

**October 22, 2013**  
**Approved Minutes10222013**

Present: Selectmen: R.P. McGinnity Chairman, C. Moser, B. O'Grady, Garth Fletcher and Pat LaTourneau & residents were present.

**Agenda:**

Meeting opened at 7:30 PM.

The check manifest was reviewed and approved. Checks were signed by Pat Letourneau

**Appointments:**

7:45 Barbara Currier – Property Line between her property and Bronson Potter.

—Lot C1-1

Barbara Currier brought in a plan showing her stone wall boundary line with Bronson Potters. Recently she noticed that the stone wall had been moved and she speculated it was moved by heavy equipment. She thought this because of the size of the wall stones and an oil slick on site.

Board of Selectmen recommended at this point for her to file a complaint with the Police Dept and if she wanted to contact a surveyor to get an estimate for tagging her known boundary line where the wall had been moved that would give her an idea of cost of damage of wall for future reference.

Also present Garth Fletcher, Liz Fletcher, Bob LaRochele.

**Continuation of Hearing of October 8, 2013 per RSA 231:75**

Present: Selectmen: Chairman R.P. McGinnity, C. Moser, B. O'Grady &

Other present: Walter Alford and Atty Thomas W. Hildreth

Hearing opened at 8:00 PM. –

Opening discussion centered on letter by the Board of Selectman dated October 10, 2013 to Atty Hildreth outlining a proposal to settle with Walter Alford.

Atty Hildreth said he thought the letter was a beginning of negotiations and then referred to his email of 10/21 -5:20PM (sent to Barbara Milkovits) outlining 5 points that Walter Alford wanted included in the settlement. See email attached.

Discussion between Board and Atty reviewed various points of Atty Hildreth's letter.

Basically Atty Hildreth's letter and Town of Mason's compromise were close except for Point 3.

Point 3 – Town to Pay WA Attorney's fees was discussed in detail on both sides.

RP McGinnity after hearing Atty's Hildreth's views said that the Town of Mason would not be paying any fees. Charlie Moser said that the Town should not be paying any more than remediation.

Bernie O'Grady recapped the Town's written offer and confirmed that Atty Hildreth and Walter Alford are not accepting that remediation.

Board of Selectmen entered into Deliberative session and determined that \$2500 as a fair assessment of damages. This figure would release the town of all responsibility now and in the future. This was motioned by Charlie Moser and seconded by RP McGinnity and Bernie OGrady. Charlie Moser presented to the Atty Hildreth the assessment.

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Atty Hildreth and Walter Alford did not accept assessment of damage and stated they will pursue further legal options.

Session ended at 8:30Pm with Walter Alford and Atty Hildreth.

**Selectmen reviewed the following:**

**Old Business:**

1. Re: Minutes – Motion was made, seconded and voted in the affirmative to accept the Selectmen Meeting minutes from October 8, 2013, with changes.
2. Re: Quarry Gift Deed-no discussion
3. Re: Business at 24 Townsend Road – Board of Adjustment has rejected the application of the Welshs as incomplete All paper work returned to the Welsh's

**New Business:**

1. Quarry Deed Signing-not discussed
2. Building Permit for Jon Starr ---Reviewed permit
3. Calpham Holdings- Order to settle letter--\*\* see below
4. Posted Public Notice for Planning Board hearing for 10/30 for Lieberman /Alford boundary change
5. State Homeland Security Grant Notice—
6. Auditors Letter from Plodzik and Sanderson
7. Two Intents to Cut to be signed
  - Summary of Tax MS1 and MS4
  - Monies from State - reviewed

\*\*Calphams Bedford Holdings—RP McGinnity asks to have Calphams Holding to come in for next Selectman's meeting and also Todd Haywood in accordance with "Order Docket NO 26851-12PT.

**General Open Discussion**

BoyScouts requesting use of sand pit for target practice. Fred Greenwood said that he received a call from the BoyScouts wanting to use the sand pit. RP McGinnity and Board said we need a proof of insurance made out to the Town prior to any approval. Fred said he would convey that requirement.

Protect 1-new alarm in the Mann House was installed on Tuesday per Fred Greenwood. Board of Selectman wants to take the activating in stages and on Tuesday 10/29 there will be training for employees of the Mann House. A list of all people having access to the Mann house will be drawn up and key cards/codes issued to key personnel.

Credit Cards-Fred Greenwood asked about the status of credit cards. Garth Fletcher said that Pat LaTourneau is investigating different available options and will have information as how to proceed.

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Pete McGinnity asked Fred how the building committee was progressing on the new building for the highway department. Bernie O'Grady and Fred are in the information gathering stages but thought in the near future some monies would be need to proceed.

Bob LaRochelle – mentioned the K52 Parcel and any further information on what the Town is doing with it. He furnished a copy of a letter sent to the Selectman on 12/18/2012 mentioning that parcel as high value conservation land.  
Town of Mason is waiting to hear back from the LeClairs.

Fred Greenwood mentioned he has loam that is excellent and was wondering if we could offer to the Town or sell it. RP McGinnity said the Selectman's Office would check with LGC to see what the law states on that issue.

Barry Hutchins thanked the Board of Selectman for their oversight in the past 3 years.

Pete McGinnity wanted a follow up with Lea McLaughlin on rates for health insurance. Asked to schedule her for next selectman's meeting to review the rates.

Meeting adjourned at 9.06PM  
Respectfully submitted  
Martha Ward  
Admin Assistant

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The following is the email that was referenced above from Attorney Hildreth:

**From:** Hildreth, Tom [mailto:[TOM.HILDRETH@mclane.com](mailto:TOM.HILDRETH@mclane.com)]  
**Sent:** Monday, October 21, 2013 5:20 PM  
**To:** Barbara Milkovits ([townofmason@myfairpoint.net](mailto:townofmason@myfairpoint.net))  
**Cc:** Alford, Walter N., Jr. - Mason, NH Wetlands and Boundary Dispute ([38373.95583.McLaneDocs@ws.mclane.com](mailto:38373.95583.McLaneDocs@ws.mclane.com))  
**Subject:** Starch Mill Road

Hi Barbara –

I hope you do not mind my using this email address and your office as a way to communicate with the Board of Selectmen.

I received on October 16 the letter from the selectmen proposing a solution to Mr. Alford's concerns about drainage in the vicinity of his driveway where it meets Starch Mill Road. The Selectmen's letter asked for a response before the continuation of the hearing scheduled for tomorrow, Tuesday, October 22. Because of schedule conflicts, Walter and I were only able to connect today to compare our thoughts. We are both planning to attend the Selectmen's meeting tomorrow night and understand that this item is on the agenda for 8 PM.

In advance of that meeting, I would appreciate it if you would share this message with the Selectmen so that they have a chance to consider it before we meet with them at 8.

Mr. Alford considers the Selectmen's five point proposal as a decent place to start, but would offer the following five points of his own to further the discussion:

1. PE to design plan;
2. DES permit to be added as a numbered condition (and to include information on area filled in August 2012);
3. Town to pay WA's attorney's fees;
4. Town to prepare first draft of easement and release, and to pay to record easement;
5. Town to pay to re-stake boundary after installation of improvements.

We will look forward to meeting with the Selectmen tomorrow evening.

Thank you.

**Tom**

Thomas W. Hildreth



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