



**BOARD OF SELECTMEN**  
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**BOARD MEETING MINUTES**  
**August 28, 2017**  
**7:00 p.m.**

**Selectmen Present:** Susan Silverman, Nancy Carney, Daniel Baker

Ms. Silverman called the meeting to order at 7 p.m.

**PRIMARY:**

**\*\*\* APPROVE MINUTES**  
- **August 21, 2017**

Ms. Carney made a motion to approve the minutes. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0

**\*\*\* APPROVE MANIFESTS**

Ms. Carney made a motion to approve the manifests. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0

**\*\*\* REVIEW SIGNATURE FOLDER** – The Selectmen reviewed and signed.

**\*\*\* CONSTRUCTION PERMIT**  
**Map 14, Lot 6**  
**Map 32, Lot 42**  
**Map 7, Lot 45**  
**Map 42, Lot 2-85**

**Map 14, Lot 6** – Mr. Baker made a motion to approve the Permit for Map 14, Lot 6. Ms. Carney seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0  
The Selectmen agreed that an Occupancy Permit wasn't required.

After discussion, the Selectmen agreed to add space for conditions on the Construction Permit.

**Map 32, Lot 42** – Ms. Carney made a motion to approve the Permit for Map 32, Lot 42. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0  
The Selectmen agreed that an Occupancy Permit was required.

**Map 7, Lot 45** – Mr. Baker made a motion to approve the Permit for Map 7, Lot 45. Ms. Carney seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0  
The Selectmen agreed that an Occupancy Permit was required.

**Map 42, Lot 2-85** – Ms. Carney made a motion to approve the Permit for Map 42, Lot 2-85. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0  
The Selectmen agreed that an Occupancy Permit wasn't required.

**7:15 MEET WITH CHIEF DISALVO**  
- **Discuss SOP**  
- **Schedule**  
- **Radar Board**  
- **Non-Public Session RSA 91-A:3 II(a)**

**Discuss SOP** – Chief Leonard DiSalvo shared that the current policies replace the old policies. Chief DiSalvo shared that there were certain State protocols, so there wouldn't be a policy for them. Chief DiSalvo discussed the policies and also discussed their pursuit policy.

**Schedule** – Ms. Silverman shared the Selectmen weren't getting a schedule on a regular basis. Chief DiSalvo shared the current schedule with the Selectmen. Chief DiSalvo stated there was police coverage 24/7 even when they are not on duty, the State Police covers.

Ms. Silverman asked what the expectation was when an officer goes on duty – was there a standard. Chief DiSalvo explained what a basic shift looked like. Ms. Silverman also asked if the expectation was to patrol Town roads. Chief DiSalvo shared the reason why he had done away with the log, where the starting and ending mileage was recorded and stated he looked at their calls for service and noted he doesn't see the exact time they may have patrolled a specific area. Chief DiSalvo stated the whole Town should be done with every shift.

The Selectmen discussed complaints they have received. Ms. Silverman asked to receive the schedule on a regular basis. Chief DiSalvo asked if they wanted it to include calls for service. The Selectmen would like it included.

**Radar Board** – Chief DiSalvo shared that the radar board wasn't working and Officer Moore contacted the company and the representative from Texas came and activated the Wi-Fi and showed them how to download the data. Chief DiSalvo shared it was now reaching out 100 yards and was currently on Richmond Road. Chief DiSalvo stated it was good data to share with the community. Chief DiSalvo felt it was a good tool to document what was going on and wasn't going to be used to hand out tickets.

Ms. Silverman shared that she has recently heard complaints that people are not stopping at the stop sign at the intersection of Rt 119 W, Richmond Road and Upper and Lower Troy Roads. Ms. Silverman also reported that people were still making a left onto Rt 119 E and then making a left into Mr. Mike's. Ms. Carney asked if a cruiser could be parked at the areas where there was a problem. Chief DiSalvo thought that the painted stop at the intersections were working. Mr. Baker asked if it was appropriate when the Selectmen receive a complaint to ask for police presence. Chief DiSalvo shared that people can see the speed board and he thought that the camera would slow people down. Ms. Silverman asked Chief DiSalvo to mention the radar board in the newsletter. Chief DiSalvo stated that was the plan.

#### **Non-Public Session RSA 91-A:3 II(a)**

At 7:40 p.m. Ms. Carney made a motion to go into non-public session under RSA 91-A:3 II(a). Mr. Baker seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes.

At 7:45 p.m. Ms. Silverman made a motion to leave non-public session and seal the minutes as disclosure would adversely affect the reputation of the person other than a member of the board. Ms. Carney seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes.

#### **Non-Public Session RSA 91-A:3 II(b)**

At 7:45 p.m. Ms. Silverman made a motion to go into non-public session under RSA 91-A:3 II(b). Mr. Baker seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes.

At 7:51 p.m. Ms. Silverman made a motion to leave non-public session and seal the minutes as disclosure would adversely affect the reputation of the person other than a member of the board. Ms. Carney seconded and the motion passed 3-0. Roll Call vote: Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes.

The Selectmen thanked Chief DiSalvo for meeting with them.

#### **8:15 DISCUSS E-MAIL FROM ROBERT FORD – UPPER GAP MOUNTAIN ROAD**

Robert and Jean Ford, Dana and Cheryl Pinney and Attorney Jason Reimers met with the Selectmen to discuss the e-mail from Mr. Ford. Gene Cuomo and Chief DiSalvo were also in attendance.

Mr. Ford thanked the Selectmen for their letter and noted his e-mail was to thank the Selectmen for instructing his neighbor to get permission in writing before doing any maintenance on the road. Mr. Ford stated that his neighbor has done more work than was needed and the letter has stopped him from doing any more road work.

Mr. Ford discussed road maintenance on the Class VI road that was done illegally by Dana Pinney over the past 8 years. Mr. Ford cited RSA 236:9 and reviewed the definition of road maintenance and stated that plowing wasn't considered maintenance.

Mr. Ford discussed signage that Mr. Pinney had put up and Mr. Ford has taken down. Mr. Ford stated that Mr. Pinney has had so much hostility and mentioned the police were watching the situation.

Mr. Ford stated there was no further signage or maintenance that was needed and that Mr. Pinney has a sign that identifies his property as do they and that was all that was needed.

Ms. Silverman asked Mr. Cuomo if there was a sign that stated a Class VI road. Ms. Silverman shared that Ms. Favreau had looked into the State law regarding Class VI roads. The municipality should provide notice to travelers as to where maintenance ends. Ms. Silverman also shared the Town's signs state not maintained. Mr. Ford stated that he didn't think further signage was needed and he was concerned about liability for the illegal sign that was put up.

Ms. Silverman shared that she wanted to find out what the Town's responsibility was and stated only the Town was allowed to work on Class VI roads and the Town doesn't maintain them. Mr. Cuomo shared that a section of the Class VI road has been the unofficial entrance to the residence that goes back to Will Brown who built the house. Mr. Cuomo stated prior to the Pinney's, they have always taken care of that part of the road. It has been grandfathered in, it's their driveway. Mr. Ford stated the Pinney's driveway officially begins at the end of the pavement and before then it is the Town's Class VI road. Mr. Ford stated that he was the land owner – he owns both sides of the road and to the middle of the road and he doesn't want to be part of any liability. Mr. Ford also stated if more work was done, he wanted indemnity from whoever was doing the work on the road.

Ms. Silverman shared that even on private roads, we need to make sure emergency vehicles can get through. Mr. Ford shared that trucks were getting down there and the police have no problem getting down there. Beyond Mr. Pinney's house was still a Class VI road and was more of a trail - not maintained.

Mr. Ford wanted to exercise their rights to use a four wheeler to get around their farm and shared he has a right to use on the Class VI road. Mr. Ford stated he talked with a police officer and Mr. Cuomo and they didn't have a problem with it. Ms. Silverman shared that the Selectmen have had some discussion regarding four wheelers on some of the Class VI roads. Mr. Ford stated it wasn't for recreational use and they were on their property. Mr. Cuomo asked Chief DiSalvo if a registered ATV could go on a Class VI road. Mr. Ford stated he registered his ATV but he didn't have to. Mr. Ford also stated he knows what his rights are and he wanted the Selectmen to be aware.

Mr. Cuomo stated the point of contention was that Mr. Pinney could no longer grade or fill without permission from the Selectmen or he needed to be bonded. Mr. Pinney could plow, sand it or walk it. Ms. Favreau shared that nothing needed to be signed, they just have to agree. Attorney Jason Reimers, asked the Selectmen before any decision was made to find out what the law actually states and acknowledged Mr. Ford stated what the law was. Attorney Reimers cited RSA 215 – which gives a town the authority to allow ATVs on a Class VI road but not automatically allowed. Attorney Reimers stated that maybe Mr. Ford was right with regard to plowing and maintenance but would like to look at the statute together.

Mr. Pinney stated he didn't know what the meeting would be for. Mr. Pinney thought that he and Mr. Ford were getting along fine and upon reading the letter, he realized that he was in violation. Mr. Pinney stated the letter Mr. Ford sent was inaccurate. When it was received, Mr. Pinney stated he never made an issue of it. Mr. Pinney discussed the signs that he had put up. Ms. Silverman shared that Mr. Pinney could have a no parking sign on his property. Mr. Pinney acknowledged he put them up inappropriately but stated Mr. Ford took them down inappropriately. Mr. Pinney showed a copy of the signs to the Selectmen. Ms. Silverman shared the Road Agent was in charge of signs. Ms. Silverman stated if Mr. Ford felt there was an issue with signage, he should have notified the Road Agent. Mr. Ford stated he would prefer if the Town had a sign in the right-of-way.

Mr. Pinney asked about the sign at the end of the road. It was noted that the former owner had put it up. Mr. Pinney asked if Mr. Cuomo could take the sign down because a sign can't be put up that restricts travel. Mr. Pinney mentioned he would start using that road on a regular basis. Mr. Cuomo stated the sign would be taken down tomorrow morning.

Mr. Pinney asked about 2 large boulders that should be removed as they were hazardous and restricted travel. Mr. Pinney asked Mr. Cuomo to look at. Mr. Pinney mentioned a shed being added without a driveway on the Ford's property. Ms. Silverman shared that a driveway wasn't needed. Mr. Pinney asked about the shed (animal shelter) across from his house that was in excess of 50 square feet and that it required a permit. Mr. Pinney mentioned it didn't meet the setbacks. Mr. Ford stated he met all of the requirements. Mr. Pinney stated it needed to be reviewed and it was a Town issue if done in error.

Ms. Silverman stated she wanted to restrict discussion to maintenance on a Class VI road. Mr. Pinney stated he had asked Attorney Reimer to be prepared with the sign and road issues. Mr. Pinney stated issues with the roads haven't been a problem since the 1800's and if he can't maintain the road there would be issues with the resale of his home. Ms. Silverman asked if not about the road or maintenance of the road, she wanted to put off the discussion and asked Mr. Pinney to condense and write down for the Selectmen to review.

Ms. Silverman shared the Selectmen would take what has been brought to them tonight and they would do their own research. The Selectmen would also ask Mr. Cuomo to verify some things and the Selectmen might do a site walk. Mr. Cuomo stated he would take down the sign and would look at the rocks. Ms. Silverman mentioned adding additional language to a Class VI road sign. Ms. Silverman stated the Selectmen wanted to review and would get back to both Mr. Ford and Mr. Pinney.

The Selectmen thanked Mr. Ford and Mr. Pinney for coming in.

\*\*\* **DISCUSS REPURCHASE OF TAX DEEDED PROPERTY**  
**Re: MAP 15, LOT 46**

Ms. Silverman shared there was an issue with the notification process. Ms. Favreau explained what had happened. The Town took the property by tax deed – land only. The owners have come in and stated that they were not notified. Jane Wright, Tax Collector mailed the original lien notice to the correct address but sent the impending tax deed notice to the old address. Ms. Favreau shared the Selectmen’s Office wasn’t notified until June of the address change. Ms. Silverman shared that the proper notification wasn’t done and we needed to return the property. Ms. Favreau shared the owners wanted to repurchase the property and there was a provision to charge a 10% penalty. Mr. Baker asked if we had leverage and could state that we would waive the penalty if they pay their taxes. Ms. Favreau shared they were logging and have shut it down. The owners told Ms. Favreau that they would be taking money out of their retirement account to pay the taxes. Mr. Baker asked if what we did wasn’t valid. Ms. Favreau shared they owe \$6,422.35 with the penalty and we could waive the penalty but \$131.15 was owed and \$280 in legal expenses. Ms. Favreau felt they should be responsible for that. Ms. Favreau stated if we weren’t given a correct address that was on them but it was clear that we were given a correct address.

The Selectmen noted this has happened before. Ms. Favreau shared the address change forms were created to help with this.

Ms. Carney made a motion to waive the 10% penalty. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0

\*\*\* **DISCUSS CABIN LOCATED ON MAP 2, LOT 4**

Ms. Favreau shared that when she received the new 911 maps, she did some research and saw that there was a cabin on the property. Ms. Favreau would contact Mark at Avitar to look into. Ms. Favreau asked the Selectmen if they wanted her to follow-up because no Construction Permit was obtained. The Selectmen agreed that they needed to be consistent in following up on construction being done without a Construction Permit.

\*\*\* **REVIEW NOTIFICATION FROM DES – DES DEPARTMENT HEADS TO MEET ON MONDAY TO DISCUSS HOW TO PROCEED**  
**Re: Map 1, Lot 8 – Bridge**

Ms. Silverman shared that Ms. Favreau had spoken with someone at the State to confirm that Mr. Coyle was set with the bridge. William Mitchell had stated to the Selectmen that he had talked with the State and everything was fine. Ms. Favreau was notified that the DES Department Heads would be meeting on Monday to discuss how to proceed. Ms. Silverman asked if Mr. Coyle should be sent a copy of the letter.

\*\*\* **DISCUSS PLANNING BOARD’S REQUEST FOR SELECTMEN TO DRAFT LETTER**  
**Re: Xtreme Auto, Map 15, Lot 26**

Ms. Favreau shared that Terry Silverman, Planning Board Chair discussed that Xtreme Auto were doing more than what was allowed. Ms. Carney shared that she was at the meeting and he stated he would be cutting trees down. Ms. Favreau shared they had an intent to cut. Ms. Favreau also shared they were told they needed a parking lot with a fence to be able to lock the area. Mr. Baker asked if the Planning Board could be more specific. Ms. Carney discussed the meeting the owner had with the Planning Board. The Selectmen asked to get more information from the Planning Board on what they are in violation of.

\*\*\* **REVIEW INFORMATION FROM CITIZENS BANK**  
**Re: Cost and Process for Direct Deposit**  
**- Signatures on bank accounts**

Ms. Favreau shared that she met with the representative from Citizens Bank to discuss direct deposit. Ms. Favreau discussed the fees and shared that payroll would have to be entered into QuickBooks and also keyed into the bank module. Mr. Baker thought it was worth it but his biggest issue was the redundant data entry, which could cause mistakes to be made. Mr. Baker asked Ms. Favreau to try and find a way to make it work. Mr. Baker thought it would be a good thing for the Town. The Selectmen asked Ms. Favreau to look into and survey staff to see who would use it.

Ms. Favreau discussed the need to update who would be a check signer in addition to Donna Hill. The bank representative shared that a letter needed to be written listing who, in addition to Donna Hill, could sign checks. Ms. Favreau suggested check signers could be the newest Board member and the Chairman. The Selectmen agreed.

\*\*\* **REVIEW LETTER FROM DRA**  
**Re: 2016 Cyclical Monitoring**

Ms. Favreau shared they check a sampling of Avitar’s work and reported that everything was fine.

**\*\*\* REVIEW AMENDED CONSTRUCTION PERMIT APPLICATION INSTRUCTIONS**

Ms. Favreau explained that Sheryl White found a few errors and made some updates to the instructions.

Ms. Carney made a motion to adopt the updated instructions. Mr. Baker seconded.  
Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes. Approved – 3-0

**\*\*\* DECIDE ON PARTICIPATION IN LOCAL UPDATE OF ADDRESSES FOR 2020 CENSUS**

Ms. Favreau shared this was optional for the Town to participate.

Ms. Carney made a motion not to participate. Mr. Baker seconded. Mr. Baker – Yes, Ms. Carney - Yes, Ms. Silverman - Yes.  
Approved – 3-0

**\*\*\* SCHEDULE MEETING WITH CEMETERY COMMISSIONERS**

The Selectmen discussed the issue with Mr. & Mrs. Brown and the need to hire a Sexton. The Selectmen agreed to meet at 1:45 p.m. on September 5<sup>th</sup> with the Cemetery Commissioners.

**\*\*\* MEETING SCHEDULED WITH DOT – SEPTEMBER 5<sup>TH</sup> AT 1:00 P.M.**

**OTHER BUSINESS:**

**-RECEIVED FOREST STEWARDSHIP PLAN – 10 YEAR PLANNING PERIOD – KATIE METZGER TOWN FOREST –** The Selectmen reviewed.

Ms. Favreau noted that Monday, September 4<sup>th</sup> was a holiday and the office would be closed. The Selectmen agreed they would meet on Tuesday, September 5<sup>th</sup> at 1 p.m.

Ms. Favreau shared that Ralph Heald, Deputy Town Clerk in Troy would be working this week in our Town Clerk’s office.

Ms. Carney made a motion to adjourn the meeting at 9:30 p.m. Mr. Baker seconded and the motion passed. 3-0

Submitted by:

Sheryl White  
Secretary to the Board of Selectmen

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Susan Silverman, Chairman

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Nancy Carney, Vice Chairman

\_\_\_\_\_  
Daniel Baker  
Board of Selectmen