

**TOWN OF GROTON  
SELECT BOARD MEETING  
August 30, 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 7:10pm.

**Miles motioned to approve the minutes of August 23 as written, Ron 2<sup>nd</sup>, so voted.**

**UPDATES**

Tropical Storm Irene: the Board met with Emergency Management Director (EMD) Mike Lemieux, Deputy EMD Roger Thompson, Glen Hansen, and Joe Pivirotto last Friday to discuss preparations for the storm. The Town sustained some significant road damage on Sculptured Rocks Road. The Board gave credit to the highway crew who worked until about 1:30 in the morning opening the road. The new hand held radios and the repeater were installed on Wednesday and utilized during the event. FEMA will be doing a site inspection in the near future. Ken Martel would like the culvert near his house looked at as he has had problems for many years, as far back as '76 and more recently in March and again on Sunday. He said the culvert has no header and the water is running over the road into his yard and ultimately into his basement. Miles' expectation is that FEMA will be looking at that. Mr. Martell also asked about the backhoe as it was not available for use on Sunday. He heard that it had burned up. Miles said it caught on fire a few months ago. The Town received some insurance money for it and it was repaired. However it recently broke down again. Ron reported that parts had been ordered and were supposed to be in last week. The Road Agent did go out and check culverts prior to the storm. Mr. Martell was aware of that and is not faulting the Road Agent. But he feels that the backhoe would have been useful during the height of the storm, and if the Town needs to get another backhoe then he supports that. If the Town wants the Road Agent to do the work then they must give him the equipment. He also believes the culvert in question should be larger. Mr. Martell showed the Board some pictures of work the town did in the brook as a result of the flood of '76, as well as photos of his yard when it flooded in March. Dave Leone stated that every culvert needs a head wall. In the past they have tried to get mitigation money to replace the culvert by Mr. Martell's house but the cost ratio did not meet the threshold. Perhaps with evidence of additional damage (to Mr. Martell's property) the project will now qualify. Helen Santoro said she had four feet of water in her backyard because all the water now comes through the culvert onto her property and no water continues down the ditch line on the opposite side of the road. Miles reported that the Road Agent had taken another look at the ditch and claims that any changes will not alter the way the system is designed to work. The water is intended to run through the culvert onto her property.

**OLD BUSINESS**

Tree Limbs

The Board received a letter from the Kenneys stating that they do not have the physical and financial means to take care of the dead limbs, and giving the Town permission to do the work. The Board agreed that they need to be careful to only remove those dead limbs that pose a threat to anyone who is coming onto Town property. Miles will try to reach any necessary limbs with his pole saw. Ron stated that the

Town has a power pole saw to use as well.

#### Sewall/Friend Property

Miles and Ron visited the property on Monday and reported that about 90% of the items have been removed. A handful of boats in decent condition, some junk boats, a container of some kind of unused oil and another with antifreeze, some truck parts and a lot of trash and miscellaneous debris are still there. Due to the storm the road is currently impassable. Ron stated that Mr. Robertie has made an attempt to clean it out. He is concerned about the oil and anti-freeze however. They are not in sealed containers and could be easily spilled or dumped. The Board asked Pam to call Mr. Sewall to update him on the site visit, express their concern over the oil and anti-freeze and get a status on where he stands with his efforts. If he believes an extension is needed he will have to address this with the Board.

#### Health Officer Appointment

**Ron motioned to sign the Health Officer's appointment recommendation, Kyle 2<sup>nd</sup>, so voted.**

#### Letter to Hutchins re Junkyard

**Kyle motioned to sign the letter to the Hutchins thanking them for the manner in which they keep their junkyard, Miles 2<sup>nd</sup>, so voted.**

#### Verizon Phone Service

Both the Road Agent and the Police Chief do not want to keep the Verizon phone provided by the Town. They have their own phones and are willing to use them, and the Chief is interested in putting a car phone into the cruiser as car phones normally get better service. Kyle stated that Town employees should not be using their personal phone for Town business. He is in favor of providing a phone for each of them. Pam reported that Verizon offers a less expensive plan but not a car phone. **Miles motioned to maintain the Verizon cellular phone service for both the Road Agent and the Police and switch to a less expensive plan, Kyle 2<sup>nd</sup>, so voted.**

#### **NEW BUSINESS**

#### Building Permit for Cole

**Kyle motioned to sign the building permit for Cole, Ron 2<sup>nd</sup>, so voted.** Miles noticed that they had sent a check for \$25 when only \$10 was needed. Pam will contact the Coles and have them submit the correct amount when they collect the permit. At that time she will return the \$25 check.

#### 2011 MS-1

**Miles motioned to sign the 2011 MS-1, Ron 2<sup>nd</sup>, so voted.**

#### 2011 MS-4

The Board reviewed the 2011 MS-4. No signature is required.

#### Groton Historical Society

The Groton Historical Society has not submitted the BTLA-12 form along with their financials. These

documents were due in June. In a recent conversation Mr. Bixby told Pam that the Attorney General's (AG) office had all their financials thus he would be unable to submit them to the Town. He sent a letter to the AG's office indicating that he is unable to submit the GHS annual report to the State and asking the AG's office to inform the Board that this report will be forthcoming whenever the official inquiry is completed. The Board asked Pam Yinger if there is any reason why the GHS cannot submit the BTLA-12 without the financials. Ms. Yinger was unfamiliar with the situation. She will contact Mr. Bixby and report back to the Board. Pam reported that she recently gave a copy of the BTLA-12 to Mr. Bixby. **Miles motioned to table this until they hear back from him, Kyle 2<sup>nd</sup>, so voted.**

#### Letter From Julia McLaughlin re Inventory Penalty Notice

Mrs. McLaughlin wrote to the Board requesting that they waive the inventory penalty as she was ill and in the hospital during the filing period and unable to submit her Annual Inventory. Ms. McLaughlin's record indicates that she has always filed in a timely manner. Dave Leone said he has a similar request: he has always filed in a timely manner but misplaced the paperwork and handed it in late this year. He asked the Board to waive his fee as well. Miles said that in his opinion Mr. Leone's circumstances do not warrant granting a waiver. The Board feels the situation for Ms. McLaughlin does warrant a waiver. **Miles motioned that under the circumstances they be willing to waive the penalty if Ms. McLaughlin submits a 2011 inventory form, Kyle 2<sup>nd</sup>, so voted.**

#### Public Hearings for the Ten Year Transportation Plan

The Town recently submitted a plan to replace the Atwell/Orange Brook Bridge in the State's Ten Year Transportation Improvement Plan. The State is holding public hearings regarding the 10 year plans. The Board feels it is premature to begin attending these meetings as the Town's plan has not yet been accepted.

#### Building Permit for US Cellular (SBA Tower)

The Board agreed that US Cellular will need to go to the Zoning Board for a special exception. They would like to extend the height of the tower, add additional antennas and an equipment shelter. Pam will contact US Cellular.

#### Maxam Request for Road Layout/Alteration

In the ZBA's decision to allow Maxam to build on Hardy Country Road they attached the following condition:

- The site distance down Sculptured Rocks Road must be improved.

Maxam is looking to change the current intersection of Hardy Country Road and Sculptured Rocks Road to a T intersection. They have already received permission from the State (this is on State land) to make this change. However, the State is requiring that they remove all the gravel from the portion of Hardy Country Road in question, discontinue it and allow it to re-vegetate naturally. Because this portion of Hardy Country Road is class VI it must be brought before the people at Town Meeting for a vote to discontinue. The Board will bring this before the people in March before acting on the request for layout/alteration. **Miles motioned to contact Maxam and explain how the Board intends to act on their request and allow them additional time after Town Meeting to comply with the ZBA's condition, Kyle 2<sup>nd</sup>, so voted.**

#### Liability for Damages Limited, Indemnification, Insurance

**Miles motioned to adopt the provisions of RSA 31: 104, 105, 106 to include the revisions adopted in January 1, 2011, Kyle 2<sup>nd</sup>, so voted.** These Statutes indemnify Town officials who are operating in their official capacity and in good faith from civil damages, attorney fees, liability, etc.

Green Acre Woodlands Current Use Application Correction

**Ron motioned to sign the Green Acre Woodlands current use application correction, Map 9 Lot 10, Miles 2<sup>nd</sup>, so voted.**

Bureau of Securities Investigation of the Local Government Center (LGC)

The Bureau of Securities has reviewed some of LGC's actions in a number of areas including their insurance risk pools. The Bureau gave their opinion in a recent report stating that LGC had not acted lawfully. LGC has their own version and believe they acted lawfully within the statutes as they understood them and the legal advice they had been given. Senator Forrester has asked the Board to state their position and what they think should be done. A hearing officer will be appointed to conduct hearings to hear from both sides. From Miles' perspective he feels the report makes certain allegations that should be aired and made public. LGC has a right to respond to them and someone needs to make a decision. He would like to let Senator Forrester know this. **Miles motioned for Pam to draft a letter to Senator Forrester letting her know that the Board is familiar with the allegations and aware that LGC wishes to contest them, and their recommendation that this be addressed in the appropriate setting and a decision rendered by an impartial person, hearings officer or otherwise, Ron, 2<sup>nd</sup>, so voted.**

**QUESTIONS AND COMMENTS**

Dave Leone reported that someone has dumped a large TV on the Class VI portion of Coolidge Woods Road. He also noticed that the Town had done some grading on Province Road but there was no protection for the wetlands used. He said that quite a bit of silt went into the stream after the last rains. In the future he hopes that they adhere to the State's standards and get all necessary permits for replacing culverts. The Board will bring this to the Road Agent's attention.

Mr. Leone said that while he was riding on Old Rumney Road he noticed that there was a pile of rocks and some machinery in what appears to be the Town's right of way. He went on to say that further out, there is a sign on the Class VI portion of the road that says private property. Marina Chase said that sign has been there for a while. She thinks it might have been put up when the snowmobile club changed the direction of the trail. Miles said he would take a look at it.

**Kyle motioned to adjourn at 9:02pm, Ron 2<sup>nd</sup>, so voted.**

Respectfully Submitted  
Pamela Hamel  
Administrative Assistant