



# **Town of Hopkinton, NH**

## **Office of the Select Board**

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### **SELECT BOARD PUBLIC MEETING MINUTES MONDAY, MAY 1, 2017 APPROVED MAY 8, 2017**

#### **CALL TO ORDER**

Chairman Jim O'Brien called this regular meeting of the Select Board to order at 5:30 p.m. on Monday, May 1, 2017, in the large meeting room in the Town Hall. Chairman O'Brien introduced the members of the Board. Steve Lux, Jr. led those assembled in the Pledge of Allegiance.

**Members Present:** Jim O'Brien, Chair, Ken Traum, Vice Chair, Steve Lux, Jr., Bob Gerseny, and Sabrina Dunlap

**Staff Present:** Neal Cass (Town Administrator) and Robin Buchanan (Administrative Assessing Assistant)

**Public Present:** Ken Wilkens, Arnold Coda, Bob Lapree, Deb Morris, Sara Persechino, Dan Rinden, Cathy Chesley and several other Hopkinton residents.

#### **APPOINTMENTS:**

##### **5:30 NON PUBLIC SESSION RSA 91-A:3 II (e) legal**

**Motion to enter Nonpublic Session** made by Mr. Traum seconded by Mr. Lux.

**Specific Statutory Reason** cited as foundation for the nonpublic session: RSA 91-A:3, II (e)  
*Consideration of negotiation of pending claims or litigation which has been threatened in writing or filed by or against the public body or any subdivision thereof.*

<b>Roll Call vote</b> to enter nonpublic session:	Jim O'Brien	Yes
	Ken Traum	Yes
	Steve Lux, Jr.	Yes
	Bob Gerseny	Yes
	Sabrina Dunlap	Yes

**Entered nonpublic session** at 5:30 p.m.

## POINTS OF PRIDE

Chairman O'Brien stated that Mr. Cass was on vacation last week and the town survived. He is thankful for all the work that Mr. Cass does for the Board and the Town.

Mr. Cass stated he received a letter from Police Chief Steve Pecora with regards to how Officer Mac Hindle handled a potentially dangerous situation without incident. His hard work to handle the situation is much appreciated.

## ADMINISTRATIVE

### Consent Agenda

The Board members reviewed documents for signature and approved unanimously (5-0) the Consent Agenda, taking the following action on a motion made by Mr. Traum and seconded by Mr. Lux.

#### **CONSENT AGENDA 05-01-17**

<b>ACCOUNTS PAYABLE MANIFEST</b>	\$81,717.03
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<b>PAYROLL</b>	\$69,517.53
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#### **PERSONNEL ACTION FORMS (PAF)**

Hailey Nase rehire lifeguard part time Recreation  
 Lily Sabol new hire lifeguard part time Recreation  
 Sydney Stockwell new hire lifeguard part time Recreation  
 Paul Molnar new hire lifeguard part time Recreation

#### **Timber Tax and Warrant**

George Hahn Map 219 Lot 15	\$188.75
Meadowsend Sawmill Map 232 Lots 13, 24, 15	\$2,839.89

#### **Motor Vehicle Refund**

Lynn A Bennett	\$85.00
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#### **Building Permits**

Robert Blank 116 Cedar St barn foundation  
 Woodbury Roberts 271 Briar Hill Rd addition  
 Sallie Story 362 Old Henniker Rd Renovations  
 Stuart & Peggy Lyman 818 E. Penacook Rd barn  
 Stuart & Peggy Lyman 818 E. Penacook Rd Event Tent  
 Gary Paquette 14 Wildwood deck

**APPOINTMENT PAPERS**

Tom Congoran-EDC

**TRANSFER OF FUNDS**

Sewer Fund Account to General Fund

\$6,317.60

The Board reviewed the Select Board Meeting Minutes of Monday, April 17, 2017. Mr. Traum made a motion, seconded by Mr. Lux, to approve the Public Meeting Minutes of April 17, 2017. Chair O'Brien called for a vote.

**VOTE:** O'Brien, Traum, Lux, Gerseny and Dunlap voting in favor of the motion; no votes against. MOTION APPROVED 5-0.

The Board reviewed the Select Board Non Public Minutes of Monday, April 17, 2017, Session I. Mr. Traum made a motion, seconded by Mr. Lux, to approve the Non Public Meeting Minutes of April 17, 2017, Session I. Chair O'Brien called for a vote.

**VOTE:** O'Brien, Traum, Lux, Gerseny and Dunlap voting in favor of the motion; no votes against. MOTION APPROVED 5-0.

The Board reviewed the Select Board Non Public Minutes of Monday, April 17, 2017, Session II. Mr. Traum made a motion, seconded by Mr. Lux, to approve the Non Public Meeting Minutes of April 17, 2017, Session II. Chair O'Brien called for a vote.

**VOTE:** O'Brien, Traum, Lux, Gerseny and Dunlap voting in favor of the motion; no votes against. MOTION APPROVED 5-0.

The Board reviewed the Select Board Non Public Minutes of Monday, April 17, 2017, Session III. Mr. Traum made a motion, seconded by Mr. Lux, to approve the Non Public Meeting Minutes of April 17, 2017, Session III. Chair O'Brien called for a vote.

**VOTE:** O'Brien, Traum, Lux, Gerseny and Dunlap voting in favor of the motion; no votes against. MOTION APPROVED 5-0.

The Board reviewed the Select Board Meeting Minutes of Thursday, April 20, 2017. Mr. Traum made a motion, seconded by Mr. Lux, to approve the Public Meeting Minutes of April 20, 2017, with a change of PM to AM. Chair O'Brien called for a vote.

**VOTE:** O'Brien, Traum, Lux, Gerseny and Dunlap voting in favor of the motion; no votes against. MOTION APPROVED 5-0.

The Board reviewed the Select Board Meeting Minutes of Monday, April 24, 2017. Mr. Traum made a motion, seconded by Mr. Lux, to approve the Public Meeting Minutes of April 24, 2017. Chair O'Brien called for a vote.

**VOTE:** O'Brien, Traum, Lux, and Dunlap voting in favor of the motion; no votes against; Gerseny abstaining. MOTION APPROVED 4-0-1.

**APPOINTMENTS (continued):**

Dan Rinden, ZBA Chair. Mr. Rinden is in at the request of the Select Board to help them understand the process a Zoning Board of Adjustment goes through in order to determine if a potential business has regional impact. Mr. Rinden stated for regional impact for Hopkinton the criteria is addressed in the Subdivision Regulations on page 54. Mr. Rinden also noted that Item F is the only one that pertains to the issue being discussed. Mr. Rinden read the following:

Proposals before the Planning Board which are reasonably likely to have substantial effect on another municipality due to such factors as: pollution, school enrollment, waste disposal, demand for water, road deterioration, or traffic safety.

Chairman O'Brien inquired what the process is in Hopkinton that an applicant would go through. Mr. Rinden stated the applicant has a series of questions with regards to the criteria. Mr. Rinden stated there are nine (9) questions; the answers are written. There is verbal discussion on all questions. There is an opportunity for abutters for and against to speak. There is also opportunity for non-abutters to speak for and against. The applicant has an opportunity to reply and abutters have one more opportunity to speak after that. The meeting is then closed for public comment; and the Board would discuss it and vote.

Mr. Traum inquired if a site visit is required by the Zoning Board of Adjustment. Mr. Rinden replied no. He further stated the Board receives a packet of information before the meeting and may individually go to see the site; but we do not go as a Board.

Mr. Traum inquired if the character of the area in which the proposed business will go is taken into consideration. Mr. Rinden replied we would not put a waste treatment plant in the middle of a farm field; however, we do not have a wide range of applicants. Mr. Rinden further stated that the Board is looking for the benefit to the community as a whole.

Discussion ensued, with regards to the responsibilities of the ZBA vs. the responsibilities of the Planning Board. Ms. Dunlap inquired if the ZBA ever did studies as to environmental impact. Mr. Rinden replied no we have not had to do one, but often things are conditionally approved. Ms. Dunlap inquired as to the impact abutters' testimony may have on a project. Mr. Rinden stated it would have to be a substantial impact.

Chairman O'Brien thanked Mr. Rinden for his time tonight and for the work he does on the Zoning Board of Adjustment.

Discussion ensued, with regards to whether the Board should join MadgeTech in their motion for a rehearing, including discussion whether the Warner ZBA erred in not noticing the State or the Town of Hopkinton, the cost to join the motion for rehearing, if the money would be well spent if MadgeTech has already filed a motion for rehearing.

It was noted during discussion that although the Warner ZBA did not believe that there was regional impact; the Warner Planning Board does believe there is regional impact after allowing Hopkinton residents to speak at its meeting. It was noted not many people knew about the Warner ZBA meeting.

Chairman O'Brien opened the floor for comment on the matter of whether Hopkinton should appeal the Warner ZBA decision. He also stated he did not want opinions about the gun range.

Cathy Chesley stated the Select Board should appeal the Warner ZBA decision to protect the interest of the residents of Hopkinton.

Bob Lapree inquired as to MadgeTech's issue. Chairman O'Brien stated Madge Tech is appealing because of improper notice. Ms. Dunlap stated it is a narrow complaint based on improper notice. Mr. Lapree replied that we should not spend our resources when MadgeTech already is, as the result would be the same. Arnold Coda stated it is not wise to spend our money, when someone else is doing the same thing.

Chairman O'Brien thanked everyone for their comments and then asked the Board how they would like to proceed. Discussion ensued, as to how to move forward.

Mr. Gerseny made a motion to intervene in the case of MadgeTech v. Warner ZBA to request the Warner ZBA to make a determination about regional impact with regards to the proposed indoor gun range. Ms. Dunlap seconded the motion.

**VOTE:** O'Brien, Traum, Gerseny, and Dunlap voting in favor of the motion; Lux voting against; **MOTION APPROVED 4-1.**

The pleading will be separate from MadgeTech's pleading.

Chairman O'Brien stated last week the Board received a certificated letter from Warner with regards to regional impact and they would like written comment from the Hopkinton Select Board by May 15, 2017. Mr. Cass passed out sample letters from different organizations with regards to regional impact. The Board made it clear that Warner will make the decision whether or not to have a gun range, however, this written statement will state the important issues Hopkinton has. Discussion ensued with regards to what should be in the written statement. The Board will be meeting the Hopkinton's Planning Board Chair, on Thursday, May 4, 2017, after the Board tours the Sewer Department. The Board will also be meeting on Monday, May 8, 2017, for public comment, as well as finalizing the letter to Warner.

#### **NEW BUSINESS:**

i. **Fiscal Year Information:** Mr. Cass gave the Select Board all the information that he had put together in 2011 when a previous Board requested this information.

ii. **Community Gardens:** Chairman O'Brien stated he received a letter from a resident requesting a spot for a community garden. It was noted that there was a community garden for a

few years; but there has not been one in recent years. Discussion ensued with regards to possible spots for a garden.

**PUBLIC FORUM:**

**TOWN ADMINISTRATOR UPDATES:** Mr. Cass reminded the Board about the volunteer dinner on Thursday, May 4, 2017.

There being no further business, a motion by Mr. Traum, and seconded by Mr. Lux to adjourn the meeting. Vote 5-0 in favor of the motion. The meeting adjourned at 8:01 pm.

Respectfully submitted,

Robin Buchanan, Administrative Assessing Assistant