

Minutes
CANAAN BOARD OF SELECTMEN'S MEETING
Tuesday, January 29, 2008

The meeting was opened at 7:00 PM by Chairman Reagan at the Canaan Fire Station. Selectmen Burnett and Hudgens and acting Interim Administrator Dexter Bucklin were also in attendance. Others present: Ellie Davis, Al Posnanski, Alice Shori, Ed Labrie, Russell Lester, Chuck Townsend, Erin Darrow, Curtis and Caryn Shepard, Shirley Packard, Bill Wanner, David Shinnlinger, Aaron Allen, and John Bergeron.

Acceptance of Minutes of the January 15, 2008 Meeting

Having reviewed the minutes the Board voted the following: Selectman Hudgens moved, Selectman Burnett seconded, and the Board voted 3-0 to accept the Minutes of the January 22, 2008 meeting as amended.

Warrant Article Assignment

In preparation for Saturday's deliberative session, the Board reviewed the Articles and each Selectman assigned articles that each would speak on during the session.

Public Hearing – Building Permit on a Non Maintained Road

In accordance with RSA 676:4 Chairman Reagan opened the Public Hearing on the application for approval of a building permit on a non maintained town road. Charles Townsend raised a point of order and questioned whether the meeting had been incorrectly warned. He claimed that the access in question is not a non maintained road but a Right of Way; and this distinction requires additional land owners to be notified. John Bergeron, a member of the Planning Board also questioned the wording of the Selectmen's notice. Mr. Townsend provided a copy of a Grafton Superior Court stipulation that Article 8 of the 1962 Town Meeting was effective to completely discontinue Bear Pond Road from property identified as Map-&n, Lots 5 & 6 to the property identified as Map 3, Lot 20-B.

Erin Darrow, representing the property owners, stated that the Planning Board held a Public Hearing and voted that the Board had no objections to application for a building permit so long as the application is not in conflict with all applicable regulations and statutes.

After additional discussion, it was the position of the Board of Selectmen that the questions raised should be reviewed by Town Counsel. The Board voted to continue the Public Hearing at 7:15 PM, Tuesday February 5th, 2008.

Conservation Easement

As requested by the Board, Charles Hutchinson and Cynthia Raubens appeared before the Selectmen to discuss the apparent violation of the Conservation Easement when a portion of the land was purchased by Mr. Hutchinson. Specifically section B which states that “the property shall not be subdivided or otherwise divided into parcels of separate distinct ownership.” Mr. Hutchinson read a statement from his lawyer, Stebbins Bradley Harvey Miller & Brooks, PA. “At the time of the sale, we reviewed these provisions and reached the conclusion that this sale did not violate the easement deed. Route 4 is a public highway dividing the property and is owned by the State. The seven parcels on the two sides of the highway are already separate and distinct both in the easement deed and on the Town tax maps, so this transaction did not result in a division of the premises.”

Stephen Walker, Stewardship Specialist with the State’s Conservation Lands Stewardship had been in touch with the Attorney General’s Office to get their opinion of the intent of the easement but as of the meeting that opinion had not been received. The following e-mail from Bill Chabot after his conversation with Mr. Walker was read: “I just spoke to Steve Walker and in reiterated the fact that the property (no matter how many tracts) is considered one unit for the purposes of the easement and is indivisible. Mr. Bucklin also pointed out section 6, C of the agreement (Breach of Easement) states “If said Grantor fails to take such curative action, the Grantee, its successors or assigns, may undertake any actions that are reasonably necessary to cure such breach, and the cost thereof, including Grantee’s expenses, court costs and legal fees shall be paid by the said grantor, provided the said Grantor is determined to be directly or indirectly responsible for the breach.” Upon receipt, the Board would provide copies of the Attorney General’s position on the transaction to Dr. Hutchinson and Cynthia Raubens.

Personnel Policy – Job Description

The Board reviewed the job description for the position of Town Administrator. The present job description was modified to include more specific direction in informing the Board of Selectmen on all aspects of Town affairs. The lines of communication between the Administrator and the Board are of major concern to the Board. Mr. Bucklin will modify the draft as suggested by Board members.

Other Business

Senior's Valentine Day Party

Mr. Bucklin discussed with the Board a request to sponsor a Senior's Valentine Recognition party at the Senior Center on Sunday February 17th. Jackie Lary and the Crusaders would prepare for and run the function that would be open to Canaan Seniors and, space permitting, surrounding communities. Selectman Hudgens moved, Selectman Burnett seconded, and the Board voted 3-0 to authorize the function as an extension of the Town.

Town Report Cover

Mr. Bucklin inquired if the Board had suggestions for the cover of the 2007 Town Report. He stated that it had been suggested that a picture of the new Hardware Store on the Common would be appropriate. The Board agreed, and Mr. Bucklin will contact Mr. Dow and discuss the idea with him.

Non Public Session (RSA 91-A.3 ©)

At 8:45 PM Selectman Burnett moved, Selectman Hudgens seconded, and the Board voted 3-0 to go into non public session to discuss a legal issue.

The Board returned to public session at 9:15 PM and the meeting was adjourned at 9:16 PM.

Robert Reagan

Kristina Burnett

Thomas Hudgens
Canaan Board of Selectmen