

APPROVED

BOARD OF SELECTMEN'S MEETING

JANUARY 26, 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; Michael Gilbar, Finance Director; 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

Anne Morris wished to thank the Highway Department for doing such a wonderful job keeping the roads safe and clean during the winter.

2. DISCUSSION OF ENFORCEMENT OF CONSERVATION EASEMENT ON THE PAULL SUBDIVISION.

Mr. Nelson referred to materials received by the Selectmen regarding the Planning Board's approval of conditions on the modification of site plan approval on the Paull subdivision. He noted that there are seven conditions, and explained several of the conditions. Mr. Nelson stated that condition #1 regards a sediment and erosion control plan which has been developed; condition #4 provides that the metes and bounds of the conservation easement will be specified; condition #5 states that buffers originally identified by the developer now have to be managed by the private owners according to a forest management plan that is part of the modified approval.

Mr. Nelson indicated that the Selectmen's responsibility is to see that any breach of the conservation easement is restored. It was felt by the Planning Board that although mature trees were cut on the five acres, it was the opinion of the developer's forester and the Town's forester that mature trees could not successfully be put back into the five acres. Condition #2 states that the five acres, as well as some of the buffer area, will be replanted. Mr. Nelson explained that the Planning Board voted to plant six to eight foot trees to act as a visual buffer. The trees will be planted and maintained by a qualified nursery, and they will be replaced by the nursery if they die. Mr. Nelson indicated that there will be seedlings planted between the taller trees.

Mr. Nelson stated that condition #6 is basically a penalty on the developer for his actions, and is intended to give the Town of Hanover a monetary settlement to work toward wildlife habitat. The language of the condition states that the developer will volunteer to pay the monetary settlement as the Planning Board does not have the authority to set monetary fines, and there is no clause in the easement for monetary fines for breach of the easement.

Mr. Walsh asked for the amount of the monetary settlement. Mr. Nelson stated that he had spoken with Don Munroe, and a rough estimate of the value of the property in question would be \$2,000 per acre, or \$10,000 plus costs.

Mr. Nelson suggested modifying condition #6 to say that "the developer will volunteer to pay the Town of Hanover fair market value of the conservation easement that was cut", meaning 4.96 acres of the 41.1 acres, and then insert "of the 82 acre development before the clear cutting".

Further conditions provide that the cost of appraisal will be the responsibility of the developer, and that all of the obligations be bonded by the developer. Mr. Nelson stated that Planning Board approval is conditional upon all of the above conditions being met, including the bond being in place. He added that there is a stay on the development which will not be lifted until the bond is in place and there is monetary assurance that conditions 1 through 6 will be completed.

Mr. Walsh stated that the language should be clearer as to what happens if the trees do not survive. Mr. Nelson suggested that language be inserted stating that the bond will be in place until an effective visual buffer (7 feet) is achieved.

Mr. Walsh MADE THE MOTION that the Board of Selectmen accept the action by the Planning Board in the Paul subdivision case, with modifications, and thanked the Planning Board for its work. Ms. Connolly SECONDED THE MOTION.

Janet Milne of Etna expressed concern that private interests may have benefitted, whether intentionally or unintentionally, by virtue of the violation of the conservation easement. She specified lots 3, 4 and 5, and indicated that the cutting may have enhanced the value of those lots.

Mr. Nelson stated that the intent in modifying condition #6 was to acknowledge that the cutting may have increased the value of the land, and therefore that the cutting would increase the value of the conservation easement.

Ms. Milne wondered whether more might be required in terms of performance or restoration. Ms. Black answered that the Planning Board can set conditions for the subdivision, and that it is the decision of the Selectmen as to the adequacy of the penalties.

Ms. Black noted that by planting apple trees more deer and bear will be brought to the area, developing a new wildlife habitat. Mr. Nelson stated that it was the developer's intention to be proactive by planting apple trees to attract wildlife.

Mrs. Morris suggested that the Selectmen talk with Upper Valley Land Trust regarding valuation of the conservation easement. Mr. Nelson stated that he had spoken with the Upper Valley Land Trust to determine an appropriate appraiser.

Mrs Morris asked for the Board's assurance that the problem with the driveway in Lot #2 will be dealt with. Mrs. Black stated that it is being dealt with by the new public works director.

Mr. Nelson suggested that language be added as condition #8 which states that the driveway in lot #2 shall not be within the conservation easement.

Mr. Walsh AMENDED THE MOTION to add condition #8 which states that the driveway in Lot #2 shall not be within the conservation easement. Ms. Connolly SECONDED THE AMENDMENT TO THE MOTION.

Mrs. Morris implored the Board to review the processes and procedures and attempt to modify some of the practices so that these kinds of mistakes do not continue.

Ms. Black indicated that the Planning Board and Public Works Department are working together, and in the future any conservation easement will be surveyed and marked with pins before it is accepted. She stated that they will never accept another easement without a penalty clause included.

The Board of Selectmen VOTED UNANIMOUSLY TO ACCEPT THE ACTION BY THE PLANNING BOARD IN THE PAULL SUBDIVISION CASE WITH MODIFICATIONS, AS AMENDED, AND THANKED THE PLANNING BOARD FOR ITS WORK.

3. APPOINTMENTS: RICHARD BIRNIE - PLANNING BOARD; RUTH LAPPIN - ZONING BOARD.

Ms. Connolly MADE THE MOTION that the Board of Selectmen appoint Richard Birnie to the Planning Board. Mr. Walsh SECONDED THE MOTION, and the Board of Selectmen VOTED UNANIMOUSLY TO APPOINT RICHARD BIRNIE TO THE PLANNING BOARD.

Ms. Connolly MADE THE MOTION that the Board of Selectmen appoint Ruth Lappin to the Zoning Board. Mr. Walsh SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPOINT RUTH LAPPIN TO THE ZONING BOARD.

4. BANNER REQUEST BY PARKS AND RECREATION DEPARTMENT

Mr. Manchester informed the Board that the Parks and Recreation Department is planning an Ice Harvest and Castle Construction on February 13 and 14, which will include sleigh rides, skating awards and a pageant. The Parks and Rec Department would like permission to hang a banner advertising the event beginning 10 days prior to February 13.

Mr. Manchester MADE THE MOTION that the Board of Selectmen vote to allow the Parks and Recreation Department to hang a banner advertising the Ice Harvest and Castle Construction Pond Party scheduled for February 13 and 14 for a period of seven days prior to the event. Mr. Walsh SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO ALLOW THE PARKS AND RECREATION DEPARTMENT TO HANG A BANNER ADVERTISING THE ICE HARVEST AND CASTLE CONSTRUCTION POND PARTY SCHEDULED FOR FEBRUARY 13 AND 14 FOR A PERIOD OF SEVEN DAYS PRIOR TO THE EVENT.

5. PRESENTATION OF PROPOSED FY 1998/99 BUDGET AND OVERVIEW DISCUSSION.

Michael Gilbar, Director of Administrative Services, presented the proposed FY 1998/1999 budget to the Board of Selectmen.

To summarize, Mr. Gilbar noted that the total budget for the seven funds - general fund, fire fund, ambulance fund, parking fund, sidewalk fund and special accounts - totals \$10,740,555 which is 3.7% over the current budget. This results in a tax levy of 1.9% which is at the current CPI. Mr. Gilbar stated that the general fund is up 3.7%; the fire fund is up 6.9%; and the sidewalk fund shows 69.9% but after reserve purchases are netted out, it is actually down from last year. He added that the parking fund is up 3.7%; the wastewater treatment plant is down 4.2%; and the ambulance fund is up 3.7%. Special accounts shows an increase of 57%, but there is revenue associated with the account which is non-taxable.

Mr. Gilbar explained that the grand total of all funds is up 3.7%; he added that there is an increase in revenue this current year due to approximately \$20,000 more in rooms and meals distribution and \$30,000 more in highway block grants, which funds were not anticipated in the current year's budget and have been included in the proposed budget to reduce the tax burden.

Mr. Gilbar stated that half of the cost of the senior center will be transferred back to the general fund in order to keep the housing fund solvent.

In addition, there has also been created a vehicle reserve for police cruisers in order to establish a cruiser reserve for the purpose of replacing the police cruisers. Mr. Gilbar stated that \$20,000 will be added into the police budget for utilizing part of a prosecutor who will be made available from the county attorney's office. The department is also adding one full-time dispatcher to the budget for a total of five people on staff.

Mr. Gilbar stated that Ms. Griffin has developed a priority list of 14 projects not included in the proposed budget which could be added in if the Board desired.

Mr. Gilbar stated that the final payment had been made to Dartmouth Hitchcock Medical Center for rental of the Route 120 lot, and that parking district tax and fees will be at the same rates this year in order to maintain extra funding for parking improvements.

Ms. Black read a portion of a memo from Ms. Griffin thanking Mike Gilbar and Penny Hoisington for their long hours of hard work in preparing the budget, and also thanking Sallie Johnson, Sue Romano, Debbi Franklin, Betty Messer and Winona Tyler for their assistance.

6. ADMINISTRATIVE REPORTS

There was no administrative report.

7. SELECTMEN'S REPORTS.

Mr. Walsh

Mr. Walsh reported that the Conservation Commission met recently and expressed concern about the work done on the edges of Three Mile Road last fall in terms of bank control and cutting, and stated that the matter should be looked into by Ms. Griffin.

Mr. Nelson

Mr. Nelson had no report.

Mr. Manchester

Mr. Manchester had no report.

Ms. Black

Ms. Black had no report

Ms. Connolly

Ms. Connolly had no report.

8. OTHER BUSINESS

There was no other business to come before the meeting.

9. ADJOURNMENT

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

The meeting was adjourned at 8:50 p.m.

SUMMARY

1. **Mr. Walsh MADE THE MOTION that the Board of Selectmen accept the action by the Planning Board in the Paull subdivision case, with modifications, and thanked the Planning Board for its work. Ms. Connolly SECONDED THE MOTION.**

Mr. Walsh AMENDED THE MOTION to add condition #8 which states that the driveway in Lot #2 shall not be within the conservation easement. Ms. Connolly SECONDED THE AMENDMENT TO THE MOTION.

The Board of Selectmen VOTED UNANIMOUSLY TO ACCEPT THE ACTION BY THE PLANNING BOARD IN THE PAULL SUBDIVISION CASE WITH MODIFICATIONS, AS AMENDED, AND THANKED THE PLANNING BOARD FOR ITS WORK.

2. **Ms. Connolly MADE THE MOTION that the Board of Selectmen appoint Richard Birnie to the Planning Board. Mr. Walsh SECONDED THE MOTION, and the Board of Selectmen VOTED UNANIMOUSLY TO APPOINT RICHARD BIRNIE TO THE PLANNING BOARD.**
3. **Ms. Connolly MADE THE MOTION that the Board of Selectmen appoint Ruth Lappin to the Zoning Board. Mr. Walsh SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO APPOINT RUTH LAPPIN TO THE ZONING BOARD.**
4. **Mr. Manchester MADE THE MOTION that the Board of Selectmen vote to allow the Parks and Recreation Department to hang a banner advertising the Ice Harvest and Castle Construction Pond Party scheduled for February 13 and 14 for a period of seven days prior to the event. Mr. Walsh SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO ALLOW THE PARKS AND RECREATION DEPARTMENT TO HANG A BANNER ADVERTISING THE ICE HARVEST AND CASTLE CONSTRUCTION POND PARTY SCHEDULED FOR FEBRUARY 13 AND 14 FOR A PERIOD OF SEVEN DAYS PRIOR TO THE EVENT.**
5. **Mr. Walsh 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.**
6. **Mr. Walsh MADE THE MOTION to go to non-public session to discuss a matter which may affect the reputation of an individual. Ms. Connolly SECONDED THE MOTION and the Board of Selectmen VOTED UNANIMOUSLY TO GO TO NON-PUBLIC SESSION TO DISCUSS A MATTER WHICH MAY AFFECT THE REPUTATION OF AN INDIVIDUAL.**

Respectfully submitted,



John Manchester, Secretary

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