

BOARD OF SELECTMEN
Minutes of January 23, 2006

MEMBERS PRESENT: Chairman Roger Hohenberger called the meeting to order at 7:00 PM. Selectmen Galen Stearns, Bruce Breton, Alan Carpenter, and Margaret Crisler were present. Town Administrator David Sullivan was also in attendance, as was Attorney Campbell. Following the Pledge of Allegiance, Mr. Hohenberger read the agenda into the record.

ANNOUNCEMENTS: Mrs. Crisler announced that the Annual NH Orchid Society Show will take place on February 18th and 19th at the Crown Plaza. The cost to attend will be \$6/adult, \$3/senior, or \$10/both days.

Mr. Hohenberger announced that a public hearing relative to the Lowell Road Bike Path project will take place on Wednesday, February 8th at 7:00 PM at the Middle School cafeteria. Plans and photographs will be available for viewing beginning at 6:30 PM.

LIAISON REPORTS: *Mr. Stearns* reported that the CTAP Committee had met the previous Thursday, and planning issues over the previous 3-5 years in the participating communities had been discussed. Mr. Stearns noted that the communities had been overwhelmingly disappointed with the effects of cluster zoning.

Mr. Stearns noted that the Steering Committee will be selected at the next meeting, and that he will be contacting Commissioner Murray to reiterate his concerns regarding its proposed makeup.

BOARD OF HEALTH CONTINUATIONS: Mr. Sullivan advised the Board that Atty. Campbell had reviewed the water and sewer regulations, and determined that under the current language the Board had no authority to grant waiver requests. Mr. Sullivan suggested that, in light of Town Counsel's finding, the Board table the existing requests and post for a public hearing to amend the regulation language.

Discussion ensued regarding reducing the distance in the Town's regulations to the State standard of 75' and not including a provision for a waiver, why the Town established a distance of 100' initially, and recent University testing of septic system designs. Mr. Turner indicated that these tests were extensive and, on average, showed no bacteria present in the soil until within 10' of septic systems.

Mr. Carpenter noted that the Board needs to be cautious regarding the Town's soil-based lot sizing in reducing the distance. Mr. Turner replied that 75' had been identified as an effective buffer zone by the State and should be maintained by the Town. He then noted that he didn't feel reducing the distance to that footage would effect the soil-based lot sizing, as other setback requirements would still be in place.

Mr. Stearns then moved and Mr. Breton seconded to post for public hearing a change to both the well and septic regulations, reducing the distance requirement from 100' to 75'.

Discussion ensued regarding the need for a waiver provision within the septic regulations.

Mr. Stearns amended his motion and Mr. Breton his second to include the waiver provision within the septic regulations as submitted by the Health Officer. Attorney Campbell then pointed out that a minor correction was needed in the proposed language changes to replace "Board of Health" with "Board of Selectmen" as it pertains to the body adopting the regulations.

Mr. Sullivan requested that if the Board were going to include the waiver clause, then they not lower the distance requirements. He felt that, if the requirement were 100' it would provide the greatest protection, most applicants would adhere to that. After some discussion, Mr. Stearns withdrew his motion.

Mr. Stearns then moved and Mr. Breton seconded to post for public hearing the following changes to the Water and Sewer Regulations: addition of waiver clause, non-constitutionality clause, and effective date clause as proposed by the Health Officer.

Mr. Carpenter expressed concerns with changing the language rather than the distance, if the Board of Health generally approves all requests over 75'. A discussion ensued, in which Atty. Campbell noted he would prefer the waiver clause be added and the existing language left in place, especially in light of the other provisions in the regulations.

A discussion then ensued regarding the lack of a penalty clause, and documentation of all wells currently in Town, possibly by the Town Assessor or revaluation contractor. Mr. Sullivan will discuss this possibility with Mr. Norman.

The motion passed unanimously.

Mrs. Crisler then moved and Mr. Breton seconded to continue the public hearings on lot 22L-179, 21K-41, and 21K-26A until February 13 at 7:15 PM.

Mr. Hohenberger pointed out that the third request appeared to be for a well waiver. Mrs. Crisler then amended her motion and Mr. Breton his second to include the first two lots only. Passed unanimously.

Mr. Hohenberger then questioned whether the Board should have entered the Board of Health prior to making the motion.

BOARD OF HEALTH: Mr. Breton moved and Mr. Carpenter seconded to enter into the Board of Health. Roll call vote – all members “yes”.

Mrs. Crisler restated her previous motion and Mr. Breton his second to continue the public hearings on lot 22L-179 and 21K-41. Passed unanimously.

70 TURTLE ROCK ROAD/21K-76A: Mr. Hohenberger read the public hearing notice into the record. After a brief discussion, it was determined that this request was indeed the same situation as those previously tabled, and the Board could not make a decision that evening.

Mrs. Crisler then moved and Mr. Breton seconded to continue the public hearing on lot 21K-76A until February 13 at 7:45 PM. Passed unanimously.

Mr. Carpenter moved and Mr. Stearns seconded to exit the Board of Health. Passed unanimously.

OLD BUSINESS: Mr. Carpenter inquired as the status of the multi-use building documentation requested from Mr. McMahon. Mr. Sullivan replied he had contacted Mr. McMahon, who was invited to attend the February 6th meeting.

Mr. Carpenter inquired of the status of discussion to update the Recreation Committee charter. Mr. Sullivan indicated he had solicited comments from all, and suggested a workshop be scheduled at the February 13th meeting. The Board concurred.

NEW BUSINESS: Mr. Robert Coole approached seeking clarification as to what extent Lamson Road was closed. Mr. Sullivan stated that, as far as the Town knew, the State had taken full ownership and closed the roadway in its entirety. A brief discussion ensued, in which Mr. Sullivan indicated that Mr.

Bill Cass of the NHDOT will be at the next meeting, and can clarify this question then.

MINUTES: Tabled.

CORRESPONDENCE: Request received from a taxpayer to waive a penalty of \$5.80 for late payment of his property taxes. The requestor claimed that payment had been late as the due date had changed from the previous year.

After a brief discussion, in which evidence was presented that this taxpayer had paid late on several other occasions, Mr. Stearns moved and Mr. Carpenter seconded to deny the request. Passed unanimously.

Letter received from the Recreation Committee, advising the Board that use of Roger's Field by an AAU baseball team and the Pelham Windham Razorbacks had been approved by the Committee.

A discussion ensued regarding the Board's previous discussions relative to such uses and potential damage to the fields. Mr. Sullivan pointed out that the Committee had acted in accordance with their charge in approving these uses.

Letter received from the Shepherd's Pantry, thanking the Town for its \$500 contribution.

Site Bond Release/Lamplighter Site #3 for Building 2 with Parking: Mrs. Crisler moved and Mr. Stearns seconded to release the bond in the amount of \$1,624.80 to Silvestri Corporation as requested. Passed 4-0-1, with Mr. Breton abstaining.

Request received from Edward N. Herbert Associates to allow installation of a community well on Town property. Mr. Sullivan will schedule this matter for discussion at the next meeting.

Letter received from Virginia Beecher, Director of Motor Vehicles, indicating that the issue pertaining to the Town Clerk's Office and Deputy Town Clerk had been satisfactorily resolved.

Letter received from Mr. Raymond Rees, Heritage Hill Road, relative ongoing curbing issues in front of his property and related ice issues. Mr. Sullivan will follow-up with the Highway Agent.

The Board then recessed to meet with Town Counsel.

OLD BUSINESS: Mr. Hohenberger announced that the Board had met with Town Counsel to discuss the request to release correspondence relative to Hopkins Road. He noted that the correspondence would not be released due to confidentiality issues; however within it Town Counsel had indicated that the Board had followed due process and their decision is defensible.

Mr. Stearns then moved and Mr. Breton seconded that Town Counsel correspondence relative to the High School access be released to the School Board and public. Passed unanimously.

Mr. Bob Coole approached seeking clarification of whether the Hopkins Road correspondence in question pertained to his inquiry about the Board's attendance at the site walk and legality of the Board's vote.

After a brief discussion, the Board requested that Mr. Sullivan contact Atty. Campbell to ask that another letter be provided specifically addressing Mr. Coole's inquiry.

NEW BUSINESS: Mr. Sullivan advised the Board that another re-classification request had been received, and requested the Board discuss a satisfactory time to conduct a site walk.

After a brief discussion, it was the consensus of the Board that the site walk be tentatively scheduled for March 5th at 3:30 PM.

NON-PUBLIC SESSION: Mrs. Crisler moved and Mr. Breton seconded to enter into non-public session in accordance with RSA 93-A:3 IIa. Roll call vote, all members “yes”. The topic of discussion was personnel, and the Board and Mr. Sullivan were in attendance.

Mr. Sullivan discussed the status of a Police Union grievance with the Board. Mr. Stearns moved and Mr. Carpenter seconded to uphold the Police Chief’s denial. Passed unanimously.

The meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

Note: These minutes are in draft form and have not been submitted to the Board for approval.