

**BOARD OF SELECTMEN**  
**Minutes of January 24, 2005**

**ROLL CALL:** Chairman Alan Carpenter called the meeting to order at 7:00 PM. Those present included Selectmen Bruce Breton, Roger Hohenberger, and Galen Stearns. Mr. Sullivan was also present. Selectman Chris Doyle was delayed.

**ANNOUNCEMENTS:** Mr. Al Turner announced that there would be a Master Plan meeting on Wednesday the 26<sup>th</sup>, which would be the last opportunity for public input before the scheduled hearings. He noted that, after Wednesday, the Master Plan Committee would then be looking at the goals and objectives to prioritize them before the public hearings on the final plan sometime thereafter.

*Mr. Breton* reported that the Red Sox would be making every attempt to accommodate all requests to host the World Series Trophy, of which they received over 1000. Mr. Breton noted that the Town's request, sent in by Mr. Sullivan, was one of the first the Red Sox front office received.

**APPOINTMENT INTERVIEW:** Mr. Paul Keller, 17 Bear Hill Road, was present to introduce himself to the Board and answer questions regarding his request for appointment to the Technical Advisory Committee. After a brief discussion, the Board thanked Mr. Keller for his interest.

**PUBLIC HEARING/DONATION:** Mr. Carpenter read the public hearing notice into the record. Mr. Sullivan explained that the proposed donation was from Castle Reach in the amount of \$5,000 to be used specifically toward fencing at the skateboard park.

Mr. Hohenberger inquired as to the total cost of the fencing. Mr. Breton replied that bids are currently being solicited, but that it was expected to be approximately \$13,000.

Mr. Sullivan noted that, if the donation were accepted, it would be placed into a special fund until needed. Mr. Carpenter inquired what would happen to the funds if the fence were not installed, and Mr. Sullivan confirmed that the donation would either need to be returned or amended.

Mr. Stearns moved and Mr. Hohenberger seconded to gratefully accept the donation of \$5,000 toward fencing at Griffin Park from Castle Reach. Passed 4-0.

**BOARD OF HEALTH:** Mr. Stearns moved and Mr. Breton seconded to convene as the Board of Health. Passed 4-0.

Mr. Carpenter read the public notice into the record. Mr. Turner explained that this matter had been posted incorrectly, in that it cited the incorrect ordinance and omitted a required, additional request for waiver. After a brief discussion, it was the consensus of the Board that the parties could present their information to ensure they were fully prepared, but that the Board of Health would make no decision at the time and the public hearing would be rescheduled.

Mr. Turner explained that the cottage at 59 West Shore Road had been torn down, and a replacement, year-round dwelling was being constructed. He noted that, in addition to being within 80' of the septic when 100' is required, the proposed well did not meet the following requirements: that it be 25' from the lake and 75' from the lot line. Mr. Turner also noted that he

did not believe there were any wells across the street from the property, as they were tied into the Pennichuck line. Mr. Carpenter inquired whether the property in question could also be tied into Pennichuck.

Mr. Chet Jarosky, representing the owner Mrs. Devine, approached to state he wasn't aware that the Pennichuck line went that far down West Shore Road. He advised the Board he would look into the possibility of tying the property into the line, which would solve the waiver issue.

Atty. Prolman, representing abutters Gemmel and Campiola, approached to express concerns his clients have with the project. He noted that the lots on either side of the Devine property are served by private wells, and that the Pennichuck line is across the street. He went on to state that the property cannot meet the basic requirements of a waiver, per the Town's criteria. He advised the Board that there was a 10' right-of-way, which is owned by the Campiolas and not the Devines, that had been included in the calculations and, when calculated correctly, the well would be within 10' +/-, which does not meet the required 20' for consideration of a waiver. He also noted that the Town's waiver requirements state that the applicant must provide a consent/release from the neighbors, and presented letters to the Board from abutters stating their objection to the project and their refusal to sign a release as required in the ordinance.

Atty. Prolman then noted that, in his opinion, the only options available to the owner were to either tie into the Pennichuck line, if possible, or to a neighboring well. He closed by stating he did not believe the Board had the authority to grant the waiver as requested.

Mr. Turner stated that although the Water Supply regulations do provide conditions for granting a waiver, the Board of Health did have the authority to waive those requirements. Mr. Hohenberger requested a copy of Section 6 of the Water Supply Regulations, which addresses the requirements in question. Mr. Turner will provide a full copy of the regulations to all the Board members via email.

Mr. Carpenter advised those present that the public hearing will be reposted as necessary, within the next two to three weeks.

Mr. Breton moved and Mr. Stearns seconded to recess the Board of Health portion of the meeting. Passed 5-0.

**BID AWARD/ TRAILS PROJECT:** Mr. Sullivan reported that the Trails Committee, working with the Conservation Commission, had received a grant in the amount of \$20,000 to be used toward trail improvements. The grant itself was \$16,000, with \$4,000 in matching funds coming from Conservation. He explained that the Trails Committee had gone out to bid twice for the improvements, which were planned to be boardwalks and crossings at Foster's Pond, Bayberry Conservation Area, and Deer Leap.

Mr. Sullivan noted that two bids had been received, as follows:

Universal Golf, Dover, NH:	\$18,200
DC and Sons, Fryeburg, ME:	19,950

Mr. Wayne Morris approached to introduce the rest of the Trails Committee, and to explain that Cyr Lumber had offered to supply the materials for the project at cost. He further explained that this project would continue the work begun in 1998, and that the Committee may be approaching the

Conservation Commission again in the future for additional funds, as the materials will likely be in the area of \$5,900.

After further discussion regarding the total number of crossings, the type of wood to be used, and vandalism worries Mr. Hohenberger moved and Mr. Breton seconded to award the bid for trails improvement to Universal for an amount not to exceed \$18,200 for the construction of approximately 21 crossings. Passed 4-0.

**TRANSFER STATION:** Dave Poulson, Transfer Station Manager, approached to discuss amendments to the renewal agreement between the Town and Wheelabrator of Concord, our municipal waste hauler. Mr. Poulson explained that the amendments would: offer the Town a 180 day termination option; stabilize the rates through 2008 at an annual 3% increase; and extend the expiration date to December 31, 2008.

Mr. Sullivan voiced his support of the amendments, and of Mr. Poulson's plan to research other options during the three year period, including costs for curbside pickup. Mr. Hohenberger inquired whether the contract would lock the Town into a specific delivery location, and Mr. Poulson replied he has been speaking to some of the other Wheelabrator sites and that the contract did not limit where the waste could be delivered to.

Mr. Stearns moved and Mr. Breton seconded to allow Dave Poulson and/or David Sullivan to enter a three year agreement with Wheelabrator as proposed. Passed 4-0.

*Mr. Poulson* and the Board then discussed possible implementation of an annual fee for commercial haulers. Mr. Poulson proposed a \$1,000 annual fee to be paid to the Town for usage of the Transfer Station.

A discussion ensued regarding the potential impact to the smaller commercial haulers; the possibility of the haulers passing the cost onto their clients; and whether a fee of \$1,000 was enough to actually make an impact.

Mr. Sullivan noted that such a change would require a public hearing, and that any such funds would be deposited into the general fund.

Mr. Breton moved and Mr. Hohenberger seconded to send this matter to a public hearing. Passed 4-0.

*Mr. Doyle* arrived at 8:20 PM.

*Discussion moved* to residential demolition and possible changes to the current means of receiving it at the Transfer Station. This topic was a follow-up to concerns raised during the Transfer Station budget hearing.

Mr. Poulson noted that only about 8% of the demolition received at the Station came from commercial haulers, and that of the \$85,000 expended only about \$6,500 resulted from commercial entities.

Discussion moved to possible means of controlling the amount of demolition brought to the Station, including: re-implementation of the card system; eliminating commercial hauling to the Station; and limiting the Station to 1,000 tons per year. Mr. Poulson proposed limiting the Station, as the card system is very difficult to police.

After a lengthy discussion regarding the appropriateness of limiting services at the Station, the re-direction of residents directly to Salem, and the possible need to wait for Town meeting to amend the Solid Waste Ordinance, it was

the consensus of the Board that nothing be changed at the moment, and that staff explore further the proper method to eliminate commercial demolition from the Ordinance, and that Mr. Poulson verify the fees charged by Salem.

**MINUTES:** Mr. Doyle moved and Mr. Stearns seconded to approve the minutes of December 28, 2004 as written. Passed unanimously.

*Mr. Stearns* moved and Mr. Doyle seconded to approve the minutes of January 10, 2005 as written. Passed 4-0-1, with Mr. Carpenter abstaining due to absence at the meeting in question.

**CORRESPONDENCE:** Letter received from Adelphia regarding impending changes to the channel line-up with additional channels being offered; related rate increases; and discontinuance of the old “value packages”.

**NEW BUSINESS:** Mr. Doyle noted that Verizon had approached the State House regarding bringing cable access to NH. Mr. Carpenter noted that he is aware that Verizon is currently running DSL in Salem.

*Mr. Fred Linnemann* inquired whether the Board has authority to regulate rate increases for Adelphia. The Board responded it did not, and that increases were monitored by the FCC.

**OLD BUSINESS:** Mr. Rex Norman, Assessor, was present to address the Board’s concerns from a previous meeting regarding an abatement request submitted by him. He clarified that the property in question has a stream running around the full lot, which had required the owner to request variances for various projects, all of which had been denied. Mr. Norman noted he felt that this diminished the usage and value of the property, and thus requested the Board’s approval.

Mr. Hohenberger clarified that the issue of the WWPD and its effects on assessment were unique to this case. Mr. Norman confirmed that was the case. Mr. Doyle moved and Mr. Hohenberger seconded to grant the abatement as requested at 197 Range Road, based upon evidence presented by Mr. Norman. Passed unanimously.

*Mr. Norman* then clarified a second request to the Board, on Golden Brook Road, which involved a sharp, 15’ drop into the flood plain at the back of the property, which essentially rendered  $\frac{3}{4}$  of an acre useless. Mr. Hohenberger again expressed concerns that other property owners could then approach for the same circumstance. Mr. Carpenter felt that, while the stream in the previous abatement had resulted in a definitive impact to the owner, the issue in question was present in a large percentage of lots in Town.

After brief, further discussion, the Board took no action on this request.

*Mr. Norman* presented an abatement request on Cobbetts Pond Road, which was the result of an error in calculation of 10’x100’ lot as a building lot. Mr. Doyle moved and Mr. Breton seconded to grant the abatement in the amount \$3,219 as requested. Passed unanimously.

*Mr. Norman* presented an abatement request for 147 Castle Hill Road, resulting from several factors: incorrect assessment for a full basement; omission of consideration for a NE Power easement; and topographical issues with the property. Mr. Doyle moved and Mr. Hohenberger seconded to grant the abatement of \$242, as submitted.

**NEW BUSINESS, CONTINUED:** Mr. Breton reported he had received a call from a resident inquiring why the Town Beach was not regularly plowed to allow emergency access. Mr. Sullivan noted that, if it were the Board's wish, the area could be plowed out sometime after the Highway crew has finished storm clean-up.

After a brief discussion, it was the consensus of the Board to have Chief Messier weigh in at a future meeting on this matter, as well as Chief Moeckel, if necessary.

**NON-PUBLIC SESSION:** Mr. Doyle moved and Mr. Stearns seconded to enter in to non-public session in accordance with RSA 93-A:3 IIa, d. Roll call vote, all members "yes". The topics of discussion were personnel and reputations.

*Personnel:* The Board and Mr. Sullivan were in attendance to review a possible salary adjustment for the Searles Facility Coordinator. After discussion, Mr. Doyle moved and Mr. Stearns seconded that the Coordinator be paid the rate of \$65 per each unique client. Passed unanimously.

*Personnel:* The Board, Mr. Sullivan, and Highway Agent Jack McCartney were in attendance to review the previously discussed vehicle reimbursement. After discussion, Mr. Stearns moved and Mr. Hohenberger seconded that the Highway Agent be paid an additional stipend of \$500 to cover the taxable cost of the fringe benefit. Passed unanimously.

*Reputations:* The Board and Mr. Sullivan were in attendance to discuss the following appointments:

Mr. Stearns moved and Mr. Doyle seconded to appoint Laura Swenson as Cemetery Trustee through 2006. Passed unanimously.

Mr. Doyle moved and Mr. Hohenberger seconded to appoint Paul Keller to the Technical Advisory Committee. Passed unanimously.

Mr. Doyle moved and Mr. Hohenberger seconded to adjourn. Passed unanimously.

The meeting was adjourned at 9:45 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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