

Minutes
CANAAN BOARD OF SELECTMEN'S MEETING
Tuesday, February 5, 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, Phil Salvail, Al Posnanski, Cassidy Robinson, Melissa Robinson, Ed Labrie, Erin Darrow, Curtis and Caryn Shepard, Bill Wanner, Gail Murray, Aaron Allen, and Bill Chabot.

Acceptance of Minutes of the January 29, 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 29, 2008 meeting as amended.

Amended Warrant For Posting

The Board reviewed the amended Article as voted at the Deliberative Session on Saturday February 2nd and signed the Warrant for posting on February 8th.

Political Advertising on Town Property

Glenn had been asked if a candidate for Town Office could put a sign up at the Transfer Station. After a brief discussion, the Board determined that political signs would not be allowed to be placed on Town Property. The Board indicated that individuals could hand out material and could campaign on Town Property.

Public Hearing – Building Permit on a Non Maintained Road

In accordance with RSA 676:4 Chairman Reagan re-opened the continued Public Hearing on the application for approval of a building permit on a non maintained town road. In response to the point of order raised by Charles Townsend whether the meeting had been properly warned, the Board reviewed the position rendered by Town Counsel Tim Bates. Although Counsel did not agree with several points raised by Mr. Townsend, Tim did agree that “the public hearing should be done again with a corrected Notice that will state that the property is on a private right of way. 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.

Erin Darrow, representing the property owners, again stated that the Planning Board had held a Public Hearing and voted that the Board had no objections to application for a

building permit and questioned the need to go through the process again. After additional discussion, it was the position of the Board of Selectmen that the Town should follow the recommendation of Counsel and have the Planning Board schedule a new hearing with the suggested Notice. The Board did vote to continue the public hearing to the next meeting to allow for the possibility that the legal questions raised could be resolved prior to the Planning Board meeting of February 28th. The Board indicated that Town Counsel would be invited to the meeting of March 4th in anticipation of legal questions that may be raised.

Conservation Easement

The Board reviewed the January 31st letter from Stephen Walker, Steward Specialist, Conservation Land Stewardship Program, Office of Energy and Planning relative to the invalid land transfer of the McKee Conservation Easement. Mr. Walker states that “our office has reviewed the McKee Conservation Easement with our attorney at the Department of Justice relative to the transfer of ownership of tracts 5, 5a, and 6 from the conservation easement. We have found that said transfer is in violation of the terms of the conservation easement.” After a brief discussion the Board directed Mr. Bucklin to contact Town Counsel to determine the legal process the Town should follow to meet its obligation to the State to monitor the terms of this conservation easement.

Personnel Policy – Job Description

Mr. Bucklin raised a question relative to the job classification for the position of Transfer Station Manager. It is unclear if this position is classified as an exempt or non exempt employee. As a supervisor and a Department head with interactions with State agencies and the requirements to attend meeting beyond the normal scheduled work day, it might be appropriate to classify this position as an exempt or salaried position. Before a final decision, there will be discussion with Glen to have his input relative to the classification.

Dealer – Inspection Station Application

The Board reviewed a request from the Department of Safety, Dealer and Inspection Desk, relative to the issuance of a license for inspection station and repair/sale of vehicles to R & L Auto Towing & Recovery, 78 Andrew Lane, Canaan. A review of the property deed stated that “The property shall be used for single family residential purposes only.” Under the circumstances and after a brief discussion, Selectman Burnett moved, Selectman Hudgens seconded, and the Board voted 3-0 to recommend that the applicant’s appointment be denied.

Other Business

Mr. Bucklin reminded the Board that there would be a public hearing, as required by Statute, during their meeting on February 19th to discuss Article 11 relative to creation of a Town Transfer Station Facility Revenue Fund. The Article as amended would restrict the first 25% of revenues from the sale of recyclables into this fund.

Non Public Session (RSA 91-A.3 ©)

At 8:40 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 9:00 PM and the meeting was adjourned at 9:01 PM.

Robert Reagan

Kristina Burnett

Thomas Hudgens
Canaan Board of Selectmen