

FINAL

BOARD OF SELECTMEN'S MEETING

NOVEMBER 18, 2002

7:30 PM – MUNICIPAL OFFICE BUILDING – HANOVER, NH

The meeting of the Board of Selectmen was called to order at 7:30 pm by the Chairman, Brian Walsh. Present were: Brian Walsh, Chairman; Katherine Connolly, Vice-Chairman; William "Bill" Baschnagel; Peter Christie; Judson "Jay" Pierson; Julia Griffin, Town Manager; and members of the public.

1. PUBLIC COMMENT

There was no public comment.

2. PUBLIC HEARING FOR CONSIDERATION AND APPROVAL OF A REQUEST BY THE APPALACHIAN TRAIL CONFERENCE TO INSTALL WATERBARS ON WOLFEBORO ROAD, A CLASS VI HIGHWAY

Julia Griffin advised of the permit request to install of a series waterbars on Wolfeboro Road. She said as outlined in Hanover's Ordinance # 4, *Private Construction on Class VI Highways*, notice of this permit request was published and sent to the abutters. Ordinance # 4 also required the Selectmen to address the permit request if an objection was raised within 10 days of the date of the notification. Ms. Griffin said the Town received two letters expressing concern about the proposed construction. She said the Conservation Commission re-reviewed the project at their November 13, 2002 meeting and voted unanimously to reconfirm their previous endorsement with the understanding that the work would be intended to preserve the trail's integrity for hiking; not to facilitate wheeled vehicle use.

Brian Walsh opened the public hearing. He said he believed there were two issues at hand: determining if this project should be considered as maintenance of a Class VI road that would require extensive action and addressing the concerns of the abutter.

J. T. Horn, Manager of the Appalachian Trail Conference's (ATC) New England operation in Lyme, said the ATC was concerned with the erosion that was currently taking place and its effect on the existing recreation experiences on this section of Wolfeboro Road. He spoke of the large amounts of water that run down the hill unimpeded that would eventual create gullies or trenches and could prevent pedestrian access to the area. He explained that the National Park Service was a major abutter to this area. It was also where the current Appalachian Trail crossed over Wolfeboro Road. He said if this were ATC land, the ATC would want to address the environmental problem. Since it was the Town's land, the ATC was asking permission to help the Town fix it. He said the ATC was working very closely with the Conservation Commission and its subcommittee, the Trails Committee, who had actually done most of the planning and work associated with placement of the waterbars. Mr. Horn said the work would not be done in a way that would encourage vehicle traffic.

Doug McIlroy, Commissioner of the Conservation Commission's Trails Committee, said the project was simply to try to preserve the road as an amenity as a trail in Hanover and not in any way to make it more useful for vehicles. The notion would be to put drainage swales across the road, creating lumps and making the road rougher. He believed it would be unfortunate to allow Wolfeboro Road to erode away like other Class VI roads due to Wolfeboro Road's connection to the Appalachian Trail and the fact that it housed one of the Trail's shelters.

Speaking to a letter Helen Lacoss submitted in opposition to the work Mr. McIlroy said the drainage diversions would be quite deep, not like the small diversions Mrs. Lacoss referred to. Relative to Mrs. Lacoss' statement that water would drain onto her land, Mr. McIlroy said it already did. He spoke of a large diversion that directed everything that ran off the mountain onto Mrs. Lacoss' property. He hoped this work would decrease the impact to Mrs. Lacoss' land by diverting smaller increments of water, instead of one big one at the bottom. He approximated that the first 10 of the 33 waterbars proposed would affect Mrs. Lacoss' land. He suggested installing an unlocked gate to further deter vehicular activity.

Robin Carpenter, Vice Chair of the Conservation Commission, appeared on behalf of the Commission's Chair, Judy Reeve to emphasize the Commission's very strong support for this project. He spoke of his visit to the area and of a section of road that was now a 6' to 8' gully. He said the project was to try to keep that loss from happening again. Mr. Carpenter said Hanover had a lot of trails and was proud of them. He believed it would be an unwise loss to let this small part of Hanover's recreational resource wash away.

Richard Kendal, of 135 Three Mile Road, said he did not object to the work but was concerned with the amount of traffic utilizing the road. He suspected that if the road was maintained at a better level the amount of vehicular traffic would increase.

Nancy Cole, daughter to Helen Lacoss, expressed concern for the maintenance planned along her mother's property. She said the land was very steep. Currently the water ran down tire tracks. She said a significant section of Wolfeboro Road, the first section up to an old logging landing, was maintained by a private landowner. Beyond that the road was rutted by vehicles. Mrs. Cole believed the existing waterbars in this area were doing far more damage to a neighboring property than the water running down the tire tracks. Mr. McIlroy explained some of the new waterbars would replace those old ones. Mrs. Cole provided pictures of existing conditions, taken November 17, 2002 and gave a brief explanation of each picture. She suggested the Selectmen visit the site and witness the steepness prior to making a decision.

Mr. Horn explained that erosion occurred as water picked up speed. The goal of installing these drainage structures would be to dissipate the runoff, a little bit at a time, and eliminate the major erosion problem. He said if done correctly there would be a small amount of siltation as opposed to large gullies or washouts. Some deposits might build up over time but there should not be any erosion.

Dave Chioffi, from Etna, asked why the Conservation Commission was not paying for this work to be done. Mr. McIlroy said the ATC had a considerable interest in keeping access to the trail. Private contributions would be sought for any balance the ATC did not fund. Robin Carpenter said the Conservation Commission had a limited budget. The ATC was willing to sponsor some maintenance work that benefited Hanover's property, the Commission was happy to take advantage of that. He did not see that there was any incursion on Hanover's rights of ownership. J. T. Horn explained the money involved was fairly limited. The ATC had pledged up to \$200. Mr. Chioffi expressed concern for the ATC's motives and questioned whether this involved widening the trail. Mr. Horn assured Mr. Chioffi that this project was about erosion and hiking, not land acquisition. There were no other plans to expand the corridor or acquire any more land.

Elaine Bent, from Etna, asked of the Town's attitude on the issue of putting waterbars on a Class VI road and maintaining the road, which was against State statutes. Bill Baschnagel understood that the State prohibited the use of Town highway funds to maintain Class VI roads. He believed if the Trails Committee or Conservation Commission chose to use some of their funds to support this project that was acceptable.

Nancy Cole argued this project went against sections B(3) and B(5) of Hanover's Ordinance #4 with regard to interrupting a stonewall on the south side of the road and directing water into a new watercourse onto abutting properties. Mr. Horn said the ATC would be happy to work with a condition that there be no disturbance to any stonewalls in the area. Mr. Carpenter reiterated that that all of the runoff from the mountain was already draining onto Mrs. Lacoss' land via a major erosion cut near her property. He said any prior diversion up hill from that would serve to lessen the amount of flow going through that cut onto Mrs. Lacoss' land.

Helen Lacoss said the Appalachian Trail provided an alternate route to the top of the mountain. Wolfeboro Road was very steep and difficult to walk, but she believed there was a need for difficult trails just as there was a need for easy trails. She did not believe this project would help the road very much. Vehicles would tear the work up and water would run down the road again.

Brian Walsh said it appeared as though the first 11 waterbars would border the Lacoss property. He asked if there was any opposition to the rest of the waterbars planned for the easterly slope of Moose Mountain. Mrs. Lacoss believed those waterbars would be situated on government land. Ms. Griffin said all abutters were notified; the only one to register an objection was Mrs. Lacoss.

Mr. Walsh asked if gates would be effective. Mrs. Cole felt that an unlocked gate would not work and locking a gate at this location was illegal. Mr. McIlroy spoke of the gates at the ends of Cory Road that appeared to be effective in cutting off some of the traffic. Mrs. Lacoss said the situation at Cory Road was very different from this as there were residents at both ends of Cory Road who saw to it that the gates remained closed. Jay Pierson asked if a gate could include boulders. Bill Baschnagel said that could be argued

both ways. Mr. Walsh wondered if Wolfeboro Road could end after the proposed 11th flag. Ms. Griffin said Wolfeboro Road was a symbolic Class VI road in Hanover, she could imagine there being valid points on either side of that argument. Mrs. Lacoss reminded the Selectmen that the Town did not own the land; it owned the right of way. Mr. Baschnagel said if it was found that the road was particularly susceptible to damage by vehicular use, the road could be posted restricting vehicles. Both Mrs. Lacoss and Mrs. Cole argued that could not be enforced.

Mr. Baschnagel said as described, the road was already damaging Mrs. Lacoss' property. He wondered if the Trails Committee and ATC could work with Mrs. Lacoss for a better solution that would minimize impact on her land and still address the environmental and recreational issues at the same time. Mrs. Lacoss did not think the existing waterbars would last much longer. She believed that once the Town began working on Class VI roads other people would come forward asking to have their Class VI road fixed. The Town had let nature take its course for many years. She said there were a lot of trails in Hanover that were well taken care of. In her opinion, this work was not necessary but if approved, she would prefer not to have the stonewall disturbed.

Katherine Connolly asked of the number of waterbars that would be installed. Doug McIlroy said 30 places had been located that were plausible. Most likely, they would not be able to install that many due to the resources and time constraints. The idea was to do all of the work in one day. The most important waterbars would be those proposed for the steeper part of the west side of the mountain, which was across from the Lacoss property.

Mr. Walsh said he was comfortable with the waterbars proposed for flags 12 and on but was not comfortable with flags 1 to 11 or with the current road use. He believed that figuring out how to deal with the four wheel drive activity in areas like this had value to the Town. He suggested that the Selectmen approve the work for flags 12 and on and that they ask the ATC and Conservation Commission to look carefully at the border of the Lacoss land and even further as to what would be appropriate for having this portion of the Wolfeboro Road remain more natural or not so terribly eroded. Mr. Baschnagel questioned the benefit of breaking the work into two projects. The excavator would have to travel over the section where flags 1 to 11 would be to get to flags 12 and up. That activity might make the road more attractive to vehicle use and erosion. Mr. Horn agreed that was a legitimate concern but said if the work was done under the driest conditions it would probably be manageable. Ms. Connolly felt that it would be that much more difficult for a vehicle to travel up that road if there was an assortment of swoops and dives. She said it was a fact of physics that if you leak water off at various points you reduce the pressure and the damage is lessened. She agreed with Mr. Baschnagel that this should be done as one project.

Peter Christie asked if the road would eventually wash away over the years if nothing was done. Mr. Horn suggested that over the next 30 years the situation would evolve from 2' to 3' of erosion to 6' to 8'. Mr. McIlroy added that as the trenches become deeper they become more difficult to fix. Mr. Christie asked when the work would be

done. Mr. Horn said the best time would be next July or August during a dry spell. Mr. Christie asked of future maintenance issues and how they would be addressed. Mr. Horn said maintenance would be dependent upon the amount of vehicle traffic that utilized the area.

Nancy Cole again suggested that the Selectmen walk the route prior to making a decision. Mr. Walsh agreed and suggested the Selectmen visit the site and readdress this issue at their December 16, 2002. Ms. Connolly felt that the destruction by wheeled vehicles was a separate issued that should be addressed simultaneously but separate from this project. Mr. Walsh asked the Conservation Commission and ATC to help the Selectmen with some proposals relative to wheeled vehicles. He also asked the Selectmen to visit the site and become familiar with the locations of flags 1 to 11. Mr. McIlroy said he was happy to hear that the Selectmen would consider using gates. He said the Conservation Commission would go back and think hard about that. Mr. Baschnagel asked to delay the issue for four months to allow the Conservation Commission ample time to work on alternatives and address the issues raised. He also thought it might be beneficial to witness the effects of mud season in this area. The Selectmen reached consensus to reschedule this matter to their last meeting in April 2003.

3. REQUEST OF THE HANOVER AREA CHAMBER OF COMMERCE TO ALLOW FREE HOLIDAY PARKING IN DOWNTOWN HANOVER ON SATURDAY, NOVEMBER 30, DECEMBER 7, 14 AND 21, 2002

Brian Walsh said this would involve free on-street parking, in the municipal metered spaces, as well as free parking at the Town's parking facility. He recalled that the Selectmen had tried many different free holiday parking scenarios over the past 10 years; this was the solution that worked best for the merchants and shopping public, and was least likely to be abused by others. Mr. Chioffi said advertising would be done to let the public know that this would happen and that employees of the downtown area would be discouraged from using the free spaces.

Jay Pierson MOVED to approve the request to allow free holiday parking in downtown Hanover as proposed. Bill Baschnagel SECONDED. THE SELECTMEN VOTED UNANIMOUSLY TO APPROVE THE REQUEST TO ALLOW FREE HOLIDAY PARKING IN DOWNTOWN HANOVER AS PROPOSED.

4. RECOMMENDATION TO AUTHORIZE SALE OF BONDS FOR THE AMOUNT OF \$1,500,000 FOR THE CONSTRUCTION OF THE SENIOR/COMMUNITY CENTER

Julia Griffin read the six components of the motion as required by law and asked the Selectmen to vote:

1. That the Town shall issue a bond for community and senior center purposes (the "Project") in the principal amount of \$1,500,000 (the "Bond") under and pursuant to the Municipal Finance Act, the New Hampshire Municipal Bond Bank Law and the vote under Article 16 of the Warrant at the Annual Town Meeting held on May 14, 2002.
2. That the Bond shall be issued as a single registered Bond, dated as of its issuance date and sold to the New Hampshire Municipal Bond Bank (the "Bond Bank") at the price of par.
3. That the Treasurer and any member of the Board of Selectmen are authorized to determine the form, the maximum interest cost rate and the annual principal maturities of the Bond and to execute a Loan Agreement with the Bond Bank to evidence the sale and award of the Bond, such form, maturities and the interest rate or rates of the Bond to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bond.
4. That all things heretofore done and all action heretofore taken by the Town and its officers and agents in its authorization of the Project and its financing are hereby ratified, approved and confirmed.
5. That the Clerk and the signers of the Bond are each hereby authorized to take any and all actions necessary and convenient to carry out the provisions of this vote, including delivering the Bond against payment therefore.
6. That the expected useful life of the improvements being finance by the Bond is hereby determined to be in excess of twenty-one (21) years.

Brian Walsh MOVED the recommendations as outlined by Town Manager Griffin. Jay Pierson SECONDED. THE SELECTMEN VOTED UNANIMOUSLY TO APPROVE THE RECCOMENDATIONS AS OUTLINED BY TOWN MANAGER GRIFFIN.

Brian Walsh questioned the maturity schedule which noted the first bond payment as being \$146,000. He said money to fund this bond was to be equal to the Public Works Facility loan the Town was paying off at roughly \$100,000 per year. Ms. Griffin explained that the Public Works loan payment started at over \$150,000 per year and had dropped to \$100,000 per year over its five year life. The Community/Senior Center Bond would do the same beginning at \$146, 191 and dropping to \$78,750. The goal was to match the Community/Senior Center Bond's average payments to that of the Public Works Bond. Ms. Griffin said this payment schedule would be less expensive than one that offered even payments as this would reduce the cost of the total interest paid on the bond.

Jay Pierson asked of the chance of having any arbitrage requirements with this bond. Ms. Griffin said representatives at the bond bank would be reluctant to advise on that as it was dependent upon the rates and what was happening. Mr. Pierson assumed the loan agreement associated with the Community/Senior Center was of the standard format. Ms. Griffin affirmed and added that it had been reviewed by the Town's bond counsel.

5. REQUEST OF THE SPECIAL OLYMPICS TO INSTALL BANNER ON MAIN STREET FROM JANUARY 6-11, 2003

Jay Pierson MOVED to approve the banner request for the Special Olympics. Katherine Connolly SECONDED. THE SELECTMEN VOTED UNANIMOUSLY TO APPROVE THE BANNER REQUEST FOR THE SPECIAL OLYMPICS.

6. APPROVAL OF MINUTES: NOVEMBER 4, 2002

Katherine Connolly MOVED to approve the minutes of November 4, 2002 as amended. Bill Baschnagel SECONDED. THE SELECTMEN VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF NOVEMBER 4, 2002 AS AMENDED.

Brian Walsh MOVED to approve the Special Town Meeting minutes of October 29, 2002. Katherine Connolly SECONDED. THE SELECTMEN VOTED UNANIMOUSLY TO APPROVE THE SPECIAL TOWN MEETING MINUTES OF OCTOBER 29, 2002.

7. ADMINISTRATIVE REPORTS

Julia Griffin reported that staff would soon be working on the budget and Capital Improvement Program. The HealthTrust Finance Committee reviewed the proposed health insurance premium rate increases expected for July 1, 2003. Hanover's was projected at 25.3%. Ms. Griffin said she and Betsy McClain, Director of Administrative Services, would be working on a mechanism to encumber money saved in the current year's health insurance budget and roll it over into next year's budget to help fund this increase.

Ms. Griffin reported that she was also working on an overview of the retirement system that would be presented to the Selectmen at their next meeting and of the political activities surrounding the issue.

8. SELECTMEN'S REPORTS

Peter Christie

Mr. Christie reported of Don Read's presentation, at a Chamber of Commerce Director's Meeting, on a potential private effort to create a private airline that would use Lebanon as a hub.

Katherine Connolly

Ms. Connolly reported of the Planning Board's continued work on the Master Plan. They also held two case hearings associated with Dartmouth College. Ms. Connolly said the Upper Valley Lake Sunapee Planning Commission would hold their annual meeting at the Howe Library on Wednesday, November 20, 2002 at 7:00 pm. Representatives of the Dartmouth Hitchcock Medical Center and Dartmouth College would be present to discuss their various development activities and presumably their regional impacts.

Bill Baschnagel

Mr. Baschnagel reported of the Planning Board's approval of two Dartmouth College site plan review waivers. One was associated with installing air-conditioning units on a rooftop on Rope Ferry Road; the other involved a 700 square feet expansion to the Heating Plant parking lot.

Jay Pierson

Mr. Pierson reported of a dance the Recreation Board sponsored that was attended by 340 middle school students. The Board's haunted house had over 200 visitors. Mr. Pierson said the Board was quite enthusiastic about the Community/Senior Center and was trying to find alternative ways to raise funds. They were also hoping to have an open house between Norwich and Hanover relative to integrating Norwich children into Hanover programs. Mr. Pierson said the Water Company had a cash flow presentation based on the current rates that showed that Hanover's rates would be comparable to that of other communities even if the filtration system came to be. The Water Company was also looking into dam insurance, as the current carrier would no longer provide coverage after January 1, 2003. Brian Walsh asked for an informational sheet on Hanover's rates, those of similar communities and the effects of putting in a filtration system. Bill Baschnagel asked of the current water supply. Ms. Griffin said precise measurements would be taken shortly. The Town was not much beyond where it was this time last year. The third reservoir was not yet replenished.

Brian Walsh

Mr. Walsh reported of the Howe Corporation's annual meeting where architectural plans were presented for the expansion project.

9. OLD BUSINESS

There was no old business discussed.

10. ADJOURNMENT

Bill Baschnagel MOVED to adjourn the meeting. Jay Pierson SECONDED. THE SELECTMEN VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 9:16 PM.

SUMMARY

- 1. Jay Pierson MOVED to approve the request to allow free holiday parking in downtown Hanover as proposed. Bill Baschnagel SECONDED. THE SELECTMEN VOTED UNANIMOUSLY TO APPROVE THE REQUEST TO ALLOW FREE HOLIDAY PARKING IN DOWNTOWN HANOVER AS PROPOSED.**
- 2. Brian Walsh MOVED the recommendations as outlined by Town Manager Griffin. Jay Pierson SECONDED. THE SELECTMEN VOTED UNANIMOUSLY TO APPROVE THE RECCOMENDATIONS AS OUTLINED BY TOWN MANAGER GRIFFIN.**
- 3. Jay Pierson MOVED to approve the banner request for the Special Olympics. Katherine Connolly SECONDED. THE SELECTMEN VOTED UNANIMOUSLY TO APPROVE THE BANNER REQUEST FOR THE SPECIAL OLYMPICS.**
- 4. Katherine Connolly MOVED to approve the minutes of November 4, 2002 as amended. Bill Baschnagel SECONDED. THE SELECTMEN VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF NOVEMBER 4, 2002 AS AMENDED.**
- 5. Brian Walsh MOVED to approve the Special Town Meeting minutes of October 29, 2002. Katherine Connolly SECONDED. THE SELECTMEN VOTED UNANIMOUSLY TO APPROVE THE SPECIAL TOWN MEETING MINUTES OF OCTOBER 29, 2002.**
- 6. Bill Baschnagel MOVED to adjourn the meeting. Jay Pierson SECONDED. THE SELECTMEN VOTED UNANIMOUSLY TO ADJOURN THE MEETING AT 9:16 PM.**

Respectfully submitted,


Peter Christie, Secretary