

BOARD OF SELECTMEN MEETING
OCTOBER 20, 2015

PRESENT: George Lawrence, Chairman, David Lage, Becky Doyle, Joanne Meshna

The meeting was called to order at 5:00 p.m. at the Town Office.

Smithville Cemetery: The Board met with Cemetery Trustees, Jay Hopkins, Chairman, Michelle Pelletier, and David Keurulainen and Sexton Oliver Niemi to discuss Smithville Cemetery and the next steps to be taken.

Jay stated he had measured the parking area on Taylor Road. It is 25'x100 feet and 775' from the entryway. He also measured the driveway to the ball field and it is 30' from the pipe. These are potential staging areas. Jay recommended putting that information in a proposal to the State. Another recommendation was to shorten the easement line that runs along the banking at the toe of the dam from 25' to 15'. Selectman Doyle suggested a trade of land of where the graves are with the areas described above for the staging area.

Selectman Lage stated he could not find in any of the documents that the Town could not use the land. The Town granted the State an easement to construct, maintain, etc. the dam, but there is nothing that says the Town cannot use the land. The closest grave to the easement is 16.5' and the State wants 25'. A lot line adjustment could be done. The deeds were discussed to try and determine the boundaries of the land and the staging area.

Selectman Doyle suggested sending a letter outlining different options for the staging areas, one being the entrance to the ball field and the other on Taylor Road, and to question where it says there is a 25' easement. Selectman Lage suggested sending a letter asking for documentation showing the dimensioned easement and restrictions on the easement. The letter will be sent to the DES Commissioner, with copies to the Attorney General and Attorney Mayer. Jay was asked to provide to the Selectmen a timeline of what the Trustees have provided to the State and any verbal agreements.

Ed Rogers stated that during the course of working on the ball field survey some things came up. There is correspondence in the 1990s from the Conservation Commission suggesting the Town was considering some improvements to the ball field and there is mention of a lease. They were under the impression that the Town had a lease on the State land. He was not sure what that meant but a lease can expire. They may have used the wrong terminology and it was an easement. Ed noted the State has an easement on the Town land to build and operate the dam, and the Town has an easement on the State land. His understanding was the Town has the right to use the land as long as it is not contrary to the State's use and need for the easement. The Town can go up to the toe of the dam or the under drain. On the other side, the deed to the State specifically refers to the Town's property as a ball field and the Town intended to retain the use as a ball field.

Smithville Cemetery ball field: Mr. Ed Rogers presented his report on his investigation of earthwork activities on the Smithville ball field. There were concerns that fill had been placed on the ball field

site. There are no records of fill being hauled in or out of the area other than 40 yards brought in recently to dress up the infield. The State, however, is claiming a much larger volume was brought in. It is apparent that the left field is graded higher than the surrounding land. No-one Ed spoke to remembers fill being brought in. The only documentary evidence to show the topography is different than it is today is the 1963 design plans for the dam. He emphasizes in his report that the drawings are slightly limited in their accuracy and purpose. They have four foot contours and with four foot contours you can expect accuracy of plus or minus two feet. He did a two foot contour survey of present conditions in order to compare to 1963 conditions.

The other problem is there is no survey for the original design so when aligning the maps to compare to a modern day survey there is a margin of error that has to be considered. When he spoke to Mark Stevens, he did not believe Mark knew topography elsewhere had changed dramatically not just on the ball field compared to the 1963 drawings but also on the State land. While there appears to be some fill on left field on the Town property there appears to be a considerable amount of fill excavated from the State property. The amount excavated from the State property is not depicted on the as built drawings. The topography outside of the dam grading may have changed during the dam construction and was not updated on the as built plans. It is possible all of the changes happened during construction. There was a lot of material that had to come in for construction and had to be stockpiled some place.

Mr. Rogers stated when everything is taken into account there is about 1,000 cubic yards of fill that cannot be accounted for which may have come from off site. Taking just the Town land there is about 2,000 yards of fill and almost 3,000 yards of cut compared to the 1963 plans. There is a net fill of 1,700 yards on the Town property. Looking at the State property there is approximately 1,600 yards of cut and 800 yards of fill.

Mr. Rogers questioned if it could be shown that the Town knowingly brought in the fill, is filling in the ball field inconsistent with use of the ball field. No-one can say for certain the Town knowingly and negligently hauled material to the site. If it happened, there is no documentation. To put the 1,000 yards into perspective, the flood elevation is 1085.3 and when the reservoir reaches that height is 122 acres of water, so spreading out that volume over that surface causes a sixteenth of an inch change in elevation.

Mr. Rogers stated he was not convinced anything needs to be done. Going forward no material should be brought into the site. As far as what has happened it in the past, it has not been deemed a problem before. He noted DES by their own documentation they visited the site 24 times a year.

David Cotzin stated the New Ipswich Athletic Association may have pictures from the 60s when they played horseshoes in that area.

The report will be sent to Mr. Stevens along with the Selectmen's recommendation that as the change in volume is negligible (1/16") nothing needs to be done.

Pipeline Task Force: Wendy is working on the letters to the congressional delegation the subject being the submission of comments from Eric Tomasi before the end of the scoping comment period.

Wendy referred to the letter from Kinder Morgan to the Conservation Commission requesting to meet to discuss monetary compensation for loss of wetlands. Previously there was a discussion about the need to talk strategy, how to approach Kinder Morgan, and how does it fit with the overall plan with the Municipal Coalition attorney's advice on how to deal with Kinder Morgan. The Pipeline Task Force attempted to set up a meeting with the Commission but it did not happen. Bob stated it was premature to have the meeting. However, a meeting has now been scheduled between the Conservation Commission and Kinder Morgan in November or December. Wendy stated the course of action was not to have any meetings of this sort until after the application has been filed because it will undermine what the Town is trying to do. Further, she stated she would not be comfortable with a meeting without the Board of Selectmen and having a strategy beforehand.

Selectman Lage stated he agreed with Wendy. There should be a meeting with the Pipeline Task Force and the Conservation Commission prior to any scheduled meeting with Kinder Morgan, and if there is a meeting with Kinder Morgan, the Board of selectman would want to be present. Selectman Lage suggested a letter be sent to Kinder Morgan requesting they direct all correspondence to the Town to the Board of Selectmen.

Dennis Gauvin noted that the Municipal Coalition agreed as a group on October 4 to respond to the letter negatively or not respond at all. There would be no negotiating now.

Wendy further stated she did not feel comfortable holding discussions without the Selectmens' presence and/or consultation beforehand. The Conservation Commission does not have the authority to hold a meeting with Kinder Morgan.

The Selectmen asked that Bob attend the next meeting.

Dennis gave a presentation to the Board on Minisink, NY and will provide a copy of the power point and narrative made to the Municipal Coalition to the Board later this week.

Minutes: Selectman Lage made a motion to approve the minutes of the October 6, 2015 meeting, October 13, 2015 meeting and the nonpublic session of October 13, 2015. Selectman Lawrence seconded the motion and it passed with Becky abstaining on the vote of the October 6 minutes.

High Range and Cascade Roads: The Board received a letter from Town Engineer Kent Brown regarding chip sealing of High Range and Cascade Roads. He stated a coating of chip seal to the finish pavement would add to the lifetime of the pavement. However, it is not required in the road construction standards of the New Ipswich subdivision regulations and he did not know of any town with that requirement. Further he stated he had no objection to the owner applying an additional coat of chip seal if he chooses but he is not under any obligation to do so under the subdivision regulations or common practice for the construction of the roads.

Selectman Lage referred to RSA 231:28 and layout according to Town construction standards. The construction standards are the Class V standards. However, Selectman Lawrence noted when a road is

petitioned the Board can set conditions to enhance the road. Selectman Lage continued the roads are private roads and to be accepted they must be brought up to Town standards, not above them. The Town cannot require them to go above those standards.

The Selectmen had voted to accept the roads once the chip sealing was done and new guardrails had been installed. Selectman Lage stated there are two issues: one the difference in the cost for the chip sealing and the second is the RSA which does not require roads be brought up to standards above Town standards. Voting to require the new standards would be contradictory to State law.

The Board noted they had not heard from the petitioner whether or not he would do the chip sealing.

Castonguay Trust: As part of the termination of the Donald and Eleanor Castonguay Trust, the Town has received a donation in the amount of \$4,414.09 for the Memorial Playground. Selectman Lawrence made a motion to accept the donation. Selectman Lage seconded the motion and it passed unanimously. The donation will be placed in the Parks and Recreation revolving fund.

Cadnet: The budgeted hours for Cadnet have all been spent. The Board agreed to purchase another 50 hour block for \$4,500.

Tax rate: The tax rate for 2016 was discussed using different amount of fund balance to offset the taxes. Selectman Lage made a motion to use \$125,000 from fund balance to offset the tax rate. Selectman Lawrence seconded the motion and it passed unanimously.

The Board discussed overlay and the impact to the rate. Joanne will provide the figure at the next meeting. There was also a question on the amount of fund balance and Joanne will answer that question as well.

The meeting adjourned at 9:00 p.m.

Respectfully submitted,
Joanne Meshna, Town Administrator

October 20, 2015 Board of Selectmen minutes approved by:

George H. Lawrence, Chairman

Rebecca M. Doyle

David S. Lage