

APPROVED

BOARD OF SELECTMEN'S MEETING

OCTOBER 6, 1997

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

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

Ms. Black 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. PUBLIC HEARING REGARDING ADOPTION OF UPDATED CODES, INCLUDING THE 1996 EDITION OF THE BOCA NATIONAL BUILDING CODE, THE 1992 EDITION OF NFPA 1 - FIRE PREVENTION CODE, THE 1994 EDITION OF NFPA 101-LIFE SAFETY CODE, THE 1996 EDITION OF NFPA 70 - NATIONAL ELECTRIC CODE AND THE 1992 EDITION OF NFPA 211 - CHIMNEYS, FIREPLACES, VENTS AND SOLID FUEL BURNING APPLIANCES.

Roger Bradley, Fire Chief, explained that the differences in the dates of the various codes is that they are the years that particular edition of the code was written or modified; each code is not necessarily rewritten on an annual basis, but the editions in question represent the latest versions of the codes.

Ms. Black expressed concern about the earthquake standards contained in the 1996 edition of the BOCA National Building Code, and its impact on building compliance in Hanover.

Craig Olsen stated that he has not reviewed the updated portion of the earthquake codes, but would assume that it would have an effect on larger commercial buildings.

Ms. Griffin noted that the Office of Emergency Management continues to urge New Hampshire to work on earthquake planning as there is a significant fault running through New England.

Chief Bradley stated that the State Fire Code, which is adopted through the State Fire Marshall's office, has the 1996 BOCA edition in place. Local authorities work as agents of the State Fire Marshall in enforcing the State Fire Code or locally adopted codes. He added that many communities mirror the State Fire Code for local adoption.

Mr. Nelson noted that architects and engineers will typically design to the latest code specifications for their own liability purposes, even though the community may not be up-to-date.

Mr. Manchester asked if the updated codes change anything regarding woodstove burning or installation. Chief Bradley answered that he had not reviewed the latest edition of the code, but typically there are a few changes from one edition to the next. He stated that he does not anticipate any major changes.

Mr. Walsh stated that he is not prepared to vote for the proposed set of codes without an answer regarding changes to the earthquake section of the code.

Ms. Griffin indicated that she will review specifically the earthquake provisions and will have an analysis of those changes at the next Selectmen's meeting.

Bill Baschnagel noted that when codes are published they include a summary which highlights the changes, and suggested that the Board have that summary available to them.

Ms. Black stated that the public hearing regarding updated codes will be reconvened at the next Board of Selectmen's meeting.

3. DISCUSSION OF REQUEST BY EARL GARIPAY TO MODIFY RIGHT-OF-WAY CONVEYANCE.

Ms. Griffin introduced Blair Wood, the attorney representing Earl and Helen Garipay.

Mr. Wood explained that the Garipay's driveway goes up to their home, and just before their house a grassy lane veers off to the left which is sometimes referred to as the Woods Road. Historically, the Garipay's conveyed parcels of land on two occasions; one conveyance was for a pedestrian easement along the so-called "Fire Road", and the second conveyance was a 50 ft. right-of-way for vehicular purposes which contains language indicating that it is intended to be a public vehicular right-of-way. Mr. Wood noted that the Mr. and Mrs. Garipay have listed their property for sale, and potential buyers have expressed concern that the road might be a public right-of-way.

Regarding the vehicular right of way, Mr. Wood stated that the right-of-way came to Hanover by way of the Conservation Council which received the deed and conveyed it to the Town. Hanover has never accepted the Garipay's driveway as a public way, and it is not listed on the Town records as such. Mr. Wood stated that his clients are requesting that reasons for which the road may be used and by whom be articulated, and it be made clear that this is not a public vehicular right-of-way.

Regarding pedestrian use, Mr. Wood noted that currently the public walks up the Garipay's driveway and up onto Balch Hill, using the driveway as a pedestrian path. His clients have requested that rather than the public walking almost to the house and using the Fire Road, that they enter the road below the house and go up through the woods to the Fire Road. Mr. Wood stated that it would be necessary to cut a path through the woods, but that the timber is open and the grade benign, and it would require very little work to improve a sufficient path for this purpose. He indicated that the realtor has placed a red surveyor's flag at the point where the curve begins to straighten out and markers through the woods.

Mr. Wood noted that the parties that need to be consulted are the Hanover Conservation Council, the Hanover Conservation Commission and the Town of Hanover and its public works department. He stated that the Town should identify the uses it requires, and the right-of-way should be carefully limited to those uses. Also, any suggestion of a public right-of-way for vehicular reasons should be eliminated, and a pedestrian easement should be identified. Mr. Wood stated that the original pedestrian easement clearly states that it can be relocated by the grantors at any time, as long as the relocation is reasonable.

Mr. Wood will draft proposed language as to future use of the property and receive input from the Town and interested parties.

Bob Norman noted that some people who use the driveway are not agile enough to handle a steeper walkway, and it is important that a gentle access be maintained. He will consult with members of the Conservation Council regarding the matter. Mr. Norman asked that Mr. Wood provide him with a copy of the draft language when it is prepared.

Alice Jackson, an abutter to the property, indicated she is in agreement with the Garipay's wishes. She noted that the signage should be very clear.

Mr. Walsh MADE THE MOTION that, subject to specifics being acceptable to the Town Manager and Town Attorney, and with input from the Conservation Council and the Conservation Commission, the Town clarify the easement on the Garipay land to provide pedestrian and maintenance vehicular access only over the private land of the Garipay's driveway; and further that the pedestrian access be relocated to a new portion going into the woods before the Garipay's house and roughly parallel to their lot line up to Balch Hill. Ms. Connolly SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY THAT, SUBJECT TO SPECIFICS BEING ACCEPTABLE TO THE TOWN MANAGER AND TOWN ATTORNEY, AND WITH INPUT FROM THE CONSERVATION COUNCIL AND THE CONSERVATION COMMISSION, THE TOWN CLARIFY THE EASEMENT ON THE GARIPAY LAND TO PROVIDE PEDESTRIAN AND MAINTENANCE VEHICULAR ACCESS ONLY OVER THE PRIVATE LAND OF THE GARIPAY'S DRIVEWAY; AND FURTHER, THAT THE PEDESTRIAN ACCESS BE RELOCATED TO A NEW PORTION GOING INTO THE WOODS BEFORE THE GARIPAY'S HOUSE AND ROUGHLY PARALLEL TO THEIR LOT LINE UP TO BALCH HILL.

4. APPOINTMENTS - PLANNING BOARD

Ms. Connolly MADE THE MOTION to appoint Nancy Collier and Richard Vidal to two seats on the planning board recently vacated by Bruce Waters and Mark Severs, with terms expiring in the year 2000. Mr. Walsh SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPOINT NANCY COLLIER AND RICHARD VIDAL TO TWO SEATS ON THE PLANNING BOARD RECENTLY VACATED BY BRUCE WATERS AND MARK SEVERS, WITH TERMS EXPIRING IN THE YEAR 2000.

Ms. Connolly MADE THE MOTION to appoint Mark Severs as alternate to the Planning Board to complete Richard Vidal's term which expires in 1998. Mr. Walsh SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPOINT MARK SEVERS AS ALTERNATE TO THE PLANNING BOARD TO COMPLETE RICHARD VIDAL'S TERM WHICH EXPIRES IN 1998.

5. ADMINISTRATIVE REPORTS

Ms. Griffin reported that on Thursday, November 6, at 7:00 p.m. at the Municipal Office Building, the Joint River Commissions would like to provide a report session to the Planning Board, the Board of Selectmen, and any Conservation Commission members and others who might be interested.

Ms. Griffin also reported that she had received a note from Janice Fischel informing the Board that they will be invited to an opening celebration of the new Center for Jewish Life on Friday, November 7th at 3:00 p.m.

Ms. Griffin stated that she had been contacted by CATV regarding the tapes of the Board of Selectmen's meetings. CATV's policy in the past has been to provide six month's of tapes of Selectmen's meetings to the Howe Library, and after six months to take those tapes back and re-use them. After discussion, the Board decided that six months is an adequate period of time to keep Board of Selectmen's meetings on tape, but that tapes of Town Meetings should be kept in perpetuity.

Ms. Griffin reported that she is getting a complete update on the Ledyard Bridge project and the progress that has been made since the new contractors took over, as well as where they anticipate they will be by the time the project is set aside for the winter. This information will be provided to the Board in the Friday mailing. Ms. Griffin indicated that she is communicating in writing to DOT regarding the power washing of the houses on West Wheelock Street between now and the beginning of winter.

Ms. Black noted that a question had been asked if the bridge would continue to be called Ledyard Bridge. Mr. Nelson stated that he did not believe it was in the Board's power to name the bridge as it is a state bridge. Ms. Black suggested that the Board encourage the name of the bridge to remain Ledyard Bridge.

Mr. Walsh asked if Ms. Griffin were confident that the bridge would not pose a problem for the public works department in the winter, and whether the Town had been paid the \$50,000 due them. Ms. Griffin answered that she has been assured that the bridge will be in plowable condition by winter, and that the Town had received the \$50,000.

6. SELECTMEN'S REPORTS

Mr. Manchester

Mr. Manchester reported that he had been working with Mike Gilbar on a monthly financial statement for the Board. He added that this financial statement will include a forecast of revenue and an idea of what each department is doing with a breakdown into unit cost analysis. It is hoped to have a first draft of this financial statement at the next Board of Selectmen's meeting.

Regarding the parking problem at Sachem Field, the Rec Department requested the hiring of a police officer for special events, such as tournaments. Mr. Manchester reported that all tournament sponsors will be required to hire police officers to assist with traffic. Ms. Black suggested that the possibility of enlarging the parking lot be considered.

Ms. Griffin stated that a police officer is important to maintain free access into the parking lot for emergency vehicles.

Mr. Nelson

Mr. Nelson reported that the entrance to the public works department looks wonderful, and suggested taking a photograph of it to be included in the Town Report.

Mr. Nelson also reported that he had received a letter from the New Hampshire Municipal Association regarding participation in the defense against the electrical utilities.

Ms. Griffin indicated that the Town has received six letters of solicitation from law firms inviting Hanover to join in their solicitation endeavors. It has been decided that approximately 16 communities in the Merrimack Valley Region are going to join together and split legal costs to file suit in Merrimack County Court. Ms. Griffin added that other attorneys from other counties will file with their respective courts on behalf of their clients a request for a stay until the issue is debated in one court in the state. The attorneys have agreed that amicus briefs may be filed, and Ms. Griffin feels that the New Hampshire Municipal Association may file an amicus brief on the case.

Ms. Black stated that she had received information on a sewage bill coming before the House Study Committee. She has called two representatives to ask them to flag the issue which would supersede Hanover's local ordinances on septage and treatment.

Mr. Nelson read a letter sent to the Board of Directors of the Water Company which indicated that test wells will be drilled at various sites in Town. Drilling should be completed around November 1st, and the results of that drilling should determine the feasibility of using ground water as Hanover's future water supply.

Ms. Connolly

Ms. Connolly reported that the Planning Board is working on the master plan, reviewing and updating chapters and preparing for the final push with the land use chapter. There is also an upcoming site plan review involving the proposed Etna post office.

Ms. Black reported that she had received a call from an Etna resident suggesting that rather than using the existing bridge, a new bridge be built between the post office and the store which would result in better sight lines.

Ms. Connolly reported that the Planning Board has been dealing with the scenic by-way issue, and has recommended that only parts of Hanover such as the central portion and entries coming in from Route 10, going to the bridge and out Route 120, including the College, be the sole inclusions in the scenic by-way. She noted that establishment of scenic by-ways also establishes some obligations.

Ms. Griffin stated that she will clarify with Vickie Smith if she wishes to make a presentation on the scenic by-ways to the Board of Selectmen.

Mr. Walsh

Mr. Walsh reported that the Parking Facilities Task Force continues to meet bi-weekly, with financing representing a main issue of discussion of the committee. He stated that five years ago it was estimated that parking garage space would cost \$9,000, and the current figure is above \$18,000.

Mr. Walsh also reported that the Community Substance Abuse Advisory Committee met recently. He noted that this year Halloween falls on the same day as the Dartmouth bonfire, and it was agreed to seek the College's cooperation and make a statement to the public to note that this represents a potential for public safety risks. Mr. Walsh indicated that they are working on public relations materials for schools, the college, and parents in town to heighten awareness.

Ms. Black

Ms. Black reported that the Community Center Task Force had its first meeting recently. Three firms were interviewed to conduct the space needs assessment of the Town, and Brook Design of Concord was selected to do the work. Mill Moore is conducting the survey and will identify core groups as young parents with elementary age students, high school and middle school students, and senior citizens and user groups currently utilizing the facility.

Ms. Black noted that the Friday mailing contained a question about changing the color of the Town's vehicles. Ms. Griffin stated that yellow is not the easiest color to obtain or sell, and inquired whether the Board has any specific feelings about selecting another color as the "official" color of the Town of Hanover fleet.

Mr. Walsh stated that he would like to see a recommendation that minimizes the cost of purchase and maximizes the cost of re-sale.

Ms. Griffin is to come back to the Board with recommendations for first, second and third choice of colors for fleet vehicles.

7. APPROVAL OF MINUTES: SEPTEMBER 22, 1997

Mr. Walsh **MADE THE MOTION** to approve the minutes of the Board of Selectmen's meeting of September 22, 1997, as amended. Ms. Connolly **SECONDED THE MOTION** and the Board of Selectmen **VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF THE BOARD OF SELECTMEN'S MEETING OF SEPTEMBER 22, 1997, AS AMENDED.**

8. OTHER BUSINESS

There was no other business to come before the meeting.

9. ADJOURNMENT

Ms. Connolly **MADE THE MOTION** to adjourn the meeting of the Board of Selectmen. Mr. Nelson **SECONDED THE MOTION** and the Board of Selectmen **VOTED UNANIMOUSLY TO ADJOURN THE MEETING OF THE BOARD OF SELECTMEN.**

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

The meeting was adjourned at 8:48 p.m.

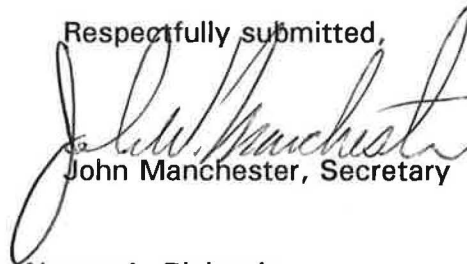
SUMMARY

- 1. Mr. Walsh MADE THE MOTION that, subject to specifics being acceptable to the Town Manager and Town Attorney, and with input from the Conservation Council and the Conservation Commission, the Town clarify the easement on the Garipay land to provide pedestrian and maintenance vehicular access only over the private land of the Garipay's driveway; and further that the pedestrian access be relocated to a new portion going into the woods before the Garipay's house and roughly parallel to their lot line up to Balch Hill. Ms. Connolly SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY THAT, SUBJECT TO SPECIFICS BEING ACCEPTABLE TO THE TOWN MANAGER AND TOWN ATTORNEY, AND WITH INPUT FROM THE CONSERVATION COUNCIL AND THE CONSERVATION COMMISSION, THE TOWN CLARIFY THE EASEMENT ON THE GARIPAY LAND TO PROVIDE PEDESTRIAN AND MAINTENANCE VEHICULAR ACCESS ONLY OVER THE PRIVATE LAND OF THE GARIPAY'S DRIVEWAY; AND FURTHER, THAT THE PEDESTRIAN ACCESS BE RELOCATED TO A NEW PORTION GOING INTO THE WOODS BEFORE THE GARIPAY'S HOUSE AND ROUGHLY PARALLEL TO THEIR LOT LINE UP TO BALCH HILL.**
- 2. Ms. Connolly MADE THE MOTION to appoint Nancy Collier and Richard Vidal to two seats on the planning board recently vacated by Bruce Waters and Mark Severs, with terms expiring in the year 2000. Mr. Walsh SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPOINT NANCY COLLIER AND RICHARD VIDAL TO TWO SEATS ON THE PLANNING BOARD RECENTLY VACATED BY BRUCE WATERS AND MARK SEVERS, WITH TERMS EXPIRING IN THE YEAR 2000.**
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Respectfully submitted,



John Manchester, Secretary

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