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Town of Grantham
Board of Selectmen Meeting Minutes
September 22, 2021

The meeting of the Board of Selectmen was called to order at 5:00 PM on Wednesday, September 22, 2021, by Chairman Garland. The Board met in the Grantham Town Building, Lower Level, 300 Route 10 South, Grantham, NH.

Present: Chairman Peter Garland, Selectman Constance Jones; Selectman Warren Kimball; Town Administrator Melissa White; Board Clerk Emily Owens; Attorney Sheridan Brown; Lori Charlonne; Jill McIntyre; Chris McIntyre; Steve Miller; Pamula Smith; Doug Smith; Keith Grohbrugge; Glenna Giveans; Doreen Somers; and Erin Zagadailov.

APPROVAL OF MINUTES

A motion was made by Selectman Jones to approve the regular meeting minutes of 09/08/2021, seconded by Selectman Kimball. *Approved by majority vote.*

CONSENT CALENDAR

1. Payroll #634
2. Accounts Payable #786
3. Planning Board Appointment (alternate)
4. Capital Reserve Fund – Transfer from Municipality Revaluation to General Fund
5. Building Permits:
 - a. M/L 215-094-000; 12 Trillium Lane – Generator
 - b. M/L 216-148-000; 12 Robin Lane – Generator
 - c. M/L 236-030-000; 215 Stocker Pond Road – Replace Surface of Existing Deck
 - d. M/L 222-038-000; 4 Azure Brae – Replace Decking/Railing materials
 - e. M/L 226-005-000; 357 New Aldrich Road – Garage
 - f. M/L 225-174-000; 29 Troon Drive – Bathroom Remodel
 - g. M/L 236-010-000; 631 Route 114 – Addition
 - h. M/L 213-102-000; 42 Shore Road – Replace Decking/Railing materials
 - i. M/L 225-082-000; 59 Troon Drive - Shed
6. Correspondence:
 - a. NH Department of Environmental Services (2): The first letter dated September 3, 2021, included an inspection report from July 26, 2021, conducted on the Eastman Lake dam. The report detailed findings and maintenance suggestions to increase the longevity of the dam. The second letter from NHDES notified the Town that the Letter of Deficiency (LOD) issued on December 30, 2020, was officially being closed based on the inspection finds from July 26, 2021.
 - b. Chapin Senior Center: A letter was received from the Kearsarge Council on Aging, Inc (COA) asking for \$4,290 to cover the cost associated with servicing Grantham residents.

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- c. Erin Zagadailov: An email was received from resident Erin Zagadailov regarding a recent message posted in the Grantham e-news concerning the Stamper Parcel.

A motion to approve the Consent Calendar as amended was made by Selectman Kimball; seconded by Selectman Jones. *Approved by unanimous vote.*

Regarding the August 25, 2021 meeting minutes on page 5, Chairman Garland took exception to the representation made by resident Chris McIntyre that Sheridan Brown was acting as the Town's attorney regarding this matter and requested a clarification to those comments that McIntyre made. Chris McIntyre commented and was adamant that he had an email stating that Sheridan Brown was acting as the Town's attorney. Selectman Jones read the email and clarified that Sheridan Brown was not acting as the Town's attorney. She continued to discuss discontinued roads and let the audience know that information regarding discontinued roads prior to 1918 may be found in the Secretary of State Office in Concord or at the Concord Archives. Chris McIntyre asked the Board to accept the clarification with dissent.

CITIZEN COMMENTS

Chairman Garland invited members of the public on the conference call and in the audience to speak, at this time no resident decided to speak, so he proceeded to the next meeting item.

OLD BUSINESS

New Aldrich Road Residents regarding discontinued "Aldrige" Road: Chairman Garland invited audience members to the microphone to present new information to the Board. Chris McIntyre, 700 New Aldrich Road, asked why the letter from the Blue Mountain Snow Dusters was not included on the agenda, but the Poretto's letter was. It was explained that the Board had a copy of both letters, but the Blue Mountain Snow Dusters letter arrived on Monday, missing the Friday deadline. Chris McIntyre asked what investigation the Board has done regarding the questions Mr. Maggi has asked.

Chairman Garland explained that he (Chair Garland) was not present at the last meeting but had reviewed all the material presented by Mr. McIntyre at the last meeting. At this time, based on a legal review of available material, Chairman Garland does not think there is sufficient evidence to order the Poretts to allow the public to travel over the disputed area. In the future, if new evidence is provided, Chairman Garland is willing to discuss the matter further. He asked the other Board Members if they had any additional comments regarding the matter.

Selectman Jones explained that the Town does not conduct a title search or survey of a property prior to issuing building or driveway permits. If this was done, the process of issuing permits would take additional weeks or even months and would not be practical. Chris McIntyre agreed with Selectman Jones statement and acknowledged that the same language was on the permit applications. However, his question is what happens when the permits are issued based on false information provided by the applicant, and what is the Town's recourse. Chairman Garland thought that was a question that warranted further investigation by the Board of Selectmen, possibly through legal counsel. Selectman Kimball suggested that neighbors could work out their issues on their own behalf or through Superior Court with the Poretts. Doreen Somers, 985 Olde Farm Road, asked for clarification on what

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Selectman Kimball was stating, so he restated his statement. The neighbors concede to prosecute their easement rights on their own behalf in Superior Court or work out a settlement with the Poretos. Chairman Garland reiterated that it is beyond the Board's purview to grant titles that only a court could.

Lori Charlonne, 584 New Aldrich Road, expressed her concern that the driveway permit did not mention the trail and that it appeared that someone had deliberately destroyed the trail on the property that was a right-of-way and not their property. She (Lori Charlonne) would like an investigation into how someone can do that, and ultimately, she would like the trail restored. Chairman Garland reiterated that Selectman Jones had covered the driveway permit issue, and Selectman Kimball had made suggestions to the audience for their recourse going forward. Lori Charlonne asked why someone would not look at the property on the tax maps to determine if there were any conditions on the property. Chairman Garland explained that title conditions and easements are not included on the tax maps. Lori Charlonne referenced the letter from the Poretos stating they plan on erecting a fence on the trail and asked what rules there are regarding a fence. Town Administrator White stated that there is a height restriction on fences but unless Old Farms Covenants prohibit the erection there are no Town regulations prohibiting it. Lori Charlonne reiterated that her main concern is the Poretos proposed location of the fence in the middle of the trail. Chairman Garland reiterated that the Town has not found any research to support the trail being where the residents claim it is.

Chris McIntyre, 700 New Aldrich Road, asked if it is the opinion of the Town that there is no recreational easement between those pieces of property. Chairman Garland stated there is no documents supporting a position either way. He referenced the recreational easement by Emil Hanslin did not include the Poretos lot in the warranty deed. Chris McIntyre read the Poretto warranty deed from the Sullivan County Registry of Deeds referencing the plan filed on April 15, 1985. The plan shows a 20-foot easement from lots 38, 39, 40, 62, 68, and 69, and the deed is recorded with Sullivan County Registry of Deeds on December 1, 1981, to "Grantham Town of." The lot in question is designated lot 34.

After a brief recess to review the material provided by Chris McIntyre, Chairman Garland reiterated the position of the Board that there is not sufficient evidence to order the Poretos to allow the public to travel over the disputed area. Chairman Garland suggested that the neighbors of Olde Farms follow the suggestion of Selectman Kimball. Chis McIntyre expressed his disbelief in the Board's position.

Lori Charlonne, 584 New Aldrich Road, read parts of the letter written by Mrs. Poretto. She (Lori Charlonne) felt that the letter indicates that the Poretos knew there was an existing trail. Additionally, they used the trail for access when building their home. Lori Charlonne stated in her opinion, the trail ends abruptly, and you must walk down their paved driveway to keep going. Lastly, Lori Charlonne expressed her negative opinion about the potential fence the Poretos might erect and the impact to the trail.

Steve Miller, 80 Haystack Road, had a general concern about recreational easement in the Town of Grantham. He (Steve Miller) mentioned an issue regarding subdividing land, easement rights, and the late Merle Schotanus. Steve Miller asked the Board how they were planning on enforcing rights-of-way and easements in the future. Selectman Jones provided insight into the Schotanus issue by stating that the easement was not registered with the Registry of Deeds. Steve Miller wanted to know after the Planning Board imposes conditions on the applicant who is supposed to follow through and make sure they are completed. He (Steve Miller) thought the intent was very clear, the Planning Board

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specified the recreational easement, the builder followed through, and it suddenly had disappeared. Steve Miller addressed the letter from the Poretto and how they wrote they wanted neighbors to discuss the issue with them. Steve Miller stated that he attempted to speak with Mr. Poretto, was met with hostility, and was told the issue was closed.

Chris McIntyre, 700 New Aldrich Road, mentioned the minutes and how someone from the Town was going to go discuss with the Porretos the situation with Grantham residents using the trail and not knowing the issues. The neighbors were concerned about the “vailed threats” regarding the dogs and people being injured. The Board was unaware of that discussion in the minutes but would look into the matter. Chris McIntyre stated that he felt the Board was directing the neighbors of New Aldrich to resolve their issues through the court system. He asked for a specific time period for the Board of Selectmen to address the outstanding issues and concerns raised tonight. Chairman Garland could not give a definitive date since the Board would have to conduct research and speak with the Town’s legal counsel. Chris McIntyre expressed his frustration with the lack of a date. He stated that “they” would ask the Supreme Court for any funds spent in that challenge to be paid back by the Board of Selectmen and the Town of Grantham.

Miller Pond Road Safety and Drainage Improvements: Town Administrator White drafted language regarding the necessary easement for the project. Additionally, letters were sent to the abutters with the plans to improve the road and a copy of the draft easement language. The Board asked if there were any questions from abutters, and Town Administrator White responded no.

NEW BUSINESS

Police Department and Trustees of the Trust Funds provided August reports to the Board of Selectmen.

Town Administrator: In August, the office processed 13 building permits, one application for assistance, and 19 property transfers. Since the last Board of Selectmen meeting, a large amount of time was spent on administering welfare. Town Administrator White also attended a budget and finance workshop hosted by NHMA and the monthly training hosted by NH Local Welfare Administrators Association.

2020 Tax Appeals: The Town Selectmen’s Office has received two more tax appeals (97 Stocker Pond Road & 133 Stocker Pond Road). Both have been forwarded to the Assessor. BTLA has not set a mediation conference date, which is required before they hear the case.

The JLMC conducted the required annual building inspections (attached) and held its 3rd quarter meeting.

It was brought to Town Administrator White’s attention that the Energy, Recreation, and Technology Committees were not set up with a specific number of members. Therefore, the Board of Selectmen needs to vote to confirm the number of members for each of these committees. Town Administrator White recommended three members for each committee. Selectman Jones made a motion to officially make the Energy, Recreation, and Technology Committees three-person committees, seconded by Selectman Kimball. *Approved by unanimous vote.*

EMD Jay Fountain had been in contact with the VNA, trying to arrange a flu clinic here in Grantham. However, because of short staffing and other reasons, they are unable to provide one for the Town.

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Lake Sunapee VNA is offering a flu clinic in Eastman so residents will have a close location.

At the September 8th Board of Selectmen meeting, the demolition permit for Gray Ledges was rejected because of a lack of information regarding storage of the salvaged building material. Gray Ledges has since clarified that they will store the dismantled material onsite in the barn and offer the right of first refusal to the three historical organizations required by the Planning Board. Based on the information provided in the letter dated September 19, 2021, Selectman Jones made a motion to approve the demolition permit seconded by Selectman Kimball. *Approved by unanimous vote.*

Holidays: Town Administrator White provided an updated list of holidays and board meetings.

CITIZEN COMMENTS

Chairman Garland asked Erin Zagadailov if she would like to address the Board. Erin Zagadailov, 178 Meadowbrook Road, addressed the Board regarding Correspondence item c. She thanked the Selectmen for including her correspondences regarding the Town e-news and her postings. Erin Zagadailov was upset by the language in the e-news and felt that the negative tone and rhetoric would be off-putting to other residents who may wish to express their concerns. She felt that every resident should have the right to speak up and ask questions without being belittled. Erin Zagadailov looked forward to future discussions regarding the Stamper Parcel.

Joseph Figley, 834 Dunbar Hill Road, asked what the process will be for accepting the Stamper Parcel as a gift of land. Town Administrator White responded that there must be two public hearings prior to the Town accepting any gifts of land. Lastly, Joseph Figley wanted to say he agreed with Erin Zagadailov comments to the Board.

ADJOURNMENT

There being no further business, Selectman Kimball moved to adjourn, seconded by Selectman Jones; by majority vote, the Board adjourned at 6:05 PM.

The next regular meeting of the Board of Selectmen will be held on Wednesday, October 13, 2021, at 5:00 PM.

Respectfully submitted,
Emily Owens
Board Clerk