

Approved

SANBORTON BOARD OF SELECTMEN'S MINUTES

January 9, 2019

Town Offices

The Board of Selectmen convened in regular session on Wednesday, January 9, 2019 at 5:00 p.m. at the Town Offices. In attendance were Selectman John Olmstead, Selectman Tom Salatiello and Selectman Katy North. Town Administrator, Katie Ambrose was also present.

1.0 Pledge of Allegiance - Those in attendance recited the Pledge of Allegiance.

2.0 Public Comment - None at this time.

3.0 Business

3.1 Highway Director - Request for Use of Town Property – Director Van Tassel explained that logger, Steve Johnston has indicated that Lyman Construction has staged/landed their equipment on the end of Poplar Road (Class VI) and he is requesting to utilize the town-owned portion, so the equipment doesn't have to be relocated and he can get around it. Selectman Olmstead suggested that the Town be given something in writing stating that the land will be returned to its original state or better. Director Van Tassel agreed and noted that Mr. Johnston's Intent to Cut is in the Board's packet for approval tonight. Selectman Olmstead made a **motion** to approve the Intent to Cut for Tax Map 23, Lot 49 and that Director Van Tassel obtain an agreement in writing that the property will be returned to its original state or better. Chair North **seconded** the motion and the **motion passed. Selectman Salatiello was opposed.**

3.2 CIP Plan Review - The BOS reviewed the CIP plan (2020 through 2025) that was approved by the CIP Committee last week. Chair North highlighted some of this year's changes to the plan. Selectman Olmstead made a **motion** to approve the Capital Improvements Program recommended for 2020 through 2025 as presented. Chair North **seconded** the motion and the **motion passed unanimously.**

3.3 Planning Board Legal Services Request - A request has been made for Legal Counsel to be present at the Planning Board's 1/17/19 meeting. Selectman Olmstead explained that they would be reviewing the proposed Solar Ordinance and the proposed wedding venue on Upper Bay Road. Chair North asked if this was the first time the applicant has come before the board? Selectman Olmstead replied no, the initial application was deemed incomplete and the Planning Board would like to have representation present. Chair North replied the Town is not defending itself and she feels the board could relay question to the Attorney via email because the normal process is to close the hearing then get answers. TA Ambrose suggested having the Attorney be available via telephone. Selectman Salatiello stated John is the Selectmen's Representative to the Planning Board and asked what he thought? Selectman Olmstead replied he would also like to have the Attorney present, in case the applicant has

representation as well. Chair North expressed concern with circumventing the process by predetermining an application and feels this would be a misuse of Town funds. Selectman Olmstead made a **motion** to approve the Planning Board's request for Legal Counsel on 1/17/19. Selectman Salatiello **seconded** the motion and the **motion passed. Chair North was opposed.**

3.4 5:15 PM *Public Hearing* - to consider a petition to declare a "Farm Road" located between tax map 10 lots 12, 14, 15 & 16 in the town of Sanbornton, NH an emergency lane pursuant to NH RSA 231:59-a

- Chair North opened the Public Hearing at 5:19 p.m. Attorney, Stephen Nix explained that they have submitted the petition to declare Farm Road an emergency lane which will provide access to the Cutillos (WFCSWC LLC), the Wilsons and the Aiellos but there is a question as to whether the road is public, so they are requesting to declare it an emergency lane. Attorney Nix stated there is a trail in the field for access to the back land and the power lines. Attorney Nix noted that this statute was passed by the Legislature in 1994 and he has pulled the history from that time. Attorney Nix provided examples of approved emergency lanes (13 total, 4 dead end roads) in the City of Laconia. Attorney Nix stated the road has been maintained by the Town without a legal status. Highway Director Van Tassel replied he is not sure what happened in the past but the road has been sanded & plowed without maintenance from the Town. Director Van Tassel stated the road was kept in a good condition for fire trucks to pass but there were issues with the road's maintenance and it has become dangerous for the highway department's trucks. Director Van Tassel stated if the Town decides to do this, he would caution the Board because it could set a precedent and the Town should have guidelines for what it is willing to be responsible for due to the potential expense involved. Bill Cutillo replied the road has always been maintained by the Town and he is not sure when it began but there is decades of precedent that has been set with the functionality of the road to remain the same, it is essential to maintain access. Chief Dexter stated there are a lot of roads like this one in Town and he feels the petition doesn't show the need required by statute. Chief Dexter noted there are private driveways longer than this road and this will open a huge door plus increase the Town's costs. Bill Cutillo replied the road is utilized by a number of people because it connects to the trail system and has access to the power lines. Chief Dexter stated he feels this is the wrong approach and he is not disputing that the road has been maintained but this is not the appropriate method. Doug Cutillo stated they have been trying to come up with a reasonable solution without opening "Pandora's Box" but even if this receives approval the Town can reverse its decision. Attorney Nix noted there is no obligation or liability under the State Law and these type of petitions should be handled case by case. Selectman Olmstead asked if there is any other way to achieve the goal? Attorney Nix replied the Town could accept the road as public or we could prove the road was maintained by the Road Agent, which would make it a road. Selectman Salatiello asked how long the road is? Attorney Nix replied approximately 1,000 feet. Selectman Salatiello stated the statute was created due to the Town of Jaffrey wanting access to Mount Monadnock and the problem he has, is that Sanbornton has the most land mass in the area so this will open up the Town. Attorney Nix requested a brief recess at 6:06 p.m. to have a discussion with his clients. The Public Hearing reconvened at 6:26 p.m. Attorney Nix requested the BOS table this discussion for two weeks, so they could hold discussions with Director Van Tassel and the Fire Chief. Chair North made a

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motion to continue the Public Hearing to 1/23/18 at 5:15 p.m. Selectman Olmstead **seconded** the motion and the **motion passed unanimously**.

4.0 Other Business

4.1 Deputy Health Officer/Health Officer Positions - After a brief discussion, TA Ambrose was asked to advertise the vacancy on the NHMA's website, the local paper and the Town's website. Fire Chief Dexter offered to remain the Town's Deputy Health Officer.

4.2 Town Building Design/Cost Questions - TA Ambrose reported that next week BPS will be presenting the building concept & design to the Selectmen. TA Ambrose and the Board reviewed questions that BPS had regarding the soft cost estimates/cost summary.

4.3 Town Report - The Board reviewed the draft Selectmen's Report and agreed that it was fine as presented.

5.0 Selectmen's Reports

5.1 Update on the Work of the Recreation Commission - Selectman Olmstead provided an update.

5.2 Update on the Work of the CIP Committee and the Budget Committee - Chair North stated that the Board reviewed the CIP plan earlier in the meeting and the Budget Committee meets again on 1/21/19 at 7 p.m. The Public Hearing on the proposed budget will be held on 2/11/19 at 7 p.m., with a snow date of 2/14/19.

6.0 Authorization Signatures: Payroll and Accounts Payable Register

6.1 Board Meeting: 12/19/2018 -The Clerk signed.

6.2 Abatements - Chair North made a **motion** to approve abatements for the following: Tax Map 1, Lot 5 - Tax Map 1, Lot 9 - Tax Map 2, Lot 23 - Tax Map 3, Lot 20 - Tax Map 3, Lot 49.5 - Tax Map 3, Lot 98 - Tax Map 3, Lot 99 - Tax Map 3, Lot 107 - Tax Map 3, Lot 108.2 - Tax Map 3, Lot 137 - Tax Map 3, Lot 180 - Tax Map 4, Lot 59 - Tax Map 6, Lot 5 - Tax Map 7, Lot 7.3 - Tax Map 8, Lot 82.1 - Tax Map 9, Lot 72 - Tax Map 9, Lot 90 - Tax Map 9, Lot 96 - Tax Map 11, Lot 46M - Tax Map 11, Lot 91 - Tax Map 13, Lot 7X - Tax Map 13, Lot 17 - Tax Map 14, Lot 11 - Tax Map 15, Lot 51 - Tax Map 15, Lot 81 - Tax Map 16, Lot 11 - Tax Map 16, Lot 47.1 - Tax Map 17, Lot 70 - Tax Map 17, Lot 72 - Tax Map 18, Lot 34.3 - Tax Map 18, Lot 39 - Tax Map 18, Lot 65 - Tax Map 22, Lot 8.1 - Tax Map 23, Lot 53 - Tax Map 24, Lot 12 - Tax Map 24, Lot 14X - Tax Map 24, Lot 15 - Tax Map 25, Lot 9 - Tax Map 25, Lot 15 - Tax Map 25, Lot 16 - Tax Map 25, Lot 17 and Tax Map 27, Lot 44, in the total amount of -\$4,773.00 dollars.

Selectman Olmstead **seconded** the motion and the **motion passed unanimously**.

6.3 Payment to Lyman - Selectman Olmstead made a **motion** to approve the payment to Lyman, in the amount of \$34,419.91. Chair North **seconded** the motion and the **motion passed unanimously**.

7.0 Review & Approve Minutes

7.1 BOS Meeting 1/2/2019 - Members of the Board reviewed the draft meeting minutes of January 2, 2019. Selectman Olmstead made a **motion** to accept the draft meeting minutes of January 2, 2019 with changes. Chair North **seconded** the motion and the **motion passed unanimously**.

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8.0 Donations - None at this time.

9.0 ADJOURNMENT – Selectman Olmstead made a **motion** to adjourn the meeting at 7:16 p.m. Chair North **seconded** the motion and the **motion passed unanimously**.

10.0 NEXT MEETING(S) – The Board of Selectmen’s next regularly scheduled meeting will be held on **Wednesday, January 16, 2019 @ 5:00 p.m.** at the **Sanbornton Town Offices**.

Respectfully submitted,
April Rollins, Administrative Specialist

Approved on 1/16/19 _____
Selectmen’s Clerk