

**BOARD OF SELECTMEN**

**DECEMBER 14, 2011**

**MEMORIAL BUILDING**

**6:30 P.M.**

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

The Selectmen entered into non-public session Per RSA 91-A:3 to meet with a taxpayer regarding delinquent taxes. After voting to seal the non-public minutes, the Board entered into public session.

The regular meeting was called to order at 7:05 p.m.

Selectmen present: John Chiarella, Chairman; Don Hill, and Leigh Callaway.

Also present: Mike Lawlor, John Trachy, Tom Duling, Bryan O'Day, Peter Abair, Dallas Patten, Laura Patten, Brandt and Donna Denniston, Mike Beaulieu, Nyla Waddell and Bill Huntoon.

Selectmen agreed to begin the meeting with a report from Peter, due to inclement weather predicted overnight.

Highway: Peter reported Asplundh has been taking down some of the dangerous trees along some of the roads in town. They are doing this as a favor and are not charging the town for this. Asplundh will be working in the area most of the winter and they are wondering if there is some place they might pressure wash their vehicle a couple of times. Discussion: Cannot wash vehicles inside. They must make sure that someone from the highway department is available when washing. Selectmen are in agreement to allow this 2-3 times this winter. Motion (John); Leigh (second) to allow Asplundh to wash their equipment while they continue to work on the power lines this winter. Motion unanimously approved.

Pete reported he is still working on drainage on Stoney Brook Road. He is concerned regarding a plugged driveway culvert at the Pierce property. Motion (John); second (Leigh) to notify the owner there is a problem that needs fixing. Motion passed unanimously.

Recreation Department: The Old Home Day portion of the budget was reviewed. In the past couple of years, money raised from OHD has been placed into the expendable trust. This year the recreation department decided they did not want to use the expendable trust. Discussion: Don stated the Selectmen and Budget Committee have been supportive of OHD Expendable Trust and recreation activities and questioned why the recreation department didn't want to continue using the fund. Nyla stated on a day to day basis the expendable trust is more cumbersome. There are too many different people handling the money and they are not able to get their invoices paid in a timely a manner having to wait for release of funds from the trustee. Nyla questioned what the positive reasons were for using the trust. John Chiarella explained using the trust enables money that is raised for the purpose of OHD to be placed in the fund versus having to remain in the general fund of the town. The money can be allowed to accrue from year to year. Given the OHD event is an entity unto itself, there is an accounting of the

money directly spent and raised for OHD purposes. The funds are kept separately from the recreation budget. Don cautioned if funds for OHD are co-mingled there might be less incentive to have fund raisers if the money is in the budget anyway. Brandt noted that he would like to be able to receive a statement from the trustees on a regular basis. John explained the income from OHD events has to be recorded through the town revenue and placed in the general fund until Town meeting, when a warrant article is required to allow the money raised to be moved to the expendable trust. Nyla questioned what would happen if the voters did not approve a warrant article. John noted voters have been supportive of this in the past. Donations and fees from OHD get to be used for that purpose and funds are allowed to accumulate year to year in the trust fund. Leigh suggested the recreation department get together with all three trustees to see how to make their functions work smoother. Brandt presented income and expense statements for the recreation department and old home day. Recreation activities were reviewed. After consideration, Motion (Leigh); second (John) to recommend a warrant article to appropriate to the expendable trust \$3806.72 from OHD revenue. Motion passed unanimously.

Motion (Don); second (Leigh) to appropriate \$1925.00 for the recreation department operating budget. Motion passed unanimously.

Laura Patten reported 44 people attended December movie night. She asked if movie night could be moved to the fire station so they could have more room. The Selectmen agreed.

Public Comments: Brandt reported that Bob Nulsen passed away on December 10<sup>th</sup>, and extended condolences to his wife Alice and family. Bob served his country in the US Army. He served as a Selectman, and a past president and member of the Springfield Historical Society, and was instrumental in putting together the Historical Society's pictorial history.

Fire Department: Dallas Patten, Fire Chief reported the department made repairs and did some flushing on the hydrant at the beach but they are still coming up with small stones and sand out of the pipe. This warrants the hydrant be condemned for use due to the risk of running sand and grit through the pumps. He presented the board with plans for a temporary hydrant solution. He has spoken with a property owner on the lake about putting this system on their dock for the winter. The property owner is agreeable. The department has some of the material that will be necessary but will need an additional \$500 - \$800 dollars to complete. Most of the materials can be used when the permanent hydrant is replaced. Discussion: This is a matter of public safety. The existing hydrant cannot be used. Motion (Don); second (Leigh) to immediately approve the expenditure of up to \$800.00 for the temporary hydrant. Dallas recommended a preliminary estimate of \$10,000 to replace the existing hydrant.

Selectmen discussed the possibility of any liability issues with the equipment being housed on a private dock. Selectmen would like signed permission from the property owner granting temporary permission for the fire department to use and install the temporary hydrant. John noted the town absolves the landowner from any liability for any injuries that might occur on the property.

John questioned if the weather stayed as warm as it has been, is there a possibility the hydrant could be replaced this winter. Dallas noted that he doesn't want to rush into the project. There is no guarantee the weather will hold. He would rather wait.

Unfinished business:

Holiday Hours: Don reported the employee manual designates Christmas and the day after as paid holidays. Christmas falls on Sunday this year. Townspeople rely on the office being open Thursday nights. Motion (Don); second (Leigh); holiday observance will be Monday December 26; Tuesday, December 27; and Monday, January 2 for all town employees. Motion unanimously passed.

Selectmen reviewed a request from American Steel Carport asking the Selectmen to allow more than the 60 day time frame for removal of the carport at the Tucker residence. The company will make every attempt to move the building before the 60 days, but they stop installation during the winter because of weather and frozen ground. Discussion: John Chiarella noted the carport was installed after a building permit and zoning variance had been denied. This is a very specific zoning violation. Don stated it is very likely that the carport can be taken down without difficulty, but putting it back up may be the problem. Whether the carport can be installed in the winter is not the issue. The carport, where it exists, needs to come down. Leigh voiced concern that the company says they can't do this at this time of year, and consideration should be given for an extension. After consideration, motion (John); second (Don) to stick with the 60 day time frame for removal of the carport. Two votes in favor (John and Don); one opposed (Leigh).

John Chiarella stated he has not had any response to his request for prices for painting the town hall. Tom Duling reported Keith Monmaney, may be interested. He will contact him to take a look.

Minutes of November 28, 2011 and December 5, 2011: Motions made (Leigh); second (Don); approve both as written; passed unanimously.

Leigh Callaway, representative to the Kearsarge Municipal Budget Committee reported on the 2012-2013 school budget. Proposed budget requested is down \$661,000 from last year. The bond on the roof at the high school has been paid off. Health care costs came in less than expected. Teachers union and KRSD agreed on a 1 year contract, essentially due to unknown healthcare issues. Teacher's salaries will be voted on by a separate warrant article. There will also be a warrant article requesting a resource officer. This will involve a 190 day contract with some law enforcement agency.

Zoning Issue: John reported the abutter of the Moffitt property on Lamson Lane has submitted a survey that shows the foundation has been constructed closer than the variance allowed. Discussion: There were 13 variances granted for the property. Prior to purchasing the property, Ms. Moffitt had come to the board questioning whether she could move the house forward on the lot. The Selectmen informed her that all variances needed to be strictly followed. Any change

requires going through the zoning process again. Selectmen reviewed the survey plan. The infringement on the property line may affect several other variances. It appears there is no room to run the septic line where it was proposed on the plan approved by the Zoning Board. Selectmen agreed to send a letter to the owner and owner's agent indicating it has come to the board's attention, through the survey conducted by Clayton Platt for the Marilyn Heath Trust, that the foundation has been constructed substantially closer than the variance granted. Multiple variances may be affected, and all further construction must be stopped until this is remedied. Tom Duling asked when the survey was submitted. John reported the survey was completed December 13 and had just been submitted today. Tom says there was a line strung and the cellar hole had been dug at least 6' from the line. John questioned whether the selectmen should pursue a Cease and Desist order. Selectmen agreed to start with the softer approach.

Correspondence:

Letter from resident on Stoney Brook Road requesting reduction in the speed limit. Selectmen agreed to table any further discussion until Tim can look at it. Tim has done a traffic study of the area and should have the information regarding that study.

Abair building permit: Don reported all requirements regarding the unpaid taxes have been taken care of as recommended by legal counsel from the Local Government Center. Septic construction approval and setbacks have been complied with as recommended by the Planning Board. The Planning Board also recommended the selectmen issue a temporary building permit due to circumstances that exist. LGC counsel thought this was under the selectman's purview to find a temporary way to remedy this, as long as they are willing to defend their stand. LGC attorney advised seeking local counsel regarding this. Selectmen agreed this is a "hot" topic and they need to be sure all the elements are adequately in place. Selectmen will contact local counsel.

Bryan O'Day asked why the Selectmen didn't issue Cease and Desist Orders for these violations. He felt it would save time and money. The people bear the costs of legal fees etc. with a Cease and Desist Order. Discussion: Cease and Desist orders follow a very specific statutory process and require court time. They have been used in the past. Selectmen agreed to contact Shawn Tanguay and ask him about a timeline, procedures, and costs associated so the cease and desist process can take place upon the request of the Selectmen.

Lassen Driveway: Leigh reported there is some indication that the driveway for Lassen on Town Farm Road may involve wetlands but the extent of the wetlands is unknown. The driveway had come before the Planning Board due to the proximity of a road intersection. The Planning Board recommended the Selectmen waive the requirement. It was not thought a wetlands was involved. The septic designer has indicated there needs to be a wetlands permit through the State. Discussion: If the wetlands greater than 10,000 square feet, it may require a Special Exception. Don will review the application with the Planning Board.

Signatures:

Report of BTLA Settlement Meeting

Timber Intent to Cut – Meadowsend Timber on Four Corner's Road. Selectmen would like to have town forester visit the site.

Timber Yield Assessments (Webb & Greene)

Land Use Change Tax Assessment (Tatro)

Public Comments: John Trachy submitted pictures taken from Deer Hill Road. He stated he hoped the Selectmen's comment that the snowmobile trail would be temporary. He noted concern with visibility issues and hoped there would be no incidents involving motor vehicles and snowmobiles. John Chiarella reported the Selectmen share concerns and thus the 10 MPH speed limit requirement.

John Chiarella asked about opening the gate at School House Road. John Trachy stated the gate will be opened when the snowmobile club wants it done.

At 8:45 p.m. the Board voted unanimously to enter into non-public session per RSA 91: a-3 Personnel.

Respectfully submitted,

Janet Roberts