

APPROVED

**Board of Selectmen
5 October 2009
Minutes**

6:14 p.m. – Selectman Betty Ann Abbott called the meeting to order. Present were Selectmen Betty Ann Abbott and Don Guarino, Town Administrator Tim Warren and Clerk Lois Dionne. Chairman Hatch was absent due to illness. Also in attendance was Fire Chief KG Lockwood.

After attendance, everyone stood for the “Pledge of Allegiance”.

6:16 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(c)

Selectman Guarino 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 Abbott seconded. Motion passed 2-0.

KG discussed a fire department situation with the Selectmen.

6:30 p.m. – Out of Non-Public Session

Selectman Guarino moved to come Out of Non-Public Session. Selectman Abbott seconded. Motion passed 2-0.

Fire Dept. Update

Leak – Roof – Iron Works Station – Chief Lockwood informed the Selectmen that there is a leak in the roof at the Iron Works fire station. It is a metal roof, and they can’t find the leak, which is getting worse.

There was a brief discussion about how to go about finding the leak. Selectman Guarino suggested that since they can’t find the leak from the outside, they use dry ice to cause smoke to go up through the roof, and someone could go up on the roof to see where it came out through the roof. Chief Lockwood said they have a smoke machine, and could smoke the apparatus bay. Don said that he and his son could do it when his son gets back in a couple of weeks.

Life-Safety Building – Selectman Abbott asked if there was any update on the life-safety building. Chief Lockwood replied that he was looking for direction as to how to proceed. Selectman Abbott stated that they had been waiting for information on the building that KG and Chief O'Brien were going to look at in Gilford. KG said they had done that, and that he had spoken with the Gilford code enforcement officer, who told them that the building would lose some skin when the building was taken down and reassembling it. He asked if Don had a quote back from the people he was to contact for a price on disassembling and reassembling the building. Don said he hasn't received it yet.

Don said he had talked with an engineer today who had guaranteed that the building wouldn't meet today's standards for the snow load. The building would have to be reengineered. Don explained how moving the trusses in would do this, the building would be $\frac{3}{4}$ the size it is now, and it would then meet today's snow load standards.

There was more discussion on the engineering and insulation of the building, where to get doors and windows for the building, as well as the need to get costs on disassembly and reassembly of the building. Warranty of the buildings was also discussed. KG said he had been told the building in Gilford would be coming down by the end of the year. It was stated that if the Town decided they would like to purchase that building, we could ask if they could hold it until after a vote at Town Meeting.

Construction Committee – Selectman Abbott asked if Don had prepared a press release for the contractor's committee regarding the clearing and site work for the life-safety building. Don replied that he hadn't, but would get it done this week.

County Commissioners Meeting – Selectman Abbott reported that she had spoken with Chairman Hatch regarding the County Commissioners Meeting that Chairman Hatch and Chief Lockwood had attended. She said there had been discussion on bulk purchasing and regionalization of police dispatching. Selectman Abbott said we couldn't regionalize police dispatch because we dispatch out of the Sheriff's Office, but Chairman Hatch had felt it was important that the Town Administrator attend these meetings to ensure that we could be a part of cost savings brought about by bulk purchasing with other municipalities.

Chief Lockwood said he was all for bulk purchasing and regionalization, but felt we should proceed slowly. He felt there needs to be a plan in place so they could monitor the usage of any bulk purchases.

7:00 p.m. - Public Input

Mary Butler Lane Access – Brenda Currier asked if the Selectmen had reached a decision since their last meeting regarding the Gordons using Mary Butler Lane as an access to their property.

Selectman Abbott stated that Rachel and Tim had gone to view the site, and she felt it needed to be discussed as a full board. Betty Ann said she felt there are two options. One is that this is asking for a building permit on a Class V road, which would require a driveway from the Class V portion. The other would be asking for a permit from a Class VI road, which would require upgrading the Class VI road to Class V standards up to the driveway. She added that the fact that the old house had been demolished means that precedent is no longer; it is not grandfathered.

Brenda said they have a year to replace it. Betty Ann said the house is not being put on the same spot. Brett added that Mr. Gordon might put the house in the same spot if the board forces him to.

Selectman Abbott said she is not giving a decision. The Selectmen felt it is an important enough issue that the full board be present to discuss it.

Brett expressed concern that if Mr. Gordon were required to build on the same footprint, or decided to challenge the board, he would have to meet a time constraint. He felt this is no different than when the planning board made him (Brett) access his driveway from Mary Butler Lane, even though he had access on a Class V road.

There was a very brief discussion whether they had to access from a Class V road. Tim will research records from when the planning board had made the Curriers access their property from a Class VI road to see how this would be different from the current situation; the Selectmen will then discuss the matter.

Wilkens – Building Permit – John Wilkens said they were following up with what was going on up the road with the Zoning Board having found that their neighbors needed a building permit. He said he hasn't seen a building permit, though he is sure building has been going on, and he was curious as to what, if anything, the Town is now doing about the situation.

Selectman Guarino stepped down from the Board to discuss the issue as the contractor on the job. He said just as John and Claire Wilkens had appealed the decision of the code enforcement officer, he, representing the owners of the property in question, is appealing the ZBA decision; it is in the appeal process, and he hopes it will be heard in October.

Henderson Concerns – Laurie Henderson said they were here to follow up on the last meeting and find out if there was any new information about their situation.

Selectman Abbott stated that she had spoken with Chairman Hatch today and also with the ZBA Chair Betty Hackett to try to understand where they (ZBA) were coming from. She said the standpoint of the ZBA is that they had reviewed the Henderson's request for a new hearing, and had found that there was no new information; the information has more to do more with what their pony parties are. What they do, something that seems to

have been characterized in their brochure as a birthday party with pony rides, is not an educational enterprise as they see agritourism applying to. Offering birthday parties with pony rides is no different, in a sense, than pony rides at a State fair, which is considered a commercial enterprise, so they will not reconsider; they will not rehear.

Laurie said, for the record, she feels it is very unprofessional of the ZBA Chair not to enter a letter from an administrative head of the Department Head of Agriculture. It is her job, as judicial board chair, to enter all information, it was new information. The agritourism statute does not just designate that something that is agritourism is to be educational. The definition of agritourism does not bear most of its weight on being educational, it bears it on being a tourist on a farm taking part in activities there. Laurie added that she finds it unacceptable that a letter (new information) from a head of a state department had never been read. She said she doesn't feel things are being done professionally, fairly or with due diligence; she feels slighted.

Selectman Abbott said the ZBA chair had spoken with Attorney Sanderson of the LGC, and had presented the case, as she knew it. She said Attorney Sanderson had indicated that they were correct in their understanding, and they could feel they had reached the proper conclusion. Betty Ann said Attorney Sanderson had added that his town had an extremely similar case, and it had been challenged, gone to court, and the court had found for the ZBA, so there is case precedent, which trumps a letter from an administrator in a department, in their minds.

There was much discussion during which the Hendersons reiterated concerns they had expressed at prior meetings with the Board about the way their situation had been handled from the start, with the letter from the code enforcement officer, and the way the ZBA and their clerk had handled their case. The Selectmen reiterated that they could not overrule either the code enforcement officer or the ZBA decisions. The Wilkens and Curriers also expressed dissatisfaction with the way the code enforcement officer had handled situations with them, and the need for everyone to be treated fairly and professionally by all town boards and employees.

7:30 – Break

7:35 – Back in Session

7:36 p.m. - Enter into Non-Public Session as per RSA 91-A:3, II(a)

Selectman Guarino 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 Abbott seconded. Motion passed 2-0.

The Selectmen discussed a personnel issue.

7:50 p.m. – Out of Non-Public Session

Selectman Guarino moved to come Out of Non-Public Session. Selectman Abbott seconded. Motion passed 2-0.

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

MOTION – Selectman Guarino moved to accept the minutes of September 28, 2009 as amended. Motion passed 2-0.

FYIs & Other Business

Class VI Road Policy – Selectman Abbott asked if Tim had heard back from Town Counsel or Laura Spector regarding the Class VI Road policy. Tim replied that he had heard nothing yet.

Damaged Pavement – Recycling Center - Don reported that he had checked out the damage that Justin had said had been done to the pavement at the recycling center when Waste Management had dropped a box when switching boxes.. He said there were some marks, but the pavement hadn’t been broken. Don added that Justin had taken pictures and had called Waste Management. Justin wanted them (Waste Management) to be aware of what happened.

Trail behind Recycling Center – Selectman Abbott asked if Don had a chance to look at the trail behind the recycling center to see if it could be blocked to ATVs. Don stated that the employees at the center had been so busy this weekend that they hadn’t had a chance to go look at it with him.

Assessments - Tim informed the Selectmen that the new assessments are posted on line through Avitar. The notices for the new assessments are being sent out this week along with a letter explaining how to access the assessments on line, as well as the dates and how to go about setting up a meeting with the assessors if people have questions on the assessments.

Culverts – Donovan Road – Selectman Guarino stated that the Morrills had called and asked Don to meet with them, their engineer and the excavating contractor regarding the work on Donovan Road; he met with them at 8:a.m. Saturday. He said there were questions about whether there needs to be a culvert under the hammerhead turn-around. Don felt no culvert was needed under the hammerhead, as there is no water there. He said the water is diverted above the second driveway on the property, so no water is running down that side of the road. Don added that he went out there with the road agent this morning, and Paul agreed that there is no need for a culvert there. Don explained, and diagramed how the water would flow. Don stated that the work that has been done

on the road so far has been very good work; the road is in very good condition, and he is impressed.

Selectman Guarino stated that the Road Agent had said he has never seen water run over Donovan road. Don further stated that they feel there is no need for a 40' culvert; 30' is plenty. He explained the drop of the land creates a natural drop from the stonewall, and pointed out where the culvert should start. He felt that a 40' culvert would be too long to allow the space needed for the flow between the stonewall and the culvert. Don added that if we install a 30' culvert, we could get a permit by notification, and work, as long as it is done within the Town right-of-way. Tim will talk with Walter to see if the Town should file an amendment to the agreement with the Morrills to eliminate the culvert under the hammerhead, and change the other culvert from a 40' to a 30' one.

Motor Compactor Building – Selectman Guarino reported that Justin Leavitt had informed him that Mr. Leighton had replaced the bearings in the motor in the compactor building. Tim said Mr. Leighton had found problems with the rotor phase. They will talk with Mr. Leighton about getting it fixed.

Daffodil Bulbs – Tim asked what the Selectmen wanted to do with the eight hundred daffodil bulbs we received for participating in the Earth Day celebration. It was felt some should be given to the school for the kids to plant, and to ask Brenda McBride for suggestions as to where she felt others should be planted.

Church Consignment Shop – Tim said a gentleman had called saying that he has been helping Jane Sisti with the food pantry, clothing consignment shop they are going to open in the building they bought next to the church in the iron works. He asked if he they could borrow the Town's shop-vac to clean up the building on Wednesday. Don said he is a member of the church, and he would take care of getting a vacuum cleaner for them to use.

Successful Town Meeting – Tim reminded the Selectmen that they had received brochures from LGC on Preparing for a Successful Town Meeting. The meeting will be held on Saturday, November 7th. Tim also gave Selectman Abbott a book on Basic Law of Budgeting.

Planning Clerk – Selectman Abbott stated that she wanted to officially welcome Desiree Tumas, who started as the new planning clerk today. Tim said it had been an excellent first day. He and Betty Ann agreed that Desiree had "hit the bricks running". Selectman Abbott stated that, as a Selectmen's alternate to the planning board, she had received an email today informing her that the packets for Thursday's meeting are ready to be picked up. Tim added that Desiree would be attending the site walk that is to be held before Thursday night's meeting.

10-05-09 BOS

APPROVED

Planner – Tim informed the board that Mark Fougere would meet with the Planning Board Thursday night. Mr. Fougere is the potential contract planner, who met with the Board of Selectmen last Monday.

8:40 p.m. – MOTION – Selectman Guarino moved to adjourn the meeting. Selectman Abbott seconded. Motion passed 2-0.

Respectfully submitted,

Lois Dionne
Recording Clerk