



MINUTES
Selectboard Meeting
Monday, September 19, 2016 Town Office
Meeting Room 6:00 PM

Selectmen: Ed Thorson, Russell Smith, Joy Nowell

Town Personnel: Dennis Pavlicek, Town Administrator; Pam Bryk, Administrative Assistant; Henry Thomas, Fire Chief; John Greenwood, CEO; Katheryn Holmes, Conservation Commission.

Public: Birchfield Road Neighbors

1 Public Input
None.

2 Presentations/Appointments

a) Peter Salvetti - American Energy Efficiency Company

Salvetti came in for the Board's approval on installing the new street lighting. Eversource is giving a \$7,500 rebate this year if everything is installed by December 1st. Salvetti will order everything and have it all installed by December 1st. The lights being installed are state of the art Philips lighting. They are being installed in New London now. Pavlicek said the total cost for the lighting is \$18,000, Eversource will pay \$7,500 and the town will pay the \$11,000. We have a budget for \$13,000 now but in 2017 it will drop to at least \$6,000 or \$6,500. The pay back is less than two years. Salvetti said the led street lighting have beam angles and there is no light into the sky. Salvetti will work with Pavlicek and the Board to see what the street lighting needs of Newbury are. Nowell made a motion to accept the proposal and have the street lighting installed by December 1st in order to receive the rebate, Smith seconded the motion, All in favor.

3 Regular Business

a) NBC Scholarship fundraiser

NBC will be selling raffle tickets at the transfer station.

b) John Greenwood

Greenwood came in to speak about Eric Castiglioni, Birchfield Road and the cease and desist letter that was sent to him. Greenwood said that he spoke to the Castiglioni's, and what is in their yard is racing cars. They have a 10 person racing team and he has the title to all the cars. Castiglioni told Greenwood that he is speaking with an attorney. Greenwood has suggested that they go to the planning board, regarding if this is a business per the cottage industry regulations. Castiglioni said they have went through this a few years ago. Thorson said if he is bringing cars in for other people and getting paid for it, that requires the planning board to be involved. Greenwood was told that they are his own vehicles and he holds the title to the vehicles that are there. A neighbor of theirs said they have called the police before because Castiglioni is racing down Birchfield and around Rt 103. Another neighbor said 5 or 6 friends come down and they race on the streets. Thorson said we have an ordinance about noise. Another neighbor said this is beyond the ordinance, he has unregistered cars on the road, noise pollution, early morning hours, and in the summer the noise and cars on the road happened every night. With all his traffic coming and going it is a total disregard for walkers, dogs, and children. There is noise, lights on all night, plasma cutters being used, a few years ago CEO Paul Lacasse said what he was doing was not appropriate. At that time it was scrap metal, there were trailers and trucks with scrap to sell. Now it is a different operation, everyone in the neighborhood has the general feeling that it is no longer a pleasure to live there. Thorson read the nuisance article 3.5, seems they are violating the ordinance. A neighbor said it is also the pollution and oil from the cars. Pavlicek said another ordinance is loud noise after 10 p.m. Thorson also mentioned an exterior lighting ordinance. A neighbor said this goes far beyond the zoning ordinances, it has to be stopped. They require a special exception from the zoning board, it is a cottage industry. People are coming and going, this is a business. This was going on today. Thorson said on August 19th they were issued a cease and desist. Pavlicek said if they do not stop they will be opened up to fines. Pavlicek and Greenwood went to do a site inspection, they did resend the cease and desist letter to the Birchfield address, Castiglioni has received the letter. Another neighbor said that people are always racing at night 8 p.m. to 1 a.m., the neighbor has seen the unregistered cars drive around the circle, trucks and flatbeds are regular sights all the time. Thorson said if he has a 10 person racing team that it is a business. One neighbor said look at the environment, where is all this gas and oil going, the property is on wetlands. Nowell said it seems that general repair services are

being done, whether for money or not. Pavlicek asked Greenwood what did Castiglioni say. Greenwood said they are coming back late at night, but they are willing to stop doing things late at night. A neighbor said they are rebuilding cars into race cars, they have a Naughton dumpster, that is emptied weekly. Where are the fluids going? Another neighbor commented that even if it is a hobby that large, the noise is unbearable. Pavlicek said the noise ordinance also controls the amount of noise during the day. Pavlicek recommends that they cease all operations at this point and discuss what they are exactly doing and if not penalties can be up to \$550 a day. Neighbor across the street gets light pollution. Thorson ask if there has been police patrolling?? No one has seen police. A neighbor asked if Greenwood has put a call into DES. Pavlicek will ask police to patrol the neighborhood for the next couple of weeks at different times during the day and night. On Wednesday they will do a new cease and desist letter, the letter will be served by the police department. Smith suggested that the neighbors take videos with their cell phones. One of the neighbors said we have pictures of the cars on the road, flatbed trucks, and the selling of these cars on craigslist. Greenwood said he has made communication with them and will call them on Wednesday to tell them what we are doing. The neighbor will continue calling the police every time. Pavlicek asked them to send an email saying the police were called and keep it documented. The neighbors feel this is very disruptive to the neighborhood. Thorson said we will take steps to satisfy their concerns.

c) John Greenwood letter - Permit Application

Greenwood and Bruss were here to discuss a building permit on Rt 103. The permit was to renovate a cottage that isn't suppose to be on the property. Greenwood said the property transferred ownership and the new owner was not aware of this. The property was actually marketed as a guest cottage. Greenwood found out about this after research was done when he inquired about the size of the septic system. Thorson said they were vacation cottages originally. Bruss said it was supposed to be torned down upon completion of the main house, there was a letter written to the selectboard. There is no septic connected. The new owner brought this as is with the cottage. Bruss said thenew owner will work with the town, he would like to have a pool cabana, maybe one bedroom. Bruss showed the house pictures, it is 11 1/2 feet from the water. The new owner is willing to move the house back away from the water. Smith said they will need a pump system going up to the main septic, Bruss agreed yes he will. Pavlicek said to get approval from DES, if DES doesn't have an issue, would Greenwood have an issue. Greenwood said no we would have a new permit for that and that's an easy fix. Greenwood said this happened in 2003 prior to Lacasse starting. It slipped throught the cracks. Pavlicek said have DES

approve the system. Greenwood suggests that keeping it in same spot and improving it. Bruss said the new owner's goal is to improve it and to do the right thing and take care of the lake. The Board said it is going to DES and then see if they approve it.

d) Appointment Letters

The Board signed all appointments letters:

Christine Daniels - Budget Committee Member; Dianalee Velie - Newbury Poet Laureate; Gary Daniels - UVLSRPC Representative; Leanne Root, Kristie Lacombe, Gail Bostic, Jean Dudley, Peggy Walker - Recreation Committee.

e) Municipal Agent Fees

Plunkett's email said that the Department of Safety has authorized towns to charge up to \$3 per registration for municipal agent fees. Nowell would like to increase the fees since it has not been done in 15 years. The Board approved the municipal agent fees to go up to \$3.00.

f) Michie Discussion - Town Attorney & DRA Comments to Pavlicek

Pavlicek spoke to the DRA timber tax appraiser and to the town attorney, and the Board needs to sign the intent to cut. DRA said that this intent to cut has meet all the state requirements for the Board to sign. Pavlicek discussed with Mayer the signing of the intent and the ability to cease and desist according to our ordinances. Thorson said we have to sign within in 30 days, so we should sign it and then cease and desist the cut. Smith said our zoning regulations don't follow under the state requirements. Mayer commented to Pavlicek that no other community in NH has a ridgeline ordinance. Smith made a motion to sign the intent to cut and issue a cease and desist order immediately under article 18. and authorize Pavlicek or Greenwood to sign the cease and desist, Nowell seconded the motion, All in favor. The Board signed the intent.

31. Correspondence

31.1. 2016 Merrimack County tax apportionment

The Board received their 2016 Merrimack county tax apportionment for our municipality in the amount of \$2,059,915 with a payment due December 19th.

31.2. New Values

The Board received a copy of the new values after the

reevaluation.

31.3. Road Safety Audit

The road safety audit will be October 28th. The road numbers are being done on Columbus day weekend. Pavlicek heard concerns from June Fichter and Nancy Marashio regarding the lack of boat traffic at this time of year.

31.4. Harbor Bathrooms

Smith discussed the closing of the bathrooms at the harbor and that it would be a good idea to have them opened weekdays until Columbus day. The Board is in agreement. We will start it now. Pavlicek also mentioned the ladies bathroom door is completely warped and will have Henry Thomas replace the door.

32. Approve Payroll/Payables

32.1. Payroll/Payables of September 17, 2016

The Board approved and signed the September 17th payroll and payables.

33. Acceptance of Minutes

33.1. Selectboard meeting minutes of September 6, 2016.

The Board approved and signed the September 6, 2016 meeting minutes.

34. Other Business

34.1. Purchase Orders

Purchase order for AMH Inspections for the Police Department in the amount of \$2850 for mold remediation was not signed. There was only one bid, and the Board wants 3 bids.

The Board approved and signed a purchase order for Beltronics, Inc. for the Police Department in the amount of \$2728.18 for the electronics installation in cruiser #3.

34.2. Current Use

The Board approved and signed a current use application for MacVittie Revocable Trust, 11 East Ridge Road, map/lot # 41-

490-218.

34.3. Warrants

The Board approved and signed the 2016 B Sewer Tax warrant in the amount of \$134,640.00.

34.4. Tree Cutting Application in the Protected Shoreland

The Board is waiting for response from Crowley regarding the recommendations made by Conservation and the CEO.

34.5. Intent to cut

The Board approved and signed two intents to cut for High Mowing Family Trust, Haynes Road, map/lot # 037-796-214, # 027-007-481.

The Board did not sign an intent to cut for Scannelli, it should be a septic plan, house plan. Greenwood said it wouldn't be an intent to cut, it will be clearing for a building lot. Greenwood will do research on the parcel.

4 Non-Public Session

Per RSA 91-A:3, II, a-e

- a) Smith made a motion to go into non-public session under RSA 91-A:3, II a at 8:00 p.m., Nowell seconded the motion, roll call vote was taken, Thorson-yes, Smith-yes, Nowell-yes.
Smith made a motion to seal the minutes indefinitely, Nowell seconded the motion, All in favor.

5 Adjournment

- a) The meeting adjourned at 8:12 p.m.

Nowell made a motion to adjourn, Smith seconded the motion, All in favor.

Ed Thorson, Selectboard Chair

Russell Smith, Selectboard

Selectboard
September 19, 2016

Joy Nowell, Selectboard