

MINUTES
June 5, 2006

The Selectmen met for their weekly meeting at 7 p.m. at the Town Office. Present were Selectmen Sharon Davis, James McGarr, Charles Cheney, Jon Homer and Charles Wheeler. The Board spent the first half hour reviewing and signing the manifest. They also approved several Intents to Build, seven new residents, signed the warrant for the spring real estate taxes, the close-out paperwork for the Beebe River grant, and a driveway permit.

At 7:30 p.m. Chairman Cheney announced that the bids for the 2006 road paving work would be opened. He asked if all bids had been submitted. There being no others, the three bids received were opened. The bid called for five different projects to be done on Bog Road, Perch Pond Road, Pulsifer Road and Bumps Hill. The bids received were broken down as follows: GMI Asphalt Corp. bid at a unit price of \$51.43 a ton with a total for the complete project of \$144,415.44. R & D Paving Inc., bid at a unit price of \$51.90 a ton with a total for the complete project of \$145,735.20. Pike Industries bid at a unit price of \$52.50 a ton with a total for the complete project of \$147,420.00. Selectman Cheney opened the meeting for discussion and comments by the Board Members. Selectman Wheeler indicated that he would favor going with R&D or Pike. Jon Homer indicated that due to the tonnage mishap on last year's project that he would invoke the clause "Selectmen reserves the right to accept and or reject any and all bids" and not go with the low bid. Selectman Cheney indicated that he did not feel that GMI was at fault, and they did what the Road Agent instructed them to do. Selectman Wheeler indicated that three roads were due to be paved last year, and only two were done. Selectman McGarr commented that the contract and bid specified four roads, and not three and that the contract should have been followed or questioned as to why it was not being followed. Selectman Wheeler indicated that he would have more confidence if Pike did the work as they do a lot of work in the area. Selectman Davis indicated that based on the other Selectmen's comments she would suggest that they go with the middle bid – R& D Paving. Malcolm Avery an employee of the Highway Department indicated that the three thousand dollar difference in the low bid versus the high bid could certainly be put to good use in other areas of Town. He indicated that all of these bidders are reputable companies. Selectman Homer indicated that unfortunately the former Road Agent did not collect the tonnage slips so we may never know why the third road did not get paved and what the actual tonnage was that was put out there. He also indicated that the roads are distorted in certain areas, and there would be different amount of shim used in certain areas. Selectmen McGarr and Homer both indicated that they would go along with Selectman Davis, and vote to use R&D for the project. Selectman Homer indicated that his decision was not to be considered putting the blame on GMI for last year's problems. Road Agent Butch Bain indicated that he would not have a problem working with any of the three companies. Selectman Davis made a motion to award the bid to R&D; this was seconded by Selectman McGarr, and voted in favor by Selectmen Davis, McGarr, Homer and Wheeler. Selectman Cheney voted in the negative.

The Board met next with John and Dorothy Stemniski who own a home at 14 Caldon Circle in Waterville Estates. The couple had called the Road Agent last week after one of the major rain events caused a washout on their property. Corey Smith had called them in Massachusetts to alert them to the problem at their property. They felt that the culvert on Summit Drive, which is a Town road, was the cause of this problem. Road Agent Butch Bain had gone out there, and had taken some pictures. The Stemniskis brought along pictures of their own as well. Butch indicated that he felt that a lot of the problem was from the debris and trees down on the property. He pointed to a specific tree on one of the photos he had taken which the water was hitting and then diverting into a different direction and causing damage to their property. Corey Smith took out the culvert in the driveway which fronts Caldon Circle and replaced it, but the culvert on Summit was putting water and debris on the back of their property. The Stemniskis indicated that Corey had replaced the culvert on Caldon Circle three times over the years. Selectman Homer reminded them that they are on a mountain, and there is no place other than down for the water to go. They wanted to know if the Town had ever done a watershed study. Their son is an engineer in the Army, serving in Afghanistan, and they have been emailing him back and forth about the problem. The Stemniskis hired Ike Barton to dig a ditch for them to keep the water from destroying their property. They indicated that the culvert on Summit is working too good, and has been doing this since they brought the property in 1999. The Selectmen were able to determine that this was not a new culvert, and that it has been located in the same area for a number of years. Selectman Homer pointed out that engineering standards have changed over the years since these roads in Waterville Estates were put in. Selectman Homer cautioned them that with this ditch they want to be careful that they do not divert the water onto someone else's property. They seem to feel that if there was some stone or rip rapping in the ditch that would help slow the water down. The ditch was four feet deep so they could not do it themselves. Selectman Wheeler suggested that perhaps since this culvert had always been there, that it was the obligation of the previous owner to let them know about the situation. The Board agreed that they could not make any decision on what course of action to take until they had actually gone to look at the property and the ditch. They will get back to the owners.

Another road issue was the next item on the agenda. Michelle and Randy Betts came in reference to a piece of land they own on the class VI section of Chandler Road. Over the past several months, Mrs. Betts has been trying to determine who dug a ditch on her land, and took out pieces of her stonewall and diverted water to her land. She had contacted the snowmobile club, and they did not know of anything being done in the area. She contacted the Town, and no one knew of any activity by the Highway Department. She even contacted the Police Department, and Chief Warn had done some investigation as well. Chief Warn spoke to a logger who had done some cutting in the area, but it was determined that this site was below the Betts' property. It finally came to light that Dirt Designs who are members of the snowmobile club had been discussing doing some work over there for the past several years because the water pooled right in the middle of the road. They had volunteered their services to the club, and were finally able to do some work last fall. They had gotten permission from Interim Road Agent Dick Giehl to replace the existing old stone culvert on the Town road. When they replaced the culvert,

they had to ditch the other side of the road as well so the water would not continue to pool on the road. They indicated that over the years they have done similar work with no problems doing it this way. Mrs. Betts indicated that she had spoke to Lester Mitchell, and he had indicated that this had not been a working culvert since the 1930's, and wanted to know why she was not notified when they did the work. She and her husband felt that this culvert now diverts water onto the one area of their land which was not wet, and they wanted this corrected. John Garland who owns a piece of land abutting their land indicated that he has been coming up to this area since 1945, and it has always been wet. Chris Donnelly from the snowmobile club also indicated that he has been using this area for a number of years as well, and has done some work for the snowmobile club, and agreed with Mr. Garland's opinion. He also indicated that it was clear that there was an existing culvert on the road. Dick Giehl confirmed that he had given Dirt Designs permission to replace the existing culvert, and that the State Statutes state that any crossover culvert in place prior to 1992 is grand fathered, and cannot be cut off. Dean Johnston of Dirt Designs stated that they had not disturbed the stonewall. There was some debate about whether the land had or had not been wet, and what it was used for now. Selectman Homer indicated that there is a test that will determine how long the water has been there simply by digging a hole, and observing the different colors of sand in the hole. He also suggested to Dirt Design that they be careful when they are cutting trees around people's properties. Dean Johnston just wanted to be sure that the Board did not think that they did anything wrong. Selectman Cheney indicated that they did not do anything wrong, but it would just be polite to let the property owner know when you are doing work around their property. Dean indicated that Dirt Designs has done similar type work maybe 200 times, and never had any problems like this before. Mr. Garland was willing to let them do some work which probably amounts to 15 minutes worth of hand digging to extend this ditch onto his land through the stone wall. It was suggested that the Road Agent and his crew could do this. Both Selectmen Cheney and McGarr indicated that since this was on a private individual's property that the snowmobile club should do it, and not the Road Agent. It was agreed that Mr. & Mrs. Betts would be notified so they would know what is being done.

The Board continued the meeting with the review of their correspondence. Ann Marie indicated that we had received a letter from the Campton Garden Club with a note from Carol Lenahan giving the Board an update on what they are doing. Ann Marie indicated that they had not come in at budget time to ask for any donation this year so the budget had not included any monies for them. Selectman Wheeler indicated that he thought it was an automatic each year, but Ann Marie explained that they had come in each year and asked for a specific amount. This year the Town has some extra expenses due to the fact that we had to find someone else to mow the grass at the Town Office as Tommy Johnson gave it up in May, and we will be paying for the wreaths at the Fire Station and Police Department. Carol Lenahan had been donating them, but understandably so, it had gotten too expensive for her to do it. Police Chief Warn indicated that he had some extra money in his janitorial line item as he has not been able to find anyone to do their cleaning and trash pick up so they are doing it themselves, and would be willing to take it out of his budget. The Board agreed to do this. Selectman Davis suggested that a letter be included to remind them to come in next year at budget time if they want us to put

some money in the budget for the club. The next item of business was to adopt a 504 Self-Evaluation Plan for Handicap Accessibility as part of the close-out for the Beebe River grant. This plan states that all Town Buildings are accessible and that the Town has more than 15 employees and has personnel policies. The Selectmen also need to appoint a position to keep abreast of all the changes in handicap access regulations. The Board appointed a Handicap Compliance Officer position to do this. Ann Marie advised the Board that Attorney Cowie had answered her letter that there were certain ethical duties that lawyers have towards each other, and that is why he has been communicating directly with Tim Bates. The Board advised me to have Tim direct Attorney Cowie to speak with us. We received a letter from Linda Kennedy advising that the ratio study cannot be adjusted as they did not receive the information from Mr. Mullen in reference to the intangibles at Owls Nest Golf Course. Ann Marie advised that John Whitney had called her about seeing if the Campton Village Precinct could have their meetings here at the Town Office. The Board agreed that right now we just have too many things going on to have any additional meetings held here. The Board was very pleased to receive a copy of the ZBA minutes from last Thursday night, and complimented May Brosseau on her promptness and efficiency. Ann Marie asked if she could purchase a small shed to put the trash, especially the cardboard boxes that come in as we have to keep them out in the hall until the office is cleaned on the weekends and the trash is picked up so they don't get wet sitting out back. Currently these boxes and the rake, sand and salt and garden supplies are kept in the hallway. This would keep the hallway neater, and avoid some clutter. The Board okayed some kind of Rubbermaid easily assembled shed up to \$329.00.

Next on the agenda was the review of the May 15th minutes. With a motion from Selectman Wheeler, and seconded by Selectman McGarr, and voted in the affirmative by all, the minutes were approved. Since there were only two Selectmen present at the May 22nd meeting, these were not considered official minutes, but Ann Marie had kept notes which she gave to each Board Member for their reference.

The Board then went on to other business. They discussed the draft of the purchase and sale agreement with Pike, and Attorney Bates' comments. Both Selectmen Cheney and Davis indicated that it was confusing as to what the exact acreage was that we were buying, and the price. Selectman Cheney indicated that he was under the impression that \$100,000 which we voted at Town Meeting was the price. Selectmen Wheeler and McGarr remembered it being an offer of \$45,000 an acre and some tax credits for 2.7 acres of land. The Board agreed that this is still in the draft stage, and Selectman Wheeler will ask Pike to give us a survey of the property showing the meets and bounds. The boundary line adjustment cannot be done without Town Meeting approval.

Road Agent Butch Bain had a question for the Board about Eastern Corners Road. He had received a call from the Mrs. DeLuca who has owned a camp out past the bridge on Eastern Corners for many years, and the road needs some work as it is barely passable. Butch wanted some direction as to whether he should do anything out on this road. Apparently Ray Mardin has done some grading out there each spring for many years. Selectman Cheney confirmed this and indicated that Ray always did some work from the

bridge to the top of the hill, and since work had been done, that there was no problem with Butch doing a little grading out there. One of the logging companies has agreed to repair or replace a culvert that they damaged from hauling from logs, and is suppose to do it sometime this month. Greg Jencks has requested that the Road Agent and the Selectmen inspect his road so he can get it approved as a Town Road. It was voted at Town Meeting to be a town road once it met final inspection by the Board and the Road Agent. There has been some drainage problems on Pond Road from some of the water coming off the road. Selectman Cheney agreed to meet Butch and go out and look at it, and make some recommendations to Greg as what needs to be done to complete the work. Butch got pricing on the barricades that he will need when they start replacing culverts, and they are \$48.00 a piece plus shipping. The Board had no problem with him getting these. He wanted to order four.

Chief Warn had a few things he wanted to pass along to the Board. He indicated that he had good news and bad news about the new cruiser. The bad news was that it would not be here until July, but the good news is that we will be getting a 2007 cruiser. The search for full and part-time personnel continues. The Chief also wanted to request some time off for his son's wedding in June which the Board approved. He also indicated that he had received some complaints from some citizens about the legality of the small patio off of the side of the Sunset Grill. The Selectmen explained that they had been asked by Tim Scanlon for a letter stating that they had no problem with him allowing patrons who smoke to use this area, and to bring their drink outside providing the State Liquor Commission approved it. This area was to only be temporary until the fall and removed so there would be no problem with the plow trucks in the winter months. They asked Ann Marie to send a letter to Tim advising him that the Compliance Officer may be stopping by to check out the deck as far as whether it is temporary, set backs, State approval etc.

Selectman McGarr indicated that he had spoken with Chris Clarke from KC Tire, and he is looking for some help in getting this lawsuit with the State straightened out. He feels that he is being passed from one agency to another. Selectman McGarr suggested that Ann Marie send a letter to Deputy AG "Bud" Fitch to see if he can advise us as he was so helpful with getting the Village District meeting a reality this spring.

The meeting adjourned at 10 p.m.

Respectfully Submitted,

Ann Marie Foote
Town Administrator