

**Board of Selectmen
April 27, 2005**

Present: Paul S. Morrill, Chairperson; Mark P. Duffy; John J. Blackwood; Robin L. Frost, Town Administrator; Dianne Bishop, Acting Secretary.

Mr. Morrill called the posted meeting to order at 7 p.m., prior to which the Board had met to confer with Counsel. **Mr. Morrill moved to enter Non Public Session under RSA 91-A:3, II (a). Mr. Duffy seconded the motion. Roll call vote: Mr. Duffy – ‘aye’; Mr. Blackwood – ‘aye’; Mr. Morrill – ‘aye’. Motion passes unanimously and Board enters Non Public Session at 7 p.m.**

Mr. Morrill, Mr. Duffy & Mr. Blackwood return to public session at 7:10 p.m. Mr. Morrill led those present in the Pledge of Allegiance.

Others present included: Howie Knight; Linda Schier – Great East Lake Association; Richard DesRoches - Lovell Lake Association; Steven R. Dagley - Great East Lake; James Theisen – Great East Lake; Nancy Charest – Balch Lake; Don Chapman – Belleau Lake; Pat Theisen – Great East Lake; Atty. F.X. Bruton, McNeill, Taylor & Gallo – Attorney with Mr. McLaughlin; Charles McLaughlin, Carol LaFond – Great East Lake; David Lafond – Great East Lake; Bryan D. Berlind – Land Tech, with Mr. McLaughlin; Nancy Spencer Smith – Great East Lake & Conservation Commission; Larissa Mulkern-Granite State News.

1. Appointments

a) Howie Knight, Acton Wakefield Watersheds Alliance - Howie Knight and Linda Schier, representatives from the newly formed Acton Wakefield Watersheds Alliance offered a slide show presentation about their organization. He explained that they are in partnership with a number of other organizations (DES, University of NH, University of Maine) to protect and conserve the integrity of our area lakes and come up with a plan to address the watershed problems. He showed that our whole geographic area is part of one large watershed that feeds multiple watersheds – Saco watershed, Piscataquis watershed and ultimately they all feed the Gulf of Maine watershed. One of the slides showed that whatever we do with the quality of our water impacts not only us but also everyone south of us. The impact we have on our water problems beyond our borders. Mr. Morrill interjected that it is equally important that we have a strong alliance here. Mr. Knight continued with why are we here? All the lakes associations and the town are concerned with the quality of our water. The mission of the AWWA is really looking at the education process, to not only identifies problem areas, but also ways to identify ways to improve and mitigate the problems. He showed another chart from the State of NH, which indicated that the condition of most of our lakes are in the excellent category. The long-term trend monitoring Lovell & Great East by UNH showed slow deterioration in the clarity and rising algae issues. It is important to continue monitoring this.

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Another slide showed how erosion of our lakes occurs – increased personal use, invasive species, faulty septic systems, erosion of camp roads, and home building right along the water's edge. Soil erosion is the single greatest threat to our water. Mr. Blackwood commented that erosion is not the greatest threat – boats and gasoline engines which use MTBE are an even greater threat. Mr. Knight indicated that the information he's presenting is from the Maine Department of Environment Protection, which indicated that the EPA in New England has said that the biggest problem is sediment. There are many things which impact the quality of water. Why now - trying to stay head of the problem. Statistics put out by UNH indicate that the loss of three (3) feet of clarity in the water will decrease the land value by \$6,000 – using averages. Most of our lakes are clear to 15-20 feet.

What are we doing now? We have a host program, which costs about \$5,000 for the associations here. In the past the town has supported activities that will try to help mitigate some of these problems. We're managing zoning with the Enroc program and the moratorium, recommended invasive species funds, associations are participating in a lake-host program, water quality programs; got wording right on the seasonal to year-round conversions regarding septic systems. The aim of AWWA is to educate the public on what their practices do a lake, and how they can correct them.

Another slide showed the Youth Conservation Corps. This group started in Maine on Mousam Lake. This is a group of youth workers, 16 – 25 years of age, working with a technical director - in our case it would be someone from UNH, in Maine it would be someone from the DEP – who would approach a home owner who has problem but doesn't know how to fix it. The technical director devise a solution to the problem and the youth would carry out the work involved. There is no machinery involved – all work done by hand. Basically the YCC consists of: projects to prevent erosion and increase public awareness; plant vegetative buffers; install water bars; plant rain gardens; clean culverts; seed & mulch.

AWWA is an outreach program for education, erosion = pollution; recruit home owners and youth to work together to protect the water quality and more importantly get people as they come into the lakes to be aware of these problems. How will it be done? It will be through partnerships with Maine and New Hampshire, community outreach and education, youth conservation groups. Right now there is a waiting list to get jobs done through the YCC.

Right now, in Year 1 – this year, there are two (2) pilot projects on two (2) properties: one (1) on Pine River Pond, one (1) on Great East Lake. This year we will be using crews from Maine. If successful, in year 2, AWWA will put out their own crew. This is a landowner project – AWWA will not approach landowner, they must approach

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AWWA. The main point is education – what can the landowner do to mitigate the problem.

The goal of this project is to protect our natural resources. It will also provide jobs for youth, and they are paid positions. We also get expert help available to the landowners. They pay for materials, but the labor is done for free. There is recognition for the town right now. We are the first ones in the state of New Hampshire to have this program – the state is just now starting to get involved in it.

The costs include: it a shared financial contribution – associations, grant, landowners, businesses and towns. The main thing is that this isn't a short-term fix. Hopefully in approximately five (5) years, ten (10) years from now, the graph shows that the quality levels are the same as they are today, then we can consider our program successful given the growth on the lakes over the next five to ten years.

Mr. Knight then showed a slide indicate the costs for the town of Acton for the Youth Conservation Corp. This information represented 15-20 projects, the average wage for the projects was \$50 to \$2,000. The average cost to the homeowner was about \$300.

The AWWA is not asking for money. Mr. Morrill asked is there were some conservation funds available for children to attend a conservation camp – Ms. Spencer Smith replied that there is money available and children are being sent to camp. Mr. Morrill asked what do the youth earn – Mr. Knight indicated that they are usually paid the minimum wage. Hopefully, educating youth will also encourage them toward career choices. Mr. Morrill asked who employs the youngster. Mr. Knight indicated that the N.H. Lakes Association is involved and will hire the people to do the work, in that way they bear not only the payroll but also the liability.

Ms. Schier indicated that the focus of the AWWA is mainly on the lakes, maintaining the water quality; all these projects are focused mainly on erosion. Mr. Morrill asked who would be requesting the money from the towns. Ms. Schier responded that each of the individual lake associations are 501.c.3 agencies, so each one can accept money; have not determined yet if the AWWA needs to become a 501.c.3 entity. Mr. Knight commented that in terms of the towns accepting the requests, it could come from any one of the associations, and the town of Wakefield will treat this as an outside agency. Mr. Morrill commented that erosion issues are the ones that are some of the easiest to identify and through some slight changes, you can make dramatic changes. Mr. Blackwood commented that many of the damages on the lakes are the lawns.

At this point, Ms. Frost joined the meeting.

Mr. Knight passed out a listing of the area lakes representatives. Ms. Schier indicated that education is a major part of this program. Mr. Morrill suggested that something be put into the town's website. Ms. Schier indicated that this is totally non-regulatory, it is strictly educational; by invitation only, will not be knocking on doors. The AWWA is hoping neighbors will bring problems to the forefront.

b) Charles McLaughlin – Connecting Properties to Town Sewer System –
TM31/L#5A – Wakefield Road; Mr. Berlind advised the board that this lot is on Route 153/Wakefield Road, across from Poor People's Pub. It is an existing empty lot, next to the blue house going up the hill. Mr. Morrill indicates that the sewer system does not go up there, it runs down on Meadow Street. Mr. Berlind indicated it runs up Wakefield a little bit to the best of his knowledge, but not to the lot in question. They have submitted a lot line adjustment plan to move the line up and create a sewer water easement to it. Mr. Berlind explained that the LLA application is scheduled to appear May 19th, and they are here at the request of the Planning Board.

Mr. Morrill commented that as far as he is concerned, this is an extension of the system and will have to be presented to Woodard & Curran to get their input as to whether or not they would recommend or not recommend this extension; what reasons and what conditions they would put on it.

Mr. Bruton questioned if it were an extension because the lot in question is not on Meadow Street, and our sewer system runs down Meadow Street and we need to check with our consultants before we do anything. Mr. Bruton commented that this is only to service one lot. Mr. McLaughlin commented that he is planning on putting a duplex house on this lot, with two (2) bedrooms in each duplex section. Mr. Morrill continued that we are still going to check with our consultants. In fact another item on the agenda for this evening is a proposal from Woodard & Curran to evaluate our current system due to high readings and other issues. So, before we extend anything that is not presently on the system, we will make sure it goes before our consultants.

Mr. Bruton asked if Mr. Morrill is suggesting that any permit application on this system will be submitted to the consultants. Mr. Duffy commented that Woodard & Curran currently run the lagoons and rapid infiltration beds; we just had an issue where they looked into that, and have some issues with flow capacity right now. Mr. Bruton said he is trying to understand if we mean the entire system of the town, so that any application that would come in for any permit would be looked at. Mr. Blackwood said we are almost to the threshold, about as much as the system can stand.

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Mr. Bruton commented that he understand our intention, but he asks that the Board approve this. Mr. Morrill said we are not going to. Mr. Bruton asked if this is something that has already been decided. Mr. Morrill repeated that if this is going to be an extension, we are going to check with our consultants. Mr. Bruton asked what is the definition of an extension. Mr. Morrill repeated that this particular lot is not on our existing sewer system, an easement would be have to be secured, would want to check that all conditions are met, need to spell out exactly what will happen before anything is approved. Mr. Morrill said he wants to see exactly what will be taking place. Mr. Bruton asked what other things the Board needs to know. Mr. Morrill commented that he wants to find out from the consultants who run the sewer system if they think this is a good idea or not. Mr. Bruton's only thought is that this is basically like any application the Board has seen or will see that relates to a two (2) bedroom duplex. – is this different. Mr. Morrill commented that this is different – this particular lot sits on Route 153 and has nothing to do with Meadow Street, and Mr. McLaughlin wants to cut through another piece of property and hook into the sewer system. Mr. Bruton requested that the Board approve this tie in this evening based on the construction of a two (2) bedroom duplex. He continued that if there is a concern with any addition to the system that is basically four (4) bedrooms, they would presume that the Board would take that position going forward with any permit or request. Mr. Duffy said that the Board had taken the position previously with the Cemetery Road – they had to wait until the Board could go back to Woodard and Curran, tell them exactly how many houses wanted to get on the system, would it handle it, what would be the flow capacity. These are questions to be asked of Woodard & Curran. Right now our system has outlived its design, and these are issues being discussed now as to what the future is.

Mr. Bruton said his position is that the Board shouldn't preclude them from tying in on that issue – that's a planning issue that needs to be addressed, but it is not one to utilize with respect to denying a permit. He believe the issue tonight is what's going in to the system, i.e., the Board's concern about Wonton's – grease going in, not the overall system. Mr. Berlind commented that on April 21 the Planning Board approved a change in use that related to the system – there was question if there was any issue with respect to capacity and the answer was no. Mr. Morrill referred to the evening Mr. McLaughlin approached the Board and asked if they would write a letter to allow him to hook into the system; some questions were asked and answered – one was would there be any public restrooms, Mr. McLaughlin's answer was no; this information was confirmed in a letter sent to Mr. McLaughlin by Ms. Frost. Mr. McLaughlin commented that he had approached the Planning Board and they had all the information and followed it through. Mr. Morrill asked why then did they ask him to approach the Selectmen. Mr. McLaughlin responded it was to get approval. Mr. Morrill said there would be no problem, it was going to be all take out and there would be no food preparation there. Mr. McLaughlin commented that most of the cooking would be done on the hill, it was going to be take out.

Mr. Morrill said that anything that Mr. McLaughlin wants to hook into the sewer system, the Board needs to have exactly what is going to take place. Mr. McLaughlin then said that whatever the Board demands of him to do, it best be demanded of anyone else who comes before the Board. Mr. Morrill said there would not be conversations to cover these things any longer because for one thing recollections are different. What seems to be strange about that is that the letter that the Board asked Ms. Frost to send to him, he indicated it would not work because there were some conditions in it. Mr. McLaughlin commented that Ms. Frost recalled minutes being another way. Mr. Bruton interjected that he gathered that the Board wanted to know exactly what is going onto that lot. Mr. Bruton indicated it is a two (2) bedroom duplex; if as a condition of approving it, you specify that is what it is for, and then if they go to the Planning Board and it becomes something else, they have to come back to the Board of Selectmen.

Mr. Duffy commented that he didn't think it was unreasonable for Mr. McLaughlin, Mr. Bruton and Mr. Berling to grant the Board's wishes to go back to Woodard and Curran to see how many more units can the current system handle. Mr. Bruton commented that if that is the case, then the Board is denying permits. Mr. Duffy said they are not denying anything right now, they need to ask the consultants their suggestions. Mr. Bruton indicated that this is a planning job and should not really be part of the permit process. The ordinance that he reviewed says that these have to be connected to the sewer. Ms. Frost commented that she believes the ordinance indicates that if the line goes by, you need to be connected to it. Mr. Bruton said he thinks the ordinance indicates that if you are in the sewer district then you have to tie in. But that is not really his point – his point would be that they are presenting basically what everyone else is presenting; and if the Board cannot look at the things that the ordinance talks about looking at which is capacity or uses that exceed a large capacity, i.e. industrial use and things like that, then those are the things to be considered, not redesigning the entire flow based on denying a permit.

Mr. Blackwood asked that if the Board approve this request, what happens if Woodard & Curran says we cannot take anymore, then what do we do? He continued that if Woodard & Curran indicate that the system can take the extension, then Mr. McLaughlin should return to the Board. Mr. Bruton indicated that this is a very modest proposal, and if it cannot be looked at in that context, but the Board is looking at it as pushing the whole system over the edge, then presumably, at this point going forward, unless the Board does design a system that can take it, it suggests that the Board will never be able to approve a permit on this system until the system is rebuilt. Ms. Frost indicated that yes, that is where we're at. Mr. Bruton said he thinks it is inappropriate to consider those design criteria in the context of this application.

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Mr. Duffy commented that the solid waste committee did research different option for future growth; the current system needs to be looked at and what its capacity can actually handle. He repeated that the Board is not denying or accepting anything tonight – all they are asking is to allow the Board the time to go back and ask what the system will handle; this has been done in the past. Mr. Morrill mentioned that there are also some other considerations. When there is an extension, there may be some conditions involved. He repeated that they are going to discuss the system with Woodard & Curran. Mr. Bruton asked if their concerns would be the flow and gravity. Mr. Morrill said he doesn't know what their concerns will be – they're the professionals. He repeated that they will take this proposal to the consultants, see what their position is, and how best to go forward. He also commented that Mr. McLaughlin hired two (2) professionals to accompany him this evening – certainly they will grant the Board the same option.

Mr. Berlind indicated he thinks it's unfair to ask them to draw profiles, sections and detailed construction plans if it's going to be denied due to other issues. Ms. Frost commented that we are at flow capacity right now. Mr. Bruton said this proposal shouldn't be denied due to flow capacity. Mr. Morrill asked that if the system is at capacity, that shouldn't be a reason to deny it? Ms. Frost said she didn't think the DES would agree with this comment; they are requiring further testing right now which is directly attributable to the flow capacity. Mr. Morrill indicated this is not Mr. McLaughlin's problem, but once the system is full, it's full. Mr. Bruton said that if the system is full, that will also deny any applicant, not just Mr. McLaughlin, of the ability to use their land. Mr. Morrill commented that if Mr. McLaughlin wants to put a house or duplex or whatever on that piece of property and not have adequate room for a septic system or the ground is not suitable for it, no more it that the town's problem than the sewer system is Mr. McLaughlin's problem. Mr. Bruton commented that if the system is full, then his position is that this is an inappropriate way to deny this proposal because it would impact his rights to use his property. Mr. Duffy reminded them that this is to be considered an extension. Mr. Morrill commented that this is not preventing him from using the property, it may be preventing him from using it in the way he wants to use it; but it is not the obligation of the town to make his property un-user friendly for him. Mr. Berlind asked if there were not an easement, but a land corridor coming down to Meadow Street, would that then place it in the system. Mr. Morrill said he doesn't know – they need to talk to Woodard & Curran.

Mr. Berlind commented that the board did issue a connection for the Wonton's Restaurant; Mr. Duffy said it was already connected, it was just a matter of changing the flow and the use was insignificant.

Mr. Morrill indicated that there had been a business there previously and basically it was the same setup; at that time he asked about public restrooms and that the preparation of food was not going to be done there – it was going to be insignificant and there was not going to be additional capacity to the system; there was already a connection; and as long as he met the conditions of the grease trap & other issues, that would not be a problem. The letter was drafted based on the conversation; when the letter was delivered, apparently it didn't meet the criteria for the Planning Board. Whatever is approved will be in writing. Also needed is the 911 address.

Mr. Morrill indicated that apparently a step has been missed. Mr. McLaughlin needs to present his proposal with a completed application. Mr. Morrill indicated that before the Board will approve anything they need to know exactly what is going to be built. Mr. Berlind confirmed that it will be a two (2) bedroom duplex. Mr. Berlind indicated that the approximate use for 4 bedrooms should be 600 gallons/day. Mr. Morrill asked Ms. Frost to please get the necessary application to Mr. McLaughlin; once completed and returned to the Selectmen, they would then submit it to Woodard & Curran and go from there. Mr. Morrill said he is uncomfortable approving anything unless they know exactly what they are approving.

Regarding TM31/L#185 – this is apparently the wrong map and lot # and apparently it should be TM 30/ L#185. Mr. McLaughlin is apparently interested in erecting four (4) two (2) bedroom units plus one office unit. Again Mr. Morrill requested that Ms. Frost mail Mr. McLaughlin 4 applications. Mr. Berlind said he has a preliminary drawing for an office complex for Mr. McLaughlin. They want to tie into the existing sewer system. Mr. Morrill thought the system does not go up Witchtrot, but apparently it does go up part way. Mr. Duffy commented that there was previously a hair dresser there, so yes, the system does go up part way. Mr. Bruton commented that the Planning Board requested that Mr. McLaughlin present this plan to the Selectmen. Mr. McLaughlin has requested conditional approval for this. No approval was given, but Mr. McLaughlin was requested to complete the applications which would then be submitted to Woodard & Curran.

2. Old Business – None

3. New Business – Woodard & Curran proposal. There was considerable discussion about proposal for the collection system and wastewater treatment facility evaluation which they had presented. Mr. Morrill commented that he thinks there ought to be other proposals.

Mr. Morrill commented that our current system does need to be updated due to the rate of growth in the town. Ms. Frost commented that the flow is obviously causing the nitrate problem.

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Mr. Morrill asked when was the last time the system was tested. Ms. Frost responded that it was done in the fall and is due to be done again – and there are two (2) other places in that area where they must test. Mr. Blackwood said they should be testing near the Branch River. Ms. Frost said they will test further up; the state is taking a harder look at all systems; our is exceeding flow capacity. Mr. Duffy commented that our system is at a maxed out capacity regarding nitrates. Mr. Morrill indicated his surprise at one comment in the Woodard & Curran evaluation that this evaluation “...will first completely understand the systems in place at the facility.” He feels that they should understand our system at this point. Ms. Frost will contact Pat Hannon and Alex Rastorguyeff; all believe that the time is now to visit other facilities and look at other proposals. Mr. Morrill suggested that we contact other agencies and get at least two other bids. He also suggest that Ms. Frost get out the last survey from Woodard & Curran and review that one again. Mr. Blackwood feels that we are not getting the service we are paying for.

Mr. Morrill commented that there is a set up in Kingston which might be a good idea for them to look at. We do have the room to do it. Mr. Morrill asked Ms. Frost to find some companies who could come out and identify where the problems are.

Discussion followed regarding hours of WWTF. Skip Knight will be trained as an operator. Ms. Frost suggested changing hours to coincide with Transfer Station hours once Mr. Knight has been trained.

Mr. Morrill suggested speaking with Warren Winn, perhaps they don't need three (3) people at 8:00 A.M., perhaps there could be two (2) people coming in at 8:00 A.M. and two (2) others come in around 10:00 A.M.. Ms. Frost suggested that this would come up during budget talks.

Mr. Morrill said now is the time to start talking. Mr. Blackwood commented that he felt that we would probably need four (4) full time people at the transfer station in the near future. Ms. Frost said we should have someone more visible at the Waste Water Treatment Facility. There was some discussion about updating our system to an electronic type system whereby data could get captured automatically, there might be a little shed by the lagoon, perhaps a gatehouse where the gate is electronically activated.

Mr. Morrill thought perhaps a drive-on scale would be helpful. Mr. Blackwood said the scale should be near by the gatehouse. Mr. Morrill also mentioned the potential of problems in the winter with the scales freezing. This will be researched further.

4. Correspondence – apparently there was an anonymous letter from a resident on Balch Lake. Mr. Duffy did not go into details about the content of the letter; Mr. Morrill indicated that since it was anonymous, there was no way to respond to it.

5. Unscheduled Matters/Public Comment – Ms. Larissa Mulkern asked about the topic of the non-public meeting. Mr. Morrill indicated it was a meeting with the town counsel and the subject matter was not to be discussed. She also asked about the INI study – what does INI stand for. Mr. Morrill indicated it has something to do with the infiltration and integrity of the pipes in the sewer system. Ms. Mulkern asked about Mr. Morrill's thoughts about a moratorium on sewer hookups. He explained that Woodard & Curran gives the answers. If a sewer pipe goes by a homeowner's property, they must hook in to it, it is not the right of the homeowner to decide if they want to hook in or not-- it is a town regularity issue. It is a condition of the ordinance that everyone must hook in.

6. Administrative Matters -

a) Liaison Report: Mr. Blackwood reported on the additions to the Planning Board. Apparently Mr. Richard Atwater is back on the board as an alternate. Mr. Blackwood also reported on the highway crew which was requesting to begin their summer hours, which start at 6:00 A.M. There was some discussion about how their Holiday schedule would be handled and that there should be another discussion with Mr. Davis. No decision was made.

Ms. Frost will find someone to scope the culvert in Union.

Mr. Duffy reported on the Tech Committee meeting. Everything went very well with the change over to the new server. Wayne Robinson has reported that there are some local businesses who are interested in taking care of some sections of the town for beautification.

There was a discussion about the removal of the tree in front of the Town Hall. Apparently it has grown too large to remain there; it needs to be removed and something else more appropriately sized will be put in its place. The Board agreed to have Wayne Robinson contact someone to cut down the tree.

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b) Administrator's Update – The NH Farm Museum is planning on doing a fund raiser. They have asked if they could have a listing of all property owners in the town so they could do a bulk mailing. It is a non-profit organization so the fee will be waived. Ms. Frost also reported that she is doing the final interviews for the transfer station – she needs to finalize this with Warren Winn. Also, the interviews for the Receptionist/Clerk are almost done. Mr. Blackwood asked the status of the issue with the Newton's. Ms. Frost advised that the Newton's have been asked to remove the items they have placed within the Town's right-of-way on Ballards Ridge Road.

c) Goals – Mr. Morrill indicated goals for the individual departments need to be set. The Highway Department should identify its needs.

d) Building Permits – **Mr. Morrill moved to sign the building permit releases as presented. Mr. Blackwood seconded the motion, which passed unanimously.** The releases were issued to: Donald & AnneRita Devine, 59 Sandy Pond North; Anthony & Ann Marie Gelsomini, Lot #29 Anne Lane; Lee Oliver, Vachon Drive.

e) Minutes – **Mr. Duffy moved to accept the minutes of April 13, 2005 as presented. Mr. Blackwood seconded the motion, which passed unanimously.**

There being no further business, the meeting adjourned at 9:45 p.m.

Respectfully submitted,
Dianne Bishop, Acting, Secretary

Approval of Minutes:

Paul S. Morrill, Chairperson

Mark P. Duffy

John J. Blackwood