

**TOWN OF GROTON
SELECT BOARD MEETING
September 10, 2013**

In Attendance: Christina Goodwin, Kyle Andrews, Miles Sinclair, Pamela Hamel (Administrative Assistant)

Audience Members Present

Christina called the meeting to order at 7:08 pm.

Representatives from Laconia Monument presented design options for granite signs for the Town Hall and park. The surface of both signs is a steel finish (smooth) with a chiseled (rough) edge. The Board will review the photos and diagrams, suggest specific sign designs and sizes for a quote. Pam will verify whether or not the gift money received from Iberdrola which will be used to purchase the signs lapses into the general fund at the end of the year unless they become encumbered by a legally enforceable obligation created by contract.

MINUTE APPROVAL

Christina motioned to approve the minutes of August 27 as written, Kyle 2nd, so voted.

UPDATES

North Groton Road Reconstruction Project

The road project was completed today. The contractor had to excavate an addition 12 feet due to water issues but they were able to accomplish this within the amount of funds allocated.

OLD BUSINESS

MS-1

Miles motioned to check the appropriate box on the DRA copy of the MS-1 and sign the Avitar copy, Christina 2nd, so voted.

Fire Escape, Salt Shed & Transfer Station Roof

All of the bids received exceed the funds allocated at Town Meeting. The bid received from Higginbotham Construction for the repairing the Transfer Station roof is for \$1,500 (amount allocated is \$1,110). The Board will use money from the budget to make up the difference.

Miles motioned to award the bid for the transfer station roof to Higginbotham Construction, Christina 2nd so voted. Christina motioned to table the fire exit until next Town Meeting, Kyle 2nd, so voted. Kyle will speak with the contractor about the possibility of doing some shoring up work on the salt shed with the funds allocated for this year.

Old Culverts and Fire Wood

Kathy Smolinsky was awarded the fire wood. There is a small amount that is not yet cut which will be available to her in the future. Two names were submitted for the culverts. The Board awarded one culvert to each individual and drew for the third which was awarded to Doug Millett. All parties will make arrangements with the Road Agent for pick up.

Fitzpatrick Possible Building Permit Violation

The Board reviewed the assessing file and recent photos of the Fitzpatrick property submitted by the Town's assessor. Contrary to Mr. Fitzpatrick's claim that he had the necessary permits for the structures built, the file and photos show that he built an addition, one structure and a foundation without the required permits. The Board will issue a letter to the Fitzpatricks informing them of their findings and asking if they can show good cause why the Town should not find them in violation of the Town's Building Permit Regulations.

Cemetery Access Road

The Board discussed the cemetery access road to the Jenny DeCoste Smith Annex and finalized the bid. An invitation to bid will appear in the paper, on the Town's website, on the New Hampshire Municipal Association's website and in Jo O'Connor's column, and the bid specifications will be available in the office and on the Town's website. The Cemetery Trustees, who support this project, will meet and have a formal vote to approve the work being conducted within 25 feet of the cemetery wall.

Tax Exempt Status for Municipal Bonds

Christina motioned to sign the letter to our congressional representatives regarding the tax exempt status of municipal bonds, Miles 2nd, so voted.

Letter to Maxam

Since the Board's last meeting, the work at the intersection of Hardy Country Road and Sculptured Rocks Road has been completed. There was some discussion regarding the culvert which crosses the road near that intersection. It is the Board's understanding, based upon their conversations with Glen Hansen as the one working on behalf of Maxam, that Maxam had agreed to replace the culvert and repave that section at no cost to the Town. As this was not a part of the Board's original agreement with Maxam they will issue a letter to the company asking them if this is their understanding/intention, and if so, when they plan to do the work. In addition, Glen has reported that due the change in the configuration of the intersection and the surrounding area, there is now no need for a culvert there. The culvert should be removed and the area paved.

David Leone asked about the conflict of interest policy the Town has with regard to the Road Agent doing this work. Normally, when private work is done on the area of a private road/driveway that immediately connects to a town road the road agent inspects it to verify that the work was done in accordance with the Town's requirements. In this case it is the Road Agent doing the private work. The Select Board said that ultimately, in a situation such as this, the responsibility is theirs. Regarding the Conflict of Interest Ordinance passed by a prior Board, they have recently discovered that the ordinance was illegally adopted. New Hampshire Statute gives authority to the legislative body (voting Town residents) to adopt a Conflict of Interest Ordinance at Town Meeting. The Select Board does not have that authority. Thus at this time the Town does not have a legal ordinance. The Board is willing to present an ordinance for the people to vote on at the 2014 Town Meeting if that is what they want. Regarding the current situation; the Board has learned from this. They also recognize that this is a small community and disclosure of conflicts or potential conflicts of issues is very important. If there are issues they can be dealt with.

Junkyard Letter

Christina motioned to sign the junkyard letter for North Groton Road, Miles 2nd, so voted. This letter is asking the property owner to make an appointment with Ken Knowlton for an inspection of his property.

NEW BUSINESS

Building Permit for Vignone, Map 5 Lot 160, Sculptured Rocks Road

Kyle motioned to approve the building permit for Vignone, Map 5 lot 160, Christina 2nd, so voted.

Intent to Cut for Nevers

Miles motioned to sign the Intent to Cut for Nevers, Map 1 Lot 31, Kyle 2nd, so voted. The access road is Route 118.

Work Sessions: Lorna Platts & Eastern Analytical

The Board scheduled the following work sessions:

- 6:30 pm, Tuesday September 17 with Lorna Platts of Old Mill Properties (conference call)
- 6:00 pm, Tuesday, September 24 with Eastern Analytical

Hebron Fire/Ems Training

Christina will attend the training on behalf of the Board. Police Chief Pivrotto will attend as well.

SB 36

Christina motioned to sign the letter to Jeannie Forrester regarding SB 36, Miles 2nd, so voted. This Senate Bill allows for a complete property tax exemption for veterans who have a 100% service connect disability. Although the Board supports veterans they do not support the bill as proposed because there are no caps or income/asset limits. As such they do not believe the bill in its current state is in the best interest of all their constituents

Illegal Burn

Fire Warden Roger Thompson explained the situation regarding an illegal burn. The Chief has worked with the property owner in the past and he has without fail, had a permit. This spring he had some things he was burning in barrel and the wind popped it out. A very small fire ensued but Roger feels that the responding unit went overboard and used a forestry truck, foam and over 10 personnel. The fire could have been contained with water and no other departments had to respond. The Hebron Fire Warden then submitted a bill to the state. State Statute allows the Town to bill the property owner for the cost. Roger stated that he has never had an issue with a property owner who always has his permits. It was an accident and he does not want to bill him. He has spoken to Chief Fischer and it was agreed that the Town would pay the personnel costs that would normally have appeared on the regular monthly billing. The Town has paid these costs even though the Hebron Warden wanted to bill for the forestry truck, foam etc. as well. He stated that there was a fire on Orchard Lane which was an accidental fire and it was billed on the Town's regular monthly billing. The Board agreed to respect Roger Thompson's recommendation to not bill the property owner.

LUCT: Chapman & Bilodeau

Christina motioned to sign the Land Use Change Tax for both Chapman and Bilodeau, Kyle 2nd, so voted.

Library Trustees Position

Miles motioned to appoint Pam Yinger to the vacant Library Trustee position, Kyle 2nd so voted.

Christina reminded the audience that as of the end of September there is still one vacant position available.

Kevin Maass

Kevin Maass submitted a letter to the Board regarding the enforcement of the Town's Junkyard Ordinance. He believes that the Ordinance has been misinterpreted by the Board and is possibly not legal. He would like it to be re-evaluated and an immediate cease and desist for the current court case.

The Board explained that no one else has brought a similar claim that the ordinance is illegal, and that prior to adoption it was reviewed by the Town's attorney and the Board held a public hearing. Miles explained how the Board works with property owners to come into compliance. There was discussion regarding future junkyard enforcement, the qualifications/credentials of Ken Knowlton, and current junkyard cases. The Board is willing to revisit some of Kevin's concerns regarding the current ordinance and cases. They will not cease and desist in the current court case. The defendant has submitted a motion for late entry of appearance and to strike default, and the Board has not objected to this.

Newfound Experience

The Newfound Experience is an online news magazine created to highlight the Newfound Region. They are inviting the Board to send any press releases, articles, event listings, notices etc. to be posted on their site. The Board has no problem with the Town's events/news/notices being posted but due to the increasing numbers of this type of request that they are receiving and the Administrative Assistant's work load they are not requiring her to submit anything. The Town website has the pertinent postings/information listed.

NHEC Power Outage Communications & Conference Call

Emergency Management Director Roger Thompson and Christina will participate in the conference call which is scheduled for October 2 and again on October 3.

OTHER BUSINESS

The Kimball Hill Property Acquisition Committee will meet with the Board at 6:00 pm on Tuesday, October 1.

QUESTIONS AND COMMENTS

The Groton Historical Society (GHS) will hold their annual meeting on Sunday, September 29 at 2:00 pm at the Town House.

GHS will host a program on the National Grange Movement presented by former New Hampshire Commissioner of Agriculture Steve Taylor on Sunday, October 6 at 2:00 pm at the Town House. The program will be followed by a pie buffet.

Kyle motioned to adjourn at 10:13 pm, Christina 2nd so voted.

Respectfully Submitted,
Pamela Hamel