

MINUTES OF THE SELECTMEN'S MEETING - March 14, 1994

Present for the meeting which began at 7:00 p. m. were Selectmen Johnston, Pimenta and newly elected Selectman Darlene Goodin. The first order of business was to elect a chairman for the upcoming year. Selectman Pimenta nominated Selectman Johnston to serve in that role, this was seconded by Selectman Goodin and so voted. Selectman Arthur W. Johnston will be Chairman of the Board of Selectmen in 1994.

Michael Richard, Coordinator of the Hazardous Waste Day Program was first on the evenings agenda. He was in attendance to set in motion the 1994 program now that funding had passed at the recently held Town Meeting. He presented state contracts that needed Selectmen's signatures and other documents that were required in order that the day be held. He also presented three bids that he had obtained from companies who would remove the hazardous waste collected. He had reviewed all three and discussed their pros and cons in detail with the Board. He was of the opinion that 1994 was a "buyer's market" and as such was able to get the two lowest bidders to negotiate their set up cost downward ultimately receiving agreement from Laidlaw, the company who was contracted in 1993 by New Boston, to set up the day for \$700., along with that agreed upon cost and the positive dollar amount that Laidlaw had quoted for paint removal, plus the fact that Mike had been satisfied with their performance over the last couple of years, it was Mike's recommendation that Laidlaw be contracted to conduct the 1994 Hazardous Waste Day. This was agreed to by the Board of Selectmen.

New to the program this year is the involvement of neighboring Francestown, and discussion ensued as to how the details would be worked out. It was decided that a formal, yet simple, agreement would be drawn up describing what would be expected of Francestown both in terms of financial responsibility as well as what personnel would be expected and what roles they would assume on site. Mike has met with representatives from Francestown and stated that the agreement would include the cost of the site fee divided on a percentage of participation basis, the cost of the treatment of the collected materials including any tax thereon, again determined on a percentage basis, and a date specific when payment would be made. Discussion ensued on such issues as to whether this agreement would require review by legal counsel, and if so, at whose expense. Selectman Pimenta offered the opinion that since New Boston was the host community, shouldn't we be the instigator for any rules that would be in place. Mike contended that the agreement should be kept simple and as such could be formulated and executed without necessarily involving a legal review. Discussion continued on the details, and Mike expressed the importance of a Selectman from each community being present to handle any issue that might present themselves. Mike continued by stating the completed inventory sheets would be reviewed and verified by both participating communities. Sandra Gendron was instructed to draw up a suitable document for use of the two Town's that would be reviewed by Mike and presented to both New Boston and Francestown Board's of Selectmen for their signatures.

Mike commented that Francestown has \$6,500. available for the day; however, they have not had a collection day in three years so their generation could be greater than what might ordinarily be expected.

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Discussion turned to the collection of waste oil with Mike commenting that they would only be accepting contaminated oil from both Towns. He went on to state he was hopeful that by the time the day arrived, New Boston would already be in the business of collecting usable waste oil.

It was confirmed that the date would be June 4, 1994 from 9 a.m. to 2 p.m. with the company agreeing that they would stay until 3 p.m. if need be at no extra cost.

The Board of Selectmen unanimously agreed to signing the 1994 Hazardous Waste Day contract with Laidlaw.

Mike stated that he was investigating the possibility of having a paint only collection day in the fall, and inquired as to what the support for such an effort might be. The Board expressed preference to seeing how the June day fared, and what might be available for funding for an added, although limited, collection day.

Discussion turned to Mike's need of assistance in terms of manpower and equipment from both the Fire and the Police Departments. He has already made arrangements for New Boston's Fire Department to have a truck on site. There was discussion on the costs involved in having a Police Officer on site, and whether such a cost could come from the Hazardous Waste Day budget.

The Board approved a check to be made payable to the Community Times to co-sponsor the May issue something that has become customary in relation to the events revolving around the collection day.

Mike will be scheduled to come in next Monday evening at 7:30 p.m. to get signatures on appropriate documents. Discussion returned to the issue of the possibility of holding a paint collection day in the fall with Mike looking for approval from the Board so that he might apply for a second state grant. Mike contended that we could apply, and if for whatever reason we could not hold or fund the day we would not accept the grant, based on that rationale the Board agreed that he could begin the application process.

Before leaving Selectman Johnston asked Mike to present figures for purposes of comparison of the last two years collection days and Mike stated that figures for the past two years, plus more had been printed in the Town Report.

Next on the agenda was Herbert A. (Bud) Scott, who along with his son John and their Attorney Roy Duddy came in to discuss the status of Bud's Gravel Permit and bond now that he apparently no longer owned the gravel pit on River Road. Bud expressed concern as to his responsibility, liability and potential exposure now that there was apparently a new owner with regard to his current permit to removal gravel as well as the bond that was in place in his name for the purposes of reclamation.

Selectman Johnston explained with the hectic schedule being maintained during the Town Meeting process, there had not been an opportunity to discuss the situation in detail; however, he stated that the Town could not release Bud from his responsibility to main-

tain the bond contending that the Town must have the financial security in place for the intended reclamation and it was still Bud's responsibility to provide that security. Selectman Johnston did continue and stated that it was not the intention of the Town to call the bond at this time. Discussion ensued concerning the fact that while the snow still covered the ground very little could be done in terms of viewing the open area. Selectman Johnston reviewed for everyone's benefit the last walk of the site that had been taken by Selectman Dodge and himself. He went on to state that the Board had no idea of what the new owners might intend since a permit has yet to be applied for nor has a transfer of ownership been received by the Office of Selectmen from the Registry of Deeds. Selectman Johnston went on to state that no gravel could be removed, a subject that was revisited many times during the course of the meeting, and further stated when asked by Bud, that his permit had not been revoked by the Town. Selectman Johnston continued by stating that under Chapter 155-E a gravel permit can be transferred by the regulatory commission, which in this case is the Board of Selectmen. What would be needed are the intentions of the new owner who would likely have to go through the process, again reiterating that the Board of Selectmen were in charge and, once again, stating that to satisfy your concerns (Bud's) the Board will not make use of the bond at this time. He contended that the permit was now inactive based on ownership and that it was not usable; however, the Board of Selectmen would not take it.

Attorney Duddy continued the discussion with regard to the provisions of Chapter 155-E commenting that he was of the opinion that permitting rights were incidental to ownership and went on to explain what he saw as Bud's risks; which in his mind included the potential of someone exceeding the scope of the present permit as well as the risk of Bud's bond being called. On behalf of Bud he stated that there was concern for Bud's potential liability. Selectman Johnston questioned if the release of the permit would effect the bond and discussion ensued as to ownership.

Selectman Johnston inquired as to whether Bud had documented on film the existing conditions of the pit and contended that such documentation might ensure any ramifications of spring run-off another issue of concern expressed by Bud. Bud stated there was no such documentation.

Attorney Duddy reiterated his concern, that interim occurrences while a change in ownership is transpiring at the Registry of Deeds, not put Bud in a position of being held liable for the bond. Again, the Board of Selectmen stated that they had no intention of calling the bond, but it must remain in place; and, once again, Attorney Duddy expressed concern for Bud's exposure. He went on to state, when asked by Sandra Gendron, exactly what was being expected from the Town, that he was looking for assurance that Bud's permit was still in place so that Bud would not loose his right to mitigate should something take place on the site that would adversely effect Bud's interests.

This brought up for discussion the entire issue of ownership, one more time, in light of the fact that nothing had been received from the Registry of Deeds to date; however, certainly Selectman Dodge

had visited the site the previous Thursday and indication was that someone other than Bud owned the property, and Sandra Gendron had confirmed with the Registry of Deeds this date over the telephone that a transfer had taken place and the Town would be sent the appropriate documents according to normal procedure. Bud wanted confirmation that he could still haul from the pit, and mention was made of the civil issues that were involved between Bud and the perspective new owner and the limits of the jurisdiction of the Town. Attorney Duddy inquired as to whether Bud's bond would be released should the new owner (apparently New Boston Aggregate) post a bond in excess of the amount presently in place by Bud Scott. Sandra Gendron offered the thought that the bond requirement was based on needs only for reclamation of open areas and the posting of a larger bond was not the intention; however, she continued that should the new owner wish to operate in areas that might have required reclamation by Bud then consideration could be given to the bond requirements of the new owner to include said areas which would then release Bud. Discussion continued and ended with Selectman Johnston reiterating that the Town was only looking to make certain security was in place for the intended reclamation and may have to review the entire matter with Town Counsel.

On a motion by Selectman Goodin, seconded by Selectman Johnston Brent Armstrong was appointed to another three year term on the Planning Board as a regular member to expire in 1997 and Kevin McLarnon was appointed to another three year term as an alternate also to expire in 1997. This was unanimously voted by the Board of Selectman and a letter stating such will be forwarded to the Planning Coordinator.

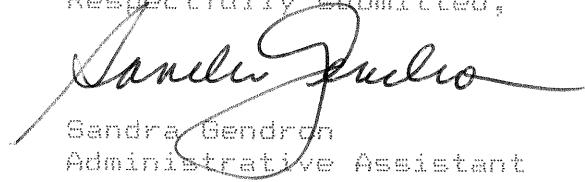
Fire Chief James Dodge was in to discuss putting out to bid as soon as possible the re-roofing of the Fire Station funding for which had been provided by vote of the 1994 Town Meeting. In the course of this discussion it was decided that notice would be put in the Community Times and on Channel 8 that the Office of Selectmen would be updating their building contractors list and request that the office be contacted by anyone who was interested in being placed on said list. In the meantime Selectman Johnston suggested that Jim seek three bids, the Board agreeing that Jim could include the contractor who had worked on getting together figures for the special article presented at Town Meeting, set the terms of the project, arrange a pre-bid meeting and have Linda send appropriate notices. The Board also suggested, when asked by Jim, that the Building Inspector be apprised of the project out of courtesy.

Discussion turned to the fire truck that would be purchased, again funded by vote of the 1994 Town Meeting, and when delivery might be expected.

Recreation Director Sandy Gallup was in to present for signatures a grant application which if approved would provide matching funds for landscaping in the form of trees and shrubs to be done on the common in conjunction with the construction of the Gazebo. Sandy stated that the Town's portion of the matching grant would be provided by the Friends of Recreation and the approval of this grant would not be an expense to the New Boston taxpayer.

Mail was reviewed, checks were signed and the meeting was adjourned at approximately 10:30 p.m.

Respectfully submitted,



Sandra Gendron  
Administrative Assistant