

**Board of Selectmen
August 22, 2007**

Present: Paul S. Morrill, Chairperson; Mark P. Duffy; John J. Blackwood (joined the meeting in progress); Robin L. Frost, Town Administrator; and Toni Bodah, Secretary.

Also present were: Stan Lombara, Nancy Spencer Smith, Peter Kasprzyk, Al Mayranen and Marge Kimball, Wakefield Conservation Commission; Joyce El Kouarti and Cynthia Belowski, Moose Mountain Regional Greenways; John Wallace, Strafford Rivers Conservancy; David Lee; Marc Laurion; Dawn Mahany; Joe Ruma; Relf Fogg; Joe & Cecile Arnone; and several other members of the public.

The posted meeting was called to order at 7:15 p.m. by Mr. Morrill, who led those present in the Pledge of Allegiance.

1. Public Hearing re: Acquisition of Development Rights – Mr. Morrill opened the public hearing and advised that the purpose of this hearing is to consider an expenditure under Article #21 of the 2006 Town Warrant. The subject property is located on Witchtrot Road, Map 167, Lots 28 & 30, and Map 168, Lot 8. Total proposed easement area is 111 acres; and the value of the conservation easement is \$244,700. Mr. Morrill introduced Cynthia Belowski of Moose Mountain Regional Greenways.

Ms. Belowski advised that the property would continue to be owned by the current owner, Mr. Remick. The proposal is for the purchase of a conservation easement only. Ms. Belowski noted that there is a significant amount of farmland soils on the property, as well as being a wildlife habitat area. The conservation easement would protect water resources, as well as historic stone walls. The property would remain open for many recreational activities.

Mr. Kasprzyk noted that the proposal includes keeping 11 acres of the property out of the conservation easement. He expressed concern regarding whether that 11 acres could be subdivided. It was not clear whether this would be possible.

Mr. Ruma asked how the value of the conservation easement was determined. Ms. Belowski advised that a certified appraiser, well-versed in such appraisals, performed the evaluation. Mr. Ruma noted that an amount of Lot 30 is fairly wet. He believes we should consider the cost of potential development when doing an appraisal on a conservation easement. Mr. Ruma would like to review the appraisal. Ms. Frost will determine whether this is a public document and so advise Mr. Ruma. Mr. Morrill noted that this is the first of two public hearings on this issue. He noted that the subject property abuts another large conservation easement property. Mr. Morrill stated that eventually, someone would find a way to develop this property if it is not protected under a conservation easement.

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Mr. Kasprzyk asked whether this property would be posted against hunting. Ms. Belowski advised that the owner has requested to reserve the right to so post the property. Mr. Kasprzyk does not believe that public money should be spent if the interest of the public is limited. Mr. Morrill does not believe the issue of hunting should make or break this deal. Mr. Mayranen stated his belief that it would be wonderful to purchase the conservation easement on this property; however, a portion of the property is already posted.

Mr. Laurion received confirmation that the remainder of the property is in current use. He stated his belief that the purchase price justifies the requirement that all further development of buildable lots be eliminated.

Mr. Ruma asked about the point of access. Ms. Belowski noted that there are several areas of access. Mr. Ruma questioned whether the Town would establish a specific point of access. Ms. Belowski stated that there is no intent at this point to establish a parking lot. The public would continue to have the same right of access that they do now.

Mr. Morrill suggested that we not stray from the basic premise of this project, which is to eliminate the possibility of development. Mr. Duffy stated that this is an excellent piece of property for this purpose. John Wallace of Strafford Rivers Conservancy advised that the 11 acres will be surveyed out and that SRC will place markers identifying the property under the conservation easement.

Mr. Fogg asked whether the funds were already available. Mr. Morrill advised that the funds were previously appropriated and are currently held in a capital reserve account. Mr. Kasprzyk was advised that Strafford Rivers Conservancy would supervise the conservation easement.

Mr. Lee questioned the balance in the relative capital reserve account. Ms. Frost advised the balance is approximately \$350,000. Mr. Lee questioned whether other more worthy opportunities may become available, for which these funds should be reserved. Mr. Morrill noted that this is the second and final year of this account (which was rolled over from 2006). He stressed that the Conservation Commission has investigated a number of possible projects, which all take a significant amount of time to develop. Mr. Morrill agreed with Mr. Duffy that this property is a prime example of the type of property the Town should be preserving.

Mr. Kasprzyk noted that he is very 'pro' conservation; however, he would like to see the conservation groups use more leverage to provide access for everyone, including hunters. He added that a significant amount of money is expected to be transferred. Ms. Belowski advised that they did request full access; however, the property owner is requiring that his options in this regard be kept open.

Mr. Morrill stated that he would prefer to reduce the amount of hunting space rather than leave the property exposed to the possibility of development.

Mr. Ruma asked whether the Town could establish such a fund without establishing the time limit. Mr. Morrill advised that this could be done and, in fact, has been done. He referred to the Conservation Fund that is 'fed' by the land use change tax collected by the Town. The conservation easement fund was considered as a test to determine whether the voters would support this type of appropriation.

There being no further public comment, Mr. Morrill closed the public hearing at 7:42 p.m. The second public hearing on this issue is scheduled for September 12 at 7 p.m.

Ms. Smith advised Mr. Morrill that the Conservation Commission voted earlier this evening to recommend the expenditure of \$26,500 out of the Conservation Fund for the purchase of the Laurion property. **Mr. Duffy moved to authorize the expenditure of \$26,500 out of the Conservation Fund for the purchase of the Laurion property (Map 236, Lot 1) as presented. Mr. Blackwood seconded the motion, which passed 3-0.**

2. Appointments – None scheduled.

3. Old Business

a) Property Ownership, Acton Ridge Road – At the request of Mr. Blackwood, the staff has investigated the exact property owned by the Town in the area of the railroad tracks on Acton Ridge Road. The information available is insufficient to make a determination other than that which is shown on the Town's tax maps. The Board agreed it was not worth the cost of a survey to pursue ownership of this small area of land.

4. New Business

a) Sewer Abatement, Map 180, Lot 2 – The owner of this property contacted the Water Precinct regarding an unusually high reading for the January through July 2007 billing period. Upon inspection, the Water Precinct determined that there had been a freeze/leak after the meter, with the water not flowing out to the septic system. An average was calculated (using the two previous readings) at 43,500 gallons. **Mr. Morrill moved to refund \$468.68, representing 74,750 gallons, to Donald P. Lesperance at Map 180, Lot 2. Mr. Blackwood seconded the motion, which passed 3-0.**

5. Correspondence

a) NH DOT – The NH Dept of Transportation is seeking comments regarding their future plans for Route 16 at the intersections of Stoneham Road and Governor's Road.

6. Unscheduled Matters/Public Comment

--Mr. Fogg referred to a letter he received from the Code Enforcement Officer, and indicated he would like to know from whom the complaint originated. Mr. Morrill asked whether the accusations stated in the letter are accurate. Mr. Fogg indicated that he does not mind answering questions; however, he believes he has a right to privacy. He also believes the complaint may have originated from someone on a Town board, who is disgruntled with Mr. Fogg. Mr. Morrill noted that if there is no violation, then there is no issue. Discussion followed regarding Mr. Fogg's attempts to comply with zoning regulations, as well as the frequency of complaints received by the Code Enforcement Office regarding various properties.

7. Administrative Matters

a) Liaison Reports – **Mr. Blackwood**: The paving company is in Town to do repair work from the spring storms. Planning Board is discussing a "Contractor's Yard" regulation.

Mr. Duffy noted that the Board received a copy of letter praising the efforts of the Police Department.

Mr. Morrill referred to the tanks at the WWTF being pumped out this week. Lakes Region has recommended that we install a 3rd cover in order to allow for more complete cleaning. The recommendation was also made to clean the tanks twice each year.

b) Administrator's Update

--Old Town Hall: Ms. Frost met with the Parish Helpers, who plan to approach the Heritage Commission for assistance in repairing the roof and applying stain. If the Heritage Commission cannot assist to the extent needed, the Parish Helpers will come back to the Town for assistance. Ms. Frost is of the opinion that the Town should address the roof repair, estimated at \$700.

--RSA 91-A: The Moultonborough Board of Selectmen is conducting a forum on this RSA at the Moultonborough Academy on September 17 at 7 p.m. All interested parties are invited.

--Carroll County Registry of Deeds: The Registrar has provided information as to why they would prefer not to place registry information on-line.

--2008 Budget: The process has begun. Ms. Frost has determined that it will be necessary to budget for 27 pay periods in either 2008 or 2009. Discussion followed as to how this would affect salaried personnel.

--Ms. Frost has sent a letter to the Board of Assessors regarding the status of the annual listing work.

--CPM Course: Ms. Frost asked that the Board complete an assessment form on her behalf.

Mr. Morrill inquired regarding the status of the gate at the WWTF. Ms. Frost advised that PSNH has placed a stake where they believe the pole will be placed; otherwise, no new information is available. The trees cannot be cut until the pole is actually in place. We are waiting for a start date on the gate installation. Discussion followed regarding the need to coordinate the hours of the WWTF to mirror the hours at the Transfer Station, as the trucks will need to use the scales (to be located at the Transfer Station) prior to accessing the WWTF. Assuming no public hearing is required, the Board agreed by consensus to notify the haulers that as of October 1, 2007, the WWTF will be accessible only when the Transfer Station is open (Friday through Monday from 8 a.m. to 3 p.m.).

Regarding the scales at the Transfer Station, we are now prepared to shoot the elevations. We also must construct a road to the scales and will need a scale house.

c) Building Permit Releases – Mr. Morrill moved to approve building permit releases for Tavares on Gold Coast Drive and Lajoie on Sunset Road. Mr. Duffy seconded the motion, which passed 3-0.

d) Pole License Agreements – Executed as presented.

e) Minutes – Mr. Morrill moved to approve the minutes of August 8, 2007, as presented. Mr. Duffy seconded the motion, which passed 2-0-1 (Mr. Blackwood abstaining).

Mr. Morrill moved to enter Non Public Session under RSA 91-A:3, II (a). Mr. Duffy. Roll call vote: Mr. Blackwood – ‘aye’; Mr. Duffy – ‘aye’; Mr. Morrill – ‘aye’. Motion passed 3-0 and the Board entered Non Public Session at 8:45 p.m.

The Board returned to public session at 9p.m., at which time the meeting adjourned.

Respectfully submitted,
Toni Bodah, Secretary

Approval of Minutes:

Paul S. Morrill, Chairperson

Mark P. Duffy

John J. Blackwood