

**TOWN OF GROTON
SELECT BOARD MEETING
August 23, 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 7:00pm.

Miles motioned to approve the minutes of August 16 as written, Ron 2nd, so voted.

UPDATE

Miles reported that due to work commitments John Faucher had been unable to assist with hazardous tree removal scheduled for August 6. Kyle stated that he had recently spoken with Mr. Faucher who told him that he does not know why he had agreed to help during the months of July and August as he is very busy with work and haying. However, he would like to help in the fall of the year.

OLD BUSINESS

Decommissioning Guarantee Form

The company has agreed to the changes submitted by the Board after last week's meeting. However, they are now saying that the court of jurisdiction should be New York. The Board is not willing to change the jurisdiction to New York. They will run this by the Town Attorney. They would like to incorporate some language laying down the criteria to be met in the event they at some time in the future agree that the guarantee may be assigned to another company. This language must be consistent with the language signed in the agreement between the Town and Groton Wind LLC on November 30, 2010.

Nedeau Lane

Kyle had an opportunity to look at the work the Coutus have done on Nedeau Lane. Although the road is very rough he believes that they are doing what they can. Ron mentioned that the amount of rain that we have gotten has added to the problem. Kyle and Ron believe that the work is stabilizing the road, and the Board has no issue with what the Coutus are doing.

Tree Limbs

Pam contacted the Kenneys regarding the dead tree limb that overhangs the Town House driveway. Mr. Kenney conceded that the tree is on his property. He said he does not have the means to do something but has agreed to allow the Town to remove the dead limb(s). The Board would like to get this permission in writing, and asked Pam to clarify whether or not the property owner has the financial means take care of the dead limbs.

Frederick Sewall

Frederick Sewall addressed the Board regarding his property on Map 5 Lot 46. He stated that he and co-owner Miles Friend allowed Bill Robertie to establish a boat storage facility there. They have never received any income from him for this. Mr. Robertie was to get all the necessary permits from the Town. The Planning Board had suggested some changes and Mr. Robertie had promised to do them. However this never came to pass. They met with Mr. Robertie one week after the order to have everything cleaned up was issued in July. They ask him how he planned to accomplish this. He told them that everything would be cleaned up by second week of August. One thing after another has occurred. Mr. Sewall recently looked at the property and over 50 boats remained. He looked at it again today and about 15 additional boats had been removed. There are still junk boats, trailers, a couple of automobile fenders, tires, 2 trailers that have already been sold that are full of Mr. Robertie's junk, etc. on the property. They have hired Chris Clark to take care of some of the items should Mr. Robertie not finish the job. However, there are some customer's boats there and this presents a problem in that they cannot take property that belongs to others without a court order or permission from the property owner. They have no way of knowing which boats belong to customers and which ones belong to Mr. Robertie, and he will not allow Mr. Clark to touch any of these boats. They are urging Mr. Robertie to get all the customer boats out, and if there are junk boats left by the end of August Mr. Clark can remove them. Mr. Sewall stressed that he and Mr. Friend are serious about getting the property cleaned up. They are asking the Board to consider allowing them a few extra days to perhaps a week should there still be some items to remove by the Sept 1 deadline. Miles said that Mr. Robertie has already missed two deadlines that were self imposed: January 1 and August 1. Miles has only visited the property once and asked for permission for the Board to inspect the property when they feel it is necessary until this is resolved. Mr. Sewall said absolutely. Ron asked him what he thinks is a reasonable amount of time to get things out of there. Mr. Sewall thinks it is possible to do by Sept 1. Kyle would like to conduct a site visit, see what the condition of the property is and revisit this issue after the September 1 deadline. Miles agreed, and stated that he is willing to consider a possible extension if the circumstances justify it. Ron agreed. Mr. Sewall said he is willing to come back next week and give a progress report. The Board will do a site visit on Monday, August 29 at 6:00pm. Mr. Sewall said that in the event that Mr. Robertie does not get it done, he is willing to take legal action to be able to remove the boats. He again stressed that he is not asking for the deadline to be extended at this time. If Mr. Robertie removes the customer's boats then he feels he will be able to get the remainder of the property cleaned up.

Building Permit for Joyce

Ron motioned to sign the building permit for Joyce, Map 2 Lot 81-2, 189 Edgar Albert Road, Kyle 2nd, so voted. Permit is for a single story 14 x 28 guest cottage. They have received all the necessary approvals.

Health Officer Appointment

The term for the current Health Officer (HO) will expire in December. Chuck Stata has confirmed that he would still like to continue as the HO. The State is asking for the Board's recommendation. **Kyle motioned to recommend Chuck Stata for appointment as HO, Miles 2nd, so voted.** Pam will prepare the recommendation form for the Board's signature.

Building Permit for Hamel, Map 2 Lot 25, 17 Old Rumney Road

Miles motioned to approve the building permit for Hamel, Ron 2nd, so voted. The permit is for two overhangs on the barn.

Timber Yield Tax Warrant for Gould

Kyle made a motion to sign the Timber Tax Warrant for Gould, Miles 2nd, so voted.

Marina Chase/Inventory Penalty

Marina Chase asked to speak with the Board as she recently received an inventory penalty notice. She explained that from February 16 to April 8 she did not attend a Select Board meeting. On April 12 she came to the meeting and turned in her inventory sheet. The due date was April 15. She does not know if it was lost, misplaced, etc., but it was stamped April 18 (Monday). The 16th and 17th was a weekend. She had already handed it in but even if she had not it would be considered one day late as the office is not open on the weekend. The penalty for not submitting it on time is anywhere from \$10-\$50. That penalty is higher than the one assessed for not registering your dog(s) on time, or the boat junkyard issue that was already discussed earlier in the meeting. They get more of a break than what she does. The junkyards that are not in compliance get more of a break. She does not really care about the penalty as this is not about the money, and she is not asking the Board for any favors. She has handed in her inventory on time every year. She wanted the Board to know her opinion of this. She would prefer that they do not discuss it. She believes she made two mistakes: she did not have the receipt signed and she will never again pass in anything outside of the office. Ron said he can understand assessing a penalty for someone who is a few months late but not necessarily for a day. Kyle stated that whether it is a day, 3 days or 3 months late, it is still late. But he believes she turned it in on time and did not get it stamped, and he is willing to waive that fee.

Miles said that this is the first that they hear about this particular case as the Board does not personally receive or stamp the inventories. State Statute says that they are due on the 15th, and whether or not someone is a day late they are supposed to be assessed a penalty. If it is going to be enforced, it must be enforced fairly regardless of who is involved. However, Miles is willing to give her the benefit of the doubt as she has presented her case and it is a tossup. Mrs. Chase said she is not looking for any favors and she does not want anyone to say that the Select Board did her a favor. But there is no way that she could have brought it upstairs as she was in a cast. The Board said they are not doing her any kind of favor. Circumstances dictate giving her the benefit of the doubt.

Blye Disposal Agreement

Kyle reported that this agreement had been signed in June and dropped off at his home by Mr. Blye for the Board's signature. Kyle forgot to turn it in. The excavation has already been done and the materials disposed of at the Blyes'. **Miles motioned to sign the Blye disposal agreement, Ron 2nd, so voted.** Kyle said Mr. Blye would be willing to take more fill if it is available.

Doug & Sandra Hutchins

Sandra Hutchins expressed concern that the area that was marked in front of her house for shimming did not include a low spot. She would like to know what was going to be included in the work. Pam had spoken with the Road Agent and he said the repair does include the low spot. The mark in question is a width mark and does not indicate the end of the area to be shimmed. He also stated that he would be doing ditch work just above the Hutchins property line. Mrs. Hutchins said that the Road Agent has discussed this before with her and her husband. In 2008 he had gotten permission from Stanley Jackson to extend that ditch onto Mr. Jackson's property. Ron said he did not know if the Road Agent was going to dig up any of the road in front of her house and fill it in with ledge pack before paving in order to restore the crown. Miles asked Mrs. Hutchins if she was aware that he might have to have some equipment

within the ROW on her property to do this work. She is fine with him doing that as part of the shimming.

2012 Budget

The Board would like Pam to send a memo to all department heads asking them to submit their proposed 2012 budget by the end of September.

Grafton County Dispatch Service Survey

Miles made a motion to table this until they can look at it during a work session, Kyle 2nd, so voted.

Committee Updates

Miles reported that they had a pretty good turnout for Old Home Day and the weather cooperated. They did not have a softball game.

Questions and Comments

Pam Yinger reported that they had 30 people come to the Groton Historical Society Museum on Old Home Day.

Sandra Hutchins reported that they have received their letter from Mr. Knowlton saying they are green yard safe and following best management practices. **Miles motioned to have a letter expressing their appreciation to the Hutchins for the lawful/appropriate manner in which they operate their junkyard drafted for their review, Ron 2nd, so voted.**

Kyle motioned to adjourn at 8:31pm, Miles 2nd, so voted.

Respectfully Submitted
Pamela Hamel
Administrative Assistant