

TOWN OF NEWBURY



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INCORPORATED 1778
NEWBURY BOARD OF SELECTMEN
MINUTES OF September 22, 2014 MEETING

Selectmen: Richard Wright and Gary Budd

Town Personnel: Dennis Pavlicek, Town Administrator; Meg Whittemore, Recording Secretary

Public: Lindsey Holmes, Katheryn Holmes

The meeting convened at 6:00 p.m.

PUBLIC INPUT: Lindsey Holmes, 17 Great Island, Newbury, NH was to offer additional information to the Selectmen regarding the septic system on Great Island and her concerns over its maintenance.

Mr. Wright said this is a communal septic system, servicing multiple property owners and the town has no jurisdiction over it. He recommended that the island property owners find a knowledgeable person to test the leach field and make a plan to pump the septic tank if needed.

Lois Logan, 22 Great Island, Newbury, said Stearns Septic System conducted a thorough review of the system and declared it in good shape but did recommend pumping. She said the septic tank is located on one property owner's land and he has denied access to the tank.

There was discussion regarding the difference between "spills" and sewer pipe separations. Ms. Logan described how the above-ground lines are inspected and that every resident is told to inspect their line every year.

There was further discussion regarding the inability of nine residents on the island to check their sewer lines because they run under a fence erected by one of the island residents and access to the lines has been denied.

Mr. Wright said this is a civil issue and suggested that the residents try to get an easement on the property in question for an easement for sewer line maintenance. If that does not work, then the residents can seek legal recourse in the courts.

Following further discussion regarding the potential for severing the sewer lines, Mr. Wright said such activity should be reported to the police. He added that the situation appeared to be twofold: (1) there are issues with a neighbor, and; (2) there are issues with the septic system. He said he hoped that a resolution will be forthcoming.

Mr. Pavlicek, town administrator, said town counsel has been contacted regarding this situation and that the conclusion was that this is an issue for the NH DES to handle, not the town.

DISCUSSION: Katheryn Holmes, Chair, Newbury Conservation Commission, raised concern over two large piles of sand located adjacent to the lake on the Hoffmeister property on Great Island. She said the material presents a hazard to the lake. Additionally, there are lots of cut trees on the property and referred to the combined situations as an environmental mess. She also questioned whether the town has the ability to enforce property easements contained deeds. Mr. Wright said the town cannot enforce covenants, easements, and all civil matters. Mr. Pavlicek added that if the situation presents a life or safety threat, then the town may step in.

The Selectmen discussed the Noise Ordinance, specifically Section 60-106 Definitions. Discussion commenced on the changes to the definition of Mass Gathering Events as proposed by Police Chief Robert Lee. Mr. Pavlicek said he has researched the state regulations and definitions regarding this and has found no precedence for modification to the current definition.

The Selectman approved payroll adjustments for Patricia Sweet McDonald and Debra Prussman.

CORRESPONDENCE: ZBA Notice of Decision regarding the granting of a variance to the Buldocs; PB Notice of Decision regarding site plan approval for a new cart barn at Baker Hill Gold course; solicitation from CASA regarding funding; NH Department of Safety regarding the cessation of emergency stand-alone phones; NH Department of Labor final safety inspection report indicating Newbury is in compliance; Bruce Johnson, Webster selectman, requesting a warrant article for school funding; Town counsel notification that the Champagne/Light lawsuit has been settled; Community Bridges request to rent the Vets Hall on October 25th, November 16th, and December 6th and asking for a 50% discount in rental fee (Selectmen agreed but the hall must be cleaned up or the rent is full price); and, a notice to all town employees regarding mandatory attendance at harassment training sessions on October 21st.

ABATEMENT REQUESTS: None.

MINUTES: Minutes of September 8, 2014 were approved to file.

PAYROLL & ACCOUNTS PAYABLE: Week ending September 20, 2014 were approved and signed.

INTENT TO CUT: One, signed.

BUFFER ZONE CUT: Two, approved with the condition of receiving Shoreland Permits from NH DES: 71 Pine Cliff, and 83 Malia Terrace.

PURCHASE AUTHORIZATION: Approved: up to \$3,500 for a rental bucket and truck operator. Approved: \$6,462.50 for a guard rail paid for by insurance company of driver who damaged it on Mountain Road. Approved: \$15,639 for irrigation on the new athletic field.

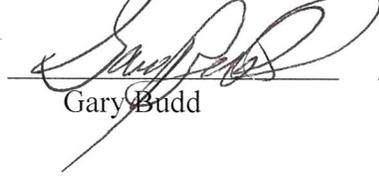
Mr. Wright made a motion to go into Non-Public Session per RSA 91-A:3, II, a-e at 7:15 p.m. Mr. Budd seconded the motion. There was a Roll Call vote all in favor. The Selectmen went into Non-Public Session.

The Selectmen came out of Non-Public Session at 7:20 p.m. No decision was made. Mr. Wright made a motion to seal the minutes of the non-public session indefinitely. Mr. Budd seconded the motion. There was a Roll Call vote all in favor.

MEETING ADJOURNED at 7:22 p.m.

NEXT REGULAR MEETING: Monday, October 6, 2014 at 6:00 p.m. at the Town Office.


Richard Wright


Gary Budd


Ed Thorson

MW/september22/14