



Monday, March 13, 2023

Board of Selectmen Minutes

In attendance: Steve Smith (Chair), Derek Tremblay (Selectmen), Dianne Craig (Selectmen), Melissa Salinardi, Chief Ed Andersen, Bruce Nadeau, Kirsten Hershey

CALL TO ORDER

Steve Smith called the meeting to order at 6:30pm.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Steve Smith made one suggested change to the Public Comment section regarding the grey water comment. He suggested that the sentence be changed to reflect that the grey water is being dispersed illegally onto Ms. Hershey's property. Chief Andersen was asked if he had any changes to his report in Public Comments. He made one correction and asked that it be noted that the camper that was moved back onto the neighbor's property be noted as the guest camper not the camper in which the resident lives.

Derek Tremblay motioned to accept the minutes of February 27, 2023 'as amended'. Steve Smith seconded the motion. All were in favor-yes; motion carried (2-0). Dianne Craig abstained.

APPOINTMENTS

Shae Simino (Road Agent)

Shae Simino provided a brief report to the Board stating that he is preparing for the upcoming snow and will keep the Town parking lots as cleared as possible for the Town elections.

Steve Smith mentioned the email regarding the change in Naughton & Son Recycling policy for tires and asked if Shae was able to find another way to dispose of tires. Shae stated that he has begun to look into finding an alternate company to use, however, he does not have all the details yet as he only received the email a few days ago. He added that he is considering Bobs Tires for disposing. Dianne Craig asked what the difference in cost would be and Shae replied that he did not know that information yet. Steve asked if Shae was still taking tires. Shae responded, "yes," and added that there was still plenty of room in the bins and didn't think it would be a problem to get rid of the few that he already had.

Shae reported that he hasn't heard back regarding the DES permit but everything was submitted and sent in. He believes that once a new permit number is issued, the sign in front of the Transfer Station will have to be updated. The Board had no further questions.

Shae Simino left the meeting.

PUBLIC COMMENTS

Property Issue - Update: Kirsten Hershey asked for updates regarding her ongoing property concerns and issues with her neighbor. She feels that the Board has not responded to her past requests for action. She mentioned that the resident has invited additional people to live on the property even though he is not supposed to be living in the camper. She added that he is continuing to dump sewage on the ground which is a health concern and that there are at least five vehicles on the property and trash piles still remain to be an issue. She feels that the resident has deceived the Town in saying that he will comply when nothing has been done and stated that there has been suspicious activity on the property and she is fearful and believes that if nothing is done, he will keep doing what he is doing.

Chief Ed Andersen provided an update from the last meeting with the Selectmen (see February 27, 2023 Minutes). He stated that he has dealt with a post office complaint issue and has spoken with the individuals on the property and informed them that they cannot receive mail at Ms. Hershey's address or at any address that is not a legitimate address and suggested that a PO Box be obtained by the individuals.

He mentioned that on Sunday, March 12, 2023, he gave an eviction notice to the additional people living on the resident's property and after discussion with the Code Enforcer, it was determined to give the occupants until Thursday, March 16, 2023, at noon, to remove themselves from the property or he will take corrective action. He has reached out to the county attorney's office but has not received a response. He mentioned that the junk is all moved onto the resident's property and that there are a total of four vehicles and he believes only the resident's vehicle is actually registered.

Code Enforcer, Bruce Nadeau, shared some of his concerns and updates and stated that the resident should not be living in the camper and no other persons should be allowed to be living in any campers on that property. He presented the Board with a list of RSAs that he feels can be enforced by the Town (RSA 147:7, 147:8, 147:9, 147:16-a).

Steve Smith asked what the violation would be and whether this was something that the Town would create. Bruce stated that the violation would be for the fact that the resident is living in a non-approved structure and he added that he believes that the Town's liability is very high in this situation. He stated that under the Board of Selectmen, the Code Enforcer has the ability to enforce the above RSAs and the penalty would be whatever the Town incurs. Bruce added that the other main problem is the raw sewage being dumped on the property.

Chief Andersen stated that the resident has been notified and he wondered if the Board of Selectmen and Code Enforcer could remove someone under these RSAs or just issue penalties. Steve Smith apologized to Kirsten Hershey for the delay in a solution, he mentioned that the Board was not being idle but rather waiting for all avenues to be pursued. Bruce Nadeau stated that in his opinion, the resident is not going to go peaceably. Dianne Craig added that the resident has been paying taxes for the structure on the property and now it is being suggested that one of the structures should not be taxed. Chief Andersen agreed that one of the structures should not be taxed. Bruce added that he cannot issue a building permit because there are no septic plans.

Chief Andersen recommended that the issue go to the Town's attorney for further review and would be willing to provide information as needed. Derek Tremblay referenced RSA 16-a and suggested that putting additional penalties on the resident may not come to anything and that

the Board should proceed with executing the misdemeanor charge. Chief Andersen stated that he would first need to determine if it was a misdemeanor A or B.

Steve Smith stated that he is confident that Bruce Nadeau and Chief Andersen have documented everything well and that the Board should move forward with contacting the Town's attorney for further input. Chief Andersen added that most cases he has had over the years have been cut and dry and this situation with the resident has been unclear from the beginning. Dianne Craig asked Chief Andersen if, based upon the warrant he re-submitted to the county attorney, the judge would rule a different way. Chief Andersen was unsure and mentioned that the second draft was still under review.

Both Bruce Nadeau and Chief Andersen mentioned that they have received threats from Mr. Stadtmiller and Bruce again added that he does not think it will go over well if the resident is forced to leave the property. Chief Andersen again suggested reaching out to the Town's attorney and possibly following through with a misdemeanor charge. He also suggested that Kirsten Hershey file an eviction notice because of the grey water that might be flowing onto her property and the fact that the resident is partially on her property. Kirsten mentioned that she had asked her attorney about an eviction notice and they did not advise her to file for one, but she will speak with them again.

Bruce Nadeau stated that plenty of deadlines have been given and the Town has tried to work with the resident and now some actions will have to be taken. Chief Andersen stated that he will be available to assist in getting the information to the attorney.

Steve asked if Ms. Hershey had any questions. She asked if the address issue was settled and Chief Andersen stated that the only thing that the occupants can do is get a PO Box and he mentioned that he informed them that no mail can be sent to the non-existing lot and that they cannot tamper with her mail as that is a federal offense. He mentioned that they did put up a mailbox, however, it is not legal. Kirsten asked if she was liable. Chief Andersen stated that she has brought everything before the Town and the Police, therefore, he does not believe she is liable. No additional questions were made.

Bruce Nadeau and Kirsten Hershey left the meeting.

NEW BUSINESS

None

COMMUNICATIONS

Administrative Assistant

- **Sale of Town Owned Property:** No new updates.
- **Change in Land Use:** No new updates.
- **Office Rug:** No new updates.
- **Documents to Sign:** Melissa brought a letter asking for additional support from the Upper Valley Lake Sunapee Regional Planning Commission, the Board felt that no action should be taken as the Town already pays dues to the UVLSRPC. Melissa brought a solar exemption to the Board for them to review and sign, as advised by the Town's assessing company.

- **NHDOT Bridge Funding Opportunity:** Melissa mentioned and shared a letter that was received regarding possible funding for bridge repair from the NHDOT. Dianne Craig added that she thought it best to forward the information to the Town's FEMA representative to determine if the Town should apply for the NHDOT funding. The Board will wait for FEMA's response.

Board of Selectmen

Farewell Letter and Future Items of Business: Steve Smith commented on his term coming to an end on Saturday, March 18th and thanked the Board for granting him the opportunity to serve as Chair for the past year. He also thanked the Board for their continual service to Goshen.

He presented a letter listing items that he believed should be reviewed by the Board and future Boards. He mentioned that one of the bigger concerns he has is regarding the Rand Pond Town Beach. He believes this issue has "fallen to the wayside," and that it is important to make this place an area of recreation. He remarked that it may be something that the Conservation Commission can oversee once more members have been obtained.

Dianne Craig mentioned his reference to HB 295 which, if passed, would require select boards and school boards to livestream all meetings. Steve cautioned the Board to watch out for this as it will most likely be an additional expense to the town.

Steve also mentioned employee pay and what they are entitled to when retiring. He mentioned that he believes that it is important for the Town to honor retiring employees and the benefits that they should receive especially Chris Smith and Joel Lussier who should be given their earned retroactive pay. Steve again, thanked the board and wished the selectmen the best of luck.

OLD BUSINESS

Town Meeting/Vote: The Selectmen will be present for the Town Election on Tuesday, March 14th and Dianne Craig added that it is the job of the Selectmen to run the Town Election and meeting and that more involvement should be considered for future years.

The Board discussed their involvement during the Town Meeting on March 18th and Steve suggested that the Board may want to make some statements at the Town meeting regarding their decision to increase employee wages.

Steve Smith mentioned that he sent an email to the website designer and asked for his access to emails and all Town accounts to be ended by Saturday night. The Board agreed that access should end immediately after the Town meeting and that all emails be forwarded to the Selectmen's email. The Board decided to keep Steve's email for RSA 91 purposes.

Handbook: No new updates.

STANDING ITEMS

Monthly Budget Review
Veterans Monument Repair
Flag Poles at Cemetery
Planning Board Update
Other Items

Derek Tremblay motioned to adjourn. Steve Smith seconded the motion. All were in favor-yes; motion carried (3-0).

The meeting adjourned at 7:37 p.m.

The next regular meeting of the Board of Selectmen is scheduled **March 27, 2023 at 6:30 p.m.**

Respectfully submitted by Melissa Salinardi