

AGREEMENT

This Agreement is entered into this 18<sup>th</sup> day of January, 1999, by and among the Town of Antrim, a municipal corporation located in the County of Hillsborough, State of New Hampshire, with a mailing address of P.O. Box 517, Antrim, New Hampshire 03440, and the town of Bennington, a municipal corporation located in the County of Hillsborough, and State of New Hampshire, with a mailing address of Town Hall, Bennington, New Hampshire 03442, and the Town of Frankestown, a municipal corporation located in the County of Hillsborough, State of New Hampshire, with a mailing address of Town Hall, P.O. Box 5, Frankestown, New Hampshire 03043 (hereinafter collectively referred to as the "Towns").

RECITALS

1. The Towns have used the Town of Bennington sanitary landfill facilities (hereinafter the "landfill") for the disposal of their solid waste and have participated in the costs associated with the closure of the landfill.

2. Several lawsuits arose relative to the use of the landfill and its closure, including the cases of KDK v. Towns of Antrim, Bennington and Frankestown, and Davy v. Towns of Antrim, Bennington and Frankestown, both of which cases involved allegations of damage arising out of the use of the landfill, and Town of Bennington v. Davy, which case involved an eminent domain proceeding with respect to approximately 9.2 acres of land formerly owned by Gertrude Davy (hereinafter the "lawsuits").

3. The Towns reserved all rights with respect to claims each may have had against the other for any damages arising out of the lawsuits.

4. As a result of previous agreements entered into by and among the Towns, each Town is entitled to share in the use and enjoyment of the entire property, only a portion of which is occupied by the landfill (hereinafter the "site").

5. Valuable, recoverable mineral deposits in the form of sand and gravel, and timber, are located on the site.

6. The Towns, in a spirit of cooperation, and understanding resolution of the outstanding issues regarding the lawsuits and landfill is in the best interests of the citizens of the Towns, wish to resolve all outstanding claims, disputes and issues with respect to the above referenced lawsuits, landfill closure, and disposition of materials located upon the site, including timber and mineral resources.

NOW THEREFORE, in consideration of the mutual promises, covenants, and conditions contained herein, the Towns agree as follows:

1. Waiver of Claims with Respect to Lawsuits. The Towns, for themselves their respective agents, successors and assigns, waive any and all claims they may have had against each other for any injuries arising out of the lawsuits.

2. Satisfaction of Financial Claims with Respect to Lawsuits. The Town of Bennington acknowledges and confirms that the Towns of Antrim and Frankestown have satisfied all of their financial obligations with respect to the lawsuits, and no further

payments are required to be made to the Town of Bennington with respect to those lawsuits.

3. Continuing Landfill Responsibilities. The Towns reconfirm their obligations with respect to closure costs and monitoring of the landfill, as contained in the "Agreement Between the Town of Bennington, Town of Antrim and Town of Frankestown for the Closure and Post-Closure Operations and Maintenance of the Bennington Sanitary Landfill Facilities" dated February 17, 1993, as amended, and in accordance with the formula of expenses under which the Towns have operated since that date. The cost of all unplanned and unbudgeted post-closure expenses, whether limited in occurrence or of a continuous nature, will be paid by the Towns in accordance with the 1993 Agreement, as amended, and in accordance with the Formula of expenses under which the Towns have operated since that date.

4. Towns' Shares. Each Town is entitled to its share of the mineral deposits, timber and revenues generated from the site and is responsible for its share of the expenses associated with the site, except as modified by the express terms of this Agreement. The share for each Town is as follows:

<u>Bennington</u>	40%
<u>Antrim</u>	40%
<u>Frankestown</u>	20%

5. Extraction of Sand and Gravel Permitted. Each of the Towns is permitted to remove from the site its share of minerals located thereon in accordance with the terms and conditions set forth in this Agreement.
6. Excavation Tax. Excavated material shall not be subject to the assessment of a tax, regardless of whether the material is used by the Towns or bartered.
7. Timber Removal. Each of the Towns shall be entitled to its share of revenues, if any, generated by the harvesting of timber upon the opening or expansion of a phase or a mutually agreed upon timber harvest.
8. Topsoil. Under no circumstances shall topsoil be removed from the site. Topsoil shall be stockpiled on the site for use in association with reclamation of the site.
9. Site Plan. In order to properly plan and manage the use of the site and extraction of minerals the Towns shall secure expert services of a qualified individual who will be responsible for compiling a plan for the use of the site, which plan identifies phases for mineral extraction and estimates the total recoverable material located on the site, as well as in each identified phase. Each Town shall be responsible for its share of the costs of said services.
10. Excavation Phases. For each phase a plan will be developed which will provide for the opening of the excavation area within the phase, as well as the reclamation of that area in accordance with the requirements of the Town of Bennington's regulations governing earth excavations, as amended. The Towns will operate in only

one phase at a time, unless otherwise agreed by the Towns, in writing. A new phase will not be opened until the previous phase is depleted.

11. Expenses of Excavation. The expenses of opening a phase, including such items as planning, engineering, permitting, grubbing, topsoil removal, and erosion control, shall be borne by the Town or Towns wishing to proceed with development of the new phase or portion of the phase. If all of the Towns wish to participate, then the expenses shall be apportioned according to each Town's share. If only two Towns initially choose to participate, then the expenses shall be apportioned equally between the two Towns.

12. Record Keeping. The Towns shall maintain accurate records of all materials removed from the site.

- a Report of Removal Required. Each Town shall maintain on a daily basis a record of all materials which it has removed from the site or removed from the ground and identified separately as being claimed by that Town and no longer available for use by the other Towns. A report of material removed from the site or removed from the ground and no longer available to the other towns shall be made in the form attached hereto. The report shall be delivered to the

Town of Bennington on or before the 10th day of the month following the month for which the report is compiled. If a Town does not remove any material from the site it shall file a report, noting same.

- b. Tally Sheet. The Town of Bennington shall maintain a Tally Sheet which shall record the data from the Reports of each Town as provided in ¶ 12a. and at a minimum shall contain the amount and nature of material removed by each Town on a monthly basis. Copies of the Tally Sheet, accompanied by each Town's monthly report shall be provided to each Town on a monthly basis.
- c. Any material which is sold or conveyed to a third party and not used directly by a Town signing this Agreement may only be removed by and in the presence of an employee of one of the Towns who is a signatory to this Agreement.

13. Access. Access to the site shall be controlled by a sturdy locked gate, the expense of which is to be borne by each Town according to its share. Each Town shall

receive one key to the gate which shall neither be reproduced nor provided to any other entity or person.

14. Closure. Each phase is to be closed in accordance with the reclamation requirements of the Town of Bennington regulations governing earth excavations. Closure expenses shall be apportioned based upon the actual consumption of material of each Town in each phase, based upon the records maintained by the Towns, as set forth above.

15. Reconciliation. At the time of closure of each phase, a determination shall be made of the amount of material removed by each Town. The amount of material so removed shall form the basis for calculating the responsibility of each Town for the cost of opening and closing each phase. To the extent that a Town (or Towns) has paid more than its proportionate responsibility for the expenses associated with opening or closing the phase based upon the records demonstrating actual consumption of material, then that Town (or Towns) shall be entitled to reimbursement of those costs from the other Town (or Towns) in proportion to the amount of actual consumption of material as reflected by the records maintained by the Towns.

If a Town has consumed more than its share of materials contained in a given phase, it shall:

- a. Reimburse the other Town (or Towns) for the amount of material withdrawn in excess of its

share, based upon then-current market values

for the materials in a similar condition;

or

- b. Reduce its withdrawal of materials in the immediately following phase until a balance is re-established such that each Town has withdrawn no more than its share;

or

- c. Cease withdrawal of all materials until a balance is re-established such that each Town has withdrawn only its share.

A reconciliation of accounts shall occur at a minimum on the third anniversary of this Agreement and every three years thereafter until the site is exhausted or a new Agreement is negotiated.

16. Expiration of Agreement . Each Town's share of minerals on the site shall be based upon the original estimate of recoverable materials derived from the initial planning for the site. The estimated amount of recoverable material from the site is 1,000,000 cubic yards. However, in no event shall the Towns remove more than a total of 500,000 yards unless and until a new Agreement or an extension of the existing Agreement is negotiated and signed by the representatives of the Towns. The Towns



shall negotiate in good faith and should they fail to be able to reach agreement, then the matter shall be subject to arbitration as set forth herein, at the request of any Town.

17. Meetings of Boards of Selectmen. The Boards of Selectmen shall meet, at a minimum, on an annual basis, and more often if desired, to monitor the planning, management and use of the site and the implementation of the plan for the entire site, as well as each phase.

18. Resolution of Disputes. The intent of sections 4 through 10, inclusive, is to provide for the orderly extraction of the mineral resources located on the site so that the rights and obligations of each Town to its share of the minerals is protected. The Towns agree that in the event of a dispute with respect to mineral extraction, the matter will be submitted to arbitration. Each Town shall select one arbitrator, which shall meet as a Board and resolve any dispute. In the event that only two Towns are participating in the arbitration, then each Town shall pick an arbitrator, and those arbitrators shall pick a third.

19. Withdrawal from Agreement. In the event that a Town does not wish to participate in the extraction of minerals, the remaining Towns shall receive and consider any terms of negotiation proposed; but in no event shall the Towns be compelled to accept any terms proposed by the Town which wishes to withdraw from the mining operations. In no event may a Town withdraw from its obligations or legal

responsibilities, already assumed by that Town through its previous membership in the Tri-Town Landfill and agreements relative thereto.

20. Assignment. The rights, benefits and burdens of this Agreement are not assignable. Although Towns may barter their share of the materials, a Town may not delegate its responsibility and authority with respect to this Agreement, establishing policies with respect to the site, managing the site and negotiating with the other Towns.

21. This agreement may be amended only in writing and with the consent of all of the Towns and represents the entire agreement of the parties.

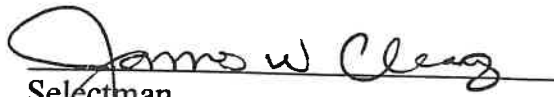
TOWN OF ANTRIM

  
Selectman

  
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TOWN OF BENNINGTON

  
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TOWN OF FRANCESTOWN



Selectman



Selectman



Selectman

**TOWN OF FRANCESTOWN**  
OFFICE OF SELECTMEN  
27 MAIN STREET • P.O. BOX 5  
FRANCESTOWN, NEW HAMPSHIRE 03043-0005

**BOARD OF SELECTMEN**  
**TRI-TOWN LANDFILL MEETING MINUTES**  
**11/2/2016**

Francestown Selectmen Present: Chairman Brad Howell, Abigail Arnold and Henry Kunhardt

Bennington Selectmen Present: Steven Osienski, Jeffrey Rose and James Cleary

Antrim Selectmen Present: John Robertson, Michael Genest, and Robert Edwards

Also Present: Town Administrators Jamie A Pike, Denise French, Donna Hanson, Bennington Road Agent Gary Russell, and others.

The Francestown Board of Selectmen joined the Bennington and Antrim Selectmen who were already in meeting at 7:00pm.

Ms. French explained to the Boards that the Alteration of Terrain Permit progress report and plan had been accepted by NHDES.

Mr. Russell reviewed the plan and the layout of the four phases of the excavation. The decision had been made to return to the original phase layout versus the layout that was discussed at the July 2015 site walk.

There was discussion about the share of material that was allotted to each town, and that Francestown is currently at approximately 50% of its lifetime share of 200,000 yards of material. Avenues to remedy the amount of material excavated by Francestown discussed included additional cost share of reclamation or the purchase of additional shares of the material. The Boards agreed to plan for a site walk in the spring of 2017.

Distributed information attached:

Report of excavation volumes since 1999

Copy of Alteration of Terrain Permit WPS-5744A

Copy of AOT Permit progress report as submitted by Stantec

Google Earth map of Tri-Town Pit

The meeting of the three Boards adjourned at 7:47pm

Respectfully submitted,

Jamie A Pike

Approved 12.12.2016

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Brad Howell

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Abigail Arnold

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Henry Kunhardt

TOWN OF BENNINGTON

BOARD OF SELECTMEN

Minutes of the Meeting – November 2, 2016

Selectmen Jeffrey Rose, James Cleary and Steven Osienski were present as well as Administrator Denise French. Also attending the meeting were Bethany Craig and Monadnock Ledger-Transcript reporter Abby Kessler. The meeting was called to order at 6:01 p.m.

Budget Committee Chair Richard Reed met with the Selectmen to discuss the following observations from the Budget Committee:

- Status of the Roads Advisory Committee. Although recommended by last year's Budget Committee with members appointed to the Committee August 31<sup>st</sup> the Roads Advisory Committee have yet to convene their first meeting.
- The need to identify deficient roads and prioritize their replacement, refurbishment and/or a maintenance schedule. The Town is responsible for sixteen miles of roadway.
- The Selectmen's recommendation that information could come directly from the Road Agent and not necessarily the Roads Committee.
- The recommendation that a three year forecast of road improvements would be of great value to the Budget Committee.
- Frustration from the Committee that the Road Agent did not submit a proposed 2017 budget as is required by all Department/Committee Chairs. Instead he requested funding to be the same as budgeted for 2016.
- The Committee plans to meet with the Water Commissioners and the Fire Chief to review their 2017 budget proposals.

Antrim Selectmen Robert Edwards, Michael Genest and John Robertson; Administrator Donna Hanson; Rescue Chief Sherry Miller; Fire Chief Marshal Gale and Bennington Fire Chief Michael Roina met with the Board to discuss the stated Antrim Ambulance cost increase and Bennington concerns:

- Since 2005, when Antrim initiated patient billing, Antrim has billed Bennington an annual flat rate of \$8,000.
- The 2017 cost for Ambulance services will increase to \$12,000.
- Due to fluctuations in Ambulance staff availability, Bennington rescue has been supplementing the Ambulance crew. Associated costs, as prepared by Bennington, equates to \$377 (January 1<sup>st</sup> to October 3<sup>rd</sup>) for time for ambulance assistance when Bennington personnel supplement the ambulance transport crew. An additional \$603 (April 23<sup>rd</sup> to October 24<sup>th</sup>) has been paid to Bennington rescue personnel who have responded to Antrim to provide patient care to their community.
- Selectman Genest's concerns that Bennington has equated a cost associated with mutual aid services.
- Bennington Selectmen concerns that their taxpayers are paying the cost of ambulance services through the annual flat fee assessed to Bennington; the taxpayers are paying wages for Bennington personnel to supplement Antrim ambulance; the patient is responsible for payment of the ambulance invoice.

Board of Selectmen Minutes – November 2, 2016

- Chief Gale reported on steps they have taken to shore up their ranks; the personnel shortage should be greatly improved upon certification of four active students.
- Upon inquiry, Rescue Chief Miller reported that Antrim Ambulance does not look at Crotched Mountain Ski Area as being a burden to their services. In fact, Crotched Mountain's Ski Patrol does a great job preparing the patient for transport. There doesn't seem to be a need for a Bennington Fire Official to respond to the Mountain.
- Bennington Selectmen reaffirmed their support of Antrim Ambulance and the services they provide. They, and Antrim Selectmen, both spoke of the long and productive partnership the two communities have.
- The \$4,000 increase from Antrim Ambulance was not debated; the \$12,000 flat rate will be included in Bennington's budget.
- After the conclusion of this portion of the meeting Chief Roina, Chief Gale and Rescue Chief Miller met and agreed to alter ambulance dispatch protocol; rather than Bennington personnel be summoned at the first re-tone for Antrim Ambulance they will be toned if a second re-tone of Antrim emergency service personnel is required.

Antrim Selectmen Robert Edwards, Michael Genest and John Robertson; Administrator Donna Hanson; Road Agent James Plourde; Frankestown Selectmen Abigail Arnold; Brad Howell and Henry Kunhardt; Administrator Jamie Pike and Road Agent Gary Paige met with the Bennington Board of Selectmen and Road Agent Gary Russell to discuss matters associated with shared ownership of the shared Tri-Town Landfill Excavation Pit:

- Slight encroachment to the July 11, 2015 identified Phase 2 and Phase 4 areas have been corrected by self vegetating.
- Although barricades have been set up to keep trail traffic away, warning signage has not been installed in the area of the trails or along the boundary lines. Russell agreed to take care of this.
- An amended Alteration of Terrain Permit WPS-5744 has been issued by DES. The previously issued permit was inadvertently issued with a permit expiration date. This amendment removes the expiration date. The next required Progress Plan is due in June 2021.
- Issuance of the amended Alteration of Terrain Permit negates the planned realignment of Phases.
- Acknowledgement by Frankestown officials that they have removed approximately 50% of their allocated material from Phase 1; the shared pit is their only source of material and they are not in a position to slow down their consumption. No decisions were made in response to Frankestown offering to pay for additional material.
- The Boards requested new maps to more closely define the different phases of the project; a site walk is scheduled for the spring.

Gary Russell met with the Selectmen and discussed the following:

- Frustration expressed by the Budget Committee that he did not submit proposed 2017 budgets for the Highway Department or the Transfer Station. More importantly, the Budget Committee is again requesting 3-5 year plans for road maintenance projects and their associated cost estimates. It was agreed that Gary and the Selectmen will meet November 9<sup>th</sup> to jointly create the absent budgets.

Board of Selectmen Minutes – November 2, 2016

- As an official of the Greenfield Sportsmen Club, Gary sought permission to purchase two unused pieces of granite curb to cover an old (Greenfield) well at a purchase price of \$20 per foot. The request was unanimously approved by the Selectmen.

From 8:30 p.m. until 8:37 p.m. the Selectmen met in Nonpublic Session under RSA 91-A:3II(c) to discuss a personnel matter. Present were Selectmen Rose, Cleary and Osienski, Administrator French and Fire Chief Roina. Legal counsel will be sought to address the concern.

From 8:38 p.m. until 9:12 p.m. the Selectmen met in Nonpublic Session under RSA 91-A:3II(c) to discuss a security concern. Present were Selectmen Rose, Cleary and Osienski, Administrator French and Sergeant Jason LePine. No decisions were made.

The Selectmen acted on the following matters:

- Reviewed and approved the Selectmen's October 26, 2016 Minutes. Also reviewed was the Zoning Board of Adjustment's October 24, 2016 Minutes.
- Reviewed and approved the November 3, 2016 Payroll Register.
- Heard a report that the issue of an Acre Street construction project being built over an area protected by a utility easement is likely a property owner issue and separate from the recent ZBA decision to grant a variance for encroachment in a side setback. Further information is forthcoming from Town Counsel.
- Received confirmation from Town Counsel that the existing Rescue Vehicle Chassis Capital Reserve Fund, which was established in 1992, is not eligible to be used for purchasing an ambulance.
- Heard a report that the negotiated 2017 police prosecutor budget for Bennington has been set at \$31,153, an increase of \$1,495 (5%).
- Upon review of multiple years tax information and recognizing what appears to be a missing form, voted to abate a \$50 Inventory Penalty for M17/L31.
- Heard a conceptual report that the Congregational Church is considering an outdoor Christmas celebration that would likely impact Monument Square. The Selectmen voiced their support of the activity, as has a neighboring abutter.
- Signed a replacement Property Tax Warrant which corrected a clerical error.
- Signed an Intent to Cut for M2/L3-9.
- The following Building Permits were reviewed and approved: M10/L62, M17/L10, M19/L21B and M20/L9.

The meeting adjourned at 9:12 p.m.

Respectfully submitted by,

Denise French  
Administrator

**TOWN OF FRANCESTOWN**  
OFFICE OF SELECTMEN  
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FRANCESTOWN, NEW HAMPSHIRE 03043-0005

**BOARD OF SELECTMEN**  
**BUDGET & ADVISORY COMMITTEE**  
**MEETING MINUTES**  
**12/07/2016**

Selectmen Present: Abigail Arnold and Henry Kunhardt

Budget & Advisory Committee: Charlie Pyle, John Thalhauser, Judi Miller, Tom Anderson

Also Present: Town Administrator Jamie A Pike, Gary Paige and Pam Finnell

Ms. Arnold called the meeting to order at 5:30pm.

**Highway Department – Gary Paige**

Mr. Paige explained that a new line was included in the budget for invasive vegetative species control, particularly the Japanese Knotweed located at the Town Offices, Bixby Dam and other locations. An estimate has been received for this service of \$1,500. This would be an on-going program as the treatment must be repeated to thoroughly eliminate the plant. The Conservation Commission had also requested funding for vegetative control upon their managed lands, such as the Autumn Olive located on Crotched Mountain.

Another notable change in the budget was the shifting of \$2K from Heavy Equip Parts and Repairs to Truck Parts and Repairs. This shifting of funds more accurately reflects the funds spent on truck repairs. Mr. Paige feels that investing in the repair of the current truck fleet remains a viable option to replacement based on the costs of new trucks. Further, the loader and grader being new equipment and still under warranty should not need any major repairs beyond routine maintenance.

Mr. Paige also summarized his exploration of the purchase of winter sand and crushed gravel from other sources than the Tri-Town pit. Current loaded prices for these materials are \$7 and \$10 per yard respectively, and do not include trucking costs. Discussion continued about the possible purchase of material from Bennington and Antrim from the pit and the determination of the in-ground value.

There was also discussion about the overtime payroll budget and its history.

**Town Clerk / Tax Collector – Pam Finnell**

Ms. Finnell explained that 2016 was the first year that the two budgets for Town Clerk and Tax Collector were combined following the position being combined. At this time there are no changes from the 2016 budget proposed for the ensuing year. Ms. Arnold asked about improvements to the office with the software purchase. Ms. Finnell explained that the new Town Clerk software has added to the efficiency of the office through end of day processing, reporting, and record keeping. Ms. Finnell also stated that the online transactions have been well received by the residents. There have been requests to add over-the-counter credit/debit card transactions, and Ms. Finnell will be looking into adding this program in 2017. There was a question regarding the office supply line, and whether it could be reduced to better reflect historical spending. Mr. Pike explained that there was formerly a line item solely for the purchase of toner cartridges for the State printers. These cartridges are approximately \$300 each. Ms.



Finnell stated that she had just purchased one cartridge this year, and knows that there will be one to replace in 2017. The office has not had to replenish these cartridges as often as originally anticipated. Ms. Finnell also discussed the communication issues with residents through the existing glass windows at the counter. She had received a quote from Granite State Glass to replace the existing solid window with one that has a speaking hole through it to improve the ability to hear customers. This quote was in the amount of \$491. There was discussion regarding the removal of the window completely as an option. Ms. Finnell will review options with Mr. Pike and determine the best solution.

### **Solid Waste Disposal**

Mr. Pike stated there were three major budget cuts in the Solid Waste Disposal line items. The first is \$6K that was for the 2016 Household Hazardous Waste Collection event. This event is not annual, and the next event is not currently scheduled until 2018. The other major savings were in mixed paper and co-mingled recycling. The 2016 budget was based on a trucking schedule of every 10 days. Through the use of larger containers, this schedule has been extended to every 14 days with a total savings of approximately \$7K. There is also a \$1K increase in the e-waste line item. Mr. Pike explained that the e-waste program still remains a net zero expense with off-setting revenues through collection fees paid by residents. It was questioned why there was no expense line for the removal of scrap steel from the Transfer Station. Mr. Pike explained that the scrap metal program has remained revenue positive with the new container collection process and is reflected in the revenue budget, net of expenses.

### **Recreation**

Mr. Pike explained that there were no proposed changes to the Recreation Budget for 2017. In review of the 2016 budget, the Swim Instructor line was below budget due to the low number of students this year and the fact that the Town did not need to use a second instructor. It was noted that the cost of the certifications for the lifeguards had seen a considerable increase over the previous year and the committee is looking at limiting reimbursement for this expense. There was discussion about eliminating the electricity at the baseball field. This meter has not had any usage for several years.

### **Health and Public Assistance**

The merits of the \$1000 request from the Avenue A Teen Center were discussed, and whether the addition should be a separate warrant article. It was decided to place the additional funding in the operating budget.

The budget for direct assistance was discussed. The Board shared that the current case load may require additional funds and suggested a budget of \$25,000 in total.

### **Executive**

Mr. Pike explained that the increases shown in the executive payroll lines were for increases provided to employees in 2016. There is also \$150 in Town Website management to account for the increase in the licensing of the .gov domain. This fee has increased to \$400 annually. Alan Treadwell has recommended an alternative of moving to a .org domain that would reduce costs significantly. The final increase is for the full year subscription to Town Hall Streams for the video playback of meetings.

### **Election**

The budget reduction of \$6900 is due to budgeting for only the Town Election in 2017.

### **Treasurer**

The only increase in the Treasurer's budget is a contractual increase in the Auditor's fee.

**Revaluation**

The budget amount of \$10,500 is for 20 days of service from Avitar Associates, the Town’s new assessor. The Town will only be billed for actual days of service.

**Legal**

Mr. Pyle requested the Board consider reducing the two line items for general legal and utility value defense for the 2017 year. Ms. Arnold stated the Board is aware of at least one potential case that may result in significant expense in the ensuing year, but felt that the Utility Value Defense budget could be reduced by \$3,000.

**Personnel Administration**

Mr. Pike explained that these items are non-discretionary such as Social Security/Medicare, NH Retirement and other statutory benefits. Due to a change in personnel policy, \$600 was reduced from the Health Stipend line item. The Board and the committee engaged in a lengthy discussion regarding employee raises for the ensuing year. No decisions were made.

**General Government Buildings**

Mr. Pike reviewed the major changes including reductions for heating fuel and telephone expenses at the Town Offices. The heating fuel budget for the Town Hall was also reduced by \$1,000, it had been previously increased pending its rehabilitation. Electricity for the Town Hall was increased by \$1,200 to accommodate construction in 2017. The committee requested the Board review the Repairs and Service line item to determine if a reduction was possible.

Being no further business, Ms. Arnold adjourned the meeting at 8:25pm.

Respectfully submitted,

Jamie A Pike

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Brad Howell

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Abigail Arnold

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Henry Kunhardt

# Town of Francestown

Board of Selectmen

Minutes of Meeting

Wednesday, April 10, 2019

## Tri-Town Landfill Meeting

Members Present: Henry Kunhardt and Abigail Arnold

Others Present: Town Administrator Jamie A Pike, (Antrim) TA Donna Hanson, Robert Edwards, John Robertson, Michael Genest, Jim Plourde, (Bennington) Denise French, James Cleary, David Hardwick, Mark Mackesy, and Gary Russell.

The Select Boards of Francestown, Bennington and Antrim met to discuss the Tri-Town Landfill. The Boards discussed the renewal of the Alteration of Terrain Permit and future reclamation requirements.

Two dates for future meetings were set. A site visit will be conducted on Saturday, June 22, 2019 at 8am and a round table discussion will be held on November 13, 2019 at 6:30pm.

Members were requested to review the existing 1999 agreement and recommend updates and amendments. The agreement will be forward to Town Counsel for review.

Respectfully submitted,

Jamie A Pike

Approved May 6, 2019

# Town of Frankestown

Board of Selectmen

Minutes of Meeting

Monday, September 23, 2019

Members Present: Brad Howell, Henry Kunhardt and Abigail Arnold

Others Present: Town Administrator Jamie A Pike, Admin Asst. Kim Dalley, Warren Kiblin, Arron Williams, Marsha Dixon and David Luther

Mr. Howell called the meeting to order at 5:33 PM.

A motion was made by Mr. Howell and seconded by Mr. Kunhardt to enter into a nonpublic session pursuant to RSA 91-A:3, II(a) at 5:33 pm. Howell, Aye; Kunhardt, Aye; Arnold, Aye **Motion passes.**

Others Present: Town Administrator Jamie Pike, AA Kim Dalley and Warren Kiblin

Discussed manner of performing work assignments.

A motion was made by Mr. Howell and seconded by Ms. Arnold to exit the non-public session at 5:40 pm. **Motion passes unanimously.**

A motion was made by Mr. Howell and seconded by Mr. Kunhardt to enter into a nonpublic session pursuant to RSA 91-A:3, II(c) at 5:41 pm. Howell, Aye; Kunhardt, Aye; Arnold, Aye **Motion passes.**

Others Present: Town Administrator Jamie Pike and AA Kim Dalley

Discussed tax deed re-purchasing agreement.

A motion was made by Ms. Arnold and seconded by Brad Howell to exit the non-public session at 5:55 pm. **Motion passes unanimously.**

David Luther and Marsha Dixon, representing the Old Meeting House, met with the Board to discuss the Draft Memorandum of Understanding between the Town and OMH. The parties agreed to change the title from "Memorandum" to "Agreement". The Boards agreed that the stairs leading to the clock and bell were the responsibility of OMH. Number 3 shall include the wording, "in good and complete repair and working order" in reference to the OMH's responsibility for the maintenance of the interior and exterior of the structure including any access ways to the clock tower and bell. Number 4 was changed from the "Town recognizes" to the "parties recognize" in reference to the erection of any new structures adjacent to the meetinghouse detracting from the setting and feeling of the Town Common

and number 7 is to include the provision that the OMH can post their signs without permission from the BOS. The document will be reviewed by Town Counsel before execution.

### **Consent Agenda**

- a. Check Manifest dated 09/24/2019
- b. Building Permit: Scott Place, 52 Oak Hill Road
- c. Recreation Trust Fund Donation Acceptance \$24.76
- d. Fire & Rescue Trust Fund Acceptance \$100.00

A motion was made by Mr. Kunhardt and seconded by Mr. Howell to approve the consent agenda.

### **Motion passes.**

The Board approved the MS1, Taxable Inventory, which has increased approximately 14%. The draft of the MS4, Revised Revenues, was approved, keeping the revenues the same as they had been in March.

Mr. Kunhardt, who attended the Tri-town meeting in Bennington wanted the Board to give some thought to putting monies aside towards payment of materials received in excess of agreed share.

Alfred Eisenberg, an alternate for the Southern NH Planning Commission, attended the ConVal Broadband Access Community Meeting on 9/18/19 and is very interested in aiding the Town in providing broadband town wide. He outlined the importance of broadband to real estate values and children's education. Mr. Pike will contact Laura Abrahamsen and Tom Burke about the possibility of joining a broadband committee.

The Frankestown PD requested approval in the purchase of two Remington 870 shotguns for \$1,050. The Board stated that this would be a discretionary budget expenditure that does not require Board approval.

The Board approved the Monaco building permit on Todd Road, Map 14, Lot 27.

Mr. Kunhardt provided pictures of the horse sheds and the roof of Town Hall. The roof work is in the CIP for 2020 and the Board agreed that would be a good time to fix it. Mr. Kunhardt felt that overall; the horse sheds were in fairly good repair with some of the supports needing replacement. He will determine a ballpark figure for repairs and painting and then the Board will decide if it should come out of the operating budget or necessitate a warrant article.

The Board received an anonymous complaint about Wilson Hill Road maintenance. It referenced inadequate signage at the 90-degree corner due to brush and trees, the culvert under the Town's fire pond access road, the installation of a culvert not sufficiently deep and improper ditches. Mr. Pike will ask the Road Agent to assess the areas of concern and report back to the Selectmen.

The Board discussed the sidewalk issues that were flagged by Mr. Kiblin. Mr. Kunhardt wondered whether the Town should eliminate the portion of sidewalk that leads down to the road, since there is no crosswalk. There is a possibility to add crosswalks at the controlled intersections.

A motion was made by Mr. Kunhardt and seconded by Mr. Howell to enter into a nonpublic session pursuant to RSA 91-A:3, II(c) at 7:09 pm. Howell, Aye; Kunhardt, Aye; Arnold, Aye **Motion passes.**

Others Present: Town Administrator Jamie Pike and AA Kim Dalley

The Board worked on the Repurchase Agreement for a tax deeded property.

A motion was made by Mr. Kunhardt and seconded by Mr. Howell to exit the non-public session at 7:17 pm. **Motion passes unanimously.**

Meeting adjourned at 7:18 pm.

Respectfully submitted,

Kim Dalley

Approved 11/04/2019

Town of Frankestown  
Board of Selectmen  
Minutes of Non-Public Session  
Monday, December 9, 2019

Members Present: Chairman Brad Howell, Abigail Arnold and Henry Kunhardt

Others Present: Town Admin. Jamie A Pike and Admin. Assist Barbara Walker

Chairman Howell called the meeting to order at 5:30pm.

A motion was made by Ms. Arnold and seconded by Mr. Howell to enter into a non-public session pursuant to RSA 91-A:3, II(b) at 5:30pm. Howell, Aye; Arnold, Aye; Kunhardt, Aye. **Motion passes.**

A motion was made Ms. Arnold and seconded by Mr. Howell to exit the non-public session at 5:55pm. **Motion passes unanimously.**

A motion as made by Ms. Arnold and seconded by Mr. Howell to seal the minutes of the non-public session because it is determined that divulgence of this information likely would render a proposed action ineffective. Howell, Aye; Arnold, Aye; Kunhardt, Aye. **Motion passes.**

John Kendall, Building Inspector, was before the Board to discuss a decision that he had made regarding the riding arena being constructed by Ron Shattuck. Since the permit was issued Mr. Kendall determined that the Shattucks intend to use the arena commercially. Mr. Kendall is requiring Site Plan Review to be completed before a certificate of use is issued. A majority of the Board felt it was appropriate to let the decision remain and the normal land use process for appeals preside. Mr. Kendall also had questions related to a building permit application for additional antennas on the cell tower located on Dennison Pond Road. Mr. Pike will assist Mr. Kendall in reviewing the Planning Board approvals.

A motion was made by Mr. Kunhardt and seconded by Mr. Howell to approve the Consent Agenda as presented. **Motion passes.**

- a. Check Manifest dated 12/10/2019
- b. Intent to Cut – Ralph Quilty, Map 2 lot 32-2
- c. Intent to Cut – Jack Hopfenspirger, Map 6 Lot 32
- d. Fire & Rescue Trust Fund Donation Acceptance - \$200
- e. Capital Reserve Fund Requests
  - i. Revaluation CRF - \$73,200
  - ii. Town Facilities CRF - \$586 (Police Parking Lot)

- iii. Town Roads CRF - \$261.10 (Bible Hill Road)
- iv. Town Facilities CRF - \$845 (Library Geothermal)
- v. Town Bridges CRF - \$16,174.22 (South New Boston Road Bridge)
- vi. Town Facilities CRF - \$16,910.15 (Town Hall)

A motion was made by Ms. Arnold and seconded by Mr. Howell to approve the minutes of 11/4, 11/12, 11/18, 11/22, 11/25, and 12/2 as amended. **Motion passes.**

The Board discussed at length possible changes to the Tri-Town Excavation Agreement. The primary concerns to be addressed are clarification on future phase closing and opening costs. Mr. Kunhardt will confer with town counsel before meeting with reps from Bennington and Antrim on Wednesday.

A motion was made by Mr. Kunhardt and seconded by Mr. Howell to encumber the remaining funds from 2019 Warrant Article 6 (Police Parking Lot – \$6,014) and 2019 Warrant Article 10 (Equipment Shed - \$5,000) **Motion passes.**

Mr. Pike presented an abatement recommendation for Map 3 Lot 60 (Foreman). At the time of the initial visit, it was assumed that the interior was completely refinished. The interior was in fact was under complete renovation and was not finished. Avitar recommended an abatement on the value of \$88,600. A motion was made by Mr. Kunhardt and seconded by Ms. Arnold to approve the recommended abatement. **Motion passes.**

A motion was made by Ms. Arnold and seconded by Mr. Howell to enter into a non-public session pursuant to RSA 91-A:3, II(d) at 7:18pm. Howell, Aye; Arnold, Aye; Kunhardt, Aye. **Motion passes.**

The Board reviewed and approved a letter to Mountain Maintenance and Henry Hardwick III, asserting ownership of two easements on Map 8 Lot 16-2. The Board also authorized Ms. Arnold to continue facilitating discussions regarding the East Road property transactions.

A motion was made by Ms. Arnold and seconded Mr. Howell to exit the non-public session at 7:45pm. **Motion passes unanimously.**

The meeting was adjourned at 7:45pm.

Respectfully submitted,

Jamie A Pike

Approved 1.13.2020