

Selectmen's Meeting
27 July 1998
7:00pm

The scheduled Selectmen's meeting was called to order by the Chair, Allen Hines, at 7:00pm. Those present included George Lagassa & Jack Steiner (Selectmen), and Russell McAllister (Town Administrator).

The Selectmen reviewed the meeting minutes of July 13th. Mr. Steiner voted to accept the minutes as written. Mr. Lagassa seconded the motion. The vote was unanimous and so moved.

The selectmen reviewed correspondence and/or signed:

- Veteran's Exemption - Carl Walker / Douglas Garvinsky
- BankBoston Letter of Credit - Gregory & Jennifer Sancioff (Mill Pond development)
- Selectmen's Signatures for "Oaths of Office" - recent appointments.
- Conservation Easement - Lot #16 Runnymede Farm
- Town Clerk – Civil Forfeiture / \$25 fine for unregistered dogs
- Minimum Impact Expedited Application (Driveway Crossing) - Dick Wollmar
- DES Letter of Deficiency - W. Turner Porter
- Fuel Oil Prices for Coming Winter.

Topics of Discussion

The initial topic of business addressed by the Board concerned review of a proposed conservation easement by the Conservation Commission. The lot in question was approximately +/- 2 acres located in the Runnymede subdivision. The lot was purchased by residents in the neighborhood and then submitted to the Conservation Commission for a conservation easement. A resident described the lot as a critical ecological area that historically had been farmland that bordered the Little River Salt Marsh. Mr. Hines asked what the public benefit was in having this 2-acre parcel placed in a conservation easement when the majority of the public would not be using the property? Discussion ensued along these lines for several minutes wherein the assessed value of the property (approximately \$120,000) was considered in relationship to the taxes that would not be collected (approximately \$2,100). It was explained that the 2-acre parcel would be placed under current use and taxed at a lower rate of around \$250/acre under the classification of productive farmland. A resident from the Runnymede neighborhood pointed out that the costs associated with sending children to school would be avoided if the lot were placed in a conservation easement and not having those costs represented a public benefit. Mr. Lagassa suggested that such a contention was yet to be proven empirically. Mr. Lagassa expressed the sentiment that the merits of the issue rested more on protecting the environment rather than on the educational costs incurred by the Town. Mr. Lagassa pointed out that there would be a net loss to the taxpayers in tax revenue, while a limited few in the Runnymede neighborhood would enjoy a net gain through having to pay less in taxes while also having the benefit of additional open space. Mr. Lagassa, however, was persuaded that there existed a wider benefit based on the merits of the environment. Mr. Steiner acknowledged that the Conservation Commission encouraged easements over outright purchase of land. Mr. Hines solicited further discussion from the Board. There being none Mr. Steiner made the motion to accept the conservation easement of the Runnymede parcel. Mr. Lagassa seconded the motion. The vote was unanimous and so moved.

The TA briefed the Board on the differing fuel prices for the winter oil. The TA solicited the Board's views on local purchasing of heating fuel explaining that in some communities it was an established practice to purchase fuel locally. Mr. Hines commented that it was an obligation on behalf of the Town's citizens to get the lowest possible price. The Board voiced a general consensus on the issue. The TA reported that he was having the staff review current pricing and ask the local heating oil distributor, whose fuel prices were among the highest, whether or not they could do better on the price. Shirley Carter, Conservation Chair, asked whether the Town would not find itself in legal trouble concerning fuel bids. The TA explained that no RFP was issued for fuel bids. Rather, the office had called fuel oil suppliers inquiring

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about the price much the way a household would call around to find the lowest possible price. The TA further explained that he was unaware of any established policy wherein an RFP was mandated when a given amount of money was involved concerning the purchase of commodity items like heating oil & gas. The Town did issue RFP's for purchasing items like heavy equipment and road paving jobs.

The TA next briefed the Board on the status of the OU2 phase of the Coakley Landfill. A signed contract was necessary to begin the next phase of the project which dealt with institutional controls of property that fell within the ground water management zone (GMZ). The EPA wanted to place deed restrictions on property within the GMZ that prohibited certain land use activities such as drilling drinking wells on the property, subdividing property and so on. However, the involved parties, including the municipalities believed these controls to be excessive. While there was general agreement that deed restrictions covering the drilling of drinking wells in a potentially contaminated area made sense from a public safety perspective, there was great disagreement with the EPA regarding deed restrictions on such things as the subdivision of property. Part of the OU2 process would involve resolving these differences of opinion between the EPA and the municipalities. The TA explained that John Ryan (Town Counsel) could sign the contract on behalf of the Selectmen because he was the duly authorized legal representative of the Town. The Board directed the TA to have John Ryan sign and proceed with the negotiations.

David Kollhase accompanied by his attorney Kerri Marshall addressed the Board regarding his newly constructed property on Lafayette Road. Mr. Hines began the discussion by explaining that the Board of Selectmen does not exercise control over any decisions made by the ZBA or Planning Board. It is, however, within the purview of the Board of Selectmen to appoint members to those Boards, but beyond those powers of appointment, the ZBA and Planning Boards remain autonomous. Ms. Marshall began questioning the Board members as to why a certificate of occupancy (CO) was not issued by the building inspector within the 10 days prescribed by law after such a request by Mr. Kollhase had been made on June 23rd. Mr. Kollhase further relayed information that Susan Zarlengo, the building inspector at the time, said she was unable to provide a CO because no forms were available. Mr. Kollhase again asked for a CO on July 2nd and was informed by Ms. Zarlengo that there were design concerns with the septic system. On July 6th Mr. Kollhase indicated that Ms. Zarlengo commented that she was unable to issue a CO until the planning board directed her to do so. Mr. Steiner commented that the planning board was not an enforcement board. Ms. Marshall asked how the planning board could direct Ms. Zarlengo not to issue a building permit when they did not have enforcement authority? Mr. Hines reported that during the period in question Ms. Zarlengo was engaged in negotiations with the Town of Rye for the position of Building Inspector and therefore her attention may not have been as focused on Mr. Kollhase's request as it should have. Mr. Lagassa commented that Paul Charron, the current building inspector, had issued a CO so that the issue at this juncture was moot. The fine levied against Mr. Kollhase for commencing his business operations and moving his personnel into the building prior to the issuance of a CO was justified. If, however, Mr. Kollhase was unhappy with the fine imposed by Mr. Charron, he could schedule an administrative hearing with the ZBA and appeal the building inspector's decision. Mr. Lagassa said neither he nor the Board could overturn Mr. Charron's actions. It was further stated that the Board supported the building inspector.

Mr. Hines suggested that the amount of confusion surrounding the issue seemed to revolve around the ambiguity in the site plans and the lack of any stamped building plans that had been approved by the planning board. Mr. Griffin (Chair PB) reported that it was a long standing practice to approve site plans as of a specific date, but not to officially stamp them. Rather, the PB required a set of "as built" plans after completion of the project because changes often occur during construction. Mr. Kollhase and his attorney wanted to know why Appledore Engineering was directed to review the site and under what authorization. Mr. Steiner replied that he had authorized the review as a matter of fact finding and not as an enforcement issue. Mr. Steiner stressed that he did not act in his capacity of Selectman, but more in his capacity of PB representative for the Selectmen. Ms. Marshall took exception with Mr. Steiner's initiative claiming that

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such authority was not his. Mr. Lagassa reported that there was a great deal of tension surrounding this issue and that Mr. Steiner had Appledore Engineering review the site as a way to look at the situation, get the facts and thereby diminish the conflict among all the parties concerned. Mr. Kollhase voiced his concern over what he perceived was the undue influence by a PB member who had recused himself due to his being an abutter. Mr. Hines reported that he had received calls from concerned abutters one of who (Ted Turchan) was also a PB member. Each abutter expressed concern over the site work given the unusual flooding event (50-year event). Mr. Hines expressed his support for the building inspector and suggested that Mr. Kollhase and Mr., Charron work towards solving any remaining site problems. Mr. Charron reported that there were some minor problems remaining, but that Mr. Kollhase had been reasonable and worked towards bringing his site into compliance with Town building codes and zoning ordinances.

Selectmen's Issues

Mr. Hines directed the TA to have the building inspector contact the state plumbing and electrical inspectors and have those folks walk Mr. Charron through a few inspections and certify his ability to conduct such inspections. It was also suggested that Mr. Charron become certified under BOCA. Mr. Hines also noted that it was the State who appointed the local Health Officer. Mr. Hines suggested that the appropriate agency be contacted and asked to appoint Mr. Charron the Health Officer as a matter of record. The TA agreed to do look into arranging BOCA certification for Mr. Charron as well as having him officially appointed Health Officer by the State.

Questions & Answers

Lucille Ellingwood asked how the collection of tax money was going. The TA responded that the amount of taxes collected stood at approximately at 51% according to the reports generated by the new tax software. The TA said that staff was researching the validity of the report as a way of testing the software. Ms. Ellingwood also expressed her disappointment over the lack of female representation on the various Boards.

There being no further business to come before the Board the meeting adjourned at 8:53pm.

Respectfully,

Russell McAllister
Town Administrator