

**TOWN OF WALPOLE
MEETING OF THE SELECTBOARD
AUGUST 29, 2019**

Selectboard Present: Steven Dalessio (Chair); Peggy Pschirrer; Cheryl Mayberry

CALL TO ORDER: Mr. Dalessio called this meeting of the Selectboard to order at 8:00 AM in the Walpole Town Hall. He advised this meeting is being recorded and asked anyone wishing to speak to identify themselves for the record. There were fourteen members of the public in attendance.

PUBLIC BUSINESS:

RAMSAY HILL RIGHT-OF-WAY DEEDS: Mr. Dalessio asked members of the public who wish to speak to indicate if they are abutters or have another interest in the property. Two weeks ago when Mr. and Mrs. Coughlin and Mr. Gary Smith met with the Selectboard, Mr. Smith had questions. He asked for some time to discuss them with his attorney. Mr. Smith met with his attorney and looked at all the deeds. In 1999, Pam Potter deeded a parcel of land to the Town with conditions: "That the benefits of this land remain with Pam Potter, her heirs and assign, and for the benefit of the public at large". Mr. Smith knew of these conditions when he bought his property at the end of the road. Now, twenty years later, the Town is contemplating giving those benefits to one private citizen at the detriment of him and other owners of his farm after him. The Town has contemplated this for a year without notice to the public at large or to the abutters. In his analysis, this is not a legitimate authority of Town government any more than would be quietly disposing of the Town Green to build a store in the Village. The benefits of that land should remain with the public at large. Perhaps a patron could be found who would protect this land in perpetuity as intended. The rights should be protected.

Mr. Dalessio pointed out that they recently found the Quit Claim Deed that was never registered. The Potter deed has been registered with the county. At this point, the Town owns this piece of property. This happened last week when the office staff was looking through files and found the Quit Claim Deed that was never registered in 1999. When this originally began, the Selectboard thought it was a correction of a mistake made many years ago. They have seen this before in the Town when arrangements were made but never properly recorded. RSA 41:14-A specifically outlines the steps they have to take in order to dispose of any land owned by the Town. This will happen if this goes forward. Mrs. Pschirrer explained this means two public hearings, two weeks apart and then wait another week until a decision can be made.

Mr. Coughlin reported when they bought the land from Pam Potter, they drew up some covenants because she owned both sides of the road. Rather than have vehicles pass right near her front door, she moved the road. The covenant he signed was there was a strip of land that was 50-feet wide and 225-feet long. If at any time in the future the Town decided to move the road in front of Mr. Smith's house, the Town would be able to put the road into the triangular section. When Mr. Smith bought the land, it was only on one condition that the Selectboard move the road and the Selectboard agreed. It was surveyed and that was approved at a Town Meeting. When the Coughlins subdivided land last year, that is when they discovered these problems. Going back to when Mr. Smith bought the property, Mr. Coughlin met with the Selectboard and stated he did not want to lose frontage on the road. The Selectboard laid out, in the triangular section, a 50-foot wide road and the corners were cut off.

Mrs. Mary Lou Montgomery had a copy of the Annual Town Report for the year ending 1999. Mrs. Pschirrer read Article 12 as follows: "To see if the Town will vote to discontinue a portion of Class VI Ramsay Hill Road, in conjunction with the Selectmen's layout of the alternative, roughly parallel roadway. The length of the road to be discontinued is approximately two hundred (200) feet and is located immediately westerly of the alternate layout as shown on a plan, entitled "Coughlin-Potter",

Ramsay Hill Road, Walpole, NH, prepared by Tom Flavin, dated December 1987 and recorded at Book 56, Page 92 of the Cheshire County Registry of Deeds. (BY PETITION). Article 12 passed with a voice vote.

Mr. Dalessio mentioned there are several restrictions on the 1987 map. He read Restriction No. 3. Mr. Coughlin feels that land not used for the road should go back to them. Mr. Smith said but this is clearly not mentioned in the deeds. Mr. Dalessio stated they would need a legal interpretation of that restriction.

Mr. Richard Francis is not an abutter but lives on Ramsay Hill Road. He questioned if we are considering that portion of road on their side of it. Would a piece of property that would be to the west go back to the Coughlins as well? Mr. Dalessio held up the map and clarified the area they are talking about.

Mr. Smith said if the small piece of Class VI road that exists on the property deeded from Pam Potter to Mr. Coughlin was one day brought up to a Class V road, that would give adequate frontage for a second parcel to be developed in the five acre subdivision that the Coughlins have already enacted. His biggest concern is having two new houses at the end of the road and have it done with the Town's compliance is what he finds very unsettling. It is not the Town's job to enable owners' economic benefits. His decisions were based on the written record. Mr. Coughlin said both his and Mr. Smith's deeds have covenants that they could not subdivide either property more than once for 40 years. The triangles never came up until the most recent survey.

Mr. Smith asked if the Selectboard has a perspective. Mr. Dalessio responded "not yet" as more research needs to be done. Past Selectboard meeting minutes will be read. If the Selectboard does not do anything the Coughlins will still have frontage on the road.

Mrs. Montgomery asked if the 1999 Article voted on at Town Meeting has any relevance to the road. What does it mean to have discontinued it? Mrs. Pschirrer said if they discontinue the road, they do not do anything to it. Mr. Coughlin explained that back then they had to sign a document – at that time he could have claimed half of that road – they should have surveyed both sides of the road. The discussion continued on Pam Potter's deed "for the benefit of the public at large". Mrs. Pschirrer mentioned they need to look at all the covenants and how they apply.

~~Bevin Mitchell~~ Kathryn Bowry, not an abutter, quite often uses the access road. It is not clear that the Town owns it because of the fact it is not maintained. If it was obvious the road was a Town road, it would be used more widely. It seems like a dirt path. Mrs. Pschirrer pointed out that sometimes they do maintain Class VI roads when it becomes necessary for emergency vehicles to use them.

Kathryn Bowry suggested improving the redirected Class VI road. However, there were comments from the public that this could encourage increased traffic and future development.

Janet Francis is not an abutter but lives on Ramsay Hill Road. She wanted to clarify that if the Town owns the road, there needs to be a meeting before anything happens. Mr. Dalessio said that is correct and it is clearly written out in RSA 41:14A. Mrs. Francis asked when they would know about the two hearings. Mr. Dalessio explained this is not one of those hearings because first the Selectboard needs to digest this information. Hearings will be posted well in advance of the date in accordance with the RSAs.

Mr. Dalessio thanked everyone for coming.

ACCOUNTS PAYABLE:

Ms. Mayberry moved to accept the Accounts Payable Check Register in the amount of \$55,964.56 for checks issued August 30, 2019. Seconded by Mrs. Pschirrer. With Ms. Mayberry, Mrs. Pschirrer and Mr. Dalessio in favor, the motion was approved.

The above amount includes a payment of \$39,412.77 to the Health Trust.

PAYROLL:

Ms. Mayberry moved to accept the Payroll Check Register for the week ending August 24, 2019, in the amount of \$30,094.28 for checks issued August 30, 2019, and the electronic fund transfer for the 941 Employer Taxes in the amount of \$5,892.88. Seconded by Mrs. Pschirrer. With Ms. Mayberry, Mrs. Pschirrer and Mr. Dalessio in favor, the motion was approved.

SELECTBOARD MEETING MINUTES:

SELECTBOARD MINUTES – August 22, 2019: Ms. Mayberry moved to accept the Minutes of the Selectboard meeting of August 22, 2019, as submitted. Seconded by Mrs. Pschirrer. With Ms. Mayberry, Mrs. Pschirrer and Mr. Dalessio in favor, the Minutes were approved.

NON-PUBLIC SELECTBOARD SESSION – August 22, 2019: Ms. Mayberry moved to accept the Minutes of the Non-Public Selectboard session of August 22, 2019, as submitted. These Minutes will remain sealed. Seconded by Mrs. Pschirrer. With Ms. Mayberry, Mrs. Pschirrer and Mr. Dalessio in favor, the Minutes were approved.

COMMITTEE REPORT:

The Selectboard received and reviewed Minutes of the following meeting:

- Zoning Board of Adjustment Meeting – August 21, 2019.

ABATEMENTS – PROPERTY TAX:

LUCT Tax Abatement – Map and Lot #005-049-004: The Selectboard had approved this Land Use Change Tax (LUCT) for Map and Lot #005-049-004 last week. However, they did not sign one of the documents. The document was signed at this meeting.

OLD BUSINESS:

Ramsay Hill Right-of-Way Deeds: Mr. Dalessio summarized the discussion at the beginning of this meeting by stating that more research needs to be done especially the covenants. The Selectboard will seek a legal opinion from Attorney Hockensmith.

Water & Sewer Receipts to Date: The Selectboard acknowledged receipt of the Water and Sewer Receipts report from Mrs. Jodi Daigle. The Quarter 2 billing for 2019 is as follows: 67.1% was paid as of August 28, 2019 with \$54,880.11 left to collect.

Dexpart Junkyard Complaint: The Selectboard acknowledged receipt of the legal opinion from Attorney Hockensmith on the Dexpart Junkyard complaint. Mr. Edkins and Mr. O'Brien requested this legal opinion. This will be on the agenda for next week as it was just received.

Reuse Trailer Insurance Claim Settlement and Next Steps: As reported last week, a tree fell on the Reuse Trailer at the Recycling Center. The settlement proposal is \$29,634.82 after the \$1,000 deductible is applied. Mr. Dalessio asked Mrs. Downing to contact Mr. Michael Nerrie and other interested people to come to the Selectboard meeting on September 12th to talk about options. A free trailer offer was

received; Mr. Nerrie will be asked to look at it. Mr. Dalessio stated the Reuse Trailer is an important part of the Recycling Center. It benefits the Fall Mountain Food Shelf.

Appointment of Committee Members Procedure: Mrs. Pschirrer moved to accept and sign the “Appointment of Committee Members Procedure”. Seconded by Ms. Mayberry. With Mrs. Pschirrer, Ms. Mayberry and Mr. Dalessio in favor, the motion was approved.

Old Drewsville Road Cattle Crossing Signage and General Update: Mr. Dalessio reported the Gowdy Farm was about to move cows across the Old Drewsville Road. They put up cones to alert drivers but a truck went into the wire. No one was hurt. All signs committed to during the public hearing have been put up; “Speed”, “Stop”, “Winding Road” and “Cattle Crossing” signs. Rumble strips will be done next year when the top coat is put on the new pavement as it needs a year to harden. Mr. Rau is also looking into a solar powered LED flashing light pole that the Gowdys can turn on as needed. Depending on cost, this might be a budgetary item for next year. Mr. Dalessio advised the company has been contacted to stripe white lines along the edges of the new pavement to highlight the edges so drivers can see them more clearly at night. Everything is being done according to their plan. Now that school is about to open, Police Chief Paquette will be reminded to have the police patrol in the morning and afternoon to slow drivers down.

Roads – White Lines: Mrs. Pschirrer felt it would be helpful to have March Hill Road done with white lines because there are some drop-offs. The other road that should be done is Barnett Hill Road due to the extreme weather conditions. Mr. Dalessio will bring this to Mr. Rau’s attention. They will ask the State what type of reflective paint they use as it works very well at night.

Old Stage Road Gates and Bars: Mr. Dalessio started doing more research. The NH Turnpike roads might have been built with private monies. Around 1819, the company that built the 3rd NH Turnpike might have gone under. The question is whether or not the Town ever got the road and, if so, was it discontinued. We do not have any Town records that go back that far. Mrs. Smith is checking with the State. Mr. Dalessio will continue to do more research and then a decision can be made. It is progressing.

NEW BUSINESS:

MS-1 and MS-IVs: Mrs. Pschirrer moved that the Chair of the Selectboard, Steven Dalessio, be authorized to sign the MS-1, Summary Inventory of Valuation, for the NH Department of Revenue Administration. Seconded by Ms. Mayberry. With Mrs. Pschirrer, Ms. Mayberry and Mr. Dalessio in favor, the motion was approved.

NH Brownfields Covenant Not to Sue: Mrs. Pschirrer moved that the Chair of the Selectboard, Steven Dalessio, be authorized to sign the NH Brownfields Covenant Not to Sue which the Town received from the NH Department of Environmental Services (DES). Seconded by Ms. Mayberry. With Mrs. Pschirrer, Ms. Mayberry and Mr. Dalessio in favor, the motion was approved.

Mrs. Pschirrer advised that this document will have to be recorded in Keene at the Registry of Deeds.

Mrs. Pschirrer reported that Mr. Joe Ferrari, EPA Coordinator, will be here on Wednesday, September 4th at 10:00 AM to meet with Mrs. Pschirrer, Mr. Rich Kreissle and Mrs. Sarah Downing who have been working on various Brownfields documents

March Hill Road Culvert – Wetlands Permit: Mrs. Pschirrer moved that the Chair of the Selectboard, Steven Dalessio, be authorized to sign the NH Department of Environmental Services (DES) Wetlands

Permit for the March Hill Road Culvert. Seconded by Ms. Mayberry. With Mrs. Pschirrer, Ms. Mayberry and Mr. Dalessio in favor, the motion was approved.

Thank You Letter from 4-H Robotics Team: Mr. Dalessio acknowledged the Thank You letter from the 4-H Robotics Team for the use of the Town Hall basement and other areas which is considered a form of sponsoring. We have an invitation to join them on either Friday, September 13th or Sunday, September 15th from 6:30 to 7:30 PM in the Walpole Town Hall as they demonstrate their robot from the 2019 competition season. It is a good program for the Town to support.

NON-PUBLIC SELECTBOARD SESSION:

Mrs. Pschirrer moved to enter into a Non-Public Selectboard Session pursuant to RSA 91-A:3 II to discuss (a) Personnel. Ms. Mayberry seconded the motion and, on a roll call vote with Mrs. Pschirrer, Ms. Mayberry and Mr. Dalessio in favor, the motion was approved at 9:38 AM. The regular Selectboard meeting resumed at 9:45 AM.

Mrs. Pschirrer moved that the Minutes of the Non-Public Selectboard Session of August 29, 2019, be sealed. Seconded by Ms. Mayberry. With Mrs. Pschirrer, Ms. Mayberry and Mr. Dalessio in favor, the motion was approved.

RECESS SELECTBOARD MEETING:

Mrs. Pschirrer moved to recess this Selectboard meeting. The Selectboard will enter into a meeting as the Hooper Trustees. Seconded by Ms. Mayberry. With Mrs. Pschirrer, Ms. Mayberry and Mr. Dalessio in favor, the motion was approved at 9:46 AM. The regular Selectboard meeting resumed at 9:50 AM.

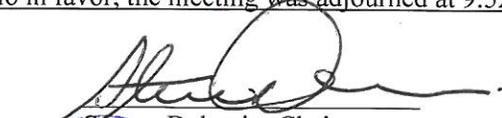
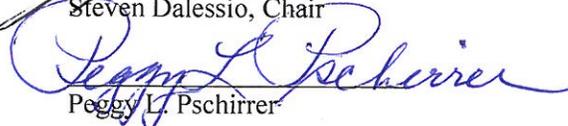
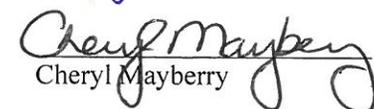
OTHER BUSINESS:

Recycling Center: Ms. Mayberry reported that Mr. Hoy talked to her about taking Friday, September 20th and Saturday, September 21st off; one vacation day and one personal day. Ms. Shaena Hakey will be the contact person for those two days. Mr. Hoy will ask some volunteers to try to work these days.

ADJOURNMENT:

Ms. Mayberry moved to adjourn this Selectboard meeting. Seconded by Mrs. Pschirrer. With Ms. Mayberry, Mrs. Pschirrer and Mr. Dalessio in favor, the meeting was adjourned at 9:52 AM.

Respectfully submitted,
Regina Borden, Recording Secretary


Steven Dalessio, Chair

Peggy L. Pschirrer

Cheryl Mayberry

(Note: These are unapproved Minutes. Corrections will be found in the Minutes of the September 5, 2019, Selectboard meeting.)