

**Board of Selectmen
22 October 2007
Minutes**

6:07 p.m. - Chairman Brian Forst called the meeting to order. Present were Chairman Forst, Selectmen Don Guarino and Dave Clairmont and Recording Clerk Lois Dionne. Administrative Assistant Tim Warren was not in attendance.

Adam Gilbert – Applicant Alternate ZBA Member – The Selectmen had interviewed Adam Gilbert for an alternate position on the ZBA at a prior meeting. Carolyn Baldwin had been present for the interview, and suggested that Adam attend the next ZBA meeting before being appointed. The Selectmen requested that Adam attend the meeting, and if, after having attended the meeting, he was still interested in the position to attend tonight's Selectmen's meeting.

Adam was in attendance tonight, and after a very brief discussion with the Selectmen informed them he was still interested in the position.

MOTION – Selectman Clairmont moved to accept Adam Gilbert's request to be appointed as an alternate to the ZBA. Selectman Guarino seconded. Motion passed 3-0.

6:15 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(a)

Selectman Clairmont 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 police department personnel issue with Chief O'Brien.

6:43 p.m. – Out of Non-Public Session

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

Chairman Forst asked Chief O'Brien where he was at in regards to renovating the Old Town Hall for use as the Police Station. Chief O'Brien stated that he and J.R. had gone over the entire building, and had discussed the possibility of adding a bay onto the back

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of the building. He said they had been discussing their options, and had come up with, what Phil felt, were several good ideas.

Review of Minutes - The Selectmen reviewed the minutes of the last two meetings.

MOTION – Selectman Don Guarino moved to accept the minutes of October 1, 2007 as amended. Selectman Clairmont seconded. Motion passed 2-0. Chairman Forst did not vote, as he had not been present at the meeting.

MOTION – Selectman Clairmont moved to accept the minutes of October 15, 2007 as amended. Selectman Guarino seconded. Motion passed 3-0.

Selectman Clairmont wanted the minutes of tonight's meeting to show that in the minutes of October 15th where it stated that "after considerable discussion, it was agreed that the Committee would draft a policy and present it to the Selectmen for their review.", that he (Dave) felt the issue was something the Selectmen should have discussed and voted on prior to agreeing to having the Class VI Road Committee draft a policy.

Public Input – Present for public input were Brenda Currier and Cindy Houghton.

Building for new fire station – Brenda said she had called Don this week regarding the building in Laconia, that has been discussed at a couple of Selectmen's meetings as a possible solution for a new fire station.

Brenda said they had discussed the building at the fire department meeting, and felt in their opinion, it was not something they wished to pursue due to size (it is too big), and there would be a question of heating a building that size. Brenda said they wanted to explore other avenues. Brenda also asked for copies of the designs of the last two buildings that had been drawn up by the Safety Building Committee.

Chairman Forst said he had looked at the building this afternoon, and felt there were pros and cons for trying to get the building; he felt the cons outweigh the pros. One big con was if the building were changed, it might have to be reengineered to meet present code. Brian felt the building is larger than we need. He also felt the timing was not good, because the building has to be moved, and we couldn't do that until it had been voted on at Town Meeting. Brian felt that the cost would be ideal, but the building really didn't fit what we want.

There was more discussion on the building, and also a brief discussion of the Old Town Hall being renovated for the police department, and a separate building for the fire department. Dave Clairmont told Brenda that after the end of November, he could work with the fire department to help them come up with a plan for a building.

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Town Website – Cindy Houghton asked what was being done to establish a Town website. Selectman Clairmont informed Cindy that Deb Cornett had gotten a price to have the site professionally set up. The cost is \$4,000, but each Department head was asked if they could forego something in their budget, and contribute \$400 to get the site established. Each department head agreed, so there will be no impact on next year's budget. Cindy asked why we had hired someone when we had people volunteer. She was told it was for safety reasons (firewalls, etc.), and also to have a professional site out there, and it would have links so each department could post their own information. Cindy asked if we would get support from whoever installed it, and was assured that we would. She also asked when it would be up and running. No one was certain of the date, but Cindy was told we would try to have that information for her next week.

Gravel Pit – Dayne Thompson Property– Planning Administrator Lynne Brunelle had requested that Selectman Clairmont review N.E. Earth Mechanic's Gravel pit site on the Dayne Thompson property to see if it had been restored. Dave had visited the site, and had taken photos of the site. Lynne had sent the pictures, along with a note asking the Selectmen to decide if the restoration was okay. Dave said he had been asked to go out and see if the area had been stabilized. The Selectmen started discussion of the site, but tabled the discussion until later so they could meet with George Roberts and other members of the 1st Congregational Society.

George Roberts – 1st Congregational Society – Brush Cutting – Present were George and Margaret Roberts, Helene Roberts and Frank Bosiak.

George Roberts was in regards to his request to cut brush on Governor's road on the right-of-way along the meetinghouse property. Chairman Forst informed Mr. Roberts that we had sent a letter to the Bartletts by certified, return receipt mail, and had received the receipt that they had picked up the letter. They had been asked to be at the meeting tonight if they had any objections. The Bartletts were not present.

Mr. Roberts stated that the first time it came to his attention that they needed to get permission was when a woodcutter he had hired told him that someone came racing up the road and told him not to cut any trees on this side of the road without informing the Board of Selectmen or he would be in trouble. Mr. Roberts said he had questioned the man for a description of the person, and it came down to the assumption that it was Don Guarino who had spoken to the man. George said, based on that, he had taken the matter to the Board of Directors of the Society because they had been discussing taking down trees and restoring the stone wall. He said that since the "anonymous" demand that they get permission, he wrote a letter on behalf of the Board to get permission to cut trees on Governor's Road. He said he didn't delineate either side, as far as he could remember, but it was their intention to do the side of the road where they own property. Mr. Roberts said when they had asked to widen the front for traffic issues, the Selectmen had come out and told them what they could and couldn't cut, and the Bartletts had been informed.

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Mr. Roberts said the Society had written a letter asking permission to cut the brush believing it wasn't just courtesy. Mr. Roberts stated he wanted to read a letter into the minutes because he thinks it is important to establish policy based on statutory law, constitutional law, Supreme Court rulings, common law and statutory law. Mr. Roberts read a letter (copy attached) into the minutes.

Mr. Roberts stated that he is withdrawing the letter of request because they are exercising their right to cut trees and brush on a Class VI road within the right-of-way of the soil that is owned. Mr. Roberts read another letter (copy attached) informing the Selectmen that the 1st Congregational Society would be cutting brush and trees at their discretion on both sides of the stone wall located on their land and abuts Governor's Road. The letter also stated that this is a long-term effort by the organization to beautify the area.

Mr. Roberts stated that the reason for the letter is found in the book "Hard Road to Travel", NH Laws on roads, streets and trails.

Chairman Forst interrupted Mr. Roberts to explain that the only thing the Selectmen had an issue with was if Mr. Roberts wanted to cut on the other side of road from the Society's land in the right-of-way. Brian said he had told Mr. Roberts last week that the Selectmen had no problem with him cutting from the center of the Class VI road to the stonewall on their side of the road. Chairman Forst said there have been disputes in the past about cutting in the right of way, and he said the policy has been that a person could cut the right-of-way abutting your property, but not the land of your abutter.

Don said that at the last two meetings Mr. Roberts had wanted permission to cut on both sides of Governor's Road. George said they were rescinding their letter, because they don't have to ask permission to cut on their side of the road, irrespective of what they asked before, because they are only asking to cut on their side of the road. Brian stated this changed everything because they had no problem with George cutting on his side of the road.

George stated, out of courtesy and respect for the Board, this would never have been precipitated if one Selectman had not gone up and told the woodchopper that he could not cut anything on that side of the road unless he got permission from the Board of Selectmen.

Selectman Guarino asked to address Mr. Robert's statement. He said he had not gone anonymously; he introduced himself to the woodcutter, and told him he was a Selectman. George said the woodcutter had only remembered that it was a Selectman, and he added that if there was an issue Don should have approached someone from the 1st Congregation Church rather than talk to the woodcutter. Don said the issue was that George had gotten an intent-to-cut permit right on the edge of mud season and he had told the woodcutter that he needed to get the job done prior to the frost coming out of the ground, and the Selectmen would be paying attention to the road. George said that isn't

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the issue, but one person, identifying himself as a Selectman, told the woodchopper, who cuts wood at the direction of his boss, that he could not cut trees on that road without permission of the Selectmen, and that was what had generated their courtesy letter, and then someone was trying to get someone in to oppose it (the cutting), and Mr. Bartlett didn't even respond. George said that they are rescinding their letter asking permission to cut, and the letter tonight is a courtesy to the Board informing them that the Society will be cutting brush and trees, as is their right.

Chairman Forst stated that it is George's right to maintain his right-of-way for access to his property. He said he had been under the impression that Mr. Roberts had wanted to clear the whole right-of-way. Selectman Clairmont felt that was the misunderstanding of the whole thing. He said the Board all felt George had wanted to cut both sides of Governor's Road, which is why the abutters had been notified.

Mr. Roberts and Selectman Guarino got into a discussion, heated at times, about what had actually taken place when Don had approached the woodcutter. They discussed what Don had or hadn't said to the woodcutter, whether it was regarding Mr. Robert's intent-to-cut, and whether Mr. Roberts had originally asked to cut brush on the right-of-way on both Sides of Governor's Road. Chairman Forst interrupted as he felt they were getting off the issue, which is to cut in the right-of-way of the property of the 1st Congregational Church. He said the Selectmen never had any opposition to that, only if he wanted to cut on the right-of way on the other side of the road, and as Mr. Roberts said he didn't intend to do that, it was no longer a Selectmen's issue.

Brenda Currier and Cindy Houghton had remained at the meeting during the discussion with Mr. Roberts, and after Mr. Roberts had left the meeting, Brenda asked if they had been acting as a Board when this happened. Don stated that if there was an issue with something he did six months ago, why, when they had gotten a letter asking to cut both sides of the road he was "haunted" by something he did, because he was concerned about the road. He said he did not go anonymously. Brenda asked if the three Selectmen had discussed this, and asked Don to act on their behalf, as a Selectman, or was he acting as a resident saying he was a Selectmen, and this is what you need to do. She said when you throw your name out as a Selectman, it appears that you are acting as a selectman. Don stated that if you were driving up Middle Route, and saw an overloaded truck coming off property onto the road and breaking pavement, it is your responsibility, as a representative of the taxpayers, to pay attention to that stuff. Chairman Forst stated that until tonight he had not heard anything about the issue of Don with the logger; he had thought the issue was just brush cutting within the right-of-way. The Selectmen all felt the original request had been to cut on both sides of the road.

There was considerable discussion to determine whether Don had acted as a Selectman when he should have been acting as a concerned citizen. It was pointed out that a Selectman has no power on his own; it is only when they act as a board. If they see something they can address it as a resident, like anyone else, but when you do something

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as an individual, you don't reflect opinion as the Board of Selectmen; you can also bring it to the attention of the Board of Selectmen.

8:07 p.m. – Break

8:15 p.m. – Back in Session

Dayne Thompson – Gravel Pit Restoration – The Selectmen resumed the discussion of the restoration of the Dayne Thompson gravel pit.

After review of the photos and much discussion of the site, the Selectmen felt they could not answer Lynne's question, because her note asked if the area had been restored, but Dave said she had asked him to check the site to see if it was stabilized. They felt if her question is if the area is stabilized, the answer is "yes", but if Lynne wanted to know if the property had been restored, there was the question as to whether there was a plan for the restoration. If there was a plan, the Selectmen haven't seen it so could not make that determination. Lynne will have to clarify what it is she wants them to determine.

FYIs & Other Business

Culvert Agreement with Burtons – Last week Selectman Clairmont had drafted an agreement to be presented to the Burtons regarding an apron they wished to have at the end of their driveway rather than a culvert. Tonight Selectman Clairmont informed the Board that the agreement is not needed, as the Burtons have made different arrangements with Paul Perkins, Road Agent. They have installed a culvert, but blocked the ends, and if the apron with the swale doesn't work, the culvert will be opened.

Handicap Parking Sign – Iron Works Post Office – Selectman Clairmont noted that a handicap sign had been erected at the post office in the Iron Works.

Striping in Iron Works – Dave said he had informed Eric Stockwell of the Selectmen's decision to wait until spring to do anything about the painting of the square in the Iron Works.

Erosion – Middle Route – Selectman Clairmont said it was unclear to him if a directive had been given to Paul Perkins concerning the driveway to the Van Hertel lot on Middle Route to install some erosion resistant surface to the driveway and finishing the slopes to prevent erosion. He had some photos of the area, and pointed out an area he felt was starting to erode; slopes were starting to slide into the ditch, so unstable soil is an issue. It was suggested that Paul be contacted to find out if a driveway permit had been issued, and to recommend that something be put on the grade to curtail erosion.

Christmas Tree – Dave asked if Mr. Willard had been notified that the Selectmen had agreed to let him head up a group to place a Christmas tree in front of the Academy Building. A letter has been sent to Mr. Willard.

Sand in Crystal Lake – Selectman Guarino asked if the water had been lowered enough to dredge the sand that had been washed into Crystal Lake a couple of years ago. Chairman Forst said he had been out there today; the water is low; but he felt there is no longer a major sandbar in the water. He didn't think there was any need to do anything out there now.

8:30 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(c)

Selectman Clairmont moved to Enter into Non-Public Session as per RSA 91-A:3, II(c) - Matters which, if discussed in public, would likely affect adversely the reputation of any person unless such person requests an open meeting; however, this cannot be used to protect a person who is a member of your Board, Committee or Subcommittee. Selectman Guarino seconded. Motion passed 3-0.

The Selectmen discussed a contractual issue.

10:05 p.m. – Out of Non-Public Session

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

Middle Route – It was stated the Paul Perkins should look at the road near the big culvert on Middle Route near the Belmont Town line; the ditch line needs attention.

Crystal Lake Farms – The Selectmen had a letter from the Conservation Commission asking the Selectmen to sign that, to the best of their knowledge, there is no hazardous waste on the property. As the Selectmen are not familiar with the property, they felt they should do a site walk before signing the letter.

Site Walks – The Selectmen have to do a site walk on Places Mill Road, so felt that as Crystal Lake Farms is in the same vicinity, they would do the two site walks the same day.

A site walk, with the Selectmen and Road Agent, will be held on Thursday, October 25th on Places Mill Road at 3:00 p.m., and immediately following they will do a site walk at the Crystal Lake Farms site.

Kurt Rague, owner of Crystal Lake Farms, will be notified of the intended site walk.

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**10:15 p.m. – MOTION – Selectman Guarino moved to adjourn the meeting.
Selectman Clairmont seconded. Motion passed 3-0.**

Respectfully submitted,

Lois Dionne
Recording Clerk