

Selectmen's Meeting & Public Hearing
Monday, April 28, 2014

Chairman Richard Morgan called the meeting to order at 4:17 PM. Present were Selectmen Richard Morgan and Robert Freeman and Ellen White, Town Administrator, who recorded the minutes. Selectman Frank Riley was absent-excused.

Morgan announced that the Board entered a non-public session under RSA 91-A:3, II (a,e) prior to the public session. Morgan made the motion to enter the non-public session at 3:30 PM. Freeman seconded. Motion carried 2-0-1. Morgan made a motion to seal the minutes. Freeman seconded. Motion carried 2-0-1. Morgan made a motion to adjourn the non-public session at 3:55 PM. Freeman seconded. Majority vote carried.

Freeman made a motion to approve the minutes from the 4/21/2014 Selectmen's Meeting. Morgan seconded. Majority vote carried.

Freeman made a motion to approve the minutes from the 4/21/2014 Selectmen's Workshop. Morgan seconded. Majority vote carried.

Morgan made a motion to approve the minutes from the 4/7/2014 Non-Public Session with the Cemetery Trustees. Freeman seconded. Majority vote carried.

A request to the Trustee of Trust Funds for the withdrawal of \$516.10 from the Whittier Covered Bridge Expendable Trust Fund for the reimbursement of professional services paid to Hoyle, Tanner & Associates was presented for approval. Morgan made a motion to sign the request. Freeman seconded. Majority vote carried.

The Highway Department Work Log was received for week ending 4/26/2014.

An Application for a Veteran's Credit for Service Connected Total and Permanent Disability was received from Walter Preble. All conditions being met, Morgan made a motion to approve the application. Freeman seconded. Majority vote carried.

An Excavation Tax Warrant was received in the amount of \$6.00. Morgan made a motion to sign the warrant. Freeman seconded. Majority vote carried.

The Board received a request to appoint Dana Cullen Jr. to Deputy Fire Warden upon the recommendation of Warden Adam Riley. Morgan made a motion to appoint Cullen. Freeman seconded. Majority vote carried.

The Board received a request to appoint Matthew Theriault to Deputy Fire Warden upon the recommendation of Warden Adam Riley. Morgan made a motion to appoint Theriault. Freeman seconded. Majority vote carried.

An Outdoor Event Application was received from Open Door Bible Church for a concert being held 7/20 - 7/24/2014. Morgan stated that all departments signed off on the application. Morgan made a motion to approve the application. Freeman seconded. Majority vote carried.

A Timber Tax Warrant was received in the amount of \$1,437.70. Morgan made a motion to sign the warrant. Freeman seconded. Majority vote carried.

The Accounts Payable Voucher was submitted for the week ending 4/19/2014 in the amount of \$52,527.97. Morgan stated this to be an addendum to last week's voucher. Morgan made a motion to approve and sign the voucher. Freeman seconded. Majority vote carried.

The Payroll Voucher was submitted for the week ending 4/26/2014 in the amount of \$38,051.02. Morgan made a motion to approve and sign the voucher. Freeman seconded. Majority vote carried.

Old Business:

Whittier Covered Bridge - Brad Harriman, Public Works Director, announced he met with Stan Graton of 3G Construction this week to discuss the logistics of getting setup for the construction of the Whittier Covered Bridge. Harriman stated that he also reviewed the parking regulation and gated access with him.

Intersection of Routes 171 & 28 – Harriman reported that he has left a message for Michelle Marshall of NH DOT for an update but has not heard back from her.

Sidewalks – Harriman stated that he has to review the final changes with Jim Rines. He will then need to set up a meeting with the abutters for their input.

New Business:

None presented.

Other Business:

Conservation Commission – Ron Adams informed the Board that the signage for the kiosk at the Windows is in progress. He reviewed the information that will be on the signage including maps and ring dike information.

Adams also informed the Board that the Conservation Commission has been contacted by the renters of the Sumner Brook property who are researching solar power. Adams stated that their electric bill is \$35,000 a year to run the pumps and heat the water. He stated that the Conservation Commission will have to meet with the Easement holder for their consideration and to make sure they will not be violating the easement. Adams stated they would then need to detail the location and request an extension of the lease at Town Meeting. Discussion took place on energy grants. Lynn Clarke stated that they will also be researching larger arrays to have electricity come back to the Town.

Clarke announced that the Conservation Commission just received the Lake Host Grant.

This concluded the business portion of the meeting and Morgan opened the meeting to public input.

Harriman presented the Board with a report from Earth Day attendance at the Transfer Station. He stated there to be a total of 490 cars which was slightly less probably due to the weather. Morgan commented that he attended and found it to be very well run and organized. He added that he would like to see a similar program offered in the fall.

Harriman stated that he met with residents from Deer Cove Road to discuss the drainage work to be completed this spring. Harriman added that he received a request from Frank Licata to consider the installation of speed bumps to slow traffic on Deer Cove Road.

Harriman informed the Board that the road bans have been lifted.

Roy Barron, Cemetery Trustee, reported that the employees started working on the cemeteries today.

Morgan discussed the vacancies on multiple boards. He stated that he may have someone to step in on an interim basis as Cemetery Trustee. Further discussion took place on the inability for the Boards to act without a quorum. Morgan stated that Attorney Sager has advised the Board that the Selectmen cannot fill the vacancies, they can only appoint to fill the vacancies. Lynn Clarke asked about advertising the vacancies. Morgan stated that the Board has been actively advertising all vacancies.

Caroline Caruthers stated there is a lot of trash along the road and in the woods near Constitution Park. She also informed the Board that there has been a motorcycle riding the Conservation trails. Freeman responded that the trail clean up will take place shortly. Caruthers asked why the back gate of the tennis court was left unlocked and open. Morgan suggested checking with Recreation Director Peter Waugh. Caruthers commented on the tennis courts.

Mellisa Seamans requested a copy of the correspondence from Attorney Sager regarding the vacancies. Morgan confirmed. Seamans stated that other towns, like Effingham, have dissolved the Cemetery Trustee positions because of lack of involvement. Morgan stated that it would have to be abolished at Town Meeting but it is not necessarily the best approach with the amount of cemeteries in Town that are maintained by the Town.

Seamans questioned the duties of a Cemetery Trustee. Morgan answered that they are responsible for overseeing the maintenance of the Town cemeteries and the sale of cemetery lots.

Seamans asked how many Trustees there are currently. Morgan answered that there is only one Cemetery Trustee and one Trustee of the Trust Funds. He elaborated that the Board reached out to the Town Attorney for guidance without a quorum to make decisions.

Seamans questioned the ability of the Selectmen acting as representatives on the Planning Board and Budget Committee. Discussion took place on voting capacity in those roles.

Seamans questioned which Boards and Committees receive compensation. Morgan confirmed that they are reimbursed for mileage. Morgan answered that the Supervisors of the Checklist are compensated. White added that the Trustees of Trust Funds are compensated but the Cemetery Trustees are not.

Roy Barron questioned whether he would have to post notice of a meeting to make decisions on equipment purchases. Morgan confirmed. White added that he needs to provide 24-hours notice.

Harriman announced that he spoke with Pat Jones and they set the date for the roadside cleanup for Saturday, 5/10/2014. Morgan asked what the past attendance had been. Harriman answered that he was not involved last year. He added that there were about 15-18 in attendance two years ago. Morgan suggested providing refreshments for the volunteers. Seamans asked who should be credited for the roadside cleanup. Harriman answered that it is a joint effort between the Town and the Main Street program.

Seamans stated that Effingham's roadside cleanup took place this past Saturday and that a number of hypodermic needles and other paraphernalia had been found. She asked if volunteers could be forewarned. Morgan confirmed.

Chester "Ski" Kwiatkowski asked the results from the drug take back program. Morgan answered that he had not received any figures yet.

Morgan announced that they would be taking a 5-minute recess and would reconvene for the public hearing at 5:00 PM.

Public Hearing:

Morgan called the Public Hearing to order at 5:00 PM. Morgan announced this to be public hearing number two to discuss the proposed easement for Emerson Road. Morgan stated that Ms. Beaupre attended last week's meeting to discuss the concerns with the easement since she would not be able to attend the public hearing tonight. He announced Beaupre's intention is to eventually sell the property and she thought the easement would be the only way she could make any repairs necessary.

Lorey Pendarvis stated there to be a discrepancy with how Emerson Road is depicted as separate from Old Conway Road on the survey in comparison to the tax map. She stated that they should be the same road.

Nellie Emerson stated that she is happy with the condition of the road and does not want to see it get dug up. Morgan answered that if there is an issue, Beaupre could work with the Public Works Department to allow the repair while ensuring the road's condition is restored. Morgan stated his concern in granting a deeded easement that could adversely affect the abutting property's rights.

Barron asked if the easement would restrict the Town's right to maintain the road. Morgan answered that it would not.

Discussion took place on what would happen if the system needed to be replaced.

"Ski "stated he thinks the easement grants a right for Beaupre to trespass onto Emerson's property.

Emerson expressed that she would like the road to be left alone. She asked what would happen if an easement is not granted and the system fails in the future. Morgan answered that the owner would have to come to the Town for permission to access anything under the roadway.

Seamans asked for clarification on the status of Emerson Road. Harriman answered that his records show it was done by prescription and there is no formal layout. He further answered that it is a class V road.

Pendarvis stated her opposition to allowing the easement.

Morgan announced that they will be making their final decision at next week's Selectmen's Meeting.

Being no further input, Morgan made a motion to close the public hearing at 5:23 PM. Freeman seconded. Majority vote carried.

Morgan made a motion to adjourn. Freeman seconded. Majority vote carried.

Adjourned at 5:23 PM.

Richard H. Morgan

Robert C. Freeman

Franklin R. Riley

To be approved 5/5/2014