

EXECUTIVE SESSION - March 2, 1992

Having duly voted to enter an Executive Session, Jim McLaughlin wished to discuss with the Board the requirement that had been imposed upon him when hired, that being that he would eventually relocate and reside in the Town of New Boston.

Jim wanted to bring to the Board's attention that he had found a piece of land in Dunbarton containing 15 acres in which he and his wife were both very interested. The selling price was \$30,000., and he found after walking the land, that the entire acreage was useable. He had measured the distance from the site to the New Boston Town Line to be 6.4 miles. His question to the Board of Selectmen was whether there was any flexibility in the residency requirement that had originally been imposed.

Selectman Johnston stated that he would like to give it some thought. Selectman Dodge reviewed what he had discussed with Jim on previous occasions with regard to his relocating in New Boston, that included that Jim had been looking at local property for the year and one-half since becoming employed and had also consulted with local real estate agents, finding property that he might be interested in unaffordable and in some cases acreage of similar size being advertised for twice as much as the above mentioned price.

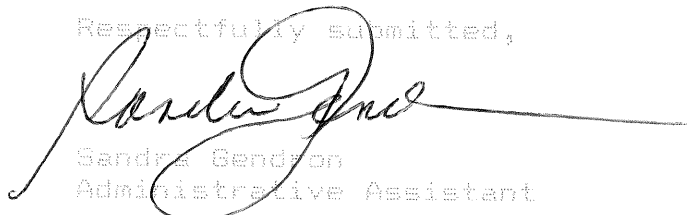
Jim stated that he had researched surrounding communities with regard to the residency of their Chief of Police. He found that the Chiefs of Bow, Wilton, Lyndeboro and Mont Vernon were commuters. Jim recognized that the Board would need time to make a decision and he stated that he sees pros and cons; however, he contended that he must look at the financial implications involved.

Selectman Dodge stated that the Board was aware up front upon hiring Jim what he was looking for in a piece of land and now knowing the situation consideration must be given to the police coverage necessary in the Town of New Boston and the response time involved should Jim be released from the residency requirement.

Jim cited case law which he contended makes it illegal to require that a Police Chief live in the town in which he is chief. Jim went on to state the laws look differently upon the Police Chief and the most important consideration is the response time. Jim did express understanding that this was a requirement when he took the job and extended his appreciation to the Board for their consideration; further, respectfully requesting that the Board respond in a few days since the potential sale would hinge on a timely decision by Jim and his wife.

The Executive Session was duly exited and the decision of the Board of Selectmen is noted in the minutes of the meeting this date.

Respectfully submitted,



Sandra Gendron
Administrative Assistant

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MINUTES OF THE SELECTMEN'S MEETING - March 2, 1992

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

Road Agent Lee Murray was in for his weekly meeting with the Board. Ken Rhodes, engineer for the replacement of the Depot Street Bridge, was in at this time. He stated that the cement abutments had been okayed as being in satisfactory condition for use by the engineer engaged to make such a determination and he will receive a letter certifying this fact in writing. He continued by stating that he will check to see if grouting and pointing the open area is a good idea, commenting that most likely this would be done for cosmetic reasons. He further stated that he will review the project to date with Jim Moore, the state representative for the project, to make certain all is in order.

Discussion turned to the fact that Ken had heard from Wheeler Bridge regarding the use of timber trusses commenting that they would not be submitting a bid using these as an alternative due to the excessive cost. Selectman Dodge suggested that the Board might still want a cost estimate of the above so that the information would be available, if necessary, to be used at the upcoming Town Meeting, where final funding for the project would be sought.

Ken Rhodes continued the discussion by stating that Jim Moore supported the concept of a pre-engineered, pre-constructed package being put out to bid, contending that by keeping the concept "generic" everyone would have the same opportunity to show how their bridge would perform. Ken went on to state that Mr. Moore expressed surprise that the Town would be acting as the general contractor for the project, since each aspect of the job would be going out to competitive bid in its own right, he questioned that it would become a complicated headache for the Board. The Board of Selectmen disagreed telling Ken that they saw it as a relatively simple process.

Discussion ensued as to the steps that would need to be followed by the Town and by the State and where the project presently stood in that process. The meeting ended with Selectman Dodge stating that he saw no need for Ken to be present for Town Meeting, when he offered to be available.

Before Lee left for the evening, and Chief of Police James McLaughlin having arrived for his monthly meeting with the Board, a discussion took place with regard to the disposal of dead animals when left on the roadside. The two told the Board of Selectmen that they had reached a mutual agreement as to how the matter might be handled when the animals were found on the road, but there continued to be the issue of the final disposition. All state laws indicate it is acceptable to use the landfill for disposal, a fact that will need to be verified by Bonnie Bethune, Manager of the Transfer Station. It was suggested that Bonnie might be asked to research the issue. Jim read the law which related to using the landfill as a disposal site with discussion ensuing as to the potential involvement of the Health Officer should a diseased animal be found. Lee commented that he just wanted to make certain that it is legal to bury these animals. The Board of Selectmen advised Lee to continue his present practice of burying the animal if it is found that the owner cannot be identified and notified.

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The meeting continued with Police Chief McLaughlin informing the Board that his new intern from Messer College had reported for duty. Jim intends to have him conduct a telephone survey looking for areas where the department can become of more service to the community. The intern is available for 120 hours.

Jim stated that he is prepared for Town Meeting, that his statistics for the preceding month are not exceptional, and that the DWI Grant for the use of the department has been approved while the Radar Grant is currently being used.

At the request of Chief McLaughlin and upon the motion of Selectman Johnston, with a second from Selectman Olson, the Board voted unanimously to enter into an Executive Session at 8:05 p.m. for discussion of a personal matter with Jim.

The Executive Session was exited at 8:25 p.m. upon a motion by Selectman Dodge, a second by Selectman Johnston and a unanimous vote by the Board to do so. The Board of Selectmen, based on facts discussed with Chief of Police James McLaughlin, voted unanimously to release Jim from the requirement that he eventually relocate to the Town of New Boston which had been in effect since his hiring.

Next in to meet with the Board of Selectmen were Mr. & Mrs. Armand Hebert, Sr. residents of River Road. Mr. Hebert asked under what authority the Selectmen released Hebert A. Scott, Sr. from the requirement of his gravel permit that he provide a bond for \$20,000. which would cover area landowner wells in the event that the gravel operation interfered with the water table. He further wanted to know who would be responsible for his well if it went dry, now that Mr. Scott had been relieved of his obligation to provide the bond. He continued by stating that the operation will be moving towards his property line and questioned why the abutters were not notified when a change of this magnitude was being made in the gravel permit.

Selectman Dodge stated that Mr. Hebert would have to schedule a meeting with the Board of Selectmen when the gravel operation approached his property line, to determine, if in fact, Mr. Scott should be require to reinstitute the bond protecting area wells, and further stated in order for Mr. Scott to move the operation closer to the Hebert's he would have to file a new plan with the Board of Selectmen. Discussion ensued with Mr. Hebert continuing to question how the Selectmen could decide that his and other wells would no longer be protected and further questioning who he would see if his well does go dry. The Selectmen contended that if with the bond requirement in place, anything had gone awry with Mr. Hebert's well, legal counsel would still have had to be sought. Mr. Hebert asked how far from his line would the operation have to come before Mr. Scott were asked once again to provide a bond. The Board reiterated that Mr. Scott would have to file a new plan in order for him to move closer to the Hebert boundary.

Selectman Johnston explained that the Board had walked the area extensively before the decision was made to release Mr. Scott from the much-discussed obligation. Mr. Hebert interjected that a public hearing would have to be held before Mr. Scott could be released from his obligation. The Selectmen responded that it was their decision whether

or not a bond would be required and that decision had been made, to which Mr. Hebert angrily retorted that if his well went dry he would come to the Town.

Once again, it was stated to Mr. Hebert that if the digging were to go in the direction of his home, Mr. Scott would have to file a new plan at which time the requirement of bonding the wells would be reviewed.

Mr. Hebert turned the discussion to stating that he wanted the hauling that he claimed was taking place beyond the Saturday noontime deadline to be stopped as well as the hauling that he claimed was taking place prior to the weekday 6:00 a.m. start time to be ceased. Before leaving he made reference to the number of unregistered vehicles on another property adjacent to his and discussion ensued.

Next in to meet briefly with the Board was Steve Lindsay, who was interested in the old trusses that had been removed when the original Depot Street Bridge was dismantled. He had inquired previously having been interested in constructing a bridge on private property and had been told that they had deteriorated beyond the point to which they could be trusted for such a use. He said he had renewed interest since he was now contemplating the bridge he wished to construct would only be used for foot traffic. He asked the Selectmen if they were willing to sell portions and at what cost. Selectman Johnston responded that quite possibly any usable pieces of the bridge would be kept to be used by the Town for such things as nature trails, etc. and that the siderrails were definitely not for sale. It was agreed that they would give consideration to Mr. Lindsay's offer.

John Palmer, Hooper Hill Road, was in to discuss with the Board of Selectmen a letter he had written to the Board with a copy going to the Planning Board regarding an ongoing restriction on his ability to receive Occupancy Permits on two of his lots pending the construction of a cistern by the person originally who had subdivided the property. He stated that he had spoken with Claire Dane in the Planning Board Office as to whose responsibility it was to make a final decision on getting the restriction released since the matter had been pending for several years with no end in site. John contends the situation has been allowed to go on far too long and he is an innocent party.

Selectman Dodge stated that the Board is well aware of the issues, and the matter has been placed in the hands of Town Counsel, who is aware of John's inability to do anything with his lots. Selectman Dodge continued by stating that the Board will have to await the advice of Town Counsel as to the course of action to be pursued by the Town. John commented that he was willing to relax the ultimate date that he had given in his letter; however, he felt confident that the Town would lose if the case were brought to court.

Selectman Dodge stated that John's letter had brought the matter to a "head" and the Selectmen would follow the advice of Town Counsel.

It was noted that William Mulligan, President of the Historical Society, would be contacted to present the Boston Post Cane to Mrs. Helen Christensen, a resident of Foxberry Lane, at one of their meetings. The Selectmen will review the criteria under which the cane is presented.

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Checks were signed, mail was reviewed and the meeting was adjourned at approximately 11:00 p.m.

Respectfully submitted,

Sandra Gendron
Administrative Assistant