

**TOWN OF GROTON
SELECT BOARD MEETING
March 6, 2012**

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

Audience Members Present

Kyle called the meeting to order at 7:02pm.

MINUTE APPROVAL

Kyle motioned to approve the minutes of February 28 as written, Ron 2nd, so voted.

UPDATES

Warrant Article #22

Miles announced that he has compiled the data used for determining a possible comparable wage increase for certain positions in the Town. Copies of the data are available for the public. Most of the information comes from the Local Government Center's annual wage and benefits study.

OLD BUSINESS

Faucher Junkyard Violation

John Faucher submitted an email to the Board stating that he intends to clean up the property as soon as possible. However, the Board noted that the deadline was today. Miles felt the public should know that on one occasion this winter Mr. Faucher back dragged his driveway after a storm, and he cleaned his driveway after the most recent storm. Miles has never asked him to do anything like this and made contact with him asking him to not continue this because, as Miles is a town official, it could look like his objectivity is compromised. It is his understanding that Mr. Faucher does a lot of nice things for a lot of people. During the discussion Mr. Faucher stated that he did receive the most recent letter from the Board regarding his property. Miles let him know when the original was signed and sent out, and the new deadline which actually amounted to a little bit of additional time to get the property cleaned up. The Board believes Mr. Faucher needs motivation to get this taken care of. Hopefully by turning this over to the Town's attorney as they have done with other junkyard violations he will come into compliance.

Miles motioned to refer this to the Town's attorney to begin enforcement action, Kyle 2nd, so voted.

Dave Leone provided a document regarding the Town's policy pertaining to a conflict of interest.

Sculptured Rocks Road Properties (Bryer, Ashley)

Both parties have stated that they own the parcels of land in question. The Board will send a letter asking them, if possible, to produce documents to verify ownership. **Miles motioned to table this to allow that letter to go out and allow them time to respond with documentation, Ron 2nd, so voted.**

Amended Septic Plans for Groton Wind/Iberdrola Renewables, Map 9 Lot 8

Kyle motioned to sign the amended septic plans for Groton Wind, Miles 2nd, so voted.

Library Trustees Book Sale

The Library Trustees requested permission to leave the books set up in the Hall this week in order to have another sale over the weekend. **Kyle motioned to grant the Library Trustees permission to use the Hall, Ron 2nd, so voted.**

2011 Town Report Proof

There are a few minor corrections and changes that need to be done. Miles suggested changing a line in the Select Board's letter to the Town to better convey their intentions regarding use of the unreserved fund balance. The Board agreed.

NEW BUSINESS

Groton Wind: Night Work

Kelly Revel, Groton Wind Construction Site Manager, addressed the Board. Groton Wind's contractor would like to do some night road work from 6pm to 4 or 6am, using a dozen or so people, an excavator and a few trucks. This would enable them to keep the road open and passable during the day, allowing the contractor to be more efficient. There would be no blasting. Mr. Revel stated that in order to minimize any possible impact on residences, they plan to ask the contractor to try to work the portion the road nearest the entrance (first 1,000 feet or so) during the day or on Saturday, and do the remainder of the work further up into the site at night. Although the night work schedule is laid out for two months they are not expecting to have it take that long. It depends on the weather, etc. There has been some noise (during the day) at the maintenance building site but no complaints at this time. They have tried to cause the least amount of impact to the neighbors. Groton Wind met with the Rumney Select Board last night. Rumney gave them the go ahead with the following condition: they work for two weeks then meet again to make sure all is well. The Groton Board is concerned that any residents, both in Groton and in Rumney, are not disturbed and do not want to wait two weeks to hear if there are complaints. They would like to know right away, and want Groton Wind to inform the Town when the night work will begin. In addition, they will confirm with the Rumney Board that conditional approval has been given. **Miles motioned to grant permission subject to the conditions discussed, Kyle 2nd, so voted.**

Mr. Revel gave a brief update on the work done on the project to date. The roads are still rough and require a 4 wheel drive. They are currently blasting on the ridges, and there are two rock crushers on site. The material generated is being used on the roads. Seventy-five percent of the trees on the project site are cleared and will be hauled off the property once the roads are in better shape. At this time there are about 100 people daily on site and 80 pieces of equipment. He reported that the Department of Environmental Services visited the site today and is pleased with the mitigation work being done.

Victoria Collins: Victoria's Mtn. Way

Ms. Collins is requesting that the Board remove Victoria's Mountain Way off of the Town tax maps as she considers this her driveway. In a recent court decision Ms. Collins was awarded ownership of the road. The Board is not sure how this will affect any future 911 numbering for the lots off Victoria's Mountain Way; in particular Mr. Howes' lot as in the same court decision he received a right of way (ROW) to his property via Victoria's Mountain Way. There are a number of examples of ROWs in the municipality that have road names and 911 addresses assigned to them. Currently these roads are labeled on the tax maps as private (PVT). **Kyle motioned to contact the Local Government Center about this,**

Ron 2nd so voted.

Application for Veteran's Credit: Ron Madan Map 6 Lot 45

The criteria set out by statute regarding eligibility for the Veteran's credit is not subject to interpretation. Miles asked if anyone in the audience had a problem with Kyle and Miles making a decision on this application as Ron would be abstaining. There were no objections. **Kyle motioned to sign the Veteran's credit for Ron Madan, Miles 2nd, so voted, Ron abstaining.**

Current Use Application: Daniel Plumer, Map 2 Lots 115 & 115-5

Ron motioned to sign the Current Use application for Daniel Plumer, Map 2 Lots 115 & 115-5, Miles 2nd, so voted.

Request for Motor Vehicle Registration Refund

Glen Hansen has requested a refund for the Town portion of a truck registration that was not completed. Town Clerk Laura Hauser explained that Mr. Hansen never completed the State portion of the registration nor did he receive any decals. When the decals or plates have not been used the State normally grants a refund of their portion. The Select Board has the authority to grant a refund for the Town portion of the registration. In this case Mr. Hansen did not use the decals as he was never issued any. He decided not to register the truck, and requested a refund within the 90 day time period allowed by statute. Laura reported that when she contacted the Local Government Center regarding this she was told that larger municipalities deal with this more often and do grant refunds. Miles asked if anyone in the audience had an objection to the Board ruling on this as Mr. Hansen is also the Road Agent. Mr. Leone believes that Ron Madan should abstain from the matter as he occasionally works for Mr. Hansen doing private work. Ron agreed to abstain. There were no objections to the remaining Board members ruling on the matter. **Kyle motioned to grant the refund, Miles 2nd, so voted, Ron abstaining.**

Office Closings (MS-5, AA vacation)

The Select Board's office will be closed on Friday March 23 while the auditor is compiling the MS-5, and from Monday, March 26 through Monday April 2 for the Administrative Assistant's vacation.

March 27 Select Board Meeting

There will be no Select Board meeting on March 27. However, the Board agreed to schedule a work session, if necessary, to deal with any essential business.

2012 Inventories

The 2012 inventories will be mailed out the week of March 19. Completed inventories will be received at the Select Board's office. Anyone wishing to discuss their liability to be taxed may do so at the April 10 Select Board meeting at 7:00pm.

2012 Town Report

Pam asked if the Board would consider asking the Groton Historical Society to submit a one or two page write up on an historical aspect of the community that would be included in the Town's Annual Reports. These submissions would be in addition to the Historical Society's regular report. The Board agreed that this would be a good addition to the annual report.

QUESTIONS AND COMMENTS

Library Trustee Christina McClay stated that the boxes of books will be moved once the cabinets are moved. They will be holding another book sale on Election Day and a bake sale on Town Meeting Day.

Dave Leone reported that Google Maps shows the Police Department and Select Board's office in the wrong locations.

Mr. Leone submitted a copy of the December 28, 2005 Planning Board minutes. He stated that the Planning Board adopted a penalty of \$50 a day against any property owner for non compliance in securing a building permit prior to building. Miles stated that in the Town's Building Permit Guidelines there is a penalty for noncompliance. Mr. Leone does not know if that is separate but the Planning Board minutes say you shall be assessed for every day after it has been discovered until you are in compliance. Miles responded that he is not sure if this is a Planning Board concern as building permits are currently issued by the Select Board. Mr. Leone's question is whether or not the Planning Board had the authority to adopt this policy.

Mr. Leone stated he was under the impression that under RSA 236:13 it is the Planning Board who has the authority to issue driveway permits. Miles stated that this topic did come up at the most recent Planning Board meeting. Since he has been involved in Town Government the road agent has issued these permits. Christina McClay asked if the Planning Board can designate the authority. Mr. Leone believes they can but he does not think that has ever happened. He believes the reason it is in the Planning Board's jurisdiction is because they have the authority to grant subdivision approval and part of that process includes the location of driveways.

Mr. Leone also requested to know how the Highway Block Grant money is being spent. It is his understanding that this grant money has to go to the Highway department and therefore it would offset that budget. He stated that Terry Knowles from the Attorney General's Office confirmed this. He believes that if the Highway Department's budget is \$75,000 and the grant money is \$25,000 then technically they should be asking for \$25,000 less in that line item. Pam explained that the Department of Revenue (DRA) requires the Town to gross appropriate all money that will be spent. When the tax rate is set the gross appropriation is offset by revenues, with the balance being raised by taxes. Mr. Leone responded that this might satisfy the DRA but according to Ms. Knowles it does not satisfy the RSA, and that Ms. Knowles had said she would be glad to explain this. He is requesting to know specifically how the block grant money was spent. Pam stated that she can provide a printout of all Highway Department expenditures. Miles asked him retroactively how the Board could do this; match every expenditure with grant funds or funds raised by taxes. Mr. Leone responded by saying that this was not his problem. Miles asked him how he would have done this when he served on the Board. Mr. Leone again said that this was not his problem. Miles stated that it is unreasonable to think that they can tie those exact dollars to expenditures like someone who stamps their dollar bill and then goes online to see where it ends up. This would be a nightmare of accounting. The Board will do the best they can with his request. The grant money is used to offset the amount of money that needs to be raised for the Highway Department in the same way that all revenues are used to offset what needs to be raised by taxation.

Finally, Mr. Leone submitted a letter to the Board regarding his right to know request for complaints filed with the Police Department against him and/or Buck N' Horse Campground. The Board will send a letter acknowledging receipt of his request and advising him that they will be addressing this at their next meeting.

As this was the last Select Board meeting prior to Town elections Miles stated that if he is not reelected

he would like to thank the Town's people for the honor, opportunity and privilege of being able to represent them as a member of the Board during the last 3½ years.

Kyle motioned to go into nonpublic session pursuant to RSA 91-A:3 II(c), Ron 2nd, so voted.

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

Miles motioned to adjourn at 9:11pm, Kyle 2nd, so voted.

Respectfully Submitted
Pamela Hamel
Administrative Assistant