

MINUTES OF THE SELECTMEN'S MEETING - August 16, 1993

Present for the meeting which began at 7:00 p.m. were Selectmen Dodge, Johnston and Pimenta with Sandra Gendron taking minutes.

In for his regular weekly meeting with the Board was Road Agent Lee Murray. Lee informed the Selectmen that the Francestown Turnpike had been graded today and was scheduled to be paved tomorrow weather permitting. The paving contractor would return at a later date to complete various paving related projects that had been scheduled for this year. Lee continued by stating that the trimming was complete on Old Coach Road and that the reclamation of the hill would begin in three to four weeks. Discussion ensued on the process involved.

The next item brought up for discussion was the pavement on the newly installed Depot Street Bridge, which is already showing signs of distress. Lee stated that he had inspected the project with bridge contractor Mike Kanik, who took pictures to be forwarded to the bridge designer for their assessment. Discussion revolved around the type of pavement used and what the problems might be. Word will be awaited from the bridge designer as to their evaluation of the situation.

The project in the area of the pond on Foxberry Lane was discussed, with Lee expressing concern that the work had not been completed as specified; however, it was discussed that without a dredge and fill permit more extensive work could not have been done. Lee will review with the Planning Board, under whose auspices the project had been done, the full extent of the work that was intended.

The deadline for the bids on proposed projects on Joe English and Riverdale Roads is 4:00 p.m. on Monday August 23rd. They will be reviewed during the course of that week and a decision will be forth coming on Monday evening August 30th, the next scheduled Selectmen's Meeting.

Selectman Johnston had attended the meeting in Weare held to inform area residents with regard to the replacement of the Newman-Wilson Bridge. Specific New Boston residents on Helena Drive will be affected since they access their property via this bridge. Attendees were informed that the project would proceed this fall, and that the bridge would be accessible at all times with reasonable delays to be expected.

Assistant Manager at the Transfer Station Bill Ingram was in to discuss final plans for the building he was constructing on site in relation to the installation of the sprinkler system.

Next in to meet with the Board of Selectmen were Stephen Ruddock and Robert Fehsinger, members of the Conservation Commission. They had requested a meeting with the Board to discuss issues concerning Dredge and Fill Permits. The basic area of concern revolved around who became responsible when a project was completed beyond the scope of the permit applied for, i.e. the property owner or the contractor. Discussion ensued as to the Conservation Commission's role in the process being that of a "watchdog." Specific instances were discussed and Steve pointed out that circumstances as described above have arisen three times recently, and the blame is shifted between the contractor, not necessarily having ever seen the actual

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permit and the property owner who applied for the permit. The immediate question became should the contractor have to sign off on the permit; thereby verifying that he had actually seen the scope of the work that had been applied for. There was also discussion that informational material could be attached to the permit so that all concerned would know the specific role that they played in the process. Selectman Johnston questioned the authority the Town would have in requiring that a contractor sign off on the project once completed, since the permit was mandated and the forms compiled and supplied by the State. Bob Fehsinger contended that the contractor is totally reliant on the homeowner to accurately describe the scope of the project applied for. Selectman Johnston suggested the more appropriate avenue to pursue for possible change would be the Wetlands Board under whose auspices the Dredge and Fill permits are issued.

Selectman Dodge reviewed the process under which an applicant would proceed, with Sandra Gendron supplying information as to the role of Town Clerk and the procedure followed when a Dredge and Fill Application was requested. More discussion ensued on the latest incident whereby the scope of the project had exceeded what had been permitted resulting in a possible fine to both the property owner and the contractor, with Bob Fehsinger stating that the purpose of this discussion was to reduce the risk to the wetlands at the onset not after the fact. Discussion continued comparing what was being proposed with regard to the contractor to the building permit process where the contractor is more involved. Selectman Johnston contended that the building permit process allows for inspection and requires ultimately a certificate to occupy, he continued by stating that he was of the opinion that the state was too reliant on local authority in terms of inspection; further stating that the inspection process should take place under their authority.

In concluding the discussion support was given by the Board of Selectmen to include an informational packet with the permit, and Steve Ruddock, on behalf of the Conservation Commission, will write to the state agency reviewing the process and stating the concerns of the Commission. There was also mention of the town instituting a local ordinance which would potentially require contractor participation in the permitting process and the legality of such was discussed.

Selectman Dodge brought up for discussion a developing issue in the Planning Board with specific regard to personnel, and Sandra Gendron was instructed to contact legal counsel for advice as to the appropriate procedure to follow from this date until the matter at hand reached a final conclusion.

Selectman Pimenta brought up for discussion a meeting of the Fire Wards which he had attended, contending that he did not receive the response to his questions nor, in his opinion, the respect he deserved in his position as a Selectman. He continued by reviewing in detail the meeting and his frustrations and concerns. He stated that he did not intend to let the matter drop and was looking for support from the other two Selectmen in conveying to the Board of Fire Wards his feelings related to what he perceived was a total disregard for him in his position as a Selectman. Much discussion

ensued as to the situation at hand, with Selectman Pimenta contending at the least he would like a letter of concern sent from the Selectmen to the Board of Fire Wards. Discussion continued on the ultimate effect such a letter might have in terms of harm as opposed to good. Selectman Pimenta again expressed his frustration with the situation, and since part of his frustration stemmed from his lack of foreknowledge with regard to current happenings on the Planning Board when he took over as Selectman representative, it was agreed that henceforth approved minutes of the various boards would be placed before the Selectmen for their review. Discussion ensued with Selectman Dodge suggesting that the Fire Wards were reacting more to the situation at hand than to Selectman Pimenta personally, further contending that any member of the Board of Selectmen may have received the response Selectman Pimenta perceived he had, a statement to which Selectman Pimenta disagreed. Lengthy discussion continued with Selectman Dodge and Johnston contending that Selectman Pimenta might give thought to a cooling off period, again stating a letter might not be appropriate. The discussion drew to a conclusion with Selectman Dodge apologizing to Selectman Pimenta if he felt the Board was letting him down, and noting for the record that the Selectmen felt the Fire Wards could have handled the inquiry of Selectman Pimenta in manner which would have resulted in a positive not negative situation.

Checks were signed, mail was reviewed and the meeting was adjourned at approximately 10:20 p.m.

Respectfully submitted,



Sandra Gendron
Administrative Assistant