

BOARD OF SELECTMEN'S MEETING

JANUARY 19, 1998

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

Ms. Black commended the numerous Town employees who gave up their weekend during the recent ice storm to help the residents of New London, putting in a total of over 500 hours. Employees of the Public Works Department who assisted in the effort were Frank Austin, Matt Barker, Todd Bragg, Bernie Hazlett, Randy MacDonald and Bill Tourville. In addition, Chief Nick Giaccone, Sgt. Evans and Officers Fleury, Leonard and Luther spent the weekend going door to door in New London and helping with traffic control.

2. DISCUSSION REGARDING JOINT FACILITIES PLANNING ISSUES WITH DRESDEN SCHOOL DISTRICT.

Peter Teachout, Chairman of the Dresden School Board, introduced the Board members in attendance: Deborah Grabill, John Colligan, Becky Torrey, Peter Merchant and Superintendent Della Badia.

Superintendent Della Badia noted that this meeting was originally planned as one at which the Dresden School Board and the Hanover Board of Selectmen could discuss joining efforts in Town, particularly with some facilities plans that the Town might have, and some facilities ideas that the Dresden Board might have. He explained that in the interim it became apparent that there were a variety of concerns and possible plans and projections that the both the Hanover Selectmen and the Dresden Board might have, and it was decided to include representatives from Norwich as part of the Dresden Board and as a community.

Superintendent Della Badia stated that at the initiation of Cary Clark from Dartmouth College, it was determined that joint efforts between the two communities, two governing bodies and several school districts might speak to the issue of combining of efforts with regard to some relatively long range plans for the region. Superintendent Della Badia noted that he had planned a meeting which took place recently attended by representatives from the Hanover Board of Selectmen, Norwich Selectmen, Norwich School Board, Dresden School Board, Hanover School Board and the Town Manager of Hanover. He stated that it was a very successful meeting as many ideas were exchanged and an expression of desire on the part of the various agencies to work together in the interests of expediency and combination of costs.

Superintendent Della Badia suggested that it might be appropriate to defer discussion to a later meeting after the larger group which met recently has had the opportunity to spend more time together. An additional meeting of the group is scheduled for February 10, 1998. He stated that Cary Clark had agreed to draft a statement which might outline some of the issues before the group and suggest ways in which collective work could occur. Superintendent Della Badia also noted that there was discussion concerning a consultant in the field of long-range planning. He suggested that any substantive discussion on the matter be deferred to a later meeting.

Peter Teachout suggested that a quick review of the issues at hand by the Selectmen would be helpful.

Mr. Nelson indicated that he became president of the Water Company a year ago, and since that time studies have been done which indicated that no capital improvements to the distribution system have been made for the last 100 years. He added that half of the work should be done quite soon as it deals with fire protection and health. Mr. Nelson stated that the improvements would have no impact on the tax base, but the rates of those customers on the water system would probably at least triple as a result of those improvements.

Mr. Nelson explained that Hanover currently gets its water from a series of three ponds. The water is disinfected and totally safe for drinking, but there have been complaints received regarding the aesthetics of the water. He noted that options are currently being looked into having to do with filtration systems and the possibility of ground water as a water source.

Ms. Black stated that if the Water Company were to go to a filtration or well system and the water shed is unused, thousands of acres of land will be opened up. Mr. Teachout asked if that were to occur, if the land would be opened up as privately owned subject to restrictions, publicly owned land, or a combination of both. Mr. Nelson answered that the Water Company is 52 percent owned by Dartmouth College and 49 percent owned by the Town of Hanover. He explained that the Town would have a large influence over what would happen to the land.

Regarding the proposed parking facility, Mr. Walsh stated that there is a committee working on the issue in conjunction with Dartmouth College. The site being considered is across from Howe Library, behind Rosey Jekes and Subway, and borders Hanover Park. He noted that the area is being considered as a combination retail development and parking facility. Mr. Walsh stated that the committee has been working since May or June on the matter. He indicated that funding for the parking facility is not aimed at taxpayers, but will be financed out of the parking district.

Mr. Manchester stated that the Howe Library has been discussing expansion in conjunction with additional parking from the proposed parking garage. The expansion plans are on hold for this year and will not be on the warrant.

Ms. Black indicated that another committee in Town is the Community Facilities Task Force which is reviewing the space needs in Hanover for residents of all ages, including the administration offices in Town. Questionnaires are planned to be sent to four specific target groups as follows: one for parents of elementary and pre-school age children; one to Richmond School and High School students; one to senior citizens, and one to groups who utilize community facilities. She added that 1,000 questionnaires will be mailed randomly from the checklist. When information is received on the perception of space needs in Hanover, the committee will move forward.

Ms. Black added that two other groups in Town are the Bike Path Committee which has submitted to the Department of Transportation two alternative plans to the bike path proposed last year to connect Hanover and the Medical Center; the other group is a Scenic Locales Committee which is working on identifying priorities for scenic properties in Town.

Deborah Grabill stated that the Dresden School Board at its retreat examined the realities of where enrollment is headed and facilities needs in terms of renovating a rapidly aging facility to bring it up to life safety codes and ADA codes. She noted that once renovation work is commenced, significant asbestos work will need to be done. Ms. Grabill indicated that the Dresden Board authorized the formation of a building committee to begin exploring with an architect possibilities for renovation. She feels that the idea of having all parties meet together to discuss mutual concerns is a wonderful opportunity.

Regarding the possible development of land that may become available with a change in the water situation, John Colligan wondered if the definition of Hanover's master plan is sufficient to allow the community to balance the needs of the Town's master plan in conjunction with the needs of the College's master plan. Referring to the present difficulties on King Road, Mr. Colligan asked if some of the land used as the water shed is designated as scenic land, and whether work could be done in terms of developing a firmer structure for protection in these areas.

Ms. Black replied that these concerns are being discussed in terms of the master plan, as well as the possibility of firming up the subdivision regulations and conservation easement regulations.

Mr. Della Badia commended the Town Manager for her efforts over the past couple of years in continuing the long-standing cooperative relationship between the Town and the schools. He added that he is very appreciative of the good working relationship, and grateful for the work of the Department of Public Works.

3. DISCUSSION OF SELECTION PROCESS FOR APPOINTMENT OF PLANNING AND ZONING BOARD MEMBERS.

Ms. Black indicated that at a recent brown bag lunch held for elected officials from the Upper Valley, there was a discussion regarding the process of choosing individuals to serve on boards and commissions. One idea she felt would be useful is to have an application form for individuals applying for various boards which would require information on their backgrounds and experience. Additionally, Ms. Black suggested that an explanation of the duties and expectations of a board member be supplied to individuals wishing to serve.

Mr. Nelson suggested the possibility of including a job description when advertising in the newspaper for people to serve on boards and commissions.

Ms. Black suggested writing to the chairman of the boards and commissions to ask them to provide job descriptions for prospective board members.

Mr. Colligan stated that he believes one reason for seeing greater interest in people serving on Town boards is that citizens have been concerned that boards at times may be focusing just on specific zoning ordinances or specific site plan review definitions, and may lose sight of what is in the preamble and purpose of both the site plan review and the zoning ordinance. He added that people are getting involved because they are concerned with recent examples that have led them to question the integrity of the process.

Mr. Colligan stated that he has attended many meetings recently, and one issue appears to be the composition of the boards. He noted that Dartmouth College either employs directly or employs the spouse of board members; in cases where Dartmouth is the applicant, he stated that it is the exception when those board members with some affiliation recuse themselves from the case at hand. Mr. Colligan feels it is the responsibility of the Board of Selectmen to appoint board members to create a balance within the boards and preserve the integrity of the process.

Mr. Colligan also noted that the meetings typically last until very late in the evening, and when the meeting involves a controversial subject, the late hour may cause people to lose their patience and ability to listen, and possibly their ability to make the best decision. He suggested having the meetings end at an earlier time.

Ms. Black stated that the Planning Board and Zoning Board of Adjustment are appointed by the Board of Selectmen, but they are separate independent entities, so that the leadership of the boards determines the length of the meetings and how they are run.

Ms. Connolly stated that she feels being married to someone who is a Dartmouth employee should not disqualify a board member from sitting on a case where Dartmouth College is the applicant. She stated that she is a Dartmouth employee, and she, as well as her fellow Dartmouth employees, always recuse themselves from these types of cases.

Ms. Griffin indicated she is in the process of developing a draft conflict of interest policy for the Board of Selectmen's review.

Ms. Black stated that four years ago Walter Mitchell met with the chairmen of all the Boards regarding the right to know law. She suggested that he should meet with the chairmen and board members regarding conflict of interest matters, and draw up a policy regarding this issue.

Ms. Griffin indicated that there is discussion regarding developing a policy manual for new zoning and planning board appointees. She has talked with the property and liability trust and office of state planning regarding a quarterly training session for new planning and zoning board members. She suggested that a training program be instituted, and that new board members be required to attend before they can serve on a board.

4. DISCUSSION OF DEVELOPING HANOVER COMMUNITY NEWSLETTER.

Ms. Black stated that the Goals 2001 group has been working to develop a Hanover newsletter.

Ms. Griffin indicated that it would be a quarterly newsletter, similar to one published by the Town of Norwich, whose newsletter is a quarterly community informational newsletter that serves as the Town's forum for providing information to residents.

Ms. Black noted that there is a group of people in Town very interested in working on this project, and she hopes to keep their enthusiasm going for the project.

Ms. Connolly stated that the Town has experience in this area having published a newsletter in recent years informing the residents about Ms. Griffin's arrival as the new Town Manager.

Ms. Griffin will furnish the Board with sample copies of newsletters from other towns.

5. ADMINISTRATIVE REPORTS.

Ms. Griffin stated that the proposed budget has been finalized. She stated she looked at the CPIU New England Urban Index as of December which was 1.9%, and the proposed budget will show a 1.9% tax rate increase; a wish list will also be proposed with items that can be added back in if the Board of Selectman choose to do so.

Ms. Griffin indicated that a \$2.50 increase in the per capita ambulance fee will be assessed to Lyme and Norwich, and noted that these rates have not been increased since 1991. She added that Hanover continues to subsidize more than its share of the ambulance fund budget. Ms. Griffin stated that she will be meeting with both Boards in Norwich and Lyme to explain the proposal and answer any questions they might have relative to the increase.

Ms. Griffin explained that even if the entire wish list were funded at a cost of \$58,000, it would only result in a tax rate increase of approximately 2.9%, assuming there is a surplus to offset the increase. The proposed budget assumes a 3% cost of living adjustment and includes funding health insurance premium increases at the full increase that the municipal association brought in. She noted that Mike Gilbar and Barry Cox are currently working with an organization to assess all options available in terms of health insurance coverage under the assumption that it can be obtained at a rate less than what the Town is currently paying. Ms. Griffin anticipates that while funding for the worst case scenario, money will be saved in the budget by coming in with a health insurance program that will be less expensive than that obtained through the municipal health trust. She has also talked with employees about developing a labor management committee to discuss changes in coverage from their perspective.

Ms. Griffin will distribute the proposed budget at the next meeting of the Board of Selectmen on Monday, January 26, 1998.

Regarding the assistance rendered to the Town of New London during the recent ice storm, Ms. Griffin stated that Grafton County and other areas have been declared emergency disaster areas and are now eligible for federal funding. She stated that there is an upcoming meeting in New London regarding this matter that will be attended by a representative from Hanover.

Ms. Black stated that a resident had inquired if emergency federal funds were available to assist individuals. Ms. Griffin answered that the funds go to municipalities for cleanup efforts, but that information will be received at the upcoming meeting regarding individuals who sustained heavy damage and their eligibility for federal assistance.

6. SELECTMEN'S REPORTS.

Mr. Walsh

Mr. Walsh had no report.

Ms. Connolly

Ms. Connolly reported that the Planning Board had met recently; they are continuing to work on and review chapters of the master plan, and are getting ready to work on the mapping and land use chapters.

Mr. Nelson

Mr. Nelson reported that he has asked Ms. Griffin to propose a management contract for the Water Company. He stated that the Water Company is currently being contract managed by Dufresne-Henry for two part-time people; one manager and one class II operator technician. Mr. Nelson and Ms. Griffin feel that a significant amount of money could be saved by the Water Company contracting services from the Town. If approved, it will become effective July 1st.

Mr. Nelson added that as the Water Company makes capital improvements to its meters, the sewer plant will recognize more revenues without raising its rates.

Mr. Nelson presented a summary of the Paull subdivision on King Hill. He noted that the Town of Hanover holds a conservation easement on approximately 40 acres of land, five acres of which have been clear cut. The Planning Board has been working with the Paull's developers to arrive at a plan that will satisfy the problem. Mr. Nelson indicated that it appears that the Planning Board and the developer are getting close to an agreement as to how this matter should be resolved. He assumes that one part of the resolution will ask for a modification to an existing site plan. Mr. Nelson suggested that it is the purview of the Selectmen to make sure that the conservation easement is appropriately enforced, and the Planning Board would appreciate the Selectmen's insight into the matter.

Mr. Walsh stated that he had in mind that the Planning Board would work with the developer to get the best possible remediation and restoration that is reasonable and feasible. He stated that interaction should be between the Planning Board and the developer, and that the Selectmen should then deal with the question of whether there should be additional penalties. Mr. Walsh noted that the Planning Board has the responsibility to work with the developers to get as close to original conditions as possible.

Mr. Nelson stated that the Planning Board has not been satisfied with any solution presented by the developer that did not include penalties. He noted that the following points were presented as penalties, and are still in the discussion stage:

- 1) The developer would have an erosion and sediment control plan in place for springtime.
- 2) The Planning Board and developer are coming very close on an agreement regarding a natural resource remediation plan and a re-vegetation plan.
- 3) At the developer's expense, the Planning Board has hired a forester who specializes in erosion control, who will continue to monitor implementation of the plan.
- 4) The Planning Board has requested, and the developer has agreed, to complete a better survey on the conservation land.
- 5) The developer has represented the development as having buffers and has presented the Board with a forest management plan for those buffers. The Planning Board and developer are negotiating the design of the buffers. The developer has agreed that there will be a restriction to all of the lots that whatever is defined as the buffers will be managed in perpetuity by the private owners of the lots according to a recorded forest management plan.
- 6) The developer was requested to pay the Town of Hanover fair market value of the conservation easement that was clear cut. Contingent upon everything else going well, the developer has agreed to this request. Mr. Nelson assumes the Town would hire an appraiser to appraise the 40 acre conservation easement, and then take a percentage equal to the area which was clear cut, which the developer would pay as a penalty.
- 7) All of the provisions the Planning Board has requested and the developer has agreed to will be bonded. The Town will hold a bond for two to three years until they are totally satisfied that no erosion problems will occur and that replanting is going as planned.

Mr. Nelson stated that language in the conservation easement that is to be enforced by the Board of Selectman contains a clause that refers to a breach of easement. He noted that the key part of the clause reads that "If said grantor fails to take such curative action, the grantee, its successors and assigns, may take any actions that are reasonably necessary to cure the breach. The cost thereof, including the grantee's expenses, court costs, and legal fees, should be paid by the grantor." He noted that the

Planning Board found no way that the breach of the subdivision could be cured without a monetary penalty. The question is whether the value of the clear cut area consisting of approximately five acres of land is a reasonable penalty.

Mr. Walsh stated that he would like to see the developers pay into a fund in Town for the acquisition of lands deemed to be priorities by the Scenic Locales Committee.

Mr. Nelson noted that from re-reading the easement enforcement, he would suggest to the Selectmen that the only way to establish fair market value is for the Town to hire an independent appraiser to value the land, at the cost of the developer.

Mr. Walsh asked if the conditions are sufficient to suggest to developers that they think seriously before making a mistake of this nature.

Mr. Nelson stated he feels there is enough constructive basis for what is being done so that the language can be incorporated into other conservation easements and regulations. He added that the plan is very specific.

The Board was in agreement that the penalty of being compensated for the conservation easement which was clear cut was an appropriate penalty.

Mr. Manchester

Mr. Manchester reported that the Howe Library had a luncheon recently to salute Mary Soderberg for 22 years of dedicated service to the Town.

Regarding the parking garage, Mr. Manchester reported that he had attended six meetings recently, and that the reception from the business community has been favorable.

Mr. Manchester reported that the Planning Board is still discussing the tennis facility, and will have a meeting Tuesday, January 20, 1998 at 7:30 p.m.

Ms. Griffin noted that the Public Works director is reviewing the drainage plans for Chase Field and looking at storm drain issues for one of the abutters who is concerned about its impact.

Ms. Connolly stated that the first item on the agenda for the upcoming Planning Board meeting deals with the College's plans for phase two of the Grasse Road development. Ms. Black noted that at one point when phase one was before the Planning Board, Dartmouth College indicated that they would reserve room in phase two for playing fields. Mr. Nelson stated that the shape of the land is not appropriate for a playing field.

7. APPROVAL OF MINUTES: DECEMBER 1, 1997; DECEMBER 15, 1997.

Mr. Walsh MADE THE MOTION to approve the minutes of the meetings of December 1, 1997 and December 15, 1997, as amended. Ms. Black SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF THE MEETINGS OF DECEMBER 1, 1997 AND DECEMBER 15, 1997, AS AMENDED.

8. OTHER BUSINESS

There was no other business to come before the meeting.

9. ADJOURNMENT.

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

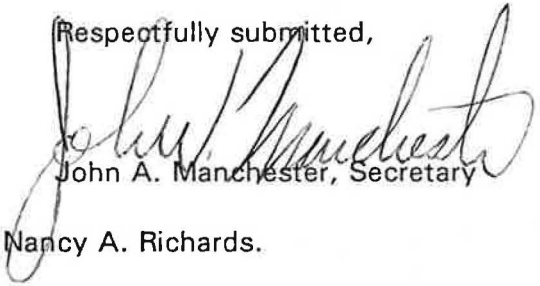
Mr. Manchester MADE THE MOTION to go to non-public session to discuss a matter which may affect the reputation of an individual. Mr. Nelson SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO GO TO NON-PUBLIC SESSION TO DISCUSS A MATTER WHICH MAY AFFECT THE REPUTATION OF AN INDIVIDUAL.

The meeting was adjourned at 9:15 p.m.

SUMMARY

- 1. Mr. Walsh MADE THE MOTION to approve the minutes of the meetings of December 1, 1997 and December 15, 1997, as amended. Ms. Black SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPROVE THE MINUTES OF THE MEETINGS OF DECEMBER 1, 1997 AND DECEMBER 15, 1997, AS AMENDED.**
- 2. Mr. Nelson MADE THE MOTION to adjourn the meeting of the Board of Selectmen. Ms. Connolly SECONDED THE MOTION, and the Board of Selectmen VOTED UNANIMOUSLY TO ADJOURN THE MEETING OF THE BOARD OF SELECTMEN.**
- 3. Mr. Manchester MADE THE MOTION to go to non-public session to discuss a matter which may affect the reputation of an individual. Mr. Nelson 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.**

Respectfully submitted,


John A. Manchester, Secretary

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