

August 27, 2013
Selectmen's Meeting/Approved Minutes

Present: Selectmen: R.P. McGinnity Chairman, C. Moser, B. O'Grady & A.A. Milkovits
Also present: Treasurer Pat Letourneau, & Deputy Treasurer Garth Fletcher and several residents

Agenda:

Meeting opened at 7:34 PM. The check manifest was reviewed and approved.

Appointments:

1. Keith Grimes, owner of Pickity Place and other concerned residents on Nutting Hill Road, Blueberry Lane, and Mitchell Hill Road (total of 15 residents) met with the Board to complain about the motocross bikes' running on Darrell Jones' property at 130 Nutting Hill Road. Mr. Grimes explained that his business is based on peace and tranquility and that this is greatly disturbed by the Jones' bike riding. This is not the first time Mr. Grimes has complained about this matter. In 2003, he had met with the Selectmen with his concern that his neighbor/abutter Jones had built a motocross racetrack on his property. The noise of the equipment building the track and the noise from the racing bikes were very disturbing to the patrons of Pickity Place and other neighbors in that area. The Selectmen had sent Building Inspector Wilson to inspect the Jones' property and review the area with Mr. Jones. Mr. Wilson also took pictures from Pickity Place to establish the proximity to Jones' racetrack. Mr. Jones met with the Board and had explained that he was making a practice track for his son for his motocross racing. All bikes had standard exhausts too. He also stated that a friend rode with his son for safety reasons. He claimed that this track was for private use only. Selectmen discussed Mr. Grimes' concerns and requested Jones to consider his neighbors issues over the track use. Mr. Grimes had sent a letter to Jones asking for consideration when the track was used and also sent Jones two gift certificates. Jones sent the certificates back and did not respond to Grimes. According to Grimes, work on the track, grooming or whatever has begun again. On the weekends the noise starts at 9 AM and half dozen bikes run for about 6 hours. Guy Daniello, another abutter present stated that the bikes have also started to run on his property and he feels this is destroying the peace in the neighborhood on weekends. Police Chief Hutchins was present for this discussion and stated that the PD will address any OHRV complaint on town roads and trespass. He had received the complaint call on the possible trespass by the bikes but there was no response from the complainant to follow up. It is illegal to operate the bikes on private property without permission. The Chief also parked at the Pickity Place parking lot to observe and listen to the racing bikes, after receiving the complaints. Mr. Grimes felt that his complaint falls under the Town's Ordinances, Article IV, Section C concerning the obnoxious uses and noise. He and the other residents came in to speak to the Selectmen for the Board to resolve this issue. Mr. Grimes stated that he would seek legal action if necessary but would prefer the town taking action. Selectmen explained that this may be a private nuisance claim as there is not a real noise ordinance established. A decibel measuring tool would be required for a noise ordinance with first setting an acceptable noise level for the town. Grimes

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and the other neighbors could make the claim themselves against Jones, in court. Conservation Commission Chairman Larochelle was present for this discussion and commented that the Grimes, etal could contact DES concerning a possible terrain alteration violation caused by the Jones when building the racetrack. Conservation Commission will help with the alteration of terrain complaint. And also DES could be contacted about the dust in the air from the racing bikes. Another possibility would be to determine whether the Jones are using the track privately or commercially. Commercial use would be against the Town Ordinances. Further discussion ensued with several abutters and neighbors, present, making comments. Chairman McGinnity stated that the Board also wishes to resolve this situation. The Selectmen will contact Town Counsel on what is enforceable in this complaint and advice on further action. A letter will be sent to the Jones to meet with the Board to discuss this matter and to determine whether the use has escalated. The Board will have an answer by the next Selectmen's meeting.

2. Conservation Commission members, Chairman Robert Larochelle, Liz Fletcher, and Anna Faiello met to discuss the draft policy for the Quarry recreational use. This policy was developed with the help of the Police Prosecutor, Martha Jacques. The following was reviewed:

- Parking – where? For now, parking is located at the end of Scripps Lane off of Brookline Road. Recommended change: *Parking in designated, authorized areas only*. The area will be approved by the Highway and Police Departments.
- Fires – Recommended change: *No fires are authorized without burn permit from Fire Department*. Fire Chief Baker was present for the discussion. He reminded the Conservation Commission that property owners are responsible in case of unauthorized fires.
- Swimming, No diving – Recommended Change: *No diving or jumping is allowed*.
- Trash: Pack in/Pack out.

Police Chief Hutchins was present for this discussion and stated that the policy as developed by Prosecutor is enforceable. Selectmen advised to have the policy with the recommended changes reviewed again by the Prosecutor then return to Selectmen to set up for a public hearing.

Another issue discussed was the Deed of Gift for the quarry. Mrs. Fletcher would like to have Attorney Tom Quinn draw up the deed, since Mr. Quinn has been involved in the quarry acquisition. Selectmen agreed that Attorney Quinn may do the deed but it will be reviewed by Town Counsel Drescher before signing.

3. Road Agent Fred Greenwood discussed the following:
 - “Big Dog” HD truck needs to be replaced. Mr. Greenwood has found an available truck - 2007 Isuzu diesel truck, one size bigger than the “Big Dog”. It was a Ryder truck and has 95,000 miles. The owner will take some items \$1000 for O72 truck, \$1500 for the old tank, \$1500 for other parts. The Highway Department would need to pay \$6000. Selectmen asked whether the truck could be purchased within the present budget.

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Mr. Greenwood feels the truck is necessary and will be able to pay for it within the current budget. There was a concern that the truck came from a flood area. It was checked for water damage but the truck seems okay. The mechanic will stand behind this truck. Chairman expressed confidence in the Road Agent's decision. The Board agreed to the purchase.

- Mr. Greenwood has been reviewing the information in the old records on the roads in Mason. Apparently in 1794 it was voted that all roads became 2 rod roads.
 - Chairman McGinnity made a motion to enter into a non-public session for a question of reputation/ potential dispute at 8:58 PM. This motion was seconded and voted in the affirmative to enter into non-public session. Present were Selectmen, Road Agent Greenwood and A.A. Milkovits. Decisions were made. Session ended at 9:09 PM.
4. Police Chief Barry Hutchins met to discuss a personnel issue. Chairman McGinnity made a motion to enter into non-public session for personnel issue at 9:12 PM. This motion was seconded and voted in the affirmative to enter into non-public session. Present were Selectmen, Police Chief Hutchins and A.A. Milkovits. Decision was made. A vote taken to seal the minutes for 20 years. Session ended at 9:22 PM.

Selectmen reviewed the following:

Old Business:

1. Re: Minutes – Motion was made, seconded and voted in the affirmative to accept the Selectmen Meeting minutes from August 13, 2013, as written.
2. Re: Victor Tweedy/property at 80 Brookline Road – There has not been any payments or response from Mr. Tweedy concerning his default on his tax payment plan. Mr. Tweedy has 80 Brookline Road for sale at this time. After some discussion, the Selectmen made the decision to hold off on tax deeding the property and will re-visit this matter in the spring. The Board also discussed selling some of the other tax deeded parcels. A reminder will be sent to the town assessor for an assessment on lot K-52 which the Board may sell to abutter Matthew LeClair.
3. Re: Walter Alford – letters from Attorney Hildreth – Chairman McGinnity made a motion to enter into non-public session for a legal issue at 9:38 PM. This motion was seconded and voted in the affirmative to enter into non-public session. Present were Selectmen and A.A. Milkovits. Decision was made and a vote taken to seal the minutes for 20 years. Session ended at 9:45 PM.
4. Re: Joseph Iodice/ Bankruptcy Proof of Claim form– Selectmen approved the form as submitted by the Tax Collector.

New Business:

1. 2013 MS-1 – reviewed. Net valuation on which the tax rate is figured is \$159,917,318. This will be submitted electronically to the DRA by September 1st.
2. State septic approval: Starr, lot L-37-3, Townsend Road
3. Gas Burner Permit: Mayou – lot B-9, 25 Mitchell Hill Road

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4. Oil Burner Permit: Tibbetts, lot L-9, 327 Briggs Road
5. From Conservation Commission: copy of letter to Mughmaw, 263 Marcel Road, lot J-81 concerning a possible wetlands violation issue.
6. From NRPC: FY 2015 Dues - \$1,169.00 same as previous year.
7. From NRPC: Notice of Town of Milford Hazard Mitigation Plan Update
8. Police logs
9. From HealthTrust- Benefits: October 1st Deadline for Notice of Health Insurance Exchange (aka Marketplace) Coverage.
10. From HealthTrust: Flu Vaccine Program – no decision was made on this program.
11. From PLT – notice of restructuring of Trust as an independent, not-for-profit corporation.
12. Other Correspondence:
 - Order of Notice on Complaint/Ruggiero
 - Notice of Foreclosure Sale: Adams, 246 Briggs Road
 - Notice of Foreclosure Sale: Keenan, 316 Reed Road
 - Other notices of meetings and seminars
 - Other correspondence

Selectmen signed the following:

- Yield Warrant: \$1,367.53 for Stauble/Belleview lot B-4-2 and \$4,807.98 for Anderson, lots K-25, L-53, L-54

Meeting adjourned at 10:03PM.

Respectfully submitted,
Barbara L. Milkovits
Administrative Assistant