

**Board of Selectmen
April 25, 2007**

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

Also present at this time was Police Chief Tim Merrill.

The meeting was called to order at 6:35 p.m. by Mr. Morrill. **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 3-0 and the Board entered Non Public Session at 6:36p.m.

The Board returned to public session at 7:04 p.m. At this time those present included: Cynthia Copeland, SRPC; Larissa Mulkern, *The Granite State News*; Dave Lee; Denny Miller; Pete Kasprzyk; Stan Wilk; John Kenney; Chuck Robbins; Al & Marsha Huntoon; Cheri Schlenker; Nancy Spencer Smith; and Cindy Barstow.

1. Appointments

a) Cynthia Copeland, SRPC – Ms. Copeland distributed information to the Board members regarding the proposed redefinition of boundaries of the Seacoast Metropolitan Planning Organization. If approved, the result would be the formation of the Strafford MPO and the Rockingham MPO, each of which would conform with regional planning commission boundaries. Mr. Morrill questioned how these organizations would be funded. Ms. Copeland advised that they are political divisions of the State. SRPC currently has 18 dues-paying community members. They also have various contracts with communities for work and receive funds from DES for specific work. Funds are also received from OSP, as well as the Bureau of Emergency Management and DOT.

Mr. Morrill asked whether the realignment would result in less dues coming in. Ms. Copeland advised this would not occur and indicated that the two planning commissions are already functioning as two separate entities, even though they are a part of one organization. Ms. Copeland expects the Governor’s approval, as long as a minimum of 75% of the members agree to the proposal.

Ms. Smith (one of the Town’s commissioners to SRPC) spoke in support of Ms. Copeland’s presentation, as well as the proposed realignment. Mr. Huntoon, the Town’s former representative to the Seacoast MPO, agreed with sentiments expressed by Ms. Smith.

Mr. Morrill moved to support the realignment of the Seacoast MPO as presented. Mr. Duffy seconded the motion, which passed 3-0. Ms. Copeland advised that she will be meeting with new DOT Commissioner O’Leary. She will remind him of the Town’s interest in the local Route 16 projects. A brief discussion followed regarding the need to address local state roads, rather than just the main highways.

2. Old Business

a) Conservation Commission Membership/Authority – Mr. Morrill referred to concerns expressed by Chuck Robbins at a previous meeting regarding actions of Nancy Spencer Smith as members of both the Conservation Commission and the Planning Board. It was confirmed that the Selectmen have reviewed Mr. Robbins' letter, as has Ms. Smith. Mr. Duffy questioned whether any Conservation Commission members present believe that Ms. Smith acted outside of her authority. Mr. Miller replied in the negative. Mr. Kasprzyk noted that it is expected that the chairperson of any board or committee will lead that board or committee. Mr. Duffy noted that it appears as though Ms. Smith's actions were for the benefit of the Conservation Commission and were not outside of her authority.

Mr. Robbins referred to the 45-day period for response and/or comment to his application. According to Mr. Robbins, Ms. Smith contacted DES after that period with concerns regarding his application. He stated that he confirmed with the other members of the Conservation Commission that no such authority had been given to Ms. Smith. Mr. Robbins was told specifically that comments expressed by Ms. Smith were holding up his application.

Discussion then referred to the Planning Board's issue with the previously proposed sale/operation of the Albee pit. A driveway permit had been issued by the appropriate DOT office. Planning Board approved the proposal by a vote of 4-1. Subsequently, Ms. Smith was said to have been on the property with Executive Council members. The Council ultimately supported the issuance of the driveway permit; however, Mr. Robbins does not believe the Council should have been called in. Ms. Smith stated that she did not call either Ray Burton (Executive Council) or Jack Cilley (DOT); and she does not know how that site visit came about.

Mr. Robbins stated that he supports open space, as does Ms. Smith. However, Mr. Robbins believes Ms. Smith should stop and think before she acts. He noted that when Ms. Smith was involved with her Marketplace project, all the trees were removed; however, she recently pushed for a 50' buffer requirement on Route 16 development. Mr. Robbins indicated that he is trying to do good things for the community, as are many other developers; however, he does not want to continually look over his back.

Mr. Morrill referred to the seriousness of the Right-to-Know law, adding that business must be done in the public view. He personally has a real problem with town officials with titles calling and representing themselves using that title without authority by individual boards. The title should not be used without authority of the boards/committees. Mr. Morrill added that the Board of Selectmen has no doubt of Mr. Robbins' stewardship of this community.

Mr. Duffy reviewed issues raised by Mr. Robbins regarding the Albee pit project, as well as the on-going efforts of the Conservation Commission regarding land conservation. Mr. Duffy believes the efforts with the Albee pit are part of a genuine effort to protect the wellhead. Mr. Morrill noted that the Albee pit operation was controversial. He then stressed that minutes must be taken and submitted in accordance with State law. This includes the land conservation group as a subcommittee of the Conservation Commission. Mr. Blackwood stated that he does not believe Ms. Smith is a team player and does not want her to work behind people's backs. Mr. Duffy believes that the Conservation Commission was aware of all actions and supports the efforts to protect the wellhead.

Discussion followed regarding the Planning Board's letter to the editor (of the Granite State News) to garner support to rezone that area of Route 16 as 'commercial'.

Mr. Morrill stressed the importance of having diversity on the various boards, noting that a variety of opinions are then considered. He also stated that Ms. Smith believes strongly in conservation. **Mr. Morrill moved to reappoint Nancy Spencer Smith to a 3-year term as member to the Conservation Commission. Mr. Duffy seconded the motion.** Mr. Miller noted that he attended the Conservation Commission meeting when Mr. Robbins presented his letter to the Commission. He personally had trouble separating the Conservation and Planning Board issues. Mr. Miller has been very happy with Ms. Smith's efforts on behalf of the Conservation Commission; however, he can not speak to her role on the Planning Board. Mr. Kasprzyk has been on both sides of the fence with the Conservation Commission and can understand Mr. Robbins' frustration. He is pleased that we now have a Town Planner, as Mr. Robbins suggested years ago. Mr. Kasprzyk also believes that Ms. Smith has done a tremendous job in her efforts to conserve property. Mr. Morrill stated that the Conservation Commission should be acting in a timely manner when applications are pending. **The motion then passed 3-0.**

b) Transfer Station Scales – Ms. Frost presented a purchase order for \$29,378 for scales from Sebago Scales. The concrete work will be done separately at a savings of approximately \$1400 (excavation by the Town crew, concrete poured by Baybutt). The Board executed the purchase order. Mr. Morrill answered questions of Mr. Lee regarding the solicitation of bids.

3. New Business – None forthcoming.

4. Correspondence – None forthcoming.

5. Unscheduled Comments

--Mr. Wilk, at the request of Senator Kenney, is seeking a letter of support from the Board for the bill sponsored by Senator Kenney regarding a spillway for Lake Ivanhoe.

The Board will review the referenced bill. Although the Board is in support of the construction of a spillway for Lake Ivanhoe, the Board may not support the bill as written.

--Mr. Lee stated that he read in a local newspaper that an area town was not including all topics discussed at their meeting in the minutes of that meeting. He assumes that, by law, this must be done. Mr. Lee questioned the legal requirement of correspondence. If he were to send the Board a letter addressing an issue of concern, how would that be handled? Ms. Frost advised that if she cannot handle the issue raised, then it would go to the Board at their meeting. Various scenarios of this issue were discussed.

6. Administrative Matters

a) Liaison Reports – **Mr. Blackwood**: Planning Board discussed proposed new village districts, community gateways, setback conflicts on Route 16, family compounds and combined business and dwelling. Also, they approved a BLA on Davis Road. Watertown Village was told it must post a bond for the unfinished road prior to selling lots on that road. The fee schedule was discussed. The Planning Board also nominated John Ciardi as a commissioner to SRPC. Joe Fluet was elected Chair, with Rod Cools as Vice Chair. That Board also discussed impact fees, the establishment of which would require a public hearing. Ms. Menici is establishing a CIP committee, which expects to meet in mid-May. The Highway Department has been working on various washouts following the April 16 storm.

Mr. Duffy: The Heritage Commission is changing its meeting schedule. The Commission may restore the old railroad signal formerly located at Turntable Park.

Mr. Morrill: The Conservation Commission will conduct a public hearing on May 8 regarding the proposed acquisition of development rights on the Albee pit and surrounding area. The Building Committee for the School District met and worked on short term solutions to the over-crowding issue at Paul School. It appears as though 2 classrooms will be 'freed up' next year. That being the case, use of 1 modular unit should satisfy the problem for the short term. The Committee is looking for feedback from the School Board to this suggestion. Long term issues still need to be addressed.

Mr. Morrill advised that he received a call from Dave Mankus, who asked that Mr. Morrill visit the site of Lake Forest Resort. Mr. Mankus referred to the Planning Board's previous approval for construction of 16 600-square foot cabins. 4 of these cabins are in various stages of completion. One customer requested an additional bedroom, so Mr. Mankus went back to Planning Board for an expansion to 850 square feet. This apparently resulted in a determination that according to State statute, the cabins cannot be more than 400 square feet. Town Counsel sent a letter directing Mr. Mankus to stop his building efforts. Mr. Morrill, Ms. Frost, Kathy Menici and Town Counsel will meet on April 26 at 3p.m. to discuss this in more detail.

b) Administrative Matters

- The deadlines for filing an application for the Assistant Welfare Director has passed. The Board will review the applications. Ms. Frost will prepare a list of interview questions to be asked of each candidate. Ms. Frost and Ms. Fogg will conduct initial interviews, with the Board to interview the final 2-3 candidates.
- Parks & Rec will interview applicants for the position of Camp Counselor, with Ms. Frost sitting in.
- Jocelyn Sanborn is now performing the job previously done by Daniele Bardsley, who will be filling in as she is able. The Board agreed with the recommendation of the Parks & Rec Director to switch pay rates for those two individuals accordingly.
- Father Weber has commended the Highway Department for the work done on Heath Road during the recent storm.
- The damage estimate from the April 16 storm is \$265,000. Ms. Frost presented a list of damage to roads prepared by Dan Davis. FEMA will review these properties with Mr. Davis. The Board will need to consider how to pay for the damage. It may be necessary to take \$30,000 (the Town's 12.5% share of the damage) from a scheduled road project. A brief discussion followed regarding use of rip-rap when replacing bankings and whether FEMA would allow any part of that cost.

c) Parks & Rec Membership – Mr. Morrill moved to reappoint Sarah Hayes as Alternate Member to Parks & Rec for a term through March 2010. Mr. Blackwood seconded the motion, which passed 3-0.

d) Minutes – Mr. Duffy moved to approve the minutes of April 11, 2007, as presented. Mr. Blackwood seconded the motion, which passed 2-0-1 (Mr. Morrill abstaining).

There being no further business, the meeting adjourned at 9:10 p.m.

Respectfully submitted,
Toni Bodah, Secretary

Approval of Minutes:

Paul S. Morrill, Chairperson

Mark P. Duffy

John J. Blackwood