

APPROVED

Town of Grantham - Board of Selectmen Regular Meeting Minutes November 21, 2011

The regular meeting of the Board of Selectmen was called to order at 5:00pm on Wednesday, November 21, 2011 by Chairman Warren Kimball. The meeting was held in the Grantham Town Building, Jerry Whitney Memorial Conference Room at 300 Route 10 South.

Present: Chairman Warren Kimball; Selectman Constance Jones; Selectman Ken Story; Administrative Assistant Melissa White; Town Administrator Becky Newton; Fire Chief Jeremiah Fountain; Deputy Fire Chief David Beckley; Richard Hocker; F.R. Osgood; Edith Willis; Joey Holmes

ADMINISTRATIVE

For Approval/Signature - APPROVED

- ✓ Building Permits:
 - a) M/L 220-037-000; 346 Walker Road – lean-to
 - b) M/L 216-124-000; 23 Old Spring Drive – addition
 - c) M/L 225-196-000; 78 Greensward Drive – generator
 - d) M/L 215-073-000; 7 Winter Hill – generator
 - e) M/L 225-211-000; 25 Walton Heath Drive – generator
 - f) M/L 222-266-000; 11 Barn Owl Overlook - generator

APPROVAL OF MINUTES

- ✓ Chairman Kimball asked if there were any changes to the regular and non-public meeting minutes of November 9, 2011. There being none, Selectman Story made a motion to accept both minutes of November 9, 2011 as written; second by Selectman Jones.
Unanimously approved.

APPEARANCES

- Building Maintenance Manager F. Robert Osgood: Osgood presented the Board with a book of pictures taken by Bill and Edith Willis during the construction of the new town building from October 17, 2004 – November 26, 2005.
Osgood thanked Bill and Edith Willis for capturing this part of Grantham's history and presented Mrs. Willis with a plaque.
- Treasurer Chris Morris: Morris reviewed the draft copies of the investment policy with the Board and stated he will continue work on finalizing the document for the Board's approval at a later date.

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OLD BUSINESS

- 49 Hemlock Lane Clean-up Efforts: Newton spoke with Transfer Station Supervisor Chris Scott on ways to manage this project and whether or not the Town would accept the debris at no cost. Concern was raised over possible contaminants being brought to the Transfer Station. The board agreed to have the contractor take the material directly to Gobin's facility with the town paying the tipping fee.
- Ambulance Study: No new information.
- Fire Alarm System at Town Hall: Administrative Assistant White informed that the fire alarm panel was replaced on November 10th and is working correctly.
- Fire Department Flashing Caution Light: Chairman Kimball informed he is still trying to find the supplier of the solar powered LED lighted sign.
- Back-up System for Town Archives Computer: No update.
- Exterior Door Replacement at Town Hall: LaValley's was contacted last week and the doors were not in. Newton will follow-up with Building Maintenance Manager Morey.
- Rumbrook Place Tree Cutting: Newton said owner Sara Carr has obtained a tree cutting application but it has not been returned yet.
- State of NH Board of Tax and Land Appeals (BTLA) – M/L 226-014-000; Pillsbury Family Trust: Newton said the mediation hearing is scheduled for December 15, 2011 at 10am; that Cross Country Appraisal Group would contact Pillsbury about the hearing.
- Health Insurance Transition: Newton informed that NH Interlocal Trust submitted the "not-to-exceed" rates and they are 6.04% increase.
- Relocation of the Town Forest Sign: Newton said she spoke with Don Miner about signage for access to the Town Forest. Miner would like the signs to restrict access across the bridge to foot traffic only. Newton will order the signs once Miner provides her with the wording.

Newton said that Miner asked about the status of Leavitt Hill Road and asked Selectman Jones if the road has been discontinued. Jones said there are discrepancies over the status of Leavitt Hill Road; that it was closed. Jones went onto say that there are records that indicate the road is subject to gates and bars.

Jones said that during her time as Selectman she had always thought it was a discontinued road subject to gates.

Newton said she will need a decision from the Board on the status of Leavitt Hill Road. Newton said she has told Don Miner that the burden is on him to prove the status of the road.

Jones urged the other Selectmen to look through the Leavitt Hill road file.
- Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC)– ETAP Program: Newton said Mike McCrory would like to conduct the building inspections on December 9th or 16th. Newton will contact Building Maintenance Manager Morey to see which date works best for her.
- Elderly Exemptions: Newton requested this item be removed from the agenda as the Board is working on this through the budget setting process.

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- Shoreland Water Quality Protection Act (SWQPA): No update.
- Recreation Park Development: Newton said Upper Valley Land Trust has some concerns on the wording of the wetlands permit; that some technical corrections may be needed.

NEW BUSINESS

- Forest Management Plan – Cindy & Garth Rand; 5 Trillium Lane – M/L 222-196-000: The Board reviewed the forest management plan provided by Cindy & Garth Rand for their property on 5 Trillium Lane; M/L 222-196-000. Chairman Kimball asked Conservation Chair Richard Hocker if he was comfortable with it. Hocker said yes.

A motion was made by Selectman Jones to approve the forest management plan of Cindy & Garth Rand for 5 Trillium Lane; M/L 222-196-000 as submitted; second by Selectman Story. *Unanimously approved.*

- Invoice from TM Moran, Inc.: A motion was made by Selectman Jones to approve the payment of \$1,294.19 to TF Moran and to permit Administrator Newton to request the funds from the Timken Foundation Grant money held by the Trustees of the Trust Funds; second by Selectman Story. *Unanimously approved.*

DEPARTMENT/COMMITTEE REPORTS

- EMD Update: The EMD update was reviewed.
- Fire Department: The October report was reviewed. Chief Fountain informed that Deputy Fire Chief David Beckley applied and was approved for a forestry grant for a portable backpack pump through the State. The total cost of the pump is approximately \$1,600 and the State will pay half.
- Town Administrator:

- A petition was received for changes to the Zoning Ordinance to allow businesses to have sandwich board signs. Newton said the signatures have been verified by the Clerk's office; that the Planning Board will decide what day the public hearing will be. The Planning Board will discuss this at their December 1st meeting with the possibility of having the public hearing at their regular meeting on January 5, 2012 at 7pm.

Chairman Kimball asked if the petitioners were aware that the zoning ordinance does currently allow sandwich board signs. Newton said that sandwich board are currently only permitted for special events for up to two weeks; that the petitioners want to be able to have an additional permanent sandwich board sign.

- Newton stated there was an issue with the tax billing where Cross Country Appraisal Group did not update the computer with the new valuation from the 2010 abatements which resulted in the tax bill being higher than what they should have been. Newton said Assessor Mike Ryan has already made contact with the tax payers regarding this issue and informed them it would be corrected.

Osgood stated his assessment was incorrect and had not received a call from Ryan. Newton said that Ryan is very conscientious and it would be taken care of and requested Osgood provide copies of any notes from his meeting with Cross Country Appraisal Group.

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- Written findings for the Emergency Lane provision of Mountain Road:

Selectman Jones said she could not find a public benefit at this time.

Chairman Kimball said he does find a public benefit because it goes to the Town Forest.

Selectman Story said he does find a public benefit because of the Town Forest, cemetery and snowmobile/hiking trails.

A motion was made by Selectman Story to declare Mountain Road an emergency lane under the provision of NH RSA 231:59-a; second by Selectman Kimball. Selectman Jones opposed. ***Motion passed by majority vote.***

Newton said she will let the land owners of Mountain Road know the Board's decision and that some have already paid their portion for the repairs that are taking place.

Jones asked why the land owners would have to pay any monies for the repairs to the road now that it has been declared an emergency lane.

Newton responded that the statute allows the town to "ignore" maintenance at any time.

Kimball felt the repairs to Mountain Road should continue to be done through FEMA with the residents paying 12.5% of the costs.

Newton felt there were three different issues:

1. Declaring Mountain Road an emergency lane
2. Providing ongoing maintenance to Mountain Road
3. Repairing Mountain Road under FEMA's public assistance program

Newton felt the residents agreed to pay the 12.5% of the costs to repair the road to pre-Tropical Storm Irene condition. The Board agreed and felt the residents should continue with payment of their share of the costs of repairs.

Osgood asked if the residents on Mountain Road will expect the town to maintain the road now that it's been declared an emergency lane.

Selectman Jones said that the road has to be maintained as an emergency lane.

Fire Chief Fountain said the statute declaring the road as an emergency lane can be disregarded at any time.

Jones felt it's hard to disregard the emergency lane declaration after the Town has agreed to it.

Newton read a portion of RSA 231:59-a paragraph IV which states:

"A declaration under this section may be rescinded or disregarded at any time without notice. This section shall not be construed to create any duty or liability on the part of any municipality toward any person or property. Utilization of this section shall be at the sole and unfettered discretion of a town and its officials, and no landowner or any other person shall be entitled to damages by virtue of the creation of emergency lanes, or the failure to create them, or the maintenance of them, or the failure to maintain them, and no person shall be deemed to have any right to rely on such maintenance."

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Jones felt that declaring Mountain Road an emergency lane should have been brought to Town Meeting.

Jones asked for clarification that the town does not have to plow Mountain Road or do any maintenance to it.

Kimball said yes; that it was made clear at the public hearing on November 9, 2011 that the town would not be maintaining the road. Kimball went on to say that the Town offered to conduct maintenance only if something similar to Tropical Storm Irene happens again.

NON PUBLIC

In accordance with RSA 91-A:3 section II-A, a motion was made by Selectman Story, second by Selectman Jones to enter into a Non-Public session at 6:33 p.m. to discuss a personnel matter. Present were: Chairman Warren Kimball, Selectman Constance Jones, Selectman Ken Story, Administrative Assistant Melissa White, and Town Administrator Becky Newton.

Following proper vote, the Board returned from Non-Public session at 6:47pm.

RETURN TO PUBLIC SESSION:

A motion was made by Selectman Jones to appoint Russell Lary as Emergency Management Director; second by Selectman Story. *Unanimously approved.*

ADJOURNMENT

There being no further business, Selectman Story moved to adjourn, second by Selectman Jones; *by unanimous vote, the Board adjourned at 6:51pm.*

The next Selectmen's Meeting will be held on Monday, December 14, 2011 at 5:00PM in the Grantham Town Building; Jerry Whitney Memorial Conference Room at 300 Route 10 South, Grantham, NH.

Respectfully submitted,

Melissa M. White

Melissa M. White
Administrative Assistant