

Town of Tamworth
Board of Selectmen's Meeting
April 15, 2010
Tamworth Town Office

Members present John Roberts, William Farnum and Robert Abraham

Others present Administrative Asst. Cassandra Pearce, Police Chief Daniel Poirier, Town Assessor Phil Bodwell, Ned Beecher, Michele Miller, Sam Martin, David Haskell, Daniel Dineen, Mr. & Mrs. Patricia Farley, John Gotgen, Ruth Timchet, David Gaudet, Roselyn Gray, and Anne Abear.

The Board met at the Town House beginning at 3:00 p.m.

Present during this site walk were John Roberts, William Farnum, Robert Abraham, Cassandra Pearce, Wendy Beckwith and David Haskell. The Board met with Wendy Beckwith from the Governor's Commission on Disabilities at the Tamworth Town House to discuss the ADA issues and what is needed in order for the building to come into compliance. The entrance door landing was measured and would need to be extended to be a full 60" from the doors. The door weight was determined to be in compliance along with the threshold. The slope of the walkway could be made compliant with a 5% grade and would not require handrails. The end of the walkway would require a detectable warning plate and Wendy will look into options for the town to see if there is any that would keep with the aesthetic of the building. Handicap parking is still an issue although there is a space in the Town's parking lot across the street there is no crosswalk leading to it. This is a State Road and it is undetermined what would need to be in place in order for a cross walk to be put in since there are no sidewalks. The other item not in compliance would be the bathrooms. There would need to be a 60" turn radius for them to be compliant and the doors would need to swing out. Wendy will be sending the Board information/suggestions on the detectable warning plates, crosswalk/handicap parking issues, and bathroom alternatives. The Board is considering moving voting to the School until such time as the information is received from Wendy and a budget figure can be obtained and voted on by the Town's people.

The regular meeting of the Board was moved back to the Town Office and reopened at 4:05 p.m. by Chairman Roberts.

Department Reports

Police Chief Daniel Poirier advised the new police officer had successfully passed his physical requirement testing and is scheduled to begin his 14-week training at the police academy on 4/26/2010. The internal training of Officer Littlefield has begun with the Tamworth Police Department.

Assessment Inquiry

Mr. David Gaudet met and inquired of the Board and the Town Assessor whether the neighborhood was taken into consideration when the new valuation was set for his property. Mr. Bodwell confirmed that the neighborhood was a consideration in the value of his property. Mr. Bodwell advised that the value of his property in prior years included a 40% adjustment in value due to a BTLA decision from the 1970s. This adjustment remained on the properties through 2008. In 2009, the Board of Selectmen directed the Assessor to remove the 40% adjustment to those properties in Mr. Gaudet's neighborhood. Mr. Gaudet discussed his 2009 abatement application and asked if Mr.

Bodwell agreed with the abatement and the decision of the Selectmen. Mr. Bodwell advised it was his recommendation that was approved by the Selectmen. Mr. Gaudet advised he did not have any further questions, was all set and thanked the Board and Mr. Bodwell for allowing him time to discuss his property assessment.

Highway Department

Mr. Farnum inquired if Mr. Robinson presented to the office a project listing for the proposed highway summer work. Mrs. Pearce advised she had additional information regarding this inquiry and requested this be discussed later in the meeting.

Exterior of Building Review

The Board proceeded to view the exterior grounds of the Town Office and discussed the following:

A board on the landing closest to the street is loose and needs to be replaced. The walkway handrails need to be painted and the some of light posts also. Water valve needs to be addressed as it is sticking up above the pavement. Corner of sidewalk near driveway entrance needs to be leveled up. Landscaping/cleanup needs to occur over the entire lot. Trees need trimming and some actual removal. Wood chips will be placed on right hand banking facing out to the field and left front corner where the holes have been dug. Backside of building will be cleaned out so that it is an area conducive to mowing. The exterior entrance door to the back entrance and some siding (lower 3 to 4 tiers) need painting. Possibly paint two interior rooms this year if the budget allows. The painting and maintenance work will be put out to proposal along with the painting at the Town house. Volunteers will do the "yard clean up" work at a date to be determined later in this meeting.

Conservation Commission Items

Mr. Ned Beecher presented a letter of recommendation for appointments to the Conservation Commission. *Mr. Farnum moved and Mr. Roberts supported to appoint Michele Miller and Margaret Rieser to the Conservation Commission as recommended for a 3-year term. Vote was unanimous. Motion passed.*

Mr. Beecher proceeded to discuss the letter of April 9 from Mrs. Pearce regarding her visit to the property of Chocorua Valley Lumber and the following findings that were reported to the Selectmen, Conservation Commission, and Planning Board:

- Excavation has expanded beyond the permitted area from the 1998 permit that was for lot 41
- Excavation has occurred on lot 40, which the owner has never applied for or received a permit for, nor has an intent been filed on this lot.
- Excavation on lot 40 has altered the flow of the stream, which runs directly thru this lot,
- With confirmation from NHDES it was discovered that no alteration of terrain has been filed on these properties,

- The lots may be affected by an aquifer,
- It is clear that cutting has taken place on the property with no filing of an intent to cut has been located within the Selectmen's files for either of these properties.

Mr. Beecher advised that on April 14, he along with Dom Bergen and Bryan Berling made a site visit to the Chocorua Valley Lumber Co. to observe the property for potential issues regarding the gravel operations and disturbances of the wetlands. Further, Mr. Beecher returned to the property on April 15 with another member of the conservation commission and a representative of NH DES. The representative of DES advised the property owner that she would be returning to the property at a later date for a follow up and issued a compliance inspection report showing the following deficiencies:

- Failure to obtain an alteration of terrain and wetlands permit,
- Failure to follow appropriate Best Management Practices,
- Water quality degradation is evident in the Sanger Brook bed bottom,
- Failures to properly install and/or maintain erosion, sediment, and/or turbidity controls were not installed.

Other comments/recommendations:

Alteration of terrain, and wetlands permits and wetland/brook restoration will be required for the work/violations on this site. Owner is not to cross any wetlands or brooks until violations are resolved and it is recommended that the owner have a consultant coordinator hired no later than April 30, 2010.

Mr. Beecher advised that this property owner has been involved in two other wetlands violations in 2003 and 2004. Considering this information, Mr. Beecher recommends the Board of Selectmen assess the maximum penalty allowable under the Wetlands Ordinance, which is \$100/day.

The Board discussed with Mr. Beecher the brook and whether or not it was seasonal, whether there was any impact to the properties down stream, the size of the area impacted, the operation of the mill and the proposed expansion of the mill operation.

Mrs. Pearce read a letter from Chocorua Valley Lumber addressing the initial letter to them regarding the intent to excavate that was originally filed and they were denied by the Selectmen and directed to go to the Planning Board. She advised again that the property owner must file with the planning board for a site specific under RSA 155-E as required by any new excavation property.

After further review, John Roberts advised he would suggest the Board to take the opportunity to review the information submitted from the Conservation Commission and the State. Mr. Farnum advised the Board to consider writing a letter to the property owner advising them of the potential violations and the expectation of Selectmen for that property owner to cooperate fully with all parties involved for a speedy resolution to these issues. Mr. Abraham advised he would like to view the recommendations of the Commission. Mr. Roberts advised the Selectmen should consider assessing the

maximum penalties allowable, as this offensive is 3rd violation of the Town's wetlands ordinance that has occurred on property owned by this property owner.

The Board showed interest in walking the property if allowed by the property owner. The Board requested this meeting be held on Tuesday, April 20 beginning at 9:00 a.m.

Mrs. Pearce recommended and the Board agreed to the following:

- Issue a cease and desist on all excavation and timber operations on this property,
- Deny the current application for an intent to excavate on either lot, returning to the applicant the fee of \$200,
- Advise the owner of the proper actions necessary and appropriate for them to come into compliance with RSA 155-E through the Planning Board,
- Request the Town's timber monitor attend the meeting to be held on the property on 4/20.
- Inform Chocorua Valley that the date for assessing a fine of \$100.00 under the Tamworth Wetland Ordinance would be upon the receipt of the certified letter to be sent.

Members of the Board expressed a desire to not only send the letter to the property owner via certified mail, but also to hand deliver the letter at their site visit of 4/20.

Economic Development Committee

Mrs. Farley announced the membership of the Economic Development Committee to be: Alt. Peter Barnard, Alt. Christine McIntire, Selectmen's Rep. Robert Abraham, and full voting members Sheldon Perry, Karen McNiff, Chris Franchi, Michele Cleveland, Marletta Maduskuie and Patricia Farley. Mrs. Farley has been appointed Chairman of the Board.

Mrs. Farley discussed the meeting held at the Town House regarding DSL connection for the Town in which 30-40 community members attended the meeting.

Mrs. Farley inquired about placing the old wooden signs back up at the beginning of Main Street. She was advised that if the location is within the State's ROW, she would need to contact the State for their approval.

School Board Meeting Update

Mr. Farley gave the Selectmen an overview of the most recent KA Brett School Board meeting that included:

- The resignation of long time Board Member Brenda Robinson,
- The report that the KA Brett School and the Conway School did not pass the current requirements of Adequate Yearly Progress. It was reported that 72% of the schools did not pass.
- An announcement made by the school's Superintendent that a mistake was made in the 2010-2011 budget in which a salary and benefits of \$75,000 were not budgeted

for. It was advised that the school plans to continue to pay the teacher and will find the funds elsewhere in the budget.

- An anticipated \$200,000 is expected to come back to the Town from the 2009-2010 budgets that are under spent. This will be utilized to offset the tax rate when it is set in the fall.
- The engineering study has been completed for the school and it appears to be in good shape for the next coming years.
- The School Board approved an expense of \$1800 to study how the school can be reconfigured to bring the SAU #13 offices to the KA Brett School building.
- A committee is being created to review the 40 ± resumes that have arrived at the school to replace the retiring principal.

Public Comment

Mr. Gotgen reported the Deer Hill Road sign at the intersection of Route 16 is missing. The Board recommended Mrs. Pearce request Mr. Robinson purchase a new sign.

BOS Updates

Mr. Farnum updated the Board on the Planning Board meeting in which a movie entitled “Community and Consequences” was shown along with a presentation that was given by the Green Mountain Conservation Group regarding the creation of an aquifer protection overlay for all towns to insure consistency. Mr. Farnum advised that AT & T has put in a new application to the planning board to place a cell tower on Durrell Road.

Mr. Abraham announced he had a meeting scheduled with Jay McIntire on Friday, 4/16.

Mr. Roberts advised he attended the Conservation Commission Meeting in which they discussed new appointments and the violations at the Chocorua Valley Lumber property. He announced a vernal pools workshop will be held at the Remick Museum on May 6, 2010 at 12:30 p.m.

Mr. Roberts discussed the Boards he is assigned to which are the Conservation Commission and Library Trustees. He advised both meetings are held at the same time and night. After some discussion, the following changes were made:

- Planning Board – John Roberts beginning 5/1/2010
- Conservation Commission – John Roberts
- Library Trustees – William Farnum

Mr. Roberts announced in celebration of Earth Day an event is being held at the Great Hill Tower beginning at 5:30 a.m. on Thursday, April 22.

Mr. Roberts discussed the Tamworth Pines Project meeting held on Saturday, April 10 regarding the engineering study conducted under the CDBG grant. Mr. Dineen advised there was a good turn out at the meeting and was very pleased with the engineering study. An estimated \$1,000,000 would be necessary to bring the entire park up to today’s standards. The park will be setting up a priority listing and does not estimate funding being available for a few years from the NH Loan Fund. He advised he believes the priorities may be the water system, the sewer system and then the entrance to the park. Both Mr. Farnum and Mr. Abraham apologized for being unable to attend this meeting.

The Board discussed a meeting being held on April 29th from 6:30 to 8:30 p.m. at the Madison Town Hall entitled Road Salt BMPs. Most members of the Board expressed an interest in attending and the meeting. The Board will check with Mr. Robinson to see if he is able to attend.

Chocorua Project Mrs. Pearce updated the Board on the Chocorua Project advising that the State is still expecting the funds to be released at the end of the month.

Annual Project Listing

The Board reviewed the project listing and decided on the top 10 items that would be worked on this year after putting the items in a priority order.

Administrative Matters

The Board discussed the following:

1. A Tamworth Village Clean Up Day will be held on Saturday, April 24, 2010 beginning at 8:00 a.m. The Selectmen request anyone interested in volunteering this day to meet at the Town Office.
2. ADA concerns at the Town House – The Board requested that the KA Brett School be contacted to determine if the voting for September, November and March can be held at the school, as that building is ADA compliant.
3. Mrs. Pearce advised the Board of Trustees currently has a vacancy. Anyone interested in serving on this Board is requested to contact the Town Office.
4. Mrs. Pearce inquired if she could attend a May 5 workshop in Concord regarding administration of the Energy Grant. The Board approved Mrs. Pearce's attending this meeting. Mr. Farnum advised he may also be attending this meeting.
5. The Board discussed the equipment to be auctioned off at the Town garage. The State auction is 5/15 and they receive a commission of 10%. North County Auctions will be held on 4/24 and they receive a 15% commission. The Board of Selectmen's consensus was to use North County Auctions. Mrs. Pearce will acquire a listing of future dates for auctions.
6. The Board discussed a building notification form for a building being built for OVSC. A letter was received with the form requesting a waiver of the fees of \$100 and for the building to be non-taxable.

Mr. Roberts moved and Mr. Farnum supported to not waive the fees for this building notification form. Vote was unanimous. Motion passed.

Mr. Roberts moved and Mr. Farnum supported to notify the applicant that the building will be a taxable building. Vote was unanimous. Motion passed.

The Board signed the following items:

1. An intent to cut for map 420 lot 010.
2. An appointment for Tom Daley to the Energy Commission.
3. Ricker's Auto Salvage – Auto Dealership authorization

4. A gravel tax levy in the amount of \$1659.50.
5. *Mr. Farnum moved and Mr. Roberts supported to sign a memorandum of agreement and accept a grant between the Tamworth Rescue Squad and the State of NH to provide funds for the purpose of reprogramming all P-25 compliance radios. Vote was unanimous. Motion passed.*
6. *Mr. Roberts moved and Mr. Farnum supported to enter into an agreement with Primex to provide health insurance to the eligible employees of the Town of Tamworth effective 7/1/2010 and to further resolve accept the offer of the NH Public Risk Management Exchange (Primex) to enter into its membership agreement as of the date of the adoption of this resolution and to be contractually bound to all of the terms and conditions of Primex risk management pool membership during the term of membership. The coverage provide by Primex in any year of membership shall be as then set forth in the Coverage Documents of Primex. Vote was unanimous. Motion passed.*
7. A driveway permit for map 206 lot 057 was approved as recommended by Mr. Robinson.
8. An intent to cut for map 218 lot 101.
9. A timber tax levy in the amount of \$66.52.
10. A CDBG payment request and close out report for the Tamworth Pines Project was approved.
11. *Mr. Roberts moved to approve the minutes of April 1, 2010 as written. Mr. Farnum supported this motion. Vote was unanimous. Motion passed.*
12. *Mr. Roberts moved to approve the minutes of April 1, 2010 – non-public minutes as written. Mr. Farnum supported this motion. Vote was unanimous. Motion passed.*
13. *Mr. Roberts moved and Mr. Farnum supported to approve the regular meeting minutes of 9/24/2009 as presented. Vote was 2-0-1. Motion passed.*
14. *Mr. Farnum moved and Mr. Abraham supported to reappoint Mr. Roberts as the Town's Health Officer. Vote was unanimous. Motion passed.* Mr. Roberts requested the Board consider a deputy health officer be appointed in the future.

Administrative Items

1. Mrs. Pearce presented a proposed bid package for sealed bids to be accepted for tax-acquired properties. The Board authorized letters to be sent to abutting property owners and to move forward with the action of requesting bids for the properties.
2. The Board discussed roadside mowing and the proposal of the Road Agent to rent the equipment for the work to be completed by the highway personnel. The Board requested a bid be put out for the mowing to see if any outside interest is given.
3. Mrs. Pearce advised the Office of Energy and Planning has requested additional information regarding the energy grant application be supplied. She advised she has sent out some of the information and will be working on taking pictures to complete their request.
4. Mrs. Pearce inquired if the Board was willing to consider acquiring an administrative injunction for property owners that do not allow assessing personnel on their property? The Board advised they would not be seeking an administrative injunction, but directed the assessor to place an equivalent value on the properties of \$1.00 above the highest valued residential property within the Town for any property owner that denies access to the Town Assessor.
5. The 2010 paving specs as proposed by Mr. Robinson for Whittier Road and Maple Road were reviewed. After some discussion, the Board agreed with the work on Whittier Road, but was unwilling to put out the specs for Maple Road; however, they were willing to put out

specs to complete a section of Depot Road. In the absence of Mr. Robinson, the Board will put these specs together in the coming week. The Board agreed to a site walk of both Whittier Road and Depot Road for May 3 beginning at 10:00 a.m.

Non-Public
Session

Mr. Roberts moved and Mr. Farnum supported to enter into a non-public session per RSA 91-A: 3 II a & c at 7:18 p.m. Vote was: Roberts, Yes, Farnum, Yes, Abraham, Yes. Motion passed.

Mr. Roberts moved and Mr. Abraham supported to adjourn the non-public session at 7:38 p.m. Vote was unanimous. Motion passed.

Adjournment

Mr. Roberts moved and Mr. Abraham supported to adjourn the meeting at 7:45 p.m. Vote was unanimous. Motion passed.

Respectfully submitted,
Anne M. Abear

Approved by the Board of Selectmen: 4/21/2010

John Roberts

William Farnum

Robert Abraham

Town of Tamworth
Board of Selectmen

4/15/2010