

SELECTMEN'S MEETING MINUTES OF OCTOBER 27, 2014

Submitted by stoddard on Fri, 10/31/2014 - 4:23pm.

Preliminary

SELECTMEN'S MEETING MINUTES

October 27, 2014

The meeting opened at 7:00 PM with the Pledge of Allegiance.

Attendees included Arnie Stymest, Selectman Chairman, Stephen McGerty, Selectman, Harry Power, Compliance Officer, Jim Coffey, Town Administrator and Patricia Putnam, Administrative Assistant. Several members of the public were in attendance. John Halter reported an emergency at his home and could not attend.

APPOINTMENTS:

7:00 - Harry Power – Harry reported a visit from Ken Holland's daughter, Tanya Wilder, who proposed a change to the court agreement.

Harry noted that the subdivision on the Kings Way Realty Holdings, LLC – the property is in current use and the Planning Board required a note on the Mylar that no driveway access will allowed off Whitney Road, a private road. He also noted that any building or change in the properties would negate the current use plan and require a penalty charge for removing it from Current Use.

Harry also noted that he has no response from Maria Gavin regarding the changes request by Gordon Jennison and the Board of Selectmen's offer on Mr. Jennison's court ordered septic system installation.

Building Permit for Tax Map # 114, Lot # 14 for a new dwelling for Donald Ash on Pine Top Road, approved.

Building Permit for Tax Map # 133, Lot # 17 for a new dwelling for Dean Dorman and Jan McGonagle on Treelyn Road, has submitted a road waiver, approved.

Building Permit for Tax Map # 420, Lot # 14 for a pool for Jonathan & Emily Tutthill on Route 9, approved.

Building Permit for Tax Map # 126, Lot # 29 for an addition for Kenneth & Lorrie Willette on Old Antrim Road, denied because of set back issues – sending it to the ZBA for their consideration.

7:15 - Attorney Bradley – Atty. Bradley met with the board to review the letter he sent to Jim Coffey and the Board concerning the ZBA's decision on the Lake Falls Lodge issue. He explained the process to appeal their decision with a deadline of 30 days to file an appeal for a rehearing before the ZBA. Steve McGerty asked why? Atty. Bradley asked if he should continue with his presentation or go home. Arnie Stymest asked him to continue.

Atty. Bradley explained the entire process with acknowledgement that it would take a lot of time and money to proceed with an appeal or appeal the ZBA's refusal to reconsider, to the Superior Court. He also noted that the appeal to the Superior Court would have to include any unlawful or unreasonable actions by the ZBA in its deliberations.

The ZBA compared buildings being rented prior to the passage of the Community Planning Ordinance (zoning) but they were not up to facility conditions due to lack of water present in them. Atty. Bradley has a list of items that he feels could be placed in an appeal.

Atty. Bradley said, although the ZBA seriously erred in refusing to recuse themselves on the issue due to a previous presentation by Mr. Healy at a ZBA meeting, he does not recommend spending the money to appeal.

Steve McGerty agreed not to peruse. Arnie Stymest said no decision should be made until the full board was present. Jim Coffey reported speaking to John Halter where John agreed with

Atty. Bradley's recommendation. Atty. Bradley reminded the board that the 30 day restriction exists. Harry Power said he agreed with the recommendation. Steve McGerty moved and Arnie Stymest seconded to agree with the recommendation of the attorney and not file an appeal, the board approved.

7:45 - Frankie Scofield, Geri Bailey & Angel Nicoletti of Friends of Davis Library Building addition - Jim Coffey reported that a request to have the Board of Selectmen sign off to amend the building code to allow for only one restroom was ill advised. He spoke to Matthew

Labonte of the Fire Marshall's office, who agreed that the Board of Selectmen cannot amend a State Building Codes. Matthew recommends the Board of Selectmen send a letter to the Friends of the Davis Library concurring the need for only one Restroom. Jim Coffey wrote the concurrence letter to the Friends and sent a copy to Paul Hemmerich, Architect for the project.

They also asked who signs the agreements for the Special Article expenditures. It was agreed that the Board of Selectmen or their representative sign them because it is a town building. The Library Trustees agree to anything inside the building and the BOS agree to anything to do with the building and outside.

8:00 - P J LaMothe - building issues – PJ reported that the Fire Department has two new members. The appropriate forms were signed.

PJ then went on to report a shift in the fire station building with the wall toward the river and the floor separating and dropping by the door to the meeting room. She showed pictures on her computer to the board to better explain the problems. She noted that both gable ends on the building are leaking and there is black mold over the apparatus bay and the long wall toward the river. This is the first time of evidence of leaking up there. She wants to form a committee to research a location and start designing a building. Arnie Stymest wanted to wait until the full board was present before making a decision on forming a committee.

PJ also reported that Louis Clark has been a Forest Fire Warden for 57 years and that is a very long time for him to have served in this capacity.

8:10 - Dean Huber - electrical issues @ Gazebo – Dean asked if the board wanted to replace the old covers to the outlets at the Gazebo with waterproof , up to code ones. He reported that he has replaced the 15 amp circuit breaker with a 20 amp one. The board agreed to have the waterproof cover installed for the pole outlet. The Gazebo outlet has been moved to the side, instead of under the building, and a waterproof cover has been installed.

8:20 - Linda Clark met with the board concerning an outlet for the copier in the storage closet. Jim Coffey reported that Cutter Construction will be installing that outlet on October 28th. Linda then asked about setup for elections in the Town Hall. Jim Coffey noted that Bob Curnutte will be setting up the hall on Monday. Linda reported that the Secretary of State has amended the regulations to require the Ballot Clerks to check photo ID's prior to voting but has agreed to allow the Board of Selectmen to check them at this time. Voting hours are 8:00 AM to 7:00 PM on November 4, 2014.

8:30 - Mary Lou Stymest – reminded the board that the cemeteries are closed to burials as of November 15th and all ornamental plants must be removed by October 31st. The caretakers will remove them to allow a final mowing to put the cemeteries to rest for the winter. Mary Lou did note that Christmas ornamentation is allowed but must be removed by May 1st.

8:40 – Tanya Wilder, Ken Holland's daughter, met with the board to ask about their plans on the Court Order. She was told that the board is awaiting a reply from Maria Gaven on their agreement to have a timeout due to Ken's death. Harry Power thought Tanya should contact her lawyer to contact our lawyer. Ben Wilder announced that he was video and audio recording this section of the meeting. Jim Coffey suggested, as the courts are involved, the Wilders should come up with a proposed plan and have their lawyer present the compromise to the board's lawyer, to put the court order aside and agree to an amicable solution. Harry Power said he would be holding up on taking photos until a new agreement is in place.

TO BE SIGNED/APPROVED:

1. Accounts Payable Manifest
2. P/R Manifest
3. Meeting Minutes of October 6, 2014
4. Non-Public Minutes of October 6, 2014
5. Pistol License
6. Utility Assessing Agreement with George E. Sansoucy, P.E. LLC
7. Letter to Library Trustees – Code Concern – see notes above under Friends of the Davis Library
8. Agreement for Code Consultant, Jerry R. Tepe Arnie Stymest moved and Steve McGerty

seconded to sign the agreement with the code reviewer, Jerry Tepe, the board approved.
9. Current Use application for the Perrins on Center Pond Road.

All the above were signed.

RUDIMENTARY QUESTIONS:

Ron Dube and Steve Tucker met with the board about an update on the Valley Road situation. They reported that the culvert has not been replaced. Jim Coffey said he has not been in contact with George Chicoine, the Valley Road maintenance contractor. Steve Tucker said the contractor is not doing any maintenance to the road. Arnie Stymest suggested giving the contractor a list of dates when work should be done to the road. Jim Coffey noted that the contract is pretty non-specific. Steve Tucker suggested the town go out to bid for a new contract as the current one was signed in 2007. Jim Coffey said there is no expiration date

and the town can go out to bid now. Ron Dube reported that he maintained the road for 15 years, raking it twice a month. Now there is nothing being done to the road.

Arlene DiCorcia asked if the Board of Selectmen ever tried to negotiate with Ken Holland on the condition of his property way back. The some members of this board were not on the board that initiated the action so it was unknown.

OLD BUSINESS:

1. ZBA Notice of Decision – see notes above with Atty. Bradley
2. Request for Building Permit Extension - Newby - Harry Power will check this out.
3. Correspondence from Bradley & Faulkner (2 Items) – no action taken
4. Email from Administrator to Attorney Patricia Panciocco / Fred Ward – for the record only, no action taken
5. J B Mack, of SWRPC, reported that the State DOT has accepted his plan for safety review of Route 9.

NEW BUSINESS:

1. LGC 2015-2016 Dues - \$1,381.
2. Right to Know Request – Need to Discuss – Regarding the State of New Hampshire, including the Department of Transportation notice on a law suit file nationally against Testa on guard rail ends. The Town has not installed any of these.
3. Request from Big Brothers Big Sisters for Financial Support – no amount indicated and no action taken.
4. Jim Coffey reported that Cross Country has finished their re-val. He is now addressing the MS1 which must be submitted to the State to have the tax rate set.
5. Jim Coffey reported that he has arranged for a water line to be run from the Gould House to the Town Hall to help alleviate the iron water situation at the Town Hall.

SELECTMEN'S COMMENTS:

1. Steve McGerty asked about the tile being installed in the Town Hall bathrooms and kitchen. He thought the tile was to be ceramic with matching, very fine grout lines. Jim Coffey said the samples were not ceramic that the board approved at their last meeting.
2. Steve McGerty asked for a Board of Selectmen's schedule for Election Day. Arnie Stymest said the rule is 2 board member must be present so Arnie and Steve will be present starting at 8:00 AM.
3. Steve McGerty asked about outdoor lighting on the Gould House. He noted that photo eye lights are available at Home Depot for \$140.00 each and he gets a 10% discount as a Veteran. Arnie Stymest agreed to have him purchase 2 and have Dean Huber install them.

OTHER CORRESPONDENCE:

1. Representation letter from Administrator to Melanson & Heath, Auditors
2. Ebola Virus Preparation in NH – From NH Health Alert
3. EEE Alert – From NH Health Alert
4. ZBA Minutes of October 16
5. ZBA Minutes of September 18
6. DRA 2013 Cyclical Monitoring Report
7. Copy of election warrant for November 4, 2014, 8 AM – 7 PM at Town Hall
8. SWRPC Highlights
9. Lakeside Publication
10. NH Civil Engineer
11. Monadnock United Way Publication
12. Monadnock Small Business Journal

ADJOURN: Steve McGerty moved and Arnie Stymest seconded to adjourn at 9:25, the board approved.

Respectfully submitted:

Patricia E. Putnam

Administrative Assistant

Approved:

Arnie Stymest

John Halter

Stephen McGerty

SELECTMEN'S MEETING

AGENDA

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addition

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Agreement for Code Consultant, Jerry R. Tepe

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