

FINAL

BOARD OF SELECTMEN'S MEETING

JANUARY 4, 1999

7:30 P.M. - MUNICIPAL OFFICE BUILDING - HANOVER, NH

The meeting of the Board of Selectmen was called to order at 7:30 p.m. by the Chairman, Marilyn W. Black. Present were: Marilyn W. Black, Chairman; Brian Walsh, Vice Chairman; Katherine S. Connolly; John Manchester; John Colligan; Julia Griffin, Town Manager; and members of the public.

Ms. Black announced that this meeting was being taped by CATV 6 and that hearing enhancement equipment was available for anyone who wishes to use it.

1. PUBLIC COMMENT.

There was no public comment.

2. RECOMMENDATION REGARDING ASSESSMENT OF PENALTY FOR VIOLATION OF CONSERVATION EASEMENT ON PAULL SUBDIVISION LOCATED ON KING ROAD.

Ms. Griffin indicated that this recommendation comes to the Board based on an appraisal the Town had conducted by Mr. Lamprey earlier last year. The request to conduct the appraisal of the property came as a result of Planning Board conditions of approval for the subdivision of the King Road property. The essence of the requirement was that the Town would be responsible for hiring an appraiser to be funded by the Paulls to conduct a fair market value appraisal of the 4.96 acres of conservation easement land that was clear cut, in order to ascertain the value of the land had it not been clear cut. Ms. Griffin stated that Mr. Lamprey was selected by the Town on the recommendation of then Town Assessor Don Munro to conduct the appraisal because of his demonstrated experience in valuing similar lands.

Ms. Griffin stated that the Paulls contracted with a second appraiser to do an independent appraisal of the property; this appraisal resulted in a fairly significant difference between the value he attached to the property and the value Mr. Lamprey attached to the property. At this point Mike Ryan was asked to review the appraisals for the Town, and he concurred that Town Assessor Mr. Lamprey's appraisal was the most appropriate appraisal for the acreage in question. The Notice of Action of the Planning Board had required that the Town would be responsible for locating an appraiser, the appraisal would be funded by the Paulls, and the penalty would be determined by the Board of Selectmen equated to some value of the acreage that was clear cut. In addition, the Paulls would be responsible for paying the cost of Mr. Dannehy's services for observation of the remediation process.

Ms. Black asked what methodology was used by Mr. Lamprey and by Mr. Chayer, the appraiser hired by the Paulls. Mike Ryan explained that Mr. Chayer used comparisons taken from the forestry zone which came in at approximately \$435 to \$480 per acre, while Mr. Lamprey's appraisal came from comparisons of land in the surrounding area as opposed to the forestry zone.

Ms. Griffin noted that the Planning Board was made aware of the relative value of \$2,000 per acre, with the expectation on the part of the Planning Board that the value would come in somewhere in the vicinity of \$10,000. Ms. Connolly indicated that the key words the Planning Board used were "fair market value".

Ms. Griffin referred to bills from each of the appraisers which were furnished to the Selectmen. She pointed out that the total of the fine if the penalty were based on Mr. Lamprey's appraisal would be \$14,000 plus the fee for the appraisal itself which was \$1,769.50, and Mr. Dannehy's fee of \$2,779.50 for the overseeing of the remediation process.

Ms. Black pointed out that added to these costs is the cost of remediation sustained by the Paulls.

Ms. Black asked for comments from the audience. Mr. Peterson asked if the Selectmen were saying in theory that the land could be purchased for \$14,000, and feels that this is a low cost for the land. Mr. Walsh reminded the public that the land was valued as land under conservation easement, not land to be purchased for building a home.

With regard to the Mink Brook land and for comparison purposes, Mr. Peterson asked for the price per acre and how many acres were involved. Bob Norman answered that the Mink Brook land consisted of 112 acres, and the price agreed upon was \$10,000 per acre.

Mr. Peterson asked for an explanation of the large discrepancy in the two valuations. Ms. Connolly explained that a great portion of the 112 acres can be developed into very expensive house lots, whereas the conservation land is not developable at all and will remain forever open space.

Anne Morris stated that on January 6, 1998 several people wrote a letter to the Planning Board indicating concern that the Paulls be held accountable for breaches of the plan, that they should not profit from the breaches on that property, and that this should be established as a fundamental principle of considering remediation and fining for such cases. She indicated that there is a lot of public support for setting or maintaining that principle, and people feel that development should not be done outside of the conditions, constraints and regulations in such a way that it does not matter if a fine is imposed because more profit will be made because of the breaches.

Mr. Walsh summarized Mr. Lamprey's appraisal and Don Munro's assessment of the property, which would result in fines of \$17,548 and \$13,548, respectively. He feels that any fine between \$13,548 and \$17,548 would be appropriate.

Mr. Colligan asked Mrs. Morris to clarify where she was headed in terms of her overall sense of the discussion, and asked if she had anything to add in terms of the fine imposed. Mrs. Morris responded that she would ask if the Selectmen believed the appraisal that was solicited from Mr. Lamprey, and if so, there would be nothing to negotiate. She stated that she feels the decision is up to the Selectboard and not a negotiable bargaining position. Mr. Colligan indicated that he had not meant to represent the situation as a negotiable situation, but wished to be sure he

did not misunderstand Mrs. Morris' comments. He added that he is very comfortable with the appraisal from Mr. Lamprey.

Mr. Walsh stated that he interpreted Mrs. Morris' comments to say that as the Town thinks about stewardship questions and conservation easements and the terms and conditions added on Planning Board approvals, it should be sure that the view defines the Town's policies which would not allow a developer to profit from breaches of agreements. He understand Mrs. Morris' comments to be not specifically focused on this case, but to make sure that steps are put in place for the future.

Mrs. Morris explained that she was looking toward the future, but also views this case as precedent setting. She feels the Board should do now what it intends to do in the future. She continued to say that she is not prepared to indicate a difference in value of the property on at least one of the lots if the trees had not been cut down, but observed that a very significant view has been created that would not have been there if the trees had not been cut down. She feels this has resulted in a financial difference of considerable magnitude.

Bob Norman stated that his concern is more on what will be done with the money than with the money itself. He feels that the appraisal made by Mr. Lamprey is probably the right one to use, and added that Mr. Lamprey knows values and how to make justifiable and defensible comparisons.

Ms. Griffin noted she had recommended to the Board that the question of use of the funds should be referred to the Conservation Commission, and subsequently returned back to the Board of Selectmen with a recommendation.

Mr. Peterson asked if anyone had tried to estimate the cost of replacing the trees that were cut down. Ms. Black answered that the remediation plan called for compensation for the loss of the trees, and added that a price cannot be put on mature trees as they are irreplaceable.

Ms. Griffin pointed out that the Planning Board had talked about estimating the cost of replacing the trees as one option to attach a value to the impacted land. There was some debate about whether it made sense for the Town forester to try to attach values to all of the trees, but the ultimate decision made by the Board was to instead look at an appraisal of the land based on the fair market value as part of the 82 acre parcel as conservation land.

Ms. Connolly indicated that the Planning Board also determined there would be some planting of less mature trees in many of the areas impacted.

Nan King stated that she feels this case is a precedent setting example of violations. She added that in the past violators have been given a slap on the wrist, and she would like to be sure there are meaningful penalties set on violations such as this. She feels that whatever precedent is set it must be very strict, the guidelines set by the Planning Board must be observed carefully, and the value of the land should be not only in terms of conservation easements, but even stiffer penalties to insure that the character of Hanover continues as it is.

Monty Clinton stated that he also feels this case is precedent setting. He noted that there are many parcels of land in Hanover and Etna that would benefit greatly in terms of having four acres cleared, and if there is only a precedent involved of a \$14,000 to \$17,000 fine, it may be worth it to the developer to create those views.

Mr. Walsh disagreed that the case is a precedent. In January of 1998 the Planning Board suggested eight or nine conditions to move forward with this case; one of the conditions was a fine made up of the three components that are being discussed. He is not ready to agree that the action taken now is the right precedent for the future. He feels that action should be taken now which is appropriate, and that steps should be taken to determine for the future what would be an appropriate real deterrent. He feels that the action taken currently regarding this particular case is likely to be lower than what a precedent should be.

Steve Crory suggested that as the Selectmen choose projects to develop, that Mr. Walsh should be the one to develop this precedent for what should be done in cases of conservation brutality.

Ms. Connolly pointed out that a year ago the parameters of the remediation and the fine were set up, and the appraiser has been asked to determine the value of the property. She feels that if there is to be any precedent set with this case, that it may be an attitude toward anyone else who might try this in the future.

Bob Meyer stated that there is a large hidden cost in what the Paulls have done. He indicated that nothing would have been known of the violations had it not been for the diligence of a single citizen. He feels the Paulls have destroyed a trust that is necessary between developers and the Town. If there is no trust, then it would be necessary to police each development every minute of the day. He stated that this loss of trust should be taken into account when determining the fine.

Mrs. Morris indicated that she agreed with Mr. Walsh that the precedent should be moving toward a much greater escalation of fines. She would hope that the Selectmen would move forward and seriously visit the entire situation in the abstract to decide what the penalties should be without settling for a minimum penalty.

Mr. Colligan noted that he was not a party to the decision of a year ago, and asked if it was the Planning Board that established the framework. Ms. Connolly answered that the Planning Board, in consultation with the Selectboard, established the framework. Mr. Colligan stated that the obvious conclusion is that it is the responsibility of the Selectmen to make the ultimate decision on this case. He indicated that as he was not a party to the previous discussions, his contribution would be along the lines of the fact that this is a very important decision which may require additional thought and additional information so that the Selectmen can properly address some of the public's concerns that were shared at this meeting. He stated that he feels the community has to look to the Selectboard to make decisions that will strengthen the trust referred to by Dr. Meyer, and feels that this particular decision may require additional thought.

Mr. Walsh MADE THE MOTION that the Selectmen assess a penalty for violation of a conservation easement on the Paull Subdivision located on King Road in the amount of \$17,548. Ms. Connolly SECONDED THE MOTION.

Mr. Colligan stated that he feels it would be reasonable for the Board to move to study this case for the purpose of identifying what would become a framework to address the issue of deterrents. He indicated that he is uncomfortable voting for this fine as he feels it is the one piece of the issue the Board is falling short on, and which may continue to leave the Town at risk for similar issues in the future.

Mr. Walsh AMENDED THE MOTION to add that the fine is not to be considered a precedent by anyone for anything in the future. Ms. Connolly SECONDED THE AMENDMENT.

Mr. Colligan stated that he appreciated Mr. Walsh's amendment, but has strong feelings that the message regarding violations of this nature will be delivered based upon what the amount of the fine that is imposed on this case. He does not feel it is unreasonable to work on the case for another couple of weeks or a month if it allows the Board to come back with something that encompasses all of the elements of a proper, fair, and responsible fine that includes the third piece deterrents. He would like to have the benefit of information regarding what other communities are doing in similar circumstances.

Ms. Connolly agreed that Mr. Colligan's ideas are good, but repeated that a decision was reached and parameters agreed to over a year ago. She does not believe that the set of parameters can be changed at this time.

Mr. Colligan asked if Ms. Connolly felt comfortable saying to the community that to vote with the available information on the fine suggested in Mr. Walsh's motion would be accomplishing all of the things that are required as Board of Selectmen, and to address the issue of enforcement. Ms. Connolly answered that the Board will be doing what it agreed to a year ago. Mr. Colligan stated that because the Board agreed to something in the past does not mean it has to stick with it if more information is available.

Ms. Griffin indicated that she had read the Notice of Action of the Planning Board and the Board of Selectmen's minutes from January 26, 1998. She recommended that the Selectmen adhere to the conditions that were outlined by the Board of Selectmen and the Planning Board a year ago, and suggested that the Board direct Town staff to come back with a comprehensive conservation easement violation ordinance for the Town to adopt. She added that the ordinance would not be subject to Town Meeting action, although something could certainly be put on the warrant. It is, however, within the Board of Selectmen's purview to establish the regulations through an ordinance, and to hold a public hearing on the ordinance. At the public hearing there can be discussion with thoughtful input from the Conservation Commission as to what other communities are doing, what State law allows, and what special values Hanover may want to attach to say that conservation easements are not to be violated. She noted that the other issue is the Town's ability or inability to manage those easements.

Jonathan Edwards elaborated on Ms. Griffin's comments to suggest that direction be given to the staff to draft a policy on all environmental violations not just conservation easements.

Mr. Colligan stated that a previous Selectboard and last year's Planning board made a recommendation and established a framework, but did not take action and did not vote on it. Ms. Black corrected Mr. Colligan to state that the Selectmen did vote on the matter, approving conditions that went to the Planning Board. Ms. Griffin noted that the Selectmen voted to modify the condition in the Notice of Action ratified by the Planning Board as a condition over which the Board of Selectmen have purview. Specifically, the Board voted to modify condition number 6 to state that the developer will volunteer to pay the Town of Hanover fair market value of the conservation easement that was cut, meaning 4.96 acres of the 41.1 acres total, and then insert "of the 80 acre development before the clear cutting". In this manner the Board wanted to make it clear just what kind of land it was talking about for purposes of clear direction to an appraiser. Further conditions provided that the cost of the appraisal should be the responsibility of the developer, and that all of the obligations be bonded by the developer. Ms. Griffin stated that the Paulls subsequently posted a bond with the Town. She then directed a letter to the Paulls that clearly indicated not just the Notice of Action which the Planning Board issued, but the Board of Selectmen's very specific modifications to condition number 6.

Ms. Black pointed out that the reason the word "volunteer" was used is because there is no existing ordinance that would specify a fine, and no legal framework to demand the Paulls to pay a fine.

Steve Crory asked if there had been any consideration or any action being taken over the past year and a half to solve the problem. Ms. Black answered that a remediation plan has been put into place and plantings supervised according to plan.

Mr. Crory referred to steps Mr. Norman had suggested a year ago as a means to correct these problems, and asked if plans had gone forward. Ms. Griffin answered that plans to prevent similar violations started months ago as a result of the issues with the Paull development. The Town has also looked to overhaul its conservation easement agreements and talked internally about staffing in the form of a conservation officer to insure that conservation easements are maintained. There have also been discussions about whether the Town is the appropriate holder of the conservation land to be purchased by the Upper Valley Land Trust from the Barrett/Ransmeier families because of a fundamental concern about whether the Town is the right entity to protect those conservation easements. Other work has involved trail maintenance and upgrading the Town's data base of conservation easement records in the Town office.

Mr. Norman stated that he feels the solution is a reasonable one, and to change that solution would probably cause more trouble than it is worth. He hopes that many people will become involved in a decision as to how to create an ordinance to prevent similar violations from occurring in the future. He feels that the Board would be wise to vote the motion which is on the floor, and go forward with a procedure to come up with a better basis for assessing penalties.

Mr. Colligan asked whether a year ago when establishing the framework if there was any discussion about deterrent as part of the fine. Ms. Griffin answered that there are two vehicles that would allow the Town to essentially enforce a deterrent fine that is over and above or outside of the value of the land. One is State law which allows Boards of Selectmen and City Councils a leeway to one, two or three times the value of the trees that were clear cut. The second issue is that there is a public lands ordinance that allows the Town to assess up to a \$500 fine for violation of the ordinance. As part of bringing ordinances to the Board to overhaul, including the public lands ordinance, Ms. Griffin stated that she wants to focus very specifically on including some more deterrent level fines in the public lands ordinance which would also then extend to lands that are controlled by the Town via conservation easements. She has asked Walter Mitchell to address this issue, and feels that the Town can come up with something that would be legally appropriate and much more significant.

Ms. Griffin noted that in reviewing a substantial number of conservation easements, she has been surprised that there is very little wording in terms of a fine. She feels that there needs to be a regulatory framework set out very clearly in easements so that there is no misunderstanding about what the impact would be if someone violates them.

Dr. Meyer suggested that the real deterrent for a developer who has gone against conservation easements would be to stop all work until all deliberations are past.

Mr. Norman stated that one of his previous suggestions was for the developer to stop all work until such time as the issue could be resolved. He added that the Paulls are actually paying a lot more than the \$17,450 fine suggested in Mr. Walsh's motion; they have had to stop work at times and have had to pay attorney fees, resulting in an amount of money they are forfeiting which is substantially more than the fine suggested.

Ms. Black added that the Paulls have also paid for remediation. She indicated that she does not know if the violations were intentional or an accident; she understands there was an accident with one of the lumberers who had a fatality. She feels that the Board should either vote the motion up or down and move on with the understanding that the Board will come forward with ordinances that will protect the Town's conservation easements in the future. She added that this is an unfortunate situation, and in fairness to the Selectmen and the Planning Board, the Selectmen have tried to the best of their ability with the laws on the books to come to a solution that is not only agreeable to the Town but also to the Paulls.

Mr. Colligan stated that it is not his objective to unfairly punish the Paulls in this case, but rather to try to address what is a necessary responsibility of the Board of Selectmen which is to make the best decision in a case where the public trust has been violated. He indicated that it would be very difficult for him to support a motion that a previous Board is binding him to in the absence of sufficient information on the critical third piece. He added that he completely respects the people involved in the previous discussions, but feels that there are times it may be necessary to defer and have the benefit of more information to make the ultimate decision.

Ms. Black asked what additional information Mr. Colligan would like. Mr. Colligan answered that he feels it would be valuable to have some information on the issue of deterrent in terms of what might be seen in other communities, and feels it would be beneficial to have the framework that the Board is going to bring to the Town in terms of the warrant. He feels this case is a precedent and that the entire community attaches a lot of significance to the decision on the King Road case.

Mr. Walsh restated his motion to indicate that the Selectmen assess a penalty for violation of a conservation easement on the Paull Subdivision located on King Road in the amount of \$17,548; that the formula behind the assessment of this penalty is not to be seen as a precedent in any future environmental violations; and further that the Town staff come up with a comprehensive ordinance addressing penalties for environmental violations. Ms. Connolly **SECONDED THE MOTION**, and the Board of Selectmen **VOTED FOUR IN FAVOR, ONE (Mr. Colligan) OPPOSED TO ASSESS A PENALTY FOR VIOLATION OF A CONSERVATION EASEMENT ON THE PAULL SUBDIVISION LOCATED ON KING ROAD IN THE AMOUNT OF \$17,548; THAT THE FORMULA BEHIND THE ASSESSMENT OF THIS PENALTY IS NOT TO BE SEEN AS A PRECEDENT IN ANY FUTURE ENVIRONMENTAL VIOLATIONS; AND FURTHER THAT THE TOWN STAFF COME UP WITH A COMPREHENSIVE ORDINANCE ADDRESSING PENALTIES FOR ENVIRONMENTAL VIOLATIONS.** The motion carried.

3. DISCUSSION REGARDING APPOINTMENT OF STEERING COMMITTEE TO ADMINISTER BIODIVERSITY GRANT.

Ms. Black congratulated Shawn Donovan who wrote the biodiversity grant.

Mr. Donovan stated that for the past several years the Silvio Conte Refuge, which includes all of the Connecticut River watershed and the Town of Hanover, has been funding environmental education and research and management grants. Funding has been granted for one year of a proposed two year grant process to conduct a biodiversity inventory of the Town as a whole with the intention of identifying those areas that are ecologically important, and conducting both scientific inventory to the extent that it can be largely done by volunteers to identify what exists in terms of flora and fauna, where there are large ecological reserves, and where there are areas that constitute ecological linkages which are worthy of being protected in some manner. The intent is to identify priority parcels and try to incorporate findings of the grant into the master plan and to be reflected in ordinances and in environmental protection efforts that either the Town, the Conservation Commission, the Conservation Council or the Upper Valley Land Trust may take. He indicated that letters of support for the grant have come from the Planning Board, the Conservation Commission, the Conservation Council and Professor Richard Holmes of the Department of Biological Sciences at Dartmouth College.

Mr. Donovan explained that the first year's effort will be an attempt to gather existing information, involve photographic interpretation to develop a data base, and do a search of Baker Library for information. This is basically to be an ecological study of the Town with the long-range hope that it may lead to some cooperation in Town Planning and Zoning Ordinances to identify parcels that are important for ecological reasons.

Mr. Donovan feels that it is important that a steering committee be appointed to administer the grant, and will furnish the Board with a list of names. He feels that the committee should include a member of the Conservation Council and the Conservation Commission, and that community members who are interested should have some expertise in this area. He also recommended that the committee be allowed to include members of the community at large in the event that someone from the Biological Sciences Department at the College may wish to volunteer.

Mr. Walsh indicated that the committees that typically work best are those that have a clearly written, one or two paragraph charter. It should also be understood that this committee would be expected to have a two year life, or if the grant were extended, a three year life, but is not to exist in perpetuity.

Ms. Black stated that advertising will begin shortly, and the matter will be put on the next agenda. The Board of Selectmen thanked Mr. Donovan for his work in obtaining the grant.

Nan King asked what the Town intends to do with the study once it is completed, and wondered how seriously the Town would take the results of the study. Ms. Black answered that this would depend on the information obtained from the study. If there are areas that are determined to be sensitive to wildlife habitat, she would think that information would go into any development as a red flag, similar to wetland areas. She feels there is great value in having an inventory of what is in Town.

4. APPOINTMENTS: CONSERVATION COMMISSION; SENIOR CITIZENS ADVISORY COMMITTEE.

Mr. Colligan MADE THE MOTION to appoint Marcia Procopio to an alternate's position on the Conservation Commission. Mr. Manchester SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPOINT MARCIA PROCOPIO TO AN ALTERNATE'S POSITION ON THE CONSERVATION COMMISSION.

Mr. Colligan MADE THE MOTION to promote Elaine Bent from an alternate's position to a full member of the Conservation Commission. Ms. Connolly SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO PROMOTE ELAINE BENT FROM AN ALTERNATE'S POSITION TO A FULL MEMBER OF THE CONSERVATION COMMISSION.

Ms. Black MADE THE MOTION to appoint Frances Cobb to the Senior Citizens Advisory Committee. Ms. Connolly SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPOINT FRANCES COBB TO THE SENIOR CITIZENS ADVISORY COMMITTEE.

5. ADMINISTRATIVE REPORTS.

Ms. Griffin reported that she is involved in finalizing the budget, and also received recently the first draft of the Classification and Compensation Study. She is in the process of renewing that study carefully and will bring a second draft to the Board for discussion. In addition, she reported that the Town is about to begin negotiations with the IAFF. A new method of negotiation will be used with the IAFF this year, called

interest based bargaining. This method involves utilizing a facilitator for a very intensive three day process to arrive at an agreement; this is a good way to get to an agreement relatively efficiently. It is hoped that a similar method can be utilized later in February with regard to AFSCME.

Mr. Walsh asked how good a position the Town was in before the recent snow storm relative to the Public Works budget for the winter. Ms. Griffin answered that the Public Works budget was in excellent shape; about 1% of the snow budget had been expended up until the recent snow storm. In addition, because of fair weather, the

highway crew was able to finish all of the 1999 gravel roads program in the fall of 1998. This means they can accelerate the schedule by one year and will start the year 2000 gravel roads program in the summer of 1999. She added that there was so much recycled asphalt as a result of the Wheelock Street/Ledyard Bridge project and a number of other projects that there was enough asphalt to pay for two year's worth of gravel roads program. During the recent snow storm calcium chloride was used with relative success; the Town will be experimenting with this method this winter to see if it can reduce salt usage only in certain areas and only under certain weather conditions. Calcium chloride is a nice alternative to salt as it is less environmentally damaging; however, it has to be put on before it snows and there has to be very accurate weather forecasts, making it not appropriate for every storm.

6. SELECTMEN'S REPORTS.

Mr. Walsh

Mr. Walsh reported that the Town has received some important gifts from Mascoma Savings Bank to support the purchase of two new defibrillators for the Fire Department. In addition, there was a gift from the Cunningham Family Trust for the purchase of tactical vests for the Police Department. The Board voiced its thanks for both of these gifts.

Ms. Griffin explained that tactical vests are much more sophisticated than bullet proof vests, and are meant to be used only for tactical situations such as hostage rescue situations.

Ms. Connolly

Ms. Connolly referred to a drawing of a proposed conference table, and suggested that it may be too small for the Planning Board. Ms. Griffin answered that Jonathan Edwards had drawn up the plans for the new table, which is large enough to seat up to 16 people. The goal is to make the courtroom more pleasant, and to make it easier for the public and the TV audience to see the entire Board. She added that a budget had not been developed for this project yet.

Ms. Connolly reported that the Planning Board still has the senior institutional housing project on Buck Road on its agenda, and has done work on the Master Plan and the land use chapter and visions for the Planning Board. The Planning Board is also working on adapting maps to the GIS formula. The next Planning Board meeting will hear a couple of Dartmouth College cases, and will begin work on zoning amendments.

Mr. Manchester

Mr. Manchester reported that the upcoming Planning Board meeting will deal with the power station, and with Dartmouth College's request for a reconsideration of the Chase Field matter. The College has filed an appeal with the Court to protect themselves. The upcoming meeting should determine a date for rehearing and reconsideration.

Mr. Manchester also reported that the Howe Library will be meeting January 7th at 3:30.

Mr. Manchester noted that he has been talking with Clint Bean of the Chamber of Commerce about crosswalks and jaywalkers, and the new RSA regarding stopping for pedestrians. Mr. Bean feels that there should be an educational process to be sure people understand what the law is as it pertains to pedestrians' right of way. Mr. Manchester suggested that one good way to educate the public might be to hand out a flyer with each car registration, and to put information on bulletin boards.

Mr. Manchester indicated that Parks and Recreation has a meeting scheduled for January 20th at 6:30 p.m. He also reported that February 13th is scheduled for the Pond Party.

Mr. Colligan

Mr. Colligan had nothing to report.

Ms. Black

Ms. Black had nothing to report.

7. APPROVAL OF MINUTES - December 7, 1998.

Mr. Walsh MADE THE MOTION that the Board of Selectmen approve the minutes of December 7, 1998, as amended. Ms. Connolly SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF DECEMBER 7, 1998, AS AMENDED.

8. OTHER BUSINESS.

Ms. Griffin stated that an anomaly has been discovered in State statutes; RSA 379:6 allows Boards of Selectmen to delegate responsibility for issuing pistol permits to anyone it chooses. Pistol permits have heretofore been signed off by the Police Chief. In dealing recently on a case in District Court on this issue, the Town's prosecutor and the Police Chief had a discussion with the judge as to whether or not the statute as written will allow a Board of Selectmen to delegate this responsibility. It is the Town's interpretation that the Board does have that authority, and Ms. Griffin has a memo from the Town attorney indicating such. She requested the Board to delegate its power of issuing pistol permits to the Police Chief to allow a legal discussion with the judge as to whether or not this is a correct interpretation of the statute.

Ms. Black MADE THE MOTION that the Board of Selectmen delegate the authority to issue pistol permits to the Chief of Police. Mr. Manchester SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO DELEGATE THE AUTHORITY TO ISSUE PISTOL PERMITS TO THE CHIEF OF POLICE.

9. ADJOURNMENT.

Ms. Connolly MADE THE MOTION to adjourn the meeting. Ms. Black SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO ADJOURN THE MEETING.

Ms. Connolly MADE THE MOTION to go to non-public session to discuss a matter which may affect the reputation of an individual. Mr. Walsh SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO GO TO NON-PUBLIC SESSION TO DISCUSS A MATTER WHICH MAY AFFECT THE REPUTATION OF AN INDIVIDUAL.

SUMMARY

1. Mr. Walsh restated his motion to indicate that the Selectmen assess a penalty for violation of a conservation easement on the Paull Subdivision located on King Road in the amount of \$17,548; that the formula behind the assessment of this penalty is not to be seen as a precedent in any future environmental violations; and further that the Town staff come up with a comprehensive ordinance addressing penalties for environmental violations. Ms. Connolly SECONDED THE MOTION, and the Board of Selectmen VOTED FOUR IN FAVOR, ONE (Mr. Colligan) OPPOSED TO ASSESS A PENALTY FOR VIOLATION OF A CONSERVATION EASEMENT ON THE PAULL SUBDIVISION LOCATED ON KIND ROAD IN THE AMOUNT OF \$17,548; THAT THE FORMULA BEHIND THE ASSESSMENT OF THIS PENALTY IS NOT TO BE SEEN AS A PRECEDENT IN ANY FUTURE ENVIRONMENTAL VIOLATIONS; AND FURTHER THAT THE TOWN STAFF COME UP WITH A COMPREHENSIVE ORDINANCE ADDRESSING PENALTIES FOR ENVIRONMENTAL VIOLATIONS. The motion carried.
2. Mr. Colligan MADE THE MOTION to appoint Marcia Procopio to an alternate's position on the Conservation Commission. Mr. Manchester SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPOINT MARCIA PROCOPIO TO AN ALTERNATE'S POSITION ON THE CONSERVATION COMMISSION.
3. Mr. Colligan MADE THE MOTION to promote Elaine Bent from an alternate's position to a full member of the Conservation Commission. Ms. Connolly SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO PROMOTE ELAINE BENT FROM AN ALTERNATE'S POSITION TO A FULL MEMBER OF THE CONSERVATION COMMISSION.
4. Ms. Black MADE THE MOTION to appoint Frances Cobb to the Senior Citizens Advisory Committee. Ms. Connolly SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPOINT FRANCES COBB TO THE SENIOR CITIZENS ADVISORY COMMITTEE.

5. Mr. Walsh MADE THE MOTION that the Board of Selectmen approve the minutes of December 7, 1998, as amended. Ms. Connolly SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF DECEMBER 7, 1998, AS AMENDED.
6. Ms. Black MADE THE MOTION that the Board of Selectmen delegate the authority to issue pistol permits to the Chief of Police. Mr. Manchester SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO DELEGATE THE AUTHORITY TO ISSUE PISTOL PERMITS TO THE CHIEF OF POLICE.
7. Ms. Connolly MADE THE MOTION to adjourn the meeting. Ms. Black SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO ADJOURN THE MEETING.
8. Ms. Connolly MADE THE MOTION to go to non-public session to discuss a matter which may affect the reputation of an individual. Mr. Walsh SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO GO TO NON-PUBLIC SESSION TO DISCUSS A MATTER WHICH MAY AFFECT THE REPUTATION OF AN INDIVIDUAL.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted,


John Colligan, Secretary

These minutes were taken and transcribed by Nancy Richards.