

**DRAFT MINUTES
TOWN OF JAFFREY
Jaffrey, New Hampshire**

**BOARD OF SELECTMEN
Meeting Minutes
May 18, 2009**

Present: Chairman Sterling, Selectman MacIsaac, Selectman Batchelder

Absent: None

Staff: Town Manager Hartman, Administrative Assistant Richard

CALL TO ORDER

Selectman Sterling called the meeting to order at 7:00 p.m.

MEETING MINUTES APPROVAL

The public meeting minutes for May 11, 2009 were approved (3-0).

PUBLIC HEARING

None

APPOINTMENTS

Jean Coutu – Fourth Annual Live Free or Die Celebration

Chairman Sterling stated that the Board had met with Mr. Coutu a couple of weeks ago and had a preliminary meeting on the Live Free or Die Rally as to what and where it would be. An overview of the itinerary was given at that time. Sterling said that the itinerary was given to Chief Oswald and Chief Chamberlain as to fire safety and law enforcement. The Board also reviewed this with town council as to the applicability of various zoning and noise regulations. After reviewing it is the Board's estimation that Mr. Coutu properly belongs back in front of the Planning Board for Site Plan Review for a number of issues.

Chairman Sterling said that some of the issues that need to be reviewed are noise issues, parking, rifle range, alcohol and retail sales. These are the biggest items that came before the Board through our internal reports and from reading the flyers on the Appleseed Project and other things that were brought to their attention.

Mr. Coutu stated that all of this was brought up at the original Planning Board Meeting. He said that he dropped off flyers to all the abutters in the area. He said that most of the abutters were favorable and even asked to attend the event. He did say that he had not heard from a couple of the abutters but understands that they have been complaining to the Board. Mr. Coutu said that it is his understanding that Grand View Inn is allowed to serve beverages and food to guest on the property.

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Chairman Sterling said that his understanding is that these would be guests of the Grand View Inn. This is one of the issues that they would like the Planning Board to address for them. One of the troubling statements that came from the Appleseed Website was that the Noise Ordinance nor any other ordinances apply to this event and that is not true.

Mr. Coutu said that the noise ordinances were discussed and also removed from the website.

Selectmen Batchelder said that this is still on the website at this time.

Mr. Coutu said that he will check with them again. He said that he can keep them under control the best that he can but can not be responsible for everything that people put on but he will do his best to monitor this.

Chairman Sterling said that Chief Oswalt brought up usage of traffic control by using cones and also no parking signs. Mr. Coutu had said that all the events were going to take place on the North side of the road and now we understand that there will be hayrides on the other side of the road.

Mr. Coutu stated on Sunday there would be three or four horses in the field during the day while they were giving carriage rides on the North side. Mr. Coutu said that he would cancel this but there are only going to be three horses there.

Chairman Sterling said that he does not want him to cancel anything. He said that he very much wants him to have this event but he wants him to have it safely and reasonably. We respect your right to have this event and to talk about the issues that you raised but you also need to respect the right of your abutters. Sterling said this is why the Board would like Mr. Coutu to go back to the Planning Board and have the Planning Board do a full site plan review. We will send the Planning Board a letter and send a copy to Mr. Coutu.

Mr. Coutu said that parking is covered and there will be a meeting on May 21st regarding the rifle range and its legality. There will also be vending on the property.

Sterling stated that the Mountain Zone specifically prohibits retail sales. This would be a land use issue which the Planning Board will address. The Planning Board would have to prohibit the selling of t-shirts at the event as part of the land use plan. Once the Planning Board has come down with a decision in which they feel is reasonable, they will write up a decision, bring it to Board and the Board of Selectmen will enforce it. The Planning Board will consult legal council before they write their decision.

Chairman Sterling told Mr. Coutu to call Erlene Lemire tomorrow to get on the agenda for June 9, 2009. The Planning Board will write up a decision and whatever their decision is the Board of

Selectmen will enforce. There will be input from the Chief of Police as to what he feels is

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necessary and they will hopefully give you approval to have the rally with these conditions.

Mr. Coutu said he believes that Grand View Inn got all paperwork necessary for Chief Chamberlain. Mr. Coutu said that the next bridge to cross would be the Planning Board and would the Chiefs recommendations are based on the meeting on the 21st.

Chief Oswalt told Mr. Coutu that when he met with him and Fire Chief Chamberlain he had summarized the things that were discussed in the meeting to provide the information to the Town Manager and the Selectmen. He will make sure that Mr. Coutu is provided with a copy.

Mr. Coutu said that he will get the meeting in with the Planning Board and the Meeting on May 21st and asked if there is anything else.

Chairman Sterling said that the other thing he would want Mr. Coutu to raise with the Planning Board is what permits they have granted at the Grand View for the alcohol. He needs to find out if a beer tent is covered under their liquor license.

Mr. Coutu said that it was his understanding that it would be covered because they have had beer tents there before for prior events. Mr. Coutu said that it is his understanding that no one can bring alcohol onto the property and that the alcohol would have to be purchased on site.

Mr. Richard Olson asked if they could get copies of the Planning Board approvals of Grand View Inn.

Mr. Hartman said that he should ask Erlene Lemire for copies and also copies of the site plan review minutes.

Mr. Coutu thanked the Board.

REGULAR BUSINESS

1) Payroll and Vendor Manifests

On a motion by MacIsaac, seconded by Batchelder, the payroll and vendor manifests were approved (3-0).

2) Selectmen's Reports

Sterling

Chairman Sterling read a letter that he received from the University of New Hampshire

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informing the Board that Douglas Starr has achieved the status of Senior Roads Scholar in the UNH Technology Transfer Center's Roads Scholar Program. Senior Roads Scholar is the third achievement level, among four levels, in the Roads Scholar Program. The Board congratulated Mr. Starr for reaching this level.

Chairman Sterling read a letter that he received from the University of New Hampshire informing the Board that Bruce Hautanen has achieved the status of Roads Scholar One in the UNH Technology Transfer Center's Roads Scholar Program. Roads Scholar One is the first achievement level, among four levels, in the Roads Scholar Program. The Board asked DPW Director Heglin to pass along to Mr. Hautanen the congratulations of the Board of Selectmen on his level of achievement.

The Board also set a date of May 21, 2009 at 4:30 pm to have a site view of Barn Preservation.

MacIsaac

None

Batchelder

None

3) Town Manager's Report

Town Manager Hartman told the Board that he, Randy Heglin and Doug Starr went to DES on May 15, 2009 for a conference call with EPA from Boston to discuss the infiltration process for phosphorous level for the sewer plant. He asked Wright Pierce, Randy Heglin and Doug Starr to attend tonight's meeting to give us an update of where we stand and to lay out the various options the Town is going to face.

Randy Heglin stated that they had asked for a joint meet with the NHDES and the EPA last week because a few weeks ago Wright Pierce had informed the Town that they had heard some rumors that the DES is proposing more stringent phosphorous levels than the EPA.

Heglin said that when we originally designed our wastewater treatment facility we were advised by the EPA back in 2005 to design for a phosphorous limit of .2 mg/l. The technology that it is incorporated in the design is able to accommodate a .2 discharge limit. Shortly after we received approval for construction of the wastewater treatment

facility we received our draft permit which indicated a phosphorous level .16 mg/l with a difference of .04 mg/l but from a treatment standpoint this is very significant. The filters

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that Wright Pierce designed for the Town is stretching the limits of the technology. Wright Pierce had conversations with the manufacturer and they felt that they could probably do it with chemical addition. We were comfortable enough when stimulus funding came around and not knowing what the percentage of funding was going to be but we felt that the design for the filtration that we had already done was going to be sufficient for Jaffrey for the long term. Based upon some discussion that Rae Pierce has had with the DES, he then became concerned that maybe we haven't chosen the correct technology for Jaffrey's phosphorous filtration system. This is what caused us to the meeting with the EPA and DES.

Neil Cheseldine from Wright-Pierce distributed information to the Board and said that the even though the phosphorous limit is .16 mg/l, DES gave a draft permit to the town for the new wastewater facility. Cheseldine said that Wright-Pierce recently advised the Town that the currently designed tertiary treatment technology, cloth disk filters, may not be capable of meeting potential future phosphorus discharge standards, based on more recent water quality criteria information from NHDES and EPA. Wright-Pierce developed a cost comparison of an alternative tertiary treatment technology, ballasted clarification, which can achieve lower phosphorus levels.

Cheseldine said that the recommendation was the ballasted clarification technology which can achieve lower effluent phosphorus and TSS levels than cloth disk filters. Based on EPA input received at the meeting, it appears that the Jaffrey phosphorus limit will be 0.16 mg/l in the Final Permit anticipated to be issued by September 2009, although the Town may still elect to contest this limit. It is unknown how much more stringent phosphorus discharge standards may be in the future. The cloth disk filters would not be able to meet lower limits. If cloth disk filters were installed now and more stringent limits imposed in the future, necessitating a treatment process upgrade:

- There is insufficient available hydraulic grade to install another treatment process following the filters – the filters would have to be abandoned or a new pump station provided.
- The building housing the filters (as presently designed) would not accommodate an alternative treatment process.
- Extensive site work may lead to higher costs due to limited available space

NHDES did indicate a willingness to prioritize additional AARA funding if supplemental funds are available. Based on the relatively small user rate impact we believe it would be prudent to select the ballasted clarification process over the cloth disk filter process.

Chairman Sterling stated that he is very disappointed that we have not been able to solve the discharge limit after all that we've been through. He also said that we should not build

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something that would be obsolete in 10 years since the town would be paying on the bond for the project for another decade. Sterling believes that we should not go forward with the cloth technology.

One of Heglin's suggestions is that we delay the Special Town Meeting to possibly September where by that time we would have a permit. We would then be able to make a decision whether to fight the permit and look at the fact sheets in a response to our comments. We have never received a response to our draft permit. If we decide to proceed down a town meeting path, then we need to give Wright Pierce the authorization to proceed with either the design of what we have or another technology out there and let them compete against each other for bid.

The Selectmen suggested that Wright-Pierce investigate a cost effective solution that would meet future stringent discharge limits.

Selectmen MacIsaac made a motion to postpone Special Town Meeting until sometime in September due to the changing conditions of the permit, seconded by Batchelder, approved (3-0).

Jean Ellston asked Chairman Sterling if she ask some questions about the Live Free or Die Rally.

Chairman Sterling said that this is going to the Planning Board and that they did not talk about the specifics because they want the Planning Board to set the limitations and/or conditions for the Live Free or Die Rally.

Mrs. Ellston's attorney, John Weaver said that this is a mute point at this point but they do believe that this is more of a matter for the Zoning Board and that they will take a look at the uses that are fine for the Mountain Zone and the zoning ordinances which are limited to rural, residential and agricultural. He believes that the rally would require variances or special exceptions from the Zoning Board. He stated that the uses go well beyond the uses in the zoning ordinances.

Attorney Weaver said that none of the proposed activities including outdoor concerts, shooting demonstrations, firearms classes, range shooting, the sale of ammunition and gun powder, motorcycle shows, large scale outdoor camping and the like are uses permitted in the Mountain Zone.

Chairman Sterling said that Planning Board will be taking a look at the uses to determine what is and isn't allowed under the existing permits that Grand View has and if they need to they would refer to the Zoning Board.

Chairman Sterling said in order for Mr. Coutu to go forward with what he wants to do he

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may have to appear before the Zoning Board to get variances to the zoning ordinance to in order to hold those.

Chairman Sterling told Mrs. Ellston that the Planning Board will do a site plan review and determine what is allowable under existing permitted conditions. Under the zoning ordinance and or any grandfathered permitted uses that were granted to the Grand View prior to any zoning changes. Some of the changes Mrs. Ellston is talking about were subsequent to the site plan approval for the Grand View.

4) Timber Tax Levy

a) Operation # 08-233-13 – James Bearce – Map225/Lot15 & 18 - \$374.36

On a motion by MacIsaac, seconded by Batchelder, Timber Tax Levy - Operation # 08-233-13 – James Bearce – Map225/Lot15 & 18 in the amount of \$374.36 was approved (3-0).

5) Notice of Intent to Cut Wood or Timber

a) #09-233-05 – William McGinnis – Map211/Lot35 – Great Road – signed

6) Request for Use of the Meetinghouse

a) Thorndike Pond Conservation Association – Annual Meeting on August 1, 2009

On a motion by MacIsaac, seconded by Batchelder, request for the Use of the Meetinghouse for Thorndike Pond Conservation Association – Annual Meeting on August 1, 2009 was approved (3-0).

7) Request

a) Jaffrey Democratic Committee request to have a booth at the Riverfest on July 25, 2009

On a motion by MacIsaac, seconded by Batchelder, request for Jaffrey Democratic Committee to have a booth at the Riverfest on July 25, 2009 was approved with

restrictions (3-0).

b) TEAM Jaffrey request permission to place the seating on the Bandstand, Town Common and along the Riverwalk next to the Jaffrey Chamber Office

On a motion by MacIsaac, seconded by Batchelder, request from TEAM Jaffrey for

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permission to place the seating on the Bandstand, Town Common and along the Riverwalk next to the Jaffrey Chamber Office was approved with restrictions that the chairs be taken in each evening (3-0).

8) Fifth Cycle 2009 Water and Sewer Commitment Warrant

a) Water Commitment Warrant in the amount of \$79,017.35

On a motion by MacIsaac, seconded by Batchelder, Fifth Cycle 2009 Water Commitment Warrant in the amount of \$79,017.35 was approved (3-0).

b) Sewer Commitment Warrant in the amount of \$86,186.98

On a motion by MacIsaac, seconded by Batchelder, Fifth Cycle 2009 Sewer Commitment Warrant in the amount of \$86,186.98 was approved (3-0).

9) Boat Tax Warrant

a) Eighty (80) Boat Registrations \$710.84 – received May 15, 2009

On a motion by MacIsaac, seconded by Batchelder, Boat Tax Warrant for Eighty (80) Boat Registrations \$710.84 – received May 15, 2009 was approved (3-0).

10) Abatement Request Response from Vision

a) #09-03 – William & Ann McKenzie – Map254/Lot18/7

On a motion by MacIsaac, seconded by Batchelder, abatement request #09-03 – William & Ann McKenzie – Map254/Lot18/7, the Board agreed with Vision Appraisal's recommendation of no change due to the lack of actual sales data abatement denied (3-0).

b) #09-04 – Scott & Jane Farris – Map249/Lot3

On a motion by MacIsaac, seconded by Batchelder, abatement request #09-04 – Scott & Jane Farris – Map249/Lot3, the Board agreed with Vision Appraisal's recommendation of no change, abatement denied, (3-0).

c) #09-05 – Bradley Vear – Map238/Lot3

On a motion by MacIsaac, seconded by Batchelder, abatement request #09-05 – Bradley Vear – Map238/Lot3, the Board agreed with Vision Appraisal's recommendation to change the value of the property from \$191,128 to \$174,000, approved (3-0).

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d) #09-06 – Harold & Barbara Danser – Map228/Lot54

On a motion by MacIsaac, seconded by Batchelder, abatement request #09-06 – Harold & Barbara Danser – Map228/Lot54, the Board agreed with Vision Appraisal's recommendation to change the value of the property from \$363,205 to \$340,000, approved (3-0).

e) #09-07 – Park Theatre – Map238/Lot16

On a motion by MacIsaac, seconded by Batchelder, abatement request #09-07 – Park Theatre – Map238/Lot16, was tabled (3-0).

f) #09-08 – Monadnock Management – Map238/Lot185

On a motion by MacIsaac, seconded by Batchelder, abatement request #09-08 – Monadnock Management – Map238/Lot185, the Board agreed with Vision Appraisal's recommendation of no change, abatement denied (3-0).

g) #09-09- Ann & Kathleen Deschenes – Map238/Lot49

On a motion by MacIsaac, seconded by Batchelder, abatement request #09-09- Ann & Kathleen Deschenes – Map238/Lot49, the Board agreed with Vision Appraisal's recommendation of no change, abatement denied (3-0).

OTHER BUSINESS

None

NON-PUBLIC SESSION

None

ADJOURNMENT

On a motion by MacIsaac, seconded by Sterling, the meeting adjourned at 8:30 p.m. (3-0).

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Submitted:

Attest:

Sue Richard
Administrative Assistant

Franklin W. Sterling, Jr.
Chairman
Board of Selectmen

