

BOARD OF SELECTMEN
Minutes of June 18, 2007

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

ANNOUNCEMENTS: Mr. Breton announced that members of the Conservation Commission, Deputy Fire Chief Leuci, and representatives of Pack 266 had selected an area for camping on the Cyr conservation land. Mr. Breton noted that, in the future, a policy would need to be established relative to permitting for fire pits in the area.

Mr. Senibaldi announced that Recreation was hosting a concert by Ms. Judy Pancoast on the following Friday at 4:00PM. Rain site will be the Town Hall. He also reminded all that Town Day will take place on July 1st from 1 PM to 4 PM at Griffin Park.

LIAISON REPORTS: Mrs. Crisler noted that the Planning Board had adopted new Rules of Procedure. As part of the changes, the Board has changed the method of appointment to the Capital Improvement Committee, and will begin advertising for citizen volunteers.

Mrs. Crisler then reported that the HDC had been advised that the Searles Facility had been vandalized by someone taking a pry bar to the stonework. She also advised the Board that the HDC will be sending a letter of opinion to the Selectmen regarding Range Road.

CORRESPONDENCE: Letter received from the Greater Derry/Greater Salem Regional Transportation Council requesting the Board's permission to turn over funds remaining from the \$2000 annual appropriation received by them from Windham to the CART program.

A discussion ensued, and it was the consensus of the members to take no action on this matter until detailed statistics are received regarding CART's presence in the Town.

APPOINTMENT INTERVIEWS: The Board interviewed Mr. Chris Rossetti and Ms. Victoria Noel for possible appointment to the Conservation Commission and Recreation Committee, respectively.

Discussion then ensued regarding the need to reactivate the Housing Authority.

OSGOOD ROAD/STOLARZ: Mr. Sullivan explained that, three years ago, funds in the amount of \$10,000 had been budgeted and bids solicited to install a cistern on Osgood Road. After receiving a proposal in the amount of \$30,000, the Board had tabled the matter until the outcome of the fire tanker grant application. Mr. Sullivan indicated this matter was now before the Board because Mr. Stolarz had been advised that he would need to install a cistern as part of a two-lot subdivision. Mr. Sullivan also noted that the original developer's bond for Osgood Road had been forfeited, and had not included funds for a cistern. The funds budgeted in the Highway Budget in 2004 have since lapsed, and there are no monies available for the Town to do the installation.

A discussion ensued regarding putting the matter on the warrant for March, and the hardship being imposed on Mr. Stolarz as he was not the original developer. Mr. Sullivan noted that Mr. Stolarz had previously attempted to subdivide to 5 lots, however only two had been approved at that time.

Mr. Stolarz approached and explained that the cistern was included in the original developer's plan, and that when the Town took the bond they did not install the cistern. He noted that, previously, he had developed two of his lots and donated a third to Conservation, and now has the opportunity to sell the remaining two lots. Mr. Stolarz noted that the road is paved and the guardrail in place, and that there are currently 12-14 homes being occupied on Osgood without a cistern. The lots he is attempting to sell are the final two developable lots in the area.

A discussion ensued regarding the original terms of the bond as they pertained to a cistern.

Mrs. Crisler suggested that Mr. Stolarz be required to install sprinklers in the new homes. Mr. Breton disagreed, as he did not feel Mr. Stolarz should be held responsible for the Town's failure to install the cistern. Mr. Senibaldi concurred, noting that neither Mr. Stolarz nor the potential buyers should be penalized.

Mr. Carpenter pointed out that the original developer of Osgood Road was tasked with installation of the cistern and, when that didn't happen, it was the Town that subsequently dropped the ball. He inquired, however, if it were not logical to ask Mr. Stolarz as the second area developer to make a pro-rated contribution towards the cistern for these two lots. Mr. Senibaldi felt it was not, noting that Mr. Stolarz has a subdivision approval without a cistern.

Chief McPherson approached to point out that the availability of the tanker truck does not negate the need for a cistern, and that currently any new development of three or more homes requires a cistern with a minimum 10,000 gallon capacity. He noted that there has been an ongoing concern regarding the lack of water in the Osgood neighborhood.

Chief McPherson then noted that, while he is a proponent of sprinkler systems versus cisterns, a cistern will be needed in that area. Mr. Senibaldi agreed that a cistern was necessary, and felt it should be a budget item in 2008. A discussion ensued regarding the process of requiring plans to meet NFPA codes.

After a brief discussion regarding the Board's options that evening, Mr. Sullivan expressed his agreement that the responsibility should not fall upon Mr. Stolarz. He felt it was incumbent upon the Board to allow Mr. Stolarz to move forward, and noted that the Board may be able to fund the cistern out of the bottom line budget due to salary savings and other possible surplus funds.

After further discussion, Mrs. Crisler moved and Mr. Senibaldi seconded to allow Mr. Stolarz to proceed to construct two homes as requested, with the understanding that the Board of Selectmen will address the water issues in the Osgood Road area.

After a brief discussion regarding whether or not the presence of a cistern is tied to the issuance of a Certificate of Occupancy, the motion passed 3-2 with Mr. Carpenter and Mr. Hohenberger opposed.

Mr. Carpenter requested that Chief McPherson compile a detail of the Town's cistern statistics/specifications for the Board to review.

A brief discussion ensued regarding bidding of the project and the existence of an easement to install the cistern. Mr. Stolarz indicated his willingness to the Board to contribute toward the installation once the lots have been sold.

It was the consensus of the Board that the project be sent out to bid with revisions to the language to extend the required 120 day hold on the price.

RECREATION: Prior to opening the discussion, Mr. Carpenter sought clarification from Mr. Sullivan regarding the funds available in the Recreation Improvement Fund and the surplus White funds. Mr. Sullivan indicated that the amounts were \$7,188.98 and \$1,400, respectively.

Recreation Committee Chairman Ralph Valentine presented the Board with a sketch of the Nashua Road field area showing the proposed relocation of the swale. He then requested the Board's authorization to expend \$2,200 to hire Gove Environmental to handle the wetlands delineation and dredge and fill requirements, and an additional \$2,000 for engineering and plan/bid specification development.

Discussion ensued regarding the need for improvements to the field, overflow areas, and that this item was removed from the 2007 budget during the review process.

Mr. Hohenberger inquired whether a scope of work had been established yet for the project. Mr. Valentine replied in the negative. A discussion ensued regarding the scope, the existing drainage, and future engineering of the pine grove.

Mrs. Crisler expressed concerns whether other entities had been contacted regarding their potential need for funding. Mr. Hohenberger reiterated that this item was cut from the budget, and inquired why there was a global budgeting process if it wasn't going to be adhered to. Mr. Senibaldi pointed out that the Recreation Improvement funds cannot be used for anything other than items such as this.

Mr. Sullivan then advised the Board that his earlier calculation was incorrect, as some of the funds were currently being held in a CD. He noted that the actual amount available between the two funds was in excess of \$11,000.

Discussion then moved to the caboose. Mr. Hohenberger noted his opinion that the Recreation Improvement fund was intended for use toward long-term recreational projects in that portion of Town, and requested any residual monies be put towards the Depot restoration project.

Mr. Senibaldi disagreed, opining that those funds were not earmarked for a particular area of Town. He felt that the Board had the opportunity to utilize those funds toward the completion of multiple projects, and that it was unfair to expend them towards just one project.

Mr. Carpenter concurred with Mr. Hohenberger that these funds should be expended on long-term capital improvements as opposed to day-to-day or maintenance items, and stated that the engineering of Nashua field would be a good use of the funds. He also agreed that, as the funds were paid into the fund by those residents, that they should be utilized in that area of Town.

Discussion then moved to the swale at the Town Beach. Mr. Senibaldi stated that he had spoken with Mr. Boyden regarding the swale being clogged, and that Mr. Boyden had misunderstood the conversation and gone ahead and cleaned out the area, which is not Town property, at a cost of \$600.

Mr. Hohenberger inquired what the repercussions might be, as permission had not been obtained from the State. Mr. Sullivan replied that the State had indicated they would review the area and contact him with any concerns. As he has not heard from them, he assumed they had found no issue with the clean-up.

Discussion ensued regarding clarifying to Mr. Boyden the proper procedures before undertaking any work.

Discussion then moved to the need for repairs at the Beach building. Mr. Senibaldi noted that the windows and doors are currently being replaced, and requested that the Board authorize up to \$2,100 out of the Recreation Improvement Fund towards repairs to the roof. A discussion ensued whether funds were available in the Property Maintenance Trust, and Mr. Sullivan indicated there were not as the Armstrong Building roof was in need of repair this year.

Mr. Carpenter noted that the three items discussed totaled \$6,900, which would leave a surplus of \$4,688 towards the Depot project. A brief discussion ensued regarding the Rail Trail account.

Ms. Carolyn Webber approached to state she felt the caboose is a capital expense. She noted that 40+ small items need to be addressed on the caboose, and that painting is also required. Ms. Webber then noted that this is a Historic District and should receive funding as well, and felt that too much money is expended on recreation and fields.

Discussion ensued regarding funds expended to date on the caboose, the intent of the Recreation Improvement funds and the previous legal opinion relative to their expenditure. Mr. Sullivan then reminded the Board that the annual repairs to Esty Road are also approaching.

Mr. Valentine inquired whether Mr. Hohenberger's intent was to expend the remaining funds toward a specific item at the Depot. Mr. Hohenberger replied in the affirmative, noting that there are several bills outstanding for the caboose that these funds could offset.

After further brief discussion, Mrs. Crisler and Mr. Breton seconded to expend up to \$4,200 from the Recreation Improvement Fund for Nashua Road as requested; project to be overseen by the Highway Agent. Passed unanimously.

Mr. Breton then moved and Mr. Senibaldi seconded to authorize the expense of \$600 from the Recreation Improvement Fund to Boyden for cleaning of the Town Beach swale. Passed 3-2, with Mrs. Crisler and Mr. Hohenberger opposed as neither felt it to be an appropriate expense from this fund.

Mr. Breton then moved and Mr. Senibaldi seconded to expend \$2,100 from the Recreation Improvement fund for repairs to the Beach building roof. Passed 3-2, with Mr. Hohenberger and Mrs. Crisler again opposed.

Mr. Hohenberger then moved and Mrs. Crisler seconded to extract the residual Recreation Improvement funds plus any accrued interest for use towards the caboose. A discussion ensued.

Mr. Sullivan suggested that Mr. Hohenberger amend his motion to expend \$2,000 towards the moving expenses from Woody's, and that the remaining funds be frozen until further invoices are presented. Mr. Hohenberger amended his motion, and Mrs. Crisler her second, accordingly. The amended motion passed unanimously.

Mr. Senibaldi then moved to withdraw \$800 from the surplus White funds towards the annual repairs to Esty Road. After a brief discussion, Mr. Senibaldi withdrew his motion.

APPOINTMENT INTERVIEWS CONTINUED: The Board briefly interviewed Mr. Michael Hatem for possible appointment to the Recreation Committee.

OLD/NEW BUSINESS: Mr. Sullivan reviewed a proposed amendment to the Earned Time Donation Policy with the Board. He explained that this amendment would clarify the prohibition of converting donated time to pool time, and was necessary for consistency in the policy. The Board will review this amendment for decision at the next meeting.

Mr. Sullivan indicated that he had met with Mr. Zohdi and Mr. Turner regarding the test wells behind the Police Station, which will be dug in the next weeks.

Mr. Sullivan then noted that as part of their acceptance of the donation from Mr. Nickerson for improvements to Sylvestri Road, the Board did not address the issue of waiving any related fees.

Mr. Senibaldi moved and Mr. Breton seconded to waive any fees related to the Sylvestri Road donation. Passed unanimously.

Mr. Carpenter stated he was unsure why the Boy Scouts were not in attendance as posted, but that he believed the proposed projects they were scheduled to discuss were time sensitive. He noted that there were three projects as follows: construction of a small gravel parking area and kiosk sign at the Route 28 end of the rail trail; clearing of a trail and construction of a foot bridge to the newly selected camping area, and; construction of tent platforms and a fire ring in same.

Mr. Carpenter then inquired whether the Board would be willing to consider endorsing the projects, as is required by the BSA, without a formal presentation. After a brief discussion, Mr. Breton moved and Mr. Hohenberger seconded to endorse the projects as outlined and grant the Eagle Scouts permission to work on Town property. Mr. Sullivan will oversee the projects. Passed unanimously.

Mr. Sullivan advised the Board that the Hazard Mitigation Plan is complete, and the Board should review the document for approval on July 9th.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Senibaldi seconded to enter into a non-public session in accordance with RSA 91:A-II:3a, c and d. Roll call vote – all members “yes”. The topics of discussion were personnel, reputations, and legal, and the Board, Mr. Sullivan and Ms. Devlin were in attendance in all sessions.

Mr. Sullivan updated the Board on a pending legal settlement. No decisions were made.

The Board discussed an ongoing personnel matter. No decisions were made and staff will continue to monitor the situation.

Mr. Sullivan reviewed a Department Head evaluation with the Board. The members had no issues and signed off on the document accordingly.

Mr. Hohenberger moved and Mr. Senibaldi seconded to remove Fire Inspector Whicker from probationary status. Passed unanimously.

Mrs. Crisler moved and Mr. Senibaldi seconded to reappoint J Gross as a regular member of the Cable Advisory Committee. Passed unanimously.

Mr. Hohenberger moved and Mrs. Crisler seconded to appoint Jim Finn and Chris Rossetti as regular members to the Conservation Commission until 2010, and Mr. Senibaldi as a regular member until 2009. Passed unanimously.

Mr. Breton moved and Mrs. Crisler seconded to appoint Mr. Senibaldi and Barry Goldman as regular members to the Recreation Committee. Passed 3-1-1, with Mr. Carpenter opposed and Mr. Hohenberger abstaining.

Mr. Hohenberger moved and *Mrs. Crisler* seconded to adjourn. Passed unanimously.

The meeting was adjourned at 9:55 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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