

Board of Selectmen  
Meeting Minutes  
May 23, 2017

Present: James Bailey III, Chairman; David N. Fullerton, Selectman; Jonathan M. Daley, Selectman  
Laura Buono, Town Administrator.

In Attendance: Joyce Bosse, Leigh Bosse, Alan Kingston, Patty Parenteau, Michael Pon, Roary  
Bohanan, William Merrill, Robyn Payson, Roger Racette, Bob Hanson, David Roarick, Darrin Brown.

Selectman Daley opened the meeting at 6:04 p.m.

**1. NONPUBLIC SESSION**

Selectman Daley moved to go into nonpublic session at 6:06 p.m. under RSA 91A:3II (b) hiring.  
Motion was seconded by Selectman Fullerton. A roll call vote was taken. Selectman Fullerton – yes;  
Selectman Daley - yes. Motion passed unanimously. (Selectman Bailey joined the Nonpublic Session  
at approximately 6:15 p.m.)

In attendance: Chairman Bailey, Selectman Fullerton, Selectman Daley, Town Administrator Laura  
Buono, Police Chief David Roarick, Atty. Darrin Brown.

Police Chief David Roarick introduced Atty. Darrin Brown to the Selectmen as the individual the  
Department is recommending as the new Prosecutor. Chief Roarick outlined the interview process  
which they went through and discussed how the services from Atty. Brown will work. The Selectmen  
asked various questions with regard to office hours, case load, and the contract for services.

Selectman Daley moved to come out of nonpublic session at 6:20 p.m. Motion was seconded by  
Selectman Fullerton. A roll call vote was taken. A roll call vote was taken. Chairman Bailey. A roll  
call vote was taken. Chairman Bailey – yes; Selectman Fullerton – yes; Selectman Daley - yes.  
Motion passed unanimously.

Selectman Daley moved to allow Chief Roarick to enter into a contract with Atty. Darrin Brown as  
Prosecutor for the Police Department for a one year timeframe. Motion was seconded by Selectman  
Fullerton. A vote was taken. Motion passed unanimously.

**2. OPEN SESSION**

*Roger Racette* – Mr. Racette said he was here on behalf of the Lions Club and said Lions Club  
International is celebrating 100 years in service and each club has a centennial project to complete.  
The Hillsborough Lions Club would like to build a small pavilion at the playground, perhaps 16x20 so  
that there is a place to allow people to sit while they are there. Chairman Bailey said they will have to  
make sure it's a good structure and all agreed the plan will be run by the Town's Building Inspector.

**3. WILLIAM MERRILL RE: OLD TOWN RIGHT OF WAY**

Ms. Buono said that Mr. Merrill had requested that this subject be placed on the Selectmen's Agenda  
to discuss the old right of way/town road on the Family Dollar property that is currently the paved area  
between Family Dollar and property owned by Irene Wells. Two years ago there was a concern

brought forward about possible encroachments on the old town road. At that time, Robyn Payson worked with Family Dollar and they had the property surveyed and moved a light pole, removed granite curbing, and developed a new snow storage plan for the property so that snow was not in the way of trucks going into Mrs. Wells property. Ms. Buono said nothing indicated that issue was not rectified since Mrs. Wells worked with Family Dollar independently and is satisfied with the outcome. Ms. Buono said now, Mr. Merrill came forward and stated the issue is not rectified because there is still pavement on the old road and the corner is built up. Ms. Buono stated that when the issues were discussed with Family Dollar at that time, they were never asked by the Town to remove the pavement nor did the Town catch it at the time it was being laid down. Ms. Buono said that while in her office last week, Mr. Merrill stated that he was going to attend the Balloon Festival Committee meeting the following night and was going to tell them that they cannot park on his property if the Town didn't rectify this. Ms. Buono said prior to the triangular shaped pavement that is there now, that area had large trees approximately 25 years old as well as boulders so there isn't any less area to drive on than there was before the property was developed. Robyn Payson said she brought maps and photos to review with the Selectmen. They reviewed the before and after maps and photos of the property. Chairman Bailey said he was at the property today with the Road Agent Bill Goss and they found the side pin and pointed out where they found another pin and said they were within 3' of either one and he said it is encroached on the road. Chairman Bailey said it's the same conclusion that they came up with a couple of years ago and he remembers that it was stated that someone should pay for a survey. Ms. Payson said Family Dollar did a survey and pointed the plan out to the Board. Chairman Bailey said there is still encroachment on the town's right of way – class VI road and he personally feels Family Dollar should be taking the pavement out. Ms. Buono asked what the purpose is of having the pavement pulled up when prior to that, there were trees and boulders in that area. Chairman Bailey said it doesn't matter because the previous owners were in violation as well because it is a town right of way. He said it make sense that we keep what's ours and shouldn't give it away and should be taken care of now in case there is development in the area in the future. Ms. Buono asked if the Board would be amendable to giving a formal legal notice to Family Dollar stating that in the future, if the area is developed or the road is upgraded, that corner of their property will be effected. Ms. Buono said the reason she is recommending this is because the Town should have caught this. The Planning Board was notified of this road, it should have been passed down to the building inspector at that time and they were never asked to remove it two years ago. Chairman Bailey said if we made the mistake, we need to bite the bullet and right it. He said it's not a major expense and is only about 10' in the entrance area. Chairman Bailey said he doesn't know if Mr. Merrill would agree to a simple legal document without the pavement being removed. Ms. Buono said she isn't suggesting giving anything that the town may own away and she also said she isn't sure what Mr. Merrill's agreement with anything has to do with it since he doesn't own any property that abuts this right of way. Chairman Bailey said he owns property that has a right of way over one of the abutting properties. Ms. Buono said he has frontage on Preston Street & Depot Street but does not have access to this right of way. Ms. Buono said leaving the pavement there isn't giving away anything we would simply notify Family Dollar that it would be dug up and changed if anything is done in the future. Ms. Buono said if Mr. Merrill wants to upgrade that road in the future in order to access his property via his right of way over the Achilles' property, he will have to come before the Board at that time with a plan that would need to be approved by the Selectmen. Chairman Bailey repeated that he feels it should be done now. Selectman Fullerton asked if Family Dollar was asked how they feel about this. Ms. Buono said Robyn Payson worked with them a couple of years ago and that was when they moved the light post, the granite curbing and developed a new snow storage plan but they were not asked to remove any pavement. Ms. Payson said the road is laid out on the survey that is in front of the Selectmen and it is not a town maintained road and to take action to for the Town to do work on the road goes against the statue. Chairman Bailey said they wouldn't be maintaining the road, they are fixing a problem. Selectman Daley asked if Bill Goss has an estimate on the cost. Chairman Bailey said no but he would estimate the cost to range between \$3,000 - \$5,000. He also said there should be a notice given to the Planning Board to be more diligent to make sure these types of things don't happen. Ms. Buono again

said she feels it has been rectified and they are currently discussing the removal of new pavement that has been placed over old pavement with the exception of the corner which is built up a little. Mr. Merrill said he had pointed out this right of way/road to the planning board and the engineer prior to the building being placed on the property. Ms. Buono said Family Dollar does have it on their surveyed plan. Mr. Merrill said Irene Wells was happy because the access to her place was taken care of. The work that would be needed to remove and grade the corner was briefly discussed and Chairman Bailey said he doesn't feel it's not an adverse repair for Family Dollar and if the Town has to do it, he wouldn't consider it "maintaining" the road but merely fixing a problem that exists that we caused. Mr. Merrill said he would like a letter signed by the Selectmen that he and the abutters have the right to upgrade that road if they want to. Ms. Buono said she would strongly advise against this because a plan needs to be brought before the Board of Selectmen at the time someone wants to do work on a road for approval. Ms. Buono said to give carte blanche permission now so that seven years down the road someone can be in there with an excavator and the new Board of Selectmen have no say in what gets done. Mr. Merrill said he just wants the road the way it was. Ms. Buono again stated that 20 year old trees were there previously. Selectman Daley brought up the legal letter that Ms. Buono suggested and said if Mr. Merrill had a copy of that and if he wants to upgrade the road in the future and brings the plan forward, that letter can be submitted with the plan. Selectman Daley asked Mr. Merrill if he feels that is enough. Mr. Merrill said he just wants permission to grade it now. Selectman Daley said he would have to have plans for approval because they cannot just give verbal approval. Selectman Fullerton asked if Mr. Merrill was going to deny the Balloon Festival use of his property if he doesn't get what he wants now. Mr. Merrill said he has supported them for 30 years with parking but the point is that this issue has gone on for two and a half years and he has tried to get it opened up so people can pass over it and that has nothing to do with the kids. Ms. Buono said that corner doesn't deny passage. Mr. Merrill said he feels he's entitled to it and was never notified about anything. Ms. Buono said Mr. Merrill's sister (Mrs. Wells) was working with Family Dollar and was satisfied with the outcome and she is the abutter. Selectman Fullerton feels this issue has to be looked in further. Chairman Bailey said it needs to be surveyed before anything is done. The survey that was on the table was pointed out to the Selectmen and it was reviewed. Ms. Buono noted that the right of way is entirely on the Family Dollar property so typically if a road is discontinued for example, half would go to each abutter but in this case the entire road would go back to Family Dollar. Chairman Bailey said he feels Family Dollar should pay for it but if we made the mistake, we should pay for it. Selectman Fullerton moved that this be looked into further. Chairman Bailey said they need a survey to be done which has been stated right along. Mrs. Payson pointed out that the survey is in front of the Selectmen, both the old layout and the new survey. Chairman Bailey said there are pins missing on the property that they need before anything gets done. Ms. Buono said they can ask Family Dollar to send the written survey that they have. Mrs. Payson voiced concern about changing the drainage if that corner is leveled. Chairman Bailey said it won't affect the parking lot at all and it won't change what was going into the road to begin with. Chairman Bailey moved to contact Family Dollar to obtain the information about their survey. Motion was seconded by Selectman Daley. A vote was taken. Motion passed unanimously. Mr. Merrill asked if he can be notified as to what goes on. Ms. Buono asked if he had an email address so they can send the minutes to him. Mr. Merrill said no and asked if someone could call him. Selectman Daley said he would call Mr. Merrill.

#### **4. DIRECTOR OF YOUTH SERVICES**

Ms. Buono informed the Selectmen that representatives from the School and the Police Departments combined with Peter Brigham, Selectman Daley and herself met a few times and updated the job description and wrote up an advertisement for the position of the Director of Youth Services. Access to school records with regard to suspensions and the fact that parents would have to sign off on some diversion programs was briefly discussed. The Board reviewed the information and approved moving forward with the process of placing the position out for applicants.

## **5. OTHER BUSINESS**

Drone Club – Selectman Fullerton brought the subject up to the Selectmen about starting a Drone Club in Town and said that he has spoken with Chief Roarick about this and the fact that some kids are not into playing sports but they are into building and racing drones for example. Selectman Fullerton said he sees a lot of good about this. The Selectmen agreed to give the Chief permission to look into this.

Ballfield Fence Signs – Selectman Fullerton said he doesn't disagree with having signs on the ballfield fences or with HYAA getting the money for the signs however, he doesn't think this practice was ever officially approved in the past. Chairman Bailey said he's not sure that permissions wasn't obtained in the past however, he moved to allow HYAA to continue with the upkeep, sales and monitoring of the signs on the ballfield fences. Motion was seconded by Selectman Fullerton. A vote was taken. Motion passed unanimously.

Zoning Board – Ms. Buono brought forward a recommendation from the Zoning Board to appoint John Segedy as an alternate member. Chairman Bailey moved to appoint John Segedy as an alternate member of the Zoning Board for a term of 3 years. Motion was seconded by Selectman Daley. A vote was taken. Motion passed unanimously.

ICMA Conference – Ms. Buono advised the Board that she applied for and has been awarded a \$1,500 scholarship toward the ICMA Conference in October that she will be attending.

Comprehensive Economic Development Strategy (CEDS) - Ms. Buono said she will be representing Hillsborough on the CEDS Committee through Central New Hampshire Regional Planning Commission as we update the CEDS Plan that was developed three years ago. At that time, Hillsborough had 5 projects that were approved to be listed in that plan.

Mobile Home Abatements – Ms. Buono said there are three mobile homes in the Stonebridge Mobile Home Co-op which have been abandoned and which owe back taxes, penalties and interest. Ms. Buono said the Town doesn't typically take a mobile home for taxes that is in a park unless it can be easily sold. These homes are old and need to be removed in order for the park to be able to rent those spaces out to newer homes. Chairman Bailey moved to abate the balances on Map 12 Lot 067-0001; Map 12 Lot 67-0002 and Map 12 Lot 67-0044. Motion was seconded by Selectman Daley. A vote was taken. Motion passed unanimously.

Manahan Park – Selectman Fullerton brought up the use of Manahan Park and said he would like to see the park ready and available for use earlier than it has been in the past. He feels the docks should be out before Memorial Day and the volleyball nets should be left out. Chairman Bailey said it's a matter of having the manpower to do it. Ms. Buono stated that the docks were put out last weekend even though the water was extremely cold. Chairman Bailey brought up the boat ramp which was recently damaged by a vehicle fire. He said there is some broken up pavement but since the water is up, you can't see it but that should be included in the repair. The water cleanup was done by Clean Harbor and Selectman Daley said there were a couple of properties next to the ramp that had some problems so he gave the owners the contact at NHDES. Chairman Bailey said there is still alight sheen on the water however it should dissipate with the rain and sunlight and said the Fire Department did a great job of containing it that night.

Beards Brook – Selectman Fullerton said that Beards Brook use to be a nice place and feels the Selectmen should look into fixing it up. He said we should find out what needs to be done and perhaps place some money in the budget next year to do some work. Chairman Bailey said NHDES will have to approve whatever plan they come up with so that it can be moved forward. Selectman Fullerton will look into it further.

**6. MANIFEST MOTION**

Chairman Bailey moved to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll Check numbers 11678 – 11742 a/k/a Vouchers 20, 20A & 21 in the amount of \$151,417.85 (includes 128 direct deposit stubs) and Accounts Payable Check numbers 16522- 16601 a/k/a Vouchers 20 & 21 in the amount of \$173,188.81. Motion was seconded by Selectman Daley. A vote was taken. Motion passed unanimously.

**7. CONSENT AGENDA**

Chairman Bailey moved to approve the consent agenda for May 9, 2017. Motion was seconded by Selectman Daley. A vote was taken. Motion passed unanimously.

- 2016 Property Tax Abatement Denial – Map 25 Lot 19
- Yield Tax Assessments in the amount of \$444.88 & \$902.63
- Intent to Cut – Map 8 Lot 144
- Intents to Excavate – Map 7 Lot 190 & Map 10 Lot 68

**8. APPROVAL OF MINUTES**

Chairman Bailey moved to approve the meeting minutes of May 9, 2017 as written. Motion was seconded by Selectman Daley. A vote was taken. Motion passed unanimously.

**9. ADJOURNMENT**

Chairman Bailey moved to adjourn at 7:38 p.m. Motion was seconded by Selectman Daley. A vote was taken. Motion passed unanimously.

A true record.

Laura Buono  
Town Administrator

Approved by:  
Hillsborough Board of Selectmen

Date: \_\_\_\_\_

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James C. Bailey III, Chairman

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David N. Fullerton, Selectman

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Jonathan M. Daley, Selectman