

Town of Tamworth
Board of Selectmen's Meeting
March 19, 2009
Town Office

Members Present: Mr. Abugelis, Mr. Roberts & Mr. Farnum

Others Present: Administrative Asst. Cassandra Pearce, Police Chief Daniel Poirier, Road Agent Bruce Robinson, Attorney Richard Sager, Attorney Jennifer Haskell, Attorney Bradley Helfer, Ned Beecher, Sam Martin, Ruth Timchet, Kenny Clark, Sandra Flanagan, David & Pat Farley, Robert Abraham, David Little, Anne Abear and many other members of the community.

Department Updates:

Police Department: Chief Poirier discussed a business in Town that is licensed as a federal firearms dealer to sell guns. The business was recently visited by the federal agency known as ATF and were advised since they did not have a permit issued by the Town to sell firearms, they could individually be charged with a felony. Chief Poirier explained the community has never issued a license, but recommended what could be used as a license issued the police department. The Board discussed fees that would be associated with the issuance of this type of permit and agreed with Chief Poirier not to charge a fee. The Board requested Chief Poirier to copy the permits once approved to the Town Office for the property record files.

Chief Poirier requested anyone who currently has a federal firearms license to contact the Tamworth Police Department to discuss a permit for sale of the firearms from the Town of Tamworth to prevent this type of incident from occurring to them.

Mr. Farnum moved to appoint the Tamworth Police Chief to issue Town licenses for businesses to sell firearms per RSA 159:8 at no charge to the applicant. Mr. Roberts supported this motion. Vote was unanimous. Motion passed.

Highway Department: Mr. Robinson advised he received a map that better portrayed the driveway proposal for the Finman property on Cleveland Hill Road. *Mr. Farnum moved to approve the driveway permit for Map 414 lot 090 property owned by Mr. Finman on Cleveland Hill Road. Mr. Roberts supported the motion. Vote was unanimous. Motion passed.*

Mr. Robinson advised he measured areas at the highway garage for the container storage and recommend putting the container near the new salt building for the coming year. The Board agreed with Mr. Robinson for the location of the container.

Mr. Roberts discussed Cleveland Hill Road near the Remick Farm in which holes in the road need to be repaired. Mr. Robinson advised work had recently been done on Cleveland Hill Road.

Other Business

Chairman Abugelis reviewed the agenda for this meeting.

Public Comment

1. Ms. Flanagan congratulated Mr. Farnum on his reelection to the Board of Selectmen.
2. Mrs. Farley inquired on the location of the recount later in the evening. The Board advised the recount would take place at 6:30 at the Town Office.
3. The Board discussed the Northern & South Carroll County emergency task force known as the Carroll County Public Health Network. A member of the community advised a shelter workshop would be held on April 18 in Effingham from 9 – 12, which will give general guidance to setting up a shelter. Emergency Management Dana Littlefield is aware of this training and all are welcome.

Attendees of the meeting expressed concern of how prepared the community of Tamworth would be in the event of a disaster. The Board advised anyone with questions regarding the preparedness of the Town were encouraged to discuss them with Mr. Littlefield.

Administration

Mrs. Pearce discussed the following with the Board:

1. Proposed drug & alcohol policy for Tamworth employees. *Mr. Farnum moved and Mr. Roberts supported to adopt the drug and alcohol policy for the Town of Tamworth employees to be effective June 1, 2009. Vote was unanimous. Motion passed.*
2. *Mr. Roberts moved and Mr. Farnum supported to appoint the following to the Tamworth Conservation Commission as recommended by Chairman Beecher: Scott Aspinall (alternate), Bryan Berlind (alternate), Kathy Bunker (full member) and Bill Batchelder (full member). Vote was unanimous. Motion passed.*
3. Mr. Farnum reported on the meeting he attended to acquire information regarding funding that may be available for the TE project along Route 113. The funding is part of the American Recovery and Reinvestment Act (Stimulus Plan). Currently there is \$3,900,000 worth of funding available and \$10,000,000 worth of projects to be completed. If the Town is interested in applying for these funds for the Route 113 project, a notice of interest must be submitted to Nancy Mayville no later than Friday, March 20. A discussion ensued regarding the project being a State managed project versus a municipal managed project.

Mr. Farnum moved and Mr. Roberts supported to contact NH DOT's Nancy Mayville to pursue funding under the American Recovery and Reinvestment Act for the Route 113 TE project with the understanding

that the project will be managed by the State of NH. Vote was unanimous. Motion passed.

The Board requested Mrs. Pearce to notify Ms. Mayville via email by the end of business day on 3/20/09.

4. Mr. Farnum presented a listing of tasks that have become tasks of the Chairman to assist Mr. Abugelis in his new appointment.
5. Mrs. Pearce discussed a project listing for 2009 and inquired if the Board wished to create listings. The Board will put together a listing individually and at a future meeting will create a priority compilation of the listings.
6. Mrs. Pearce discussed an email received from Donna Lane regarding a draft public hearing notice for the proposed CDBG project for Tamworth Pines. The Board agreed to hold the public hearing on April 23, 2009 beginning at 6:00 p.m. Mr. Abugelis announced he would be out of Town that week.
7. Mr. Farnum and Mrs. Abear will attend NH DOT labor compliance training on April 3 in Concord.
8. Mr. Roberts advised Goodson Builders was at the highway garage putting in the vents today.

Recess

Mr. Abugelis moved to recess the meeting at 4:55 p.m. to meet with legal counsel Richard Sager and Jennifer Haskell. Mr. Roberts supported this motion. Vote was unanimous. Motion passed.

Reconvene

Mr. Abugelis called the meeting back to order at 5:37 p.m.

Ricker's Junkyard License

Mr. Abugelis explained that the reason for this second meeting was to view the application to determine what the Board will accept and what will be waived in regarding to the continued public hearing to be held on April 2, 2009 for the junkyard license.

The Board viewed the checklist with Attorney Helfer who offered additional information for each item to include a BLA plan that was recorded in June of 1985. Mr. Roberts advised that although this plan may have been recorded at the registry, it is not recorded with the planning board's approval stamp.

Attorney Richard Sager, members of the Board and Attorney Helfer proceeded to review the itemized needs listing to complete the application. Attorney Helfer could provide a written statement for items not found on the plan.

1. The plan must show the actual boundaries of the junkyard and location and type of permanent markers in relationship to the property boundaries.

2. 1-foot contours - the Board was willing to accept a topographical map showing the lay of the land or arrows being placed on the map to show the flow of water to and from the junkyard property.
3. Building locations need to be identified on the current map to include size and use
4. Location of well and septic systems within 200 feet of the junkyard, regardless of ownership. A recommendation was made to have Mr. Ricker send certified letters to the abutting property owners for this information. The responses will be sent to the Town office to be added to the application. The recommendation was to request the abutting property owners respond no later than 4/2.

Attorney Helfer discussed a recent court decision in which a junkyard location was deemed grand fathered. Attorney Sager advised he had not had an opportunity to view this decision and what relationship it would have in regard to Ricker's junkyard application. Attorney Helfer further stated that the junkyard had been continuously licensed, because a letter regarding an application for a used motor vehicle dealer's license was authorized by either the Selectmen or the Police Chief. Attorney Helfer advised in his opinion, the application of the Town of Tamworth exceeds the requirements of RSA 236.

5. Location of all wetlands or standing seasonal water within 200 feet of the junkyard, regardless of ownership must be identified. Attorney Helfer was requested to give a narrative to this requirement.
6. Drain systems, including all roof, floor and surface water drains within 200 feet of the junkyard, regardless of ownership of the location. Attorney Sager recommended Attorney Helfer view all properties within 200 feet of the junkyard and provide a narrative to the Board.
7. Location within the facility for the temporary storage of tires and liquid wastes. The Board requested the locations be drawn on the plan.
8. The capacity of the facility to store junk material not to exceed 10 feet. The Board explained this was to prevent the facility from expanding. Attorney Helfer advised this is monitored and stated in the best management practices regulation and felt the Town should not have to monitor this further. Attorney Sager recommended giving a number of vehicles that would be requested under this license request.
9. Fencing/Screening – this was discussed and it was requested that Ricker's provide a statement of the fencing and security requirements. It needs to provide protection to the public.
10. Provisions to store junk material in a way that prevents any of it from being transferred off the premises by wind, water or other natural causes. A narrative was requested regarding this plan.
11. Provision to prevent any menace to public health and safety by reason of breeding. A narrative was requested.
12. Provisions to prevent offensive or obnoxious sounds or odor. A narrative was requested.
13. Provisions to control the storage and burning of oil grease, gas, tires, or similar material. A narrative was requested.
14. Mr. Farnum discussed above ground storage tanks on the property and inquired if they were licensed with the State of NH. Attorney Helfer was unable to answer this inquiry.
15. Refrigerants and how they are disposed of. Attorney Helfer advised Mr. Ricker hired someone to handle these items. The Board requested to know who was being used by Mr. Ricker to handle these items.

Attorney Sager advised that the April 2, 2009 date may not be realistic for Mr. Ricker and his counsel to complete the licensing requirements as discussed at this meeting and recommended the Board

consider moving the date of the hearing to April 16. Members of the Board agreed to move the April 2, 2009 public hearing for Ricker's junkyard to April 16, 2009 beginning at 5:30 p.m.

Recess *Mr. Abugelis recessed the meeting at 6:35 p.m. for the purpose of conducting a recount as requested for the open planning board positions. The meeting will continue once the recount is completed.*

Reconvene *Mr. Abugelis called the meeting back to order at 7:29 p.m.*

Planning Board Recount The recount was as follows:
343 Sargent
251 Abraham
287 Little
255 Boyden
295 no votes
9 others

Administrative Matters: *Motion Made By John Roberts to approve the minutes of 3/17/09 as written. Motion Seconded by William Farnum and passed unanimously.*

Motion Made By John Roberts to approve the minutes of 3/12/09 as written. Motion Seconded by William Farnum and passed unanimously.

Signature File:

The Board signed the following items:

1. Notice of intent to excavate for map 218 lot 098-000 property of Mr. Roberts.
2. Notice of intent to excavate for map 413 lot 013-000 property of Ambrose.
3. Notice of intent to excavate for map 202 lot 009-000 property of Brox.
Mr. Farnum requested copies of these intents to excavate be disbursed to the Planning Board.
4. Abatement for map 206 lot 054 to be denied property of Maxner.
5. Abatement for map 407 lot 086 to be granted property of Deane.
6. Abatement for map 214 lot 143 to be granted property of D & G Camping
7. Abatement for map 214 lot 142 to be granted for property of D & G Camping
8. Abatement for map 410 lot 127 to be granted for property of Albrecht.
9. 3 copies of the NH DRA MS-2 (report of voted appropriations) were signed
10. Timber tax levy in the amount of \$2,158.15 for 413-011-000 & 407-112-000
11. Timber tax levy in the amount of \$483.05 for 414-094 & 095
12. Elderly exemptions for the following properties were granted:
 - Hammond Map 202 lot 063-000
 - Littlefield Map 209 lot 022-000
 - Dineen Map 211 lot 014-026

- Ames Map 206 lot 005-000
- Lye Map 406 lot 038-000
- Johnson Map 214 lot 136-000
- Ames Map 205 lot 013-000

13. Veterans exemptions for the following properties were viewed:

- Werning Map 217 lot 029-000 Denied
- Scanlon Map 214 lot 180-000 Granted

14. The Board received a letter from NH DES acknowledging the Conservation Commission's letter regarding the wetlands application for the Finman property on Cleveland Hill Road.

15. The Board reviewed a letter from Jason Ross of Bergeron Engineering regarding the Cleveland Hill Road culvert project and bidders. The letter suggested awarding the contract to Dubious. The contractor will be asked to attend the next meeting with members of HE Bergeron to discuss and award the bid.

Adjournment *Motion made by Mr. Roberts to adjourn at 7:46 p.m. The motion was supported by Mr. Farnum and passed unanimously.*

Respectfully submitted,
Anne M. Abear

Approved by the Board of Selectmen: 3/26/09

Tom Abugelis

John Roberts

William Farnum