

DRAFT



Town of Winchester 1 Richmond Road Winchester, NH 03470

**MINUTES of the
BOARD OF SELECTMEN MEETING**

Wednesday
May 16, 2007

Board Members Present: Theodore Whipple (Chairman), Gustave Ruth, Kenneth Berthiaume, Gerald Hastings and Sherman Tedford Also present: Town manager John Stetser and secretary Roberta Fraser
The meeting was called to order at 6:00 pm

1st Order of Business: Work session regarding fire apparatus bids

There are three bids that were opened last week regarding the purchase of a new 3000-gallon fire truck. The board is meeting to look at each bid proposal and discuss the different aspect of each. Each proposal is looked at and the board discusses each one. There is a lengthy discussion about the financing of the truck and what would be most beneficial to the town and the different ways the truck can be paid for. There were no decisions made tonight regarding the purchase of the truck and the board will continue the discussion of the bids at other Board of Selectmen meetings.

A fifteen-minute break is taken and the board reconvenes at 7:00pm.

2nd Order of Business: Acceptance of minutes from May 9 & 11, 2007

Jerry makes a *motion* to approve the minutes of May 9 & 11, 2007

Sherm seconds it

Motion carries

3rd Order of Business: Announcements

Gus announces that the tree removal in Musterfield Park for the right of way has begun

4th Order of Business: Open to the Floor- 15 minutes

Bob Davis addresses the board and questions whether the board is planning on responding to the petition that was given to the board a couple of weeks ago regarding the racetracks and the noise. Ted informs him that the attorney has rendered an opinion regarding the noise ordinance and whether it can be enforced against the racetracks. Ted summarizes what the attorney says, he basically says that the town has no right to enforce the noise ordinance against the racetracks and if the town was to do so and the racetracks were to bring it to court, in all probability they would win. He then sights some cases that have commenced in the court before with the defendants winning. The attorney then goes on to say that the residents are not without legal remedy if the Town chooses not to enforce the noise ordinance against the racetrack, the residents can bring private cause of action against the racetracks for causing a nuisance if they so choose.

5th Order of Business: Town manager's report

- < John has one report from an engineer that looked at the floor in the town hall. He is waiting on the report from the other engineer and then will give the reports to the board
- < At the wastewater treatment plant, a new 800 gallon a minute influent pump will be installed this next week

- < The City of Keene has sent Winchester a contract to accept resident's septage. The town must provide a place for resident's to have their septage removed to and Winchester's plant does not have the capability to accept this.
- < The town has received a check from FEMA for \$141,758.00 and the State will be sending their check soon
- < There was a meeting on Tuesday regarding the Atlantic Paper Mill and the fate of the building. It was recommended that the town not get involved with the property
- < There will be a combined joint loss committee/ department head meeting on May 31.

6th Order of Business: Old Business

Conservation Easement:

Mr. Norman Henry is at the meeting to discuss with the Board his desire to put part of his land, Map 5 Lot 29, into conservation land. Mr. Henry recently completed a subdivision and he has five acres he would like to put into a conservation easement for the Town. He has been at previous meeting looking for an answer from the board on whether they would like the conservation easement or not and he is still waiting for an answer. Jerry makes a *motion* that Mr. Henry put a deed restriction on this property instead of giving the town a conservation easement. Sherm seconds it for discussion: Gus believes a deed restriction will also have to be monitored, since that is a stipulation by the Planning Board of the subdivision approval. Sherm points out that the property is near a river, so there would be other restrictions involved with building on that property. Margaret Sharra addresses the board and informs them that the Planning Board's main concern is that the area in question is not built upon. The Planning Board did not stipulate how the restriction is placed. Sherm questions what the benefit is to the town to have a conservation easement as opposed to a deed restriction. Gus explains that an easement gives building rights to the Town, the Town has control over the easement. The board discusses whether they can stipulate that Mr. Henry put a deed restriction on the property. Jerry *amends* his motion that the board takes no action. Let Mr. Henry put a deed restriction on the property. ***Sherm seconds the amendment. Motion carries with Sherm and Gus voting No.***

Ted announces that the board will be meeting with Hinsdale's Board of Selectmen sometime in June.

Sherm would like John to contact the town's attorney tomorrow and get his opinion on whether the document that Ted summarized can be given to citizens and if it can then have Bob Davis receive a copy of it.

Gus informs the board that the logger that is clearing the right of way for Winchester Sand & Gravel is requesting that the town abate the timber tax for that cut. It is mostly branches and will be chipped and the cut isn't of much value. Gus makes a *motion* to abate the timber tax on timber cut for ROW. Jerry seconds it. ***Motion carries***

7th Order of Business: New Business

Public Hearing :

Ken makes a *motion* to enter into a public hearing to apply for, accept and expend a grant from the State of NH Forestry & Lands. Jerry seconds it. ***Motion carries.***

Fire Chief Barry Kellom informs the board that the grant is for \$ 920.70 and the town has to match half. The monies will be used for the purchase of wild land shirts for the forest firefighters.

There is no public comment

Jerry makes a *motion* to close the public hearing on the NH Forestry and Lands grant.

Ken seconds it

Motion carries

Sherm makes a *motion* to accept a grant in the amount of \$920.70 from the State of NH Department of Resources and Economic Development, Division of Forests and Lands, Forest Protection Bureau

Ken seconds it. ***Motion carries***

Public Hearing:

Jerry makes a *motion* to enter a public hearing for the purpose of creating an ordinance that prohibits motorized vehicle access on properties owned by the Town of Winchester, commonly referred to as "the sand pit", Map 6 Lot 15, 16 and 17. The property will be posted "No Motorized Vehicles".

Sherm seconds it. Discussion: The lot numbers are incorrect, it should be Lots # 15, 16 17 and 20. Jerry *amends* his motion to the correct lot numbers and Sherm seconds it. ***Motion carries.***

John reads the proposed ordinance

This regulation is adopted pursuant to RSA 41:11-a and in order to protect the safety of the public and avoid municipal expenses and liability claims

No motorized vehicle may be operated on the properties identified in the Town of Winchester Tax Records as Tax Map 6 Lots 15, 16, 17 and 20. Said properties are located off New Hampshire Route 119 and Forest Lake Road.

Penalty: Whoever shall fail to comply with the provisions of this ordinance shall be guilty of a violation and subject to a fine of \$500.00. For the purpose of this ordinance, each time a motorized vehicle is operated on the above-referenced properties shall constitute a separate offense.

Bob Davis asks what the purpose is of keeping the vehicles out. Sherm explains that it is because of the sand pit and steep slopes and it is a liability on the town. The town did not own the property until recently and the board feels it is in the best interest of the town to not allow a liability issue such as the vehicles racing and riding in the sand pit. Sherm feels that a \$500.00 fine is too steep and so do the other board members and the audience. John Stephens asks if the police are going to patrol the area and try to catch people and they then discuss NH Fish & Game getting involved. Someone in the audience questions whether this will mean snowmobiles also and the Sherm states that his snowmobile club has a blanket insurance policy and then there is discussion that not all snowmobiles belong to the club. After further discussion and audience participation, Sherm makes a *motion* to close the public hearing and reenter public session. Ken seconds it. *Motion carries.*

Sherm makes a *motion* that the fine is \$ 250.00 instead of \$500.00. Jerry seconds it. *Motion carries.* Gus would like wording in the ordinance that the town can make an exception. Sherm agrees there needs to be leeway for training, etc. After further discussion, Ken makes a motion to have the ordinance state that “unless written authorization is received from the Board of Selectmen” there is to be no motorized vehicles, etc. Sherm seconds it. *Motion carries.* Sherm makes a *motion* to accept the ordinance with amendments as voted on Jerry seconds it. *Motion carries.*

8th Order of Business: Department heads/ Committee chairpersons

None tonight

9th Order of Business: Open to the Floor

Margaret addresses the board and receives clarification for the motion Jerry made in regards to Mr. Henry’s property and the board clarifies it for her.

Mr. Bob Davis addresses the board again with documentation regarding the racetracks that he would like attached to the minutes (see attached)

Mr. Perkins addresses the board and refutes some problems that Mr. Davis has over the racetracks

Mr. Abbott addresses the board and asks if copies of the tapes of the minutes are available to purchase and Roberta lets him know that she doesn’t have a tape copy machine right now, but is looking for one. Mr. Abbott states he will buy one for the town.

10th Order of Business: Office Documents

Jerry makes a *motion* to approve the timber tax levy for \$5255.11

Sherm seconds it

Motion carries

Jerry makes a *motion* to approve the abatement for M33 L 40

Sherm seconds it

Motion carries

Jerry makes a *motion* to approve the abatement for M16 Lot 26

Sherm seconds it

Motion carries

Jerry makes a ***motion*** to approve the abatement for M27 Lot 3-7
Sherm seconds it

Motion carries

Jerry makes a ***motion*** to approve the abatement
Sherm seconds it

Motion carries

Jerry makes a ***motion*** to approve the contract with The City of Keene for septage acceptance
Sherm seconds it

Motion carries

Jerry makes a ***motion*** to approve the timber tax levy in the amount of \$3067.65
Sherm seconds it

Motion carries

Jerry makes a ***motion*** to approve the deed for Rudd
Gus seconds it

Motion carries

Jerry makes a ***motion*** to approve the transfer of funds for the trustees of trust funds to the water department capital reserve in the amount of \$24,500.00 for Ellis Engineering

Sherm seconds it

Motion carries

Jerry makes a ***motion*** to approve the transfer for the trustees of trust funds from the town hall improvement fund for Rise engineering ion the amount of \$2446.35 for the PSNH energy audit

Sherm seconds it

Motion carries

11th Order of Business: Adjournment

Jerry makes a ***motion*** to adjourn

Gus seconds it

Motion carries unanimously

Meeting is adjourned at 9:20pm

May 16, 2007 BOS Minutes approved by:

Theodore Whippie, Chairman

Date Signed:

Gerald Hastings, Selectman

Kenneth Berthiaume, Selectman

Sherman Tedford, Selectman

R. Fraser 05/21/07

Gustave Ruth, Selectman