

Approved
9-19-94

TOWN OF NEW BOSTON
SELECTMEN'S MEETING MINUTES

SEPTEMBER 12, 1994

A regular business meeting of the Board of Selectmen was called to order at 7:00 p.m. by Chairman Pimenta.

PRESENT: Michael S. Pimenta, Chairman
Darlene M. Goodin, Selectman
Harold C. Strong, Selectman
Lorraine A. Cleveland, Town Administrator

BID OPENING-7:00 PM

Chairman Pimenta opened bids for the McCurdy Road stump removal project. The following bids were submitted:

1. CSSI	\$ 2,975.00
2. H.A. Scott & Sons	\$ 1.00
3. Don Wheeler Construction	\$13,925.00
4. D&S Excavating, Inc.	\$ 5,250.00
5. A.J. Gomes	\$ 7,885.00
6. Frankestown Sand & Gravel	\$ 3,490.00
7. J.A. Luongo	\$15,080.00

Chairman Pimenta asked John Scott to come in next week to discuss the terms of his bid. No award was made by the Board at this time.

REQUESTED APPOINTMENTS

Lee Murray, Road Agent, was in for his bi-weekly meeting with the Board. The following items were discussed:

(1) Mr. Murray is on vacation this week. The road crew will be doing culvert work on McCurdy Road and shoulder work on Lyndeborough Road.

(2) The new dump truck will be delivered tomorrow.

(3) The Board discussed briefly the Helena Drive petition proposal submitted by Michael Stickney. Mr. Murray said the original intent of his suggested upgrade can no longer be considered now that Mr. Stickney is proposing a subdivision.

Chief Jim McLaughlin was in for his monthly meeting with the Board. The following issues were covered:

(1) The Board reviewed a letter from Dorothy Gagnon in which she expresses her concern over the passing lane in front of the Rising Generation Learning Center on Route 114. She inquired if a no passing zone could be posted. Chief McLaughlin said he

would speak with Howard Smith, state traffic engineer, to determine what action can be taken. He will report back to the Board on this matter.

(2) Chairman Pimenta inquired if the yield sign at the intersection of Parker Road and Route 13 could be changed to a stop sign. Chief McLaughlin said he will speak to Bob Lang about the signs.

(3) The Chief presented, for the Board's review, various letters of thanks and commendation the Department has received recently.

(4) The Chief inquired if the Board had spoken to the State DOT regarding the placement of the center double yellow line on Route 13. There are no longer adequate parking spaces in front of the houses across from the Depot St. bridge. The Board said they were not aware of the problem.

(5) The Chief reported that the Hillsborough County Fair went well over the weekend. Two no-win games were shut down on the midway.

(6) In reference to the two loose cows in the Hooper Hill area, Tom Fleming is working with the Luedkeys to corral the cows but they have not had any success at this point. The Chief said he has made this a priority for Tom.

(7) Chairman Pimenta said he had received a call from a resident on Summit Dr. in reference to loose dogs. The Chief said the Town does not have a leash law. The number of animal calls would increase significantly if there was a leash law enacted. As it stands, the number of animal calls to date in 1994 has already exceeded the total number of animal calls in 1993.

The Chief then requested a nonpublic session with the Board to discuss a personnel issue. Chairman Pimenta made a motion to adjourn into nonpublic session pursuant to RSA 91-A:3IIa and to sequester the minutes pursuant to RSA 91-A:3III. Selectman Strong seconded the motion. The roll call was: Michael Pimenta-yes; Darlene Goodin-yes; and Harold Strong-yes. Lorraine Cleveland was present to take the minutes.

At 8:30 p.m., Selectman Strong made a motion to adjourn out of nonpublic session for the purpose of resuming the public meeting. Selectman Goodin seconded the motion. The vote was unanimous.

Michael Stickney was in to present a petition/proposal regarding the reclassification of Helena Drive as a Class V road. Mr. Stickney said he was interested in the Board's opinion. The petition proposes the following:

"I request that, 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. The Town will take over all typical maintenance, and will do 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 to connect to the Class 5 portion of Helena Drive coming south from Middle Branch Road.

If the Selectmen agree with the conditions described in the attached letter, I will assume the financial liability for the Betterment Assessment, estimated to be \$20,000 +/-, spread over 10 years, with no interest."

The conditions described in the attached letter are as follows:
"Prior to application for a subdivision of 2 additional lots from the 28.5 acres on the Class 6 portion of Helena Drive, (that will be upgraded to Class 5 as a result of the petition of the same date as this letter), I wish to discuss a proposed agreement."

"My acceptance of the full liability would be contingent on there being no additional "impact fees" for the subdivision beyond the \$1250 per lot, and no additional road improvement requirements."
"I believe my acceptance of the entire betterment assessment more than meets the intent of the impact fees - that are based on input from the various town departments. This should be considered also in light of the additional improvements already completed on the Class 6 section of this road."

Chairman Pimenta said it was the initial intent of the Town to make the road passable if the petition had gone through. More improvements would be made to build the road up over the next few years. However, the circumstances change when a subdivision is proposed. He said the Board of Selectmen need to see plans of his proposed subdivision. The Board would need to determine the number of expenses over and above the betterment assessment.

Mr. Stickney said it is not economically feasible for him to follow the road specifications in the subdivision regulations for just two lots. He has invested money into the road already. He claims that he has helped the Town relieve its liability to the three home owners who received occupancy permits on the Class VI road; the owners did not sign waivers releasing the Town of its responsibility to provide emergency services to those homes. He stated that Willard Dodge, when he was Selectman, tried to force Mr. Stickney to sign a waiver after his occupancy permit is filed. Mr. Stickney said he will take the road back by adverse

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possession. He knows he has used the road, has improved it, and feels he can take it back as his property.

Selectman Strong said he did not agree with that statement. The Town has never thrown up the road. The Town voted to reclassify it to Class VI, subject to gates and bars, which means no more maintenance. Mr. Stickney said he has always known he would have to maintain the Class VI road which has benefited the other homes. However, the Town should make it a Class V road now and take care of it in the long run. If the petition is not accepted, he will walk away from the deal.

Chairman Pimenta said it is a good idea to reclassify the road to Class V. Selectman Strong said to Mr. Stickney that it should be presented to the voters at Town Meeting. However, if he wishes to subdivide, he needs to go by the subdivision regulations.

In summary, the Board told Mr. Stickney they could not agree to his proposal. It would set a negative precedent and undermine the basis for road construction standards in the subdivision regulations. Mr. Stickney replied by verbally asking the Board to make it Class V otherwise he will take legal action to make it Class V based on the liability of issuing occupancy permits without recorded waiver releases.

Chairman Pimenta said the Board will look at the Town Meeting alternative. Selectman Strong asked that Town Counsel review the issue of liability. He also agreed a special warrant article, without the terms of a betterment assessment, be presented. The Board should have reasons why it will benefit the Town, not just the residents.

Doris Fillmore of 255 Mont Vernon Road was in to request a zoning waiver on the commercial status of her building. She said in order to keep the bank from taking the building by foreclosure, she needs rent income to make the mortgage payments. She has advertised the space for commercial use, however, she only received one response for a tattoo parlor. Chairman Pimenta said the Board could not give her an answer tonight. He said he is aware of the situation with her father's illness. Ms. Fillmore said she needs to rent it to pay the mortgage and taxes only. Selectman Goodin asked if the extension is granted and Town Meeting votes not to change the zoning back to residential, what will she do? Ms. Fillmore stated she has the next six months to determine what to do.

Ms. Fillmore asked when she could expect an answer from the Board. Chairman Pimenta stated that the Board will discuss it next week and have an answer by Tuesday, Sept. 20.

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ADMINISTRATIVE

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

Approval for the following driveway permits was given:

Map 4, Lot 42--Mike Humphries
Map 10, Lot 63--Elizabeth Whitman

Intent to Cut forms were approved and signed for Stephen Kuncik--
Map 14, Lot 62 and Kathryn Kachavos--Map 4, Lot 61 and Map 7, Lot
18.

An application for a preliminary estimate to replace the Colburn
Road bridge, to be submitted to the NH Department of
Transportation, was signed by the Board.

The Board renewed gravel permits for Cecil Strong Estate, Map 32,
Lot 137 and Margaret Gomes, Map 10, Lot 72.

Commendation letters were signed for John Riendeau and Terry
Gordon for their efforts in using proper highway safety equipment
and procedures during a recent work site inspection by
Compensation Funds of NH, the Town's worker's compensation
insurance carrier.

APPROVAL OF MINUTES

Selectman Strong made a motion to accept the August 29 meeting
minutes as written. Selectman Goodin seconded the motion. The
vote was unanimous.

UNFINISHED BUSINESS

Ms. Cleveland informed the Board that some members of the Finance
Committee will not be able to meet this Wednesday to discuss 1995
budget parameters. She asked if the Board would be available to
meet on Thursday, September 22. The Selectmen agreed on this
date.

NEW BUSINESS

The Board and Ms. Cleveland reviewed the following new business
items:

(1) Ms. Cleveland informed the Board the Town will need to
replace a missing boundary marker on the property of Richard
Matherson. The iron pin was disturbed while improvements were
being made by the Town on Riverdale Road. Lee Murray, Road
Agent, will be contacting Mr. Matherson's surveyor to have the
iron pin reset in its proper location at the Town's expense.

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(2) Ms. Cleveland brought to the Board's attention a recent loss prevention report from Compensation Funds of NH. The report made the following recommendations be implemented: Transfer Station: personal protective equipment--safety work boots and leather work gloves, solid waste facility emergency action plan, and medical evaluations; and a Town-wide seat belt policy. The Highway Department has successfully completed all of its recommendations except for follow-up medical evaluations. The report recommendations will be brought up at the next safety committee meeting on September 21.

In addition, the Board decided to nominate Lee Murray to attend the Compensation Funds of NH Supervisor's Academy in October.

(3) The Board reviewed the results of a traffic speed survey on Scobie Road. A petition to lower the speed limit from 35 mph to 25 mph was submitted back in June by A. Lee Gustafson, a resident of Scobie Road. The survey indicates that the majority of traffic (80%) is traveling at 30 mph and less. According to RSA 265:63, local authorities that determine the prima facie speed permitted under the law is greater than what is reasonable and safe under the conditions found to exist upon a way or part of a way, the speed limit may be decreased but not less than 25 mph.

The meeting was adjourned at 11:00 p.m.

Respectfully submitted by Lorraine Cleveland, Town Administrator

Lorraine Cleveland