

Approved
7/18/94

TOWN OF NEW BOSTON

SELECTMEN'S MEETING MINUTES

JULY 5, 1994

A regular business meeting of the Board of Selectmen was called to order at 6:30 p.m. by Chairman Johnston.

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

REQUESTED APPOINTMENTS:

Police Chief Jim McLaughlin and Jerry Kennedy were in to discuss Mr. Kennedy's bid for the construction of the Police Station. Mr. Kennedy was the lowest bidder for the project. Selectman Pimenta made a motion to accept Jerry Kennedy as the general contractor for the construction of the Police Station. Selectman Goodin seconded the motion. The Board's vote was unanimous.

The Board requested that a police station building committee meeting be scheduled on July 7 at 3:00 p.m. Mr. Kennedy will attend to discuss some suggested modifications and additions that should be considered prior to the commencement of the project. One such modification discussed was the requirement for drains in the holding cells. Chief McLaughlin will verify if these drains are necessary. Once a final contract price is agreed to, Mr. Kennedy has the Board's permission to proceed with the project. Chairman Johnston requested that Mr. Kennedy provide a payment schedule to the Board for their review.

PUBLIC HEARING

The Board adjourned to the Historical Society building for the public hearing on the Helena Drive petition pursuant to RSA 231:28. Chairman Johnston called the hearing to order at 7:30 p.m. All Selectmen were present. Lorraine Cleveland, Town Administrator was present to record the minutes. The following abutters and members of the public were present:

Abutters of the Class VI portion:

Michael Stickney	Eleanor Clough	Deborah Owens
Dirk Drew	Richard (Jugg) Clough	
Linda Drew	Harold (Bo) Strong	
Joe Trimbur	Terrance Gordon	
Corky Trimbur	Gerald Owens	

Members of the public:

Jay Narden	Tim Trimbur	John Lapointe
Barry Perlo	Norman Ranfos	
Dorothy Perlo	Nancy Ranfos	

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Chairman Johnston began the hearing by reading the petition that was signed by the Drews and the Stickneys. The petition requests ". . . in order to assure continued access for the three existing residences on the Class 6 section of Helena Drive, the Town upgrade to Class 5 the section described below. By upgrading to Class 5, although we recognize that this section of road will not be upgraded to full Class 5 specifications, the Town will take over all typical maintenance, and will do minor upgrading as the Town sees appropriate.

SECTION: Beginning at the point 270' north of East Lull, at the northerly end of that upgraded portion of Helena, where the Town currently has an easement for a turn-around. Running due north 1850'+\ - to a point opposite the residence of Dirk and Linda Drew.

In addition, to assure that the Town's vehicles have sufficient turn-around capability, the Stickneys will give an easement, (which will replace the easement for turnaround further south), which will be of sufficient size to meet the Town's needs for turning road maintenance vehicles."

Chairman Johnston gave a summary of the requirements of RSA 231:28 Conditional Layout for Existing Private Rights-of-Way or Class VI Highways. He stated that it is the Board of Selectmen and Road Agent's recommendation that the entire Class VI portion of Helena Drive be upgraded, not just a portion of the road. The Board does not want to create any more "dead end" roads. The other town departments are in agreement. The upgrade will only be to minimal Class V standards this year. More work will be done over the next few years.

Chairman Johnston then presented the projected costs of the upgrade. Lee Murray, Road Agent, could not be present as he was away on vacation. Chairman Johnston read his report. Mr. Murray estimates that a total distance of 4,382 linear feet will be upgraded. The road will require 1,564 cu. yds of gravel to be spread at a depth of 12 inches and a width of 16-18 feet. Five culverts will need to be installed. Extensive brush cutting is required along the portion of road beyond the Drew property. The total cost is estimated to be \$16,485.15. The petitioner's portion of the project is estimated to be \$2,000.00.

Mr. Drew felt it is the practice of most towns to pass the cost of upgrade of a Class VI road to those that own property on the road. Chairman Johnston said the funds would come from the highway block grant, not from the Town highway budget. Chairman Johnston said he would like to know how much the Drews and Stickneys spent on the upgrade. Mr. Trimbur said the cul-de-sac he put in cost thousands of dollars.

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Chairman Johnston brought up the provision in RSA 231:28 that a majority of the abutters along the Class VI portion of the road have the right to submit a petition in opposition of the layout within ten days from this public hearing.

Jay Marden inquired about the betterment assessment provisions. He questioned how the costs are apportioned to the petitioners and will subdividers still be charged for road upgrade. Chairman Johnston and Mr. Strong confirmed that the subdivider would be charged for off-site improvements.

When reviewing the list of abutters along the Class VI portion of the road, it was noted that LCIP/State of New Hampshire was not noticed. Chairman Johnston asked that a copy of the minutes and a request for comments be sent to the State before the Boards makes it decision.

Mr. Strong voiced the following comments. He would like to see the road opened as a thorough road. He is not in favor of the partial layout. He asked that the culvert at the bottom of the hill be sufficient in size. Another abutter asked if the road can be limited to no thru trucks or posted; can gravel permits be limited? Chairman Johnston replied that limits can be stipulated in the gravel permits.

Tim Trimbur said the proposed 18 ft. width is not wide enough for school buses. He said the Board should not approve the layout in respect to the residents and children who live there. Mr. Drew said he does not want the road extended.

A question was raised about the hauling from the Boisvert pit. Can the hauling be changed until after the school buses have picked up the children on the corner of Helena Drive and East Lull place. Chairman Johnston said 7:00 a.m. is usually the start of a normal business day.

Eleanor Clough raised a concern about the large boulder on her property along the road side. She wanted to know what the Road Agent intends to do with it as it retains the slope. She is concerned about the Town taking some of her property. Tim Trimbur said it was his understanding that the purpose of the petition was for winter plowing. Chairman Johnston said it is not in the minds of the Town planners to create any more dead end roads. There needs to be a continuous road to allow for better access.

Mr. Stickney asked if the betterment assessment is still up in the air. Chairman Johnston said this issue would be decided at end of hearing. He asked Mr. Stickney what costs he has incurred over the years in the road upgrade. Mr. Stickney replied that

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when he moved on the road in 1986-87, he knew it was not Town maintained. He estimates that for gravel, grading, brush cutting, etc. . . he spent \$4,000-\$5,000. Speaking on behalf of the Drews, as they left the hearing earlier, he figures they have spent \$1,000 - \$2,000 for gravel, trucking, etc. There have been three households on this road for nine years. He would like to see the initial extension given to maintain their section of Helena Drive. He does support the complete extension as well. He asked the Board to give consideration to the expenses paid to date. Selectman Pimenta asked how long the abutters have to pay off the betterment assessment. Ms. Cleveland replied 10 years.

A discussion ensued about whether or not Class VI road waivers were signed at the time the building permits were approved for the Stickneys and the Drews. Mr. Stickney said he did not sign a waiver when his permit was approved. Mrs. Clough said there was a stipulation made known to them when they bought their house.

Joe Trimbur raised a concern about the amount of gravel being placed on the road. Mrs. Trimbur asked if there would be any impact to the wetlands. Chairman Johnston said no. Jay Marden asked what the Town's policy is on road improvements for this situation. Chairman Johnston said only the minimal standards will be met this year.

Barry Perlo made the statement that people like himself moved out in that neighborhood for the reason of being on a dirt road. He is not in favor of people who are trying to sell their house alter his lifestyle. He is also upset about how the gravel operations have ruined the quality of life in this neighborhood. He is not in favor of the making the road passable to thru traffic. A question was raised if the Ranfos are abutters to the Class VI portion of the road. Mr. Ranfos said he would bring in his plot plan to make a determination.

Chairman Johnston posed the question of charging a betterment assessment to the other Board members. He feels some thought should be given to the amount of money that been put into the road by the petitioners. He said he is in favor of wavering the betterment assessment. Selectman Pimenta motioned that the Board of Selectmen waive the betterment assessment to the petitioners, the Stickneys and the Drews. Selectman Goodin seconded the motion. The vote was unanimous.

Jay Marden asked if the Board would approve the partial layout or a complete layout. The Board replied a complete layout only.

Chairman Johnston closed the hearing at 8:35 p.m.

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Steve Peach and Sandy Gallup were in to discuss the Gazebo bids. The Board first took action to select the lowest qualified bidder. Chairman Johnston made a motion to (1) disqualify Duane D. Levy as the lower bidder because of a calculation error which was brought to the Board's attention after the bid opening; (2) disqualify Woods Visions, David Rugh, as the next lowest bidder because of the qualification of his starting date of August 22, 1994 which violates the bid specifications; and accept Condon and Hall as the lowest qualified bidder but not grant a notice to proceed until the terms of the contract are agreed upon after a meeting with the Gazebo Committee. Selectman Goodin seconded the motion. The vote was unanimous. A Gazebo Committee meeting will be scheduled on Friday, July 8 at 8:00 a.m. Mr. Peach asked Ms. Cleveland to request a materials list and subcontractors list from Condon and Hall.

The Board signed notices of disqualification to Mr. Levy and Mr. Rugh.

ADMINISTRATIVE

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

Chairman Johnston signed approved pistol permits.

Intent to Cut forms for Map 3, Lot 09 and Map 7, Lots 68/76 were approved and signed by the Board.

A Certification of Yield Taxes for Map 08, Lot 39 was approved and signed by the Board.

Pole petitions were signed and approved by the Board.

The Board granted a gravel permit renewal for Map 3, Lot 57 Coastal Materials.

The Board approved and signed an appointment paper for Shaun Walsh as a new part-time police officer.

The Board signed a request for utility values from the Department of Revenue Administration.

The Board signed Department of Transportation forms which note additions and deletions on the Town's road inventory.

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APPROVAL OF MINUTES

Selectman Pimenta made a motion to accept the June 27 and July 1 minutes as written. Selectman Goodin seconded the motion. The vote was unanimous.

NEW BUSINESS

The Board deferred any action on a request for driveway permit application for Jan Mousseau until Mr. Murray returns from vacation.

The Board approved the Fire Chief's request to change Dick Moody's appointment term to the Hilltop Fire District from one year to three years. (Please note there was an error in name when presented to the Board).

At 9:45 p.m., Chairman Johnston submitted his letter of resignation to the Board and Ms. Cleveland. The reason stated for his resignation was he could no longer serve the Town with the demands of his two businesses. The other members and Ms. Cleveland asked if there was anything that could be done to change his mind. He said no. A motion was made by Mr. Johnston to appoint Michael Pimenta as Chairman of the Board of Selectmen. Selectman Goodin seconded the motion. The vote was unanimous. Chairman Pimenta then made a motion to accept Arthur Johnston's resignation with much regret. Selectman Goodin seconded the motion. The vote was unanimous.

The meeting was adjourned at 10:15 p.m.

Respectfully submitted by Lorraine Cleveland, Town Administrator

