

FINAL

BOARD OF SELECTMEN'S MEETING

October 23, 2000

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, Brian Walsh. Present were: Brian Walsh, Chairman; Katherine S. Connolly, Vice Chairman; Marilyn Black; William Baschnagel; Jay Pierson; Julia Griffin, Town Manager; and members of the public.

Mr. Walsh announced that this meeting was being taped by CATV 6 and that hearing enhancement equipment was available for anyone who wished to use it.

1. PUBLIC COMMENT.

There was no public comment.

2. AUTHORIZATION TO EXTEND LEASE WITH STEPHEN AND RAYMOND BUSKEY INVOLVING TOWN-OWNED LAND UTILIZED FOR PARKING IN EXCHANGE FOR PRIVATE LAND UTILIZED FOR SIDEWALK.

Ms. Griffin explained that the lease with Stephen and Raymond Buskey is straightforward. The lease was signed in 1991 and extended in 1996; it especially affects a property swap between the Buskeys and the Town of Hanover. Ms. Griffin referred to a diagram at the back of the lease. She noted that the Buskeys own the portion of the land that becomes the sidewalk and pullover area in front of EBA's and the Omer and Bob's building at 5 and 7 Allen Street. In exchange for the Town's use of that portion of the Buskey's parcel, the Town has made available a sliver of land, designated as parcel A, that is located at the rear of 7 Allen Street on the south side of the fence that delineates the Buskey property from the parking lot owned by the Town between Coldwell Banker and Roberts Flowers. In 1991, and reaffirmed in 1996, that sliver of land was essentially traded for the property the Buskey's own at the front of 5 and 7 Allen Street as well as parcel E which is the driveway entrance to the parking areas behind the Buskey building.

Ms. Connolly commented that she is bothered by the fact that she had absolutely no knowledge of this swap whatsoever, and defied anyone to produce selectmen's minutes that describe it. She added that she would be unwilling to extend the arrangement for another ten years without ever having seen this before.

Ms. Griffin explained that what is being requested is essentially a repeat of a previous arrangement, and she added that there is no obligation for the Town to concur with a second five year term.

Mr. Baschnagel stated that from a parking point of view it is a great idea to end up with another six or eight parking spots downtown that would not otherwise be there.

Mr. Baschnagel MADE THE MOTION to extend the lease with Stephen and Raymond

Buskey as proposed involving Town-owned land utilized for parking in exchange for private land utilized for a sidewalk. Ms. Black SECONDED THE MOTION and the Board of Selectmen VOTED FOUR IN FAVOR, ONE (MS. CONNOLLY) OPPOSED TO EXTEND THE LEASE WITH STEPHEN AND RAYMOND BUSKEY AS PROPOSED INVOLVING TOWN-OWNED LAND UTILIZED FOR PARKING IN EXCHANGE FOR PRIVATE LAND UTILIZED FOR A SIDEWALK. THE MOTION CARRIED.

3. DISCUSSION REGARDING INTERIM ON-STREET PARKING SPACES.

Ms. Griffin noted that she had promised the Board that there would be an agenda item to discuss interim parking spaces once the parking garage opened. Contained in information supplied to the Board was the status of the interim spaces that were created approximately 18 months ago to try to address a short-term parking need. Originally, the Town had outlined the possibility of 69 parking spaces, but some of those spaces on Sanborn, for example, were eliminated due to the street's narrowness, and the number of interim additional parking spaces created was approximately 55 spaces. Ms. Griffin noted that she has come up with some suggestions for the Board with regard to what spaces the Board may consider retaining because they seem to be working quite well, and those spaces that are not terribly efficient or safe and should probably be eliminated.

Mr. Walsh stated that his recollection is that the Selectmen made a commitment to those members of the public who had attended the earlier public hearing on this matter that these spaces would be eliminated once the parking facility opened.

Ms. Griffin indicated that she had reviewed the minutes and found that the Board decided to revisit the issue of the interim parking spaces as to whether or not to retain any of the spaces, but the intention was that most likely the spaces would be used on an interim basis. She added that some of the parking spaces are popular while others are not.

Mr. Walsh commented that he believes the impression left with the public is that the spaces would disappear or that there would be another public hearing. While he does not have any specific views on Ms. Griffin's recommendations, he would like the Board to hold a public hearing with the proposal announced in advance so that people from Allen Street Extension, for example, would have an opportunity to give the Board their thoughts.

Ms. Griffin explained that the Board would need to hold a public hearing in any event to amend the parking ordinance to make the interim spaces into permanent spaces. The reason for putting this issue on the agenda was to allow an opportunity for the Board to get a sense of the performance of the spaces and to ask questions to frame issues to be discussed for a public hearing.

Mr. Pierson asked what the need was in terms of a demand for lease spaces. Sgt. O'Neill answered that there are approximately 50 to 60 people who have expressed interest in being contacted about a lease space. Mr. Baschnagel asked if the spaces were retained and leased, what rate would be recommended as a lease payment. Sgt. O'Neill answered that there has been discussion about a \$45 to \$50 range per month for a lease payment.

Mr. Baschnagel noted that early on in the process there was discussion about removing

some of the meters on Main Street northbound before the turn on South Street, and looking at the turn lane on Lebanon St. with a view toward facilitating people coming up Main St. rather than coming up Currier St. Ms. Griffin explained that she had asked the police department to monitor both of those intersections to see how the turning motions go in the morning when there is likely to be an onslaught of arrivals in the parking garage. She noted that ideally the spaces in front of Ramuntos would be eliminated.

Mr. Baschnagel pointed out that one of the commitments made to the people who live on Currier Street was to try to make it easier to use alternatives. Ms. Griffin answered that another possibility was to see if they would want to recommend removing some number of the parking spaces in front of the Post Office to allow for better right-hand turns. She noted that so far things seem to be flowing quite well, although in some ways it may be too soon to tell. She feels that a couple of weeks may be needed to see how things will develop.

Mr. Baschnagel indicated that he made use of the free parking in the parking garage last week, and turning in off from Lebanon Street there were cars parked immediately adjacent to the turn-in. He asked whether or not those are legal parking spaces. Ms. Griffin answered that those spaces are parking spaces which were added. Mr. Baschnagel stated that both of those spaces need to be marked with striping or by some other means as they create a very dangerous situation. Mr. Walsh commented that he had exactly the same reaction that parking spaces along Lebanon Street from Hanover Park to the Lodge need to be re-thought because there are probably two or three spaces that should not be there.

Ms. Connolly asked about producing some "Enter Here" signs as she has already had complaints about that issue. Sgt. O'Neill answered that they will need to make up something temporarily for the entrance to instruct people where to enter.

Ms. Black commented that going down South Street and looking in the door to the facility to what most people think is the entrance is a sign that says "No Parking. Sgt. O'Neill indicated that there should be an "Exit Only" sign at that location.

Mr. Baschnagel noted with regard to entrance signs that the College had designed two vertical signs to go on the street signposts; he assumes that the signs have not been finished yet.

Mr. Walsh asked that the College be notified that the Selectboard would like a report at its next meeting from the College as to how soon those signs were installed. He noted that signage is extremely important in terms of establishing habits.

Ms. Black suggested having a transaction ad in the Valley News indicating where the entrance to the parking facility is located. Mr. Walsh agreed that a transaction ad would be a good idea, with the same information being turned into a card produced by the Chamber of Commerce and handed out at all local retail establishments. Ms. Griffin noted that a card has been produced and distributed containing a map and the times of operation of the facility.

The Board discussed other issues regarding the facility including the size of the parking spaces and the possibility of marking some of the spaces for compact cars as a courtesy to the public. Ms. Griffin asked that members of the Board provide her with feedback as they hear it. She noted that there is still work to be done at the facility including installation of curbing and final paving. Mr. Baschnagel referred to a comment made at an earlier meeting regarding billing the contractor for the free week of parking. Sgt. O'Neill stated that it looks as if there were 1,200 cars that utilized the free parking. Ms. Griffin indicated that she will be providing the Board with weekly numbers from the parking facility.

Mr. Walsh noted that there is a proforma for the parking structure that shows what the weekly numbers should be in order to break even, and he would be interested in receiving the usage numbers from the facility. Ms. Griffin answered that it will take a couple of weeks to get the spreadsheet to the point where there is a workable model, and she asked for the Board's patience as they juggle with trying to get logistical issues dealt with at the facility.

Mr. Baschnagel commented that the proforma for the facility makes assumptions about revenue generation in terms of both short term and long term parking. He suggested that the difference between breaking even and not breaking even has to do with short term parkers in terms of how many there are and how long they stay. He wondered if things were moving in the direction that says there is a hope of breaking even or if there are adjustments that are necessary.

Mr. Walsh commented that if in fact the facility is not being used on a short term basis there is the opportunity to lease more spaces, and that opportunity becomes more and more attractive as winter arrives.

Ms. Black asked Ms. Griffin to thank Sgt. O'Neill for all of his work.

4. REQUEST TO USE TOWN LOGO.

Ms. Griffin stated that the owners of Traditionally Trendy approached the office to ask if they could use the Town's logo to make t-shirts. Although she did not discuss with them a percent of sales of the t-shirts flowing to the Town pursuant to the use of the logo, this is not unusual.

Ms. Black pointed out that Dartmouth College charges a percent of sales for use of the Dartmouth logo. Ms. Griffin added that they also have design consultation requirements so that their logo is not misused.

Mr. Pierson asked if anyone else currently uses the Town's logo. Ms. Griffin answered that there are t-shirts at the Dartmouth Bookstore with the Town's logo that have been created in conjunction with the original Japanese visit. Although there are regular requests to make the logo available, particularly for on-line uses, those requests are denied. However, in this instance it is a local merchant who is making the request so she thought it would be wise to bring the issue to the Board for discussion.

Mr. Pierson asked if those that are using the logo are paying royalties. Ms. Griffin answered that the bookstore is not paying a royalty; they created the t-shirt as a sort of project.

Mr. Baschnagel noted that he has a reluctance regarding this issue, although he is not sure exactly why. Part of his reluctance is that although he has no problem with the t-shirts, he is concerned about opening the door as to what else it might wander off to. He feels that the use of the logo in conjunction with Town employees wearing t-shirts, dump trucks with the Town's logo and people affiliated with the Town in a more formal sense is fairly straightforward, but moving into the commercial world is a concern to him.

Mr. Pierson asked how the logo was used in conjunction with Town uniforms. Ms. Griffin answered that there are a variety of logos, and the Town grants quite a bit of liberty to Town employees in ordering shirts, jackets and sweatshirts of different colors. The Town's logo can be seen on police department and fire department gear in addition to what is worn by the public works staff. She explained that the Town employees are provided a uniform allowance and they can then order the pieces that they want, with the embroidery done locally.

Mr. Pierson asked if the Town employees were proud of the logo. Ms. Griffin answered that they are, therefore there is some danger in it appearing all over the place. She feels that it somehow loses its value if it is seen too frequently, but her sense is that there are enough people who enjoy the Town of Hanover that the owner of Traditionally Trendy might be trying to incorporate the logo with some additional design. She feels that the Board would want to be able to review the designs if they approve this request.

Mr. Walsh suggested that Ms. Griffin seek guidance on this issue as Hanover cannot be the first town in which this question has been posed. Ms. Griffin indicated that she would investigate as to whether this issue has been raised in other towns about the pros and cons of making a town's logo more generally available to the public.

Mr. Baschnagel commented that one thing that comes to mind is that the t-shirts should be designed in such a way that they would not be interpreted to be a uniform so that someone might use to misrepresent themselves as a Town employee.

5. **APPOINTMENTS: BIKE COMMITTEE**

Ms. Connolly MADE THE MOTION that the Board of Selectmen appoint the following individuals to the Bike Committee: Mary Anne Rankin, Bob Norman, Tom Linell, Steve Ketcham, Hugh Mellert, Bill Young, Carol Weingeist, Charles Sullivan and Scot Drysdale. Mr. Baschnagel SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPOINT THE FOLLOWING INDIVIDUALS TO THE BIKE COMMITTEE: MARY ANNE RANKIN, BOB NORMAN, TOM LINELL, STEVE KETCHAM, HUGH MELLERT, BILL YOUNG, CAROL WEINGEIST, CHARLES SULLIVAN AND SCOT DRYSDALE.

Ms. Black suggested that an advertisement also be placed seeking members for this committee so that other individuals may be considered.

6. ADMINISTRATIVE REPORTS.

Ms. Griffin reported that the Manchester Union Leader has done more coverage than the Valley News of the coalition communities' court case being heard in Rockingham Superior Court. She noted that the final day of the court case may be in the next couple of days. She suspects that Tom Clauson, the lead attorney, will do an update for the coalition members once the trial has been completed.

Mr. Baschnagel noted that the tenor he gets from reading the Valley News articles is that the focus of the case is on the equity of the valuation system which would lead to a judgment that would appear to have little to do with the thrust of the education funding issue, only the mechanics of it. Ms. Griffin agreed, noting that the premise is that the system is flawed and therefore cannot adequately allocate a statewide property tax based on a flawed system of equalizing property tax rates statewide. She feels that clearly the judge knows that his role in this is simply to frame the issues for a Supreme Court appeal which she believes will happen regardless of who comes out the winner and loser. Ms. Griffin noted that everyone had hoped that if the system could be demonstrated to be seriously flawed, the cost of a fix may be so staggering that it therefore would lead people to consider an alternative. She pointed out that the judge could order some sort of a statewide revaluation, and the big concern is the frequency or lack of consistent revaluations around the state which the judge has found so disturbing, as well as the apparent arbitrary nature of the equalization process which he does not feel has been very scientifically valid.

Ms. Griffin also reported that she is getting ready to do a background piece on home rule to send to property owners in Hanover. It is not meant to be a political piece, it is simply to help people understand what the constitutional amendment is all about. She feels that there is a significant lack of knowledge about what home rule even consists of and what its value would be depending upon how one feels about home rule. The letter will be completed by the end of the week with the intention to send it out the following week.

Ms. Griffin noted that her office has received a lot of complaints about political signs in the right of way. She explained that State law indicates that the signs not be in the right of way, either State owned or Town owned. The signs can, however, be on private property with the written permission of the property owner. Ms. Griffin indicated that she had the same problem in Concord, and an ordinance was passed that allowed signs in the city right of way but with certain restrictions as to the number allowed, and the stipulation that they be removed within 48 hours of the election. If the signs were not removed, the city would remove them at the expense of the candidate. Ms. Griffin asked if such an ordinance was something the Board might consider adopting.

Mr. Baschnagel asked for the nature of complaints received. Ms. Griffin answered that the complaints were in reference to the proliferation of signs within the right of way. She added that the Town started removing signs this past weekend because technically it is illegal to locate them in the right of way unless there is a modifying ordinance that allows them.

Mr. Baschnagel stated that while he fully appreciates that ignorance of the law is no excuse, his concern is that most people do not understand the law in this regard and have not been educated. Ms. Griffin assured Mr. Baschnagel that the public has been educated and informed; some of them keep putting the signs up after the Town takes them down. Mr. Baschnagel noted that his concern is relative to the Town carrying out the State's business; he feels that if the State has passed a law, they should take care of the problem. Ms. Griffin explained that the State has passed a law that applies to both their right of way outside their urban compact and the Town's right of way within the urban compact.

The Board set the schedule for each Selectmen's hours at the polls for election day on November 7th.

7. SELECTMEN'S REPORTS.

Mr. Pierson

Mr. Pierson had nothing to report.

Mr. Baschnagel

Mr. Baschnagel reported that the Conservation Commission is continuing discussions on the Paull remediation plan. The Conservation Commission is quite concerned that the terms of the conservation easement conflict with the remediation plan as prepared by the Planning Board. There is also a question as to what has been done and not been done in terms of the plan. There was a suggestion that the Conservation Commission discuss with the property owners what their expectations are. Mr. Baschnagel noted that this is an unfortunate situation.

Ms. Connolly commented that she believes the remediation plan actually came from the Selectboard and the Town of Hanover, and if there is a conflict she believes it would be with the Selectboard rather than the Planning Board.

Mr. Baschnagel noted that he thinks the issue will be one of the Conservation Commission recognizing the expectations of the property owners at the time the remediation plan was done. There are a couple of members of the Conservation Commission who are quite concerned about the implications of the remediation plan and what it does to that portion of the conservation easement. Ms. Griffin explained that the goal was to be sure that there were representatives from all sides to talk about the issues still outstanding, and her sense is that the issues will be resolved.

Mr. Walsh stated that he did not put this issue on the Board's work list for the coming year, but he would like the Board to look at seeking a bond for things to be built as stated and plans to be delivered on. Ms. Griffin pointed out that this is done already for things other than just road construction, but the Board has really only started doing this in the last year or so. The attempt is to move toward a more comprehensive bond that requires serious adherence to the site plan on all of the critical elements of a project, and not just what could become public infrastructure in the future. This is a way to hold the developer to the plan as approved, as well as making them come back to the process if they stray from the

site plan.

Mr. Baschnagel commented that the Simpson subdivision is still generating a lot of attention. A suggestion was put forth as to whether it might be more complex than those members of the Board who are amateurs felt comfortable dealing with. One of the concerns of the Conservation Commission was that the site is very fragile and the plan calls for considerable earth movement. He feels that this may be an opportunity to bring in some expert help.

Regarding the open space plan, Mr. Baschnagel stated that the Conservation Commission is trying to complete its review by November 15th. The question was raised as to how the plan gets validated, and Mr. Baschnagel pointed out that he was not a party to earlier discussions of this issue at Town Meeting. Mr. Walsh answered that his memory is that after the Town Meeting created the two funds that the Conservation Commission was to create an open space plan with substantial public input, which is the process that is about to be completed. He feels that it is a great plan; the next step was to have the plan accepted or validated by the Town. Mr. Walsh's inclination is that either the Planning Board and the Selectboard sit together and receive and accept the report, or the Planning Board reviews it and the Planning Board and Conservation Commission recommend it to the Selectmen for their acceptance. He does not feel that the Conservation Commission or the team that has done the work should come to the Board only for the Board to make small changes. He also feels that on the night the plan is presented that the Board should give some type of reaction to the plan. He suggested that this be placed on the agenda for the November 20th Selectmen's meeting.

Ms. Griffin noted that she had talked with Judy Reeve recently who had indicated that there was a fair amount of rewriting necessary to the plan in light of all of the feedback received. She feels that before the Board sets a date that it should probably hear from Ms. Reeve regarding their timeline.

Mr. Walsh indicated that he feels the Board should be ready to discuss the plan as soon as it is finished and after the Planning Board has had a chance to review it. If the Conservation Commission would like the Planning Board to meet with the Selectboard jointly on the night of November 20th or two weeks later he feels that would be fine.

Ms. Connolly commented that the point of the exercise was to prioritize the open space for maintenance and acquisition because of the division of the fund, so that in fact it was a demonstration project for the Board of Selectmen. The point was simply to demonstrate what the Conservation Commission would attempt to do with the money.

Ms. Connolly noted that the Planning Board probably would not require another meeting because they were delighted with the open space plan; she complimented those who worked on it for their incredible amount of work and for a job well done. She added that otherwise the Planning Board was working on the Simpson subdivision which is becoming increasingly complex; she suggested that the recommendation for an outside expert is probably a welcome one as the project is huge and located on a very fragile site.

Ms. Black referred to another Simpson Development project, The Falls in West Lebanon,

and noted that she would hate to see the hillside on Greensboro Road be stripped like The Falls was. She feels that The Falls is the worst example of the kind of development that Hanover does not want. Ms. Connolly pointed out, however, that the Simpson plan is the type of plan that takes only one-third of the acreage for development. She noted that there are unfortunate tradeoffs in order to preserve the other two-thirds of the site.

Mr. Walsh stated that the last two Simpson subdivisions had severe problems with earth work, and that neither one of them has been successful. He is very concerned that someone with as bad a track record as Simpson Development has with regard to re-working large amounts of land will be working on the Hanover site. He feels that the question of bonding is important given the recent history of this developer.

Ms. Connolly also reported that shortly a group of 18 citizens from Nihonmatsu will be arriving in Hanover. She and Ms. Griffin gave a brief summary of their itinerary while in town.

Ms. Black

Ms. Black reported that she had recently seen a robot compactor on Park Street. She also displayed a picture of a lion she had taken while on her trip to Africa.

Mr. Walsh

Mr. Walsh reported that the Howe Library had held a superb annual meeting recently. James Wright, President of Dartmouth College, addressed the Library incorporators and discussed where the College was going physically and his desire for good relations between the Town and the College.

8. APPROVAL OF MINUTES: SEPTEMBER 25, 2000

Mr. Pierson MADE THE MOTION to accept the minutes of September 25, 2000 as corrected. Ms. Connolly SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO ACCEPT THE MINUTES OF SEPTEMBER 25, 2000 AS CORRECTED.

9. OTHER BUSINESS.

There was no other business to come before the Board.

10. ADJOURNMENT.

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

Ms. Black MADE THE MOTION to go to non-public session to discuss a matter which may affect the reputation of an individual. Ms. Connolly 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. Baschnagel MADE THE MOTION to extend the lease with Stephen and Raymond Buskey as proposed involving Town-owned land utilized for parking in exchange for private land utilized for a sidewalk. Ms. Black SECONDED THE MOTION and the Board of Selectmen VOTED FOUR IN FAVOR, ONE (MS. CONNOLLY) OPPOSED TO EXTEND THE LEASE WITH STEPHEN AND RAYMOND BUSKEY AS PROPOSED INVOLVING TOWN-OWNED LAND UTILIZED FOR PARKING IN EXCHANGE FOR PRIVATE LAND UTILIZED FOR A SIDEWALK. THE MOTION CARRIED.**
2. **Ms. Connolly MADE THE MOTION that the Board of Selectmen appoint the following individuals to the Bike Committee: Mary Anne Rankin, Bob Norman, Tom Linell, Steve Ketcham, Hugh Mellert, Bill Young, Carol Weingeist, Charles Sullivan and Scot Drysdale. Mr. Baschnagel SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPOINT THE FOLLOWING INDIVIDUALS TO THE BIKE COMMITTEE: MARY ANNE RANKIN, BOB NORMAN, TOM LINELL, STEVE KETCHAM, HUGH MELLERT, BILL YOUNG, CAROL WEINGEIST, CHARLES SULLIVAN AND SCOT DRYSDALE.**
3. **Mr. Pierson MADE THE MOTION to accept the minutes of September 25, 2000 as corrected. Ms. Connolly SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO ACCEPT THE MINUTES OF SEPTEMBER 25, 2000 AS CORRECTED.**
4. **Ms. Black MADE THE MOTION to adjourn the meeting. Ms. Connolly SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO ADJOURN THE MEETING.**
5. **Ms. Black MADE THE MOTION to go to non-public session to discuss a matter which may affect the reputation of an individual. Ms. Connolly 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 8:40 p.m.

Respectfully submitted,

Jay Pierson, Secretary

These minutes were transcribed by Nancy Richards.