

MINUTES OF THE SELECTMEN'S MEETING - June 18, 1990

Present for the meeting were Selectmen Mansfield, Johnston and Dodge with Sandra Gendron taking minutes.

Lee Murray, Road Agent canceled his regular Monday Evening appointment and discussion was general until the 7:30 appointment arrived. Since this would further the discussion on the hiring of a full-time Police Chief an Executive Session was required. Selectmen Dodge moved that the Board enter an Executive Session at 7:20 p.m. for the discussion of personnel matters, this was seconded by Selectman Johnston and so voted by all three Selectmen.

A motion was made by Selectman Mansfield, seconded by Selectman Johnston and so voted by all three Selectmen that the Executive Session end at 8:00 p. m.

At this time Selectman Dodge moved that James McLaughlin be hired as the full-time Police Chief in New Boston, this was seconded by Selectman Johnston and was a unanimous vote by the Board of Selectmen. Jim will assume his role as Chief on July 9, 1990 at 9:00 a. m. when he will be sworn in by Town Clerk Sandra Gendron. Jim requested permission and permission was granted that he begin purchasing uniforms. He also commented that he planned no immediate major changes. The Selectmen told Jim it was their understanding that the present Deputy Chief Paul DeRochemont wanted to be relieved of this responsibility so he might keep this in mind when planning his work schedules and work relationships with the part-time officers. Pleasantries were exchanged and the Selectmen look forward to a fine working relationship with Jim.

At this time the Board went to the Conference Room to meet with Members of the Planning Board Harold Strong, Chairman, Claire Dane, Recording Secretary, Brent Armstrong, Fire Chief James Dodge, later to arrive Deputy Fire Chief John Bunting, and Town Counsel Leslie Nixon. The subject to be discussed was that of the proposed subdivision of Frank Fillmore which was scheduled for a final hearing by the Planning Board on June 26, 1990. This proposed subdivision had caused many issues and concerns for which it was necessary that the Town receive legal counsel.

The first point Leslie brought up for discussion was the issue of a \$1250. per lot assessment that the Planning Board had imposed on the Fillmore's to which the Fillmore's took exception and claimed was illegal. This fee was calculated by the Fire Department as being a fair assessment, in their minds, on lots whose numbers were not great enough to require a cistern (cisterns are required on lots five or greater). These monies collected, which in the case of the Fillmore's is \$5,000, would then be deposited in a trust fund legally established by vote of Town Meeting to receive and expend monies for the purpose of water supply throughout the community.

It is Leslie's feeling that the issue of the legality of the \$1250. per lot assessment must first be decided before continuing on with other questions raised by this proposed subdivision. Leslie contends, after study and review, that this assessment would be proper if ultimately these monies were to be expended for the sole benefit of this particular subdivision (ie a cistern). In her opinion, these monies could be deposited in an account and held for

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a number of years until other monies were contributed and a cistern constructed; however, for the monies to be spent under the general guise of water supply anywhere in the community is, in her mind, questionable under current state law.

Discussion ensued as to whether, if after a specified number of years a cistern still had not been constructed, would these monies be refunded; and, whether presently any monies collected such as have been assessed against the Fillmore's would have to be refunded if it were to be determined that the collection of such monies was not in accordance with current state law.

Leslie reviewed how the requirement of the construction of a cistern had become a part of the subdivision process with fire safety and the necessity of ready access to water in mind. Fire Chief Jim Dodge stated the requirement of cisterns was policy and procedure of the subdivision process even though it was not extensively described in the subdivision regulations. Further, it has been the policy of the Planning Board to treat separate tracts of land in a single deed as separate subdivisions. Leslie did not agree that has been a correct procedure but contended it need not continue if it were determined to be incorrect. This brought up discussion on the fact that Leslie feels the Fillmore's potentially have a five lot subdivision since there is a separate tract of land in this particular deed and has been recorded as such since 1931. Again, Leslie stated that the \$1250. could be assessed if used to build a cistern; however, the Fire Department stated that these funds would not necessarily go to build a cistern if deposited in the present trust fund. John Bunting, Assistant Fire Chief stated that some developers have tried to beat the system by waiting until the sale of the fifth lot and then the onus of the construction of a cistern was placed against that owner. Leslie contended that quite possibly if this were considered to be a five lot subdivision right now then the construction of a cistern would be required at this time.

Once again, Leslie stated the Fillmore subdivision should be receiving 100% of the benefit of the assessed funds and if others would be benefiting then the funds should be proportioned according, in her opinion. Fire Department officials stated one of the reasons the town assumed ownership of a cistern once construction was completed and approved was in an attempt to be fair to the developer and place the responsibility of maintenance on the town eliminating further expense to the developer since water in a given cistern would be used during an emergency where necessary. Leslie contends the town's best option in the Fillmore matter is to require them to build a cistern based on a five lot subdivision. Then the question was raised as to whether the Fillmore's could consolidate this land into a four lot subdivision; however, all agreed that this would not be a realistic route for them to pursue since the cost of constructing a cistern was approximately \$20,000. and the sale of a lot could potentially yield \$30,000. The thought was expressed as to where on the property the cistern could be constructed since such a large portion of this land was wet.

questions or concerns he has regarding anything to do with the cistern and not involve the Office of the Selectmen. Selectman Dodge agrees that Jim's contentions are reasonable.

Jim related to the Selectmen the background of the situation as he knew it and stated that the plan showed he would use chain link fencing. There was the question that Matt might have been told wooden fencing could be appropriate, but Jim could not substantiate this by virtue of any letters he could find. Matt was sent a letter in Oct. of 1988 indicating to Matt that the fencing he had placed around the cistern was not what had been indicated on the plan. In checking what Matt had placed around the cistern Jim found the rocks to be too small to serve the purpose and the wooden rails already appear to be deteriorating.

Selectman Dodge suggests that the Board of Selectmen contact Matt and ask that he contact the Fire Wards to discuss the matters relating to his cistern. There was some discussion on the fact that Selectman Dodge does not feel that the rocks being used around many of the cisterns in town make an especially attractive fence, Jim responded that they are immovable where some other materials that could be used are not.

John Bunting brought up the issue of the cistern at the Messina subdivision on Clark Hill Road where it is proposed that the road will end at the cistern with the cul-de-sac acting as a pad for the cistern. It is the feeling of the Planning Board that the cul-de-sac should go beyond the cistern location where it is less likely that accidents can occur and by extending the cul-de-sac there will be more room for Fire Department emergency vehicles. The Selectmen did not take a position one way or another. They did agree that this could present the possibility of a cistern eventually being off the road and they could also see that if a cistern were located in the middle of a cul-de-sac problems would be presented with emergency vehicles during an emergency.

Tim Cady, New Boston's engineer from GZA came in to discuss issues and the expenditure of monies related to our ongoing monitoring of the areas in and around the closed landfill. Tim presented a plan on which the State has commented on the pinnacle fault that exists in that area and where it runs. This fault may or may not be transmitting water and this is a concern of the State. New Boston has not done any testing in bedrock which might indicate the travel of water and further where the fault travels; however, even with this type of testing it is hard to pin down. These are the types of tests that the State is looking for to see where the pinnacle fault goes and where other fractures or signs of fractures might be. GZA, the engineering firm that has been working for the Town for several years during the closure of the landfill, uses high and low altitude aerial photography. The area in question is basically flat and the fault can and has been located and the photos submitted to the State. The State is looking for bedrock monitoring wells and since there already are the proposed subdivisions of the Ivy Group and Frank Fillmore, it would appear to be in the best interests of the Town to identify any contamination that might be effecting the quality of the bedrock water. Tim feels that it is in the Town's best interest to do the bedrock wells especially in the area of

potential development. Although Tim does not feel contamination is seeping into the bedrock, since most people drill wells, he feels it behooves the Town to be sure of it's position.

The State of N. H. wants recommendations for locations of these bedrock wells and GZA feels it is important to determine what is occurring on the south side of the brook. Tim explained the workings of what he calls a "cluster well" which will be installed. The desirable result of the installation of such a well from the Town's prospective would be to have water come up through the system. To date test results have been positive especially since the capping of the landfill and future testing hopefully will produce the same good results. Once again, Tim stated the importance of gathering data from across the brook before homes are constructed; he does not feel there is enough information available for someone to contend they cannot sell their property due to water problems in the area.

Discussion turned to the financial aspect of the installation of the bedrock wells. The current status of the \$30,000 which was voted by the 1990 Town Meeting to support ground water monitoring is that to date \$17,600 has been expended leaving a balance of approximately \$12,000. Tim has enough in the budget for one more sampling round of the existing wells and the lab work involved in the testing process. Originally Tim had intended to install one bedrock well and one over burden. Tim feels we need to install two bedrock wells at a total cost of \$18,000 and explained that the major expense of the installation of such wells was the depth involved, a minimum of 300'. Then, of course, there is the expense of sampling and testing. The Selectmen authorized the installation of these wells and authorize the over expenditure of the ground water monitoring budget by \$6,000. Tim will put the project out to bid in the hope of saving money.

Tim stated that he will finalize the work plan and submit to the Selectmen for review; and further, he will notify the State that the Town is pursuing hydro-geological work.

Mail was reviewed, checks were signed and the meeting was adjourned at approximately 12:30 a.m.

Respectfully submitted,

  
Sandra Gendron  
Administrative Assistant