

**TOWN OF GROTON
SELECT BOARD MEETING
August 16, 2011
7:00 PM**

In Attendance: Miles Sinclair, Ron Madan, Kyle Andrews, Pamela Hamel (Administrative Assistant)

Audience Members Present

Miles called the meeting to order at 7:11pm.

Miles motioned to approve the minutes of August 2 as written, Ron 2nd, so voted.

Update

Last Tuesday a representative of the Local Government Center (LGC) along with a forester, attorney, the Road Agent and Miles conducted a site visit at the Yetman property to look at the trees that Mr. Yetman says were cut in 2009 when the Town cleared the right of way. The forester will issue a report letting LGC know what he believes the damages are. LGC will then contact the Board to determine how to proceed.

OLD BUSINESS

Letter to Rumney Snow Drifters

Kyle made a motion to sign the letter to Rumney Snow Drifters, Ron 2nd, so voted. The letter documents the Board's approval for the club to mitigate the slopes of two ditches on Old Rumney Road.

Decommissioning Guarantee Form

The company has agreed to all the clear-cut changes submitted by the Board regarding the Decommissioning Guarantee Form. They have asked for the Board to be specific regarding the changes to the authority to assign this guarantee to another party. The Board believes the language should be consistent with the Agreement signed on November 30, 2010. Kyle suggested crossing out the majority of the paragraph, keep the sections that the company is required to get the consent of the town and include that the Town will not withhold consent unreasonably.

Miles made a motion to keep the first sentence that says the Guarantor may not assign its rights or delegate its obligations under this guarantee in whole or in part without the written consent of the Guaranteed Party, strike the remainder of the paragraph, get a clarification from Groton Wind on the last sentence, whether it should say Guarantor or Guaranteed Party, and if it is supposed to say Guaranteed Party, try to find out what their interpretation of that language is and how it is anticipated to be applied, and let them know that we are willing to have some language in the paragraph about not unreasonably withholding, conditioning or delaying consent, but we defer to them on proposing some language on this issue, Kyle 2nd, so voted.

Nedeau Lane

Ron had an opportunity to look at Nedeau Lane. He said once you get beyond the Coutu's place the road

is narrow, very muddy and rough. There are sections of the road at the beginning that are in pretty good shape. The Board had given the Coutus permission to work on the road and told them they would monitor the road to make sure that what they are doing would be in the Town's best interest. Ron believes they would need to put an astronomical amount of stone/gravel on the road to make it good, and cut some brush as well. Miles said that the Coutus have an incentive to make the road passable as this is the access to their property, and he believes this is their intent. They are doing what they can. With the heavy rains that we have had in the last 3 years it is not surprising that the road has deteriorated. He believes the issue they need to be discussing is whether or not what they are doing on the road is hurting or helping in light of what they were told they could do. Obviously there is more that could be done but that is not the issue. It will not be like a class V road. Kyle said he would take a ride out there this weekend. **Miles motioned to table this until Kyle has an opportunity to go up there and make his own observations, Kyle 2nd, so voted.**

Bixby Junkyard Application

Ron made a motion to schedule a public hearing for Tuesday, August 30 at 6:00pm, Kyle 2nd, so voted.

Longyear Historical Society

The Board has heard back from the Longyear Historical Society (LHS) regarding whether or not their 7.25 acre lot that abuts the Mary Baker Eddy lot should be tax exempt. The LHS has agreed that this lot does not qualify for tax exemption status, and they are expecting to receive a tax bill this fall that will cover all of 2011.

Tree Limbs

Miles looked at the tree that Betty Smolinsky had mentioned last week. In his opinion that tree is on the Kenney's property. There have been some recent court decisions which put more of the responsibility on property owners dealing with 'insufficient' trees. He would like to bring this to the attention of the property owners. One of the dead limbs overhangs the driveway to the town House. Kyle and Ron agreed that the tree appears to be on the property next door. **Miles motioned to bring this to the attention of the Kenneys and let them know that a citizen had brought this to the Board's attention, and that in their opinion the tree is on the Kenney's property, and at least one dead limb hangs over the driveway access to the Town House, and see what, if anything, they are willing to do to address that, and if they do not have the ability to address it the Board will revisit the issue, Kyle 2nd, so voted.**

NEW BUSINESS

Verizon Cell Phone

The Police Chief and the Road Agent would like to cancel their cell service. Ron asked if there would be a penalty to cancel. Pam will contact Verizon. Both the Road Agent and the Chief use their personal phones and have expressed that they want to use them instead of the Town supplied phone. Miles said that it can be very beneficial for the Police Department (PD) to have a cell phone if there is any kind of a standoff or hostage situation. Ron asked if the other officers have cell phones. The other Board members do not know. Miles feels the PD should have a backup plan and maybe the cell phone that they currently have should be left in the cruiser for all the officers to use for police purposes. He would like to address this with the Chief before making a decision.

Building Permit for Jackson, Map 5 Lot 80, Darling Circle

Kyle made a motion to sign the building permit for Jackson, Ron 2nd, so voted. The Jacksons have received all their approvals from the State for this screen house.

Septic Design for Joyce, Map 2 Lot 81-02, Edgar Albert Road

Ron made a motion to sign the septic plans for Joyce, Miles 2nd, so voted.

Septic Design for Watson, Map 6 Lot 22-01, Rogers Road

Miles motioned to sign the septic plans for Watson, Kyle 2nd, so voted.

Groton Historical Society (GHS)

Sharon Nelson asked the Board to table the GHS' request to have the safe removed from their museum until a legal question regarding whether or not the GHS bylaws were legally amended thus enabling the GHS President to make this request without the vote of the membership. At the request of Jo O'Connor, Miles read the letter from GHS President Roland Bixby to the audience. Ms. Nelson informed the Board of the results of the vote taken November. At that time the membership voted 6-4 with 2 abstentions to keep the safe. Slim Spafford verified this vote. Deb Lindsay verified that the original letter states that should the GHS no longer want to keep the safe, it must be returned to Town. It cannot be sold or given away. The Board agreed. Betty Smolinsky asked if the safe could come back to the Town. Miles said that technically it could. Pam Yinger said she did a recent phone tally and got the names of about 45 members who said they wanted the safe removed. She said they would like a bathroom at the museum and the spot currently occupied by the safe is the only space for a bathroom. She admitted that most of those members have never visited the museum. Jo O'Connor said there was a lot of work that went into putting the safe up there. Ms. Yinger said that once all these things are worked out they are hoping to have more meetings at the museum. Slim asked the Select Board to table this until the next GHS meeting in October and until such time as they resolved the legal issues among themselves. **Kyle motioned to table this until the GHS meets, Ron 2nd, so voted.**

Miles stated that there are differing opinions among certain groups within the GHS. It is not the business of the Town to get into the middle of these disputes. He does not want to remove the safe now because one group says to do so; then someone else gets elected in October, overturns these other decisions and wants the safe back. This is a 1,000 pound safe. Helen Santoro asked the age of the safe. Jo O'Connor said it was built in 1895.

2011 Deed List

There are 3 names on the deed list but one is expected to pay his taxes. Anyone who is on the deed list has not paid taxes in 3 years. The Board normally looks at the properties prior to deeding as there might be properties that the Town would rather not have for one reason or another (example: costly EPA issues). Between now and next Tuesday the Board will look at the properties.

Set up Work Session

The Board will meet with the Tax Collector Tuesday, August 23 at 6:00pm to discuss the deed list.

Charge Account at Tenney Mt. Store

Kyle made a motion to approve the house charge for Tenney Mtn. Country Store, Miles 2nd, so voted, Ron abstaining as his name is on the account to charge. The Road Agent and his assistants get the gas for the mowers there. The Board will look into whether or not the highway department can get gasoline from the state garage in Wentworth.

Review of Driveway Permit for Joe Pivirotto

The Board reviewed the driveway permit issued by the Road Agent for Joe Pivirotto.

Warrant Return for Unlicensed Dogs

The Animal Control Office reported that by August 31 he is supposed to file a return for the Warrant. Four people failed to register their dogs (5 dogs total), civil forfeiture notices issued to all of them, 2 paid them and resolved this at the Town level, 2 did not and were summonsed to court. No dogs were seized.

Questions and Comments

Pam Yinger announced that the GHS museum would be open from 10:00am to 2:00pm on Old Home Day.

Miles motioned to go into non public pursuant to RSA 91-A:3 II(b) at 8:31pm, Kyle 2nd, so voted.

Miles motioned to return to public session at 9:10pm, Kyle 2nd, so voted.

Transfer Station Items

Regarding the theft of aluminum cans from the Transfer Station; the Board agrees that these thefts should be reported to the Police. It is likely that these cans are taken to a local place to be turned in. Also, the PD has "connections" in regards to locating stolen property.

Kyle made a motion to start locking the gate at the Transfer Station at least during the warm months, Miles 2nd, so voted. Any issues regarding locks such as the locks freezing can be easily addressed. The Select Board office should have a key.

Kyle motioned to adjourn at 9:22pm, Ron 2nd, so voted.

Respectfully Submitted
Pamela Hamel
Administrative Assistant