

Approved
5-16-94

Town of New Boston

Board of Selectmen

Meeting Minutes

May 9, 1994

A regular business meeting of the Board of Selectmen was called to order at 6:50 p.m. by Chairman Johnston.

Present: Arthur W. Johnston, Chairman
Michael A. Pimenta, Selectman
Darlene M. Goodin, Selectman
Lorraine A. Cleveland, Town Administrator

BID OPENING

The Board of Selectmen received three bids for the Transfer Station security fence. Chairman Johnston read the following prices: Blue Ribbon - \$13,838.88; Penney Fence - \$12,503.10; and Standard Fence - \$9,775.00. It was noted that the linear footage in Standard's bid was not clear. As lowest bidder, Standard Fence will be asked to meet with the Board next Monday night to ensure that they will be able to comply with the Town's requirements.

REQUESTED APPOINTMENTS

Lee Murray, Road Agent, was in for his bi-weekly meeting. He reviewed and discussed the following items and issues with the Board:

(1) Mr. Murray provided the paving bids he has received for the 1994 summer maintenance season: Barrett Paving - \$25.15/ton; Continental Paving - \$25.35/ton; Lane Paving - \$26.13/ton; and Pike - \$27.70/ton. Selectman Pimenta made a motion to accept Barrett paving's bid of \$25.15/ton. Selectman Goodin seconded the motion. The vote was unanimous.

(2) Mr. Murray reported that the highway crew will be working on grading and raking this week. A guard rail along Lyndeborough Road will also be repaired.

(3) Mr. Murray informed the Board that Willard Dodge will not be able to pick up and deliver the curbing for the Town Hall lot for another 2 - 3 weeks. He said he could make arrangements to have them picked up sooner for roughly \$300.. The Board voiced their desire to have the project completed as soon as possible and therefore approved the \$300 expenditure.

(4) Ms. Cleveland informed the Board and Mr. Murray that as a result of last weeks 1993 audit, the auditors will not allow or recognize the carry over balance of \$4,099. in the surplus equipment line item. The funds were not properly encumbered and therefore can not be carried forward into 1994. However, the auditors did note that the unexpended highway block grant balance which was

property carried forward had an additional \$4,400 from what was reported in the comparative statement. The auditors have no problem if these funds are used for the purchase of 1989 Ford truck which was discussed last week. The Board, as a result of the auditor's findings, voted to rescind their decision of May 2 to expend surplus equipment funds for the truck and to, in turn, expend highway block grant funds for the 1989 Ford pickup truck. The vote was as follows: Chairman Johnston - yes; Selectman Pimenta - no and Selectman Goodin - yes.

(5) Chairman Johnston informed Mr. Murray that he had received a call from Dan Teague regarding the gate in front of the Class VI portion of Cochran Hill Road. Apparently the hinges of the gate have been welded shut and there are trees that have been placed across the road. While this section of road is Class VI, it is still open to the public to travel over and can not be closed off. The Board asked Mr. Murray to investigate the situation and report back.

(6) The well samples were taken today the Tostevin residence and the results should be ready in one week.

Dottie and Frank Fillmore were in at 7:40 p.m. to speak to the Board regarding the cease and desist order issued by the Building Inspector for the zoning violations at 253 and 255 Mont Vernon Road. Mrs. Fillmore began by stating that she felt that they had done nothing wrong by reverting the use of the properties back to residential. They have not been able to rent the space for commercial use and have needed the residential rent to make the mortgage payments. She said they feel they have three options to remedy the situation: (1) evict the tenants; (2) obtain a special exception from the Zoning Board of Adjustment or (3) have another vote taken at next year's Town Meeting to have the property rezoned back to residential. She wondered if it would be possible to obtain a waiver until a vote can be taken.

Chairman Johnston replied by saying that the property has to conform with the zoning ordinance now. The only way for the property to be rezoned would be through a petition warrant article at next year's Town meeting. The Planning Board agrees that nothing else can be done until that time. The Board of Selectman must enforce the issue. It was reported and it has to be dealt with. The Board did not bring the issue up during the Town meeting season while Mrs. Fillmore ran for Selectman. However, it must be addressed now.

The Fillmore's asked if they could have another 30 days beyond the order's deadline of June 30 so they can present their case before the Zoning Board of Adjustment. Chairman Johnston said he personally did not have a problem with this; however, he felt the ZBA would not be empowered to grant the special exception. This would be the final extension given. Selectman Pimenta said he would support the 30 day extension. The Board told the Fillmore's that they should notify their tenants to give them time to be looking for alternative housing.

Selectman Pimenta made a motion to grant a 30 day extension to the Fillmore's in order for them to bring their case before the Zoning Board of Adjustment. Selectman Goodin seconded the motion. The vote was unanimous.

Attorneys David Nixon and Lealie Nixon were in to meet with Board to discuss the Town's legal representation now that each attorney has their own firm. Ms. Nixon will now be Town Counsel on a regular basis.

ADMINISTRATIVE

The Board reviewed and approved the weekly payroll and accounts payable.

The yield tax certification for Map 014-119 was approved and signed. An intent to cut form for Map 014-119 was approved and signed.

The Board signed the 1993 Audit representation letter.

The Board signed the bid contract for the Fire Station roof.

Chairman Johnston signed the weekly pistol permits.

The annual concurrence form for the Town's emergency management plan was signed by the Selectmen.

Chairman Johnston signed all the necessary paperwork required to complete the Land and Water Conservation Fund Program application for the Gazebo on the Common.

UNFINISHED BUSINESS

Ms. Cleveland reported that she received a call from Bob Berry at NH Department of Transportation regarding the reimbursement of the Depot Street Bridge project. The Town will receive 2/3 reimbursement as was stated by the NH Department of Transportation in 1991. This project is not eligible for the new 80/20 percent formula as the project was approved prior to this law going into effect. There was hope that perhaps the Town would be eligible.

The Board approved the proposal from Landmark Title Services to perform the tax lien title search for the 1993 tax lien.

Ms. Cleveland reviewed quotes for the well installation of the new Police Station site: Contoocook Artesian Well Co. - \$14/ft Drilling/Well Casing; Capital Well Co., Inc. - \$15.50/ft Drilling/Well Casing; John Artesian Well Co. (with cable tool) - \$24./ft Drilling/Well Casing; and Kenneth Davis (with cable tool) - \$20/ft Drilling/Well Casing. The Board approved Contoocook Artesian Well's quote for \$14/ft.

The Board approved the hire of Deborah Smith as a part-time transfer station employee effective immediately.

The Board reviewed a letter from William Mercer which regarded to the Board's letter of April 25, 1994 regarding the partial removal of the beaver dam on their property. The Board asked that the Conservation Commission receive a copy of this letter.

NEW BUSINESS

The Board discussed a recent mailing by the school regarding their well head protection plan.

Ms. Cleveland informed the Board that the Town's 1993 Total Equalized Valuation is \$152,694,241.

Ms. Cleveland brought to the Board's attention the changes made in the level of the Town's insurance coverage which took effect 04/01/94. Certain items that had never been listed have since been added. A closer review of building and contents value for 07/01/94 is in progress now.

A quote of \$2,000 was given to install the new windows in the recreation department. These funds are part of the Town Hall building maintenance budget.

Chairman Johnston asked to have the Cemetery Trustees come in to meet with the Selectmen within the next two weeks.

APPROVAL OF MINUTES

Selectman Pimenta made a motion to accept the minutes of May 2, 1994 as written. Chairman Johnston seconded the motion. The vote was unanimous.

The meeting was adjourned at 10:25 p.m.

Respectfully submitted by Lorraine Cleveland, Town Administrator.

