

APPROVED

BOARD OF SELECTMEN'S MEETING

OCTOBER 7, 1996

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 Vice-Chairman, Jack H. Nelson. Present were: Jack H. Nelson, Vice Chairman; Katherine S. Connolly; Dorothy King; Brian Walsh; Julia Griffin, Town Manager; and members of the public.

Mr. Nelson announced that this meeting was being taped by CATV 6 and that assistive listening devices were available for anyone who wished to use them.

1. PUBLIC COMMENT

There was no public comment.

2. PROCLAMATION EXTENDING CONGRATULATIONS TO JOIGNY, HANOVER'S SISTER CITY, ON THE OCCASION OF THEIR TRI-CENTENNIAL

Ms. Griffin noted that a draft proclamation had been distributed to the Board of Selectmen for their review and comments. She stated that the celebration is the occasion of Joigny's millennium, rather than their tri-centennial, and the proclamation would be updated to reflect that change as well as a minor wording change. Ms. Griffin also stated that she and Ms. King had visited Simon Pearce and selected a bowl to send to Joigny with the proclamation.

Mr. Walsh suggested that the proclamation be produced in calligraphy.

Mr. Walsh MADE THE MOTION that the Board of Selectmen approve the proclamation, as amended, extending congratulations to Joigny, Hanover's sister city, on the occasion of their millennium. Ms. King SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPROVE THE PROCLAMATION, AS AMENDED, EXTENDING CONGRATULATIONS TO JOIGNY, HANOVER'S SISTER CITY, ON THE OCCASION OF THEIR MILLENNIUM.

3. DISCUSSION RE: DANA EAST AND DANA WEST PROPERTY - TOM OXMAN, CONSERVATION COMMISSION

Tom Oxman, representing the Conservation Commission, outlined three issues which the Commission wished the Board to consider regarding the Dana East and Dana West property.

3. DISCUSSION RE: DANA EAST AND DANA WEST PROPERTY - TOM OXMAN, CONSERVATION COMMISSION (Continued)

Regarding the Dana East property, Mr. Oxman stated that there was a very good plan presented last year which was approved, and work subsequently began including logging which, because of the weather, was not fully completed. He estimated that the work is all but 10% complete in terms of harvesting the timber. Mr. Oxman indicated that the idea was not just to harvest the timber for market, but to have the logging roads form the basis for trails and to improve the property for wildlife management. He stated that although the deed indicates that forestry is an intended use as long as appropriate forestry procedures are followed, the issue has arisen as to what the Danas actually wished to have done with the property. Mr. Oxman stated that the Conservation Commission has put further work on the Dana East property on hold until they could come before the Board, but would like to complete the final 10% more harvesting this winter and proceed with cleanup.

Secondly, Mr. Oxman stated that an abutter, the O'Maras, own property that abuts both Dana East and Dana West. The O'Maras are considering doing logging, and are requesting that they be allowed to use the logging roads that are already established on the Dana East property, rather than establishing a logging road through the Mink Brook wetland area. Mr. Oxman indicated that citizens have expressed concern about allowing private landowners to use town property for a profit.

Finally, Mr. Oxman stated that he believes there has been a very good plan made for the Dana West property that includes a deer yard for which a forestry plan would be very helpful. The Conservation Commission is requesting confirmation by the Board of the plan before any work is commenced or logging put out to bid.

Mr. Nelson asked Ms. Griffin if there had been any research or investigation of the deeds or the wishes of Mr. Dana. Ms. Griffin responded that the deed is fairly clear, but has some limitations outlined in it. She also stated that the deed is silent with respect to hunting, and that the Board made a decision with respect to Mr. Dana's wishes that hunting not be allowed on the property. Ms. Griffin noted that the deed signed by Mr. Dana on June 26, 1991 indicated that "...Any forestry practice shall be done with care so as to produce minimal impact on the environment and shall be in accordance with recognized forestry and conservation practices as may be set forth in the then current publications of the Cooperative Extension Service or other similar agency or department."

Ms. Griffin explained that the issue now facing the Town is the wishes of Mr. Dana, as understood by those individuals who knew him, that Mr. Dana would not have engaged in logging of this kind on his property. She noted that because of the wet winter there was an extension of the contract on the Dana East property signed on August 21, 1996, which allowed the logger, Calvin Johnson of Chelsea, Vermont, an extension until June 1, 1997 to finalize the work.

3. DISCUSSION RE: DANA EAST AND DANA WEST PROPERTY - TOM OXMAN, CONSERVATION COMMISSION (Continued)

Monty Clinton, a resident of Rudsboro Road on property that abuts the O'Mara property, indicated that he had been visiting the Dana property over the past year and had gotten to know the residents who knew Mr. Dana and were quite upset about what is taking place, and who believe this is not what Mr. Dana had intended when he gave the land to the Town of Hanover. Mr. Clinton stated he had taken photographs which show the enormous ruts created by the logging operation, and further stated that he believes this activity could jeopardize Mink Brook.

Mr. Nelson indicated the Town Manager had received a letter from Paul Harwood, the Town Forester, who recommended that because of the land being fragile and extremely wet, that the remainder of the logging should not take place until there is frost in the ground, and requested the extension until June 1, 1997 to allow adequate time to get the ruts out and do erosion control before the end of the contract.

Agnes Kurtz stated that she had been to view the property recently, did not see the large ruts that have been mentioned, and was impressed with the way the logging had been done.

Mr. Walsh asked if it was the collective recollection of individuals that it was Mr. Dana's wish to have the land be used for trails.

Ms. Griffin answered that it as Mr. Dana's wish to exclude bicycles and motorized vehicles of all kinds, but the deed stated that "...Access to the property shall be limited to travel by foot, horseback, snowshoes and skis. Any trails shall be constructed, repaired or maintained in a manner so as to produce minimal impact on the environment. All improvement permitted by these restrictions shall be made in a manner consistent with the purpose of preserving and protecting the present natural condition of the property." She noted that the deed does indicate that the Town has the right to have enjoyed on this property all outdoor recreation including cross country skiing, hiking, snowshoeing, fishing, horseback riding and other pedestrian outdoor type activity.

Paul Harwood, the Town Forester, stated that he had reviewed the deeds and they show legally what Mr. Dana intended to have done with the property; that is, wildlife habitat and recreational uses of the property. Mr. Harwood noted that the forest is an old forest, with large, dominant trees which create much shade on the forest floor and allow no new regeneration, therefore providing no food or cover for wildlife. He stated that he tried to create openings by removing some of the larger trees to encourage and spawn regeneration and new vegetation on the ground that would be favorable to wildlife habitat. Mr. Harwood indicated that there was no evidence that the forest had been logged in the last 40 to 50 years, and that it was evident that Mr. Dana had not cut trees on the property.

3. DISCUSSION RE: DANA EAST AND DANA WEST PROPERTY - TOM OXMAN, CONSERVATION COMMISSION (Continued)

Helen LaCoss noted that the article which appeared in the newspaper at the time Mr. Dana gave the land to the Town quoted Mr. Dana as saying that "I want to have this land remain the same so that in 50 years it will look just the way it does now." Ms. LaCoss also stated that she strongly objects to the O'Mara's using the land for their logging operation.

Nan King stated that she had talked with Mr. Dana on several occasions, and it is her impression that Mr. Dana wanted to keep the land pretty much as it was. She noted that he commented that there were very few areas that are untouched, and it would be nice to see what nature does in the years to come.

Anne Crowe commented that she was a great admirer of Mr. and Mrs. Dana. She stated that she had initially been horrified at the ratty condition of the property when she had visited it in August, but that during two recent visits this week was impressed with the way the project has ended up. Ms Crowe indicated that although there is still some work to be done, the property has a nice access in and out, and leaves a special impression of walking in Mr. and Mrs. Dana's woods.

Tom Linell wished to remind the Selectmen of a statement in the deeds that "..No signs shall be installed on the property except for signs installed by the Town relating to the permitted uses, regulations and restrictions." He noted that the Town accepted those deeds five years ago, and has never informed the public about those restrictions. Mr. Linell also stated that he has mentioned this issue to the Board of Selectmen twice in writing and has not received a response.

Mr. Nelson stated that the conflict as he understands it is a difference in viewpoint between today's forest management practices for wildlife habitat, trails, and secondarily, for logging, versus the neighbors' knowledge of the Dana family's wish to have the land stay as they remember it. He asked for Mr. Harwood's opinion as to what the land would be like in 25 years if it is left as it presently is.

Mr. Harwood explained that there would be very little difference whether or not the Dana East property were finished. He indicated there remains 10 to 15 percent of trees marked that are uncut. He stated that even if none of the work had been done, in 50 years the forest would not have looked the same as when the Dana's gave it to the Town. Mr. Harwood explained that forests are dynamic not stagnant; they continue to grow and present an ever-changing picture. He noted that most of the larger pine trees had reached maturity and some had started dying. Left untouched, in 50 years some percentage of those large pines would be dead and in various forms of decay.

3. DISCUSSION RE: DANA EAST AND DANA WEST PROPERTY - TOM OXMAN, CONSERVATION COMMISSION (Continued)

Regarding the Dana West property, Mr. Harwood indicated that it is a younger forest than the Dana East property, and in 40 or 50 years would not be significantly different than it is now. He stated that it is designated by the NH Fish and Wildlife Department as a deer yard, which requires a certain forest structure to maintain. That structure requires a dense crown canopy overhead to allow the snow load to evaporate somewhat on the crowns of trees before it reaches the ground. Mr. Harwood's concern is that if nothing is done on the Dana West property, the quality of the deer yard will deteriorate.

Mr. Walsh asked if there would be a danger presented to the quality of the forest and deer yard if nothing were done to the property now, but it were monitored every 10 years. Mr. Harwood answered that the deterioration would be a slow process, perhaps taking 20 or 30 years.

Regarding the O'Mara property, Mr. Nelson asked Mr. Harwood where the O'Mara's should be getting access from a good forester practice point of view.

Mr. Harwood stated that he had made a presentation to the Conservation Commission in the spring, and that he stands by the merits of those recommendations. He indicated he feels the O'Mara timber should be cut sometime during the next 10 to 15 years. Mr. Harwood stated that removing the timber through the O'Mara property would result in having to cross Mink Brook and the wetlands associated with Mink Brook, and that impact to the environment and the Town would be minimized by utilizing the existing roads on the Dana lot. Mr. Harwood stated that there was presently no contract for sale of the timber on the O'Mara lot.

Ms. Connolly asked if there would be additional O'Mara timber coming through the Dana property after the Dana project was completed. Mr. Harwood answered when he made his initial presentation, his intention was to complete the work in the dry part of the summer of 1996. He added that it did not get dry until recently as we are headed into the wet season, and that is the reason for the extension on the Dana East property. Mr. Harwood estimated that the balance of the Dana East project would take two to three weeks, and the timber cutting on the O'Mara property would take approximately five to six weeks, depending on the weather. He stated that no work would commence until the ground was frozen, which would probably occur near the first of the year. Mr. Harwood indicated that it is always possible for work to be left remaining on the O'Mara property, and if that were the case, he would opt for not completing that work.

3. DISCUSSION RE: DANA EAST AND DANA WEST PROPERTY - TOM OXMAN, CONSERVATION COMMISSION (Continued)

Mr. Clinton asked if it were true that the oldest trees in the forest eventually contribute to the forest floors. Mr. Harwood answered that trees contribute to the soils during their whole lifetime. He indicated that each year one-half of the pine needles on all pine trees fall off. Most of nutrients are located in the twigs and leaves of all trees, and annual autumn events drop these leaves which go back to rejuvenate the soil. Mr. Harwood stated that most of the pine has been cut on the Dana East property with the exception of a few scattered trees.

Mrs. LaCoss asked whether it was the Board's intention to post the Dana West property. She suggested that the property not be posted to help keep the deer population down.

Ms. Griffin stated that at the Board of Selectmen's meeting on August 5, 1996, the Board voted to prohibit hunting on both the Dana East and Dana West properties. Although the deed is silent on this issue, the decision was based on Cliff Vermilya's recollection of discussions with Mr. Dana that hunting not be allowed on the properties.

Mr. Nelson noted that the Conservation Commission has submitted a memo requesting the Board of Selectmen to make certain decisions on the Dana properties, and asked if the Board of Selectmen have the right to make those decisions or should it act in an advisory capacity only.

Mr. Walsh stated that before the Board makes any binding decisions, he would like the Town Manager to clarify the Board's right to make these decisions. Ms. Griffin noted that she will obtain clarification.

Mr. Nelson stated that he would like the Selectmen to decide on the three issues requested by the Conservation Commission, and will instruct Ms. Griffin to determine whether those decisions are binding or advisory only.

Alan King stated that as the Selectmen are elected by the townspeople and the members of the Conservation Commission are appointed, the Selectmen should be responsible for making the basic decisions for the Town.

Mr. Walsh recommended that no further cutting be done on the Dana East property, but that cleaning up work be completed.

Mr. Oxman stated that from the Conservation Commission's point of view, the completion of cutting would be advantageous in allowing the completion of a trail network with Moose Mountain in the next few years.

3. DISCUSSION RE: DANA EAST AND DANA WEST PROPERTY - TOM OXMAN, CONSERVATION COMMISSION (Continued)

Mr. Walsh amended his earlier recommendation on the Dana East property to recommend that the contract on Dana East be completed, and that no work be done on the Dana West property for at least ten years, and the health of the forest be determined at that time.

Mr. Walsh stated that he would like to hear from those people who knew Mr. Dana with regard to the issue of using the Dana property as access to the O'Mara property. He added that part of the Board's responsibility is to reflect Mr. Dana's wishes, and it is Mr. Walsh's position at this time that access not be allowed as he believes that was not the intent of Mr. Dana in giving the land to the Town.

Mr. Nelson commented that he feels it is appropriate and a neighborly act for the Dana East property to act as access to the O'Mara property as long as there is no deterioration of the Dana property.

Ms. Griffin noted that the deed permits the Town to "...construct such roads, bridges and install culverts as may be necessary in connection with uses permitted on this property." The deed states further that "The Town shall have the right to construct and maintain ponds for the purposes of conservation, fire protection or wildlife habitat enhancement.." and limits access to the property to foot, horseback, snowshoes and skis. The deed also provides that any trails shall be constructed, repaired or maintained in a manner so as to produce minimal impact on the environment, and that the Town shall have the right to maintain and improve scenic vistas. It further provides that "...no manmade structures such as a fence, utility pole or shed, or other such structure shall be constructed or located" and that the Town shall install and maintain signs indicating that the property is the Dana's natural preserve.

Mr. Nelson asked if deterioration would result to the Dana East property if it were used this winter as access to the O'Mara property. Mr. Harwood answered that access would not be allowed if the ground were not frozen, and deterioration would not result if the trails were used when frozen.

Bill Baschnagle suggested that a comprehensive plan be developed for all of the Town properties, possibly initiated by the Conservation Commission.

Mr. Oxman stated that Mr. Harwood had developed an extensive, outstanding plan for both Dana properties that should stand for 50 to 100 years. Mr. Nelson indicated that the plan addresses good forestry practices, wildlife habitat and the deed; it does not address what the neighbors feel Mr. Dana's wishes might have been.

3. DISCUSSION RE: DANA EAST AND DANA WEST PROPERTY - TOM OXMAN, CONSERVATION COMMISSION (Continued)

Mrs. LaCoss noted that the deed limits access to the Dana property to travel by foot, horseback, snowshoes and skis. She stated that if the O'Mara property has access to the Dana property, then these limitations should also apply to the O'Mara property. Mrs. LaCoss also stated that she feels it should be determined if the voters of the Town have any rights to decide at a Town Meeting as to what should be done with Town property.

Ms. Griffin stated that the deed allows the following vehicles access to the property: "...vehicles used solely for maintenance purposes, emergency vehicles, and vehicles used for forestry practices."

Ms. Connolly noted that negotiations for the acquisition of this property were ongoing for several months so that all of Mr. Dana's wishes could be followed. She stated that his intentions were well known to both the Town Manager and the Board of Selectmen by the time the property was turned over to the Town.

Mr. Walsh MADE THE MOTION that (1) the Board of Selectmen approve the completion of the contract on the Dana East property; (2) the Board of Selectmen believe that the Town has the right to conduct forestry operations on the Dana property based on the deed, however, recommend that no timber be harvested on the Dana West property at this time, and that such harvesting be reviewed in ten years or more; and (3) the Dana East property not be used as access to the O'Mara property for purposes of logging. Ms. King SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY THAT (1) THE BOARD OF SELECTMEN APPROVE THE COMPLETION OF THE CONTRACT ON THE DANA EAST PROPERTY; (2) THE BOARD OF SELECTMEN BELIEVE THAT THE TOWN HAS THE RIGHT TO CONDUCT FORESTRY OPERATIONS ON THE DANA PROPERTY BASED ON THE DEED, HOWEVER, RECOMMEND THAT NO TIMBER BE HARVESTED ON THE DANA WEST PROPERTY AT THIS TIME, AND THAT SUCH HARVESTING BE REVIEWED IN TEN YEARS OR MORE; AND (3) THE DANA EAST PROPERTY NOT BE USED AS ACCESS TO THE O'MARA PROPERTY FOR PURPOSES OF LOGGING.

Ms. Griffin is to investigate the issue of the Board's authority in the above action, whether it is advisory or compelling.

4. DISCUSSION RE: REQUEST BY CHAMBER OF COMMERCE TO SUSPEND PARKING ENFORCEMENT IN DOWNTOWN HANOVER FROM MONDAY, DECEMBER 16 THROUGH TUESDAY, DECEMBER 24

Clint Bean, representing the Hanover Chamber of Commerce, indicated that the Chamber had found its original request to suspend parking enforcement in downtown Hanover from December 6th through December 24th to be excessive, and are suggesting that parking enforcement be suspended on December 7th, December 14th, and from December 16 through December 24th.

Mr. Nelson stated that he would suggest suspending enforcement on December 7th and from December 14th through December 24th to avoid having to take bags off the meters on Sunday.

Mr. Walsh MADE THE MOTION that parking meter enforcement be suspended on Saturday, December 7th and Saturday, December 14th through Tuesday, December 24th, and instruct the Chamber to bag the parking meters. Ms. King SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY THAT PARKING METER ENFORCEMENT BE SUSPENDED ON SATURDAY, DECEMBER 7TH AND SATURDAY, DECEMBER 14TH THROUGH TUESDAY, DECEMBER 24TH, AND INSTRUCT THE CHAMBER TO BAG THE PARKING METERS.

5. CONSIDERATION OF USE OF RAY SCHOOL FOR GENERAL ELECTION ON NOVEMBER 5, 1996

Ms. Connolly noted that currently the general election is scheduled to occur at the Ray School. She noted that the Ray School is not on the bus line, and not easily accessible by foot from either the campus or downtown. Ms. Connolly recommended that the general election be held at the high school as it is more easily accessible for the voters.

Mr. Nelson indicated he would also be in favor of keeping voting at the Richmond School.

Ms. King stated that there had been discussions about having busses run from the High School to the Ray School to transport voters.

Ms. Griffin indicated that she had been in contact with both schools, and they are available for voting. She stated that she had received no comments about voting being an inconvenience for either school, but acknowledged that schools are always disrupted when voting is taking place. Ms. Griffin noted that the original intention of locating voting at the Ray School was, in part, for the community to experience that facility as it had recently been renovated. Another advantage was that the gym was divisible, allowing gym classes to take place in one half of the gym while voting was occurring in the other half. She commented that the staff has been discussing a plan to make the Ray School easier to access in terms of a shuttle bus, but that there are drawbacks to the Ray School in that it seems more remote than a downtown location.

5. CONSIDERATION OF USE OF RAY SCHOOL FOR GENERAL ELECTION ON NOVEMBER 5, 1996 (Continued)

Ms. Connolly MADE THE MOTION that all elections be held at the Richmond School complex. Mr. Walsh SECONDED THE MOTION and the Board of Selectmen VOTED (3 IN FAVOR, MS. KING AGAINST) THAT ALL ELECTIONS BE HELD AT THE RICHMOND SCHOOL COMPLEX.

6. DISCUSSION RE: 1997/98 BUDGET REVIEW SCHEDULE

Ms. Griffin stated that staff felt it might make sense to designate the month of March to review the major part of the budget, noting that numbers are firmer the closer you are to when the budget is finalized and reviewed by the Board to be placed before the Town Meeting. Ms. Connolly questioned the Board's ability to meet a quorum at a March meeting, and given those concerns, Ms. Griffin felt the February review schedule should be adhered to at least for this year.

Mr. Walsh stated he felt strongly that in the future the budget review process should be closer to Town Meeting.

Mr. Nelson MADE THE MOTION that the Board take no action on revising the 1997/1998 budget review schedule. Ms. King SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY THAT THE BOARD TAKE NO ACTION ON REVISING THE 1997/1998 BUDGET REVIEW SCHEDULE.

7. SETTING OF PUBLIC HEARING FOR OCTOBER 21, 1996 RE: AMENDING ORDINANCES REGARDING PRIVATE CONSTRUCTION ON CLASS VI HIGHWAYS AND REGULATIONS OF PUBLIC LAND TO REQUIRE ABUTTER NOTIFICATION PRIOR TO CONSTRUCTION OR MAINTENANCE CONDUCTED BY TOWN OR PRIVATE PARTY

Ms. Griffin stated that this issue arose out of concern regarding the work that was performed earlier this summer on the Corey Road in the Town of Hanover, which is a Class 6 highway. As a result of the concern registered by abutters and others of the degree of clearing that occurred on Corey Road, the Board of Selectmen directed Ms. Griffin to present modifications or amendments to the Town ordinances which require abutter notification before any work on Class 6 highways can be performed. She noted that in order to do that, two ordinances need to be amended: 1) The ordinance governing private construction on Class 6 highways; and 2) The regulation of public land ordinance which governs permitted activities on Town owned land. She indicated that the proposed modifications have not yet been reviewed by an attorney, but are as follows:

7. SETTING OF PUBLIC HEARING FOR OCTOBER 21, 1996 RE: AMENDING ORDINANCES REGARDING PRIVATE CONSTRUCTION ON CLASS VI HIGHWAYS AND REGULATIONS OF PUBLIC LAND TO REQUIRE ABUTTER NOTIFICATION PRIOR TO CONSTRUCTION OR MAINTENANCE CONDUCTED BY TOWN OR PRIVATE PARTY (Continued)

- 1) An amendment to regulation of public land, under Section G: "Maintenance work to include forestry, trail or road work and any other type of work designed to improve or enhance the appearance or use of the land. Any maintenance work performed on public land conducted by or on behalf of the Town of Hanover shall not be initiated without notification of abutters. Abutters shall be notified no less than 10 days prior to initiation of such work." Ms. Griffin stated that currently, activities on public land require a permit from the Town, and there is also a provision that allows the director of public works to terminate or withdraw a permit. She felt there needed to be at least 10 days notification to abutters which would allow them to register their opposition in the Town Manager's office; the Town then has the ability to halt the issuance of the permit until the Board of Selectmen can decide on the issue.
- 2) An amendment to the ordinance regulating private construction on Class 6 highways - Ms. Griffin proposes the following to be added to add a new section 4B-6 which would read as follows: "Abutter notification: All abutters to the Class 6 highway upon which work by a private entity is proposed must be notified 10 working days prior to the initiation of such work."

Mr. Walsh requested that the two drafts outlined above be transmitted to the Conservation Commission before their next meeting.

Mr. Nelson stated that a Class 6 road is a public road not maintained by the Town, and that the question is what "not maintained" actually means.

Bill Baschnagle commented that he had discussed with Ted Connell at Upper Valley Lake Sunapee the issue of how some of the other towns deal with Class 6 highways. He stated that apparently there are several towns that have been fairly successful in leaving the roads open, but placing boulders in such a way that anything other than a two wheel vehicle cannot gain access.

Ms. Griffin explained that contained in the ordinances as proposed, there is the ability to appeal a permit which results in an appearance before the Board of Selectmen. The Director of Public Works would have the ability to withhold issuance of a permit and bring the matter to the Board for review before issuing a permit.

7. SETTING OF PUBLIC HEARING FOR OCTOBER 21, 1996 RE: AMENDING ORDINANCES REGARDING PRIVATE CONSTRUCTION ON CLASS VI HIGHWAYS AND REGULATIONS OF PUBLIC LAND TO REQUIRE ABUTTER NOTIFICATION PRIOR TO CONSTRUCTION OR MAINTENANCE CONDUCTED BY TOWN OR PRIVATE PARTY (Continued)

Mrs. LaCoss stated that the sign in front of each Class 6 highway states that the Town takes no responsibility for maintenance or liability. She noted that each time an individual has been given permission to open up a Class 6 highway for further access to a woodlot or to a house lot with no other access, they always said that the person who upgraded the road had to file in court a document stating that they were responsible for and accepted liability for the road. Mrs. LaCoss questioned who would be liable if the Conservation Commission were to open up a Class 6 highway. Ms. Griffin answered that she would need to do some research to obtain the answer to that question. She indicated that the proposed amendments provide safeguards in terms of abutter notification.

Nancy Cole asked if this notification would apply to work done by utility companies. Mr. Nelson replied that it does apply to utility companies, and Ms. Cole asked if the amendments could specifically also refer to utility companies.

Mr. King questioned whether a private party could do construction on a Class 6 highway. Ms. Griffin answered that the word "construction" in terms of a Class 6 highway generally refers to cutting, clearing, grading, drainage, gates and bars and stone walls.

Ms. Connolly MADE THE MOTION that the Board of Selectmen set a public hearing for October 21, 1996 regarding the amendment of ordinances governing Class 6 highways. Ms. King SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO SET A PUBLIC HEARING FOR OCTOBER 21, 1996 REGARDING THE AMENDMENT OF ORDINANCES GOVERNING CLASS 6 HIGHWAYS.

8. 1995/96 AUDIT UPDATE

Ms. Griffin stated she had asked Mike Gilbar, Director of Finance, to make a presentation on the preliminary findings of an audit concluded ten days ago.

Mr. Gilbar indicated that the audit was just completed. He noted that the fund balance in the General Fund of \$975,532 was confirmed by the auditors at approximately \$980,000, reflecting some minor adjustments made by the auditors. Mr. Gilbar stated that a portion of each fund balance goes back into the current fiscal year's budget. Following are particular amounts budgeted out of that carryover for this fiscal year: General fund - \$377,605; Fire fund - \$117,532; Sidewalk fund - \$4,019; Sewer fund - \$114,677; Ambulance fund - \$97,814; Parking fund - Budgeted a deficit of \$2,261; Housing fund - \$129,716. Mr. Gilbar stated that the total equity figure shown includes everything being reserved, as well as any encumbrances and legal obligations that the

8. 1995/96 AUDIT UPDATE (Continued)

Town has for that fiscal year carried over into the new fiscal year, and any other types of reserves. For example, out of the total equity for the General fund of \$1,209,000, \$157,000 is in encumbered funds, \$73,200 an investment in the water company, a small amount in property liens, as well as budgeted fund balance of \$377,000 and approximately \$400,000 from the Kendal appeal, leaving as a true undesignated fund balance a figure of \$197,000. Mr. Gilbar indicated that a large amount of the additional funds shown in the General Fund include insurance dividends and interest income. With regard to appropriations, a large amount of it was left over from fixed charges, mainly overbudgeted health insurance, which ended up with \$152,000 extra.

Mr. Gilbar stated that he will provide the Board with copies of the audit report when it is received.

9. APPOINTMENTS - PARKING AND TRANSPORTATION BOARD AND TRUSTEES OF TRUST FUNDS

Ms. Connolly MADE THE MOTION that the Board of Selectmen appoint Kim Whalen to the Parking and Transportation Board. Mr. Nelson SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPOINT KIM WHALEN TO THE PARKING AND TRANSPORTATION BOARD.

Mr. Gilbar stated that one of the trustees of trust funds, Fred Bedford, did not run again, and that the two existing trustees are Jay Pierson and Larry Draper. He indicated that the Board needs to appoint a trustee to fill Mr. Bedford's position, and that person can run again at the next town meeting.

Mr. Walsh MADE THE MOTION that the Board of Selectmen appoint Mark Severs as Trustee of the Trust Funds. Mr. Nelson SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPOINT MARK SEVERS AS TRUSTEE OF THE TRUST FUNDS.

10. ADMINISTRATIVE REPORT

Ms. Griffin stated she had received numerous parking enforcement waiver requests particularly in the area of the Green, for major events. She noted she had received a request from Dartmouth College for a conference which will be taking place November 1st and 2nd, requesting waiving parking enforcement in the immediate area of the Hopkins Center. Ms. Griffin asked whether the Board has concern about Town staff making decisions on waiving parking enforcement for major events, whether the Board would like to create a policy, or simply state there are no exceptions.

10. ADMINISTRATIVE REPORT (Continued)

Mr. Nelson stated that he has no problem with administration continuing to grant waivers as it has in the past. However, he feels that the situation with functions in the vicinity of the Hopkins Center has gone beyond the granting of waivers due to the vicinity and the number of waiver requests. He suggested a group be set up to discuss the problem.

Mr. Walsh stated that he is not sure that conferences such as the one requesting the waiver should be granted a waiver from parking enforcement, especially as we are trying to maximize spaces in the downtown area for shopping.

Mr. Nelson stated that in the past the College has utilized shuttle busses for conferences.

Mr. Walsh suggested that a central clearing house from the College be utilized to handle waiver requests and present them to the Town.

Mr. Nelson stated he was not sure this matter could be decided at this time. He noted that another problem is parking on the west side of College Street on the green, and for safety and aesthetic reasons, parking in that location may want to be prohibited. Ms. Griffin stated that requests for that area have recently been denied.

Mr. Nelson indicated there is a need to develop guidelines and coordinate with Dartmouth College when a waiver is requested.

Ms. Griffin stated that this particular request will be approved, but she will put together a policy for the Board's approval for further parking enforcement waiver requests.

11. SELECTMEN'S REPORTS

Mr. Walsh

Mr. Walsh reported he had attended the Howe Library annual meeting, which was well attended. The long-range plan was presented, which reflected comments and discussions with the Board. He noted that there will be a public information session at 7:30 p.m. in the Mayer Room of the Howe Library on October 22nd to bring the long-range plan to the citizens in the community.

Ms. King

Ms. King had nothing to report.

11. SELECTMEN'S REPORTS (Continued)

Ms. Connolly

Ms. Connolly complimented Mr. Nelson for an excellent job on the Planning Board. She noted that the Planning Board finished off two minor subdivisions, and that both the MMM hearing and the Water Company issue were in abeyance until after the next Zoning Board meeting.

Mr. Nelson

Mr. Nelson had nothing to report.

12. APPROVAL OF THE FOLLOWING MINUTES - SEPTEMBER 23, 1996

Ms. Connolly MADE THE MOTION that the Board of Selectmen approve the minutes of the September 23, 1996 Board of Selectmen's meeting. Ms. King SECONDED THE MOTION and the Boar of Selectmen VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF THE SEPTEMBER 23, 1996 BOARD OF SELECTMEN'S MEETING.

13. OTHER BUSINESS

There was no other business.

14. ADJOURNMENT

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

The meeting was adjourned at 10:05 p.m.

SUMMARY

- 1. Mr. Walsh MADE THE MOTION that the Board of Selectmen approve the proclamation, as amended, extending congratulations to Joigny, Hanover's sister city, on the occasion of their millennium. Ms. King SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPROVE THE PROCLAMATION, AS AMENDED, EXTENDING CONGRATULATIONS TO JOIGNY, HANOVER'S SISTER CITY, ON THE OCCASION OF THEIR MILLENNIUM.**

SUMMARY (Continued)

- 2. Mr. Walsh MADE THE MOTION that (1) the Board of Selectmen approve the completion of the contract on the Dana East property; (2) the Board of Selectmen believe that the Town has the right to conduct forestry operations on the Dana property based on the deed, however, recommend that no timber be harvested on the Dana West property at this time, and that such harvesting be reviewed in ten years or more; and (3) the Dana East property not be used as access to the O'Mara property for purposes of logging. Ms. King SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY THAT (1) THE BOARD OF SELECTMEN APPROVE THE COMPLETION OF THE CONTRACT ON THE DANA EAST PROPERTY; (2) THE BOARD OF SELECTMEN BELIEVE THAT THE TOWN HAS THE RIGHT TO CONDUCT FORESTRY OPERATIONS ON THE DANA PROPERTY BASED ON THE DEED, HOWEVER, RECOMMEND THAT NO TIMBER BE HARVESTED ON THE DANA WEST PROPERTY AT THIS TIME, AND THAT SUCH HARVESTING BE REVIEWED IN TEN YEARS OR MORE; AND (3) THE DANA EAST PROPERTY NOT BE USED AS ACCESS TO THE O'MARA PROPERTY FOR PURPOSES OF LOGGING.**
- 3. Mr. Walsh MADE THE MOTION that parking meter enforcement be suspended on Saturday, December 7th and Saturday, December 14th through Tuesday, December 24th, and instruct the Chamber to bag the parking meters. Ms. King SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY THAT PARKING METER ENFORCEMENT BE SUSPENDED ON SATURDAY, DECEMBER 7TH AND SATURDAY, DECEMBER 14TH THROUGH TUESDAY, DECEMBER 24TH, AND INSTRUCT THE CHAMBER TO BAG THE PARKING METERS.**
- 4. Ms. Connolly MADE THE MOTION that all elections be held at the Richmond School complex. Mr. Walsh SECONDED THE MOTION and the Board of Selectmen VOTED (3 IN FAVOR, MS. KING AGAINST) THAT ALL ELECTIONS BE HELD AT THE RICHMOND SCHOOL COMPLEX.**
- 5. Mr. Nelson MADE THE MOTION that the Board take no action on revising the 1997/1998 budget review schedule. Ms. King SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY THAT THE BOARD TAKE NO ACTION ON REVISING THE 1997/1998 BUDGET REVIEW SCHEDULE.**
- 6. Ms. Connolly MADE THE MOTION that the Board of Selectmen set a public hearing for October 21, 1996 regarding the amendment of ordinances governing Class 6 highways. Ms. King SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO SET A PUBLIC HEARING FOR OCTOBER 21, 1996 REGARDING THE AMENDMENT OF ORDINANCES GOVERNING CLASS 6 HIGHWAYS.**
- 7. Ms. Connolly MADE THE MOTION that the Board of Selectmen appoint Kim Whalen to the Parking and Transportation Board. Mr. Nelson SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPOINT KIM WHALEN TO THE PARKING AND TRANSPORTATION BOARD.**

SUMMARY (Continued)

8. **Mr. Walsh MADE THE MOTION that the Board of Selectmen appoint Mark Severs as Trustee of the Trust Funds. Mr. Nelson SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPOINT MARK SEVERS AS TRUSTEE OF THE TRUST FUNDS.**

9. **Ms. Connolly MADE THE MOTION that the Board of Selectmen approve the minutes of the September 23, 1996 Board of Selectmen's meeting. Ms. King SECONDED THE MOTION and the Boar of Selectmen VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF THE SEPTEMBER 23, 1996 BOARD OF SELECTMEN'S MEETING.**

10. **Ms. Connolly MADE THE MOTION to adjourn. Ms. King SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO ADJOURN THE MEETING.**

Respectfully submitted,



Brian Walsh, Secretary

These minutes were taken and transcribed by Nancy A. Richards.