

Town of Groton
Select Board Work Session Minutes
November 7, 2017

In attendance: Christina Goodwin, John Rescigno, Kyle Andrews and Sara Smith (Administrative Assistant - AA)

Christina called the meeting to order at 3:14pm.

Ethier Concerns

The Select Board met with Mike Ethier and Mary Pinkham-Langer from the DRA to go over some concerns that the DRA and The Town have regarding work Mike is doing on Beaver Pond Road.

Mary mentioned that DES sent a letter in October 2016 and gave him an extension. We can follow up with Ridge Mauck 271-3503 from the Alteration of Terrain Bureau to see where they are going from there. It was agreed to ask Mike about this during the meeting. Mike stated he was given an extension until 2020.

Mike arrived and Christina explained that the Town received a concern about excavation being done on Mike's property and we thought a meeting was the best way to handle this. Mike said that he has been digging there since 1984. He said he had tried to come in in 2011 and no one would take his money which was \$100.00 to the state and 2 cents a yard. He went to Planning Board in 2011. It was explained that the Planning Board sent him a letter in 2011 explaining that before any more excavation could take place that he needed to obtain an excavation permit from the Groton Planning Board but this was never done.

Mary said notice of intent to excavate is a taxation form. The excavation needs to be in conjunction with RSA 155E so if there is no compliance with 155E, which is the Planning Board then it is enforced there. The only way the Town cannot sign the intent to excavate is if there is no compliance in which case the Select Board has to put in writing what the issues are and what can be done to remedy it.

The Select Board feels that instead of moving backwards with what should have been done in the past that we need to forward and tell Mike what he needs to do now.

Mary explained what grandfathered means and how this is determined. In order to have been grandfathered from having to have a 155E permit, he would have been in operation as of 8/24/79 in removing earth materials two years prior to that so 8/24/77. In addition to that, between 8/4/89 to 8/4/91 anyone claiming to be grandfathered had to submit a report to the regulator stating when the operation first began, how much area was currently open, how many acres they were grandfathered, and the amount remaining cubic yards of earth. This report would have been had to be turned in to Planning Board to be grandfathered. She explained you still are not totally exempt if grandfathered.

Mary also explained abandoned excavation. Whether he was permitted or grandfathered under 155E:2:II it talks about abandoned excavations. If the pit, whether grandfathered or permitted, has gone more than a 2-year period without removing earth material then it would be considered abandoned. If they are abandoned then they should be ceasing operation and reclaiming.

Mike said all his stuff was done thru the AG office, DES and courts when he first started because there was no Planning Board or Zoning Board back then. He also said paperwork has been lost due to floods, etc.

Mary said that the fact that the Town allowed it to continue by not doing anything to stop it when they had the power to do that under 155E may make it hard if it went to court to push the issue. The Town has charged him for a commercial pit and took taxes in the past. The Town could stop from expanding to anything new but the Town by not doing anything in the past when they should have may have inadvertently grandfathered him into it. It has been going on so long it is hard to see what is older but any new expansion has to go before the Planning Board.

Mary asked Mike if when the subdivision was approved back in 88, if the common area was there due to density purposes. Mike said no and explained that he put it in there because he wanted to allow property owners to have access if needed.

The Select Board asked if they should consider him grandfathered because of how long it has gone with nothing else, what the next steps would be. Mary explained that anything new has to go before the Planning Board. Mary asked about Town zoning and if it allows excavation in that area. Our zoning is that you need a special permit for commercial use. Mary said that he should go before the ZBA for the special permit for the expansion, and then go to the Planning Board, then to DES.

Mary also explained that any tax administered may be assessed at any time for failure to report. Since excavation has been done even though intents were not signed Mike will have to get caught up on the intents. If it is 1000 cubic yards or less, there is no \$100 fee you just file the intent. If it is used on his own property in that tax year then it is exempt. If it is hauled off then that intent needs to be filed every year. Processed and stockpiled material becomes taxable on the tax year it was excavated. It is taxable from where it originated.

Mike said he doesn't mind paying but doesn't think he should have to fight for it like he has had to in the past. Mary will go through her records to see when the DRA has intents and when they need them for.

Christina explained to Mike that he is not in trouble with the Town but the Town needs to do what is right. John explained this has been going on for a while and there has been a lot of confusion in the past that cannot be cleared up so we just need to move forward from here.

Mike left so the board can talk.

Christina explained that she feels we should start from scratch from here and move forward. Christina asked if the past intents can be waived. Mary explained that they cannot since he did continue to excavate. He was in violation of the law since he didn't report, granted there was a problem on both ends.

It was agreed that he should be grandfathered since it has been going on for many years. We will start with having him move forward and file all past intents. Mary can tell us the years he didn't file. These will be on the grandfathered area. Also, before he can do an expansion he has to go before the ZBA, if they grant the special exception it will go to the Planning board and the DES. Christina explained that we should write a letter which states what was decided and the steps that need to be taken going forward.

Mike came back in. Mary stated that whatever happened in the past the Town could have enforced but they didn't so he will be considered grandfathered. However, he did excavation but didn't report, which is violation of the law. Therefore to avoid tax evasion, Mary will get the years that there were no reports so he can fill them out. If there are years that no excavation was done or it was exempt, he still fills out the form and states that. Mary will give him every year and give the Town this information. That will take care of the existing. For the expansion, he needs to go to the ZBA and move forward from there.

Christina explained there will be a letter that explains all of this and will state the existing to be grandfathered and the expansion is not. The letter will explain he is grandfathered and the steps he needs to take moving forward. He will get a copy along with the Zoning Board and Planning Boards so everyone is on the same page. Sara will draft the letters and will send to Select Board and Mary for review.

Kyle asked if he would allow the Select Board in to look at the existing verses the expansion. Mike said as long as he knows and can walk with the Select Board.

Mike wanted to know what is going on the piece next to him; It was explained that Mary has been working with him and he is filing an intent to excavate and will be talking to the Town about any other excavation.

Mary said she will attend the site visit. Christina explained that when the ZBA or Planning Board reviews his expansion Mary may want to attend.

Driveway concerns

Sara explained that she has received some calls asking for assistance with private property or driveway damage due to the storm. She has been referring all home owners to call their home owners insurance and 211. She will review welfare guidelines and talk to state welfare to see what we are obligated to do.

Grafton County Bill

Sara explained that we received the Grafton County Tax Bill for 2017 and it is for \$250,056.00. This is due by December 18, 2017. The last statement for NHPDIP account had a balance of \$170,750.42. It was agreed to put a freeze on spending until taxes start coming in. Sara will create a Memo. Sara will also hold the school bill until taxes start coming in, in December. Sara will contact the Windfarm to see if they will be able to pay the invoice early.

Windfarm

Kyle thought there was a five year rule for the contract. Sara will look into the 5 year rule for the contract to see if it automatically renews or what needs to be done.

Estimates for Town Garage Clean Up

The Town received two estimates for the cleanup of the Town Garage. One was from All Brite Cleaning and the other is from Servpro. All Brite presented a quote of \$28,634.23 and Servpro presented a quote of \$15,735.05. Timothy Crowley who is the adjuster that Primex sent out emailed and said for us to let them know who we go with and they will get an agreed price with them. Tim said that they can begin work immediately; they do not need to wait for the price to be finalized.

The Select Board agreed to go with ServPro. Sara will also check with Primex regarding a company to fix insulation and sheetrock. Also, Sara will ask about the dirt work, dirt being removed and replaced.

Storm

Due to the storm the following still needs to be done:

- The Town Garage needs to be cleaned out
- Rebuild the building damage
- Dirt work at garage
- Road repair
- Bridge repair

Sara will send Primex and the adjuster an email with the following questions/concerns:

- Servpro has been chosen to clean the building. Some of this clean up involves removing sheetrock and insulation which will then have to be replaced as well. With this be covered by Primex as well?
- Gardner Warr from NH DES Spill Response came out to Groton because when the storm happened the flooding caused our diesel tank to be knocked over and caused a diesel spill. Gardner stated that the time that he estimated about 30 tons of dirt needs to be removed and replaced. Is this Dirt work covered by Primex as well? Besides clean harbors do you have any recommendations of anyone that takes care of this? Gardner said you can contact him at any time if you have questions regarding this but he said this should be cleaned up sooner than later. His number is 603-271-2891
- Regarding that diesel tank; the tank needs to be repaired and we had just had a delivery and lost about 400 gallons of diesel. Will the cost to have this repaired and the diesel replaced be covered? What do we need to do for this?
- The Town had a 55 gallon barrell with spill control kit for oils that we need new one. Is this covered? How do we go about this?
- The Town had one vehicle damaged in the storm that is looking like a total loss. It was out 2006 Ford F350. What steps do we need to go through for this as we do have Primex for our vehicles as well?
- Our oil Burner experience some damage that needed to get taken care of right away so we had it repaired and we paid a bill for \$279.00. How do we go about getting reimbursed for this?
- There was salt and sand damaged and lost. Some floated away and some was damaged due to the water. Will any new deliveries to replace this be covered? If so, what do we need to do for this?
- There were culverts at the Town house that were lost during the storm. Will these be covered? If so what do we need to do for this?
- Glen said that he talked to Tim about his personal items. Are these covered since they were in the building? If so what steps need to be taken on his end?

We can always pay out of the disaster relief we will have to do a memo later once more bills come in.

It was agreed that we need to have an emergency management meeting on Tuesday November 14th at 5pm with the Select Board, Police Chief, Fire Chief and Glen. Sara will let Roger and Glen know.

Capital Reserve Funds

Sara will do a memo requesting to transfer money that we have spent so far for the bridge project. She will also request to transfer the money for the Public Works Building.

Budget Meetings

Police

Chief Thompson met with the Select Board to discuss the Police Budget.

Police Chief Wages

The Chief proposed an increase of \$2,818.75 making it \$59,193.75. EJ added a 5% increase just in case.

Full Time Police Officer

Stayed the same at \$1.00.

Part Time Police Officer

The Chief proposed an increase of \$6,000.00 making it \$35,000.00 based on 30-32 hours per week depending on experience. He would like to get two and split it.

Telephone/Communications

The Chief proposed an increase of \$500.00 making it \$2,500.00.

Dues & Subscriptions

Stayed the same

Equipment Repairs/Maintenance

The Chief proposed an increase of \$500.00 making it \$2,000.00. Kyle asked why this increased. EJ explained that if he has more tablets which may need more maintenance. This can be revisited if needed.

Office Supplies

The Chief proposed an increase of \$1,000.00 making it \$2,500.00 due to a plan to get a new computer and tablet.

NH Special Ops

Stayed the same

Dispatch Service

The Chief proposed a decrease of \$500.00 making it \$5,500.00.

Prosecutor- Plymouth Law Center

The Chief proposed an increase of \$546.09 making it \$9,896.09. This is the exact number for 2018 due to increase in cases.

Vehicle Maintenance

Stayed the same. The Chief made a note to replace the Impala with lease. EJ mentioned that we have to get rid of the Impala. EJ thinks we should go with a lease because it would be cheaper. Municipal leases are different than normal leases. The Select Board told EJ to look into it and put it on a warrant article.

Cruiser Equipment

Stayed the same

Uniforms

Stayed the same

Books/Periodicals

Stayed the same

Equipment (Guns, Ammo, Taser, etc)

Stayed the same; Kyle asked why there hasn't been any money spent yet. He said that he will be doing an ammo order and extra magazines.

Mileage

The Chief proposed a decrease of \$200.00 making it \$400.00. EJ made a note to reduce to \$1.00 with lease. It was agreed not to lower even if get a lease.

Postage

The Chief proposed a decrease of \$25.00 making it \$75.00.

Gasoline

The Chief proposed a decrease of \$1,000.00 making it \$3,000.00.

Advertising

Stayed the same

Training

The Chief proposed a decrease of \$1,000.00 to make it \$4,000.00.

Animal Control

Stayed the same.

Special Detail

Stayed the same.

SOU Stipend

Stayed the same at \$1.00.

Other questions/concerns

- EJ mentioned that Hebron will be getting a new car and will be getting rid of the old car so we could possibly by that.

The Select Board was okay with the Police budget as is.

The Select Board thanked EJ for all his help with the emergency from the storm.

Highway Budget

Glen Hansen met with the Select Board to discuss the Highway Budget.

Highway Administration

Wages

Stayed the same

Assistants

Stayed the same

Telephone

Stayed the same

Training/CDL Testing

Stayed the same

Electricity

Stayed the same

Heating fuel

Stayed the same

Mileage

Stayed the same

Membership/Dues

Stayed the same

Supplies

Stayed the same

Highway Streets

Vehicle-Equip Maintenance and Repairs

Glen proposed an increase of \$2,000.00 making it \$12,000.00.

Equipment Rentals

Stayed the same

Material

Glen proposed an increase of \$3,000.00 making it \$9,500.00.

Signs

Glen proposed an increase of \$200.00 making it \$600.00.

Uniforms

Glen proposed an increase of \$150.00 making it \$500.00. We should order some Town of Groton shirts or sweatshirts.

Tools & Equipment Purchases

Stayed the same

Gas

Stayed the same

Diesel

Stayed the same

Salt, Sand, Deicer

Stayed the same

Hydrants

Stayed the same

Culverts

Stayed the same

Safety

Stayed the same

Tree Maintenance

Glen proposed an increase of \$300.00 making it \$1,000.00. Glen explained there is a lot of overhang that needs to be cut back. He also talked about possible hiring a tree company to trim this back. It was agreed to try to do what we can with the \$1,000.00 this year and then increase it next year if needed.

Utility Charges, street lights

Stayed the same

Other questions/concerns

The Select Board was okay with the Highway budget as is.

Storm Updates

- A lot of Sculptured Rocks Road has been taken care. They still have to fix the culvert that was put in wrong that we have always had problems with.
- Province Road- he could only get as far as the first snowmobile trail; it was not passable
- Small areas along edges of the road with collapsed pavement.
- Glen has done some work on NGR but has more to do
- River road the pavement has been lifted up
- Edgar Albert Road has a washout and needs cones put out there; Glen will put these out there
- Fuel tank has been pulled out of water but still needs to be moved.
- Dirt work- Glen has been waiting to see what needs to be done with this. This needs to be done as soon as possible. We need to reach out to Clean Harbors to see what it will cost.

John motioned to go into non-public session pursuant to RSA 91-A:3 II (a) and (b) at 6:15pm, Kyle 2nd, so voted.

Christina motioned to return to public session at 6:30pm, Kyle 2nd, so voted.

Christina motioned to seal all of the non-public minutes, Kyle 2nd, so voted.

Sara's Memo

Sara submitted a memo requesting time off. On Monday, November 27th she will be working 7a-9a and off the rest of the day. December 20th she will be leaving at 1:30pm; the Select Board approved this.

Pump Station

Both locations that we planned to do the pump stations had some flooding. On Pilcher's property the dam washed out but it may come back. The bridge near the other area washed out but it should be okay. The Select Board will review the easement and will let Sara know.

Coutu Update

The Town sent the attorney all of the letters and reports regarding the property on Wednesday. We are waiting from her to see what the next step will be.

Brock Lane

It was agreed that the Select Board would drive by this property to see if there are any concerns.

Having no other business to conduct, Christina motioned to adjourn at 7:00pm, Kyle 2nd, so voted.

Respectfully submitted,

Sara Smith
Administrative Assistant