



Selectmen's Meeting

Rindge Town Office

Date: Wednesday, August 17, 2011

Time: 6:00 P.M.

Present: Patricia Lang Barry, Jed Brummer, Sam Seppala, Carlotta Lilback Pini

Meeting Minutes--**APPROVED**

Call to Order / Pledge of Allegiance

Citizen's Forum –

The Jaffrey Rindge Ambulance Board has developed a PR Committee to develop awareness in local communities about the ambulance service, and they're holding two community forums – at the Civic Center in Jaffrey in September, and at the Rindge Community Center at Wellington Park on October 19, Wednesday, 7pm. They want to have the Select Board's support for moving forward with this. Pat Barry suggested the information be posted to the Town's Facebook webpage.

Gordon Ripley, a retired photographer, has lived in Rindge for 13 years and came to the meeting to discuss the Common. He said that, when he moved here, he was impressed with the use of the Common for craft fairs, flea markets. A couple years ago, that ended and people had to meet on Meetinghouse Lawn, which was inconvenient. A police presence was required, and it ate up all their profits. Now, some people just block off the roads for events. But people here are afraid to ask to block off the roads, and Gordon said that it's a sad state of affairs. "Why can't we block off that 200 feet and direct traffic around the west side of the Common if traffic is a problem? If others can do that for other venues, I think we should be able to do that. The bottom line is that we want to have our Common back and not have it be a financial burden to do so."

Pat Barry said, "This issue came up during our review of the detail policy. Two members of the Women's Club were here discussing that same issue; they wanted to use the center of Town. What I heard that night was assurance from the Police Chief. Groups would need to be aware of the policy then meet with the Police Chief about their particular event. The Police Chief is open to considering setups that would not necessarily require a detail."

Sam Seppala said, "Who are they afraid to ask? Gordon said he talked to some members of the Women's Club who apparently were told that they could not have their event without a police presence. "We have that beautiful Common and that's what it's there for," he said.

Pat Barry said, "I think you'll find a much more receptive ear from the Police at this point. Groups can talk with the Police Chief and set up their plans. A new group who's doing something brand new, that might have to be looked at differently, but the groups we have worked with before, we should not have a problem."

Gordon said he'd heard that the Police Chief denied a group the right not to have a detail. Jed Brummer said, "This was brought up last week; we're updating the police ordinances, and things like that will be cleared up; we're looking to meet the needs of small groups."

Carlotta Pini said, "Once the new policies are adopted, we plan to go around to different groups with them so they'll have them in advance."

Gordon said he'd like to see a kiosk on the Common where events could be posted since not everyone gets the newspaper and the Women's Club website said nothing about its craft fair. Carlotta said she has been gathering information on kiosks, so that is under way.

John Kauer said that he noticed that Belmont was using cadets for details. "We have an Explorer's post—could we use that?" Carlotta Pini said, "My initial thought is "no" since they're not employees of the town or covered by Workers' Comp., and they're not adults." John Kauer said that at least they are covered by a monstrous insurance policy through their organization.

John Kauer then asked about cruiser fees. Carlotta Pini said, "Helene Rogers, our accountant, just returned today so we'll be addressing that at a future meeting."

Then John asked about updates on the storage situation caused by the sale of the parsonage. Carlotta said, "We took some measurements and spoke to the Fire Chief about the space downstairs—we'd like to talk with Deb when she gets back from vacation before doing anything since her files are in that space and would need to be moved. The boat and the Ski-Doo are a little more difficult, so the Fire Chief is looking into sheds, tents and that sort of thing to keep them out of the weather."

Follow-up

Approval of Minutes

August 3, 2011 – The minutes were approved. Jed Brummer motioned to approve the minutes and Sam Seppala seconded; all were in favor.

General Business

Atlantic Drive – Carlotta Pini said, "About three years ago, Scott Hakala and his partner requested that the Town take Atlantic Drive as a Town road. We had some meetings and there was an abutter who raised a question about the legality of the road being developed, and so at that time the Board opted not to make it a Town road and recommended that Mr. Hakala get an attorney to resolve the question. I recently spoke with Mr. Hakala and asked him for an update, and his thought was that the burden of proof ought to be on the party raising the question. He got approval from the Planning Board to create this subdivision and build Michael's Drive, and the Board at the time said it was likely that he could go forward. So I suggested that he ask the new Board to reconsider the request for it to be a Town Road. Since that time, the Roadway Committee has discussed this, and the abutters who originally raised the question retained Atty. Czekalski. Originally, I thought we had to have a public hearing, but I have since consulted our Town counsel and learned that the public hearing is an automatic—that the Selectmen first need to determine whether there is occasion to schedule this hearing. This is a complex matter, so tonight's meeting is a start of a conversation that I think Mr. Hakala may want to see resolved before winter.

Mr. Hakala said, "None of these issues were brought up in the planning stage, and I think everything that's being contested is irrelevant at this point and wish at that meeting that the Selectmen had made that clear. When they alert the abutters about the plan, that's the time, but what ended up happening when the Town was supposed to take the road is that the Selectmen basically tabled this. I did everything the Town wanted me to do and when it was their turn to do what they promised to do, they didn't do it. Plus they asked me to prove that what they had approved was okay. I think it's not my problem—it's the Town's problem. I used the engineer the Town wanted, etc. and in the end they wouldn't uphold their end of the bargain. Everything that's being discussed beyond that point is irrelevant. It's the Town's problem with the abutter; it's not my problem."

Jason Cjekalski said, "The state statute allows 20 years to raise questions. You're not the bad guy here, and neither is the Town. The problem starts with a surveyor who didn't do his job. This road was discontinued in

1935. The best map of Route 119 was made in 1933. The new section of 119 was built in 1933/1934—we have the maps. You used to drive what’s presently Atlantic Drive, but that section was closed by the damage of the hurricane of 1938. It became dangerous. The old Route 119 was discontinued and ceased to exist. Prior to 1945, there was only one way to discontinue a road—through a Town meeting. After that, there was more ways to discontinue a road with options—subject to utility easements, etc.

Jed Brummer said, “hasn’t the definition of “discontinue” changed? Jason Czekalski said, “When a road was discontinued, the abutters’ land ran to the midsection of the road—that hasn’t changed since the 1640s under English Common Law. There were questions about a right of way through that. But in the 1950s/1960s, Mr. Sherman became the owner of connected properties—if someone owns consecutive properties, the easement ceases to exist. Someone used the 1933 plan but left out a few key points. He led an engineer to re-design a road. There’s an 18” culvert that goes under the road and Mr. Doughty must never have walked the ground when he did the survey or he would have seen it. Without the engineer knowing about this – that’s why the wetland is permanently flooded. The road straddles the property line. All this comes down to a surveyor who took shortcuts. Mr. Rogers has been working on this since February—he has been to the library and the DOT many times—and he looked at the prior records. Mr. Doughty worked from a state map that said the road was built in 1933. You can see that the home of Susie Tuckerman, the old schoolhouse, is clearly marked on the state map, and that should have raised a red flag. What my clients want is to work this out to be fairly compensated for the damage to their property. Mr. Rogers should have his final report and plan done in the next two weeks. I’ll then make it available to all the parties. The Town does not need to get into the middle of a lawsuit. There were early indications that the only problem was the drainage, but since then I’ve learned more.

Sam Seppala asked, “Do you know how your client has been damaged? Jason replied that there is the question now as to whether the lot can be built on. Variances issued in the 1980s indicate that that lot was fully buildable, but now there are questions. The road and shoulder of someone else’s private road now come onto his client’s property. This needs to be resolved before the Town gets involved. There was no legal authority for anyone to build a road there; there was no easement. We have the 30’ setback to the sideline and could put a house on the road because legally that road does not exist; it is not there.

Jed Brummer said, “How much acreage is on this lot? Jason replied that the total is around 4 acres. Jed asked, “Could your client build a hardship case? Jason said that he can still get variances, but the problem exists because someone built a road that they weren’t allowed to build. If the Town takes the road and it becomes public, the Town road is now on private property where it doesn’t belong. It all comes back to a surveyor who took shortcuts.

Pat Barry said, “We have members of the Planning Board here. Would anyone like to speak?”

Kirk Stenersen said that the state turned it over to the Town and the town decided to abandon it. People own to the centerline of the road because it doesn’t exist. So the road is not currently on Town property.

Jan and Marilyn Kriska, citizens, said “The road is in far better shape than other roads in this town – I’m tired of my mailbox being beat up. I’d like to have a road that the Post Office will deliver mail to. The bottom line is that we bought the house in good faith and now find we have a very uncomfortable situation. I would like to have a street maintained by the Town. We bought the house and had a title search done. When we go to sell, it will be a problem for us.”

Atty. Czekalski said, “Mr. Rogers went back to the records of 1807 when there was no road. You had to go Wellington Rd to South Main Street and come up. Part of the deal was when this turnpike company went out of business, they were going to build halfway from Converseville to here, and the town would build the other half, from School Street. That was done around 1820. The first accurate survey we found that goes from the state line to Fitzwilliam was in the Cheshire County Records re: roads in the town of Troy. Going back to when the road was surveyed in 2002, the individual did not get out on the grounds and look.

Pat Barry said, “I hope you will divulge that information once this matter is done.” Jason replied, “Yes, there will be a copy in the library and on file with the Town Clerk here, and in the Registry of Deeds. It will be widely available because it will have implications for many people along Route 119.”

Jed Brummer said, “I think we need to make sure that this doesn’t become a Town issue, as Jason has indicated, and that things are resolved.”

Jason added, “We have to know what we’re dealing with first. This property was bought for investment purposes. It will now be worth far less, even with a variance. They’re open to options. We have a variance for the state highway. Having a Town road there changes everything. I want to wait till we have the final report within two weeks, and then we will get in touch with all the property owners involved so we can come to some kind of agreement.

Pat Barry asked whether the Town could be copied on those communications, and Jason said that yes, they would be. It was agreed to resume tonight’s discussion in four weeks at the September 14th meeting.

The Planning Board’s Presentation

Pat Barry said, “This is the culmination of the work of a lot of people over a number of years. We have the Charette plan and more. As we proceed from the planning phase to the action phase, we are challenged with how that will look, how the action steps will be prioritized, and who will do them.

Kim McCummings said, “This is pre-operational. We received the draft report from our consultants at the last meeting. We have not yet reviewed or approved the draft or posted it for a public hearing. This document recommends how to start that process, so we have quite a ways to go. I don’t want people to think we’re quite ready yet because there’s quite a bit of work yet to do.

Robyn Payson, Acting Planning Director, showed a PowerPoint presentation describing the proposed structure for keeping the momentum going on the master plan. It was suggested that a work meeting be held among the Planning Board, Board of Selectmen, and all existing committees to review the implementation process and responsibilities.

The proposed structure would include an oversight committee, called the Implementation Committee, which will ensure the work stays on track. It will be comprised of one Planning Board member, one Selectman, one member of the Economic Development Committee, one representative from Franklin Pierce University, and a member of the Conservation Commission. Meetings would be quarterly, and the implementation team will oversee: this History Committee, Conservation, Economic Development, Recreation, Agriculture, and FPU committees. Robyn explained that this will be a great opportunity for the committees to work together and share successes with the townspeople.

Kim McCummings said that each committee would have duties appropriate to their function, working on their own and reporting up to the Implementation Committee which will help ensure that we’re meeting the objectives of the Economic Development Chapter. This is a draft, so when we have that first general meeting, we may find that some things need to be realigned. We haven’t yet made a decision on it, but we found reassuring the feedback from our consultant that this approach is a good one.

Dr. Colman then spoke from the audience about the proposed development of the intersection of routes 119 and 202. “My concern is that any structures put on the corner of 119/202 be consistent with the environment of Rindge, which is a small country town. I rebel at the thought of any proposed structures with a façade similar to those put across from Wal-Mart—the bright, garish, homely colors that I can only describe as ugly. Please don’t put up anything like that. Please maintain Rindge as it should be and keep it from being garish.” Jed Brummer agreed that many people are stressing the same things.

Kim McCummings said that for each of the committees under the Implementation Committee, there would be workgroups and ample opportunities for citizens and people of the Chamber, Recreation, etc. to get involved. “We do want to allow and encourage participation by a broad section of the town.”

Pat Barry asked about the proposed role of the Economic Development Group (EDC) that had worked up until this point on the Rindge economic plan. Kim said that the EDC is a committee under the Implementation Committee and that they’ll be able to work as they please and involve others. Robyn suggested that REDI members can decide where they fit since the REDI process is over and they can choose to become involved in the EDC or not.

Carlotta said, “The EDC, which came out of the 20/20/initiative, was convened in 2002 and appointed by the Selectmen – comprised of Ted Kovert, Judy Tomlinson, Bill Pierce, and others – and this volunteer committee has been working toward this end for years, meeting every month and waiting in the wings for this moment so they could have some input. I understood that the EDC would play a role in the implementation strategy and my thought is that the EDC would be perfect for the steering process.

Kirk Stenersen replied that the EDC is a Selectmen’s committee; this is an initiative of the Planning Board, which is not the Selectmen’s jurisdiction. He said Carlotta wants the implementation team to be the EDC which is a Selectmen’s committee but it’s out of their jurisdiction. Kim McCummings then said that the EDC may structure their work any way they want, but by statute they do not have any jurisdiction over the Master Plan. They will have representation but not jurisdiction.

Pat Barry said, “And when the time comes for decision-making and an approval required for something to happen, what will be the process and what Board will approve the action?”

Kim said, “Not having reviewed the plan in detail, I can’t say exactly, but currently if something comes up within ConCom that’s part of the Master Plan, they decide how to implement it and work with the Planning Board.”

There was general consensus that the people who brought the Rindge plan forward to this point should remain involved, and that nothing about the committees themselves has changed. Jed said, “Each group/team would still have responsibility to come before a particular board for approval (ZBA/BOS).”

Dave Tower said that the Planning Board will hold public hearings, and we’ll go through that process. Carlotta added that the draft plan would be reviewed by the EDC, and then the final chapter would be presented at the public hearing. Dave ended by saying that, ultimately, the Planning Board will adopt the plan.

Burt Goodrich then spoke up and said, “When we wrote our letter to the citizens, we told them we were embarking on an important venture for this town and the EDC and Selectmen were helping to sponsor it. I think it’s important that we build all these people in this and make them feel valuable and wanted and appreciated. They’ve put a lot of volunteer time and effort into moving this forward for the Town.”

Department of Public Works and the Fire Station:

Mike Cloutier said, “Every year, I’m blessed with the task of getting the best price possible for home heating oil. We use about 19,000 gallons, and over the last three years, Red’s of Jaffrey has really given us the best price. So I spent hours on the phone with different oil companies who ranged from the highest price of \$3.74/gallon to Red’s best price of \$3.34/gallon. I’m asking the Board tonight for approval to lock this price in.” Jed motioned to proceed with Red’s price of \$3.34/gallon locked in from July to July, not to exceed 20,000 gallons. Sam Seppala seconded, and all were in favor.

Mike continued, “For the propane contract, we average about 2,450 gallons/year and do not own our own tanks. I called several propane companies and Tim of Alan Matheson gave us the best price of \$2.42/gallon. Weber was highest, and going with Tim will save \$2,800. We had a little bit of balance from last year and Tim is willing to apply that balance to this bill. Jed motioned to accept this bid and Sam seconded; all were in favor.

“Last but not least,” Mike said, “we’re addressing the power panel at the Fire Station. Rick put together the specifications, ran an ad, and contacted 11 contractors. We got bids from Grace Electric (\$10,800 and \$1,700) and Scott Ellis (\$29,000 and \$3,000) for upgrading the services and extending pipework to different sections of buildings. The gap between the two bids for the same work was notable. Jed made a motion to accept Grace Electric’s bid for \$12,500, and Sam seconded the motion. All were in favor. The public safety impact fee account will have sufficient money to cover this project, so Sam Seppala motioned to use the money from the Public Safety Impact fee to cover the costs, Jed Brummer seconded, and all were in favor.

Mike said that the paving project was slated to start Monday but there was 2” of rain. They started today on Old New Ipswich Rd and Pine Terrace and hope to finish tomorrow plus put a topcoat on Forristall Rd—another inch should last a good 12 years. Then they’d like to stripe Mountain Road since FPU is opening Aug. 27th.

Someone suggested putting guardrails on treacherous Mountain Road, but there are mixed feelings about that. Mike said guardrails are expensive and then look awful in five years. He might be able to build up the drop-off with the dirt. Phil suggested striping the edge of the road so there’s a white line to follow before the drop-off. Rick said Cathedral Rd. is not in good shape either.

Payroll Manifest – Jed motioned to accept the Payroll Manifest and Sam seconded; all were in favor.

Accounts Payable Manifest – Jed motioned to accept the Payroll Manifest and Sam seconded; all were in favor.

Town Administrator’s Report

Ongoing Business – Carlotta spoke with the Board about the SW Region Planning Commission and says they’re ready to start the project. She’ll be contacting folks on the original committee first and, if they’re not available, will advertise to fill those positions.

Update on Argent Cable – They responded to our attorney’s correspondence, and now our attorney is sending them an FCC form that has specific questions for them to fill out by September 8th.

Rindge Connection -- Carlotta said, “We’ve had successful meetings with FPU regarding a new look for the *Rindge Connection* and met this week with a student leader of the *Pierce Arrow*. They’re going to be working with us and we’ll be producing it more affordably while enriching the content as well. We’re aiming for an October 1st issue but that’s still tentative.

2010 Audit -- We’ve been giving the auditors all the things they want. From the July 2011 budget reports, it looks like our revenues are on track. Though we’re at just 46% of our revenue, we only get our highway revenue quarterly and the rooms and meals tax comes in December. Motor vehicles revenue is right where we need to be. YTD we’ve brought in \$313,300 more than last year, and have \$400,000 more in real estate tax revenue.

Expenditures -- We went over on the elections budget. The major budgets—police, fire—are okay. Highway’s a little high and overall we’re at 51%. Some of the insurance looks high because we pay annually. So, expense-wise we’re a little higher than last year by \$17,000 and that could be the winter we had. So Carlotta passed this out to the Dept. heads to see if they see anything unusual.

LCHIP grant – We are seeking partial funding (\$43,500) for the Meeting House steeple repairs and painting from LCHIP which is offering \$1.2M this funding round but none again until perhaps the summer of 2013. Our application is due September 19th and Linda took an LCHIP workshop last week to qualify to submit the application. Because we don't know how to pay for the painting, we'll just focus on the bell tower repairs for the grant application. The total project, including the steeple repairs and painting, may cost \$155,000. Once the application is ready to go, we'll bring it before the Board of Selectmen. We found our 2001 application, and LCHIP has assured us that receiving an award in the past does not preclude us from receiving more now.

Capital Improvements (CIP) Committee – With the goal of reconstituting this committee, Carlotta and Ted Kovert brainstormed about who might be interested in membership and they will be contacting asking people soon. Ted suggested getting the dept. heads started on their requests for the year.

Budget Season – Carlotta is developing a budget timeline. Our deliberative session can only be either Feb. 4th or 11th, so if anyone has a preference, let us know because we'll be booking the school for that Saturday, and the second Tuesday in March is the voting day.

Fiscal Calendar Change -- Jed Brummer said we'll need to plan way ahead of time if we want to change our fiscal calendar because, the first year, it will be an 18-month calendar. Carlotta suggested putting money into a capital reserve fund and saving for a few years to fund the 18-month budget. Sam Seppala said that borrowing money is cheap right now. We need to research what other communities are doing.

Deliberative Session -- Pat Barry suggested changing deliberative session from Saturday morning to some other day/time since 200 out of 6,000 residents is not a good turnout. Carlotta suggested offering a survey on our website.

Informational Items / Communication

Carlotta shared the written report from Dave Duvernay, Code Enforcement Officer, re: major enforcement areas, where there might be litigation, and the cases he's keeping an eye on. For the most part, things are going well. We're getting ready to submit the MS-1 and MS-2 for the state. And we'll be getting ready to set the tax rate going into October.

Jed Brummer motioned to go into non-public session, Sam Seppala seconded, and all were in favor.

In other business, Jed Brummer assumed the duties of Chair of the Board of Selectmen until March as Pat Barry is stepping down due to a new job requiring a lengthy commute.

Adjournment of Public Session at 8:37pm / Adjournment of Non-Public Sessions at 9:45pm

Minutes respectfully submitted by Linda Stonehill, Administrative Assistant to the Town of Rindge.