



Board of Selectmen's Meeting

Rindge Town Office

Date: March 27, 2024

Time: 6:15 pm

MEETING MINUTES

Non-Public Session: The meeting started at 5:00 p.m. and Karl motioned to enter a non-public session pursuant to RSA: 91-A:3, II (a) which was seconded by Bob, and the motion passed 3-0.

Call to Order: Present were Selectmen, Karl Pruter, Bob Hamilton, and Tom Coneys, Town Administrator, Lori Rautiola, and members of the public.

Pledge of Allegiance: The meeting was then re-opened to the public at 6:15 pm by Karl with the pledge.

Before the nominations started, Roni Hamilton mentioned that the non-public meeting minutes were not sealed. Karl stated that the non-pub session had been recessed.

Selectmen's Nominations:

- I. Chairman:** Bob nominated Karl for Chair of the Board, Tom seconded the nomination, & the vote passed 3-0.
- II. Vice Chairman:** Karl nominated Bob for Vice Chair of the Board, Tom seconded the nomination, and the vote passed 3-0.

Selectmen's Announcements:

- I. Tom:** announced that he is going to waive his stipend and has signed the waiver for the stipend. He said that there may be a need on another line item in the budget that he will direct the funds to, with the boards consent.
- II. Bob:** thanked the fire, police, and highway departments for the services they performed and the time they gave this past weekend to keep our town safe during the ice storm and the aftermath. Bob announced that the last POOR Meat Raffle of the season is on April 6th at the Jaffrey VFW at 1:30 pm and they will start up again in September. The next school deliberative session is in early February of 2025, please attend this session.
- III. Karl:** stated that there was a concert fundraiser at the Park Theatre to raise money for Veterans and also at the Legion on Saturday night and both were well attended.

Consent Agenda: Payroll & Accounts Payable for 3.21.2024, 3.28.2024 and Meeting Minutes for 3.13.2024. Karl made a motion to accept the Payroll & Accounts Payable for 3.21.2024 and 3.28.2024, Tom seconded the motion, the motion passed 3-0. Karl made a motion to accept the Meeting Minutes for 3.13.2024, Bob seconded the motion, and the motion passed 2-0-1 as Tom recused himself from this motion.

Selectmen Appointments:

- I. Ingalls Memorial Library Board of Trustees:** Karl made a motion to accept Roberta Gordenstein, Taylor Ratcliff, and Susan Kochinskas as alternate members on the library board of trustees for a 1 year term, Tom seconded the motion, and the motion passed 3-0.

Citizens Forum: opened at 6:22 and closed at 6:24

- I. David Drouin:** stated that in the Town Report he had liked it when the property values were alphabetized by owner rather than by maps but he understands it was changed a couple of years ago but the new format is a little more awkward to use. He also stated that a great job was done on the report with good pictures.

Old Business:

I. ARPA Updates:

- a. **SCBAs:** Rick Donovan, the Fire Chief, addressed the board and gave the board the updated quote for the SCBAs from the vendors. He stated that after April 1st there will be an increase in the quote so if the board is going to move on it they should do so before that date. Rick also stated that a public hearing needs to take place so that the Board of Selectmen can vote to take the \$40,000 out of the capital reserve and that he needs approval from the current board with their initials so that Casey Burrage can move forward with the purchase. Karl and Lori stated that they can have a public hearing in two weeks if they can get notice in the paper the week before. Rick stated that there is a 6 month lead time. Bob asked if a warrant article is needed instead or if only a public hearing is needed. Rick clarified that based on his understanding the warrant article that passed for the capital reserve fund gave the board of selectmen the right to expend from that fund. Karl then made a motion to expend out of ARPA funds and accept the quote from Fire Tech and Safety of New England for \$180,760 for 24 SCBA regulators, 48 carbon cylinders and 24 face piece mediums and authorize Rick Donovan to purchase them, Bob seconded the motion, the motion passed 2-0-1 and Tom abstained.
- b. **ARPA Reporting:** Karl stated that they need to prioritize spending on ARPA funds of the \$89,000 that is left. Bob stated that they were planning on getting the report out within the next month or so but the deadline has been extended to July 31st. Lori stated that she has to go back and look at the notice to make sure that the date is correct. Karl then stated that at the next meeting they should discuss what else they want to use the funds for, but not necessarily approve it to give departments a chance to see what is still available for funds.

II. Code Enforcement: Rick Donovan, Code Enforcement Officer, gave some updates about ongoing situations:

- a. **Goddard Road – Jamieson VanDyke:** Rick spoke with Jamieson on March 21, 2024 and Jamie informed him that the property on Goddard Road has already been through DES and DES has now given a new timeline on it and Jamie has a new engineer and is working with DES on it. Rick does not have specifics on the timeline but he will be working with them and staying updated on the progress of where they are at and he wanted to let the Conservation Commission know.
- b. **Knight Lane “Stump Dump” – Jamieson VanDyke:** Rick stated that Jamieson had told him that a lot of the stumps that are there on that property came from that property which is allowed and can be buried as long as they meet groundwater criteria which this property is well away from any wetlands. Rick stated that Jamie indicated that he had brought in a few truckloads of stumps in and he has stopped doing that after he was informed that it was against the rules to take from one site and move to another site. A stump dump can only be done with DES and local approval to either have an approved site with a grinder to make mulch or with stump burial there is more of a process. Rick stated that at this point he is reaching out to DES to get information on what to do with the stumps that were brought in from Jaffrey moving forward.
- c. **Dale Farm Road Complaint:** Rick received a call from Suzanne Hepburn with a complaint that the boulders were removed. Rick checked it out and they were removed. He called Jamieson VanDyke asking what happened to the rocks and he knew nothing about it. Rick then called Matt Olson who stated that he moved them to bring in trucks because he could not come up Dale Farm Road because the road was posted so he came in Knight Lane, and moved the rocks to bring the trucks to the house that they are building at the end of Dale Farm Road to bring the lumber in and out. Rick told Matt that he needs to move them back and he cannot remove those rocks without the board of selectmen’s approval and that he should see the board if he wants to move the rocks for daily operations because he does not have the authority to do grant him permission. The next morning Rick received a call from Bob that the rocks were moved again so he completed more investigation on what happened to the rocks. He called Matt Olson right away again and he told Rick that he put the rocks back the previous evening and had told his guys to

make sure that the rocks get put back so he said he would give his guys a call to make sure. Then Rick found out from Suzanne Hepburn and she said that a group of Mexicans in a van moved the rocks so that they could exit from the new house on Dale Farm Road. So Matt Olson then went out and put bigger rocks there so that they cannot be moved except with machinery.

So the question is, Suzanne's other concern was the fact that the driveway was not where it was supposed to be placed but Rick talked to Mike and he stated that it is where it needs to be and that he has an easement on that driveway to turnaround. Rick then stated that he went to look at it with Mike to determine what room is needed to get trucks turned around and they identified a location for a second row of rocks or any type of barricade. So if they decide to put two sets of barricades there then Rick knows where they can be placed. The first one is after the second entrance of Jamie's driveway into that new subdivision he is building on Knight Lane, which those rocks are in the proper spot. Suzanne also had an issue with the dirt bikes that are going through there which is not within zoning's purview but Rick did tell her that she can reach out to Police Chief Rachel or Fish and Game. Rick addressed the board and stated that it is up to them if he and Mike work with Matt Olson to put another set of barricades there. He also informed them that Suzanne might approach them about doing away with rock barricades and putting trees there instead because he cannot authorize that and he told her that she needs to work that out with the board if that was what she wanted to do. Rick then stated that it is a Class VI road however and if someone petitions the town to make it a Class V road that is in their purview to do so as a legislative body. As of now the rocks are back.

- d. **Saybrook Drive:** Rick states that this is not a driveway and it is not really a road. The purpose for it was so that equipment could go in and out because Middle Winchendon Road was closed due to weight limit postings and Knight Lane is not posted. Mike had told them to put in a temporary pass way to bring trucks that way so they would not worry about driving on the posted roads. So it is not a driveway and not a road but a temporary pass way allowed by Mike. Rick also clarified that Mike did not tell them to move the rocks to get in and out but told them to put in the temporary road on the property and once the house is put in then they can get rid of the temporary road. So this situation overall has been rectified.
- e. **Unregistered Vehicles on Dolly Lane Property:** Rick spoke with the property owner, which is Tim Halliday's brother. And Tim Halliday is working with his brother to remove the vehicles and cleaning up the lot which Rick will be checking in on within the next week or two.
- f. **Unregistered Vehicles on Sportsmen Drive:** Rick did not have the file on him at the time of the meeting but he did state that it has been ongoing and is currently in court so he needs to obtain the file to see where that is. Rick then states that he believes the town took them to court and that the town won and the owners were supposed to remove the vehicles but nothing has been done.
- g. **Signs on Telephone Poles:** Rick stated that he has been removing the signs off the telephone poles and tries to call the number on the signs to let them know of the sign ordinances but it has been a revolving door of taking them down every couple of weeks. Rick then suggests of coming up with a fine for repeat offenders of people putting signs on telephone poles either through the planning board or the sign ordinance. Bob states that they will need to be careful of non-profit organizations and church organizations. Rick agreed with Bob then stated that he is mainly talking about residents and businesses that put up signs for house washing, junk removal, and dogs for sale etcetera. Bob agreed with Rick that they should come up with a fine and a system for notification. Tom brought up a concern that he would hate to see people who put up yard sale signs be fined. Rick stated that he isn't concerned about yard sale signs, real estate signs, or for small town events like the farmers market but the ones that have been up for months.
- h. **Sherwin Hill Road:** Rick stated that they received a complaint that the road was blocked with boulders and trees near the Jaffrey line and him and Mike went out to investigate and they went as far as they could in Mike's truck until they had to turn around. Mike called the complainant and requested pictures. Rick

looked at them and came to the conclusion that it is not a zoning issue or an ordinance issue but more of a statute issue of blocking public access on a Class VI road so he and Mike talked to Rachel Malynowski, Rindge Police Chief, about going and asking the one property owner there and ask him if he blocked the road and they can pursue it from there. Rick then stated that he does not see where it is a zoning or ordinance issue but he sees it as more of a legal issue between Rachel Malynowski, Randy Burt, and the Board of Selectmen. Bob stated that he had spoken to Randy before the meeting and Randy gave him an update, Randy had told Bob that you can go past his driveway which he has blocked off and continue on the road as far as the beaver dam that blocks the road. Rick stated that Jaffrey changed it to a Class A trail from their end off of Squantum Road but the issue is that someone who cuts a field off of the road is unable to get their equipment out there. Rick then stated that Mike and Lori knows the details of complaint better and he does not have details of the exact location of the block. Lori then states that it is a town road which is why it cannot be barricaded.

Randy Burt, a member of the public that owns land between Sherwin Hill Road and Woodbound Road, stated that he knows that for a Class VI road the blockage would have to be inside the perimeters of the road and there is no blockage inside the Class VI road. He then states that there is blockage on his property, but that is his private property that he has had surveyed three times and pinned. Randy then stated that there are some beavers that had built a dam out there and a way was redirected to the left around the beaver dam onto his property and then continues on Sherwin Hill and the property was never transferred to the Town to be able to legally do so. Tom stated that the road had been like this for about 40 years and basically it has become a town right of way by prescription. Tom then explained that he has had the same situation with his property in Jaffrey where the road is essentially on his property and he had hired a lawyer to find out about it and the road is not where it was laid out in the deed from Jaffrey to the owner back in the sixties, either on the survey or the plan, but since the road had been placed there and it had been so many years it had become a public way by prescription in legal terms. He then stated that, yes, he owns the land but it is still a public way and he was not going to fight it because it was futile. Randy then states that 64 years ago it went straight through but it started to move over but it does not constitute land ownership being transferred over to the Town of Rindge. Tom agreed with him on that and Karl then clarified that what Tom was stating that by law if the path has shifted and has been that way then whether you own it or not is irrelevant because it is a right of way. Karl states that there are people who have right of ways on their private property and he assures Randy that they will look into this to ensure that the stance they are taking is legal.

Craig Clark, a member of the public, states that the salient point to this discussion is that their access to the three fields that are off of that road to hay every year is necessary because of the contract they have with the Society Protection of New Hampshire Forests and if they cannot get through there to hay the fields they are in breach of their contract. Craig also states that they depend upon those fields to feed the livestock that his son owns, horses and cows, but if they can get through there it is a moot point. He then adds that Randy has blocked off, by his right, some of the alternative ways they use to get out of the Society fields so they have to use Sherwin Hill and go over the culvert and up the hill to get to the fields and if they cannot do that they are in breach of their contract. He later clarified that taking the route going into Squantum Road is quite literally impossible when taking a hay wagon with 8 to 15 large hay bales and it also adds several miles more to the drive to get the hay out of there and going down Sherwin Hill and coming out Fitzgerald Road is the more proper way to do so as going the other way is barely passable and impractical.

Rick then restated that from his view that he does not see it as a zoning issue or in the ordinance with Class VI roads but he does see it from the RSAs and legal issues which is when he called Rachel to see if she could take a look at it and she agreed so they are currently investigating the reasoning for blocking the road.

Rachel states that they reached out to Randy that day, March 27, after the conversation with Rick and by RSA 231:21-a, the one that governs the public use of Class VI roads on private property, the land owner is not prohibited from erecting a gate or bar as long as it does not interfere with public use and is capable of being opened and closed by highway users. Karl clarified that this means that if someone needs to get access that it needs to be unlocked. Which Rachel stated is correct and is to discourage use and that the RSA states the select board has the right to regulate the structure to assure public use so they can tell the property owner what type of barricade he is allowed to put up. Rachel further stated that once the land ownership contention is brought forward it comes back to the Town's responsibility to determine right of way and what precedent is on it. Further comments were made by members of the public and the board of selectmen but no agreement was come to at the time of the meeting.

- i. **Town Counsel Case:** The order from the case was to vacate the property immediately.
- j. **Lord Brook Road:** Tom asked Rick for an update on the Lord Brook Road situation of someone filling in material by the powerlines. Rick stated that if he is speaking on the property that is at about 200 Lord Brook Road, Mr. Ketola was making a platform up top and he was cutting trees down that were by the road and he was starting to add fill and so Rick had gone out there to let him know that where there is a wetland delineation there needs to be a 50 foot setback because within that 50 feet it is very restricted on what you can do and so he needs to pull the dirt back. So the dirt has been pulled back to the 50 foot mark. David Drouin, chair of the conservation commission, then addressed the board and stated that when the subdivision was made it was delineated and for the specific lot they are speaking of the conservation commission made a point that it is very wet and the house to the north to the right side were already creeping up. And that lot's delineation is less than three years old and it has a setback of 50 feet which was clearly noted at the hearing and when they reviewed it. Rick addressed David and told him they can go and look at the property together to ensure that the owner is outside of the setback, which David agreed to.

New Business:

I. Abatement Application

- a. **Map 3 Lot 38-2 (252 Goddard Road):** Avatar has not recommended the abatement and the value is consistent with their original recommendation. Karl made a motion to accept Avatars recommendation of denying the abatement, Tom seconded the motion, the motion passed 3-0

II. Camper Permit

- a. **120 Red Gate Lane:** For Matt Remigy in May and June using connection to the existing septic system and using water from the existing well site. Karl made a motion to approve the camper permit, Bob seconded the motion, and the motion passed 3-0.

III. Ex-Officio Assignments for the Board of Selectmen:

- a. **Planning Board:** Tom Coneys
- b. **Recreation Committee:** Karl Pruter
- c. **Teltech Committee:** Karl Pruter
- d. **Town Gown Committee:** Bob Hamilton
- e. **Budget Advisory Committee:** Bob Hamilton
- f. **School Budget Advisory Committee:** Tom Coneys and Karl Pruter as alternate
- g. **Meeting Oversight Committee:** Bob Hamilton
- h. **Capital Improvement Program Committee:** Tom Coneys

IV. Roadway Committee Appointments

- a. **Roberta Oeser:** Karl made a motion to appoint Roberta Oeser on the Roadway Committee as planning chair in the absence of a Planning Board Director. Bob seconded the motion and the motion passed 3-0.

- b. **Vacant Positions:** There is a revamp that is needed to the committee. The Town Administrator, Lori Rautiola, needs to be appointed to the committee. Charlie Eicher also needs to be contacted to verify that he no longer wants to be on the Roadway Committee as he did not officially resign and if he does resign then needs to be replaced. Craig Clark stated that he would be willing to be on the Roadway Committee.
- c. **Craig Clark:** Karl made a motion to appoint Craig Clark to the Roadway Committee, Tom seconded the motion, and the motion passed 3-0.

V. Town Gown Committee Appointment

- a. **Jed Brummer:** Karl made a motion to appoint Jed Brummer to the Town Gown Committee to fill the first vacant position. There was no second and the motion failed.
- b. **Tom Coneys:** Bob made a motion to appoint Tom Coneys to the Town Gown Committee to fill the second vacant position. Karl Pruter seconded the motion and the motion passed 3-0.
- c. **First Vacant Position:** The planning director position is on the Town Gown Committee and Roberta Oeser has been invited to Town Gown to fill that position. Bob made a motion to have a representative from planning, Karl Pruter seconded the motion, and the motion passed 3-0.

VI. 2024 Board of Selectmen Goals: Karl tabled them for the next meeting

- a. **Rules and Procedures:** Karl tabled them to be added to the next meeting.

Informational Items, Communications and Updates:

- I. **Bob Hamilton:** stated that Town Gown met on March 26th 2024 and the college went through LEOP (Local Emergency Operations Plan) training and they upgraded their LEOP just in time before the storm. Franklin Pierce has been working with the Jaffrey-Rindge School District to have some reading and writing events at the studios at the college. The search for a president for the university is ongoing, they have reviewed about 75 applicants and are dwindling it down and last interviews will be in the near future and they may have a name by August 2024 but would not give anything definitive. The Athletic Director of Franklin Pierce, Rachel Burleson, won the Athletic Director of the Year award. The athletic program at FPU has done well this year. The football team had four wins this year, the soccer team won their division, the women's basketball team went as far as the playoffs, and the baseball season is starting soon. They are looking for community service projects for their athletes, several recommendations were given and they will be in touch with Dan Bemis at the Recreation Department. The next two Town Gown meetings are April 23rd and May 21st possibly at the President's house.

The public meeting was closed by Karl Pruter at 8:15 pm and he re-opened a recessed non-public session under RSA: 91-A:3, II (a).

The public session was re-opened at 9:10 and Karl motioned to seal the non-public session until December 31, 2024 pursuant to RSA:91-A:3, II (c) reputation. Tom seconded the motion, and the motion passed 3-0.

The meeting was adjourned at 9:15 pm.

Respectfully submitted,

Victoria Stenersen
Executive Secretary