

Approved

SANBORNTON BOARD OF SELECTMEN'S MINUTES

February 14, 2018

Town Offices

The Board of Selectmen convened in regular session on Wednesday, February 14, 2018 at 4:30 p.m. at the Town Offices. In attendance were Selectman Karen Ober, Selectman John Olmstead and Selectman Katy North. Town Administrator, Katie Ambrose was also present.

1.0 Pledge of Allegiance - Those in attendance recited the Pledge of Allegiance.

2.0 Non-Public Session under RSA 91-A:3 II (c) - Selectman Olmstead made a **motion** to go into non-public session at 4:32 p.m. Selectman North **seconded** the motion. Roll call vote, Ober – aye, North– aye and Olmstead–aye. The Board reconvened the public session at 5:12 p.m. Chair Ober announced that a decision was made to sign a PAF and schedule a non-public for next Wednesday at 4:30 p.m. Chair Ober made a **motion** to seal the minutes of the non-public. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**.

3.0 Public Comment - None at this time.

4.0 Business

4.1 Fire Chief – Replacement Washer - Chief Dexter provided the Board with a quote to replace the protective gear washer from Bergeron Protective Clothing L.L.C. Selectman Olmstead made a **motion** to approve the purchase of a new protective gear washer in the amount of \$8,320 dollars with the funds to come from the ambulance revenue fund. Selectman North **seconded** the motion and the **motion passed unanimously**.

4.2 Carol Shea Porter - Office Hours - A Representative from Carol Shea Porter's staff will be at the Town Office on 2/21/18 from 2 p.m. to 4 p.m. to meet with constituents.

4.3 Terry Rasp – Winnisquam Watershed Network - Terry Rasp explained that most of the surrounding communities have given monetary commitments to clean up milfoil in the lake Winnisquam watershed and through a study have identified 5-6 milfoil hot spots with the area of the loon sanctuary (in Meredith) being the focus. Laconia has agreed to an unknown figure, Belmont has agreed to fund \$2K for divers and Meredith has agreed to fund \$12K. Terry Rasp stated the network would have ongoing requests and will be utilizing divers as well as chemical treatments for milfoil eradication. Selectman Olmstead stated he has heard that picking is the best method. Terry Rasp replied it is, the chemicals just delay the growth. TA Ambrose stated there is currently \$20,025.13 dollars plus interest in the milfoil/phosphorus capital reserve fund. Chief Dexter asked Terry Rasp what the plans are? Terry Rasp replied they are working on that now. Chair Ober stated there are a number of residents that are involved in this and she would like to speak

to them first before making a decision. Chair Ober suggested tabling this for now and revisiting it again sometime in March.

4.3 5:30 PM *Public Hearing* - Bond in Excess of \$100,000 for the Reconstruction of Lower Bay Road - Chair Ober opened the public hearing at 5:35 p.m. and read the public hearing notice to those in attendance. TA Ambrose stated that as of Monday the State has approved of the bid from John H. Lyman & Sons and has approved the Scope & Fee as proposed by Holden Engineering. Due to the upcoming discontinuance of the State Aid Highway Program the state has established a capped amount for the project at \$2,150,000 dollars. TA Ambrose explained the cap leaves \$89K remaining which is thankfully enough funding and allows for change orders. TA Ambrose noted that this kind of State funding will not be available to municipalities going forward. Chair Ober added that once the project has been completed the road becomes the town's responsibility. Ronald Hildebrand, 15 Maple Circle, asked if there was a plan for the other bad section of the road? Chair Ober replied there is a plan to use funds from the unreserved fund balance and referred to Warrant Article #9, so all of the road will be done this year if the article passes at Town Meeting. Chair Ober stated she was unsure if the State and Town projects would be done separately or consecutively. Chair Ober closed the public hearing at 5:45 p.m.

4.4 *Public Hearing* continued from 2/7/18 - Petition to Release Certain "Paper Streets" and Roadways from Public Servitude - Attorney Boldt was present on behalf of the Town and Attorney John Riff was present on behalf of the Rainville family. Chair Ober opened the public hearing at 5:47 p.m. and read the public hearing notice aloud to those in attendance. Attorney Riff stated his concerns are his client's rights in the future and he would like the minutes to reflect conditions that the road lines are not set in stone, so the Rainville's do not lose anything because they feel the lines are not in the right places and the driveway is not shown on the plan. Attorney Boldt replied the intention is to maintain the segment of road at the Franklin town line, that segment abuts the Rainville's and town's parcels of land and he can see the concern because the location on the "Belanger" plan is off or shorter than what is on the original Andrews plan. Attorney Boldt stated the cleaner fix would be to get the Belanger plan revised. The Town is not the arbitrator of ownership rights and something can be added as a condition of the approval. Attorney Riff replied the underlying land is his concern as well as the boundary line. Attorney Boldt stated the Town is not taking a position but the survey does need to be adjusted because the intent was to give the Belliveaus access with Mr. Downes having access through the private roadways. There was a brief discussion regarding the road being a private road, not maintained by the town and road acceptance. Diann Kashulines asked that section of road by the Franklin line will not change right? Attorney Boldt replied correct, that segment will stay the same. Attorney Riff drafted some language for the conditional approval. Chair Ober closed the public hearing at 6:18 p.m. Chair Ober made a **motion** that the Town find that the survey entitled "Road Location Plan - Mountain View Park Drive - Prepared for Daniel and Kara Downes" by J.E. Belanger Land Surveying PLLC through revisions dated December 13, 2017" is satisfactory for the purposes of the Petition for Release from Public Servitude with the following conditions: (a) the spelling of the Downes' name(s) in the title block be corrected; and (b) the Town is not making any representation or decision regarding the ownership of the segment and/or the location of the boundary lines of any lots adjacent to the segment; and (c) a

mylar of the Survey along with all required filing and LCHIP fees be tendered to the Town within 10 business days so that the Town can record the Survey at the Belknap County Registry of Deeds at the expiration of any appeal period associated with our decisions here tonight. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**. Chair Ober made a **motion** that the Town grant the Petition for Release from Public Servitude filed by Daniel & Kara Downes and Danielle and Gerry Belliveau dated July 25, 2017 with the following conditions pursuant to the Parties Settlement Agreement of that same date:

1. The mylar of the corrected Survey referenced in the first Motion along with all required filing fees be tendered to the Town within 10 business days so that the Town can record the Survey at the Belknap County Registry of Deeds at the expiration of any appeal period associated with our decision here tonight.
2. The Town holds in trust the executed filled in original of the Order of Release of Certain "Paper Streets" that was attached to the Settlement Agreement pending receipt of the above-referenced mylar and recording and LCHIP fees, together with all necessary recording and LCHIP fees for the Order are tendered within 10 business days so that the Town can record the Order along with the survey;
3. At or before the time of the recording of the Survey and the Order, the Downes and the Belliveaus shall record an appropriate Corrective Deed from the Downes to the Belliveaus reflecting the Belliveaus' access to their lot over the private road as shown on the Survey, with a copy of the same provided to the Town;
4. The outstanding taxes due to the Town on the subject properties in the amount of \$28,018.97 plus all accrued interest since March 31, 2017 through the date of payment are paid to the Town by Mr. and Mrs. Downes at or before the time the Survey and Order are recorded. It is expressly stated that the Survey and the Order cannot be recorded at the Registry unless and until the taxes and interest due are paid in full: and
5. Any lot owners wishing to build on a lot accessed by the private road shown on the survey shall execute and pay the necessary recording and LCHIP fees for the Town's Waiver of Liability form before any Certificate of Zoning Compliance can be issued.

Selectman North **seconded** the motion and the **motion passed unanimously**.

5.0 Other Business

5.1 Town Warrant Discussion - Chair Ober made a **motion** to delete the full text of the Solar Ordinance from the warrant and accept the Amendment as written. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**. The Board reviewed a memo from Chief Hankard recommending that Article #7 be changed to rescind the ordinance because under recent law if a Town has an OHRV ordinance they are solely responsible for the enforcement (not the state) and the department doesn't have the proper equipment to enforce the ordinance. Selectman Olmstead made a **motion** to place Article #1 on the warrant as written. Chair Ober **seconded** the motion and the **motion passed unanimously**. Chair Ober made a **motion to recommend** Article #1. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**. Selectman Olmstead made a **motion** to place Article #2 on the warrant as written. Selectman North **seconded** the motion and the **motion passed unanimously**. Chair Ober made a **motion to recommend** Article #2. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**. Selectman North made a **motion** to place Article #3 on the warrant as written. Chair Ober **seconded** the motion and the **motion passed**

unanimously. Selectman Olmstead made a **motion to recommend** Article #3. Chair Ober **seconded** the motion and the **motion passed unanimously.** Selectman North made a **motion** to place Article #4 on the warrant as written. Chair Ober **seconded** the motion and the **motion passed unanimously.** Selectman Olmstead made a **motion to recommend** Article #4. Chair Ober **seconded** the motion and the **motion passed unanimously.** Selectman North made a **motion** to place Article #5 on the warrant and insert the Budget Committee's recommendations. Selectman Olmstead **seconded** the motion and the **motion passed unanimously.** Selectman Olmstead made a **motion to recommend** Article #5. Chair Ober **seconded** the motion and the **motion passed unanimously.** Selectman North made a **motion** to place Article #6 on the warrant as written. Chair Ober **seconded** the motion and the **motion passed unanimously.** Selectman Olmstead made a **motion to recommend** Article #6. Selectman North **seconded** the motion and the **motion passed unanimously.** Chair Ober made a **motion** rewrite Article #7 to rescind the OHRV Ordinance as written by the Town of Sanbornton. Selectman North **seconded** the motion and the **motion passed unanimously.** Chair Ober made a **motion to recommend** Article #7. Selectman North **seconded** the motion and the **motion passed unanimously.** Selectman North made a **motion** to place Article #8 on the warrant and insert the Budget Committee's recommendations. Selectman Olmstead **seconded** the motion and the **motion passed unanimously.** Selectman Olmstead made a **motion to recommend** Article #8. Selectman North **seconded** the motion and the **motion passed unanimously.** Selectman North made a **motion** to place Article #9 on the warrant as written. Chair Ober **seconded** the motion and the **motion passed unanimously.** Selectman North made a **motion to recommend** Article #9. Selectman Olmstead **seconded** the motion and the **motion passed unanimously.** Selectman Olmstead made a **motion** to place Article #10 on the warrant as written. Selectman North **seconded** the motion and the **motion passed unanimously.** Selectman Olmstead made a **motion to recommend** Article #10. Selectman North **seconded** the motion and the **motion passed unanimously.** Selectman North made a **motion** to place Article #11 on the warrant as written. Chair Ober **seconded** the motion and the **motion passed unanimously.** Selectman North made a **motion to recommend** Article #11. Chair Ober **seconded** the motion and the **motion passed unanimously.** Selectman North made a **motion** to place Article #12 on the warrant as written. Chair Ober **seconded** the motion and the **motion passed unanimously.** Selectman Olmstead made a **motion to recommend** Article #12. Chair Ober **seconded** the motion and the **motion passed unanimously.** Selectman North made a **motion** to place Article #13 on the warrant as written. Selectman Olmstead **seconded** the motion and the **motion passed unanimously.**

6.0 Non-Public Session under RSA 91-A:3 II (c) - Selectman North made a **motion** to go into non-public session at 6:57 p.m. Selectman Olmstead **seconded** the motion. Roll call vote, Ober – aye, North– aye and Olmstead–aye. The Board reconvened the public session at 7:14 p.m. Chair Ober announced that a decision was made to allow TC/TC Davis to re-notice a property owner on an impending tax deed notice for 30 days. Chair Ober made a **motion** to seal the minutes of the non-public. Selectman Olmstead **seconded** the motion and the **motion passed unanimously.**

7.0 Selectmen's Reports

2/14/2018

Minutes

BOS Approved

7.1 Conservation Commission - Selectman North explained that she would be working with TA Ambrose on a Conservation Commission item that the Board will need to address.

7.2 Budget Committee Update - Chair Ober provided an update.

7.3 Used Chairs for Town Office - Chair Ober explained that she has found a deal on some used chairs for the Town and plans to purchase 48 of them.

8.0 Authorization Signatures: Payroll & the Accounts Payable Register – The BOS reviewed & signed the payroll and the accounts payable registers, a copy was made available for public inspection.

8.1 Board Meeting: 1/24/2018 -The Clerk signed.

8.2 Board Meeting: 1/31/2018 -The Clerk signed.

8.3 Special Meeting: 2/2/2018 - The Clerk signed.

9.0 Review & Approve Minutes

9.1 BOS Meeting 2/7/18 draft - Members of the Board reviewed the draft meeting minutes of February 7, 2018. Selectman Olmstead made a **motion** to accept the draft meeting minutes of February 7, 2018 with changes. Selectman North **seconded** the motion. Roll call vote; Olmstead - aye, North - aye and Ober - aye. The **motion passed unanimously**.

10.0 Donations - None at this time.

11.0 ADJOURNMENT – Selectman Olmstead made a **motion** to adjourn the meeting at 7:32 p.m. Chair Ober **seconded** the motion and the **motion passed**.

12.0 NEXT MEETING(S) – The Board of Selectmen’s next regularly scheduled meeting will be held on **Wednesday, February 21, 2018 @ 4:30 p.m.** at the **Town Offices**.

Respectfully submitted,
April Rollins, Administrative Specialist

Approved 2/21/18 _____
Selectmen’s Clerk