

**Board of Selectmen
29 January 2007
Minutes**

6:05 p.m. – Chairman Ella Jo Regan called the meeting to order. Present were Chairman Regan, Selectmen Brian Forst and Don Guarino, Administrative Assistant Tim Warren and Clerk Lois Dionne. Also present for the meeting was Rachel Hatch.

Review of Minutes – The Selectmen reviewed the minutes of last week's minutes.

MOTION – Don Guarino moved to accept the minutes of January 22, 2007 as amended. Brian Forst seconded. Motion passed 3-0.

Review of Warrant Articles

The Selectmen reviewed a draft of the proposed warrant articles to be voted on at this year's town meeting.

Tim explained that the first article was voting for Town Officers for the ensuing year, and that the next five articles were amendments to the Zoning Ordinance that would be voted on at Election Day, the Tuesday before Town Meeting.

There was a brief discussion on the articles for the Capital Reserve Accounts and the Non-Capital Reserve Accounts.

The following articles were discussed at length.

Pay-As-You-Throw – Stan Bean had submitted a draft of three different versions of a warrant article for the proposed Pay-As-You-Throw program for the Selectmen to choose from. The articles were discussed and the Selectmen picked the one they felt would work best for the Town.

Fire Department – There were four articles submitted by the Fire Department. They were for the purchase of a new tanker Truck, Update of the Corners Fire Station, Replacement Doors for the Iron Works Station and refurbishing Engine 2.

The Selectmen felt they could recommend the replacement doors for the Iron Works Station, but there were lengthy, in-depth discussions about the request for a new truck,

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updating the Corners Station and refurbishing Engine 2. As a result of the discussions, the Selectmen felt they needed more clarification on these three articles before they could recommend them.

Tim explained that the dollar amount in the articles could be changed up to February 8th, after which no changes could be made.

7:00 – Public Input

Town Clerk Salary Warrant Article – Rachel Hatch asked about the proposed annual salary increase for the Town Clerk/Tax Collector. She questioned whether the proposed increase was enough, and if it was in line with the request for COLA and merit raises being requested for other Town Employees. Rachel asked if the Selectmen could increase the amount, and was told that because Debra is an elected official, they don't determine the amount of increase in her request. During a discussion of the proposed increase, Brian Forst calculated the amount of the request for the Town Clerk, and it was found to be the same percentage of increase that was proposed for other Town Employees.

Tim explained that the amount requested for Town employees had to be budgeted, but didn't mean everyone would get the full amount. They would get the COLA, but the remainder of the increase is a merit increase, and everyone wouldn't get the same amount.

Highway Department – There was considerable discussion on the request for a pickup truck with a plow for the Road Agent. The Selectmen felt a truck is appropriate, but felt one could be purchased for less than the proposed amount.

Other Articles

Class VI Roads - Chairman Regan stated that the Road Committee for Class VI Roads had met last Wednesday. She said the aim of the meeting had been to check out what roads still have to be walked, and to see whether there were any roads the committee could unanimously agree needed to be discontinued absolutely, which means the land goes back to the abutters. Ella Jo said the committee had agreed on two roads – Badger Brook and Brick School House Lane. There was a brief discussion about the roads. The Selectmen agreed they should be discontinued, and Tim will write a warrant article for each road. Ella Jo said an informational meeting would have to be held, and all the abutters would have to be notified.

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Road Betterment Grants – Don Guarino said he had spoken with the Potters, who felt we are getting behind on our roads, and felt the amount the Town contributes for road betterment grants should be raised (doubled). Tim said the amount couldn't be doubled after Thursday night. Tim said Mr. Potter had mentioned it at the budget hearing for the

Highway Department. He added that the public hearing for the budget is to be held on February 8th, and it should be brought up then. Tim said the grant is part of the highway budget.

Current Use Penalty Tax – There was a brief discussion on the warrant submitted by the Conservation Commission for an increase in their share of the current-use penalty tax.

Budget – Tim reported that the items in the budget are pretty much set. He felt if there were any changes, they would be for the maintenance of the Academy Building and the Old Town Hall.

FYI'S & Other Business

Road Paving – Tim informed the Selectmen that he had received a letter from DOT telling us that they are going to shim Route 107 from Pittsfield to Belmont, Route 129 from Loudon to Gilmanton and Route 106 to Route 107. He said the work is slated to be done by Labor Day.

Seminar – School, Mutual Aid Emergency Response Plan – Tim said there is to be a two-day training session on preparing a school mutual aid emergency response plan – Phase I. Rachel said she, the school superintendent, principal and vice principal, Chief Robbins, Chief O'Brien and Officer Sparks would all be attending. It was felt that at least one, or more if possible, Selectman, and the Road Agent should attend.

NRRA – Tim had a copy of a letter sent to Doug Kaplain from NRRA showing him what the amount of recyclables in 2006 equates to as far as environmental impact. The following is a sample of what we recycled, and what it would represent.

5,840 lbs. of aluminum cans equates to running a TV 594,278 hours
135 tons of paper saves 2300 trees
16 tons of plastic conserved 2,400 gallons of gas
112 tons of scrap conserved 112,000 lbs of coal

Chairman Regan said she agreed with Selectman Guarino's suggestion that this type of information should be posted at the Recycling Center. This particular information will be published in the Town Report.

NRRA Conference - Chairman Regan said she had received a letter about NRRA's Recycling Conference and Exposition to be held on June 4th and 5th at the Sheraton in

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Nashua. She said it is one of the best recycling conferences in the country, and she is hoping someone would attend. Ella Jo said that more information would be forthcoming.

Maps – Tim stated that two people from Cartographics would be here at the Academy Building on Friday, February 2nd from 9 a.m. to 8 p.m. and on Saturday, February 3rd from 8 a.m. to 1 p.m. to discuss the preliminary maps of the Town remapping project with residents of the Town. He said they will have the new maps, and so anyone who has concerns about changes that might have taken place can come in and discuss it with them, and they will explain the changes. Tim said this information about the meeting has already been put in the paper. He said that the acreage has changed on some lots, and all tax map and lot numbers will change as of April 1st. Tim said that he and Cindy Bedford, Assessing Clerk will also be present both days.

Proposal – Post closure Testing at Landfill – Tim had a proposal from Provan and Lorber for post closure testing at the landfill. Groundwater has to be monitored yearly. The cost of the monitoring is \$8,200. Provan and Lorber has been doing it every year since the landfill was closed. There was a brief discussion on the proposal, and it wasn't felt we would gain anything by putting it out to bid. Chairman Regan signed the proposal.

Proposal – Asphalt – Tim had a proposal from Wolcott Construction for asphalt for next year. The price was \$57.25 a ton. Tim stated that we had always gotten the best price from Wolcott. Chairman Regan signed the proposal.

Planning Board – Public Hearing – Tim stated that the Planning Board would be holding a public hearing on February 6th at 7:00 p.m. on adopting the National Electric Code, and amending Zoning Ordinance Articles, including adopting the Flood Insurance Program.

Dredge & Fill Permit – Crystal Lake Beach – Tim said because Crystal Lake falls under the jurisdiction of the Army Corps of Engineers, they also have to give us approval for putting sand on Crystal Lake Beach. He said the Corps of Engineers has approved it. The only thing we need to do now is get the sand, and decide who will haul and spread it. Brian Forst will check on the sand.

Dredge & Fill Permit – Places Mill Road – Tim reported that the Scouts had submitted some additional plans to DES on January 11th for the culvert on Places Mill Road. This is in regards to the dredge and fill permit application for Places Mill Road submitted by the Town on behalf of the Boy Scouts. Tim said it was basically a new culvert construction plan; they are still not going with an open-bottom culvert, but are suggesting that the culverts that are there now should be extended. He said the plans are available in the office if the Selectmen wished to see them.

There was a brief discussion about the culvert, and whether extensions should be put on the end of a culvert that has been in the ground for 30+ years. Brian said he wouldn't

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have a problem if the Town supplied the pieces of pipe that it would take to replace the old pipe. There was some confusion as to exactly what the Scouts were planning to do in regards to the culvert. It was stated that the road would have to be closed while replacing the culvert.

Tim said the information they had been looking at was what had been forwarded to DES when they had asked for more information. Ella Jo asked if the Scouts had given the information to the Town to submit. Tim replied that the Scouts had submitted it; we got a copy only after we requested it. Chairman Regan said the agreement had been that the Scouts would draw up the information, and we would submit it.

Tim said that Ella Jo had received a response to her most recent letter to Mike Kaufman. He informed her that the wetlands permit was pending approval, and that Nancy Rendall of Blue Moon Environmental had submitted addition information on December 12th. Tim said the information he had had been sent on January 11, 2007. Tim said the letter also said Nancy had sent information on January 11th, so either this was the information, or else we didn't received a copy of the information sent in December. The letter continued that the Scouts were continuing to work on the matter as quickly as possible, and would provide us with copies of responses with regards to the wetlands permit.

Road Bond Issues – At the last couple of meetings the Selectmen had discussed requiring road bonds for all logging operations due to the damage done to some Town roads. At the last meeting they voted to require a road bond, but were not going to act on it until they had consulted with Town Counsel.

Tim said he had called Mitchell & Bates, and had spoken with Jae Whitelaw in regards to the road bond for logging operations. He explained that our concern is that we had put \$150,000 into the repair of the road, and were concerned that the trucks would come out overloaded. Tim said she was not sure we could require a road bond for a logging operation, but she would research it. He had a copy of an email from Jae stating that they had been discussing that RSAs 236-9 and 236-10 authorizes the Selectmen to require a bond as a requirement for a logging permit. Jae disagreed. She felt the statutes are intended to address the situation when someone is going to purposely damage a road because of work on or near a road, such as installing gas lines, a new driveway, etc., not damage that is incidental to another use such as logging. While it is arguable that the Selectmen have authority to impose a bond pursuant to their general authority to regulate roads under RSA 41-11 and 47-17, she didn't know if the court would agree if the logging bond requirement were to be challenged. She said the Selectmen are specifically authorized to impose a security requirement in conjunction with a weight limit ordinance pursuant to RSA 231-191, therefore a logging permit ordinance that relies on a weight limit ordinance has a strong legal basis if the bonding requirement is challenged. Jae forwarded copies of two sample ordinances.

Tim said that Jae said there is another issue with a bond requirement not being tied to weight. Bonds for logging trucks singles out logging trucks as a class, and asked if there

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is anything particular to logging trucks that makes their impact on the road any different than any other type of truck having the same weight. She said that a regulation that singles out a particular class for regulation must have a rational basis for the singling out, and this one does not appear to meet that requirement.

There was a great deal of discussion regarding the bond, what we could do to help preserve our roads, adopting a weight limit and posting the roads. It was also stated that we need to have the Road Agent pay close attention to posting roads. Enforcement of the posting and issuing of fines for violators was also discussed. The town policy for posting town roads was reviewed, and it was felt it needed updating. Tim will check the RSA relating to the road posting.

Based on the information received from legal counsel, the Selectmen felt the bond requirement was not fair and could not be enforced.

MOTION – Selectman Guarino moved to rescind the motion, made and passed by the Selectmen on January 22, 2007, requiring logging operations to post a road bond. Selectman Forst seconded. Motion passed 3-0.

Super Saturday – Tim reminded the Selectmen that Super Saturday is February 10th and all of the Selectmen should be there. He said the Public Hearing would be held on Thursday, February 8th. He said this is when everything in the budget gets disclosed.

9:55 p.m. – MOTION – Selectman Guarino moved to adjourn the meeting. Selectman Forst seconded. Motion passed 3-0.

Respectfully Submitted,

Lois Dionne
Recording Clerk

