howe stated that Nanci Mitchell is the most skilled volunteer in the State of New Hampshire in setting up and monitoring and overseeing conservation easements.

There was considerable more discussion on the setting up of easements, and that if someone wants to donate an easement, it has to meet Federal standards before it will be accepted.

Mr. Howe wanted to clarify some statements that he said had been made at the February 1<sup>st</sup> meeting, and that was that Nanci and Charlie Mitchell had accepted public money for a 700-acre conservation easement, and had closed it to hunting. He said the Mitchells had not accepted any public monies for either of the two conservation easements they had set up. They donated a 300-acre tract to the Forest Society, and they sold the abutting 360-acre Durrell Mountain tract to the Forest Society for \$12,000; this was paid for by privately raised monies. He said the Town has no interest in either of these easements; they are solely held by the Forest Society. He said the Mitchells also allow hunting, by permission, on all that land except the land immediately around the house.

Mr. Howe said it had also been said that the Thornes had taken advantage of a conservation easement to reduce their property taxes. He said his wife, Sarah Thorne, and he had donated a conservation easement to Five Rivers Conservation Trust on about twenty-five acres of their land. He said they had received no reduction in property taxes as a result of the conservation easement; his land had already been enrolled in current use, so there was no impact on their taxes.

Pete Pinckney expressed his opposition to conservations easements. His concerns with the easements are that they pose a liability to the town, not in the respect that someone might be physically hurt, but because these easements pass from one owner to another, we are setting ourselves up for future lawsuits by future owners. He said landowners have rights, and future owners who might not know about the easement, or no longer want the easements, if they have the money, could sue the Town, and we don't have the resources to fight it, and perpetuity is a long time to hold easements. He also expressed his dissatisfaction with the way the Selectmen had accepted the Perkins easement, without reading it thoroughly ahead of time. He was told that the Selectmen rely on the Conservation Commission and Town Counsel to draw up the easements so that the Town is protected. Mr. Pinckney felt there is no advantage to Town-owned easements, and that all conservation easements should be held by someone such as the Forest Society or Land Trusts.

There was considerable more discussion about the easements, and rights of the landowners, and whether a realtor should be responsible to ensure that any prospective buyers of a property are made aware of any easements or restrictions on a property before ownership is transferred.

**Approval of Minutes** - The Selectmen reviewed the minutes of their last two meetings.

**MOTION – Selectman Hatch moved to accept the minutes of March 15, 2010 as amended. Selectman Guarino seconded. Motion passed 2-0. Chairman Abbott did not vote, as she was not present at the meeting.**

**MOTION – Selectman Hatch moved to accept the minutes of the March 11, 2010 work session as presented. Chairman Abbott seconded. Motion passed 2-0. Selectman Guarino did not vote, as he was not present at the meeting.**

**Roofs** - Chairman Abbott asked Chief Lockwood how he felt we should go about getting the money for a new roof for the Iron Works fire station in a couple of years. It was stated that because we don't own the building, the money couldn't be taken from the repair and maintenance of Town buildings. There was considerable discussion on the issue, but no definite decision was made at this time.

**Air Pack Testing** - Chairman Abbott also asked Chief Lockwood why the money he had requested to pay for updating and repair of air packs had come from the mandated testing account. Chief Lockwood explained that was because it is mandated that these air packs be tested every year, and it was during the testing that they discovered the need for the repairs. He said this is the account that the money always comes from.

**Blocked Road** – Tim informed the Selectmen that Dustin Milliken had come in last week and issued a written complaint that Brett Currier had blocked off the section of the access road from Sawyer Lake Road to Middle Route. Mr. Milliken said Brett had put boulders across the road. Mr. Milliken felt it is an actual road, and that Mr. Currier didn't have the right to block it off. Tim stated that the road, at that point, is discontinued, so the Town no longer owns it, and Brett has the right to block his half of the road. Tim said Paul Perkins often drives the loader through there, and Chief Lockwood stated that he also drives through there when going to fires. Tim said that legally, you have to get permission from the landowners to cut through. Chief Lockwood felt Brett had probably blocked the road to prevent the dumping that has been going on in there. Tim will call Mr. Milliken.

**9:20 pm - Enter into Non-Public Session as per RSA 91-A:3, II(a)**

Selectman Hatch moved to Enter into Non-Public Session as per RSA 91-A:3, II(a) - Dismissal, promotion or setting compensation for public employees or the investigation of any charges against him, unless the employee affected has a right to a meeting or requests that the meeting be open, in which case the request shall be granted. Selectman Guarino seconded. Motion passed 3-0.

The Selectmen discussed a personnel issue.

**9:25 pm – Out of Non-Public Session**

Selectman Hatch moved to come Out of Non-Public Session. Selectman Guarino seconded. Motion passed 3-0.

**MOTION – Selectman Hatch moved to seal the minutes of the above non-public session. Selectman Guarino seconded. Motion passed 3-0.**

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APPROVED

**9:26 pm - Enter into Non-Public Session as per RSA 91-A:3, II(a)**

Selectman Hatch moved to Enter into Non-Public Session as per RSA 91-A:3, II(a) - Dismissal, promotion or setting compensation for public employees or the investigation of any charges against him, unless the employee affected has a right to a meeting or requests that the meeting be open, in which case the request shall be granted.

The Selectmen discussed a personnel issue.

**9:38 pm – Out of Non-Public Session**

Selectman Hatch moved to come Out of Non-Public Session. Selectman Guarino seconded. Motion passed 3-0.

**9:40 pm – MOTION – Selectman Hatch moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne  
Recording Clerk