

SELECTMEN'S MEETING –June 3, 2019

Present: John Strasser, Margaret Connors, Richard Bielefield
Jennifer Gaudette

Guests: Chief Mancini, Chief Allan Clark, Donald Kiepert, Frances Risinger, Barry & Mary Kate Taylor, Dan & Kathy Hinds, Dolly McPhaul, Elizabeth Fraser, Suzanne Morley, George & Ann Hartman, Mike and Lyn Warren, Steve Allen, Tim & Lisa Brown, Claire Von Karls, Douglas Amsbary, Phil & Sue Rysanek, John Colony, John Brown, Cornelia Lorentzen, Robert Blechel, Bud Weiler, Jane & Tom Higgins, Gary & Joan Way, Carl & Lisa Hjelm, Cory & David Thurston, Carleen Quinn, Les Newell, Dennis McFadden, Dennis & Kathie Cote

Correspondence was read and acted upon.

The highway department will participate in the community service day at Copper Cannon Camp on June 5th.

The board approved the following building permits:

A new home for David Cryans	Map 202	Lot 11.2
Garage for Edward Cenerizio	Map 230	Lot 5
New Home for Kenneth Leavitt	Map 222	Lot 10
Solar Permit for Greg Connors	Map 214	Lot 23

The board signed the first issue 2019 tax warrant.

The town received a response from the NHDOT in regard to the Crane Hill Bridge project. Jennifer will send a copy to the town engineer for review.

The board wondered if Tim Blake from the transfer station would be willing to be the alternate tri town representative to the Pemi Baker Solid Waste District. Jennifer will contact Holly.

MR. BIELEFIELD made a motion to approve the minutes of May 20, 2019, seconded by MR. STRASSER. The motion passed unanimously.

DAN HINDS met with the board and submitted packets in regard to the MBI trucks and storage of same on the Presby property on Route 117. Mr. Hinds noted that he has only lived here four years and has heard so much about the MBI truck situation it is sickening and for the Select Board to let it go on is absurd. The trucks going through this village is just crazy, they're destroying Sugar Hill. Mr. Hinds noted that letters have been sent and phone calls made to both Police Chief Wentworth and Mancini in regard to noise. He feels the trucks running through the village is absurd and that residents are irate. Mr. Hinds questioned the original special exception granted by the Sugar Hill Board of Adjustment in 1987 for Light Commercial Use as he feels what is happening now is by no means light duty. Mr. Hinds noted that there are additional letters of concern in the packets he issued. After several interruptions from a disgruntled audience member who later left the premise, the board responded.

MS. CONNORS gave a timeline of the boards work over the past four years in regard to the many complaints received. When questioned she advised that the lease with Mr. Presby and MBI was signed in 2014. The board has discussed the issue regularly but the law gives wide latitude on operations and it is an legal issue that will likely end up in court and the board is limited on what we can say publicly. Ms. Connors went on to discuss that the Town has contacted DES and were advised that the washing of trucks was done into a DES qualified tank system. Waste hauling is allowed to store waste when it is in route from one location to another. The board had previously contacted the NH State Police Truck Unit and were advised that MBI trucks when stopped passed motor vehicle law. Currently the Select Board has filed a zoning violation with the owner Mr. Presby in regard to the noise since the original exception noted that there was to be no noise from 7:00pm to 7:00am and that is not being adhered to. The board received a response from Mr. Presby's attorney and also a three page affidavit signed by Bruce Perlo a member of the Sugar Hill Board of Adjustment in 1987 when the Special Exception was granted. Everything that the town was going for was shut down by the affidavit. It was then that the Town Attorney advised the board to meet with Mr. Presby to mitigate the issues. A meeting was scheduled for May 23rd but had to be rescheduled due to Town Counsel not being able to meet. A new meeting date is being set, hopefully in the next two weeks. With the Casella Southbridge Mass landfill being shut down more waste will be coming to Bethlehem and more trucks through Sugar Hill.

CHIEF CLARK advised that the Fire Chief has no right to inspect without an invitation from the owner or a judge issued warrant. Ms. Connors as Health Officer can go on the property if there is a health concern. Chief Clark has no authority on registered vehicles/tires unless they are on fire. CHIEF MANCINI has spoken with Troop G in regard to commercial traffic on the eight mile stretch of road through Sugar Hill. Chief Mancini clarified that he can't stop the trucks without reason. Mr. Hinds inquired if anyone actually knows what is in the trucks and tankers. In October 2017 Chief Mancini did inspect two trucks with verbal permission and one contained household trash and the other construction waste. Mr. Hinds said that the Town needs to find an avenue to get rid of the trucks. Chief Mancini noted it is not a law enforcement issue, but one of zoning. Ms. Connors said that Town Counsel Fillmore recommends that community members sign affidavits and testify if case went to court.

The board then open the meeting to public comment:

JANE HIGGINS questioned the use of the property as a transfer station and was advised it is not. DOLLY MCPHAUL asked if the board could ask DES to revisit the property.

DON KIEPERT stated that local realtor Andy Smith felt that having MBI in Sugar Hill has an adverse effect on property pricing and is an impediment on property value. This was reaffirmed by Real Estate Agent Carlene Quinn.

CLAIRE VON KARLS who submitted a written letter, thanked the board for their work and hoped the meeting tonight could make an impact. She asked if all could meet together to strategize. Ms. Connors said that she could talk with the Town Attorney for advice on how best to strategize.

BARRY TAYLOR asked if there are any alternatives and would it help to talk with MBI directly?

GARY WAY noted that he is friends with Thad Presby and he can't imagine that the family wouldn't want to do something for the good will of the community. Questions about the lease and ability to get a copy of the lease. It was noted by Ms. Connors that the property is also used to house Mr. Presby's antique tractor collection. There were also questions about Route 117 being a scenic highway and if the State of NH requires soil testing.

BUD WEILER stated that a current overhead of the property doesn't look like light commercial any more. Asked about the 1987 use of property that was contingent on an occupancy certificate. It was noted that the first attempt at light commercial failed and the second time with the requirement that there must be a home on the property. There is a mobile home located on the property that is occupied by a local family.

The question came up if the Town was happy with the current attorney and it was noted that she has guided the town successfully through Northern Pass.

Ms. McPhaul asked about the missing meeting minutes and was advised they have not been found. The town does have the decision from the meeting. There are only two living board members left from the 1987 board.

MIKE WARREN asked if hazardous materials are carried in the trucks. Chief Clark noted that a placard is required on the truck if so. Used motor oil and septic waste are not considered hazardous waste.

Chief Clark stated that he worked with Town Attorney Fillmore years ago before she entered the municipal law world and that he feels the town is being well represented.

KATHY HINDS stated that she was impressed by what she has heard and that the board has been working very hard.

Ms. Connors advised that residents could start by keeping track of the increased number of trucks coming and going on Route 117 but that it should include all trucks and not just MBI.

Chief Mancini advised that this would need to be done without trespassing on the Presby property and also agreed that all commercial vehicles should be documented.

DENNIS COTE noted that Mr. Presby could draft a 20 year lease with MBI which would certainly entangle a long legal battle. Mr. Cote asked what's to stop MBI from leasing in Lisbon and trucks would still be up and down Route 117. Felt the group needs to be careful what you wish for.

The lease question came up and Ms. Connors said that she could ask for a copy during the meeting with Mr. Presby but they have no obligation to share the document.

Several residents wondered if Mr. Presby would put the property up for sale or donate it to be conserved.

Ms. McPhaul thought all could send complaints directly to MBI and might get their attention.

JOHN BROWN asked if the trucks were using engine braking and he was advised that the town had looked into an ordinance with no success. Chief Mancini said they are very careful and have not been using Jake brakes. He also advised that the trucks are not speeding when he is out doing radar.

KATE TAYLOR questioned the damage being done to Route 117 and the ditches like in front of the Sugar Hill Community Church. Kathie Cote noted many of the culverts are also damaged.

SUZANNE MORLEY felt that the leaking trucks must be contaminating the brook on the property. Mr. Kiepert noted that his wife has videos she has shared of the trucks dripping.

The question of how many employees was also brought up as the Special Exception allows for 10.

There was a request to have the Town see if the trucks would divert away from Route 117 for Lupine Festival this weekend. The Select Board will follow up on this request.

Mr. Warren asked who took the minutes for the Board of Adjustment and if that person might know where a copy is. The Administrative Assistant said that the minutes were probably removed for reference when the Presby's came back for another hearing and that they just weren't returned to the original file.

Mr. Taylor said he spoke with Bruce Perlo and that after the 1987 hearing the Town sued the ZBA and lost.

Ms. Connors again stated that the group could organize a truck watch and document the traffic flow.

Mr. Hinds asked if Sugar Hill is prepared to go forward with a lawsuit if necessary to which Ms. Connors answered yes.

BETSY FRASER wanted the board to be transparent and share information with the group.

Ms. Connors will contact DES, the board will contact MBI in regard to the upcoming weekend.

Ms. Connors and Chief Clark will investigate a visit to the property, and the State of NH Truck police will be checking all commercial vehicles on Route 117.

Mr. Kiepert felt the town must push forward with a lawsuit as the residents are against MBI.

Mr. Weiler wondered if land owners could file a suit because of noise and falling property values. Ms. Connors noted that Attorney Fillmore advised there is a private nuisance suit that could be filed arguing that the MBI operations prevents them from the use and enjoyment of their properties.

Mr. Warren advised that Mr. Presby would sue the Town and or individuals.

Ms. Hinds asked the board for a list of plans. Ms. Connors will send updated information to Mr. Hinds who will disseminate to the group. Ms. Connors told the group that we all want the same thing, we want the trucks to stop, we want the noise to stop and we need public support. Now that we have your support, we will go for it.

With no more business before the Board, MR. BIELEFIELD made a motion to adjourn, seconded by MR. STRASSER the meeting was adjourned at 7:15 PM. The next regular scheduled meeting will be on Monday June 10, 2019, at the Carolina Crapo Building.

Respectfully submitted,

Jennifer P. Gaudette
Administrative Assistant