

Town of Bartlett Office of Selectmen

Meeting Minutes: September 5, 2008

Attendance: Chairman Gene Chandler, Douglas Garland, Jon Tanguay

Reporters: None

Meeting opened at 08:30 AM.

Chris Conti, bookkeeper for Linderhof Property Owners Association, discussed the fact that on her balance sheet that she has to keep carrying forward the amount of association dues for the 8 lots that the Town owns in Linderhof. She would like to speak to the Town's attorney as she is concerned that when the property is auctioned off that Linderhof gets paid. Chairman Chandler stated that he believes that when they are sold that Linderhof will get their money. Chairman Chandler also inquired as to how much money was owed now. Conti replied \$2100.00. Selectman Tanguay inquired why she needed to speak to the attorney. Conti would just like legal clarification that when the time comes they will receive their money as she would hate to write off this money. She has double checked and stated that the last time the town had an auction was 1993. Selectman Garland stated that the Selectmen will ask the attorney to see if these costs should be added on to the cost of the lots, taken out of the sales or have an understanding that the new buyer will be obligated to pay. Selectman Tanguay also mentioned that perhaps she could call the Local Government Center in Concord to assist her with her legal question. Conti stated that it would be great if the Selectmen would just let her know so that she can represent her financials correctly.

Cathy Steesy, realtor, (6WSTSD-371-17) came in to discuss the letter of August 29th that she had received from the Selectmen in regard to the operation of a real estate office from her home. Steesy is aware that people in the West Side Woods Homeowners Association are complaining but she stated that she is an independent contractor not a business. Selectman Garland inquired how the neighbors know about the business. Steesy stated that she doesn't have a business office and that she has been selling real estate since she moved in. She also stated that as far as the State is concerned she is an independent contractor. Selectman Tanguay inquired if anyone comes to the office in her home. Steesy replied no, but she has made friends by selling real estate and will entertain them for dinner. Steesy informed the Selectmen that the Homeowners Association recently redid the covenants with their attorney and it was decided that anything that changes

has to be a unanimous agreement between the Homeowners Association. Chairman Chandler stated that that is up to the association, but the question is what and if a permit is needed from the town. Chairman Chandler believes she needs a change of use permit for a home industry. Selectman Garland agreed that running a home office in a residential district needs to have a home industry permit. Selectman Garland stated that this is more of a technicality than a burden to let the town know. Steesy questioned if that meant every realtor in town that sells from their house needs a permit. Selectman Garland replied yes and that Steesy needed to make out the form. Selectman Garland stated that if she knows of others in town that if she gives the names to the office that we would send letters to them also. Chairman Chandler suggested that she fill out the form and the Selectmen would review it.

L. Patrick Roberts, Bartlett Fire Chief, discussed the following with the Selectmen. 1.) Chairman Chandler inquired if tents for special events have to be inspected. Lynn Jones, AA, specifically asked if it is a permit of assembly that is needed. Roberts explained that where 50 or more people eat, etc. that it needs a place of assembly permit. If alcohol is served the number of people doesn't matter and they need the permit. Chairman Chandler inquired if we could grant tent usage on a yearly basis. Roberts replied no as once the permit is signed we are guaranteeing that all components are in place. Chairman Chandler would like to see something worked out as this makes no sense when someone puts a tent up in the morning and takes it down at night. 2.) Roberts handed out additional requests for new equipment, maintenance and repairs that need to be done on vehicles. Roberts stated that there are some issues of over spending the budget but he believes that the overage is an energy problem. Roberts explained that the vehicle inspections have to be done twice a year except his chief's truck and that is once a year in March. Chairman Chandler inquired as to who does the pump testing. Roberts stated Lakes Region Fire Apparatus. Chairman Chandler inquired as to who does the state inspections. Roberts replied Valladares as they have to have a fleet inspection done. Chairman Chandler asked about the oil leak that is on the list for 21 Engine 1. Roberts explained that the seal on the foam system pump is gone. They went on to discuss the tires needed for the Chief's truck. It was decided that he should check to see if he purchased the tires from Frechette Tire and had them balance and mount the tires would it

be cheaper than purchasing the tires from Sullivan and having Frechette balance and mount them. Roberts will check into this. The Selectmen all agreed to go ahead with the pump testing on four pieces of apparatus and the ladder test on 21 ladder 2. 3.) Roberts also put a request in for 8 pairs of structural fire fighting gloves and 8 traffic control vests. Selectman Tanguay inquired if they can purchase standard vests. Roberts stated that they would be non compliant. Selectman Tanguay inquired if the turn out gear which has the reflective stripes on could be used. Roberts stated they also would be non compliant as it has to be either orange or florescant green. Selectman Garland inquired if they have to wear structural fire gloves when some of the people on the department will never be entering a building. Roberts explained that they only have one type of glove. The Selectmen agreed it was ok to purchase the gloves and vests.

Police Chief Timothy Connifey met with the Selectmen to let them know that the Bartlett Police Department would be participating in the DWI road block that Conway Police Department was doing on Saturday. He also let them know that Bartlett Police Officers would be going to Loudon for a detail at the race track. Connifey mentioned that he would be purchasing pants for some of the officers. The Selectmen reminded him that he needs to submit a purchase order when he is purchasing anything over \$50.00. They also reminded Connifey that we all need to do some conserving for the next couple of months. Connifey briefly discussed that the oldest cruiser which is a Crown Vic has 113,000 miles on it. The Selectmen stated that we didn't purchase a cruiser in 2008 and would need to purchase a new cruiser in 2009 as we don't want to get jammed up and have to purchase two in one year. The Selectmen and Chief Connifey discussed alarms that the police department has had to respond to this year and the Selectmen reminded Connifey that the policy is that if we respond to more than three false alarms for the same location that we charge the people.

Chairman Chandler informed the Board that he would not be here for the September 12th meeting and Selectman Tanguay stated that he would not be here for the September 19th meeting.

Steve Reynolds is interested in purchasing the buildings owned by Erin O’Sullivan (2ELLIS-Con-1/2/3/4/5) and he would like to convert the units to be condominiums and inquired how he could do this. Selectman Garland inquired as to what the ownership is now. Chairman Chandler replied they are single ownership. Lynn Jones, AA, suggested that Reynolds needs to talk to an attorney as there are separate laws through the State for condominiums. She also mentioned that he may have to go to the Bartlett Planning Board as he may have to subdivide the property. Chairman Chandler suggested that he review the town’s subdivision rules and a copy was given the Reynolds. Selectman Garland explained that if he does decide to subdivide that he will have to notify the property abutters and the application form to the planning board has to be in 20 days prior to the meeting.

Teresa Stearns of White Mountain Cider/Rare Bear (2RT302-102-L00) met with the Selectmen in reference to two special events licenses – one for the annual cider festival and one for an Angels and Elves benefit. She also submitted a change of use for her business as she is planning on having a take out service out of the cider barn as she had discussed with the Selectmen last year. Stearns explained that she has to send a copy of her septic plans to the State that shows the barn is hooked into the septic as she will have a sink installed. Chairman Chandler stated that as long as she was planning on doing the same as previously discussed that the same letter of requirements would be attached to her permit. Selectman Garland stated that a tent is considered a structure and, therefore, has to meet the setbacks of 50’ from the side property lines. Stearns stated that she does have the space but may have to move the location of the tent on her property. Chairman Chandler instructed Stearns that if she is going to have a tent that she does need to put the measurements on the sketch. Selectman Tanguay also stated that the setback from the center line of the road would have to be 115’. Stearns stated that she needed to get the permit from the Town before the State will issue her a license to serve liquor outside. A permit was issued with the condition that the tent be 50’ from setbacks. Lynn Jones, AA, inquired if she is planning on having any signs. Stearns replied that she is planning on using her existing marquis sign for the event. Chairman Chandler informed Stearns that she can have one banner and the banner can be no more than 40 square feet. Lynn Jones, AA, also explained to Stearns that in the past places like Ragged Mtn. who couldn’t meet the required

setbacks went before the Bartlett Zoning Board of Adjustment and got a special exception for the tent and to put it up on an annual basis.

The Selectmen had a telephonic conversation with a Bartlett Jackson Transfer Station attendant concerning a personnel issue.

A telephone call was placed to Donald Moore, Project Manager of Jacques Whitford, Engineering & Science Company of Portsmouth, NH in reference to the old Bartlett Landfill water quality and gas sampling. Chairman Chandler had the following questions for Moore to research and get back to the Selectmen: 1.) What are we required to do under our original closure plan. 2.) The last time we were tested it was suggested that tests could be eliminated or reduced due to good results, what is the status of this. Moore believes that we used to have to test four times a year and that has been reduced to twice a year but he will check further. Moore also stated that the present permit from the State runs from 2005 – 2010 and after the five years will request a new permit. Selectman Chandler inquired if the tests are good can we reduce before 2010. Selectman Garland inquired at what point does the Town stop doing the tests. 3.) According to a letter that was sent to the new property owner, Joseph Berry of River Run Company, the State of NH Department of Environmental Service claims that the Town of Bartlett has not submitted any landfill gas data to the Department of Environmental Services. However, according to our invoices from Jacques Whitford water quality and landfill-gas sampling was done on November 2002 and May 2003. Selectman Garland would like to know why the State hasn’t received these tests results. Moore will check into this. 4.) Chairman Chandler also wanted to let Moore know that we had received a letter from Joe Berry that states that any future invoices would be sent to the Town of Bartlett and that we are not paying for tests that are not authorized by the Town. Moore isn’t sure why Berry feels that the town is responsible for paying the bill. Selectman Garland inquired if Moore has a copy of the closure plan. Moore stated that he probably does but it is in a box somewhere. Moore will get back to the Selectmen once he has researched the answers to their questions.

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The Bartlett Selectmen received a telephone call from Jackson Selectman Gino Funicella and in returning his telephone call the Selectmen spoke with Mrs. Funicella who conveyed that Mr. Funicella resigned as the Bartlett Jackson Transfer Station manager.

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

Meeting adjourned at 12:15 PM.

Respectfully submitted,

Brenda Medeiros, Sec.