

**TOWN OF CHARLESTOWN
SELECTBOARD MEETING
MAY 19, 2010**

Selectboard Present: Brenda Ferland (Chair); Steven Neill, Doug Ring

Staff Present: David Edkins – Administrative Assistant
Keith Weed – Highway Superintendent
David Duquette – Water and Wastewater Superintendent
Edward Smith – Police Chief
Regina Borden – Recording Secretary

CALL TO ORDER & PLEDGE OF ALLEGIANCE: Brenda Ferland called the meeting to order at 7:02 PM. The Pledge of Allegiance was recited. She advised that meetings are tape recorded and asked anyone wishing to speak to identify themselves for the record.

Mrs. Ferland called this Public Hearing to order at 7:05 PM.

PUBLIC HEARING – Amendment to Water Ordinance & Rate Schedule - Fees for Water Loss Due to Owner Neglect: Mrs. Ferland advised that this Public Hearing is to hear comments on a proposed amendment to the Town’s Water Ordinance and Rate Schedule, providing for a fee of \$1,000.00 for unrecorded water use attributable to owner neglect. The proposed change will read as follows: *“The Owner shall be responsible for maintaining the water system, which is under the control of the Owner, in good working order including but not limited to meters, pipes, conduits or any other apparatus which constitutes the Owner’s water system. If the Owner neglects, fails or refuses to properly maintain the water system resulting in a failure of the water system which culminates in unrecorded water use then, the Owner shall be responsible for the fee associated with such water use as described in the water rates schedule.”*

Mr. Edkins provided some background: The Town has had problems over the past couple of winters where houses were left unattended for considerable periods of time; heat is turned down or off, the pipes freeze, meter splits and the basement fills with water. This results in loss of a substantial volume of treated water. It is not fair to other users. They talked to the Town attorney who recommended adding a significant fee.

Mr. Ilves questioned if the fee should be “up to \$1,000 rather than a flat \$1,000.” Mr. Edkins noted that the Town does not always know when it happens or if it is a minor or major break. Mr. Ilves asked if he goes away for a week-end in the winter, there is a power failure and the pipes freeze would he be charged. Mr. Edkins explained that it is only the result of owner neglect. Mr. Duquette provided an example - if the owner was away for a week, possibly he might run out of fuel, water pipe froze and the meter bursts he would lose more water than the \$1,000; if he could prove it went through the meter the Town would bill him for that amount which could be more.

There were no other comments. Mrs. Ferland closed the Public Hearing at 7:12 PM. Mrs. Ferland opened the regular Selectboard meeting.

AMENDMENT TO WATER ORDINANCE AND RATE SCHEDULE:

Mr. Ring moved to adopt the Amendment to the Water Ordinance and Rate Schedule as presented at the Public Hearing. Mr. Neill seconded the motion. With all in favor, the motion was approved.

MINUTES OF PREVIOUS MEETING(S):

Mr. Neill moved to approve the Minutes of the Special Selectboard meeting of April 12, 2010, as printed. Mr. Ring seconded the motion. With all in favor, the Minutes were approved.

Mr. Neill moved to approve the Minutes of the Special Selectboard Site Visit meeting at the Summer Street and Main Street intersection of April 21, 2010, as printed. Mr. Ring seconded the motion. With all in favor, the Minutes were approved.

Mr. Neill moved to approve the Minutes of the regular Selectboard meeting of April 21, 2010, as printed. Mr. Ring seconded the motion. With all in favor, the Minutes were approved.

Mr. Neill moved to approve the Minutes of the Non-Public Selectboard meeting of April 21, 2010, as printed. Mr. Ring seconded the motion. With all in favor, the Minutes were approved.

Mr. Neill moved to approve the Minutes of the Special Selectboard meeting of April 27, 2010, as printed. Mr. Ring seconded the motion. With all in favor, the Minutes were approved.

Mrs. Ferland moved to approve the Minutes of the first Non-Public Selectboard meeting of May 5, 2010, as printed. The Minutes will remain sealed. Mr. Ring seconded the motion. With Mrs. Ferland and Mr. Ring in favor, the motion was approved. Mr. Neill abstained as he had recused himself for this meeting.

Mr. Neill moved to approve the Minutes of the regular Selectboard meeting of May 5, 2010, as printed. Mr. Ring seconded the motion. With all in favor, the Minutes were approved.

Mr. Neill moved to approve the Minutes of the second Non-Public Selectboard meeting of May 5, 2010, as printed. Mr. Ring seconded the motion. With all in favor, the Minutes were approved.

Mr. Neill moved to approve the Selectboard Workshop meeting of May 10, 2010, as printed. Mr. Ring seconded the motion. With all in favor, the Minutes were approved.

BID OPENING – Sale of 1981 Fire Truck:

No bids were received for the 1981 Fire Truck. Fire Chief Gary Wallace has suggested that it now be advertised on E-Bay or Craig's List. It has been advertised through regular channels since March. Police Chief Ed Smith suggested listing it on the Auctions International site. The Selectboard instructed Fire Chief Gary Wallace to go ahead and continue to advertise.

DEPARTMENT HEAD REPORTS:

Police Department: Police Chief Ed Smith reported that the first of two Kids 'N Cops annual pizza parties was held today. The kids from the Primary School came in and brought posters on drug abuse. They award three prizes which are gift cards from Wal-Mart but every child that participated went out with a gift. Kids from the North Charlestown School come in next week. This Friday he will post a notice of the vacancy for a full time position; in-house first. It should be ready to be filled as of July 1st. There was an accident with the street sweeper today, no injuries; they have their own insurance.

Water and Wastewater Departments: Dave Duquette advised that there were quite a few high readings when the bills went out; they checked each one and discovered that 6-out-of-10 were the result of running toilets. The new meter system is working well. They shut the water off at the Old Fort #4; it should have been drained as the meter froze and the backflow preventer broke. The materials and one hour of labor to repair it was \$126.40. The Fort is now going to be re-opened; he asked the Selectboard if they want to donate this to their cause or bill it. Mr. Neill felt the Selectboard did not need to make a decision at this meeting so asked that it be postponed until the next meeting.

Mr. Duquette reported that Norm Beaudry is ready to install the new water line on the Old Claremont Road. Mike Lemieux no longer wishes to be involved as he didn't like the feedback from the Planning Board and worried that they would not approve his subdivision. Therefore Mr. Duquette submitted a purchase order to have Mr. Beaudry finish the remaining 900-feet; there are funds in the Capital Improvement Fund for the \$11,500. They will stay off the side of the road as much as possible; bank fill materials will be used as needed. Three fire hydrants will be on the right hand side. The people on that road are excited about having this done. Mr. Ring felt the second part of this project should go out for bid; it seems premature to offer it to Mr. Beaudry. Mr. Duquette felt this will delay the project so it might not be done this year. Mrs. Ferland noted that this project was put off for years; the fire protection is needed.

Mr. Neill made a motion to move forward with the project and to approve the purchase order for Beaudry Construction for the extra section, as it is in the best interest of the water rate payers.

Mr. Matt Blanc felt the pricing is reasonable but there should be a DOT spec and OSHA guidelines. If Mr. Beaudry is going to roll it, put in ditch boxes, use the right back fill materials and meet all the DOT specs then it is a great deal but somebody has to hold him accountable. Mrs. Ferland read the proposal from Norm Beaudry. Mr. Duquette agrees with Mr. Blanc but he will be over-seeing the project to make sure it is put in right. Mr. Weed will have him put in three culverts.

Mrs. Ferland seconded the motion. With Mr. Neill and Mrs. Ferland in favor, the motion was approved. Mr. Ring was opposed as he felt the extra section should go out to bid.

Mrs. Ferland asked Mr. Duquette to reiterate to Mr. Beaudry that the Selectboard expects him to follow the Best Management Practices and that he will over-see the project. Mr. Beaudry can start this project on Friday. Mr. Duquette advised that every homeowner got a letter explaining the project; signage was put up today.

Mr. Ring called for a point of order in that he feels it is a conflict of interest for Mrs. Ferland to be voting on this project because her family members work for that company. Mrs. Ferland said the family members do not live in her home and she has no direct interest in the project or the company.

Mr. Duquette reported that there was a sewer problem on Baldwin Court. He brought in the rodder but it got stuck at about 200-feet as there was about a foot of open clay pipe. It was a mess so they took out the bad section and re-did the service. It was finished Friday night and cleaned-up on Monday.

Tree Committee: Aare Ilves, on behalf of the Tree Committee, advised that they are working on plans for the area by Dan's Max Saver Store across the street from the "Bakery Building"; the area between the sidewalk and road. They are open for suggestions and plan to have an open meeting on it. They are looking to improve the area at the north end of Main Street across from the Fire Station and on this side of the street above the Chiropractor's Office. They will also participate in planting some trees and shrubs by the new Police Station.

Transfer Station: Keith Weed reported that a load of cardboard went out today; this was the third load this year. A load of 12,000 pounds of electronics also went out today through the NRRRA. The pad for the new building is done and the drainage is all in; conduit will go in on Monday. They are at 50% of the trash disposal budget; averaging three trips up north a week; 18 loads last month. They are moving more trash than normal plus C & D.

Highway Department: Keith Weed advised that they are back to a full staff as the new employee started this week. They are cleaning graffiti off the signs. The loader is down for about a week; parts will be about \$2,000. He purchased another gate for the gravel pit; there are now gates on both ends. They put in a retention pond last winter but somebody went in and damaged it. As a result they will close the pit and keep it locked. The catch basin on East Street was repaired; Patch Park was graded, grading will be finished next week and then chloride will be spread. There is a pile of stone at the Fire Department; they will start chip sealing next Wednesday. They re-graveled the length of the road and doing other work on North Hemlock. The Beaudry Development project went out for bid; three contractors attended the pre-bid meeting on May 10th. Bids are due next Wednesday at 3:00 pm in this office. The bid packet was broken down into five separate roads.

Mr. Weed asked the homeowner about trimming the flower bush on the corner of Thomas and Michael Avenues. She said she would take care of it if she could have a week. It has now been two weeks and has not been done. Mr. Neill suggested that Mr. Edkins write her a letter to at least trim it back to the right-of-way as it is a safe visibility issue. Matt Blanc mentioned that where the drainage went through last year many of the driveways have sunk. Is the plan to patch those back into the road? Mr. Weed said any re-paving will be done by the Town. They are aware of the culverts.

PUBLIC COMMENT:

Summer Street and Main Street: Mrs. Ferland advised that the Selectboard met with the neighbors about the traffic flow. Mr. Weed and Mr. Neill took the tax map, looked at the area and did some measurements. There are various options. Mr. Weed explained the color coded map on display. The stop sign could be moved to the north. Right now there are two parking spaces along the north side of the Baraly's building; one could be removed. Mr. Parsons mentioned there is a cement "block" that comes out by the stop sign and they sometimes plow snow there.

Mrs. Baraly explained that when they heard of the concern they measured across the front and the building is 30-feet wide but they own 40-feet; the 10-feet is being used for one or two parking spaces plus there is some room in the back. She questioned what they based their points of reference on. Mr. Edkins said the 2004 aerial photos, the base town tax maps. Mrs. Baraly noted that if you center the building there is five-feet on each side; the two parking spaces on the north side of the building and the space in back of the building belong to that building. There are two apartments upstairs with limited parking so to eliminate one that historically belongs to them does not seem fair and it will not solve the traffic problem. If there was curbing or the boundaries were marked people would have to stay away from their building. Visibility is an issue going around the building. Mr. Parsons talked about the trucks making deliveries to Ralph's; they need to cooperate by not coming all at the same time. Mr. Edkins noted that on the south side of the Baraly building both parking spaces would remain. Mrs. Ferland advised that the request was to put two-way traffic back on the north side of the Baraly building; nothing would change on the Ralph's Supermarket side as it would remain one-way. Standard parking spaces are 9' x 18'. Mrs. Baraly stated that the parking spaces on the south side of their building were always considered public spaces. She never received a complaint from her neighbors on how she parks her vehicle. She does feel that because of the discrepancy somebody will have to have the area surveyed. Mr. Neill noted that they were looking to make the traffic flow safer. Mrs. Baraly said if the Selectboard make the north side of their building two-way again there could be three vehicles hitting the corner of their building at the same time; it will be tough seeing anyone. The Police Department will have to enforce the areas designated as "no parking". Mr. Shaw feels this is a fair solution but it does not address the parking spaces on the side of the church building. Mr. Ilves, speaking on behalf of the Anglican Church, thinks it works the way it is. The parking spaces by the church are available except on Wednesday and Sunday when there are services. The first space by the steps is a handicapped space. Mr. Weed stated that the crosswalk will have to go sidewalk-to-sidewalk. Mr. Ring is in favor of leaving it one-way around the building but still believes there are some questions on the property boundaries before they make a final decision. Mr. Neill is in favor of having a survey done to see where the property corners are; the sidewalk is important.

Mr. Neill moved that the Selectboard delineate the sidewalk and hire a surveyor to determine the corners of the Baraly lot and the adjoining lot #109. The traffic will remain one-way until a determination is made as to what the Town owns and what it does not own. Mr. Ring seconded the motion. With Mr. Neill and Mr. Ring in favor the motion was approved. Mrs. Ferland was opposed.

There was a consensus of Mr. Neill and Mr. Ring to have Mr. Edkins hire DiBernardo Associates to do the survey as he did the Town Hall survey.

Mr. Ring stepped off the Board for this agenda item.

Cummings Avenue: Mr. Skip Smith expressed concern about the complaints he has been getting on the renters in his building. Mr. Edkins explained that when Lennie Garrett received his Site Plan approval from the Planning Board it was because there was going to be a change of use on the property. Mr. Sylvester has now moved into that space. At the time he approached Mr. Edkins he felt that the use would be basically the same provided that Mr. Sylvester would abide by the conditions of the Garrett approval; he said he could. The concern now is that he is exceeding those hours therefore the Planning Board requested that he come back to do a Site Plan Review to request changes. Mr. Sylvester talked to Mr. Edkins this morning. Mr. Edkins also talked with Mr. Ring, also a renter.

Mr. Ring resumed his seat on the Board.

Ambulance Service: Mr. Toby Houghton has concerns about the Ambulance Department. Some people that do not have licenses are taken on while other people with licenses who want to volunteer are not allowed to do so. He is an EMT licensed Paramedic who lives in Charlestown. He works full-time for Golden Cross and volunteers for the Charlestown Fire Department. He was told if he wanted to join the Ambulance Department he would have to quit the Fire Department but the By-laws of neither department state that they cannot represent both services. He wants to volunteer to help serve the community and has his own equipment and radio. Mrs. Ferland noted that the Selectboard will look into this to find out what the answer is. Mr. Houghton asked for the report to be in writing.

Trash Receptacles: At the last meeting Mr. Ernie Parsons talked to the Selectboard about having trash receptacles around the Village. He talked to Joan Kuncik who felt Rotary might be receptive to contributing toward the purchase. Mrs. Ferland said when the Town removed them it was because people were putting their household trash bags in them. Mr. Ring is in favor but they would have to be of a design so people could not put big bags in them. There was discussion relative to trying three: by the bulletin board near Dan's Max Saver Store, at a different Main Street location, and Swan Common. Mr. Parsons is willing to ask the bank, businesses and Rotary for donations as they are expensive. The Selectboard approved giving them a try; Mr. Parsons will work with Mr. Weed on the purchase.

SELECTBOARD COMMENT:

Patch Park Baseball Field: Mrs. Ferland felt that because the Selectboard did not receive the right information on the date and time for the Laurie St. Pierre dedication they were unable to

attend. She asked Mr. Edkins to write a letter, on their behalf, congratulating her on the award and to note that they are sorry they were no able to participate.

OLD BUSINESS:

Police Station Building: Mr. Edkins reported that the advertisement for bids will appear in the newspaper tomorrow. He distributed a copy of the specs. Travis Royce was asked to provide a small print of the new site plan.

Zoning Board of Adjustment Meeting: The ZBA will be meeting tomorrow night to consider the Special Exception for the Police Station building; the three criteria will be reviewed (parking, setbacks, etc.). Since Mr. Edkins does not feel it appropriate for him to do the presentation as he is the Zoning Board Administrator, Mr. Neill volunteered to do this. Police Chief Smith will also attend if he able.

FINANCIAL ADMINISTRATION – Payroll, Purchase Orders, Vouchers, Warrants, Abatements, Etc.: The **Payroll, Purchase Orders, Vouchers, Warrants and Abatements** were approved and signed:

Purchase Orders: The following Purchase Orders were approved and signed: 1) Ambulance – Hirsch’s Uniform \$2,500.00; 2) Highway – Poirier Line Striping \$3,790.00; 3) Transfer Station – Routhier and Sons, Inc. – Removal of Tires \$523.00; 4) Wastewater – Urban Tree Service \$525.00; and 5) Highway – Charlestown Cornerstone, LLC \$1,067.00.

The Selectboard approved and signed the following:

- One Voucher;
- Miscellaneous Warrants; one for timber tax dooimage fees;
- An Abatement for Sewer; this is the last year of a ten year agreement;
- An application for Current Use for William and Lorraine Chapman on the Unity Stage Road;
- Notice of Intent to Cut Timber or Wood for Margaret Spaulding;
- Timber Yield Tax Warrant in the amount of \$32.40.

Audit Contract: The Selectboard approved and signed the contract in the amount of \$22,400.00 for the Auditors; they are doing the audit now.

Contract: The Selectboard approved and signed the contract for the Vermont Health Care /HP Enterprise Services for enrollment re-certification/Medicare reimbursement for the ambulance service.

Cemetery Deeds: The Selectboard signed a Cemetery Deed for two lots in Hope Hill.

APPOINTMENTS, PERMITS, LICENSES & RESOLUTIONS:

Permit to Use Patch Park: The Selectboard approved and signed a Permit to Use Patch Park with alcohol for Dave Davis for a class reunion.

CORRESPONDENCE:

Capital Improvements: The Selectboard received a copy of the letter to the Department Heads relative to the Capital Improvement Plan.

Camp Good News: Acknowledgement was made of a letter received from Camp Good News outlining their events and dates for the summer. They will be obtaining a Seasonal Burning Permit. They thanked the Town of Charlestown for their services.

Email: A copy of an email from Steve Jellie to Kelly Stoddard was reviewed. He inquired as to why the Town does not take care of the lawn area between Main Street and the sidewalk on north end of Town as they do the south end. It looks much better. The Town does mow the south end but property owners were taking care of the north end. The Town has done plantings on the north end. Mr. Neill felt they should respond to the email and take a look at this in the future.

Town & Country Real Estate: A letter was received from the Town and Country Real Estate relative to the Lower Landing Trailer Park. They would like an adjustment for the sewer fees because of a leak in the park water system. Since the lost water did not enter the sewer system the Selectboard and Mr. Duquette agreed that this is a fair request. It was agreed to take an average of the past sewer four billings and abate the difference.

Acworth Road: Acknowledgement was made of a letter from Rose Smith Hall requesting proper signage on the Acworth Road for “Slow Children at Play”. She spoke to Police Chief Smith about this. There is also a day care center on that road. Mr. Neill felt the problem is the traffic flow. The Selectboard agreed that a sign will not serve a useful purpose and due to budget constraints it is not practical at this time.

DES Meeting on Drinking Water: Mr. Edkins will attend a DES meeting on Wednesday, May 26th in Concord as money is available through the State Revolving Loan Fund. It is a possible funding opportunity for water and sewer projects.

Tim St. Pierre Claim: Mr. Edkins noted that the Town’s insurance carrier denied the claim submitted by Tim St. Pierre because he submitted the claim to his homeowner’s insurance company and was paid by them.

Acworth Stage Road Residents: Mr. Edkins sent letters to the residents on the Acworth Stage Road about the parameters on Class VI roads and private lanes.

Flood Maps: An email was received from Jennifer Gilbert, the State Floodplain Coordinator, relative to map discrepancies. Mr. Edkins stated that the Town maps are correct but the flood plain maps have discrepancies yet they are to be used for insurance and for regulatory purposes. He has been working on this for the past six months with no results. FEMA should be requiring that the mapping company follow-up on it. Mr. Neill said six months is not acceptable; it is time to get a letter off to our two congressmen to get something moving. At some point this will hurt somebody in Town.

ADMINISTRATIVE ASSISTANT’S REPORT:

Fuel: Mr. Edkins locked into fuel prices with the School District at \$2.5516 per gallon. Last year the Town locked into 16,000 gallons at \$1.99 per gallon; there is 487 gallons left that can be bought at that price.

Fling Road: Mr. Edkins will look into the status of this project.

COMMITTEE REPORTS:

Conservation Commission – Steve Neill: They met Monday night. Green-up Day was very successful and they appreciated Mr. Weed’s help. A lot of trash, tires, monitors, etc. were picked up. The Town Forest boundaries need to be re-marked.

CEDA – Brenda Ferland: There have been no meetings since her last report.

Planning Board – Steve Neill: The PB met last night. The Smith and Allen property was discussed earlier in this meeting. A minor boundary line adjustment was approved on Wetherby Road.

Solid Waste Committee – Brenda Ferland: There have been no recent meetings.

Heritage Commission – Doug Ring: They have not yet met this month.

Highway Advisory Board – Brenda Ferland: There will be a meeting on Monday, May 24th at 6:30 PM.

Recreation Committee – Doug Ring: There have been no recent meetings.

CIP Committee – Brenda Ferland: The CIP Committee met on May 13th. They went through the guideline package. The Coordinator will be Mr. Edkins; Brenda Ferland will Chair the Committee. A letter was sent to the Department Heads advising that they should submit all projects from \$25,000 and up, projects/equipment has to have a five-year useful life and they are working on a six year program. This will not include regular operating items. The requested deadline is June 10th.

NON-PUBLIC SESSION – RSA 91-A:3 II:

Mr. Neill moved to enter into a Non-Public Session pursuant to RSA 91-A:3 II to discuss (a) Personnel and (c) Reputations. Mr. Ring seconded the motion and, on a roll call vote with all in favor, the motion was approved. The time was 10:10 PM.

Respectfully submitted,
Regina Borden, Recording Secretary

Approved,

Brenda L. Ferland, Chair

Steven A. Neill

Doug Ring

(**Note:** These are unapproved Minutes. Correction, if necessary may be found in the Minutes of the June 2, 2010, Selectboard meeting.)