

Board of Selectmen
July 26, 2006

Present: Paul S. Morrill, Chairperson; Mark P. Duffy; John J. Blackwood; Robin L. Frost, Town Administrator; and Toni Bodah, Secretary.

Also present were Bob Glidden, Lyman Holmes and Al Mayranen, Cemetery Trustees; George Neily; Bob St. Germain; Annie Robins; Nancy Ruma, Acton Selectperson; Bernie Yeaton, Acton Road Commissioner; Peter Brown; Jim Miller; and Larissa Mulkern, *The Granite State News*.

The posted meeting was called to order at 7:03 p.m. by Mr. Morrill, who led those present in the Pledge of Allegiance. Mr. Morrill announced that Fred Gulbrandsen is back in Town after a tour of duty in Iraq.

1. Appointments

a) Cemetery Trustees – Mr. Morrill referred to the complaints having been received at the Town office regarding maintenance of the Town cemeteries. He noted that it will be important to determine financial requirements in time for budget preparation this fall.

Mr. Duffy indicates he is aware of the unusual amount of rainfall this year. He viewed several sites of complaints, including lack of trimming and care around the grave sites. Mr. Duffy noted that some people are actually mowing their family lots themselves. The current contract for maintenance is with Green Monster Landscaping. Mr. Glidden advised that the Town has approximately 120 cemeteries, with Green Monster mowing around 50 throughout the year. There are several main cemeteries--including Lovell Lake, St. Anthony's, Union, East Wakefield, Gage Hill, off Wilson Road, off Route 153—which are mown on a regular basis. Mr. Duffy then referred to tire tracks across existing lots at the Lovell Lake Cemetery. Mr. Glidden advised that Green Monster does prepare the grave sites; however, that is done through the funeral home, not the Town. He also noted that tending cemeteries is fairly new work for Green Monster.

Mr. Duffy asked when the bids for this maintenance are prepared. Mr. Glidden indicated that things this year were not done in a timely manner as a result of a procedural change. He also noted that the Trustees of the Trust Funds have advised that there is not enough interest income (from perpetual care funds) to cover the current maintenance contract. Therefore, the Town will need to cover the shortfall. Mr. Morrill suggested that the bids for maintenance be out prior to the budgeting process this fall.

Discussion returned to the complaints being received. The Selectmen believe the Cemetery Trustees need to enforce the current maintenance contract. Mr. Mayranen stated that it has certainly been an unusual year for mowing, considering the number of rainy days. Mr. Duffy questioned whether Green Monster should be raking up/removing the dead grass after it is mowed. Mr. Blackwood believes Green Monster should be made to fix the damage caused by driving across existing plots.

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Mr. Holmes noted that this is a new contract and that it will take awhile for them to understand what the Town expects. He added that the Cemetery Trustees are volunteers helping the community. Mr. Holmes also stated that people need to understand that perpetual care funds eventually run out.

Mr. Duffy noted that most of the complaints he received involved maintenance after the mowing had been done. Mr. Holmes believes that this has been happening for years. Mr. Mayranen still believes this year's weather is the major cause of the problems. Mr. Duffy wants to be sure that the people hired are aware of what is expected of them. Mr. Glidden did speak with Green Monster's owner regarding the complaints; however, he was not aware of the tire tracks and will contact Green Monster about this issue. Mr. Holmes suggest that the funeral home involved should inspect the site.

Mr. Morrill stated that addressing these issues comes under the responsibilities of the Cemetery Trustees. He suggested that the Cemetery Trustees prepare a bid package for 2007 by September 1 in order to ensure adequate funds in the 2007 budget.

Mr. Holmes referred to the new Town cemetery, funds for which were appropriated; however, the project is not moving forward. He suggested that \$30,000 be included in the 2007 budget. Mr. Duffy noted that the Board has discussed the need to find another surveyor if the required work is not done soon.

b) George Neily re: River Road Recycling – Mr. Morrill advised the public that there is discussion as to whether an illegal recycling business is operating on River Road. Mr. Neily requested that a Cease & Desist Order be served on the owner of the property (100 River Road), with another being served on Wakefield Disposal, who he claims is delivering material to that site. Mr. Neily stated that they are running a business on property not zoned for a business. He advised that he has been to the zoning official, who advised Mr. Neily to take pictures. However, when Mr. Neily delivered the pictures, the zoning official did not believe it was sufficient evidence. Mr. Neily indicated that he can hear the recycling taking place from his property. He further indicated that Wakefield Disposal makes 2-3 trips to the subject property per day, adding that a rubbish compactor was on the site today.

Mr. Morrill advised that the Board has received copies of correspondence from Code Enforcement to the property owner. He stated that the first step is to seek voluntary compliance of the property owner. Mr. Morrill noted that the correspondence indicates that action has been occurring to clean up the site. He added that he drove by the property today but did not see anything not unusual, although what he saw was not necessarily his choice of view. Mr. Morrill saw several covered buildings, but did not see any activity.

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Mr. Neily stated that the property owner works during the day, and that he sometimes does recycling at 11 p.m. Mr. Morrill explained that the Code Enforcement Office is not on duty at that time.

Mr. St. Germain advised that he owns property across from the subject property, and his property has been for sale for some time. According to Mr. St. Germain, in September of 2005 he filed a formal complaint regarding the subject property with Code Enforcement. However, no letter was sent to the property owner until April 2006, after numerous calls to Code Enforcement personnel. Mr. St. Germain added that the letters really do not address the recycling, rather they address the vehicles, etc. Mr. St. Germain wonders why it took 7 months to have any action taken and why no timeline was given to the property owner. He then presented a letter (attached) from his real estate agent which refers to negative comments made by prospective buyers regarding the appearance of the property in question. Mr. Neily believes that a Cease & Desist Order will suffice.

Mr. Morrill stated that the Board will discuss the situation with Code Enforcement in an effort to determine whether a commercial business is occurring without proper authorization. Mr. Blackwood indicated that the business should be shut down. Mr. Morrill noted that the property owner can certainly recycle material; however, if an actual business is occurring then the Town will take action as appropriate. He stressed that the Board of Selectmen represents all the residents of Town. Mr. Neily and Mr. St. Germain will be advised of the Board's determination.

Mr. Neily then referred to an occasion when the property owner was burning illegal material in a barrel, which caused such an odor that Mr. Neily's family could not remain outside.

c) Annie Robbins re: Cable Advisory Board – Ms. Robbins referred to the draft release discussed at the previous Selectmen's meeting. Town Counsel expects to have comments for the Board's first meeting in August. Another form of release may be necessary for use, for example if we broadcast a Town meeting at which we have a guest speaker. Ms. Robbins asked for (and received) permission to have Town Counsel review that draft release as well. She may ask next month for permission to run some benign tape as a 'test run'.

Ms. Robbins presented a letter for Mr. Duffy's signature to Adelpia seeking further clarification of their senior discounts. Mr. Miller referred to the recent boil order in the Sanbornville Water Precinct, noting that the community channel would have been an excellent way to get the message out immediately and repeatedly. Mr. Miller asked whether there is any timeline for growing/funding the station, adding that the Board can request franchise fees at any time for growth of the system. Mr. Morrill advised that the Board expects that direction to come from the Cable Advisory Board.

Mr. Duffy indicated that the CAB is addressing the 'what ifs' in an effort to get to the point of growth. He expects a budget request for 2007.

On another note, Ms. Robbins advised that a Lake Host worker found milfoil on in incoming boat at the Lovell Lake boat ramp. She will provide the name and address of the boat owner so that educational material may be provided.

d) Nancy Ruma and Bernie Yeaton re: Canal Road Bridge – The issue of concern is the undermining of the Canal Road Bridge. Some repairs were made on the Acton approach. Discussion followed as to whether the bridge should be posted and, if so, at what weight limit. Mr. Morrill stated that prior to placing a hardship on the residents of either community, a sound decision making process must be in place. Ms. Ruma noted that the bridge has an 'E2' designation, which is a in itself a posting. Reviewed reports from both the States of Maine and New Hampshire. Ms. Ruma noted that the bridge was built years ago, when there was no expectation of the amount (and weight) of traffic currently experienced. She feels this is a serious situation that exposes the towns to liability and which requires attention.

Mr. Yeaton referred to the responsibility to address the safety of the public. He does not believe that posting a weight limit would be punishing the public; rather it would be protecting it. Mr. Morrill does not believe it is a question of punishment; however, a decision that will cause inconvenience must be based upon fact rather than opinion. Ms. Frost referred to previous NH inspection reports, which indicate a reduction in the sufficiency rating of the bridge since 1998.

Mr. Morrill spoke to the historical value of the bridge and the need to keep it from getting worse. He added that the letters from the states do not give any direction in that regard. Peter Brown advised that his great-great-grandfather built the original bridge, which he is anxious to preserve. The wash-out is coming from the Acton side and can happen again in a heavy rain. He stated that we need to decide jointly to invest in a study to develop a plan. Perhaps we could build another road and preserve the old bridge in a similar manner as is done with covered bridges, or we could restore the original bridge. Mr. Blackwood stated that a steel bridge could be constructed on top of the existing bridge.

Ms. Ruma noted that the only suggestion from the State is to limit heavy traffic to school busses, emergency vehicles, oil trucks, etc., which would be about 10-15 tons. Mr. Yeaton noted that he has been attempting to do that. His concern is the immediate future and believes we should post a weight restriction, then the towns can work together to come up with a solution. He has actually suggested closing the bridge until the two towns establish a weight limit for posting. Mr. Morrill has not seen any information from the State suggesting the bridge be closed.

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Mr. Yeaton noted that the state is suggesting the posting of a weight limit; however, the postings he has put up on the Wakefield side keep disappearing. Mr. Morrill noted that Acton does not have authority to post on the Wakefield side. Mr. Yeaton indicated that Acton does have authority to close the bridge. Mr. Morrill believes the bridge should probably be posted; however, we should first determine ownership of the bridge. He added that in NH towns may obtain bridge aid at an 80/20 match for bridge repair. However, he is not sure whether it should apply to this bridge if it is partly owned by Maine.

Ms. Frost noted that posting at 13 tons would allow school busses to use the bridge. Mr. Yeaton noted that the original recommendation was for 10 tons, which would allow for passenger vehicles. Ms. Ruma suggested the bridge be closed except for passenger vehicles. She is concerned with the liability of reducing the bridge to one lane. Mr. Morrill suggested posting the bridge at 13 tons, then reducing to one lane so that only 1 13-ton vehicle could be on the bridge at any given time. Mr. Yeaton believes the State of NH recommended that Wakefield post the bridge as 'E2' until further evaluation is done.

Mr. Yeaton indicated that if it is decided to post at 13 tons, we must identify for both police departments and sheriffs' offices the types of vehicles that could access the bridge. He suggested starting strict, perhaps only allowing passenger vehicles, until more information is available. He is very uncomfortable with 'business as usual' until all ducks are in a row.

The Board of Selectmen agreed by consensus to post the Canal Road Bridge for passenger vehicles only. Ms. Frost will discuss with Chief Merrill and Chief Nason the appropriate language to use on the posting. She will advise Ms. Ruma of status. Mr. Yeaton explained action taken by his department to repair the approach on the Acton side. A brief discussion followed regarding possible funding for such a project.

2. Old Business – None forthcoming.

3. New Business

a) Sewer Readings – During the 2006 budget season, the sewer rate was established based upon a yearly total of 7,840,000 gallons (the amount used from July '04 through June '05). However, readings submitted by the Water Precinct reflect a yearly total (from July '05 through June '06) of 6,800,700 gallons. Calculating bills at the previously established rate will result in a significant shortfall of revenue. **Mr. Morrill moved to revise the sewer billing rate to \$6.48 per thousand gallons. Mr. Duffy seconded the motion, which passed 3-0.**

b) MRI Proposal – The Board reviewed the proposal for the provision of building inspection services. **Mr. Morrill moved to accept the proposal of MRI for building inspection services at the contract price of \$55 per hour. Mr. Duffy seconded the motion, which passed unanimously.** It is expected that the primary concentration will be on issuing permits.

4. Correspondence

--The Selectmen and Ms. Frost have been invited to attend the final meeting of the Grange, which will include a pot-luck dinner. This dinner will be held on July 27 at 6 p.m. at the Grange building.

5. Unscheduled Matters/Public Comment

--Ms. Mulkern received clarification on the MRI contract, as well as an update regarding the search for a Building Inspector. An interview schedule is being established.

--Mr. Miller read from a prepared statement. He referred to having read in the newspaper that the Board has hired a Town Planner despite a majority of the voters having voted not to fund this position. Mr. Miller noted that he has always tried to trust the Board's judgment; however, he believes this recent action has the indication of a dictatorship. He further stated that he intends to vote for change on the Board in March. Mr. Morrill indicated that it is not true that a majority of the voters voted not to fund the position. They actually voted to fund planning services, which have been funded right along. The planning services would either be provided through a contracted firm or via a Town employee. After the vote, the options were to continue with Strafford Regional Planning Commission, at a rate of \$65 per hour, or to look for contracted services at a lesser rate. The negotiated contract, at \$26 per hour, will run only through March 2007. Mr. Morrill noted that there is nothing different than last year, except that the Town will be getting more hours of service for its money. The Town contracted for services last year through Strafford Regional; this year the Town is contracting with an individual. Mr. Morrill indicated that in March 2007 the voters may, or may not, support a full-time Town Planner. At that time the Board will decide how to move forward. He stressed that the Board is actually doing the Town voters a service by better utilizing their money.

6. Administrative Matters

a) Liaison Reports – **Mr. Blackwood:** Planning Board continues to hear the subdivision application for Watertown Village. Julia Passamonti has approached Planning Board again wanting to separate lots previously merged. Richard & Lisa Delisle had preliminary discussions with the Board regarding a home occupation. The Highway Department will cut trees on Bonnyman Road on 7/27. The crew continues work on Leighton Corner Road, for which outside truckers will be hired to haul gravel. Ms. Frost advised that a 10-wheeler is down for repairs and that, according to Dan Davis, the project is nearly half complete.

Mr. Duffy: He had attended a Planning Board meeting in place of Mr. Blackwood, at which an issue with a right-of-way on the Colosi property was discussed. Apparently, a portion of Lee's Way has been blocked. There is also some dispute over beach rights. Planning Board will review the conditions relating to that subdivision to determine whether those conditions are being met. Seven Lakes Real Estate was granted a conditional occupancy permit. Planning Board also continued its review of site plan regulations. Mr. Duffy spoke with Beth MacRury regarding the Parish Helpers' lease of the Old Town Hall. Ms. Frost will draft a letter to the Heritage Commission (with a copy to the Parish Helpers) regarding maintenance of that building being the responsibility of the Parish Helpers, to be conducted under the supervision of the Heritage Commission.

b) Administrator's Update

- Code Enforcement Officer: Interviews will be conducted on August 3 and 7.
- Water Precinct: The boil order was lifted earlier today.
- Health Officer: Until a health officer is appointed by the Board, the Board itself must act as the health officer for the Town.

Mr. Morrill moved to enter Non Public Session under RSA 91-A:3, II (a). Mr. Duffy seconded the motion. Roll call vote: Mr. Blackwood – 'aye'; Mr. Duffy – 'aye'; Mr. Morrill – 'aye'. Motion passed unanimously and the Board entered Non Public Session.

The Board returned to public session and returned to the agenda as follows.

c) Lease Addendum – Heritage Commission – The Board executed the Addendum to the Lease Agreement Between ATH Property Investments LLC and the Wakefield Heritage Commission, whereby the referenced lease is extended through October 15, 2006.

d) Building Permit Releases – **Mr. Morrill moved to approve building permit releases for McAdam on Cove Road, Fisher on Desmond Drive and Hill on Hill Road. Mr. Blackwood seconded the motion, which passed unanimously.**

e) Buttercup Lane – The Town has received a request to post the speed limit on Buttercup Lane. Chief Merrill will conduct a survey to determine the appropriate limit to post.

f) Gathering for Fred Guldbrandsen – There will be a 'welcome home' gathering in honor of Fred Guldbrandsen at the Greater Wakefield Resource Center on Saturday, July 29, at 2 p.m.

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g) Planning Services – Mr. Morrill moved to enter into agreement with Kathy Menici for the provision of planning services at the rate of \$26 per hour. Mr. Blackwood seconded the motion, which passed unanimously.

h) Minutes – Mr. Morrill to accept the minutes of July 12, 2006, as amended (with the amendment being clarification of Mr. Morrill’s update on Planning Board discussions). Mr. Blackwood seconded the motion, which passed 3-0.

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

Respectfully submitted,
Toni Bodah, Secretary

Approval of Minutes:

Paul S. Morrill, Chairperson

Mark P. Duffy

John J. Blackwood