

Town of Groton
Select Board Work Session Minutes
May 15, 2018

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

John called the meeting to order at 5:05pm.

Meeting with Bubba

Town Garage

John mentioned to Bubba that he went to the Town Garage and he did a great job on the clean-up.

Vacation

Bubba leaves for vacation on June 6th and will be back on July 2nd. The Select Board asked if there are plans for road work while he is going. Bubba explained that he is planning on having Norm just mow but no road work unless work is contracted out. It was asked what we are going to do in the case of a storm while Bubba is gone. No decision was made and will be discussed at the meeting before Bubba leaves.

Work

Bubba understands he was on 24/7 while it was winter but didn't know it would be 24/7 for 365 days a year. Kyle mentioned that if there is any kind of severe storm that Bubba would need to handle it but they understand it is hard to plan for these and sometimes he will be out of Town when it happens. For the last storm Bubba got a call from Circle Program and then a message later that there was a tree down on Sculptured Rocks Road. Bubba doesn't think that \$20.00/hr. is enough money if he is expected to be on call 24/7. John said if he is around and it is a severe storm like October they would want him to drive around Town to check things out but this is not expected after every regular storm. It was agreed we need to look at the on call expectation of the Highway Department.

Emergency Management

We need to set up an Emergency Management meeting so we can get a better plan if something was to happen again.

Employment

Kyle asked if Bubba talked to his nephew about people interested in part time jobs. Fred Brooks that owns the store has talked about turning in an application. Bubba's neighbor Zack will be able to work when school starts.

Norm has been covering for the Transfer Station so Bubba doesn't have him on those days. Also, Kevin Wilbur is not mowing anymore. We may want to look at someone taking over the mowing. We mow the park, Town House, the garage, the dump, the "V" at Sculptured Rocks Road. We should talk to Top Notch or other companies about mowing and get a quote for the dump and park. The dump would need to be mowed every other week and the park once a week.

We will need to advertise for part time help. Sara will put an advertisement in the local paper and update the website and Town House with a current posting.

North Groton Road

Bubba stated that he has met with three companies so far and has gone over what we are looking for regarding the North Groton Road Project. GMI, R&D Paving and Bryant Paving came out and he is hoping to hear from a few more.

Edgar Albert Road

Bubba has worked on this road. There is some work that still needs to be done but

Sculptured Rocks Cleanup

Bubba got quotes for the clean-up from Coursey, Mike Ethier and Dave Leone. This is clean up of asphalt, cleaning ditch line, and to clean up sides of the roads. This work would take Bubba a month to do and we would have to do a rental machine and would need a driver which would all add up in cost. The Select Board thinks this is a good idea and did review the quotes. They recommend going with Mike Ethier and he also has a place to take what he cleans up. The Select Board would like a more detailed plan of what Mike is planning on doing. **Kyle motioned for Bubba to grant the Sculptured Rocks Road cleanup to Mike Ethier contingent on Mike providing more details of the work, John 2nd so voted.**

Bubba also got estimates for work on the worst parts of Sculptured Rocks Road. The cost is about \$15,000.00 to grind up the bad spots of the road. Bubba will pick out the big rocks but they will grind, fine grade and compact the road. R & D Paving was about \$18,000.00 and GMI was about \$14,000.00. If they are out here for the North Groton Road project the cost may be cheaper. This money would probably have to come out of the Disaster Relief Fund or the Groton Paved Roads, what is left after River Road.

River Road

Dave Leone went down River Road with Bubba. They looked at the culverts and the road. Dave is thinking it will be 15 working days. The Town would be supplying the culverts and stone. We will get another bid for this Road. This could come out of the Groton Paved Roads line.

Road Management Plan

Bubba did meet with North Country Council and they are working on the road plans so we can prioritize the road work that needs to be done.

Few things

- Bubba can't get the hose off because of the water damage. Bubba will work on getting a price on this.
- There is a rot hole in the oil pan of the 6wheeler. Bubba and Sara will see if it is under warranty and if not see what it costs to replace.
- The 6 wheeler needs a sander chain. He will get a price on this.
- Bubba rebuilt the trailer and is looking into registering it.

Upcoming Work Sessions

The next Select Board meetings are scheduled for June 5th and June 19th but there are not any work session scheduled yet for these days so we need to schedule some. It was agreed to schedule work sessions for 6:00pm on June 5th and June 19th.

Also, the next scheduled work session is May 29th at 7:00pm with the Citizens Planning Committee, the Planning Board, the Zoning Board, the Conservation Commission and the Select Board. Pamela Hamel said since they called the meeting they will take the minutes. Sara thinks that even though she doesn't need to take minutes that she should discuss since the Select Board will be there and she should know what is discussed. The Select Board agreed.

FEMA site visit May 30 & May 31

FEMA will be coming out to do the site visits for the October storm damage on Wednesday, May 30th and Thursday May 31st. Since there is a lot of damage they were hoping that Sara could attend these site visits. They are scheduled from 9:00am-5:00pm both days but it is unknown how long it will take. This would mean that the office would need to be closed while she is out doing these site visits. Last time she didn't attend and now things are coming up from those meetings and since Glen is not here and Sara didn't attend it makes it hard to answer some questions. Sara will be in the office at 7:00am both days but then the office would need to be closed after 9:00am due to the site visits. The Select Board agreed that it is important that she attends and is okay with the office being closed for this.

Impala

EJ had sent an email about the Impala needing a catalytic converter. Since it is a specialized converter for the Impala, it would cost \$1300.00 to special order it and to replace it. He wanted to know if he should go ahead with the repair or do we think we should stop putting money into the Impala. He also wanted to know if we decide not to put money into the Impala then what is our back up plan if the Interceptor goes down for repair or service.

Kyle checked with Dave Madden and he said that it could be replaced for \$650.00 but we need to decide if we even want to put that amount of money into it. The Select Board doesn't want to put any more money into this. The Select Board thinks that we could advertise for bids on it with a starting bid at \$200.00. This will go into the local paper, on the website and on NHMA. Sara will let EJ know this is what the Select Board decided. If it goes down he can do office work, change schedule and have State Police cover emergencies.

10 Brock Lane

Sara was asked by a resident if there is a building permit for 10 Brock Lane. The last permit that was filed for this address was in 2011 for an addition but it sounded like this was a new building and was over the 100 square feet so it would require a permit. The Select Board will take a drive by and let Sara know if she needs to send a letter.

John motioned to go into non-public session pursuant to RSA 91-A:3 II (a) and (c) at 6:05pm, Kyle 2nd, so voted.

John motioned to return to public session at 6:35pm, Kyle 2nd, so voted.

Christina motioned to seal the non-public minutes, John 2nd, so voted.

Petition to Layout a Highway

The Select Board didn't feel comfortable getting involved with the petition to layout a highway so they reached out to the attorney with some questions on the process and to see if the Town has to be involved. The attorney got back to the Town and stated that the statute requires us to start the layout process. If the underlying landowners object, which presumably they will, we then follow the full layout process (as opposed to the layout process for discontinued roads which is much simpler).

Once/if we enter the full layout process (if an objection is filed), the Selectboard has to find that there is "occasion" to layout the road. "Occasion" exists only if the public interest requires the acceptance of the road. This is determined by balancing the public need for the road against the burden on the Town. At this point (#4 of the attached process), at duly-notice public hearing on the petition, the Selectboard could find that there is no public interest and that the burden outweighs the need because the road would only serve a single property and that property has access anyhow via a private implied easement.

The Selectboard would then deny the petition and not send it to Town meeting. That would be the end of it, unless the Petitioners appealed to Superior Court. (If no objection is filed and we have to proceed with the simplified layout for discontinued roads as I've outlined in the attached, we can actually omit 5.c. and 6.b. because it will be a Class VI road and can remain in its current condition.)

So, unfortunately, we have no choice under the law, we have to start the process. The first step being today we have to review the petition and the attorneys outline of the process, but no discussion whatsoever of the merits of whether we can/will layout the road as request or not, no discussion of costs, liability, nothing. This is very important. We must keep it simply to "OK, we've reviewed the petition, and the attorney's memo, the next step is to schedule a public hearing". Then we have to pick a date at least 2 weeks out for the public hearing, fill out and sign the notice the attorney had sent.

The process after is as follows:

1. Post the Notice in 2 public places in Town. Sara will post this in the Town House and at the Transfer Station.
2. Send Notice together with a copy of the Petition and Plan (Plan attached), via certified mail, to:
 - a. Petitioners Robert and Ryvers Beraudo via their attorney, Kristofer Wilson
 - b. Mourning Dove Holdings, LLC, 52 Morningside Drive, Laconia, NH 03246
 - c. Any other landowner over whose land the proposed road will pass (check tax maps).
3. Wait 60 days for an objection.
4. If a written objection is filed, call me because it will then have to go to Town Meeting.
5. If no written objection is received within 60 days, then:
 - a. Assess Damages:
 - i. Selectmen must determine and assess damages, which mean we must hire an impartial appraiser to value the "easement" that we will be taking over Mourning Dover Holdings' ("MDH") property for the Road.
 - ii. We have to negotiate with MDH over the damages
 - iii. We must send MDH a written offer of damages sent by certified mail, this is a public document
 - iv. If the offer is accepted, payment must be made within 30 days
 - v. If offer is not accepted within 10 days, we have to do a "taking" before the BTLA – let's hope it doesn't come to that
 - b. Prepare a "Return" laying out the Road, location, diameter, length, etc. (I will help with this).
 - c. Proceed with process to construct (if necessary depending on current condition of road) the road
6. The Petitioners are obligated to pay for:
 - a. the damages paid to MDH
 - b. Road Construction expenses

c. Future maintenance expenses

The hearing will be Tuesday, July 10th at 5pm. John motioned, Kyle 2nd, so voted. Sara will let the attorney know this and ask if they can attend and what we actually do that day. Sara will also post a copy of this in the Town House and the Transfer Station and send out to the petitioners, mourning dove and abutters if needed.

Mike Ethier

Sara had sent the Select Board the information from DES regarding the concerns about the logs near the water on Mr. Ethier's property. Seta Detzel from DES called Sara. She said by looking at the pictures it appears these logs have been there for a while and thinks that removing them could cause more of a disturbance than leaving them would. If the owner removes the ones on the flat surface they can do so without a permit but they need to be cautious of the bank and shoreline. If it starts to affect that then they would need a permit or if they are out there with equipment that will compromise the banks, shoreline or vegetation then they would need a permit.

She said that they do not have a concern about them staying there nor if there is another storm about them causing issues. She said that if the Town has concern that they will damage an infrastructure to let her know of this. She said if we talk to the home owner we can refer them to her if they need a permit or if they question if they do.

Sara will send Mike Ethier a letter on behalf of the Select Board to ask him about these logs and explain that we reached out to DES and explain what they said he can clean up.

Road Damage Logger

The chain marks are still there but we are not sure how much it will cost. We should get a quote for sealant to put down on this section. Sara will ask Bubba to get a quote on this.

Town Pound

Sara sent an email to the GHS regarding this and never heard back. Sara will follow up. We may want to do a deed on the Town Pound since it was donated by Green Acre Woodlands to the Town. We always want it to be owned by the Town. Sara will check with NHMA to see what the best way to go about this is to protect this going forward.

Pump Stations

Sara left Roger a message to see what his plans are and to stress that this needs to be done this year. She will let the Select Board know when she hears back.

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

Respectfully submitted,

Sara Smith
Administrative Assistant