

SELECTMEN'S MEETING

August 22, 2012

Executive Board Attending: David Upton, Susan Hansel, Maury Collins, Edie Drinkwater, Admin. Assist.

Others Attending: Dennis Dellagrecia, Mary Dellagrecia, Bud French, Margaret Schillemat, Maureen Lord, Karen Tolman, Barry Tolman, Tom Tolman, Tom Congoran, Mary Congoran, Hope Lothrop, Rick Lothrop, John Cucchi, Sara Sandberg, Jason Walter, Richard Pratt,

The August 23rd meeting of the Nelson Board of Selectmen was opened at 6:04 PM by Chair David Upton.

David began with a report on his attendance at the Roxbury Bicentennial Celebration. The Executive Boards from Nelson, Marlborough, and Keene were invited as special Guests. In 1812 these three towns gave up land which became the Town of Roxbury. During the celebration each town was given back a piece of Roxbury in the form of a hefty piece of Granite which was inscribed ROXBURY 1812-2012.

The Board then reviewed an application for a building permit from James Bowen for his property located at 197 Nubanusit Lake Road. This was a second review by the Board. When first presented, the Board had concerns because this is a non-conforming lot. The existing house is to be torn down and a new house built. The new house will be set several feet farther away from the water. This application was referred to the ZBA for review. Rich Popovic checked the plans and felt the new structure would be less non-conforming and still be within the original property setbacks. His opinion was that a formal ZBA visit was not needed and referred the project back to the Board for a decision.

After a bit of discussion and some clarification by John Cucchi (ZBA member) David made a motion to approve the permit.

Susan seconded .

The motion then carried by a vote of 3-0.

Rick and Hope Lothrop arrived next and requested a non-public session with the Board.

After determining that this matter concerned a complaint against an Elected Official David informed Rick that his presentation must be in open session but he should be careful not to identify other residents or individuals while stating his complaint.

Earlier this month there was a rescue call in Nelson that other agencies responded to including the Keene Ambulance. It was reported by responders from the Keene Ambulance service that they encountered confrontational individuals who appeared to have been drinking and they attempted to interfere with the responder providing aid to a victim. The State Police were called in to assist with this situation. Following this incident a complaint was filed by the Keene Ambulance Service. Because of their concern for the safety of responders an agreement to "Flag" these locations occurred. This means that any rescue call to these locations would require immediate Police dispatch to provide protection to the responders. This is a standard procedure for this type of encounter. This was then put in motion by logging the address with the Police Dispatcher out of Keene.

Rick stated that while he was in the process of verifying these addresses he ran into Maury Collins and mentioned the safety issues and concerns. He reviewed the policy that was now in place for these locations.

Later Rick received a call from Maury informing Rick he visited with the people present at the

rescue call and they had informed Maury that no one was drunk and they did not interfere during the rescue call but they felt the responders were a bit pushy and words were exchanged. Rick was surprised and concerned that Maury would have had such a discussion. Rick immediately had concerns there would be repercussions from Maury's visit. He and his wife feared for their safety and for their home. Hope also voiced concern that now all rescue personal have been put at risk.

David noted that individual Board members have a right and responsibility to hear from any citizen in Town. The individual may then bring any and all concerns to the entire Board for discussion and action.

David also noted that the Selectmen are responsible for overseeing the actions of all employees and department heads.

Hope believes that when a member of the Board goes to the home of a resident he is not considered an individual but representative of the Board.

Hope stated that they want to go on the record that the Town will be held responsible if anything should happen because of this.

Maureen Lord voiced concern for the safety of emergency responders and asked Maury if he had stated to these individuals that their property was being "Flagged" for Police response. Maury said no and briefly went over his conversation with the resident in question.

Bud French was next. He was in attendance as Chair of the Conservation Commission to report his findings after a visit to the Congoran property.

Bud began with a review of some concerns he and the Conservation Commission have. He mentioned Intent to cut applications, driveway permits, wetland and shoreline permits, easements, and any DES issue. These are all areas the Conservation Commission would like to be notified of when presented before the Board.

Bud then began a presentation/complaint regarding the manner of action and timeline concerning the Congoran property. He indicated great concern about the way the Selectmen chose to deal with this matter while they were waiting to receive information about the current project as well as previous projects in 2010.

Margaret Schillemat also took exception to this method.

Bud said he received information from Dennis Dellagrecia regarding possible septic, and shoreline violations as well as easement issues. Bud indicated he then followed through to investigate these issues of concern. He also stated that the Harris Center would be meeting with the Congorans as they own the easement on the property.

During a chance meeting with David Upton they discussed going to the Congoran's together for a meeting and to view the property. Bud indicated that an agreement, of sort, had been struck regarding a visit to the property.

Bud stated that his wife later took a call from David informing Bud that he (David) already held a meeting with Tom and Mary Congoran separately. David stating that there would be no need to go there with Bud as they seemed to be all set.

Bud arranged to go along with the Harris Center for a meeting. He stated that he noted several areas that seem to be in violation. A dock that was removed, sewer pipe remaining on the property, a water tank under the camp, earth had been disturbed around the camp and there was run off toward the lake, there were no permits posted other than an old permit from 2010, no DES permit and no Shoreline permit was seen. Bud also referenced photos taken by Dennis Dellagrecia and presented to the Board which show these same issues.

Bud again mentioned the areas he feels should fall to the Conservation Commission to follow. He referenced a timber cut that is taking place that requires a forestry plan to be followed and should be done by the Conservation Commission.

Bud also noted that Dennis Dellagrecia mentioned that a Notice of Violation ,against Dennis, from the DEA appeared in his property file. Bud noted that the follow up report had not appeared in the file. Bud presented a copy this evening for the file. Bud claimed no knowledge as to why it was not in the file. He went on to imply this responsibility was that of the Town Office .

Bud then accused David of presenting a “smoke screen” to delay Bud or the Conservation from visiting the Congoran property. He stated that both he and the Conservation Commission are concerned about his actions.

Margaret also expressed in her concern.

David responded that in many instances it is necessary to expedite the process rather than wait for the full Board to be in attendance. The Congoran matter was discussed by the Board in response to a request from Dennis Dellagrecia.

This Board does the best it can to answer concerns about issues in the Town. In this case an informal cease and desist was issued. Dennis was not convinced that this was adequate and so a follow up to this action was put in place.

Margaret stated her belief that an informal Cease and Desist was not appropriate. She firmly stated that there must be documentation of this type of action from a Town Official.

Bud continued and attempted to engage the audience to support his complaint.

The topic was then disregarded as Dennis brought up previous requests he made that the Board purchase a tape recorder for meetings so that disks could be made available. He also made a request for parking signage at Nubanusit Lake. He said he feels that some people get action to their requests immediately while others do not.

He moved back to the Congoran issue. He said he had presented information to the Board which was not followed up. He then came with a request for a formal Cease and Desist to be issued to Tom and Mary Congoran. He asked if that had been done.

David replied no,that the Board chose not to.

At this point several members of the audience showed distress and anger.

Margaret Schillemat indicated that several people have brought comments to her attention that they alleged were made by David Upton. She went on to assert that if she receives one more phone call passing on derogatory comments about her made by David she will file a law suit against him. Her claim continued that at least 3 people were witness to such statements at a meeting and would come forward if she requested. She claims this happened during a discussion of who would be chosen to replace Warren Hammack as Selectman.

With order restored David began his report of his meeting with Tom and Mary Congoran. He divided it into three catagories.

1. Waste water management
2. Site work and buildings
3. Waterfront installations

At the present time there is no water being brought into the cottage and therefore no waste water exiting the cottage. There are no sinks or toilets or other water using appliances located in the cottage. This was observed when he was invited into the cottage.

Future plans include the installation of a composting toilet and a State approved gray water management system. The design of this system is in progress. The question of whether the previous lake water pumping system can be used or whether a new well water system must be installed remains to be determined.

David was told that the DES permit is in place for the driveway, the existing site work, the porch addition and the foundation work on the cottage. The Town of Nelson had issued a Building Permit for the porch addition and the foundation work. An amendment to the present DES permit is currently being drafted for submission for approval from the DES. This amendment will include the request for approval of the gray water management system, the installation of a water well, Construction of the building addition, and a ground water drainage system. When all State approvals are in place as well as approvals from the Harris Center Tom and Mary Congoran will apply for a building permit for an addition to the cottage.

Bud added that they already have approval from the Harris Center. He also said that as far as he knew they hold no DES permits on any projects.

David said when the Congorans arrive they can answer that question.

He continued his report.

In 2008 an access ramp and dock platform that were present when the property was purchased in 2007 were moved to a new site approximately 200 feet east of the original location. A pre-existing boat mooring and a piece of the pre-existing ramp to the original dock platform were left behind. The access ramp to the dock at the new site and the dock platform were dismantled and rebuilt in 2012. The Congorans reports the size to be the same as the original structure. This was done with the approval of the Harris Center but not DES. A new additional boat mooring has been installed adjacent to the access ramp and platform. The mooring was installed without State approvals. The Town and Mr. Congoran will investigate the need for State approvals for each project that was done without DES permits.

Dennis began reading excerpts from regulations concerning the responsibility of the Harris Center at the time of sale of this property to the Congorans.

At this time Mr. Congoran entered the meeting and was introduced.

Mr. Congoran stated that since they owned the cottage (2007) no water has been pumped into or exited the building.

He indicated that he does have DES approval on 2 projects. 1. The driveway 2. Porch and Foundation.

He went over the previous amendments and the newest amendment application to build an addition on the cottage.

He then went over the Notice of violation from the DES.

Mr. Congoran said that some work was done in 2008 on a dock. At that time they did not realize there was a need to seek special permits from the Town or DES.

The Harris Center inspects the property each year in accordance with the easement terms and they had not objected.

They are now in the process of correcting these mistakes by applying for an "after the fact" permit from DES.

The applications are being completed for submission and when all the necessary DES permits are in place for the drainage work, addition on the back of the house and steps to the porch, they will come to the Town to request a building permit.

There was a brief discussion regarding future septic plans.

Susan said that seems to be the first issue to address to put everyone at ease. Mrs. Congoran agreed and said that is in the plan.

David had concerns about meeting the Town's setback from the waterline and may need a review by the ZBA.

John Cucchi weighed in as a member of the ZBA. If the changes do not make the property

less conforming the ZBA may not be required.

Dennis Dellagreca then introduced himself to the Congorans and explained his drive to get complete fairness in the permit process.

Maureen Lord asked how long the cabin had remained vacant.

There were many comments but no exact time was known by anyone in attendance.

Bud asked for a complete listing of the DES permits they already have or are applying for.

Mr. Congoran reviewed the list.

Bud said he did not see the 2010 DES permit posted on the property when he visited.

Tom Tolman said it was posted with the original Building permit issued in 2010.

Edie presented a letter from Terry Mednick indicating that he will be returning to the BTLA with his 2010 abatement appeal.

Maury offered to meet with Terry again. There was very brief discussion and Susan said it seemed like a good idea to have an objective party evaluate this matter.

A few comments were offered from the audience regarding assessment techniques used by Cross Country.

No action was taken regarding Mr. Mednick. His case will go to the BTLA.

There was an update on the renovations. Doors are ready to be installed, painting will begin tomorrow.

Barry Tolman asked about the status of the Rescue Squad.

Maury reported that at least 8 people have shown interest or have signed up already.

Richie Pratt explained the 1st Responder class and the method of funding. The course is 65 hours and is all volunteer. Re-certification will be required every 2 years. The Town will fund the cost of offering this class. This is scheduled to begin in mid September. All classes will be held in the Nelson Safety Building.

Dennis delivered several remaining comments regarding his thoughts on the Congoran matter as well as offering suggestions to Maury regarding the restrictions of his position.

David explained that the Board prefers to address people in a cooperative, non-adversarial manner rather than slamming them with legal paperwork whenever possible. When that fails there are other tools available if necessary.

David went on to say that the Board is trying to be very even handed with all residents.

A question came up about the hose across the road at Nubanusit. It was explained that this is a traffic counter. Southwest Regional Planning, as well as the NH Dept. of Safety, is involved in evaluating trouble spots with regard to safety issues such as speeding. The hose is recording statistical data.

Barry noted his concerns over other areas of Town where speed is an issue. He noted that several areas of Town should have additional signage.

John Cucchi offered comments regarding his 12 years of experience in dealing with the State. He followed with a brief history of his dealings with road issues.

Paperwork and general operating business began next.

Edie reviewed the upholstery estimate for the Office furniture and noted that the funds for the

upholstery and the curtains will come from the insurance settlement as a result of the furnace blowback.

David made a motion to approve the upholstering of the office furniture.

Maury seconded.

The motion then carried by a vote of 3-0

Next to be reviewed was a building permit application from Rick Church. This is for a photovoltaic array to generate electricity for his home.

It was determined that this equipment may not need a building permit.

This will require removing a very small piece of land from current use.

Since the form was complete and the Board favored the project, Maury made a motion to approve the building permit.

David seconded

The motion then carried by a vote of 3-0

Maureen Lord requested a copy of the easement agreement regarding the mowing of the Betsy (Seixas) Jane property.

Next came a motion from David to go into Non-Public session to discuss a personnel matter.

This in accordance with RSA 91-A:3 II(a&c).

Susan seconded the motion.

A roll call vote then carried the motion. Susan – Aye, David – Aye, Maury – Aye.

The Time was 8:09 PM

At 8:18 PM the Board returned to public session with the following information

Town of Nelson [Board of **Selectmen**, Planning Board , ZBA etc. (choose one)]

Personnel and Legal matters concerning Town Employees RSA 91-A: 3 II (a&c)

Minutes of Non-Public Session

Date: August 22, 2012

Present: David Upton Yes

Maury Collins Yes

Susan Hansel Yes

Motion to enter Non-Public Session made by David
and Seconded by Susan.

**SPECIFIC EXEMPTION RELIED UPON AS FOUNDATION FOR
THE NON-PUBLIC SESSION.**

X **RSA 91-A: 3 II (a)** – The dismissal, promotion or compensation of any public employee
or the disciplining of such employee or the investigation of any charges against him unless

MOTION MADE BY David **, SECONDED BY** Maury

**TO NOT PUBLICLY DISCLOSE THE MINUTES BECAUSE IT IS DETERMINED THAT
DIVULGENCE OF THE INFORMATION LIKELY WOULD:**

X Affect adversely the reputation of any person other than a member of the Board, or
 Render the proposed action ineffective.

Cause harm to the Town through Possible litigation

ROLL CALL VOTE Susan - Yes
 Maury - Yes
 David - Yes

MOTION TO CLOSE THE NON-PUBLIC SESSION MADE BY David
AND SECONDED BY Susan

ROLL CALL VOTE Susan - Yes
 Maury - Yes
 David - Yes

The Board Reconvened the Public Session at 8:18 **PM**

Minutes recorded by: Edie Drinkwater

Next was a review of the proposal from Allan Treadwell to add public wireless access to the Town Office Building at a cost of \$150.00.

This had been discussed and then tabled at the previous meeting.

There was a brief discussion and Susan said she will write a grant application for this project. If the grant is approved there would be no cost to the Town.

Susan made a motion that the installation go forward and to be paid for by a grant.

Maury seconded the motion.

The motion then carried by a vote of 3-0.

David made a motion to approve the minutes of the August 8, 2012 meeting.

Susan seconded the motion.

The motion then carried by a vote of 2-0 (Maury did not attend that meeting)

The Board then reviewed the MS-1 report which goes to the DRA.

It was completed before the due date of September 1st.

David made a motion to approve the manifest as presented.

Maury seconded the motion.

The motion then carried by a vote of 3-0

David gave a brief report of the progress by the Joint Loss Management Committee on the Safety Manual which is required by the NH Dept. of Labor. This should be ready by September 30th.

David then reported on the first meeting of the Hazard Mitigation Committee which was held on Tuesday August 21st.

The committee has various task including creating a list of potential Hazards within the Town. Being aware of these potential hazards and taking steps to limit the dangers is also part of their work.

David and Susan reported on the Election training class and the topics covered such as providing proper access, van parking, ADA compliance, path and threshold care.

It was noted that the walk into the Town Hall is in need of repair. Susan will call the Secretary of State to get information on the requirements and to see if any grant money is available.

A temporary wooden ramp was suggested by Rich Pratt. The requirements will be checked for temporary repairs.

Rich Pratt reported on the Ingalls property and the progress made with the cleanup. 6-8 loads have been removed to the Town Barn area. One load of scrap was taken away.

Maureen Lord mentioned that there seems to be a lot of metal in the pile of debris at the Town Barn. She noted concerns because this is a recreation area for the kids in Town. She also noted that one of her tires was cut while driving in this area.

With no other business Maury made a motion to adjourn

Susan seconded the motion.

The motion carried by a vote of 3-0

Meeting adjourned at 8:59 PM

August 22, 2012

David Upton, Acting Chair

Maury Collins

Susan Hansel