

BOARD OF SELECTMEN

January 27, 2020

MEMORIAL BUILDING

4:00 P.M.

The following are to be considered draft minutes only until approved by the Board at their next meeting.

Selectmen present: Dick Hendl, Chairman and Tamara Butcher

Others: Ryan Peterson, Keith Cutting, Sue Cutting, Darrin Patten, Gene Hayes, Leigh Calloway, Tanner Jacques, Ken Jacques, Whit Smith, Peter Abair

The meeting started with the pledge of allegiance.

Dick made a statement that there at 5:30 the regular meeting will recess to begin a scheduled public hearing to decide if the board will accept the gift the 250th celebration committee is offering to the town.

Scheduled Appointments:

Ken Jacques stated he was here because Keith approached the board with another segment of how he thinks he can get up in to the Gile and that he stated there was a key and the state had authorized that key be given to Mason as read in the selectmen's minutes. Based on past information that Ken has provided, the water precinct has an exclusive easement to operate that road and control the road by gates and bars. Ken's understanding, after speaking with their attorney, not just recently but over the years, is that the exclusive easement is exactly that. Prior landowners, meaning Gardner, gave up the rights to be able to provide access over that road unless at the authority of the water precinct. Ken stated that where the authorization and key came from doesn't matter. The state can't supersede the easement; that is the water precincts understanding and what they are standing by. The road has always been kept with a locked gate with a go around for basically anything but vehicles. As far as the precinct is concerned, if there is a key out there it is not an authorized key; they have seen nothing in writing that proves otherwise. Ken spoke with the state forester, who was surprised to hear there might another key out there because he doesn't have a key. Ken shared when people look for access, examples being state forester's or fish and game, they pick up a paddle key from the precinct and return it the same day. Ken states opening the lower gate creates another set of problems. He recognizes this puts the board between a rock and a hard place. Ken said if the precinct must go to court to enforce this they will. Ken said the standing of the precinct is that the easement is very clear, legally purchased from Walt Gardner and until the precinct see's something different than that they will not change the way they've been doing business. Ken also stated that if the town gets dragged into something the precinct is more than prepared to cover whatever they get dragged in to.

At this time Dick asked Keith if he had any comments. Keith started by reminding the board they asked whether this was a Class VI road. The selectboard did an investigation and it was determined to be a Class VI road from the intersection of Webster Pass to the gate at the lower mill. Keith states the RSA's are clear about the laws pertaining to Class VI roads. Keith said as

far as discussions between the family and the state of NH, those are not relevant to superseding the state law. Keith reiterated what Ken said, the board a problem; Not one he created but one they discovered. Dick asked, hypothetically, if the Class VI road were opened what would that gain you, how could you get a vehicle up to your piece of property? Keith answered that would be between the family and the state of NH. Dick said that the water district has veto power over whether someone can go up there, asking Ken if that is a fair statement. Ken said the exclusive easement means that; it's exclusive. Dick doesn't understand how the state can override that. Keith said that would probably be part of the discussion his family would have with the state; they haven't told his family that yet. Dick feels the state must be aware of the easement restrictions. Ken said yes, the state is fully aware of the easements. Keith stated some time ago the selectboard referenced this easement that was registered with the registry; Keith requested the book and page numbers for research purposes and has not received that information. Keith has made attempts to locate this information at Sullivan County and Cheshire County Registry of deeds and has not found anything. Keith stated the water precinct has expressed their dissatisfaction with this for many years. Ken disagrees, stating that in 1992 Kneeland approached the water precinct with Jim Cleaveland to purchase the lot. Keith states this is not true; there was no agreement with Jim Cleaveland to sell the land to the water precinct. With a lot of the people being deceased now, Tamara added that it is difficult, on both sides, to know what people were thinking when they were doing all this. Keith's interest became involved when Kneeland asked him to look into this and resolve it on behalf of his wife who will inherit it. Dick asked to be reminded of the details of Keith's request for a copy of the easement. Keith said he is not interested in a copy of the easement, just knowing where it is registered. Keith would like to be able to confirm that it is in fact registered with the registry of deeds and not just a hand-shake agreement. Ken stated he will provide the book and page number to this easement. Keith added that this still doesn't address the Class VI road issue. Dick would like to table that for now in the hopes that this could be resolved amicably. Keith has been told that Mason holds a seasonal permit for wheeled vehicle access on the road. Dick asked Keith to see if Mason could provide a copy of this agreement with the state, whatever exists on paper. Keith is still encouraged and would like the state to offer their opinion beyond what they have so far. The only question before the board is the section of road that the selectboard determined is a class VI road and the fact that there is an illegally locked gate on that road. Ken asked what it would do to open that gate, what would be the benefit? Ken asked who will pay to keep the road up, so it is accessible for those that do need to get up there. Keith said the law is clear as to the maintenance of Class VI roads and that the town holds no responsibility. Dick would like to see Ken provide the easement to the board. Keith will talk to Mason about providing whatever he has from the state to the selectboard, which will in turn be shared with Ken. Keith said this wasn't completely dealt with in the past. Dick and Tamara agree, and they will try to do better, thanking Keith and Ken for their time.

Darrin appeared before the board to finish up on the rangeway. Darrin drew up a map showing the board what his plans are. Ken is looking into this as well as there has been some question as to ownership of the rangeway. Darrin will be looking into the RSA regarding this. Darrin stated he would like to start cutting the trees now and will keep track of what is coming off that piece of land. Darrin is asking for a verbal ok to cut; that way if it is found out that the town does own the trees, he isn't timber-trespassing. The selectboard is ok with what Darrin is asking.

Dick has asked Darrin to contact Dan Nash and carry on with the site preparation, which Darrin has volunteered to do. Dick will call Dan Nash to let him know Darrin will be representing the town in terms of getting the final drawings for the sand shed preparation and have him look at the foot of Nichols Hill Road. Dick shared that the town engineer, Lou Caron, has decided he is no longer going to be in that business. Also, Jeff Evans, who was to provide us with the final drawings has also stopped doing that kind of work. Lou Caron referred the town to Dan Nash and will help him get everything he needs to finish the job. Leigh asked what Darrin's involvement is in this? Dick stated that Darrin has volunteered to oversee this project.

Dick thanked Peter Abair for coming at the last minute. At the budget committee meeting the board will be asked to state their views on the truck situation. Dick stated that at the last budget meeting Peter suggested purchasing a new truck. Dick asked a few questions on the status of the trucks as they stand today. Peter said the 2015 Green Freightliner is in the shop right now. Peter is looking to replace the 2008, as it is in the worst shape out of all the trucks. Peter also stated the 2006 body is in about the same condition as the 2008 but we can only get rid of one of them. Dick said Peter has talked about putting a stainless-steel body on the truck. Peter said that is probably a waste of time and money. Peter's suggestion is to purchase a new truck with a stainless-steel body, keep it for 12-15 years and then replace one of the used trucks. Tamara asked if we looked to replace the 2008 with a newer used, what would that cost us? Peter said a 2014 was around \$90,000. Peter feels it makes sense to buy one new one that you use all year round and keep the used truck for just winter plowing. Dick asked what the usable life left on the 2006 truck is? Peter said he could get maybe three or four years out of it. Dick asked if there was any foreseeable maintenance on the 2006 truck. Peter said no that it runs great, it's just the back body that is bad. Tamara asked if the town were to purchase a new truck what would the cost be? Peter said, with a steel body, it would run about \$180,000. Peter says the dealer he is working with now offers a seven-year warranty with 24-hour roadside service. Dick would like Peter to find out what the warranty covers. Dick also asked what Pete will be looking for in three years when it comes time to replace the red truck, will you ask for another new truck? Pete said no, he will look for a used truck. Peter added that this dealer has a deal that if you keep a truck purchased by them for five years, they give you 100,000 trade in value on another truck. They also take the truck back every summer and pressure wash it and undercoat it. This is all part of their sales plan.

Zoning Permits:

REPORT from ZONING COORDINATOR. -- Board of Selectmen - Monday, January 27, 2020.

Here is a summary of permit applications and Zoning Coordinator activity.

Application for Permit – Acted Upon, APPROVED

1. Chris & Melissa Gaherty, 242 Sanborn Hill Road; application for 24' x 18' pole barn behind house in which to store tractor and to house farm animals (chickens, goats). No set back or wetlands issues. Structure less than 35' tall. Per Board of Selectmen review and determination, construction began prior to receiving Zoning Permit. Applicant has paid the "after the fact" fee. Zoning permit approved pursuant to delegation of authority.

Open Application - In Hand, But NOT Acted Upon.

2. Kara Zaleskas, 164 Four Corners Road; No change in status on this matter.

Other Matters.

A. Inquiry from property owner on Stoney Brook Road regarding additional driveway cut on a nearby parcel. Responded to the same.

B. Inquiry regarding number of buildable lots that may be available on a parcel (5.01 acre) in the Eastman section of town. Responded to the same.

C. Follow up regarding inquiry from agent for AT&T regarding cell tower upgrades.

D. Inquiry from property owner on Four Corners Road regarding the process to gain approvals for a so-called “nano-brewery.” (Similar to Protectworth Brewery on Cemetery Road).

E. Prep for and attend Planning Board meeting - January 16, 2020

F. Respond to inquiries/rumors that Consolidated Communications has decided to cut off any new customer internet service in the town of Springfield. On information from follow-up and to my knowledge this is NOT TRUE.

G. Preparation of Summary of Zoning Coordinator activity for 2019 (for inclusion in the town’s Annual Report).

<< January 25, 2020 >>

Whit read through his report. Greyson Labelle, Dallas and Laura Patten are extending their existing permit. Item D under other matters will be going to the zoning board of adjustment and the town planning board. That is moving from an inquiry to an actual application process. Item F is the only other item of interest. Dick addressed this. He called Consolidated Communications and was assured they have no plans to discontinue service in Springfield. Janet feels this is a bit misleading and shared she has a relative that is unable to get internet service through Consolidated because they say they don’t have enough cable or pairs and there are several people on or near 4A who have had that issue. Until someone drops off a line there are no lines available for them to get service. She was told by Consolidated to call frequently. Janet knows of a couple of people who had to go with HughsNet because Consolidated doesn’t have enough of whatever it takes to get internet. Dick said that he would contact Consolidated again. Whit has heard from three or four people that have contacted Comcast directly and been told that Comcast would loved to hear from Springfield regarding what it would take for the town to draw up a proposal. Dick stated, again, he spoke to Mildred Pierce at Wayne Smith’s suggestion. Dick was asked by Ms. Pierce for data on Springfield, which he collected and sent to her and has

not heard a word since. Janet said that she forwarded a message to Whit from Jodi Boucher who had some information that might be helpful. Whit said he would forward that email to the chair of the Planning Board. Dick told Whit that if the folks he has spoken with can provide a contact at Comcast, other than Mildred Pierce, Dick will be happy to call again.

Minutes of January 13, 2020:

Tamara moves to accept the minutes as written. Seconded by Dick.

Old Business:

Continued Budget Review:

Janet has a few new figures to share. The Sunapee Transfer station has gone up. Janet stated their revenue was down about \$10,000 over last year and they are looking to pave the traveled way. If you take that plus increases in some benefits for their employees, it went up from \$108k to \$119k. Debt Service was a little bit less than what was drafted; it is \$61,000 instead of \$70,000. Everything else the board has, so they are in good shape for tomorrow. Janet said she just needs input from the board on Warrant articles. The board is going to recommend paying with \$100,00 from the unreserved fund balance. Dick said depending on the outcome of the public meeting he might have another warrant article to suggest, but he will defer that until that time. Janet said we will also need another warrant article to put the money raised through Old Home Day back into the Old Home Day account. Janet stated it is feasible that someone out there between now and July might be interested in running and Old Home Day.

Dick announced that he will be accompanying the town attorney on a site visit to the Kennebec Mill on Thursday. The Kennebec lawyer will meet them there and visit the site. Dick will take them up to the Weather's house, Brooks and Olivia have given permission to do that. Dick would like both attorneys to see what the situation is up there. Ryan and Dick discussed the wood drying, and at the present time it has been quiet out there. Dick has been taking readings on a regular basis and will continue to do so until Thursday.

Dick attended superior court two weeks ago with another lawyer from Drummond Woodsum on the situation on a small lot on top of George Hill Road. The situation has been resolved with an agreement. The property owner has until February 14th to clean the lot up and has agreed to refund the town half of their legal fees by May 15th. This was all signed by the judge. If the property owner does not adhere to the agreement the town has the right to clean the lot at the cost of the owner. Dick said that we would bill them for the full legal cost at that time, plus the cost of the clean-up and if we do not get recompensed the town will put a lien on the property.

Dick and Tamara have looked at both applications for the Emergency Management Director's position. Keith suggested at the last meeting that both applicants be appointed as deputy directors. Dick made a motion to offer the position of Deputy Director of Emergency Management to both individuals who expressed an interest and refer them to Keith for on the job training. Janet asked if there should be an increase in that budget line. Keith stated there are continuing educational opportunities available which are typically no charge. There might be some consideration for reimbursement of expenses, but Janet stated we probably have enough in that line to cover those reimbursements. Ryan asked who the applicants are? Dick shared that

one was Raymond Abair and the other Lawrence Mester. Keith said the only other consideration might be financial assistance for grant writing fees. Tamara said that might be a line worth adding in 2021. The Board will contact the applicants and offer the positions.

Ryan brought the discussion back to the Kennebec Mill. Ryan would like to know if any of the sound studies that were done are available for review. Tamara stated that the town never received a copy of the findings. Dick is going to add that to his list of questions.

Dick asked how we are doing with obtaining the annual reports for the Town Report. Jill shared that the reports have been flowing in.

Dick said at the last meeting the board had agreed to send a letter to the Hayes Trust about the Mascoma Valley Snow Travelers. Janet has the letter printed and ready to be signed.

Dick mentioned the agenda for the ZBA meeting on February 4th where they will be taking up the appeal that Select Shepards has filed with the ZBA to contest the selectboard's decision made on December 16th not to sign the certificate of compliance. Janet stated the abutter's notices have gone out and the notice has been publicly posted. Gene Hayes asked, for clarification, what they are appealing; the selectboard's decision or the ZBA's decision? Dick stated they are appealing the selectboard's decision not to sign the certificate of compliance. Dick clarified that the attorney for Select Shepards, in their initial letter to the town, requested the selectboard sign a certificate of compliance so they could obtain their license from the state. Gene is questioning why the attorney is filing to get certification from the selectboard when the decision was already made by the ZBA to deny them? Janet stated this is just the process. Gene asked if they will have another 30 days to appeal after the decision is made on the 4th? Dick's guess is there won't be another appeal, their will be a suit filed in superior court by the Select Shepards' lawyer against the town. Janet stated they can't appeal to the court if they haven't appealed to the ZBA first. Gene Hayes shared that he has spoken with the state department of agriculture and they have zero jurisdiction. They only have jurisdiction is if there is a pet vendor license. Dick stated this probably has a long way to play out.

New Business:

Tamara said the fire department is looking to put together a grant request for a zodiac boat.

Board and Department Updates:

The library trustees meeting is this Thursday.

Correspondence:

Janet has the contract from the Town of Sunapee, it is contingent on their budget passing.

Signatures:

Janet had a couple of intent to cut forms and the letter to the Hayes Trust.

Public Hearing
Acceptance of Charitable Trust Funds

5:30p.m.

***Please Note at 5:30 p.m. the Select Board will table the regular meeting and open a public hearing in accordance with NH RSA 31:95-B (III) for the purpose of determining if the Board will accept and expend unanticipated funds associated with the 250th Celebration Charitable Trust Fund (estimated to be \$79,831.05), pursuant to the directions set forth by the 250th Celebration Committee. The regular meeting will resume when the hearing is complete.

Selectman Present: Dick Hendl, chairman and Tamara Butcher

Others: Donna Tibbets, Pixie Hill, Maryanne Petrin, Brandt Denniston, Marla Binzel, Susan Cutting, Keith Cutting, Angela MacCreighton, Harriet Callaway, Leigh Callaway, Fred Davis, Alice Nulsen, Cune Bednar, James Bednar and Poul Heilmann

Dick announced as posted, the public meeting to discuss whether the selectboard should accept the gift from the 250th Anniversary Celebration Committee is now open. Dick asked Don Hill to address the assembled group with a brief synopsis of what the gift is that the committee is presenting to the town.

Don began his presentation. Most of this started in the summer of 2017. In the fall at a meeting where they said in addition to celebrating and raising some money let's do something to benefit the community and foster community spirit. There were lots of suggestions. Alice Nulsen suggested how about a lift for the historic meeting house. Keith Cutting quickly made a motion and it was unanimous to do this. Don shared an overview on the lift plan. Architectural plans were included in the presentation made by Don. Don said this is the solution to giving you access to the upstairs. The upstairs is a place where the community comes together for significant events, and currently the fire department must do the fireman's carry up the stairs; people don't make it up and down the stairs with dignity. Part of being in a small town is attending community events together upstairs. This will allow us to do that.

Don shared the financial position for the lift. What the committee has in the bank is \$79,830. The committee suggest that \$7600 be used right out of the gate to make the town whole. It's covering the estimated expenses of about \$7,600. That leaves \$72,230. This balance will cover the lift purchase and installation at \$68,910, the cost to move the plumbing and heating at \$1,820 (may be less) and the cost to move the alarm system at \$1,500. Don handed out copies the plans to the board.

Brandt asked what the driving mechanism of is for the raising and lowering of the lift. Don said it is an electric hydraulic system. Brandt also asked what the safety mechanism during a power failure is? Don said the safety mechanism on a power failure is that if the lift is up it can make it down, if it's down it will go nowhere. Don said there is a slight reserve battery to control the valves, and it is hydraulics.

Dick opened the floor to anyone who might wish to recommend to the board that they not accept the gift. There were no such recommendations made.

Dick opened the floor to any other comments.

Brandt Denniston said this project is real forward thinking. Brandt's wife would lug her cello up the stairs to play for the church. There used to be Memorial Day services with the middle school band and all kinds of different events happening. This will get the building back in use. Brandt commended the 250th committee for all of their hard work and expressed his hope that the board accepts the gift being presented.

Keith Cutting expressed his support of this project and hope that the board accept the funds.

Before concluding, Dick added his and Tamara's thanks to the committee and volunteers for doing a wonderful job putting on all kinds of activities for the town. Tamara added the committee did an amazing job and hopes the town will be able to continue some of that going forward. Hopefully, if the board does approve the lift, it will make that area of the town hall accessible to everyone again.

Leigh expressed his strong recommendation for the board to accept the gift. Happy and Leigh have come to realize the building is something special. Leigh has seen the upstairs used, it can and must be used, it's an absolute gem to the town. And for a relatively small amount of money could give us that room back.

Don added the builder from Newport, who comes highly recommended, has the outside possibility of a window at the end of March if the project were green lit. If not the end of March, it would likely be a June project but if we wait to long it might end up into next year. Dick asked if there was an estimate on how long the project would take? Don said the builder said it would be a four to six-week process. Don added that if the selectboard moves forward and is looking for volunteers to help with the building committee there is a lot of people in this room who would consider helping.

Dick asked Tamara her opinion on this. Tamara announced she is in favor of accepting the gift. Tamara made a motion that the Town of Springfield accept \$79,830, \$7,600 will be used to reimburse the town for any expenses as estimated and \$72,230 for lift purchase and installation and any other expenses to include plumbing and heating and moving the alarm system. Dick seconds the motion, and since they are the only two present it passes by acclamation.

Dick moved to close the public hearing at 5:52pm, seconded by Tamara.

At 5:52 moved back to regular scheduled meeting.

Dick began a discussion for a potential warrant article for back-up generator, not to exceed the sum in the ballpark of \$12,000. Dick feels it makes sense if we will have the building opened up to put the lift in to put a generator in at the same time. Leigh shared it was seven or eight years ago the generator was put in behind the town offices. The cost was a little over \$7,700 and it did

not include a propane tank. At the time there was an EMPG grant that was ultimately approved and managed by Leigh which covered half of the cost. Leigh is letting the board know that it is still there and if the board decides to go with a generator, he can provide records of what the EMPG guidelines were and who installed this generator. Leigh is willing to investigate if the grant is still available. Janet mentioned that Keith Cutting may also have some information available on this. Janet asked if the board is wanting to do this by warrant article versus putting \$12,000 in the one-time project line? Dick's thought of doing this by warrant article was to make it visible, he had no objection to putting it in the budget. Dick now feels maybe putting in the budget is the simpler way to do it. The board decided to increase the non-recurring projects line by \$4,000 bringing the total to \$14,000 and there will be no warrant article. Dick asked if there was a feel for how big of a generator it would take? Janet suggested that Fisher Generator should be able to tell the board what they need. Janet said there is the possibility that if the installation of the lift doesn't cost the \$72,000 there would be a couple thousand dollars remaining that could possibly be applied to the generator or the board would decide how to close that out. Otherwise it is left on the books for the treasurer to track. Dick stated that Shawn wants this money spent within the year. Dick asked Leigh if they were confident the cost of the lift installation won't exceed the estimate? Leigh said the quote is a good number; project management always has surprises, but we are as close to a number as we possibly can be.

Tamara made a motion to adjourn the meeting, seconded by Dick.

Meeting adjourned at 6:08pm

Jill Hastings
Deputy Administrative Assistant