

HE

**September 14, 2010
Selectmen's Meeting**

Present: C. Guiry DMD Ch., A. Richards, R. P. McGinnity, & A.A. Milkovits

Meeting opened at 7:30 PM.

Vendor checks were discussed and signed.

Agenda:

Appointments:

1. Superintendent Jim McCormick, Mason Elementary School, was introduced to the Board. He explained his background in schools having just retired from North Middlesex, Townsend, MA after 27 years of service. He discussed the changes in the curriculum and emphasized keeping a positive atmosphere for the school children. He will maintain an "open door" policy for the Town for any and all issues.

2. Mathias Strelow, Hurricane Hill Road and Robert Close, owner of Radius North met with the Board to discuss the antenna issue. Town Counsel Silas Little and Building Inspector Kenneth Wilson were present for this discussion, as well as some customers of Radius North and other concerned residents.

Background on situation: Mr. Strelow has several antenna/ham radio towers on his property that he has always maintained for his personal use only, not for commercial use. In 1999 he attempted to get a building permit for the installation of the towers but was told by the Selectmen and BI Wilson that the permit was unnecessary as the Town did not have a tower/antenna ordinance. In 2005, the Town did vote a Telecommunications Facilities Ordinance. In 2006 The Board invited Mr. Strelow to a meeting to determine whether the status of his antenna/towers had changed, Mr. Strelow did not keep the appointment. The Board recently received a complaint from Darryl Wagoner, President of Mason Internet CO-OP that Radius North, an internet provider company, had attached its equipment to one of Mr. Strelow's towers. Since Radius North is a commercial operation and was providing the internet through the tower to some residents in Mason; this changed the use of the tower from personal exempt to commercial non-exempt. Selectmen asked Attorney Little to issue a Notice of Violation of the Town of Mason Zoning Ordinance to Mr. Strelow and Robert Close, owner of Radius North. The letter stated that all activity on the tower was to cease, fines of \$275 could be imposed until the necessary Planning Board approval was received and any questions, they were to meet with the Selectmen. Further, if Mr. Strelow and Mr. Close insisted that the tower was not being used as an internet provider, that a member of the Board and Attorney Little could have access to the property to verify that.

Several angry phone calls from Mr. Strelow, Mr. Close and a customer of Mr. Close were received by the Selectmen's office. Each one was told what was necessary to be done to continue use of the tower.

Attorney Little again explained the violation to Article XIX of the Planning and Zoning Ordinance. Mr. Close was very angry and left the meeting at one point but returned. He was also warned by the Selectmen for his disruptive behavior at a public meeting. He stated the following:

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- that he did not like the tone of the Attorney's letter,
- that he will take down his equipment
- that no one is to touch his equipment
- he will charge his customers extra to reinstall
- that he and Mr. Strelow were going to offer the Town, school and Police Department free internet service. (All three already have DSL.)
- he finally admitted he did not realize that Mr. Strelow's tower was not zoned commercially.

Mr. Strelow objected to Attorney Little being present at the meeting because of the cost to the Town. He felt the Board could have resolved this issue by simply calling him. He claimed that he was not making any money from the Tower and didn't know what he was doing wrong. Attorney Little and Chairman Dr. Guiry explained again at length what is required for the change in use of the tower: that Mr. Strelow would need to go before the Planning Board for a site plan review and meet all the requirements of Article IXX. He insisted that he was compliant with all tower rules with the FCC. Mr. Strelow felt this ruling was personal, which was denied by the Selectmen. After more frustrating conversation, Mr. Strelow left the meeting with Mr. Close. Customers Jack Molak and Ron and Roseanna Dube and Dick Wilborg spoke in defense of Mr. Strelow. They were frustrated to have the provider shut down and returning to dial-up. Other options were discussed as satellite service but none present wished to change their service. The residents were under the impression that the Selectmen had discouraged cable and other internet providers from coming to Mason. The Board explained that almost 20 years ago, one cable company had approached the Town but would not provide access to the entire Town. The Selectmen had denied the company access for that reason and soon after the company went out of business. Two of the customers felt that the person complaining was also part of the competition of Radius North and should also be checked for compliance to the Ordinance. A request for a temporary permit for Radius North was denied and again the solution of applying for a Site Plan Review was explained to the group. A letter will be sent to Mr. Strelow to recap this meeting and their responsibilities as to the disposition of the tower.

3. Police Chief Hutchins updated the Board concerning the ongoing investigation by the State Police, reference inspection stickers. A motion was made and seconded to enter into a nonpublic session for a personnel matter at 9:50 PM. Present were Selectmen, A.A. Milkovits and Police Chief Hutchins. Discussion was on retirement and years of service to the Town. Session ended at 10:05 PM. No action was taken on the personnel matter. As part of the discussion, the Board approved working on personnel policies and procedures, draft copy to be completed by 30 days with final copy to be approved within 60 days. Chief recently completed taser training and now will train the rest of the Department.
4. David Morrison, interim Road Agent, updated the Board on the Highway Department activities: truck repair estimates, weekly work reports, applications for employment in the HD (the road agent position is the only opening at this time.), etc.

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5. Nate Archambault, owner of A-1 Services introduced himself to the Board. He is one of the Town's contracted plow services and was concerned for any changes to the contract or plow routes. Selectmen assured Mr. Archambault that everything would remain at "status quo" this winter season and to plan on plowing for the Town. When a new road agent is hired, there could be changes for next year. Mr. Archambault explained the estimates on some of the HD vehicles to be repaired. It appears that the yellow pickup has too much rust and rot to be used and/or repaired. The Board thanked him for his information but had not made any decisions at this point for which garage will be used for repair of trucks.

Hearing – Road Conditions:

Hearing opened at 8 PM. There were about 35 residents attending the hearing. Chairman Dr. Guiry reviewed the current situation with the Highway Department. Road Agent David Cook had resigned and the position has been advertised with a closing date of September 23. One out of the 12 vehicle fleet of the Highway Department passed inspection; five vehicles may become usable after repairs. Interim Road Agent David Morrison has been getting repair estimates on the vehicles. Chairman Dr. Guiry emphasized that the group needs to stay positive and move forward to find the best solutions to our road problems. The Board will be appointing a committee to work on these solutions. He then opened the meeting for public input. Some of the suggestions and/or comments made were as follows:

- Outsource the Road Agent position. Keep 2 full time positions on the HD and employ more part timers or temp help.
- Concern for how vehicles came to disrepair.
- Keep costs down for the Town. Safety issues need to be looked at as well as work practices.
- Questions on keeping that number of vehicles.
- Concern for road maintenance in the winter – are there enough plow vehicles?
- Against out sourcing. Problem – roads have no "base", were built on top of logs and muck.
- Assess what you have for roads. Do analysis and work with a plan. The HD has ability and machinery to take care of dirt roads. Need traffic counts to assess situation.
- Complaint of conditions of Starch Mill, Abbott Hill Roads. Concern for emergency access on these roads.
- Lack of drainage causes road problems.
- Questions on specific vehicles – Interim Road Agent Morrison detailed repairs and other vehicles for scrap.
- Fleet leasing versus buying out right, which is more cost effective?
- Questions on number in fleet – do we need that many vehicles?
- Open lease?
- Concern for heavy vehicles on roads – limits for spring??
- Questions on Highway budget – where did the money go? Claims never worked on his road (Starch Mill Road) in 45 years!

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- More traffic now – need to work on roads of school routes first.
- Roads need to be sealed.
- Reminder that Town needs a ten year plan – continuous road repair.
- All present agree that roads are in trouble – many volunteer to serve on committee.
- Discussion on two committees – one for HD vehicles and one for road evaluation.
- How many contracted help? Three private contractors and five part time help to cover 6 routes.
- Comes down to money.

Chairman Dr. Guiry closed the public discussion, thanked all for attending. The Board voted to appoint two committees up to 18 people on each committee: Vehicles and Road Condition Assessment. He reminded everyone that Nashua Regional Planning Commission also has resources to help in this matter. The following will be appointed to the committees:

- Vehicles: Bernie O'Grady, Bob Bergeron, Ken Spacht, Stanley Brown
- Road Condition Assessment: Jeff Babel, Harry Spear, Gary Ellsworth, Ed Fortin, Shawn Lawler, Linda Cotter-Cranston, Curt Dunn

The hearing closed at 8:40 PM.

Chairman Dr. Guiry introduced our new EMD Jerry L. Bird Jr. and explained that the Town's E.O.P. is now completed and signed.

Selectmen reviewed the following:

1. Legal: Malouf – copy of cease and desist order as served.
2. Complaints: Stop sign on Brookline Road. Charles Andersen, Scripps Lane, requested that the stop sign be changed to a yield. He feels that Scripps Lane is not a high risk traffic area and due to the incline making a start from the stop will be more difficult. No decision was made at this time.
3. From FEMA – received \$2,876.64 for May 12, 2010 incident.
4. Update from Ray Baldwin concerning draw down of pond/dam. Mr. Baldwin detailed all new findings on the draw down: “hydro raking”, chemical treatments and finally draw down.
5. Building Permits: #10-17 McClellan, lot H-63, septic; #10-18 Fifield, lot D-9, septic; #10-19 Smith, lot J-15, J-16, redo shop; #10-20 LaLiberte, lot G-35, garage
6. Completion certificate: McClellan, lot H-63, septic; O'Grady, lot L-25-5, house
7. Renew permit letters
8. State approved septic – lot D-6
9. Letter from A. Stauble
10. Letters from David Morrison and William Downs concerning support of Charles Buttrick and David Cook's conduct at the Highway Department.
11. Letter from Attorney Gary Lenehan, representing Charles Buttrick. Attorney Lenehan cancelled Mr. Buttrick's appointment with the Selectmen for this evening.
12. Police logs
13. Documents on Fletcher Granite Company LLC bankruptcy
14. Request for inclusion in Town 2011 budget from American Red Cross.

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15. Copy of Hillsborough County Charette
16. Other correspondence

Selectmen signed and Intent to Cut for Avery, lot J-61.

Meeting adjourned at 11:04 PM.

Barbara L. Melton
Admin. Assistant