

Town of Bartlett Office of Selectmen
Meeting Minutes: September 4, 2009
Attendance: Douglas Garland and Jon Tanguay
Absent: Chairman Gene Chandler
Reporters: None

Meeting opened at 08:30 AM.

Steve Ryan, owner of the Bear Notch Deli (5Villg-MAI-610) met with the Selectmen to update them on the progress on his plans to rebuild the deli. Bob Tafuto of Ammonoosuc Survey has drawn up new plans for the property and the Selectmen reviewed the plans which included a new septic system. Ryan is planning on marketing the property for a year and if no one purchases it he will relook at what he is going to do. Selectman Garland reminded him that he must reapply each year for his sign so that he can keep the grandfathered status and that he must stay within those footprints. Selectman Tanguay inquired about what appears to be an apartment on the second floor. Ryan stated that there was an apartment there before in the back section of the store. Selectman Garland suggested that Ryan have Bert George, a former owner, write up a letter that states this building has been a general store and deli for years. Ryan replied that the new plans show all that he can get on the lot and that he had to lose one seat in the deli. Selectman Garland mentioned that the State may have some wiggle room as well as the Town, however, Chairman Chandler is the one who has the information on the State level and he will be back next week. Ryan stated that his lot is unique as well as a historical lot and that it would be economically beneficial for the people in Bartlett. Ryan would like to keep the avenues of communication open. Selectman Garland stated that this looks like a good start and he reminded Ryan to file the forms.

Attorney Ken Cargill, Joe Berry, and Sheila Duane met with the Selectmen in reference to the Bartlett land fill monitoring (Garland Ridge). Atty. Cargill had gone through his files and Whites Ledge Realty has spent \$10,000.00 to maintain the land fill. Cargill produced a settlement agreement between the Town of Bartlett, Charles Garland and L.B.O. Holdings that states that the town will assume responsibility for closing, etc. of the land fill. A law suit was filed in 1997 and a settlement was reached in 1999 that the town will comply with the agreement in effect with Garland, State, and Department of Environmental Services. The Town is obligated to close and maintain all obligations for the closure of the land fill. Cargill stated that

well monitoring is a requirement and he wrote to the Town in 2006 about this and the Town wrote back that there was no appropriation in the town budget for this. Cargill stated that the town agreed to do the well monitoring and this should have been a line in the budget each year. Cargill doesn’t want to file a petition at Superior Court as it will not look good for the Town and he is hoping to resolve the issue and that the Town needs to take responsibility. Selectman Garland inquired if he was aware that the Town has paid this years invoice and that the Town has been trying to budget for this expense. It had been put in the general fund and we got hammered with high fuel costs and didn’t have the money so this year to make sure we had the money we put it in as a warrant article so that the money couldn’t be tapped into other than for the testing. Selectman Garland also stated that we had sent a letter that stated that we wouldn’t pay for the 1st year as the town hadn’t authorized Whites Ledge to have the testing done as we had no heads up that this was being done. Berry stated that it is a requirement. Selectman Garland replied that he has a hard time to justify this, and that we had tried to budget and we failed to retain the money and when we put it in as a warrant article the bill was paid. Selectman Garland stated that his personal opinion was that the first year Whites Ledge pays and the Town will pay the rest of the years. Selectman Tanguay informed them that he hadn’t seen this settlement document before and he agrees that we are obligated to pay. Berry mentioned that the landfill has been closed for generations. Cargill stated that items put in the landfill will wash down stream if it wasn’t closed properly, therefore, it needed the cap put on and so far we have had very good testing. Selectman Garland mentioned that David Shedd was on the Board of Selectmen at that time as well as Chairman Chandler and they understood that the results of the tests would determine if the tests could be reduced from two to one or phased out to every other year once they are sure that there are no environmental issues. Selectman Garland would like us to join forces to help alleviate testing. Berry stated that the landfill is 100% the town’s responsibility and there could be a problem if any leaching occurred, so monitoring the wells is important to the Town. Duane stated that in the States mind you have to be compliant before they will reduce the number of tests and if you can show the proper compliance it is more favorable. Selectman Garland doesn’t agree with the 1st year’s bill but he is ok with the years since and believes that the town should stay in compliance in the future as well and he would like to join forces to get the reduction in tests.

Cargill replied that once there was an agreement it needed to be done. Berry suggests working with the Town, budget two tests a year, be patient, work with the State to reduce to one a year, would like to have our support as he had done everything right and this would be responsible and fair. He would like compensation for all three years. Selectman Garland will speak to the other board member.

Annette Libby, Recreation Director, telephoned the Selectmen in reference to a situation with a concert held in the park. She has received threatening phone calls from M. Haber, Swingtones Music, as he claims that she agreed to pay him \$300.00 and he received a check for \$225.00 and he is planning on taking her to small claims court if she doesn't pay him the balance due. Selectman Garland inquired as to how much she pays everyone else. Libby replied that they pay different amounts and that Haber had originally wanted \$400.00 but agreed to do it for \$225.00. Libby also stated that he was contracted to play for the chicken barbecue and didn't show up. Libby will be checking her correspondence further but feels that if he accepted and cashed the check that he has accepted payment.

Selectman Garland mentioned that the new fence at the Blackfly ball field looks good and much better than the rocks that were there. Libby stated that she will take pictures of the fence and that the US Forest Service has reblazed the boundary line and has put the boulder back across the access. Libby also mentioned that she is planning on setting up days in either September or October for tree planting and to get the field ready for Fall.

The Selectmen reviewed correspondence, building permits, signed letters and checks prior to and throughout the meeting.

Meeting adjourned at 10:50 AM.

Respectfully submitted,

Brenda Medeiros, Sec.