

BOARD OF SELECTMEN
Minutes of November 13, 2006

MEMBERS PRESENT: Chairman Galen Stearns called the meeting to order at 7:00 PM. Selectmen Roger Hohenberger, Margaret Crisler, and Dennis Senibaldi were present. Selectman Alan Carpenter and Town Administrator David Sullivan were delayed. Following the Pledge of Allegiance, Mr. Stearns read the agenda into the record.

ANNOUNCEMENTS: Mr. Stearns announced that the Assessing Department would be closed the following Wednesday and Thursday to allow staff to attend the Annual Local Government Center Conference.

LIAISON REPORTS: Mrs. Crisler reported that the Planning Board held a joint meeting with the CIP the previous Wednesday, and that it had gone well. Mr. Hohenberger noted that the CIP's official report should be available to the Board within three weeks or so.

Mrs. Crisler then stated that the Planning Board was working on proposed Zoning amendments and were looking at the elderly housing overlay districts. She noted that after a lively debate among the Board members, it was decided that a public hearing should be held, which has been scheduled for November 29th.

Mr. Carpenter arrived at 7:05 P.M.

Mrs. Crisler then clarified that the proposed change to the elderly zoning was not being proposed by Mr. Turner as was erroneously being noted around Town, but rather by her. Mr. Hohenberger then pointed out that open space zoning seems to be an issue, as well, and inquired whether the Planning Board was looking at changes to that. Mrs. Crisler stated they were not at this time. A brief discussion ensued.

Mrs. Crisler then reported that the Conservation Commission will be meeting soon to discuss conservation easements.

Mr. Carpenter stated that the Technical Advisory Committee had met with the Police Chief regarding the possible installation of microwave lines for the digital equipment. He noted an action plan has been put in place, and that costs are being explored for future discussion with the Board.

Mr. Carpenter reported that the Cable Advisory Board had met, however the representative from Comcast scheduled to attend was unable to do so. He further advised all that the Town's service is now officially under Comcast.

Mr. Senibaldi announced that the Skateboard Park is officially closed for the season. Mr. Stearns inquired as to the status of Tokanel Field. Mr. Senibaldi replied it would be completed the following day or the day after. He also noted he was still attempting to obtain a donation toward the sod.

MINUTES: Mr. Hohenberger requested that the minutes of October 30th be amended to change that the "Town" will be fully digital, to the "Police Department" will be fully digital.

Mr. Carpenter then moved and Mrs. Crisler seconded to approve the Minutes of October 30th as amended. Passed unanimously.

Mr. Carpenter moved and Mrs. Crisler seconded to approve the minutes of November 6th as written. Passed unanimously.

Mr. Sullivan arrived at 7:15 P.M.

ANNOUNCEMENTS CONTINUED: Mr. Sullivan announced that the 2006 tax rate has been set at \$15.35/thousand, the breakdown of which is: \$2.95/Town, \$9.26/Local school, \$2.28/State school, and \$0.86/County. He reminded all that the average increase is expected to be \$800-1,000. A brief discussion ensued regarding the State education tax and the percentage of

the average increase the school bond represents. Mr. Sullivan indicated that the latter is approximately \$600.

CORRESPONDENCE: Bond Release/Candlewood Road: After a brief discussion, Mr. Carpenter moved and Mrs. Crisler seconded to release the bond in the amount of \$1,000 as recommended. Passed unanimously.

Right-of-Way Permit: Mr. Sullivan explained that this was an emergency permit request to allow for cable utility work on Woodvue Road. Mr. Hohenberger moved and Mr. Carpenter seconded to approve the acceptance of the right-of-way permit. Passed unanimously.

Letter received from the Planning Board advising that they had notified the Rockingham Planning Commission that they would be declining their assistance in completing a traffic study. Mr. Hohenberger inquired whether the funds for this project would now be forfeited, or if they could be utilized toward something else. Mr. Turner noted that any other use would have to be transportation related, and that he is talking to them about public safety routing and whether any of the funds can be put towards that. A discussion ensued about whether the Selectmen should contact the RPC as well, and Mr. Sullivan recommended the Board wait and allow Mr. Turner to speak further with the RPC representatives.

OLD/NEW BUSINESS: Chief McPherson advised the Board that the Department's ground/aerial equipment had undergone annual testing in April, and some deficiencies had been noted in the aerial equipment. He stated that Firefighter/Mechanic Scott Zins had corrected what he could; however, the replacement of the three main cables was outside his scope of experience. Chief McPherson noted that if the cables were not replaced prior to the next inspection, the engine would be taken out of service, and that Mr. Zins had obtained cost estimates from New England Fire and Bulldog. NE Fire's verbal estimate was \$8,400, while Bulldog had submitted a written quote of \$7,800. Chief McPherson stated that Greenwood Fire Apparatus had also been contacted; however, they would not estimate the cost without first seeing the engine.

Chief McPherson then requested the Board's permission to solicit bids for the project. Mr. Carpenter inquired whether the scope of work could be drafted specifically enough to allow the vendors to bid without seeing the vehicle. The Chief replied in the affirmative.

Mr. Hohenberger inquired as to the status of the Fire Department budget. Mr. Sullivan affirmed that the budget is in good shape to date. A discussion then ensued regarding the cable certification requirements.

Mrs. Crisler then moved and Mr. Senibaldi seconded to authorize the Fire Chief to send out requests for proposal for the replacement of the ladder truck cables. Passed unanimously.

Chief McPherson then noted that all the Department vehicles had passed their annual pump testing, with the exception of Engine 3. He stated that the engine was not pumping to capacity as per NFP requirements, and the estimated cost to re-pack the tank to correct the issue is \$6,000. The vehicle is still in service at this time.

Mr. Zins noted that the tank is four years old, and has seen a lot of wear and tear. After a brief discussion, no decisions were made.

BOARD OF HEALTH: Mr. Hohenberger moved and Mr. Carpenter seconded to enter into the Board of Health. Roll call vote – all members “yes”. Mr. Stearns read the public hearing notice into the record.

A brief discussion ensued regarding an error in the lot numbers as shown in the official posting. Attorney Campbell, who was present for an upcoming matter, was consulted. He indicated that he felt the notice was sufficient, as

the address and name shown were correct and the proper abutters had been notified. It was then the consensus of the Board to proceed.

Mr. Turner explained that there are currently no homes on either lot, and the owner is proposing to combine them into a 100' lot for which a variance will be sought to allow construction of a single family home. He noted that the applicant had opted to appear before the Board of Health prior to going to the Zoning Board of Adjustment, and that a waiver was being requested to allow installation of a septic system 60' from their proposed well. The well will be located in the front of the lot, the septic in the back, and a two-bedroom capacity Clean Solutions system is being proposed.

A brief discussion ensued regarding an error on the Town's tax maps versus the recorded subdivision plan, the lot merger, and the owners of record.

Mr. Peter Stoddard of Bedford Design Consultants approached on behalf of the applicant, noting that Attorney Peter Bronstein was handling the merger for the owners. A discussion ensued that the plan as presented was not valid without the merger. Mr. Turner noted that the Board could make the merger a condition of approval.

A discussion ensued regarding the need for compelling evidence to go below the 75' requirement, the items/distances shown on the plan as presented, and the abutting lot 22L-98.

Mr. Carpenter noted that the Board had granted no waivers since lowering the requirement to 75' from 100', and inquired what new information Mr. Stoddard might have to support their doing so.

Mr. Stoddard stated that there are no health concerns to the surrounding property, and noted that the Clean Solution system includes pre-treatment of the waste allowing for a 90-95% reduction in the leach field size versus conventional. He also noted that the well can be encased and waivers filed with the State and Town, if necessary.

Mrs. Linda Bails, owner of lot 22L-98, approached to point out that the Town's requirement is 75', which was a valid reason for the Board to deny this request. She also did not feel there was enough room in the area for another home, and urged the Board to deny this request.

Mr. Carpenter inquired as to any alternatives Mr. Stoddard had considered. Mr. Stoddard replied he could try to move the system to the front, but that it would place it closer to the lake and force the well to the property line.

Mrs. Crisler then expressed concerns regarding the existing sewer line that runs under West Shore Road between lots 17 and 24, and whether it posed a threat to the applicant's proposed well. Mr. Stoddard noted that the slope in that area is a downgrade, and any leak would flow away from the well.

After a brief discussion regarding possibly swapping the locations, Mr. Hohenberger moved and Mrs. Crisler seconded to deny the applicant's request to position their proposed well and leach field within 60' of each other, based primarily on the proximity to Canobie Lake. Passed 5-1, with Mr. Senibaldi opposed due to the reasoning as stated in Mr. Hohenberger's motion.

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

PUBLIC HEARING/DONATION: Mr. Stearns read the public hearing notice into the record. Chief McPherson stated that, as was the case last year, this donation will be utilized toward the Department's Fire Prevention Program. Mr. Senibaldi moved and Mrs. Crisler seconded to accept the donation of \$1,500 from Wal-Mart with gratitude. Passed unanimously.

BID AWARD/LEGAL SERVICES: Mr. Sullivan indicated that four bids had been received, as follows:

<i>Beaumont & Campbell, PA, Salem, NH</i>	<i>Yr. 1: \$35/hr</i>
	<i>Yr 2: \$35/hr</i>
	<i>Yr. 3: \$35/hr</i>
<i>Soule, Leslie, Kidder, Sayward & Loughman, Salem, NH</i>	<i>\$60/hr</i>
	<i>\$60/hr</i>
	<i>\$65/hr</i>
<i>Boutin Altieri, PLLC, Londonderry NH</i>	<i>\$125/hr</i>
	<i>\$125/hr</i>
	<i>\$125/hr</i>
<i>Shaines & McEachern, PA, Portsmouth, NH</i>	<i>\$75/hr</i>
	<i>\$75/hr</i>
	<i>\$75/hr</i>

Mr. Sullivan stated that after review of the proposals, it was recommended that the Town continue with Beaumont and Campbell Associates. After a brief discussion, Mrs. Crisler moved and Mr. Senibaldi seconded to award the bid for legal services to Beaumont and Campbell for their bid price as stated for the next three years.

Mr. Carpenter then noted that it occasionally best serves the Town to utilize an alternative counsel, and inquired whether any established relationships were in place with other firms. Mr. Sullivan indicated that several were currently in place.

A discussion ensued regarding other firms and the availability of the Local Government Center for consultation, and the inclusion of a 60-day “no cause” termination clause. Mr. Sullivan indicated that the latter was included to both parties benefit.

The motion passed unanimously.

SCHOOL BOARD: Atty. Campbell recommended that the School Board’s request be discussed in public session, and then the Board meet with him in private session to discuss the matter.

Atty. Greg Michael approached on behalf of the School District, noting that this request stems from an issue that has arisen as part of the previous survey problems. He noted, however, that this problem does not impact the school directly.

Atty. Michael explained that the lines between the School, Town, and Logan properties cannot be defined in this particular area due to the conflicting surveys, and that Mr. Zohdi believes that Mr. Logan has an undefined interest. The School District’s request is not for an adjustment, but for an agreement as allowed by the State in cases where the lines cannot be established. Atty. Michael indicated that Mr. Logan will not be a party to the agreement, as he is prepared to convey by deed any interest he may have in the area west of the established line. He further noted that the agreement would favor the Town, as it would add approximately 17 acres to the abutting Gage lands.

Mr. Carpenter inquired whether there will be additional lot line issues in the future, and Atty. Michael replied there none he was aware of. Mr. Carpenter then asked whether it would make more sense to give the land to the School now. A discussion ensued regarding the requirements for a Town meeting. Atty. Michael noted that this agreement is a means to establish a boundary and obtain insurable title.

Atty. Campbell stated he believed execution of the agreement was within the Selectmen's authority, the key being the setting of an uncertain line. He noted that State Statute requires the submission of a final plan and setting of boundary markers.

A discussion ensued regarding the Town's not having repeated the title and survey work as done by the School. Atty. Campbell indicated it would time consuming and expensive, and might still prove to be inconclusive. He then sought clarification from Atty. Michael that this agreement would allow the Town to obtain insurable title to the property, to which Atty. Michael replied in the affirmative. Atty. Campbell then stated that the response indicated to him that all the title work that can be done has been done by the District.

After further brief discussion, the Chairman called for a recess to allow the Board to meet with Atty. Campbell.

Upon resuming the meeting, Mr. Carpenter opined that the Board should consider scheduling a public hearing prior to entering into any agreement.

Mr. Hohenberger then moved and Mr. Senibaldi seconded to schedule a public hearing to discuss the School Board's request to enter into a boundary line agreement for December 4th. Passed unanimously.

OLD/NEW BUSINESS CONTINUED: Mr. Sullivan advised that the new contact number for Comcast cable/internet issues was 888-633-4266.

Mr. Sullivan advised the Board that the heat exchanger at the Town Hall has failed, and that the low estimate to replace it was \$2,700. He requested the Board's authorization to expend not more than \$2,800 from the Property Trust to make the repair.

Mr. Carpenter moved and Mr. Hohenberger seconded to approve the expenditure as requested. Passed unanimously.

Mr. Sullivan noted that the bids for the grounds keeping were still pending, awaiting the Board's decision on whether to accept the two late submissions. He reminded all the one had been received 55 minutes late, and the other was postmarked on the due date but not received until two days later.

After discussion regarding the Board's previous conversation, the recent waiving of the legal bids, and the current bid acceptance procedure Mr. Carpenter moved to adjourn. There was no second.

Mr. Senibaldi then moved and Mr. Hohenberger seconded to not accept the two late bid submissions. Passed 3-2, with Mr. Stearns and Mr. Hohenberger opposed.

Mr. Carpenter moved and Mrs. Crisler seconded to adjourn. Passed unanimously.

The meeting was adjourned at 10:05 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.