

TOWN OF TAMWORTH  
Board of Selectmen's Meeting  
March 5, 2009  
Tamworth Town Office

Members Present: Chairman William Farnum, Members John Roberts and Thomas Abugelis.

Others Present: Police Chief Dan Poirier, Road Agent Bruce Robinson, Administrative Assistant Cassandra Pearce, Town Moderator Chris Canfield, Attorney Richard Sager, Attorney L. Bradley Helfer, Mr. George Ricker (Ricker's Auto Salvage), Sam Martin, Sandra Flanagan, and Anne Abear.

Chairman Farnum opened the meeting at 4:03 p.m.

Highway Department:

Mr. Robinson advised the storage container has been received and appears to be able handle the storage needs and to be in good condition.

Mr. Robinson discussed the driveway permit of Scott Finman advising the engineer had been contacted and will be viewing the application for the permit in the next week.

Roads within Tamworth will be posted to 6-ton weight limits effective March 13. Mrs. Pearce will put an announcement in the paper advising the public of the postings. Mr. Robinson advised he believes to have enough signs to go around and will begin to put them up by the end of this week. Mr. Robinson advised the Town of Sandwich posts their roadways as of March 9.

Mr. Robinson discussed 3 upcoming auctions in which a list of items will be supplied for him. He will be looking for a broom. The Board advised they have a price from Southworth Milton (Caterpillar) to purchase a new broom.

The water was being hooked up at the highway garage today and the plan is to also make available cold water to the exterior faucet.

The Board discussed possible maintenance needs of the grader during the 2009 year. Mr. Robinson advised 4 new tires would need to be purchased at the price of \$1,600 - \$2,000 per tire.

Police Department: Chief Poirier discussed the police stats for the month of February with the Board.

Chief Poirier discussed the ballot counting that will take place on Tuesday, March 10 and advised he and Mr. Roberts will be available for Mr. Canfield.

Public Comments:

1. Mrs. Farley inquired if there were problems with the Town's website. Mrs. Pearce advised the Town was experiencing a problem, but that the site should be back up and running at this time.
2. Mrs. Farley discussed the large turn out of voters at the recent school board annual meeting. An estimated 225 people attended the meeting.
3. Town Moderator Chris Canfield reviewed the 2009 Town warrant with the Board and discussed individual warrant articles. He was given information from the Board as to whom will be speaking on each article and whether he or the Board had knowledge of any proposed changes that may be brought up at the meeting. Further, Mr. Canfield discussed the possibility of the need to hold a primary and special election to replace Senator Denley. Mr. Canfield discussed the configuration of the Town House for voting day and felt the set up was appropriate for the flow of the voters. Mr. Canfield reminded the Board that the ballots would be hand counted versus machine counted and that 600 ballots had been printed. If additional ballots are necessary, copies will be made. Ms. Flanagan recommended looking at printing the additional ballots versus copying them as it is felt by some voters, that the copied ballots are not real. Mr. Canfield advised the copied ballots were perfectly legal and he did not see an issue with making copies as necessary.

Administration: The Board discussed the proposed drug and alcohol policy for the Town of Tamworth. The Board reviewed each page of the proposed policy and made changes as appropriate to the Town. The revised policy will be presented to the Board for approval at a future meeting.

Public Hearing – Ricker's Auto Salvage Junkyard Application – Map 215 Lot 036

Chairman Farnum opened the public hearing at 5:31 p.m. for Ricker's Auto Salvage Junkyard Application – 12 Maple Road – Tamworth, NH.

Chairman Farnum advised the an application had been received and listed the following items as attachments to the application: A warranty deed from Moses Ricker to George Ricker recorded on August 16, 1985, a plan entitled plan of land of Leonard & Charlotte Grape recorded on December 27, 1972, another plan of Leonard & Charlotte Grape recorded on January 19, 1973, a boundary adjustment plan showing land of Moses Ricker recorded on August 14, 1985, a USGS topographic quadrangle for Ossipee Lake dated 1987 showing the site of the junkyard property, and a plan entitled Rickers Auto Salvage dated September 1996.

Attorney Brad Helfer, representing Mr. Ricker and Attorney Richard Sager, representing Town were present for this hearing.

Chairman Farnum reviewed the application with the applicant and his counsel advising the application was found incomplete as it did not contain the following:

1. A plan of sufficient size and scale to allow for ease of reading and review,
2. A plan showing the boundaries of the entire lot described by metes and bounds, and the location and description of the permanent boundary markers,
3. The location of the junkyard area was not shown on the plans with permanent reference boundary markers as the junkyard does not occupy the entire lot,
4. A topographic plan of the site, with contours at a 1-foot interval was not provided.

Further, the application requires the following which was not received from the applicant:

1. All buildings located on the property, together with their size and use,
2. The location of wells used for water supply purposes within 200 feet of the junkyard, regardless of ownership,
3. The location and size of all septic systems within 200 feet of the junkyard property, regardless of ownership,
4. The location, width and length of all driveways or other ways providing access, together with a copy of any state or local permits allowing such point of access;
5. The location of any wetlands or standing seasonal water within 200 feet of the junkyard,
6. The location of any drain systems,
7. The location for the temporary storage of tires, and liquid wastes;

8. The capacity of the facility to store junk materials both horizontally and vertically to a height not to exceed 10 feet,
9. The proposed fencing, screening, gate and locking devices to be used to surround the junkyard, screening it from view of neighboring properties and to provide security,
10. Provisions to store the junk material in a way that prevents any of it from being transferred off the premises by natural causes;
11. Provision to prevent any menace to public health and safety by reason of breeding, harboring or infecting of rats or other rodents, vermin insects or the accumulation of stagnant water;
12. Provisions to prevent offensive or obnoxious sound or odor; and
13. Provisions to control the storage and burning of oil, grease, gasoline, tires or similar material.

Additional points that were unclear on the maps included the acreage, which ranged from 22.25 acres +/- on one deed to 21.42 acres +/- on another.

The applicant presented a storm water plan from 1996, which was not included with the application. A copy of the plan was handed to the Board for their review.

Attorney Bradley Helfer responded to the items “missing” missing from the application advising he came into the Town Office and viewed the other application on file for junkyard permits. He pointed out that the other application did not have topographical maps attached as what is being required of Mr. Ricker. Further, Mr. Ricker has received approval for operation either from the Board of Selectmen or the Tamworth Police Chief in prior years. Attorney Helfer offered the Board an opportunity to view the facility.

Attorney Richard Sager reiterated that the plans presented with this application were tough for the Board to read and advised as they were recorded plans, larger copies could be provided by the applicant. The Board discussed the option available of offering a waiver from the initial application requirements to include the topographical map showing contours at 1-foot intervals.

Mr. Roberts advised the public that the licensing of junkyards was previously taken care of by the State. The State has now turned that responsibility over to the Towns to administer.

As new information was presented at this meeting from the applicant, the Board of Selectmen decided they would take the opportunity to view the storm water plan and would continue the public hearing to April 2, 2009 and will discuss the storm water plan at their March 19, 2009 meeting. Attorney Sager and Attorney Helfer will be present at the March 19 and April 2, 2009 meetings.

The applicant agreed to waive the hearing requirement deadline of 30 days to allow for the Board of Selectmen the opportunity to continue the hearing in order to review the new documents submitted, to view the property and to allow himself time to obtain adequate maps.

Ms. Sandra Flanagan inquired if other properties were required to go through the junkyard application process? The Board advised that a letter had been sent to several property owners in August of 2007 who may fall under the general licensing requirements for a junkyard license. Thus far, the only licensed junkyard is Guy Pennell of Turkey Street and currently Angel Auto of Route 16 is in litigation.

Ms. Flanagan expressed concern of the pollution that is being created by Angel Auto for the dam behind the Dam Ice Cream Shop, property owned by her mother, Edna Flanagan. Attorney Sager requested Ms. Flanagan give him a call to discuss this further.

*This public hearing will be continued to April 2, 2009 at the Tamworth Town Office beginning at 5:30 p.m. The Board of Selectmen will at that time make a determination as to accept the application, as it was incomplete at this hearing.*

Administration:

1. Mrs. Pearce reviewed a fax from HE Bergeron regarding the request for more information on the Cleveland Hill Road Bridge wetlands permit. The letter advised that waivers must be sought from property owners abutting the bridgework area to allow the work to go beyond the Town's right of way.
2. Mrs. Pearce discussed a letter received from NH DES regarding an exemption application request of Pine Tree Power company for tax credit and exemptions. The letter gives the Town an opportunity to offer input into the request. The Board discussed forwarding copies of this application to the Town assessors to offer information regarding Pine Tree Power's abatement application. Mrs. Pearce will discuss this with the Town

Attorney, as some of the information that came in was marked as confidential.

3. Mrs. Pearce presented a letter from the NH Division of Historical Resources regarding the wetlands application of Mr. Scott Finman of Cleveland Hill Road.
4. A letter from David Little was received requesting the Town consider acquiring copies of the Town's tax maps in a shape file from the mapping company. Mrs. Pearce advised the cost associated with this file change is \$3,760 plus an additional \$300 per year for maintenance. The Board advised they were not interested in offering the maps in the requested format this coming year due to the expense associated with the format change.
5. Mrs. Pearce read a thank you letter from Brad Ball who is being recognized by the Town this year through the dedication of the 2008 Town Report.
6. Mrs. Pearce discussed a NH DOT labor compliance training workshop to be held on April 3 from 8:00 – 12:00. She recommended Mrs. Abear attend this training. Chairman Farnum expressed a desire to also attend this training.
7. Mrs. Pearce advised Parker Roberts has not given another quote on the Townhouse for the Board to review.
8. Mrs. Pearce discussed a request of the Tamworth Caregivers who would like to place their secretary (who also works for the planning board) on the Town's health insurance at the Caregiver's expense. A consensus of the Board was to not allow this practice.
9. The Board discussed the school meeting that was held earlier in the week and the budget cut which was made in the amount of \$250,000. Mr. Farnum discussed the \$130,000 that is to be received and expended from the new "Stimulus Package". Mr. Farnum advised he felt the need to go on record indicating that the money that is received from the stimulus package should not be used and should be returned to the taxpayers to offset taxes.

Signature File:

1. *Mr. Roberts moved and Mr. Farnum supported to accept the minutes of February 19, 2009 as written. Vote was (2-0-1) Motion passed.*
2. *Mr. Roberts moved and Mr. Abugelis supported to accept the minutes of the 2/26/09 non-public session as written. Vote was unanimous. Motion passed.*
3. *Mr. Roberts moved and Mr. Abugelis supported to accept the minutes of the regular 2/26/09 meeting as written. Vote was unanimous. Motion passed.*

4. The Board approved an abatement for map 402 lot 030, property owned by the State of NH.
5. The Board approved an abatement for map 212 lot 032, property owned by Russell and Maryellen Brown.
6. A timber tax levy for \$0 (report of no cut and town owned property) was approved.

Non-Public Session:

*Mr. Farnum moved and Mr. Roberts supported to enter into a non public session per RSA 91-A:3,II a & c at 7:01 p.m. Farnum Yes, Roberts Yes, Abugelis Yes. Vote Passed.*

*Mr. Farnum moved and Mr. Roberts supported to adjourn the non-public session at 7:16 p.m. Farnum Yes, Roberts Yes, Abugelis Yes. Vote Passed.*

The Board discussed personnel, financial and legal issues during this non-public session. No decisions were made.

Adjournment:

*Mr. Roberts moved to adjourn the meeting at 7:20 p.m. Mr. Abugelis supported this motion. Vote was unanimous. Motion passed.*

Approved by the Board of Selectmen: 3/12/09

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William Farnum

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Thomas Abugelis

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John Roberts