

Selectmen's Meeting Minutes
Monday, February 13, 2017

At the Selectmen's Meeting held on Monday, February 13, 2016 at 6:30 p.m. the following people were in attendance: Mark Lufkin, Peter Corey, and Wendy Hersom.

Dave Holmader of Whitefield presented a beautiful hand-painted picture of the town common that he did this past summer. It will be hung on the wall in the Selectmen's Meeting room for all to enjoy.

Chairperson Hersom called the Public Hearing to order at 6:35 p.m.

The following people were in attendance: Fred Ingerson, Shawn White, Brad Lufkin, Rick Wright, Katie Lombardi, Cory Pons, Gerry Pons, Sondra Brekke, Mia Adamovage, Lee Lallquist, Patrick Ryan, Dave Holmader, Scott Burns, Ken Russell, Jr., Stanely Holz, Sandy Holz, Frank Lombardi, Marsha Lombardi, and Edie Worcester.

Mr. Brad Lufkin wanted to speak in favor of the SB 2 question. This SB2 voting gives all voters the chance to vote on all articles during the day. It will help people who work, parents who can't make town meeting, and elderly and sick people will have a voice on all the articles. Brad said that currently in Whitefield there are 1,507 registered voters and he has been to many meetings. We are lucky to muster up 100 people to show up to town meeting. Brad said that is not putting the real vote out there.

Lee Hallquist said he was lucky enough to live in Twin Mountain for 34 years and it has been only in the past eight years that they have had SB2. Lee said there used to be a lot of voters in Carroll, 1750 voters in Carroll, and you were lucky to get 100 people to the town meetings because there would be so much fighting and arguing. The older people are intimidated. They don't want their neighbors knowing how they vote. With the SB2 format of voting during the day-long voting the women's clubs can have pie sales and the historical society can put their items on display for people to view throughout the day. It is a fine day and you get to vote in private. Lee said currently his neighbors are elderly and they don't want to come out to town meeting. Lee said you still have deliberative session, and everyone still decides what is on the ballot. No one gets fired or loses their job and people get to vote in private during the day. Why would people be against voting in private?

Sondra Brekke said you still have the same issue that people would not come out to the deliberative session.

It was asked if the default budget would be like the school's default budget. Wendy said there is a statute that governs what is included in the default budget.

Some said that one advantage of SB 2 is that voting is all day and it is in private. Wendy said the one disadvantage is you have lots of people who don't have any information on what they are voting on. If they don't show up to the public hearings and deliberative sessions and learn anything they may not know what the bond votes we are putting on the ballot are for. For example, the bond this year for the water and sewer is a pretty complicated issue. Wendy said her concern is people may just look at \$6.5 million and just vote no.

Gerry Pons said one problem he can see against SB2 is that decisions can be made by the politics of a group and a particular group can advocate for something. The problem is getting people to come out and vote.

Brad said we are lucky to get 100 people to show up at night at town meeting.

Stan Holz said traditional town meeting gives everyone an opportunity to be as informed as possible and make their vote count. Stan has been going to town meeting since he moved here, and lots of times Stan said he has changed his mind on how he was going to vote after he listened to the discussion at town meeting. Stan said town meeting keeps the town vibrant—it is a tradition. Stan said we will have more of an informed vote. Stan said that people who have enough interest to show up at town meeting, and listen to the pros and cons, after listening to the arguments of people may change their minds on how they vote on articles. Stan said he feels we lose a lot by not having the traditional town meeting.

Ken Russell said that this is the 4th time this petition has come up. Ken said he should have recorded the last three times he argued against this. Ken said back when he moderated meetings, we had an issue on what to do with the broken dam in the John's River. Ken said the first time it was brought up we discussed it for half an hour and we did something we had never done before we tabled it because we didn't have enough information to vote on it. That would not happen with the SB 2. It got brought up the next year. It passed, and everyone was happy with it. People went and listened to the pros and cons. That is what happens in a democracy. Town meeting is the only real democracy we have in this country. We are legislatures at the town meeting. Would you want your legislatures going and voting on something they did not know anything about? How about responsibility? Voting is a privilege and you should take it a lot more serious than we are doing lately. Find out what is exactly going on. Listen to people. It is wonderful. It is the best thing in the country, and he would hate to see it go.

Marsha Lombardi said that shows what a big mistake the town made with the dam because we have no water to fight fires since we took that dam out. If we had SB2, then the dam probably wouldn't have been taken down. Marsha said we are giving the elderly and the sick people, everybody the opportunity to vote with SB2.

Tom Ladd said he is opposed to SB2 for the same reasons other people have stated tonight. He strongly disagrees with the notion that it gives you a voice. SB 2 takes your voice away. It gives you an x or a Yes or No, that is it. The uniformed electorate is a problem. Tom has changed his mind from listening at town meeting. Tom said this year at the budget hearing last week most of the numbers for the bond votes just aren't known yet, it is dealing with a lot of different levels of government. We hope to have more information at town meeting and to vote accordingly. Tom disagrees with this as a solution.

Many towns hold their meetings on Saturday—is that a better alternative? If evening is the problem, then the Saturday is an option. For most all articles, a petition signed by 5 voters and you can have a secret ballot. If people don't have the guts to stand up and vote then it doesn't take much to have every item on the ballot to be taken to the voting booth. Tom said he is not saying that is what he wants to have happen.

Shawn White said he is not speaking in favor of it or against it. Shawn said he was in favor of the SB2 voting for our school system, which is our biggest part of our tax bills, but that is the least thing we have

control over. Shawn said he has been to the school deliberative sessions in the past, and do we actually have any control over that budget? No we do not—that budget grows like a monster.

The vote on SB2 is a 3/5 majority.

Ken Russell said what happens is a lot of our voters don't read very well. Ken said a lot of people don't know what they are voting on with a lot of those school ballot votes, and he can't explain it to people. Ken said a lot of the school ones they leave blank. Ask the people who actually count the ballots if that isn't what happens.

Frank Lombardi said some people are confused with this. You still have your town meeting, which is your deliberative session and we are giving them a month to learn about the items before they are actually voted on.

Frank said at the deliberative session in Littleton they added in money to the budget so now people get it out there and people will be informed when they vote in March. Frank said there are a lot of seasonal homes in Whitefield and those people should be allowed to vote via absentee ballots.

Mr. Hallquist said in the exciting town of Carroll when they went to SB2 they had an average of 400 people voting all day. A lot more than the 100 who would show up at the town meeting. You still have a deliberative session, same as the town meeting and you can still educate people and argue your point.

Mr. Pons said if the purpose of SB2 is to increase the turnout at the deliberative session, that won't happen. People who show up to vote are less than informed.

Mrs. Brekke said that part of the issue is getting people out to vote. Sondra would like to see us try to get transportation available to get people out to vote. If transportation is the issue, you can't say SB2 is going to get people out.

The public hearing closed at 7:00 p.m.

Pat Ryan who lives at 3 Main Street attended the meeting. He wanted to ask the Board for some help. He moved up here in 1999 and he has been here 18 years, next door to Cumberland Farms. They put up a red neon sign that is very bright and shines on his lawn and in his windows. The gas deliveries come two times a week, the big 18-wheeler comes with their food and bread, the Coke truck with their sliding doors, the newspaper truck, the beer truck, CO2 tanks, the Little Debbie truck—they all come twice a week. You would think it would be the customers who are the problem, but it is not. The gas delivery truck sets off the alarm at 2:30 a.m. when they deliver. The Pepsi truck has hydraulics on it. Mr. Ryan said it has gotten way out of hand. The dumpster has been relocated over by their house. They have the neon red sign and the dumpster and the milk crates and break crates. They have propane tanks. It is a wall of nuisance stuff. He has never had a problem with it but it has gotten so out of hand. Pat came up and spoke with Judy and Chief of Police and spoke with the manager. Do we have a health officer? The dumpster is stinky. They used to put it on the other side of building. They won't even budge a little bit. It has become a nuisance. It interferes with the enjoyment of their home. It doesn't really have to be a noise thing to be considered a nuisance. He is here for help. He needs some solutions—can they move the dumpster, can they fix the sign, can they adjust their deliveries? Pat said he doesn't even want to live there anymore. It is absolutely ridiculous. It is terrible.

Dave Hollmander said even where he is across the state he can hear a lot of ruckus different hours of the night. The music in the delivery vehicles is an issue. Pat asked if we can check with the Health Officer on the dumpster. Is there a sign ordinance state-wide?

Peter asked Pat if Cumberland Farms was there when he moved there and Pat said it was and it was open 24 hours a day but he was told it was not going to be 24 hours a day for much longer. Pat said he was going to call the CEO of Cumberland Farms and talk to them about the dumpster. Pat said it is like a construction site. The Board told Pat that we will speak to the health officer about the concern with the dumpster. There is always rubbish and debris. The employees sit on the crates and smoke. Mark is wondering if someone higher-up knows this is happening. Pat said he has tried speaking with the local manager and district manager. He is going to try contacting someone in the higher office. Shawn said they are very hard to work with. Frank Lombardi said when they changed the sign, they should have gotten a development permit. That sign was changed in 2016 when the new tanks were put in—they did it all in that same year. Some of the vendors come with music blaring in their trucks. Wendy said he may have a private action against them for a nuisance. Pat said if he can honestly say the Town has looked at the dumpster that would be in his favor. Mark said there are some things we need to look into and Pat should speak to Cumberland Corporate office. He has lived next to them for over 17 years with no issues and now this has come up in the past year.

Bob Stiles attended the meeting to discuss a letter he had received from the Town in reference to a water line break that was stated as being on his private waterline located at 7 Van Zandt Drive. Bob said it has not been his water line for 15 years, and he gets a letter that it is his water line now. It went with the properties that he sold. He got a letter stating he had to fix it or they would shut the water off within 24 hours. Bob thought the town should be doing it. Bob said he repaired it and has no recourse for fixing the line. Bob said that he doesn't have a house on the property where the water line went. Fred said the letter was sent because of a health issue where the leak was. Fred said that we weren't sure where the line was because we had no records of it, and it was more of a precautionary measure to send out the letter. Bob said he owns the trailer and it is a separate water line.

Peter said Fred was made aware of a water leak on Mr. Stiles property and the water was mixing with sewage from a leach field. They could smell sewage, and there was a potential for cross-contamination if the water pressure drops. Under the ordinance Fred is responsible to notify the landowners the line has to be shut down. Mr. Stiles came to the town, and Peter was here and he said I don't know who should fix it, but it is a private water line on private property. The letter said the water is going to be shut off. The couple who owns the property wanted to know what the Town was going to do it. The Town's responsibility is to shut the water off and we had no idea who owns what. It is not the town's responsibility. Bob said it had been leaking for a year or two and Fred found it and Bob told him it was not his water line. Fifteen years ago he sold the property with the town water going to it. Fred said those people were under the understanding that they were attached to the same water line. There is nothing written in any deeds. There was a conveyance of the water line in the deed. Peter said we don't know who owns the water line. Wendy said the deed does not say it is a town water line. You own from the main to your home. Bob said he can name 7 of those water lines in town just like that. Maybe we need to get it straightened out.

Bob said the leak was above his leachfield and that is why it smelled. Peter said that it is not the town's responsibility to take care of a leak on a private water line. The letter was not intended to tell you to fix

the line. Bob said the last person on the line was where the leak was. Wendy said this is why we don't want multiple connections off of private water lines. One private water line off the main goes to one house not multiple houses. Bob knows of six locations just like that. Peter said there are tons of them and they are huge problems. Bob said he understood that letter was telling him it was his responsibility to repair the line. Bob said are you going to tell someone in the middle of the winter you are going to turn their water off? Fred said if there was a cross-connection problem, then the whole town would have been shut down. Bob said he feels it was not done correctly. Bob said the Town should stop their water from leaking, but what are you going to do for people getting water off that line? Bob ran them water from his trailer and let it run so it would not freeze.

Fred said we believe the Greenburgs are on that line. Gensamers are on it as well. Bob said he thinks they paid \$1,000 to hook up to that water line. Peter said it is not uncommon in developments. All those we spoke about, there aren't any associations who maintain the lines. If there is a leak, no one knows whose responsibility it is to fix. Bob said the Greenburgs paid for a hook-on, but it doesn't say where they have to hook on. Bob said he told Fred that it was a private water line. It doesn't say you have to fix it, but it does say on your private water line. Wendy is not sure what is the issue currently. Bob said the ones who are responsible are the ones who bought beyond that. Greenburg has bought two lots that the water goes to, and Bob doesn't think they have paid. Peter said the Greenburgs paid. Peter said they intend to build and hook on to the town water line. Bob said it is a two inch line.

Shawn said the private line that goes in to Dalton, it states they should be equally responsible for the line. Bob said the main reason he felt the town should take care of it is because it was unclear. Bob has no investment in there now, and most people would tell you to go fly a kite. Why should they pay him to fix the line? Bob said he doubts he will ever get paid to do it. Bob said he is too old to be doing do it. He told them he would run a line from the trailer to their house. He tried to cut it off beyond Petryks and the only place it is going is to Greenburgs. He worked all weekend on it, but he got it back. He didn't want to dig in the leachfield. Bob would like to have the Town help him recover the expense he has for the repair, but he doesn't think they will pay him. It is 16 to 17 years later. That is why he questions why he got the letter. Is he going to be responsible forever? Wendy said that is a good question when you are doing subdivisions. Bob asked is Rexford going to be responsible for the Hall Road line that they put in 10 years ago?

Peter said we don't know who owns it and who is responsible. Bob said people should look out for their citizens so their water is not shut off. Bob is going to have to start running water on Maple Street and Mr. Corey told Bob he couldn't put any water lines on that line. Can he let the water run and not pay for it? Peter said he wanted to put in a water line in contravention to the ordinance. The Chairperson had said you can put in a water line in accordance with the water ordinance. Peter said there are many of these problems festering in the ground. If he has to let the water run, do we abate the bill? We have told people they have to pay the water bill. Bob said the line was put in in 1935. Peter suggested that Bob get with Fred and do a little investigation and have Fred get back to the Board with what they come up with.

Why would we put an attachment on someone's private water line that we are not responsible for? Bob said you should give it some real thought down the road if you can't figure out who the real owner is and bill whoever. Bob said if he was on the line he would question it.

Shawn said pertaining to private water lines, what gives the Town the right to do anything without any easements. Wendy said nothing. Shawn said the town would be at risk if they went in and did anything.

Shawn and Judy spoke with Mr. Lunn and Shawn spoke with Phil at District One. The state owns the property. Phil looked back at the records and they are not going to shut that right of way down. Mark said he feels we should get it in writing. The house has an easement for the right of way. Wendy asked if there was a written easement? Wendy said it has to be in the deed. Wendy said it shouldn't be hard to get. Bob said he tried to give that up when he was a Selectmen. Bob said he knows it is a very expensive driveway to maintain. Bob said they tried to give this up when he was a selectperson but he never had any luck. It was also on the warrant in 1997. Wendy was wondering how much it costs to maintain that driveway. \$150 a storm would be the cost. Shawn said it is 500 feet.

Claude Roy attended the meeting to discuss an issue with Shawn White. Shawn requested that the meeting be in public session. Claude said about 3-4 weeks ago on a Sunday he went to the town garage to get sand for his pastures. The person who usually sands his pastures was broken down. On his fourth bucket load when he was heading down Union Street Shawn stopped him and Claude said Shawn told him that he was going to go back to the town garage and dump the sand he had in his tractor. Claude said Shawn blocked him and that he went up the driveway to get away from Shawn. He told me he had called the cops. The cop came after Shawn left and said continue on with the sand after Claude told him he was sanding his pasture so the horses would stop falling. Claude did not want his horses getting injured.

Claude said another issue was he got turned in because it was stated that the water was turned in to his buildings and this was not the case. Claude said that it was Shawn who turned him in, and he feels something should be done about it. Claude said everyone goes to the town garage and gets sand. Sara said it was an emergency situation. Claude said why Shawn blew a gasket is beyond Claude's imagination.

Shawn said his recollection of the events was he received a text from someone in town that a tractor was going to the garage and taking sand by the bucket loads. The person told Shawn that they saw an orange tractor going towards Union Street. Shawn said he went out and up Union Street and he motioned Claude to pull over. Shawn said he asked him what he was doing and Shawn said he would need to take the sand back to the town garage. Shawn said the first thing Claude said was "f" you the sand is going to greenwood Street. He got on the tractor and kept going. Shawn said he contacted the police department and Alan said he would check it out and see if he could locate the tractor. Shawn said he pulled up beside Claude to block him there until Alan got there and Claude just kept driving down the sidewalk and went up over the sidewalk and Shawn said he almost hit the side of his truck.

Shawn said he went up Greenwood Street and he told Claude again that he couldn't take sand from the town garage by tractor bucketfuls. There is a sign posted that people are allowed two, five gallon buckets. Shawn said Claude told him that he took one bucket, but he said to Shawn that your driveway is all sanded. Shawn said when he told him exactly what he was taking the sand for he said was sanding his pasture so his horses wouldn't fall and he had to put a horse down. Shawn left at this point, and he told the officer what went on. Shawn said there are a couple of issues. He drove out behind the town garage, which is trespassing. There is a sand bin for residents—two five gallon buckets. Shawn said when we stopped on Union Street if Claude had asked in a nice manner everything would have changed

and it is how Claude went about it is why it escalated the way it did. Shawn said he informed the Board that day of what happened.

Shawn said in reference to the water issue, an acquaintance of Claude's told Shawn that Claude had hooked on to the town water line and never paid for a hook-up fee. It was all that was ever said. Claude doesn't understand why was it even approached – why didn't someone come here and see what happened. It should have been checked. Why would a friend of Claude's tell Shawn out of the blue that Claude hooked on to the water?

Claude doesn't think it was kosher. If he was stealing sand, he would have done it in the dark and he would not have done it during the day. He was protecting his animals and he feels he did no wrong. No one should have said anything. He was just protecting his animals. Shawn said a simple phone call would have alleviated these issues, but it was wrong to just think you could go take sand from the town sand pile.

Shawn said it is all documented who takes sand. Shawn said Claude says that he is harassing them and he is not. Sara said Shawn harasses them all the time. Claude said it was not proper of Shawn to approach him that day. All Shawn had to do was contact the police department. Claude said since then he got his tractor registered. Claude said it was not proper. Sara asked the Board what they thought about the whole situation. Sara said they gave a donation for the sand. Wendy said her personal feeling is that number one Claude should have called and said I have a problem. Wendy said Shawn should not be blocking access on the sidewalks and roadways. It is now competing stories about who said what. None of that cursing should happen, it just escalates the situation. Wendy does know that Shawn called her that day to let her know what happened. Wendy said probably the better way is to call the police and let them handle the situation. Wendy said if it continues we will put a "no ban" on sand. Wendy said she understands their horses are getting hurt. Wendy said a simple phone call to someone, even if you called the P.D. and let them know. This would have prevented all of this. Claude said Shawn knows he had a bunch of horses in the pasture. Claude said Shawn knew where he was going with the sand. Claude told him to follow him up there. Why did he try to block me off? Why did he call the cops? Why did he call Wendy? Shawn said Claude did not tell him about the horses until they got on Greenwood Street. Shawn said he left when Claude told him about the horses.

Claude said the next time I will call him and say I am going to come and get some sand.

Sara said she spoke to Joyce about the water issue, and she told her she knew nothing about it. If someone passes on information about an illegal hook-up, it should be passed on. Claude said he doesn't know why that person even said that. Fred said he asked Joyce about it. Shawn said he passed the information on to Fred Ingerson, which Fred confirmed that he did.

Gerry Pons said you are placing Shawn in a bad situation with the two bucket rule. It is almost impossible to enforce. Mark Lufkin said there are honest people in the Town of Whitefield who only take two buckets. Edie said she takes her two buckets but she needs it. People who live on private roads have to maintain their roads and should be allowed access to the sand.

Sara wants to know if anything is going to be done about Shawn. Sara said she spoke to someone who is a lawyer and they told her they have a case if they want to pursue it. Sara said she keeps her mouth shut. What is the problem with Shawn? She wants to know what the real problem is with Shawn. Sara

said she feels this all started when she came in about the water running in to her shop. She said she feels it really irritated Shawn to fix Sara's shop. That is where it all started. Shawn said he has no problem with them. Shawn and Sara had a discussion of where and how the snow was being plowed by her building. Sara thanked the Board for listening and was wondering if the \$20 was enough for the sand, which the Board said was fine.

The Board reviewed and finalized the Warrant for town meeting.

The meeting adjourned at 9:00 p.m.