

Town of New Boston

Selectmen's Meeting Minutes

April 20, 1998

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

PRESENT: Harold C. Strong, Chairman
Susan J. Clay, Selectman
Lois A. Briere, Selectman
Todd I. Selig, Town Administrator

The Board did not have an opportunity to review the Selectmen's Meeting minutes from March 30, 1998, April 6, 1998, or April 13, 1998.

At 7:00 p.m., Red and Bill Hebert of 244 River Road met with the Board of Selectmen to discuss their concerns about John Winslow's hours of operation at 248 River Road. The Heberts would like Mr. Winslow to be restricted to the following hours for all businesses except towing: Monday thru Friday 7:00 a.m. to 7:30 p.m.; Saturday 7:00 a.m. to 3:00 p.m. The Selectmen had spoken of ending Mr. Winslow's hours of operation at 9:00 p.m. Monday thru Friday last year. Red Hebert also requested that the Selectmen have the Conservation Commission check the allegedly oil soaked pile of dirt on the property and would like evergreen trees planted as sight barriers for his house. Finally, Red Hebert expressed concern over the New Boston Aggregate/Thibeau Corp. Gravel Pit located on River Road behind his house alleging that trucks were entering, loading, and leaving the pit too early in the morning. The Selectmen will try to monitor the pit more closely and will schedule a meeting with the owner in the future to discuss this issue in more detail. The Board did not feel it should be Mr. Hebert's responsibility to continuously monitor the times when the pit is in operation.

At 7:15 p.m., the Board briefly met with Mr. Ed Lee of 260 Clark Hill Road for a discussion concerning the future course of Clark Hill Road. No final decisions were made about the road, however, Mr. Lee expressed that he might be willing to contribute toward the upgrade of the roadway if it was moved to the other side of the stone opposite his house wall in order to get the roadway farther away from his front yard. The Selectmen plan to meet with Mrs. G.L. Wheeler of 243 Clark Hill Road in the next week to discuss whether she would be willing to allow the Town to divert the existing roadway in front of her driveway across a corner of Wheeler land in order to divert the roadway to the opposite side of the stone wall across from Maglathlin and Lee.

At 8:00 p.m., Library Director Sarah Chapman and Library Trustees Ken Wiggin & Tim Cady met with the Selectmen for their monthly meeting concerning the Whipple Free Library. The Library plans to put out a mailing to solicit more information from residents about the future location of the Whipple Free Library. The Building Committee is looking for a 3 acre site within



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close proximity to the center of New Boston. The Selectmen felt that this was a good idea and wished the Trustees and Building Committee luck with the endeavor. The Selectmen also felt they were open to the idea of a private concern building the new Library with the Town leasing it from them for a long time period as is currently done by the U.S. Postal Service in many locations. The Library Annual Auction went well making over \$3,000.00. The Trustees asked the Board to see whether the tree in the riverbed below the Library could be removed. The Selectmen's Office will handle this situation. In addition, grant money has been received from the State Office of Emergency Management and FEMA for improvements to the retaining wall behind the Whipple Free Library.

At 8:30 p.m., Mr. John LaPointe of 45 Potter Drive came before the Board to request changing the name of Potter Drive to Griffin Hill Road. John Bunting and the Fire Wards were also in attendance for the discussion. John Bunting, the fireman who has assisted with the new Emergency 911 numbering system, explained why the name Potter Drive was originally used for this private drive, as well as why private drives receive a name when three or more structures are located thereon. In the case of Potter Drive, Mr. Bunting explained that there was some historical significance to the name of this road in New Boston referring to the old "Potter place." Mr. LaPointe has requested in writing that the road be changed to Griffin Hill Road. Given the fact that many roads in New Boston have the name "hill" in them which sometimes causes confusion for responding personnel, Selectman Clay made a motion to rename the private drive "Griffin Lane" with "Private Drive" denoted under the name of the roadway. Selectman Briere seconded the motion. The motion passed unanimously.

At 9:00 p.m., Selectman Clay made a motion to enter non-public session pursuant to RSA 91-A:3II(b) to interview two applicants for the position of part-time fire inspector. Selectman Briere seconded the motion. The vote was: Chairman Strong - yes; Selectman Clay - yes; Selectman Briere - yes. The motion passed unanimously. Town Administrator Selig, Fire Chief Jim Dodge, and Assistant Fire Chief Cliff Plourde were also present for the interviews.

Selectman Clay made a motion to hire Mr. Scott Jackson for the position of fire inspector contingent upon a final satisfactory meeting between Mr. Jackson and the Fire Chief at a later date. Selectman Briere seconded the motion. The motion passed unanimously.

Selectman Clay made a motion to exit non-public session. Selectman Briere seconded the motion. The motion passed unanimously.

After exiting non-public session, it was decided that it was too late to carry on with the scheduled meeting with the Fire Wards.

The Board held a brief discussion concerning appointments to various boards/committees. It was decided, as with the appointment of the Planning Board members, to interview each applicant for



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each of the various board/committee openings. It is the Board's hope to interview a few applicants each evening over the course of the next month or so.

Brush cutting & earth work at the Cemetery. Mo Mansfield, the Cemetery Caretaker, will have Bing Chancey do the brush cutting in the new section of the New Boston Cemetery. Cemetery Trustee Bob Todd is going to flag the boundary in this area so that the Town only cuts on the Cemetery property. Once this is completed, the earth work will be put out to bid. A number of people have expressed interest in doing the earth work to date.

The Superior Court decision regarding JBS V. Town of New Boston case was briefly discussed. The court ruled in favor of the Town of New Boston.

Richard LaBranche V. Town of New Boston case. The settlement agreement recommended by Town Counsel Leslie Nixon was signed by the Selectmen. In addition, Town Administrator Selig gave the Board an update on the status of the case as things now stand. Mr. LaBranche has brought in a check in the amount of \$16,426.53 to pay off the back taxes and fees in full for the former Eichner/Charte property located at 9 Riverside Drive (Tax Map & Lot 003-097) which was tax deeded by the Town of New Boston. Mr. LaBranche hopes to acquire this property in order to create two legal lots, one of which will contain the barn which has been converted into a residence. It is this barn/residence which lies at the heart of the court case as only one principal residence is allowed on Mr. LaBranche's property. Currently he has two. Eichner/Charte have deeded their interests in the property to Mr. LaBranche in a separate document. In addition, Mr. LaBranch will provide the Town with an indemnification agreement for the property transfer as the transfer will be made directly to Mr. LaBranche, and not to the former owners as is normally the case. This transfer has been deemed acceptable by Town Counsel Leslie Nixon due to the fact that Eichner/Charte have deeded their interests in the property to Mr. LaBranche.

Former Lee Beers Property. Peter and Linda Beers are in the process of obtaining a mortgage to repurchase the property from the Town for the total cost of back taxes and related fees totaling approximately \$32,218.00 as of January 26, 1998. In the next two weeks the Town should be able to complete the transfer. Linda Beers would like to know whether the Town would waive the interest which has accumulated on the property since January 1, 1998 since this is the date that a new State law went into effect (RSA 80:80, VI) allowing the Town to transfer the property to Peter and Linda Beers, as opposed to the Estate of Lee Beers. Linda and Peter Beers had approached the Selectmen on numerous occasions in 1997 about paying off the back taxes. The interest from January 1 to the present date would total around \$1,300.00. The Board of Selectmen were open to this idea as long as the taxes were paid off in the next two to three weeks.



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Lawn care. Bryan Fournier is willing to do the cutting and maintenance on the Town green areas for \$1,500.00. Selectman Briere made a motion to award this contract to Mr. Fournier for the stated sum. Selectman Clay seconded the motion. The motion passed unanimously.

Good Neighbor Cafe signage complaint from Dwight Lovejoy. Code Enforcement Officer Dennis Sarette has made a recommendation to the Board dated April 16, 1998. Mr. Sarette recommends that the Town notify the Cafe owners and have them remove any signs placed in violation and suggest that they seek written permission from a private land owner and the Selectmen before replacing them. The Selectmen discussed the particulars of the New Boston Zoning Ordinance which addresses signs and felt that at least 30 days should be given for the Cafe to comply. The Board discussed the possibility of using N.H.D.O.T. directional signs to advertise the store rather than signs on people's private property. It was not known whether this would come into conflict with the Town's Zoning Ordinance. The Board felt it wanted to review the packet of information provided by Dennis Sarette before rendering a final decision on the matter.

Selectman Clay brought up the idea of holding a Town Meeting type forum for all citizens, departments, and relevant boards/committees to discuss whether changes should be made to the Town's various rules, codes, and ordinances. The signage issue discussed above is one such topic which could possibly be addressed to determine whether the Zoning Ordinance should be changed to meet the needs of the Town in 1998 and the future. Selectman Clay also felt the Board needed to look at ways to lighten the Town Administrator's load so that he was freed up to deal with more with the long term needs of the community.

Town Clerk Margit Hooper would like to see the Town's notarization policy changed. Currently the Town notarizes the first three documents for free and charges \$1.00 per notarization thereafter. Due to the high volume of commercial entities coming to the Clerk's Office for this service, Town Clerk Hooper recommends changing the policy to \$1.00 after the first copy. Selectman Clay made a motion to adopt the proposed policy change regarding notarization. Selectman Briere seconded the motion. The motion passed unanimously.

The Town has received a petition to have the speed limit reduced on Howard Lane to 25 MPH. Police Chief Jim McLaughlin is checking on whether the Town has more flexibility than in the past in adjusting speed limits without first conducting extensive traffic/speed investigations. Selectman Clay will get back to the petitioners to let them know the Town is looking into the matter. There is also such a request for lowering the speed on Clark Hill Road, as well as in the Town compact area.

Letter to Selectmen dated April 16, 1998 requesting acceptance of late abatement application form from Mary K. Reeves of 13 Depot Lane (Tax Map & Lot 017-006) for 1997 tax year. The law is clear that March 1 following the year of tax is the deadline for receiving an abatement application. The Selectmen may waive this requirement for good cause shown and accept late



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applications. However, Town Administrator Selig strongly recommend against this course of action with the current request. While Mrs. Reeves may have an issue with the noise level caused by the kennel, this is not an excuse to submit a late abatement application. Mr. Selig recommend rejecting the application for 1997 and considering it for 1998, possibly as part of the ongoing reevaluation. In addition, Mr. Selig recommended forwarding Mrs. Reeves' complaint to the Code Enforcement Officer as a formal written complaint. This will allow the Town to determine whether there is in fact a problem with the kennel as an appropriate use of the property in its current and allegedly expanded form. The rationale for rejecting the abatement application for 1997 at this time is that there must be a cut off date or the Town will be unable to accurately set the Tax Rate, keep its books, etc. without knowing who may or may not choose to file for abatement at any given time. The Board of Selectmen considered this issue and decided to accept Mr. Selig's recommendations.

Response '98 is scheduled for this Wednesday at around 11:00 a.m. at the Police Department. The Selectmen are invited and encouraged to attend. The exercise should last until around 3:00 p.m.


The Board decided to ask Town Counsel Leslie Nixon to attend the April 21, 1998 Planning Board meeting. Various procedures/policies will be discussed by the Planning Board and it was felt that the Town's attorney could contribute valuable information to the discussion.

The Board reviewed and signed payroll and accounts payable warrants.

The Board reviewed and/or signed other miscellaneous correspondence and materials.

Selectman Clay made a motion to adjourn at approximately 10:45 p.m. Selectman Briere seconded the motion. The motion passed unanimously.

Respectfully submitted,



Todd I. Selig
Town Administrator