

**BOARD OF SELECTMEN**

**AUGUST 9, 2010**

**MEMORIAL BUILDING**

**7:00 P.M.**

*The following are to be considered draft minutes only until approved by the Board at their next meeting.*

Present: Selectmen Don Hill, Dave Tucker and Chairman, John Chiarella.

Also Present: John Trachy, Bill Huntoon, Bryan O'Day, Justin Hastings, Ed Belfield, Police Chief, Tim Julian, Health Officer, Tom Duling, and Conservation Commission Chair, Cynthia Bruss.

Chairman Chiarella called the meeting to order at 7:00 p.m.

Public Comments:

Bryan O'Day stated he would like to report malfeasance on the part of Cynthia Hayes. It is his belief that she should not be sitting in on his case [now before zoning] as he believes the main complainant has been her husband, John Trachy. He feels that Cynthia should recuse herself from serving as a juror on this case. He noted there have been several comments from John Trachy in previous Selectmen's minutes relative to his property. Bryan also noted he felt that abutters were not properly noticed of his hearing.

Selectman discussion included due to nature of those willing to serve on these boards, parties are often related. There have been concerns in the past regarding conflict of interest due to the relationship of board members. The State and legal counsel have not found this to be cause for disqualification. There have been others who have commented about compliance issues relative to the business on Bryan's property at various times. No one has lodged a formal complaint. The Selectmen were made aware of the current problem when construction of the building in question was started without a permit. The Board requested Bryan apply for a building permit. Due to setback issues, the permit was denied. It was noted that Mr. Trachy has been present at selectman's meetings as a private citizen, not as a representative to any Board. Bryan then read from the State statute regarding the authority to remove someone from office for malfeasance. Don noted the Selectmen would need more specific facts in order for them to be able to act upon such a complaint. The ZBA is not under the jurisdiction of the Board of Selectmen. They are a judicial group elected by the voters. Legal counsel would be required to advise the Board how to proceed, if a formal complaint is received.

As there were several questionable remarks heard from the audience, Don asked that the public refrain from using expletives and requested further discussion be carried out under the direction of the chairman. John Chiarella stated that the Selectmen want people to be able to speak their mind without being disrupting the meeting.

In wrapping up the conversation with Bryan, John Chiarella advised Bryan to provide the Zoning Board with the information requested of him. John also noted that any complaints against an elected official would require specifics in writing.

John Trachy, for the record, requested that Mr. O'Day's opening complaint be recorded directly as stated in the minutes of this meeting directly as this may be a slanderous case. Janet noted the statement would be summarized in the minutes.

John Trachy commended the work the Brad is doing on the culverts on Deer Hill Road.

John Trachy noted a new gate has been installed at Camp Sunapee and he stated it looks great. John noted that there has been a new structure added at Camp Sunapee. A picture forwarded from him via e-mail was reviewed. He noted there does not appear to be a permit on file for the structure. The Selectmen will look into this and send notice to Mr. Rifkin

Bill Huntoon requested that when the selectmen are enter into non-public session and is asked to leave, that Mr. Trachy not be allowed to stay in the room. The Selectmen noted no business is being conducted until the room is cleared.

Tom Duling, Health Officer, reported that the last water test at the town beach for the summer season will be taken tomorrow (August 10). Test results have been coming back favorably.

Cynthia Bruss, Conservation Commission Chair provided the Board with CC review and intentions regarding the town-owned Brook Lot. The Conservation Commission is recommending a management plan including but not limited to:

- Develop a long-term timber management plan with a licensed forester
- Complete a full survey of the property with a licensed surveyor
- Preservation of historical assets on the property
- Provide a clear-cut shrub/scrub area to protect wildlife
- Selectively cut marketable timber
- Create trails for non-motorized access.

The CC plans to use money from the Conservation Fund to pay for the services of a forester and surveyor. They request that any revenue received from the sale of timber from the lot be refunded to the CC.

The Selectmen approved moving forward with the survey and timber management plan. They will need to investigate the legalities of appropriating revenue received from timber to the Conservation Commission

Cynthia discussed her recent work with a young man court ordered to perform community service. Points of discussion with the Selectmen and Tim included liability issues. The town is not in a position to allow this type of community service due the limited resources for oversight. The courts need to be made aware of the limitations the town has. Tim indicated there has been some community service work performed in the past. In the future, he might suggest this be accomplished with parental oversight.

Ken Jacques and Rick Kidder from Twin Lake Villa met with the Board to present building permit applications. Over the 4<sup>th</sup> of July weekend a fire at the TLV destroyed two existing guest houses. Both were built around 1910. One that was winterized (known as Pine) was completely destroyed. The second (Cutting), a summer unit, is currently standing but is considered a total loss and will be removed after TLV closes for the season. TLV proposes rebuilding both cottages designed to look as much as possible like the ones they are replacing, and on the same footprint as the previous cottages. There will not be any additional bedrooms. Cutting most likely will have fewer bedrooms. Each cottage has existing septic. The cottages are served by municipal water. Tom Duling has been out to the site and met with Ken. The Selectmen did not see any issues relative to setbacks or zoning restrictions. The Board unanimously agreed that the applications were in order. Tom Duling stated he has no concerns. The applications were approved and signed.

Roland Follansbee: Roland Follansbee met with the Selectmen to discuss issues relative to delinquent property taxes on his property. Due to the sensitive nature of the discussion, at 7:50 p.m. the Selectmen unanimously approved moving into non-public session (per RSA 91-A: II). After voting to seal the minutes of the non-public session the Selectmen entered back into public session at 8:30 p.m.

Minutes: The minutes of July 26, 2010 were approved as written.

**Old Business:**

Holiday Policy: Dave asked Tim for his comments. Tim discussed call-in during a holiday. He suggested this could be better handled by addressing call-ins in a separate section of the Personnel Policy. Tim noted the Police Department currently takes compensatory time when they work on a holiday. The proposed holiday policy needs to be clarified for compensation for time worked during a holiday. Don indicated comp time makes the most sense for budgetary purposes and proposed that when an employee is called to work on a holiday, the time worked will be compensated at 1.5 times their normal rate. John moved to accept the holiday policy as amended, seconded by Don and unanimously approved.

E911 mapping: This was tabled to August 23 meeting.

Energy Audit: The Board discussed the results of the energy audit and agreed that due to the nature of the use of the building, the Town Office will be the primary building for the detailed energy audit.

Playground slide: The slide on the playground does not meet current safety standards. The Town's insurance is requesting that it be removed. Brad will be removing the slide soon. The Selectmen agreed to post a notice on the website and in the office to sell the slide. Notice will be given to the person purchasing the slide that it does not meet current safety standards.

**Board Updates:**

John reviewed a proposal by the CC to get other commissions on record to promote night sky regulations. John indicated there are more user-friendly regulations than the OEP regulations that were proposed to the voter's at town meeting in March.

The CC discussed concern that roadside mowing spreads seeds of invasive plants such as purple loosestrife etc. Alternate schedules or removal of invasive species has been suggested as an alternative. It was noted that roadside mowing of town maintained roads has begun and should be completed by the end of the week.

Zoning Update: John Chiarella reported the O'Day hearings seem to be progressing. Mr. O'Day was asked to update his 1999 site plan, showing the building setback from the high water mark of the stream. The new building is substantially further away from the stream than the existing site. John opined that given that information, there should be a vote at the September meeting. The next ZBA meeting is scheduled for Thursday, September 9<sup>th</sup> instead of the 7<sup>th</sup>

Kevin Waite has tendered his resignation as an elected official on the Zoning Board. The ZBA has appointed Gene Hayes to fill the vacancy. The ZBA is in need of alternates.

Highway: John reported the new employee is working out well. Brad is working on the schedule for culverts and road repair. Grading/drainage repair for highway/fire department most likely will happen in late September or early October.

Fire Department: John reported that he attended a recent fire department meeting. They have two new members and the potential for one more. Dave questioned what could be done to boost membership. John noted there is a lot of training and time commitment for these volunteers.

John also noted water at the fire station is causing problems with the tanks and valves on the trucks.

Primary State Elections to be held Tuesday, September 14, 2010 from 8 am to 7 pm at the Town Hall. Selectmen coverage: 8 a.m. to 12:30 p.m. – John; 12:30 p.m. to 5 p.m. – Don; 5 pm to end of counting – Dave.

Grading/drainage at fire department: The Selectmen agreed to publish notice of an organizational meeting for anyone interested in serving on a committee to evaluate grading/drainage recommendations for the highway/fire garage. The first work session will be Monday, August 30, at 7:00 p.m. At that session a committee will be organized and someone to oversee the project will be chosen. John Chiarella noted that Jon Poston had expressed an interest in the past. He will contact Jon to see if he is interested in presiding over the proceedings.

Correspondence:

Maryanne Petrin, Treasurer, has requested approval to move \$311.20 remaining in an account from a previous donation into the recreation facility fund. John moved to allow the transfer of funds as stated, seconded by Don and unanimously approved.

Signatures:

Intent to Cut Timber (2)

Purchase orders – Highway (2)

Cemetery Deed

Miscellaneous Business: John Trachy questioned what provision of the Right to Know Law the Selectmen used to meet with Mr. Follansbee in non-public session. John Chiarella noted that town counsel advised them of relatively new provisions for non-public session when discussing matters relative to financial or other personal circumstances.

At 9:15 p.m. moved to enter back into non-public session per RSA 91: A Personnel. The room was cleared. 9:30 p.m. moved to seal non-public minutes and enter back into public session.

Meeting adjourned at 9:30 p.m.

Respectfully Submitted,

Janet Roberts,  
Administrative Assistant