

MINUTES OF THE SELECTMEN'S MEETING - March 21, 1994

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

Deputy Town Clerk June Hicks was in to meet the Board of Selectmen now that she has assumed her duties assisting Town Clerk Margit Hooper.

Hazardous Waste Day Coordinator Michael Richard was in to sign the appropriate state contracts that will enable the Town of New Boston to hold their 1994 Hazardous Waste Collection Day scheduled for June 2nd and will this year include the Town of Frankestown. Sandra Gendron was instructed to contact Kenneth Stuart, N. H. Dept. of Environmental Services and address concerns of Michael Richards with regard to the 1994 Laidlaw contract which did not contain the same verbiage as that of 1993. Subsequently, Ken stated that Michael should contact Laidlaw and have the wording that was not in the 1994 contract reinstated. Ken offered to intervene if Laidlaw should have any issues with Michael's request.

Before leaving Michael discussed with the Selectmen the set-up of the waste oil heater, the location and set-up of the collection tanks, and everyone agreed that there would be a meeting of appropriate officials before installation of the heater. Michael also informed the Board that Laidlaw was willing to do a fall collection day for paint.

Next in to meet with the Board of Selectmen were Ernest Thibeault, Herbert A. (Bud) and John Scott. Earlier in the week Ernie had brought in a letter addressed to Selectman Johnston stating his proposed intentions with regard to the operation of the gravel pit formerly owned by Bud and now owned by New Boston Aggregate, a corporation of which Ernie is President. He had scheduled a meeting with the Board so that he could further discuss his plans. He stated that he had purchased the property and intended to continue its operation as a gravel pit until such time as the material was exhausted, and then he intended to subdivide the acreage into five or six acre commercial lots. He referred to his above mentioned letter stating that he had spoken to various individuals knowledgeable with regard to RSA Chapter 155 related to the removal of earth products, and it was his contention under RSA 155-8 an existing gravel permit could be assigned or transferred by the regulator, and further under RSA 155-E-3 an owner or owners designee could hold the permit. He was confident that the existing permit under the name of Herbert Scott could be assigned to New Boston Aggregate and remain in the name of Herbert Scott as operator until its current expiration date. He continued by stating that he would like to have the assignment granted and then in the spring the area could be walked to determine what could and/or should be scheduled for reclamation. He went on to state that it was his intention to operate the pit in the same manner as Bud had, not using the back corner which was the area of concern, as he understood it, with regard to a potential adverse impact on abutting owners wells. He also stated a willingness to pave the roadway entering the pit. He stated that he is the owner of nine gravel pits and this will not be a pit primary to his operation, nor will the community see a great influx of trucks and equipment. He continued by stating that in scheduling his work he attempts to spread the excavating needs of

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whatever projects he might be working on throughout his nine pits so that no one community is inundated with heavy equipment.

He went on to mention that he did have a job at the tracking station for which he would like to haul gravel from New Boston. Selectman Johnston asked what the anticipated yardage for the New Boston job might be, with Ernie responding 8,000-9,000 yards for the first phase. When asked, Ernie stated that he had not explored any specific routes of travel, and when it was pointed out to him that Bedford Road was not a "thru" road for truck traffic he stated that he would likely have to go around.

Selectman Johnston asked Bud what part he would play if an agreement were to be reached since the permit and bond in his name. Bud stated that his only concern was to protect his bond and he feels he would be helping Ernie out. Selectman Johnston stated that the Board of Selectmen were only interested in serving and protecting the best interest of the Town of New Boston as well as the abutting landowners, and he went on to comment that there were civil issues involving these two parties, to which Ernie responded that the Board could assign the permit and he did not want an adversarial relationship.

Sandra Gendron asked Bud what his intentions were with regard to the potential removal of material for his own use should the permit be transferred; once again, he responded that his only interest was to protect his bond and that he did not intend to remove any material regardless. Debate ensued with Ernie contending that the Board has the right to assign the permit and that he could assume the bond, and further that he would like to start operating as soon as possible. He went on to state that if Bud's permit were not in violation, then he did not see a problem with assigning it. Selectman Johnston commented that if it were transferred, New Boston Aggregate would still have to live under the conditions of the bond, and the Town would still have to go after Bud's bond if the need arose. Ernie asked where this whole conversation was leading, and Selectman Johnston stated that there would need to be an agreement with conditions in place if the permit were to be transferred.

At this time Sandra Gendron gave Ernie a copy of an agreement which had been drawn up and reviewed by Town Counsel under which terms the Board might be willing to transfer the permit pursuant to the power granted under RSA 155-E-8. Selectman Johnston stated that purpose of this agreement was to get the permit issued under the new owner in a timely manner and still allow excavation of gravel as specified in the conditions of said proposed agreement. Much discussion ensued with Ernie stating that he did not agree with the position the Town was taking. Further discussion took place with regard to the reclamation process, areas to be reclaimed and bonds that either were in place or would have to be in place. Ernie stated that he expected no favors and expressed disagreement with the Town's interpretation of Chapter 155. In leaving he stated that he will submit another letter written in more specific terms, which he contended his first letter did not contain.

Next in to meet with the Board of Selectmen were property owner Ray Burgess and engineer Steve Keach. Steve was presenting plans to

upgrade that portion of Old County Road currently a Class VI to a Class V status necessary in order that Ray Burgess obtain a subdivision of his property. Steve reviewed the intent of the upgrade and the area involved. He stated that originally when he and Ray had discussed this proposed upgrade with the Selectmen some time ago it was intended that the subdivision would be for cluster housing. The current market eliminates the feasibility of a cluster housing development, necessitating Ray to propose a more traditional subdivision which will include six lots. Steve went on to acknowledge the intent of the Master Plan as it relates to the ultimate opening of Old County Road from Bedford Road through to McCurdy Road. He contended that with the improvements he would be proposing on behalf of Ray Burgess the Town would be getting one-third of that project done at no cost to the taxpayers.

Discussion continued with Steve recognizing that the Board of Selectmen would be looking at the profile of the entire length of roadway and that was the reason he was presenting a plan that would deal with the stream in which there was current beaver activity. Steve recalled this had been a concern of the Board when discussions regarding this project had originally taken place.

In preparing to present the plans for the Selectmen's review, Steve commented that he had designed the road in terms of an overall plan, a profile and a cross-section and was presenting a total package. He then presented drawings to the Board and described them in detail sheet by sheet. He explained that he had been able to maintain the pavement widths with the appropriate shoulders on one side of the road, and he went on to describe slope easements that had been considered by the Planning Board in 1987, as detailed in their minutes, in conjunction with the subdivision of one of the Hapeman Lots, which would have frontage on Old County Road once the upgrade has taken place. He continued by describing the area in which this plan would propose granite curbing and catch basins which would provide drainage that would tie in with Bedford Road. He went on to show the profile from Old County Road and describe the installation of a culvert that although may not be required by the Board of Selectmen; Steve had received assurances from Claire that the Planning Board would likely discuss the possibility thereof.

Selectman Johnston stated that no decision would be made this evening, he continued by stating that the plans would be reviewed by the Board as well as discussed with the Planning Board, and a decision would be forthcoming maybe by the next regular Selectmen's Meeting, March 28, 1994. He contended that a main concern to be considered would be how this proposed upgrade would culminate, and the ease with which it could be picked up again to continue through to McCurdy Road which had been alluded to earlier as being the intention of the Master Plan. Selectman Johnston reiterated that the ultimate goal of any Class V road or upgrade to a Class V status was to have through roads with no cul-de-sacs, and contended this situation was somewhat difficult.


Steve invited the Board to call with any questions they might have once they had had the opportunity to review the proposed plans, and asked if he or Ray should plan to be present at the next meeting; to which Selectman Johnston stated that would not be necessary.

Steve concluded by stating that the first 675' were not "by the book", but he had done the best he could realizing the shoulders were short of what was required, thus the granite curbing; however, he had designed the proposed upgrade with the Town of New Boston in mind.

Selectman Johnston asked that Bo Strong, along with Chief of Police Jim McLaughlin be scheduled for next Monday's meeting so that discussions might begin with regard to the beginning stages of construction for the police facility, the funding for which had been voted at the March 12, 1994 Town Meeting. Discussion ensued with Selectman Fimenta commenting that he would work with the layout of the heating system and suggested forced hot air since air conditioning can be incorporated into this type of system. Selectman Johnston will be working in a similar manner with the electrical layout. Selectman Johnston commented that it had been agreed to accept a bid from the company who had prepared the designs used when the project was proposed at both the C.I.P. Public Hearing and the Town Meeting, which led to discussion as to whether they would offer all phases of the project, ie building, earth work, plumbing, heating and electricity out to separate bid. Selectman Johnston contended that money might be saved although timing could be an issue. It was determined that other than the designer, bidders would include only those on the New Boston Contractors List.

Checks were signed, mail was reviewed and the meeting was adjourned at approximately 10:15 p.m.

Respectfully submitted,


Sandra Gerdrón
Administrative Assistant