

**TOWN OF NEW HAMPTON
BOARD OF SELECTMEN
MEETING MINUTES
TOWN OFFICES
NEW HAMPTON, NH 03256**

May 19, 2010

MEMBERS PRESENT: Selectmen Paul Tierney, Charles Bartley and Kenneth Mertz were present.

OTHERS PRESENT: Town Administrator Barbara Lucas was present as was Town Clerk/Tax Collector Cynthia Torsey.

CALL TO ORDER: Chairman Paul Tierney called the regular meeting of the Board to order at 6:00 p.m.

WORK SESSION:

- Manifests, bills, requisitions, purchase orders and leave request forms were reviewed by the Board.
- Building Permit – *Bob Broadhurst, Tax Map R-13, Lot 1* at 427 Old Bristol Road for a seasonal garage without living quarters or plumbing. This was approved by the Board. There is no occupancy permit.
- Building Permit – *Deborah Stone, Tax Map U-14, Lot 15* at 127 West Shore Road for a roof replacement. No permit was required as this is a repair.
- Building Permit – *KGI Properties, Tax Map R-4, Lot 90A*. This item is on hold.
- Building Permit – *Joseph Bourque, Tax Map U-14, Lot 32 & 35*. This item is on hold.
- Septic System Review – *Timothy or Cheryl Mitchell, Tax Map R-10, Lot 34A*. This was reviewed and approved by the Board.
- Septic System Review – *Finlayson Realty LLC, Tax Map R-11, Lot 38*. This item is on hold.
- Intent to Cut – *Williams Family Irrevocable Trust, Tax Map R-3, Lot 20*. This was reviewed and approved. See below for further information.
- Veterans Credit – *Steve Madziasz, Tax Map U-10, Lot 26* at 2011 Indian Trail. This was approved for \$200.
- Elderly Exemption – none.

The following invoices and requisitions were approved by the Board:
George Sansoucy for DirecTV work: \$7,486.25

APPOINTMENTS:
Tax Collector/Town Clerk
Cynthia Torsey
6:00 PM

The Board wanted to discuss possibly changing Selectmen's meeting night to Wednesdays at the end of the summer and security issues it would present for the Tax Collector/Town Clerk's office. The Board has found that Wednesday meeting nights for them are more expeditious but are concerned for Mrs. Torsey's comfort level if the meetings are permanently moved to Wednesdays.

Mrs. Torsey stated she was not fond of being alone in the building and noted Thursday has been the historical late night for her office since the 80's. She

was concerned for the public's acceptance of a change. She noted because of a recent event at the Tax Collector's office resulting in the arrest of an individual; given tax bills have been printed with office hours already, and given the need to notify State agencies well in advance of any change in hours, it was a difficult decision for her. She also noted that since elections were on Tuesdays which are late nights for her, coming in later on Wednesday would be useful to her. Mrs. Torsey is also hopeful to have a deputy tax clerk in the near future which would be helpful.

Mr. Bartley suggested an opinion poll could be taken to get feedback from the public. Police presence on her late nights is always available, but the Board also did not like the idea of Mrs. Torsey being the only one in the building and decided not to make a decision until feedback from the public and Police Departments has been gathered. The Board asked Mrs. Torsey to advise them of any other concerns she might have which would be incorporated into this decision. Mrs. Torsey will take a poll at her window for opinion on changes to the evening hours. Mrs. Lucas will also develop something for the public to make comment on this question.

Mrs. Torsey was advised by the Accuvote Machine representatives that the old voting machines are no longer legal to use and can be disposed of but she needs the Board's approval to do so. Mr. Mertz made a motion to authorize disposal of the antiquated machines after checking if the Historical Society wants them. This was seconded by Mr. Bartley. The motion passed.

Mrs. Torsey then asked the Board to review wording for the part-time deputy tax clerk position posting. Mr. Tierney made a motion to approve Mrs. Torsey's request to hire a part-time deputy tax clerk at a salary range of \$11 to \$14 per hour based on experience, with wording for the job posting to be developed with Mrs. Lucas's input. This was seconded by Mr. Bartley and the motion passed.

*Route 104 Diner -Jeff Day
6:15 PM
Hawkers & Peddlers License*

The police and fire department comments on the proposed ice cream stand have been received. The airstream diner will be used with a wagon parked in front of it. Mr. Day asked about information about signage for the ice cream station. The dates for the Hawkercs & Peddlers License will permit operation will be from 5/19 through 10/18/10. The motion to approve contingent upon the final walk through and approval by Chief Drake was made by Mr. Mertz, seconded by Mr. Bartley. Mr. Tierney asked for discussion.

Mr. Mertz noted that the truck and trailer may remain over the winter and the permit is for a temporary license. Mrs. Lucas noted that the license is what allows the trailer to be at the location. Before the end of the summer, if Mr. Day decides to store or keep the trailer at that location, he will need to come back before the Planning Board. The Board voted and the motion passed.

The issue of the signage for the trailer is not as clear for the Board because the trailer has a temporary license. Review of ordinances and discussion covered that the one-sided sign would be on the trailer itself and if the

allowable area is not sufficient for their needs Mr. Day will come back before the Board. Temporary signage which is directional would also be allowable within district rules.

Shaun Lagueux
Town Forester
6:30 PM

The Board began by asking about an Intent to Cut application for the *Williams Family Irrevocable Trust* as a timber stand improvement (to release red oak on the property). Mr. Lagueux noted it is an issue that would be reviewed like any other cut application approved by the Board. If the owner is planning to sell the cut wood, it is taxable. If the cut material is for their own use as firewood, it would be a different situation.

Mr. Lagueux referred to a report prepared a little more than three years ago on town lots. He noted there is potential for cutting on three lots at this time. There is another lot that is managed by the Conservation Commission. Currently the pine market is pretty steady and the demand for hardwoods is coming back. On the Straits Road property there are approximately 20 acres on the southern end of the property but the only way to get it out would be through a land use agreement with abutters. The income potential would be better than the quote of approximately \$12,000 from the earlier report because the market is better. The town could sell the timber without regeneration work as there is plenty of natural seed in the ground and regeneration would be natural. The property on Route 104 has virtually no timber to take at this time. Regeneration is well on its way but better management could be done with volunteers for wildlife habitat improvement or with investment by the Town.

On Old Bristol Road there is a 45 acre lot between the road and the river. It is a medium age stand with a nice opportunity to give the lot a good boost. This would be a partial harvest with about a third of the basal area removed. Access is problematic, but a landing could be established. Soils are poorly drained, so this work should be done in the winter. Revenues of \$15,000 are conservatively estimated. This area is not a designated town forest.

The 100 acres behind the Fire Station is the easiest access. It has been 11 years since the last cut, so it is an optimal time for the white pine. The pine market is strong. Ample opportunity exists to do another light thinning and produce approximately \$20,000.

Mr. Lagueux stated that he would like to know the Board's preference as to separation of revenue and expenses. Because foresters are paid on a percentage of the stumpage, there can be questions from citizens when there is a difference between estimates and final figures. Mrs. Lucas will check and clarify this issue for the Board and the Forester.

Mr. Tierney asked about the pine stand at the Town Meeting property. The trees are not being taken care of and are mature. Some are dying and the Forester was asked for recommendations. He noted it is a small area even though there are a lot of trees and timber revenue would probably not quite cover expenses. Mr. Lagueux stated he would be hesitant to remove more than 10% because the other trees are dependent on each other. He will look at the property again and bring specific recommendations for management

back to the Board.

Mr. Lagueux outlined how he had handled timber work for the town of Meredith and asked the Board's preference. He also advised he could provide names of 15 to 20 lumbering outfits which he could recommend to bid on the projects, but understood New Hampton makes its bids open to everyone. The Board advised that is true, and also noted they are not necessarily required to take the highest bid if there is justification to choose another bid.

Regarding the current use issue on a specific property Mr. Lagueux was asked to look into, Mr. Lagueux stated a letter will be following for the Board's use. He noted the concerns were not easy to sort out on the property because of clear cutting before the owners bought the property. The Board thanked Mr. Lagueux for his time.

*Fire Chief Michael Drake
Lacasse Property
Main Street
7:00 PM*

The Board had questions regarding the Lacasse's property on Main Street and life-safety issues which the Fire Department feels remain unresolved at the four units. There was no disagreement from the owner when the plan originally came before the Planning Board. Mrs. Lucas noted architectural drawings were received and any construction drawings provided to the Planning Board would have been forwarded to Chief Clement. Chief Drake has gone through all archives and records at the Town offices and has not found detailed drawings. As a result, there is no documentation other than a Fire Chief Clement's written request for information from the owner. Chief Drake cannot find where the information was ever received.

Chief Drake stated he found great disparity between the views of Mr. Lacasse and former Fire Chief Clement. Based on his discussion with the Fire Marshall office, Chief Drake recommended a meeting with the Fire Marshall and Mr. Lacasse to discuss current outstanding issues. If he chooses not to cooperate, they will proceed with an order to vacate the building. Chief Drake would prefer to work with the owner, but the requested information from the owner has not been forthcoming. Chief Drake did call Mr. Lacasse with several proposed dates to meet with the Fire Marshall's office, but he has not responded.

The Chief noted Mr. Lacasse has been upset that these issues are being brought up at all and feels the recent Fire Department inspections of the property have resulted in losing tenants. Chief Drake stated the tenants allowed him to enter their units when he asked.

One of the outstanding issues is whether walls between the units are 2-hour fire rated walls. Without that rating the units cannot be considered single family units. Mr. Lacasse is not willing to open the walls, and has not provided detailed plans for the building to avoid having them opened. Chief Drake did note the drawings he has shows 5/8" drywall, but he has no knowledge of what is behind the drywall. If it is properly insulated there may be no issue with the fire rating.

The Fire Marshall's office and Chief's main concern is with the third floor area and escape egress on the 3rd floor. Dimensional openings of the

windows on the two end units and dormers with escape ladders or stairs for the two inner units are code requirements and were at the time of construction. The sprinklers installed to protect stairs from the third floor are not within code.

Chief Drake spoke with a Mr. Edwards who was involved with the project at its inception, but is no longer associated with Mr. Lacasse. He provided the Chief with some information on the installation of the heating units which are inside the building. The Chief also spoke with Mike Capsalis of the Fire Marshall's Office heating systems inspection unit at the time who had met with the installers of the heating units.

Chief Drake said former Chief Clement did go to the property a couple of times, but there is no record of any final inspection by the Chief.

Mr. Tierney stated that the issues are between the Fire Chief, the Fire Marshall's office and the landowner. At this time the Board doesn't need to take any action but asked the Chief to keep them informed. Mrs. Lucas asked that if there is no agreeable resolution and the situation deteriorates she wanted to be informed as quickly as possible in case legal counsel is required. The Board concurred.

*Fire Chief Michael Drake
Grant Applications*

Chief Drake asked for a new stair-chair for ambulance one. This was budgeted for this year and three quotes were provided to the Board. The Board had no objections. This unit would replace an aged unit on Ambulance 1 which is long overdue to be retired.

Chief Drake also asked to complete the racks construction. They did a nine-foot section which came out well and the estimated construction materials will be approximately \$1,200. Construction will be done at night by Steve Hanser. The Board had no objections.

The Fire Chief discussed grants for the coming year. He seeks approval by the Board for one grant for a generator, fire alarm system and exhaust systems again. These were approved in the Town meeting, but the grant was not awarded to New Hampton in the last round. It was moved by Mr.

Another grant is for replacing the Forestry Truck. The fire truck they originally wanted to replace does not meet a number of grant requirements, but the forestry truck does meet more. The Chief asked to try for a grant for the Forestry truck this year. A motion was made by Mr. Mertz, seconded by Mr. Bartley, and the motion passed.

The Chief also sought to apply for a Regional Training Grant and equipment for water rescue with the Newfound Area Chiefs Association (NACA) which would be awarded next year. The grant is for training personnel for multiple towns, but a "host" community (New Hampton) is required to take point on the regional organization of people, equipment and scheduling. The Chief is asking the Board for approval to proceed before the May 28th deadline for the application. The grant is for a maximum of \$350,000 for which the participating towns would have to come up 5% matching funds between

them, or a total of \$17,500 if they got the full grant award, which is doubtful. There are five towns committing to Bridgewater, Hebron, Alexandria, Bristol. Hill has not made a decision, but Danbury has declined. Each town would have to come up with \$3,500. More likely the grant would be for a lower figure and the required matching funds would also be lower. The Chief noted there are requirements for the host community regarding paperwork and funding management on behalf of participating towns and handling oversight by federal FEMA staff. The Chief stated there is an opportunity to request payment in advance to avoid a hardship for the communities. The host community would also be responsible for equipment for the training which would be shared by the towns involved. Outside certified instructors would be hired with the money to teach, test and certify the participants in the region.

Mr. Mertz noted the added benefit is that in mutual aid situations, New Hampton can count on certified responders. A concern was if a town could back out and take their funding with them. The Chief stated if New Hampton were to back out, for example, it would be a serious black eye for any future grant applications. The application will name the towns committing to participation with Chief Drake. Training needs for the participating towns are broad and odds are the full amount of the grant is not going to be awarded to one regional group. Mr. Tierney stated he felt the opportunities outweigh the drawbacks. Mr. Bartley made a motion to give Chief Drake approval to proceed with the regional grant, seconded by Mr. Tierney. The motion was approved.

DISCUSSION ITEMS:

Central Street Bridge

An email from Bristol Selectman Milbrand dated 5/14 outlined the discussion in a non-public. By consensus the Bristol Board is fine with the offer made by SEA of \$7,000. Mrs. Lucas responded and stated the matter would be discussed by the New Hampton Board upon receipt of the offer in writing.

The letter from Kleinfelder/SEA regarding the completion of project and settlement of outstanding issues was received. There are a number of issues in the letter and Mr. Tierney suggested they act on them one at a time.

Regarding acceptance of the \$7,000 for future repairs of the sidewalk. Mr. Tierney suggested a decision on the acceptance of the offer, and then forwarding the letter to counsel for an opinion. There is a notation in the letter that states the \$7,000 would include full financial (?). He asked for a motion to accept the offer which was so moved by Mr. Mertz. Seconded by Mr. Bartley, the motion passed unanimously.

Mr. Tierney noted that the letter went on to outline outstanding invoices. Mrs. Lucas has objection to the dollar amount noted but she would like to review the detail and make sure she has all the invoices they refer to. The difference is about \$2,000.

The letter then goes on to remaining punch list items and a list of remaining engineering services. A notation in the letter stated although the total project

cost is below estimates, a contract amendment to complete those services would be necessary to complete remaining engineering services, but it did not state why. Mrs. Lucas will contact SEA to determine that information.

A new email was received with a punch list for recommendations to complete the project. There is some discussion necessary regarding which items are cosmetic and which are not in the mind of the Board.

Draft Permit Costs

The new form cost estimates were received for either a two or three part form. Mr. Tierney suggested the three part form and Mr. Mertz suggested a minimal order of 100 in case problems arise with the new form. The Board agreed to both suggestions.

*Draft Letter for
Mr. and Mrs. Robert Curry*

The draft letter which clarified the status of classification for Carter Mountain Road was prepared at the request of the Curry's to help them get mail box delivery at their driveway. The letter was reviewed and signed by the Selectmen.

Public Works

The memo to Public Works confirming the start of four day work weeks for their staff and outlining the treatment of holidays which fall on a Monday was reviewed and initialed by the Selectmen.

Timber Tax Warrant

Timber tax warrants issued for \$744.38 was signed by the Board.

*Letter of Complaint
Flag Cove Properties*

A letter of complaint from David Drake dated on 5/17 was not clear as to the issue which was causing Mr. Drake distress. He was asked to send a formal letter and meet with the Board.

Abatement Requests

Jonathan Mackie, Tax Map R-5-18, R-5-19, R-6-4c, R-6-4A, CNP showed that there was no new information since the adjustment last year, their appraisal in support of the abatement request did not include sales in New Hampton, of which there were several, and no further adjustment is recommended. This abatement request was denied. The page where this would be indicated was missing, so Mrs. Lucas will bring this item back next week for signature.

Melinda Adams, Tax Map R-7, Lot 35C. An abatement request for \$16.45 was approved by the Board.

*Lucinda Ossola & Martha
Perry*

A letter from the trustees regarding a timber cut outlined that the wood was given to neighbors and the quantity of lumber feet was under that amount allowable for personal use. The item is being held

Mr. Weisman

Asked if his building permit would remain valid during the proposed dates of completion. The permit was still valid.

*Police Department Statistics
Week of 5/10-5/16*

These were reviewed by the Board.

*Metrocast Franchise
Renewal Meeting*

An email from Metrocast indicated the dates offered in August would be acceptable for the public hearing on the franchise renewal. Their staff will

coordinate with Mrs. Lucas regarding the updated coverage maps for the meeting.

*Waste Management
Contract Renewal*

June 10th at 7:00 PM has been scheduled with the Board to discuss renewal of their contract.

Mrs. Lucas asked for statistics for last year and received estimates for like services from other communities. She provided information for Holderness which is also with Waste Management and found it was similar. Ashland uses Bestway in a 7-year contract. Extrapolating with New Hampton's tonnage is also close. Information with Bristol is a little different. They separate "clean" and "dirty" demo which is hauled to a recycling facility in Epping. Sanbornton has not provided information as yet. Meredith will also be approached for information.

Waste Management also offered a negotiated price for a lengthier contract.

Building Permit Fees

Mrs. Lucas asked Mrs. Vose for a breakdown of her time for building permits. Additionally information

Future Board Meeting Dates

Mr. Tierney asked if the meeting for 5/27 could be moved to 5/26. The Board will meet on 5/27.

6/3 will be a working session from 5-7 PM. The Fire Chief, Mr. Boucher and Police Chief will be present at 5:00 PM to discuss building permit fees.

6/10 at 6 PM will be a regular Board meeting.

6/17 at 5 PM will be a working session regarding the public safety building.

6/24 will be a regular meeting at 6:00 PM.

7/4 will be off.

*Karen Porrazzo
Farmers Market*

Previously the Board gave permission to hold a Farmers Market with the minimum required New Hampton products pending site plan review with the Planning Board. Mrs. Porrazzo contacted the State and was advised no site plan review is required for Farmers Markets. Mr. Tierney contacted the State for clarification but was unable to speak with someone because they were in a meeting. He then went on line to review the statutes and then spoke with Town Counsel. The definitions in the Town ordinances for site plan review do not include Farmers Markets, therefore Mrs. Porrazzo's Farmers Market falls under an agricultural use which is permissible in her zoning district. State statutes do not preclude the towns from requiring site plan review, but New Hampton ordinances do not specifically address markets.

The Board contacted Mrs. Porrazzo by telephone and informed her of this information and asked her to consider talking to the Fire Chief and Police Chief for safety issues.

*John Connor
NH Route 132 North*

Mrs. Lucas spoke with Mr. Connor regarding the barn he is constructing. He had been under the impression that if it cost less than \$5,000 it was not required and he is doing the work himself. Mrs. Lucas advised it was the value after completion that is the determining factor. He will be picking up an application. Mrs. Lucas asked about the use of the structure and he advised it was to house their horses which are boarded elsewhere. He advised that he is cleaning up the lumbering equipment and is not going to

be doing sawmill work. Mrs. Lucas also advised Mr. Connor of setback requirements, which he feels he is well within. The application will be brought back in with further detail for the Board to review.

*Military Relief Act
Susan & Steve Connolly
Tax Map R-6, Lot 12*

An abatement of \$14.39 under the Military Relief Act was granted for this property by the Board. This had been approved previously but had an error and was noted at \$14.29. The Selectmen initialed the correction.

Letter of Appreciation

A draft letter of appreciation to the organizations for restoration and beautification for the Dana Meeting House, the Garden Club for Veterans Park and the triangle outside the Town Offices was reviewed by the Board. Final letters will be prepared and presented to the Board for signatures at a future meeting.

Another letter of appreciation for the property improvements of the Route 104 Diner property will also be drafted for the Selectmen to sign.

*Signage for the Highway
Department*

The sign is ready and will be picked up by the Highway Department staff. Additionally it was determined that the student education program had been discontinued.

NON PUBLIC SESSION:

A motion was made to go non-public at 9:30 PM to discuss a personnel matter under RSA 91A:3 by Mr. Bartley seconded by Mr. Mertz. The motion passed.

**RESUMING PUBLIC
SESSION:**

Motion to come out of Non-Public Session was made at 9:49 by Mr. Tierney and seconded by Mr. Mertz. The minutes will be sealed for 10 years by Mr. Tierney, seconded by Mr. Mertz.

MINUTES:
4/8, 4/15, 4/21

Motion to accept the minutes for 4/8, 4/15 and 4/21 was made by Mr. Tierney, seconded by Mr. Bartley. The motion passed.

OTHER BUSINESS

None was heard.

PUBLIC COMMENT

None was heard.

ADJOURNMENT

It was moved by Selectman Bartley to adjourn, seconded by Selectman Tierney. The vote passed and the meeting adjourned at 9:51 PM.

Respectfully submitted,

Kristin J. Harmon