

**Town of Groton
Selectmen's Meeting Minutes
July 13, 2010
7:00pm**

In Attendance: Miles Sinclair, Kyle Andrews, Christina McClay, Pamela Hamel (AA)

Audience Members Present

Miles called the meeting to order at 7:00pm.

Old Home Day is scheduled for Saturday, August 21, beginning at 11:00AM at the Everett Hobart Memorial Park. Parade is at 1:00pm.

Miles made a motion to approve the June 29 Selectmen's Meeting minutes as written, Kyle 2nd, so voted.

Updates:

The Board is waiting for the State's opinion regarding the intersection of Blanchette Lane and North Groton Road. In the meantime, the Circle Program has submitted a letter outlining their concerns and position on this situation.

The Animal Control Officer has submitted the Dog Warrant return. No Civil Forfeitures were issued.

Old Business:

James Cross submitted copies of RSAs 41:11 and 47:17 which he believes give the Board authority to regulate the use of roads that are not state owned such as the class VI road that leads onto his property off of Province Road. He would like the Board to prohibit the use of motorized vehicles on that road. At the June 22 Selectmen's Meeting, Mr. Cross first informed the Board that his loggers have been instructed to place large boulders in front of the bridge in the town's right of way to block the passage of any motor vehicles once the logging operation is finished. Mr. Cross claims he is doing this for liability reasons as he feels the bridge poses a safety hazard. After speaking with the Board that evening he agreed to not have boulders placed in the right of way while the Board looked into the situation and examined the facts and all proposals. On July 1 Miles spoke with Mr. Cross on the phone informing him of the Board's findings, through research and correspondence with the Town's Attorney, thus far. Miles reported that:

- Placing an obstruction in a public road, such as this Class VI road, is prohibited by law
- Any private work done on Class VI roads requires the approval of the Board
- Mr. Cross can be held liable for an accident involving the bridge as he was the last one to work on it
- The Town is not liable for Class VI roads that they have not maintained
- The new planking on the bridge which Mr. Cross is responsible for cannot be removed as it would leave the bridge in worse condition than originally
- The Town's Attorney has encouraged the Board to post all Class VI roads with not maintained/pass at your own risk signs.

During that conversation, Mr. Cross told Miles of RSA(s) which he felt gave the Board authority to close Class VI roads to vehicular traffic. Miles said he would need to verify that, and would be willing to consider that option subject to formal action by the Board at which time Mr. Cross offered to submit a copy of the RSAs. Miles visited the site this morning and informed the other Board members and the audience that he discovered 2 large boulders in the roadway, two large logs on the bridge that act as guard rails, a large water bar in the road

beyond the bridge but still in the public way, a pipe which facilitated water flow removed and a 1-2' high berm placed in the road on the Province Road side of the bridge.

Mr. Cross admitted to the following:

- He was informed by Miles of these facts and clearly understood that placing obstructions in this right of way was prohibited
- He has re-decked the bridge on at least 3 occasions without getting the permission of the Board
- After he spoke with Miles he chose to **not** instruct the loggers to change from the original intent to block the road
- He willfully had the road blocked, still maintaining it is for liability reasons
- Has no problem with foot or horseback traffic
- Feels that posting property is very difficult to enforce
- The road is in better condition now as some beavers had caused it to be flooded out
- Maintains he had the wetlands permits necessary to take care of the beaver problem
- It was his opinion that the Board would just ignore/bury this problem however, he now concedes that they have engaged the problem
- Doesn't understand why the Board wants to keep this road open (Board said it is up to the Town's people whether or not they want to keep this road open)
- Says the end result is there will be no vehicle traffic up and down that road as all he has to do is stop maintaining it and it will go away
- He will have the obstructions removed if he receives written instruction signed by all Board members and sent via certified mail. He offered to pay the mailing costs.

Mr. Cross can post his property, block the road at the end of the Class VI portion, and block any egress off the Class VI portion as long as it is not in the Town's right of way. He is not interested in doing this.

The Board believes Mr. Cross has demonstrated a blatant disregard for the law and for what the Board of Selectmen asked him to do and/or not do. Also, he has not given them the opportunity to make a decision about this but instead he has gone ahead and done things that the law prohibited him to do. When asked if he recalls Miles' comment to him at the June 22 meeting that his greatest liability is when he breaks the law by doing what it prohibits, Mr. Cross responded that he found that comment convoluted and stretched.

The Board is proposing that Mr. Cross change what he lawfully could not do: remove the boulders from the Town's right of way, remove the berm so it is level, and remove and fill in the water bar. The Board would also like the pile of slash left in the roadway beyond the bridge cleaned up. The tree trunks along the bridge actually improve the safety of the bridge; therefore the Board requests that they remain. They will send this letter via certified, return receipt mail, and give Mr. Cross 14 days from receipt to accomplish these tasks. Mr. Cross acknowledges that he is clear as to what is expected of him. He also asked that a copy of the correspondence from the Town's attorney be included with the letter. The Board agreed.

The Board just received the packet from the State regarding the Spectacle Pond Landing. **Miles made a motion to table this until they have the opportunity to review the information, Christina 2nd, so voted.**

Mr. Robertie submitted a letter, addressed to the Planning Board, regarding their request as to his intentions to follow through with site plan review for the proposed boat storage facility. He also addressed the new activity of storing tires at the site. Mr. Robertie feels the Planning Board's site plan review requirements are excessive, and he maintains that tires are used in the storage of boats. This is not consistent with the report of a driver who was bringing in tires. The driver stated that they were stockpiling them with the intent of selling them. He also maintains that the site has been used for boat storage since 2004 and as such is grandfathered. However, this

contradicts his testimony during the Zoning Board public hearing in 2009 as well as video footage taken on site in August of 2005 that shows no boats being stored there.

Kyle made a motion to refer everything in the letter except the Planning Board issues to the Town's Attorney, Christina 2nd, so voted.

Based upon the counsel of the Town's Attorney, the Board will accept a single A credit rating as a trigger mechanism that would require Groton Wind, LLC to issue an alternate form of security as a guarantee for decommissioning. **Christina made a motion to contact Ed Cherian and advise him of the Town's position, Miles 2nd, so voted. Kyle made a motion to advise Mr. Cherian that a bond, letter of credit or cash are the acceptable alternate forms of security in the event the trigger mechanism is enacted, Christina 2nd, so voted.**

No appeals have been filed in Grafton County Superior Court regarding the Board's intentions to have the clearly hazardous trees in the Town's right of way removed. The 30 day appeal period has expired. Road Agent Glen Hansen was going to try to get a commitment for assistance from John Faucher but no such commitment has been received yet. Traffic cones and barricades (and whatever the Road Agent can supply) for public safety will be used. Miles is still willing to go forward with the cutting, not taking any unnecessary risks. Kyle would like John Faucher to be contacted again to see if he can provide assistance. Christina has agreed to contact John and ask her husband if he will assist as well. **Kyle made a motion to table this for one week while Christina contacts John Faucher and speaks with her husband, Christina 2nd, so voted, Miles abstaining.**

New Business:

The Road Agent will be working on North Groton Road (the portion between Halls Brook Road and the Dorchester town line) beginning as soon as July 19. He had indicated that portions of the road might have to be temporarily closed. These will not be overnight closures and the road will be clearly posted. Dave Leone suggested contacting Grafton County Dispatch when/if the road is closed so emergency vehicles will be aware. Pam will pass this along to Glen and Chief Dickerson.

Kyle made a motion to sign the Intent to Cut for Stanley Jackson, Map 1 Lot 81, Miles 2nd, so voted.

The Board reviewed the driveway permits issued by the Road Agent for Stanley Jackson and Timbervest Partners. **Kyle made a motion to sign the driveway permit for Jackson, Miles 2nd, so voted. Miles made a motion to sign the driveway permit for Timbervest Partners, Christina 2nd, so voted.** The Road Agent has the responsibility to issue driveway permits. The Board simply reviews them.

Gardner Hall has submitted an Intent to Cut with some back taxes owed on the lot. The Board's position is to require a bond equal to the estimate of the Timber Tax from the cut before signing the Intent. The owner may also opt to pay the back taxes. **Miles made a motion to table the Intent to Cut and make the property owner aware of the back taxes owed and the Board's position regarding requiring a bond, Christina 2nd, so voted.**

Kyle made a motion to sign the septic design for Bruce Blye, Map 6 Lot 42, Christina 2nd, so voted.

The Board discussed what responsibilities should fall under the regular responsibilities as part of the Transfer Station Supervisor's stipend. The Board agreed that mowing should be paid separately but making signage for the Transfer Station should be a part of the regular responsibilities. In the past the mowing has been either hired out or town employees have been paid to do it. Miles read a letter from Glen Hansen giving a brief description of the work done under the stipend. The Board also agreed that a stipend amount is not intended to be based upon an hourly rate for the work done. **Kyle made a motion to pay Glen his hourly rate for mowing the Transfer Station cap, Christina 2nd, so voted.**

Miles made a motion that Glen's request for 2 hours pay for making signs has been determined by the Board to fall under the Transfer Station Stipend, Christina 2nd, so voted.

Kyle made a motion to accept the abatement request for Kemp, Map 5 Lot 43, based upon Avitar's recommendation, Miles 2nd, so voted.

Lou Lieto announced that Tom Gillis, the Groton School Board representative, has resigned. Mr. Lieto has applied for this position and, if appointed, the appointment is good until the next election.

Marilyn Lieto announced that she is running for a seat in the House of Representatives for District 8.

Orland Stevens would like to meet with the Road Agent to discuss securing a driveway permit as well as to have him look at a possible drainage problem along a portion of North Groton Road near his home. **Miles made a motion to refer this to the Road Agent, Kyle 2nd, so voted.**

Miles made a motion to go into non public session at 9:31pm, Kyle 2nd, so voted.

Miles made a motion to return to public session at 9:50pm, Christina 2nd, so voted.

Miles made a motion to adjourn the meeting at 9:51pm, Kyle 2nd, all in favor, so voted.

Respectfully submitted,
Pamela Hamel
Administrative Assistant