

Board of Selectmen
25 June 2007
Minutes

6:01 p.m. - Chairman Brian Forst called the meeting to order. Present were Chairman Forst, Selectmen Don Guarino and Dave Clairmont, Administrative Assistant Tim Warren and Clerk Lois.

Approval of Minutes – The Selectmen reviewed the minutes of last week’s meeting.

Motion: – **Selectman Clairmont moved to accept the minutes of June 18, 2006 as amended. Selectman Guarino seconded. Motion passed 3-0.**

Recycling Center – Holiday Schedule - Tim reported that the recycling center would be closed on Wednesday, July 4th, but would be open on Thursday, July 5th from 7:00 a.m. to 6:00 p.m. He said the change has been posted in both post offices, and there would be a notice in the Suncook Sun this Wednesday and next Tuesday. It will also be in the Laconia Daily Sun Thursday and Friday of this week and Monday and Tuesday of next week. Selectman Guarino stated that it has also been posted on a board at the recycling center.

Compactor – Recycling Center – Selectman Guarino stated that the container at the recycling center goes out full on Wednesday, and the one on Saturday goes out about three quarters full, but the one on Sunday is stuffed and overfull. He wondered if there was a way to ask taxpayers to bring their trash Saturday to alleviate the possibility of having to close on Sunday because of the compactor being full. Selectman Clairmont suggested putting a public notice in the papers asking that some residents that do this on a voluntary basis to make maximum use of the Saturday compactor.

Tonnage – Tim reported that the tonnage the recycling center sent to Penacook for May was 107.72 tons, down from 143.57 tons last year. The Year-to-date tonnage is 605.59 tons, down from 682.67 tons in 2006. Tim had a report on tonnages sent from other towns. Selectman Clairmont asked if, per capita, they were pretty much the same. Tim replied that they didn’t give the population of the towns. Dave felt it would be good to get statistics on what the towns send per capita to see if we are within the average. Tim will try to get that information.

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Enforcement Issues – Compactor – Selectman Guarino stated that he was at the Recycling Center on Sunday, and was told that somebody had tried to put sawed off pieces of lumber into the compactor, although there is a sign stating that they cannot put metal, wood or leaves into the compactor. He said Doug Kapplain stated that the individual got angry, and threatened to bring the issue to the Selectmen, and Doug told him to go ahead. Don felt that, instead of anybody getting into an argument, they should set the material aside, and we could enforce the ordinance. Don said he hoped the Selectmen would support Doug with the enforcement issue.

There was considerable discussion of the incident, and the need to not let things escalate. During the discussion, it was suggested that warnings be issued; get the license plate number of the individual, and then if an individual continues to ignore the rules, and after two warnings, a citation should be issued. The recycling ordinance gives the Town the right to impose a fine if the ordinance is not adhered to.

Cat Alley – Allison Lake – Selectman Clairmont stated that he had driven by Ms. Lake's house on Cat Alley today, and felt she hadn't gotten the picture of what the Selectmen had asked her to do to correct the water problem. He said she had dug out the junction to the clay pipe, but didn't go into the pipe they had suggested. (There were two pipes, and it had been suggested that she go into the lower one, but she had gone into the upper pipe.) Dave said there is a hole there about the size of a bushel basket with, what appeared to be a plastic picket fence over the hole. He said there was brush piled up along the side of her house so her neighbors couldn't get near this thing with their vehicle, and she has a pipe coming out under her garage door, down along side of her building into the structure; this isn't going to work.

Tim informed the Selectmen that we had sent Ms. Lake a letter, along with the detailed proposed solution to her problem, giving her a time frame in which to get the problem fixed. He said the letter had been sent by both regular, and certified, return-receipt mail. We have the receipt that shows that she had picked the letter up on June 15th.

There was further discussion of the issue, during which the Selectman reviewed the letter we had sent to Ms. Lake, and the solution that had been proposed. Selectman Clairmont stated that he felt the solution he had proposed to Ms. Lake was simple and inexpensive. He said he would keep an eye on the situation to see if she does as the Town has asked. It was stated that this has to be corrected before cold weather. Chairman Forst stressed the need to have this situation cleared up, and that we cannot have water on the road again next winter.

Town Website - Tim stated that Town Clerk Deb Cornett had received an email from Becky Rondstadt regarding the software we are currently using for the website. He said Becky develops websites for people, and has offered to assist us with ours at a very reasonable rate. Tim said Becky felt that Front Page, the software we have been using, is

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useless. Tim stated we have been having problems with the links we have on it, but Dave Beaudry is working on finding another software to use.

Audit –Tim had a copy of the draft audit for the Town for Chairman Forst to sign. He stated that Melba LaRoche of the trustees, and the treasurer had gone over the report Tim said that along with the report was a proposal for services for the next three years; a price of \$6,250 a year, which is an increase about \$1,200 a year. He said this does lock the price in for the three years, and there is more reporting that needs to be done now than previously.

There was a discussion of the proposal, and whether it should be sent out for bid. It was stated that it had been sent out for bid in the past, but we only got one other bid. It was also stated that we have been very satisfied with the current auditor, he does a very good thorough job, and takes pride in his work. He answers questions at any time, sends our reports to DRA and talks to them if there are questions. It was felt it wouldn't do any harm, out of respect to the taxpayers, to ask for proposals with the stipulation that the Town could reject any and all bids. We just have to be sure that the proposals include the same scope of work that the current auditor provides.

Tim will send RFPs, and ask for a response by August 15th.

Hawkers & Peddlers Licenses – A few weeks ago, a hawker's license was issued, and the question arose as to whether the Farmer's Market needed a hawker's license. Selectman Guarino checked into the situation, and was able to find there is an RSA (RSA 320:3) that excludes any person selling the product of his own labor or the labor of his family or the product of his own farm or the one he tills.

Hawker License – Tim reported that he had an application from Chris Harris for a Hawker's license for food vending out of her trailer from June 26th through July 2nd, which is NASCAR Race weekend, on Route 106. He said she hasn't given us a specific location yet, so she is supposed to call back with the location. Tim said the police department would have a concern because of the traffic. He said both Chief O'Brien and Sgt. Rector felt it would not be a good idea to approve the application. There was considerable discussion, and the Selectmen felt that with the traffic, it would create a dangerous situation, and not having any idea of where she wanted to set her trailer up, they could not approve the application.

South Road – Tim reported that South Road would be open to local traffic only, during the race weekend.

Farmer's Market – Don wanted to clarify that everybody was in agreement that the Farmer's Market didn't need a Hawker/Peddler permit. Everybody was in agreement, but Dave was concerned about the liability of having it held on Town property. Tim felt our

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liability insurance covers them. There was a brief discussion, after which Tim was asked to check to make sure we would be covered.

7:00 p.m. – Public Input – No one was present for public input.

GYO – Trash Disposal – Tim stated that he had an email from GYO stating that while the gate was opened this summer, trash was dropped there, and GYO is doing a cleanup. He said they had asked permission to dispose of the trash at no cost, and he had given them permission.

New Firefighter – Tim reported that the new firefighter, Nate LeMay had started work today.

Police Station – Yard Maintenance – Tim reported that the college boy who has been mowing the lawn at the police station is not doing it this year, but he had found a woman, Jean Gagnon of Mountain Road, who will take care of the mowing, and she would also prune the shrubs and plant flowers.

FEMA – Tim reported that the reports to FEMA for the damage done to the roads from the April floods need to be submitted by July 15th; he and Paul are working on them.

ZBA – Tim gave the Selectmen a copy of the ZBA cases that were heard at their last meeting. It was noted on them whether they had been approved or denied.

Police Dept. – Tim stated that Chief O'Brien had been out of town last weekend, and had appointed Sgt. Rector as acting chief, and felt that things had worked out well.

DES Compliance – Tim reported that he had a letter from DES. They had received the information of our financial insurance for the landfill, and the Town is in compliance with the rules and regulations.

Letters – Dave Nagle – Tim said he had received three letters from Dave Nagel.

Letter One -Tim said the first letter was regarding the perambulation that his son Andrew had done for his Eagle Scout Project. At the time there had been talk of the possibility of other Scouts perambulating other Town lines, and Mr. Nagel has offered his services to help with the perambulations.

There was a brief discussion, and it was stated that the town line between Gilmanton and Loudon needs to be done.

Letter Two – Tim said the second letter was regarding the garden in front of the town transfer station. The letter stated that the garden was originally created by Blake Camp for his Eagle Scout Project, and for the first few years, the Camp Family maintained the

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garden, and it was then turned over to the Gilmanton Garden Club. Mr. Nagel stated that three years ago, Phylis Buchanan asked if he would be willing to take over the project. He said his family has been maintaining the garden since that time. Mr. Nagel proposed some possible changes for the center of the garden, which included expanding the garden and building a kiosk.

The Selectmen discussed the proposed changes, and approved the enlargement of the garden, but felt putting a kiosk there would hinder the traffic flow into and out of the recycling center.

Letter Three – Tim said the third letter was regarding the flags on the telephone poles on Route 140 and Route 107. There is a question as to whom the flags belong. Mr. Nagel stated that his family had personally raised 100% of the funds and had performed 80% of the labor required in initiating and maintaining this project. He added that his family had personally contributed 60% of the funds for the project, and had received help from Troop 242. Mr. Nagel stated that he had resigned as Scoutmaster, and in his letter of resignation to the Troop had indicated that he would continue to run the flag project.

Mr. Nagle stated that in February he had contacted the troop committee asking them for the funds from the “Flag project” to cover his expenses for this coming year. He added that the troop had served as “guardian of the fund”. He said he had already arranged for new poles and flags for the year, but the Troop had refused to acknowledge his request, and demanded that Mr. Nagel turn over all materials relating to the flag project to them, claiming the flags were their property. Mr. Nagel stated that there were unsolicited comments and opinions about the ownership of the flags, and in a letter, presumably requested by Ms. Wendy Keane, Tim Warren had sent him a copy of a letter in which he stated that he flags did not belong to the town. Mr. Nagle went on to say that the flags are not the property of the troop. He said when he initiated the project; he made it clear that he was going to do it with or without Troop 242 support, and that when he asked the troop for their support, he had made it clear that the flags were not “our” property, and that they belonged to the Town, and the Troop was merely the “guardian of the project”. Mr. Nagel stated that he had also informed the Troop that any funds raised were not for the Troop’s discretionary spending, but, rather, could only be used for the flags. He said it was his impression that the Town understood this as well.

The Selectmen discussed the issue, and decided that, although they all respect Mr. Nagel’s position, and feel the flags are an important project, and they appreciate the flags being there: it is not a Selectman issue, but rather a community involved project. Tim will send a letter to Mr. Nagel respectfully suggesting that it be ironed out among them.

Conservation Issues – Tim reported that Nanci Mitchell is out of town, but had three items that she had wanted Tim to bring up at tonight’s meeting.

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Wells – Pine Hill Forest – Tim said the first issue is that there are two wells in Pine Hill Forest that need covers. The Selectmen felt that they had decided last year that the wells would have a wooden cover that would be covered with rocks; and they thought it had been taken care of. The Selectmen agreed that the covers are the responsibility of the Conservation Commission.

Thompson Town Forest – Tim said the Conservation Commission would like to postpone the harvest of the Thompson Town Forest off Gale Road until everything is worked out with the current situation of Gale and Donovan Road. The Selectmen agreed there would be no problem with putting the harvest off for a year, especially with the way the timber market is at the present.

Currier Hill Road Salt/Sand Property – Tim stated that the Conservation Commission said the property on Currier Hill Road where the old salt/sand shed had been needs to be cleaned up. He said there are silt fences and hay bales from when the reclamation of the site had been done that need to be removed. The Selectmen felt this was something that the contractor who had done the reclamation should be responsible for cleaning up. Tim will send a letter to the contractor requesting that he clean up the area. Tim said the monitoring report for the site also needs to be done, and he would get in contact with Peter Shower to get that done and sent to the State.

Job Well Done – Tim said he had received a phone call from Ella Jo Regan, and she had wanted him to pass on to the Selectmen that she felt they had done an excellent job running the Public Hearing for Donovan Road, and she felt the specifications they had handed out were very reasonable, and she wanted to compliment the Board.

Barry Way/Bacon Way – Tim said when we changed Barry Way back to Bacon Way, Cindy Bedford was very expeditious in getting her letters out to everybody, so nothing had gotten in with the letter explaining why it was being changed. He had copies of a letter from a Barry Way resident questioning why the change had been done and what authority we had to do it. Tim said we received a second letter today wanting an explanation.

There was a brief discussion on the subject. Tim said a new letter would go out to all residents of the road addressing the issues brought forth by the letters, and explain the reasons for the change.

ZBA Approval – Selectman Clairmont asked why the ZBA had granted Joanne Wilkins permission to create a non-conforming lot. Don said it had been his understanding that it had been a non-conforming lot, and the only change was it went from a 1.9-acre lot to a 1.1-acre lot so the kennel could be on her brother's property.

Dave felt it had been a non-conforming lot for only about three years; that Joanne's mother had come in and had it changed to that; it had been conforming prior to that.

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Dave said he is asking only because the property line adjustment had come before the Planning Board, and it is the Planning Board's general attitude not to approve any subdivisions that have non-conforming lots. He said they have always tried to encourage people that were doing property line adjustments to structure their property line adjustments to meet two criteria. One that it is no longer a non-conforming lot, and you try to avoid irregular property lines. He said the ZBA approval is a contradictory thing that created a bizarre property line and created a more non-conforming lot than had already existed. Dave added that he realizes that this has been done with the intent to sort things out on the property, but felt it is contradictory to the spirit of the Planning Board.

ZBA Denial – Selectman Clairmont asked the reason for the ZBA's denial for the applicant on Montauk Way. Tim felt the reason was because the property is very wet and practically under water. Also the owner is not willing to bring the road up to Association Standards.

Arlington Development Bond – Selectman Clairmont asked if we had any response from legal counsel as to the release of the bond to Arlington Development. Tim replied that we hadn't.

Sawyer Lake Properties – Selectman Clairmont asked if Tim had been able to get in touch with all the parties involved with the Sawyer Lake issue. Tim replied that he had been unable to contact them all.

DOT - Selectman Clairmont asked if Tim had sent a certified letter to the State of New Hampshire DOT regarding the road issues on 140, 107 and Crystal Lake Roads. Tim replied that it had not been sent yet.

Parks & Rec. – Selectman Clairmont stated that Gary Lines, Parks & Recreation Director had asked him if he could double the size of the skateboard park at Crystal Lake Park. Dave stated that last year he had not been in the position to do that as a donation, but is in a better position to do it this year. He said before he does it, he wanted to check with the rest of the Board first. Tim Warren felt it would be a good idea. He said there had been a concern when it was put in about where it was located because of wetlands being near there. Dave said he had put it there because that is where Gary had requested that it be placed.

There was a brief discussion during which the Selectmen felt it would not cause a problem, and Dave stated that he could probably do it some time in July.

Refurbish Fire Truck – Dave asked if there had been any decision on the fire truck refurbishment. Tim said he didn't know.

Dave asked to schedule another meeting with members of the fire department to discuss the issues at the fire station. Tim Warren will schedule one more meeting with the

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members of the department, and then there will be a meeting with the members of the department and the Chief.

RFP Places Mill Road – Dave asked if the other Selectmen had the opportunity to read the RFP for Places Mill Road. He said there were a couple of things that stood out to him in the “Scope of Work” section. Dave was concerned about the wording of selected clearing and grubbing, cutting materials to achieve a 22’ wide road, and replacement and compaction of one foot of bank-run gravel over existing road, and placement and compaction of six inches of gravel. He said it doesn’t say anything about adequate preparation regarding the sub-grade and under drains listed as a unit cost per linear foot. He was also concerned about the need to have compacting and fine grading listed under the scope of work. He said there are some areas where they have to do that. Dave suggested a couple of other corrections. Tim made the changes on his copy of the draft.

The changes included adding, between numbers four and five, that there be sub grade preparation and change in elevation where necessary. Another change in number four would be that there be a twenty-two foot wide road and appropriately sized ditches. The other change suggested was that they add the words “and compacting” to number 7.

Tim stated that he would talk with Bob and have him try to get the information to Dave Walker.

Highway Truck – Brian asked when Paul Perkins planned to letter his pick up truck. Tim said Paul is in the process of getting the lights on the truck and felt he would be getting the lettering done. Brian stated that Paul needs to get the lettering done to define it as a Town vehicle.

Ditching – Tim informed the Selectmen that Paul had ditched both Cat Alley and Currier Hill Road.

8:35 p.m. – MOTION – Selectman Clairmont moved to adjourn the meeting. Selectman Guarino seconded. Motion passed 3-0.

Respectfully submitted,

Lois Dionne
Recording Clerk

