

MINUTES SELECTMEN'S MEETING - May 29, 1989

The meeting opened at 7:00 pm with Selectmen Mansfield, Dodge and Johnston present, Sandra Gendron took minutes.

Holly and David Bowen, Wayne Daniels and Maurie Pelchat were in to discuss plans for the annual 4th of July celebration under the auspices of the New Boston Playground Association. The permit for the affair would be issued by the Selectmen when they receive the insurance binder from the company the association had contracted with for the fireworks display. The day was planned virtually the same as in the past, the theme for the parade will be "Anything From the Guinness Book of World Records. Holly will take the responsibility for contacting John Ballou, Police Chief to go over the necessary arrangements for the Police Department for that day.

There was discussion with this group regarding a possible outdoor dance to be held on the playground the weekend prior to the 4th to raise money to defray the expenses of the celebration. The Selectmen felt the association would need to discuss the possibility of such a dance with the Police Chief and all seemed to agree that 11:00 pm would be late enough out of consideration for residents of the village. The association also stated that they might be looking to permanently light the playground, but this was still in the discussion stages and would require further review.

Deborah and Joseph Conrad were in at the request of the Selectmen to discuss the incident that had taken place with Marc Monbouquette and his contention that he had not been allowed thru access on a Class VI road; this had been reported to the Selectmen by Marc the previous week. Joe showed to the Selectmen pictures of Birch Lane, the Class VI roadway in question, the condition of which appeared to be muddy, ruddy and weedy with fallen trees in the roadway. The Conrad's both felt that Marc had been trespassing on their property the night of the incident shining his lights through their home at approximately 9:30 or 10:00 pm and waking them from a sound sleep insisting that they move a vehicle so that he might pass. They contended that he was able to pass without the vehicle being moved. This apparently had not been the first incident with the Monbouquette boys' and the Conrad's. The Conrad's went on to relate incidents whereby these boys had destroyed a vehicle further down on the lane which had been abandoned there since 1968 and had been dumping horse manure in the lane on more than one occasion, this dumping appears to be a practice of the boys on other Class VI roads as was witnessed by Debbie Conrad on Tuesday, May 23rd. Debbie has been in touch with the Police Department regarding the dumping on Class VI roads. The end result was that the Conrad's feel that they have been and are being harassed by the Monbouquette boys' and simply want to be left alone. There have been no other problems with other people using Birch Lane for hiking, horseback riding and the like.

The Selectmen requested that the record show that the Conrad's appear to know that a Class VI roadway cannot be blocked and is open for public access. When the Conrad's requested information regarding the closing of this road, the Selectmen suggested that they speak to the abutters and a petition would have to be presented to the Selectmen with the signatures of 10 registered voters for inclusion in the 1990 Town Warrant.

The Selectmen next met with Bo Strong, Bruce Fillmore, Brent Armstrong, and Claire Dane representing the Planning Board, Jim Dodge and John Bunting representing the Fire Department and Building Inspector Kerwin Sizemore at the request of the Planning Board to discuss two letters that had been sent to a developer in New Boston with regard to his intention of hiring Jay Harwood to install a cistern in his development. Frank and Dottie Fillmore along with Jay Harwood sat in on the meeting in the Conference Room. Bo Strong, Chairman of the Planning Board refers to letters generated by the Fire Department when they heard Richard Johnson was planning to hire Jay Harwood of Harwood Forms to install the cistern at the Johnson subdivision. It was the concern of the Planning Board that the Fire Department might be more than was legally wise, in their opinion, singling out Jay Harwood as being the only contractor that would be required to bear the costs of an on-site engineer during the installation of the cistern. Ultimately the decision of whether an engineer would be hired by the Town with regard to the installation of the Johnson cistern would be made by the Planning Board; however, they were seeking advice from the Board of Selectmen.

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Discussion turned to the inspection process for the cistern's installation. The current inspection process involves an agreement between the inspector and the fire department whereby the inspector does the inspection which is a five-step process and if he is unavailable due to his work schedule of Tuesdays and Thursdays then the fire department is called to make the inspection required. Bo Strong feels that the inspection authority should lie solely with the Building Inspector and that the fire department only be consulted if the inspector has a question or a problem just as he would call on the State Inspectors for an electrical or plumbing problem. Strong further feels that everyone must agree that the Building Inspector be the primary inspector for the installation of cisterns. Bo continued to discuss the five-step inspection process stating that many problems had occurred with the installation of cisterns before Harwood and the Town had hired an engineer for guidance and should retain this authority to be used when needed. If, in the opinion of the Building Inspector, an engineer should be hired after the five inspections had taken place, then a fee for service should be charged. The current charge for extra inspections is \$25.00 and Bo feels this charge should be increased to \$100.00 to be paid prior to the inspection and this same fee would be charged for every additional inspection plus any engineering costs incurred. This fee schedule would be in effect regardless of who the contractor was. It was the opinion of Kerwin Sizemore, Building Inspector, that most additional inspections were required when repairs or corrections had to be made when problems were discovered as a result of an inspection. It was at this time when an engineers' guidance was needed to instruct as to how these repairs could be made still allowing the cistern to meet the requirements of the Town.

Selectman Dodge agreed that the Building Inspector should be the primary inspector for the installation of cisterns; however, he felt that enough problems had occurred both with the installation of two cisterns and the workmanship of Jay Harwood on the Transfer Station that the requirement of an on-site engineer if Jay Harwood were to be installing a cistern was both warrant and necessary since the cistern would be ultimately owned and the responsibility of the Town of New Boston.

Dottie Fillmore, being granted permission to speak, it was her opinion that if an engineer had designed a cistern then he would or should be on-site during the inspection process. Selectman Dodge stated that tonight's discussion was dealing with the general rules on the installation of cisterns, and then how they related to the poor quality of work that had been turned in by Jay Harwood on the cisterns he had installed to date. Inspector Sizemore related along the line of Mrs. Fillmore's concern that he has contacted engineers who have designed cisterns when problems have arisen and the engineer has gone to the job site only not to have addressed the specific problem for which he was called. Both Inspector Sizemore and Selectman Dodge agreed that the engineer should be hired and employed by the Town since he was expected to act in the best interests of the Town. Again, there was more discussion on when and if an engineer should be hired, and whether work on the cisterns could still be done without the expense of an on-site engineer.

Discussion turned to what the requirements for the installation of a cistern were at the request of Planning Board member Brent Armstrong. John Bunting explained that engineered plans were presented for specific sites in accordance with the requirements of the fire department. These plans were submitted to the planning board as a part of the subdivision process, and the developer was required to fill out a short-form building permit in order to start construction. Bo Strong inquired of Inspector Sizemore if, in fact, he felt that the five required inspections were adequate. Sizemore's response was in most cases, yes; however, if problems developed then the circumstances were changed. Any repairs necessary would require the skills of an engineer and he would like one available who was employed by the Town and also would like the input from the fire department.

Selectman Dodge remembered interviewing an engineering firm last year with the idea that the Town would call upon them when necessary and wondered if we could use this firm to serve our needs regarding the cistern situation. Bo Strong agreed that we had spoken with the firm of Dufresne & Henry and they probably would have qualified personnel that we could call upon. For past cistern and other related problems we have engaged the services of Calvin Hooker.

Bruce Fillmore expressed the feeling that part of the problem might be a lack of communication and that letters relating to problems should come from the Building Inspector and not the Fire Department. Jim Dodge Fire Chief did not agree with this thought feeling that the department tries to deal with the contractor, if this avenue is not successful that they go to the owner; however, he did agree that this correspondence could be done by the Building Inspector. It was further suggested that the Building Inspector should document any and all problems so that everything was on file. Some concern was expressed that with the building inspection days only Tuesday and Thursday, this did present an issue from a time-frame standpoint especially when there were problems to deal with in a timely fashion. Inspector Sizemore commented that this was one of the reasons that both he and the fire department went on the inspections to keep the jobs going.

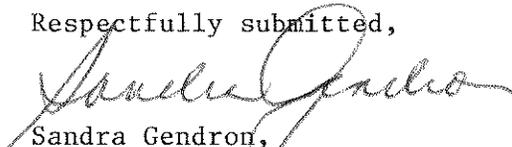
John Bunting stated that the pouring of the concrete was a major portion of the construction of a cistern and that this was a critical time when someone with an engineering background should be on-site for a period of four or five hours. This brought about the discussion that too many engineers on a project could create more problems than they would solve. Jim Dodge felt that if all were done by the plans presented then there was no need for a full-time engineer on a cistern construction; again supporting the thought that the expertise of an engineer would only be necessary in the event of a problem. Discussion still continued on the pros and cons of an on-site engineer during the construction of a cistern.

Selectman Mansfield stated that there has been some discussion on the possibility that the Town might contract to build their own cisterns. This is still in the discussion stages. Tom went on to say he had not dealt directly with Jay Harwood but rather had heard of the problems created at the landfill and on the construction of the two cisterns. He does feel that to treat Harwood differently would be a problem, he supports all contractors being treated equally. Tom also stated he would like to discuss the whole matter in more detail with the Building Inspector. This statement brought about the possibility of an executive session at which time Dottie Fillmore read from the RSA's regarding executive sessions and what could constitute the Selectmen going into such a session. There was some debate between Mrs. Fillmore and Selectmen Mansfield as to whether discussion between the Selectmen and the Building Inspector with regard to the cistern situation could qualify for an executive session.

Jay Harwood requested of the Fire Department a list of the problems he had caused. The response from the Fire Department was that the number of problems was not at issue, but the number of inspections was and this number had far exceeded the five required inspections.

The Selectmen returned to their office to continue the business of their meeting. Mr. & Mrs. Fillmore remained and stated that as members of a concerned citizens group they would be monitoring these meetings for the month of June, then other members of the group would continue to monitor the Selectmen's meetings as well as other group meetings in the community. Checks were signed and mail was reviewed with the meeting adjourning at approximately 11:30 pm.

Respectfully submitted,



Sandra Gendron,
Administrative Assistant

** Selectmen discussed financial assistance with a New Boston resident, see Selectmen File for details.