

MINUTES OF THE SELECTMEN'S MEETING - April 11, 1994

Present for the meeting which began at 7:00 p.m. were Selectmen Johnston, Pimenta and Goodin with Sandra Gendron taking minutes. Newly hired Town Administrator Lorraine Cleveland had begun her duties this date and was present for the meeting.

Road Agent Lee Murray was the first scheduled appointment for the evening with the Board of Selectmen. Also present were members of the Playground Association including David and Holly Bowen, Wayne and Cathy Daniels and Maurie Pelchat. The issue to be resolved was how the backstop on the playground was going to be repaired having been damaged by large amounts of snow being placed against it this past winter by the Highway Department. Holly had received three estimates that would replace the backstop, Penny Fence - \$1267.00, Fences Unlimited - \$2550.00, and American Fence \$1950.00. Lee had also received an estimate from Penny Fence that would repair the backstop to the condition that it had been in prior to the recent damage in the amount of \$200.00, which he stated he was willing to spend.

Discussion ensued as to who would assume the liability should the repairs, as proposed by Lee's estimate, be done and the backstop were to collapse in any fashion resulting in personal injury. The Playground Association stated that their insurer Stuart Clark would not provide coverage if the backstop were repaired and not replaced. David Bowen stated that he had spoken to former Selectmen Willard Dodge last year when the snow was placed against the backstop fearing the weight would cause damage and the matter was taken care of. Selectman Johnston commented that the backstop was in a poor state of repair and the weight of the snow placed against it this past winter proved to be the final straw. There was further discussion on how the existing damage had occurred, with Selectman Johnston concluding that the town had the estimate to repair the backstop back to its condition prior to the damage caused by the snow and the town would contribute that amount toward the replacement of the backstop should that be the route the Association chose to go.

Once again, there was much discussion on who would assume the liability should the repair proposed by the town not hold. Selectman Johnston contended due to the poor condition of the backstop prior to the damage under discussion the issue of liability already existed. And, once again, the Playground Association wanted to know who would assume the liability should something happen once the repairs had been made to the backstop. Selectman Johnston read the quote that Penny Fence had given to the Town of New Boston, stating that the proposed repairs would be limited to the damage caused by the weight of the snow placed against the fencing, contending that the town would not assume liability but would restore the backstop to its condition prior to the damage. Much discussion ensued with David wanting confirmation from the town that would acknowledge the damage under discussion was caused by the placement of the

PA
MSD
MRS

snow, a statement that neither the Selectmen nor the Road Agent denied.

Selectman Johnston asked David what he felt the town's responsibility was, to which David replied the Playground Association would like to go with the bid from Penny Fence to replace the backstop. Among other things, David contended, this would eliminate the problem of balls hitting the town office windows; however, they would like more than \$200.00 from the Highway Department. Selectman Johnston asked how much? David responded one-half. Selectman Johnston stated this would have to be discussed by the Board before a decision was rendered. Selectman Pimenta stated that he would like to look over the damaged backstop without the snow, with Selectman Johnston agreeing he would like to examine the base. Lee stated he would be willing to contribute one-third of the cost of replacement. Selectman Pimenta asked David how he felt about that offer, to which David responded that they would like one-half; however, Holly Bowen stated that one-third would be acceptable.

David asked what would happen in the future if the plows did more damage to such structures as the grandstand. This led to discussion of closing the roadway behind the grandstand since it is owned by the Playground Association. This proposal was well received by the members of the Association present, their contention being that this is something they have wanted for a long time having on-going concerns with issues of liability. Discussion ensued as to how this stretch of road had been used historically by the school busses and over the years increased usage by both school busses and vehicles coming to and from the school were really causing safety issues in the parking lot of the Town Office Building and the Historical Society Building. The Board of Selectmen stated that they intended to go forth with a plan of landscaping that had been proposed for a couple of years to remove the pavement between the two buildings and landscape the area in an attempt to cure the chronic problem of the septic system at the Town Office Building freezing. Also, proposed would be removing the pavement between the front of the Historical Building and the Common which would eliminate vehicles of any kind using the parking lot to access the school. It was discussed that the School Board would have to be made aware of these plans and discussion ensued as to how the bus traffic would potentially be routed. The Playground members present stated that they had been patient this long, they could wait longer when it was suggested that this likely could not be implemented until fall.

Selectman Johnston stated, with agreement from Selectmen Pimenta and Goodin, that the Board of Selectmen would be willing to approve contributing one-third of the cost of the new backstop and expected that the work would begin immediately since the existing structure was in a bad state of disrepair and the field

was beginning to be used by ball teams.

Holly asked if another meeting would be necessary in order that the Fourth of July permits be issued, with Selectman Johnston stating that it would; and further, pointed out that with the anticipated construction of the Gazebo this summer, the Common might not be available as it had been in the past and wanted the Playground Association to be aware of the possibility of having to relocate some of their events.

Holly asked if there was a proposed date when the Police Department would be vacating the Depot Building, owned by the Playground Association and rented by the Town of New Boston, pending the construction of their new facility. She inquired as to what the notice might be and suggested sixty days would be adequate to which all agreed. Selectman Johnston suggested that the Playground Association review the requirements of the site plan review process before acquiring new tenants. It was also stated that the anticipated move of the Police Department to their new facility would be October or November of this year.

Before leaving Sandra Gendron stated Sandy Gallup had expressed concern with the condition of a storm drain towards the back of the ball field fearing children at the after school program might fall into based on its present condition. David Bowen stated that he would inspect the drain the following day, April 12, 1994, since it required attention from time to time depending on the drainage from the hill in the area.

Lee remained and presented to the Board of Selectmen a bid from Penny Fence for the wooden block rails that would be installed on the Depot Street Bridge and described their installation. This work will be done as soon as possible so that the cost can be submitted along with other construction costs for reimbursement by the State of N. H. for the replacement, by the Town, of the Depot Street Bridge.

Selectman Pimenta will place the placque dedicating the Depot Street Bridge to the memory of Greg Peirce and consideration will be given to a simple dedication of same.

In discussing the metal building that has been ordered and will be erected on the site of the Highway Garage, Sandra Gendron will contact contractor Bill Forest so that he might meet with Lee to discuss site preparation since the structure is expected to arrive the first week in May.

Discussion turned to the cutting of McCurdy Road, and Selectman Johnston suggested that Lee mark the trees to be cut and the Selectmen at their convenience would review the area.

Lee stated that a meeting would still have to take place with

Margaret Flansbury to discuss the further reconstruction of McCurdy Road which would require crossing her land. With this in mind, it was discussed that the projected cutting would stop in the gully adjacent to the property of Brian Horner until such time as agreement might be reached with Mrs. Flansbury or another plan be implemented. Lee stated rather than putting the cutting out to bid, he would like to have the work done by William Weigle having been satisfied with cutting projects he has undertaken for the town.

This led to discussion that Selectman Pimenta would inquire as to a cutter he had heard good reports about, and the possibility that Jon Stout or Merric Monbouquette might be interested in the project. Before ending the discussion of this subject, it was stated that some of the landowners wanted any wood cut off their property and this would be accommodated.

The next matter to be discussed with Lee was the possibility of Ernie Thibeault, President of New Boston Aggregate, travelling Bedford Road with heavy equipment in order to access the tracking station. This issue having been raised at previous meetings discussing transferring the existing Scott Permit for a period of sixty days to new owner New Boston Aggregate while they applied for a permit in their own name. Presently Bedford Road is not open to thru truck traffic. Selectman Pimenta questioned that Ernie might be allowed to travel back from the tracking station to his pit on River Road if the equipment were empty. Lee stated that the condition of the road would not permit such use even if the vehicles were empty, also contending an issue of safety existed. Selectman Johnston commented that he had told Ernie this was a subject he would have to address with the Board of Selectmen. Lee gave a history of why Bedford Road was closed to this type of traffic for the benefit of Lorraine, and that even if ten wheeled vehicles were used rather than the dump trailers that Ernie generally used, the road would sustain damage. Discussion continued calculating the number of trips that would be required based on the number of yards Ernie had projected that would be hauled to his project. The end result was that the precedent set would be unfair to those operators who, over the years, have not been permitted to use Bedford Road as a thruway, and there would be no special exception granted.

Next in to meet with the Board of Selectmen were Planning Coordinator Claire Dane and Planning Board Member Harold (Bo) Strong. The topic of discussion was a meeting which Claire had attended, at the request of Sandra Gendron, whereby the SNHPC was attempting to reactivate the Economic Development Committee formed sometime ago, that essentially never got off the ground. Claire described the purpose of the committee stating that the next meeting would be April 27th, 7:30 a.m. at the SNHPC building, and a representative from the Board of Selectmen should be appointed to serve. Selectman Goodin offered to accept the

responsibility contending it would give her an opportunity to meet area representatives, and it was agreed that Claire might fill in if necessary from time to time.

Claire continued by stating that the mission of this committee, in part, was to create an inventory of available land for potential commercial development. With this in mind, the

Selectmen should review town-owned properties and consideration be given to whether or not any of these might be promoted for such a use. Selectman Johnston suggested that a meeting with the Forestry Committee, the Conservation Committee and the Planning Board might be called to discuss such a potential use for any town-owned property.

Bo remained, and Lee had remained, to discuss the progress made at the site for the police facility stating that the stumps had been pulled by August (Skip) Gomes, who had been low-bidder for this portion of the project. Any further work beyond the scope of the stumping would be billed by Skip at a rate of \$70.00 per hour. Bo estimated that it would take eight hours to move and place the large rocks that had been unearthed, two of which would need to be blasted, and to cut in the driveway. A quick calculation of what had been spent to date of the \$5,000.00 which had been voted in 1993 to prepare the site, left an estimated \$2,500.00. The Selectmen approved the additional work as described above, including the blasting of the rocks which Bo estimated would cost between \$125.00 and \$150.00. Bo also stated that Skip would dig the necessary test pits, the expense of which was included in the stumping bid.

Bo continued by stating that Earl Sandford would be meeting with him the following morning, April 12th to offer another design for the septic system, and to work on the mapping of where the building would be cited. He also stated that the meeting for the committee established to oversee this project would be held as scheduled on April 14th; however, the time had been changed to 3:30 p.m. and all members would be notified.

Selectman Johnston stated that he had spoken with representatives of the J.A.L. with regard to the potentially available fill on the site of the ball field, and that it might be adequate for use on the slopes and banks of the police facility site; however, it would not make a satisfactory base. He went on to state that this material, now piled in the area of the ball field to be used for parking, had to be moved soon in order that the field be opened and parking be available. It was agreed to look at this material to determine its potential use. Bo stated that he would be "fussy" with regard to the quality of fill used around the building itself as well as that used under the septic system; however, there were still a number of areas where material of a lesser quality could be placed.

This discussion led to what material might be necessary when the pavement was removed between the Town Office Building and the Historical Building. It was stated that only something with a clay base would be needed and then loam. Bo mentioned at this time that he had spoken with Bill Barss who contended that when this landscaping was done, the water pipe between the two buildings should be replaced to avoid digging up the area in the future. This discussion met with approval from the Board. There was general discussion on the potential addition to the Historical Building which has been discussed from time to time and where its location might be, and how this might affect the landscaping with regard to the location of the Town Office septic system. It was decided that the landscaping should go ahead in order that problem of the freezing of the septic system, that it was intended to alleviate, not be repeated in subsequent winters.

The specifics of removing the pavement between the buildings and the subsequent landscaping will be discussed at Lee's next regular meeting with the Board of Selectmen so that this project can be scheduled, the work to be done by the Highway Department and funded by monies carried forward in the Town Building line of the operating budget.

Before this meeting ended, Lee mentioned that there appeared to be the smell of septic in the area of a culvert on the top portion of the police facility site, which might be generated from the property across the street. This was subsequently check out by Selectman Pimenta who, at the time of his inspection, did not detect any odor.

Selectmen Johnston stated for the record that the Board of Selectmen had met at the site of the gravel pit formerly owned by Herbert A. (Bud) Scott to review that area that has been excavated by Bud Scott in order that a sixty day transfer of Bud's permit be signed, as permitted by RSA Chapter 155, to the New Boston Aggregate Corp. new owners of the gravel pit. This would allow New Boston Aggregate to haul material from the site during that time frame while the process of applying for a permit in their own name be undertaken by New Boston Aggregate. Also present for the meeting which took place on Saturday morning, April 9th, was Bud Scott and Michael Thibeault, brother of Ernie Thibeault, President of New Boston Aggregate. Stipulations resulting from this meeting were: 1. That there would be no excavation, under the terms of this transfer, in the buffer between the above mentioned pit and that owned by the Byam Family. 2. That any excavation done, under the terms of this transfer, remain within the parameters of existing excavation. 3. That measures be taken by Ernie to stabilize the ditch lines along the driveway entering the site. All of the above stipulations were agreed to by Mike Thibeault. It was also stated there would be no excavation in the areas where abutting property owner wells might be effected, which should not be an issued based on agreement

having been reached on "Stipulation 2." When asked, with regard to the removal of and the burial of stumps, in the area of existing excavation, the Selectmen agreed that they could be buried on site, further stating that the burial of such must be properly noted and marked on drawings submitted for the application process. The Board of Selectmen also stated that only stumps from that site can be buried; and, if and when a permit in the name of New Boston Aggregate were granted, there would be discussion as to the fact that only earth products would be allowed to be stockpiled at this pit. Ernie has submitted an application for a permit in the name of New Boston Aggregate and this process will begin; however, the transfer of the existing permit will only be granted if all applicable parties sign same.

Also for the record, Selectman Johnston reported on the meeting which had been held by the committee established to set policies and procedures for the use of the ball field constructed on Old Coach Road. Margit Hooper will be submitting minutes of this meeting to the Board of Selectmen. Such issues were discussed as the fact that the J.A.L. will be given first priority for the use of the field, other uses will be discussed and prioritized, locks will be installed on the gates and keys to same will be put in the lockboxes at the Town Office, and Sandra Gendron will contact Butch Biron to let him know that the operating budget will pay for operation of security lighting at the field once installed.

Selectman Johnston stated that he had discussed the possibility of mounting advertising signs on the fencing at the field as discussed at a previous Selectmen's Meeting, with the Planning Board and the conclusion was drawn that the present zoning does not address specifically. The Planning Board suggested that a public hearing be held so that residents might be informed of the specifics involved, that it be required that the entire area be fenced in with wire fencing on any proposed site where these signs might be sold for purposes of fund raising, and that the mounting of such signs be limited to the back wall only.

It was decided that a public hearing would be scheduled and properly advertised and that residents from Greenfield Road to the site of the ball field would be notified by first class mail of the date and time.

Before leaving this topic, Selectman Johnston mentioned that representatives of the J.A.L. discussed continuing construction on the site to include a smaller field in the back; however, he stated that he suggested that this project be completed before any expansion was contemplated.

The Board approved the construction of shelving for storage in the rear of the Town Office Building by David Wilson to cost \$550.00.

They further approved that a cover letter be drafted to accompany future intents to cut informing the applicant that these intents would be turned over to the Forestry Committee for review once a meeting could be scheduled and held with the Forestry Committee to discuss implementation of same.

Contracts were signed with Laidlaw Environmental Services for the 1994 Hazardous Waste Collection Day.

The meeting ended as usual with the review of mail and the signing of checks at approximately 9:45 p.m.

Respectfully submitted,



Sandra Gendron
Administrative Assistant