

SELECT PERSONS MEETING

May 29, 2008

Present: Stan Judge, Lucy Evans, Heidi Behling, Ken Simonoko, Tim Bradstreet – Pike Industries, Jo Carpenter

Chairperson Stan Judge opened the meeting at 3:45 PM.

New Business

1. Town Roads – Town's Authority/Rights

Jo told the Board that she had consulted with NHMA legal assistance – Attorney Christine Fillmore – about the town's authority over a town road (town's portion of North Road).

Attorney Fillmore stated that we do have some recourse under RSA 231:191. This is the RSA that we used to set the weight limit on that portion of North Road. If they did not meet the weight limit they would need an exemption for this type of activity, which the Board could grant or perhaps not grant if it was detrimental to public safety. If the exemption was granted then the Board could also set hours of operation. However, if Pike travels over this road empty, they meet the weight limit and we have no jurisdiction.

The Board can drop the speed limit to as low as 25mph under RSA 265:63 and under RSA 236:9 and 236:10 can charge the company for damages to the road and may require a bond to cover such damages.

Jo told the Board that Attorney Fillmore stated that the Board has no authority to deny use of the road except as stated above once a road is designated as such, the public has a right to use it.

2. Meet with Pike Industries – Gilead Gravel Pit – North Road Use

Tim Bradstreet from Pike Industries met with the Board to review Pike's proposal to run gravel truck over the town portion of North Road.

Tim Bradstreet said that Pike would like to run over Shelburne's portion of North Road empty, fill at the Gilead pit and then return to Gorham via North Road in Gilead and Route 2. He said that originally he proposed hauling full over Shelburne's North Road but after discussions with Ken Simonoko he changed to the above mentioned route.

Stan Judge said that he is concerned about damage to the North Road because of the condition of the road and its base. Ken agreed. He said that the road has no sub-grade, no drainage and the paving is old.

Stan said he is also concerned about speed on this road. He said the trucks will need to stay within the posted speed.

Tim assured the Board that if he receives any complaints about the speed of a certain truck he will take care of it.

Tim said that the plan is to haul 5 days a week – April to July and September to November from about 6AM or 6:30 AM to 3:30 PM or 4PM.

The Board asked where the Gilead pit is located. Tim explained that it is the hill behind the old Brown bard on North Road in Gilead.

Ken Simonoko told Tim Bradstreet that he would rather not have Pike haul through Shelburne using Meadow and North Roads for the following reasons:

- There are 17 residences in Shelburne vs. 3 residences in Gilead
- North Road has 3 active logging operations already – will meet logging trucks
- North Road has 2 businesses that will be affected – Philbrook Farm and Crow Mountain Antiques
- North Road is used by many bikers, walkers, etc. because it a quiet rural road
- This section is designated as a scenic road and because of this there is a lot of traffic on it in the fall.
- The school bus runs on this road in the morning and the afternoon and it will be difficult if not dangerous when the bus and a gravel truck meet.
- The Park is the location for Girls’ High School and Middle School soccer practices and games.

Tim Bradstreet said that he would rather not have his trucks meeting each other so he proposed this circular route. He also told the Board that he plans to pay his truckers by the hour to cut down on the speeding problem.

Ken asked Tim if Pike would be willing to bond even if the trucks travel empty over Shelburne’s North Road. Tim said that he would have to check on that but felt they might be willing to do this.

Stan pointed out that Philbrook Farm would be hurt by the early starting time of the truck traffic. Stan asked what the number of truck per day would be and for how long they would be hauling out of this pit?

Tim said that Pike has a 10 year agreement with the pit owner. He said that during the months indicated previously he would make about 65 trips per day.

The Board asked how he would anticipate handling the school bus issue. Tim said that the drivers have CB’s and chat on those to warn of impending problems. Tim said he will also put up signs warning of the heavy trucking activity and warn the truckers to keep their speed down.

Tim told the Board that they have given him a lot to think about. He said that he will have several trucks run the route using North Road in Gilead both ways to see if it would be possible to run that way. He said that he would get back to the Board in a bout a month.

The Board thanked Tim for coming to discuss his request with them.

Minutes

This item was tabled.

Sign

1. Voucher #14 was signed.
2. The following PO's were signed:
 - Rav Bennett - \$1,179.74 - install door on fuel shed and re-screw Fire Department metal roof
 - FB. Spaulding - \$4,300 cemetery mower - another \$200.00 charged to cemeteries
 - Landscape Impressions - \$375.00 - sweep 3 streets (Moriah, Seyah & Power House)
 - PSNH - \$227.24 - May electric bills
 - Fair Point Communications - \$290.37 - May phone bills
 - E&S Rental - \$493.50 - brush cutter for Memorial Forest - to be reimbursed from Town Forest account
3. The Property Tax Warrant for the 1st tax bill was signed.

Correspondence

1. Ben & Betty Werner - concern about damage to their hay field during installation of Time Warner fiber optic cable. Jo will write back to explain that Selectmen have no jurisdiction over this project. They will need to deal with Time Warner or with Public Service.
2. PSNH
 - Rate Increase Information will increase from 8.82 cents/kilowatt hour to 9.25 cents per kilowatt hour
 - Changes to PSNH's cutting and trimming policies - much stricter regulations about keeping lines clear
3. Sue Waddington - list of property liens executed.
4. NH DOT - adjustment to April block grant payment and total for 2008 will now be \$12,249.90 about \$50 less than budgeted.
5. Trustees of Trust Funds - copy of letter sent to DRA in response to questions about 2 funds.
6. DRA - Ron Cote - Community Action Report - 5/22/2008
7. Invitation to AVER Annual Meeting - 6/4/08
8. NH Correctional Industries Sign Shop - Sale on crosswalk systems
9. Lucy Evans - Information on Retirement bills received at regional dinner
10. Various workshops & newsletters

Old Business

1. Noise Issue – Roger & Debbie Gagnon

Roger and Debbie Gagnon met with the Board to discuss the status of the noise issue concerning the dirt bikes that ride on the property next to theirs.

Jo explained that Bert Drouin has received a building permit to erect a barrier on top of containers that he has placed on the property. When that is finished a new sound test will be scheduled through the attorneys (the town's attorney and the Drouin's attorney)

Roger and Debbie said that they are concerned about the testing. They said it needs to be accurate. They said the riders need to ride they way they normally do – speed, jumps, more than one bike at a time, etc.

Jo will ask the town's attorney about setting up the conditions of the test to reflect these concerns. Leaves and weather were also mention as factors that could affect the test results.

Roger and Debbie would like to be present when the testing takes place. Jo will also pass that information along to the town's attorney.

Roger and Debbie said they feel that this type of track does not belong in Shelburne.

Stan explained that people have rights about how they use their property. He said this track does not come under review because it is not a commercial venture but a private track for family and friends. However, it does have to meet the town's noise ordinance and if it does not then action can be taken.

If the testing takes place and the sound does not meet the ordinance then the Board will issue the cease and desist order. The Drouins can appeal this order.

Debbie said that they would like to have someone available to test in case Rav is not available.

Debbie said this activity devalues their property. She said that she would sell if someone offered a fair price because she dreads the riding and listening to the noise.

The Board will inform the Gagnons when the testing is scheduled.

2. Time Warner Franchise Agreement

Heidi said that she has been asked by several people if the cable installation will have to be under ground or if there will be an exception made.

A discussion ensued. It was noted that there are quite a few home that have phone and electric installations that are above ground because they were done before the zoning change. The Board decided that people will have to ask the ZBA for an exception or install underground.

The final agreement was reviewed. The Board felt that Gorham Hill Road should be crossed off because it is the same as Route 2 and we use Route 2 as the official name.

The Board felt strongly that the agreement should be signed so we would have a provider to deal with and access for some people (about 30% of the citizens) is better than no access at all.

Stan said he views the letter stating a willingness to cooperate with the Town as very important. Stan also noted that Scott was not clear on the issue of taxation. It was agreed to follow up on that issue.

Heidi Behling made a motion to sign the franchise agreement with Time Warner with Gorham Hill Road crossed off. The motion was seconded by Lucy Evans and passed unanimously.

The agreement was signed. Jo will send it to Time Warner for their signature.

3. 911 Maps

Jo reported that she met with Casey Gordon and cleared up all discrepancies between the Town's road names and the 911database.

4. To Do List

This item was tabled.

5. Golf Course – Board of Land and Tax Appeal

We are still waiting for a date for the hearing on the motion to assess the course as a whole and then divided the value between the tow towns.

New Business (con't)

3. Health Insurance Renewal

Jo informed the Board that she and Ken agree to change the coverage to the High HMO with \$10 co-pay and to also change to \$0/\$30/\$50 prescription plan. The Board was pleased with the choice both parties should save money.

Lucy Evans made a motion to authorize Stan to sign the Health participation agreement and the renewal forms. This motion was seconded by Heidi Behling and passed unanimously.

4. 2007 Abatement Request – Androscoggin Valley Country Club.

Jo shared Avitar’s recommendation that the abatement be denied. They feel that the previous abatements reflect accurately the true value of the property.

Lucy Evans made a motion to deny Androscoggin Valley Country Club’s abatement request for 2007. This motion was seconded by Heidi Behling and passed unanimously.

5. Land Use Tax – Holmes

Avitar’s recommendation on the land use change tax to be levied against the Holmes property was reviewed and approved by consensus of the Board. Jo will prepare the forms to be signed.

6. Cleaning Position for the Town Hall and Offices

Only one application has been received and it is from Tillie Meyers. The Board agreed to hire Tillie but asked that Jo and Sue prepare a job description to give to Tillie.

Other

1. Mosquito Control

The Board discussed the information that mosquitoes infected with EEE and West Nile Virus have mostly been found in southeast New Hampshire. They feel it is important to have information on how to protect one’s self available.

The Board also discussed the use of a product called Mosquito Barrier on the Park. Heidi said that she has tried it and feels it works. She will bring in information for the next meeting.

2. Meeting Dates

- The following meetings were scheduled:
- Monday June 9, 2008 at 3:30 PM
 - Wednesday June 25, 2008 at 9:00 AM

Adjourn

The meeting was adjourned at 7:20 PM.