

Chairman Dick Wood called the meeting to order at 6:00 p.m. at the Raymond High School Media Center. Members present: Greg Bemis, Jack Barnes, Frank Bishop and Timothy Auclair. Also present: Town Manager Bates.

Chairman Wood led a salute to the flag and held a moment of silence for our departed citizens.

**Selectman Bemis made a Motion to enter into non-public pursuant to RSA 91-A:3, II(d), seconded by Selectman Barnes. The Motion passed unanimously.**

**Selectman Bemis made a Motion to come out of non-public and seal the record indefinitely, seconded by Selectman Barnes. The Motion passed unanimously.**

### **Public Forum**

A few people came forward to speak about the Scribner Road matter and they were deferred to the agenda item and asked to wait and speak then.

Hearing no further public forum, the public forum is closed.

### **Public Hearing**

Chairman Wood opened the public hearing at 7:10 p.m. to hear public comment on the potential amendment of Chapter 176 of the Raymond General Legislation regarding Traffic Control, Parking and Sign Regulations concerning Scribner Road, this is the second reading of this issue.

Attorney Boldt stated that he was here to answer any questions that may arise.

Chairman Wood then read into the record the Ordinance. (Copy on file with the Town Clerk). Chairman Wood then opened up the floor to anyone that had questions or concerns.

Mike Melanson, 37 Scribner Road came forward and stated that this is not directly related to the parking issue, however, to this matter, is that the last time he was before the Board he asked about the remainder of the road and the description of 1760. The road basically states that it starts at the outlet of the pond, follows the path as the path now goes and it crosses the brook between the two mills. If the Town of Raymond claims that the end of the road is a Town Class VI Road, what is the status on the rest of the road that crosses the brook between the two mills?

Attorney Boldt asked Chairman Wood if he could answer this question. Attorney Boldt stated that if they are looking at the 1760 layout which is from the Town of Chester, as well as the map that is in the Town of Chester records, and that map by the way is from a local historian of the around the time of the Civil War. This information was in the Raymond Library. That map shows that it starts at the lake and goes onto to what would

be the south side of the brook. There is shown a dot, Attorney Boldt does not know if the depicts the pond or merely an anomaly in the copy, but it is to the south or may even cross at that point. Attorney Boldt does not believe that the road crosses Mr. Melanson's property, but where your house is currently. What brook they are referring to and how much of it is being crossed is unclear, but from the historical usage which goes back both the deed records and photographs that Mr. Hammond provided of the old Batchelder Inn and usage in the area and the railroad usage, the railroad stop, show it where the Town is asserting it to be and that is basically going straight through to the railroad crossing. Not crossing where your house is. Mr. Melanson believes that as it is stated in the description, in 1760 the road crossed the stream between the two mills. Mr. Melanson stated that this was before the railroad. Once the railroad came in all roads changed. Attorney Boldt commented that there is no record in either town of it being closed, so that the road exists now. What makes sense is that it tracks the historical usage, both from the last 150 years of deeds, all of the plans that are of record and all of the maps that are of record that show it on the south side of the brook that runs from the outlet of Onway Lake or Jones Pond as it used to be called. Mr. Melanson stated that they show the road itself there, that is correct. That is from 1892 and after. There are not any records in Raymond because the Town Hall burned down twice. Once in 1892 and again in 1917. So any records obtained by the Town prior to that are non-existent. Attorney Boldt stated other than the deed records that are on file at the Registry of Deeds and that is what he is referring to. Mr. Melanson stated if you go by the deeds, several of the deeds refer to the winter path and Mr. Melanson asked Attorney Boldt if he knew where that was located. Attorney Boldt stated that in looking at the description it is to the back side or to the west side of the existing cabin that is there on Mr. Tracy and Zolga, not on Mr. Melanson's side. There are also other deeds that refer to a large bolder which is also shown on Mary Sargent's plan as one of the more lakeside lots that she was carving out at the time. That deed that refers to the large bolder, also refers to the winter path as the other side reference. The bolder referred to has a drill hole in the right place as shown on the survey of Mary Sargent in 1980. Continued discussions were held between Attorney Boldt and Mr. Melanson regarding this property. Attorney Boldt stated that none of this has to do with the parking ordinance, which is the subject of this public hearing. Mr. Melanson stated that he is not convinced that it is a Class VI road. Attorney Boldt stated that this Board has at least three times over the last two years, voted and have taken the public stance that the Class VI portion of the road runs from the end of the pavement to the Boston & Maine right of way. In the eyes of the law, that is a dead issue. Attorney Boldt stated that he is not sure if the Court would even entertain a challenge to that at this time, but because it has been an administrative decision that was not appealed within thirty days of its original making. Mr. Melanson voiced his concerns over the condition of the area where the parking spaces were going to be.

Buster Hammond then came forward and stated that he does not agree with everything that Mr. Melanson stated. Mr. Hammond stated that historically he would like to know if all research has been exhausted. Attorney Boldt stated that of course there can always be more research done, however, is it economically justified because we have both the layout, the deed records in the area, and the more recent plans of what the owner thought they had.

Chairman Wood stated that the Board of Selectmen have voted that it is a Class VI roadway and unless it becomes a legal issue, the Board has spent all the money that they feel was needed to on this issue. Mr. Hammond asked how much money has been spent on this issue? Attorney Boldt stated roughly in late 2002 and early 2003 when the issue of the day was raised by the Gervais. They were trying to shut down any usage. That was approximately \$6,500 to \$7,000. In this most recent go, which is roughly September of 2005 to current is another \$1,500 to \$2,000. Attorney Boldt is not sure that the Town will get any more bang for the buck without having too much more discovery. If there is additional documentation we are missing, please let us know. What we keep getting back is the same stuff already given to us.

Buster Hammond stated that he has documentation that maybe Attorney Boldt has run across already, that Boston Maine Railroad is laid out at 33 feet from the center of the track each way. If someone was to go up the Class VI road to get to the track, why wouldn't they also have a right if they wanted to go fishing there off the edge of Batchelder's Landing. Why couldn't they do that and still be on public property? Attorney Boldt stated that is where he goes from certainty to uncertainty in the deed records. Logic would dictate that the layout was from the water because that is what the historical usage would have normally been. However, the deeds don't reflect that part and the most recent thing we have from Mary Sargent, the plan referred to above, actually has her reserving to herself the 15 foot right of way to get to the water. Which would imply that she was concerned there might not otherwise be a way to get over there. That was in her deed. Mr. Hammond asked Attorney Boldt if more research would tell you if the general public had the use of the right of way? Attorney Boldt stated that he is not sure. He has already looked at the deeds for the various pieces of property and he can get to the track. There are some deeds or some references that would imply that Scribner is going along the bin up to that bolder referenced above, in theory beyond. That gets merky also. For cost versus benefit to the Town it was decided to declare victory by getting to the Boston & Maine. Chairman Wood stated that this discussion is getting away from the actual public hearing on the parking.

Chairman Wood stated that the discussion is getting further away from the parking ordinance and he wants to get back to the public hearing. Mr. Hammond stated that he was under the impression that Dennis McCarthy was going to go up there and look at the parking and get back to Rick about the parking. Chairman Wood stated that they could hold off voting to approve this until such time as that happens. Town Manager Bates stated that the Board of Selectmen should go on the site walk with Dennis McCarthy. Attorney Boldt agreed. Chairman Wood will find out Dennis' availability and call the members of the Board when the site walk is scheduled.

An unknown resident came forward and voiced her concern over having cars parking there with little children in the neighborhood. She felt there was adequate parking available at the elementary school and they could walk up.

Steve Georgopoulos came forward and stated he might have some information to help. He also explained that if there is parking provided, a handicap parking space should be

provided also. Pasture service was brought to a stop in 1954 going up through there. The Onway Lake Stop was as important at the Depot. By Batchelder's by the dam there was a big siting that was put up there. So that meant another train or other cars had to be brought. That opens up quite a width in there right from the dam up. Mr. Georgopoulos stated he had verification of that. This was a real busy railroad and if they put a siting in there, it had to have been important to put a siting in there. Mr. Georgopoulos believes it was stretching out quite a piece of railroad property. The railroad was pretty sharp and they had everything just right. Mr. Georgopoulos believes this should be looked into further as he believes there is a lot more land that was owned by the railroad. The State of New Hampshire still has possession of the right of way up through there for parks and trails. Further discussion was held between Mr. Georgopoulos and Attorney Boldt.

Chairman Wood again tried to get back to the public hearing matter.

Attorney Boldt stated that the parking was put on the Class V portion of the road where they was clear usage and thought that that would impact the abutting property owners less than having public parking in some undesignated area further up.

Chairman Wood stated that he will take one last question and then it is going back to the public hearing on the parking.

Mr. Georgopoulos asked how much excess is the town going to have from the water down the tracks. Chairman Wood stated he did not know.

Attorney Boldt stated that you step on the railroad right of way. That right of way is 4 rods, so that is 66 feet.

Chairman Wood stopped all questions at this time and asked for only issues with the parking.

Ken Semple came forward and stated that people can use the road now. They can walk down there. They can park at the safety complex and walk up, they can park in Galloway's pit and walk up and they can park in the ball fields and walk down the railroad tracks. No one is being denied the ability to use that area by not putting parking in this place. Mr. Semple expressed his concern over the fact that at a previous meeting it was stated that the Board would view the property and it seems to have never happened.

Attorney Boldt suggested that the time and date of the site walk be set tonight. Dennis McCarthy can go out at another time if he cannot make it then. That way you have notified the public of the site walk and you do not afoul with RSA 91-A.

Several other residents came forward and voiced concerns over the parking area.

Chairman Wood stated that this public hearing will be continued to the site walk, however, no decisions will be made until the May 15, 2006 meeting.

Mr. Tracy and Mr. Zaloga came forward and stated that they have hired a boundaries expert to survey this matter. His name is Don Wilson. Mr. Wilson has told Mr. Tracy and Mr. Zaloga that he would not be able to get to this matter until June or July and they asked Mr. Wilson what to do. Mr. Wilson stated that they go to the meetings and voice their opposition to the parking, which is what they are doing, and Mr. Wilson will give them an answer of whether there is or there isn't a right to this. Mr. Zaloga stated that they will make Mr. Wilson's findings available to the Town and if the Town so chooses, they can contribute to his bills.

Chairman Wood asked for a Motion to Continue the hearing until the two weeks from tonight, which is May 15, 2006.

**Selectman Barnes made a Motion to Continue the public hearing regarding Traffic Control, Parking and Sign Regulations concerning Scribner Road until May 15, 2006, seconded by Selectman Bemis. The Motion passed unanimously.**

The Town Manager stated that he would notify the abutters of when the site walk is planned and the site walk notice would be posted.

Chairman Wood closed the public hearing at approximately 8:31 p.m.

Chairman Wood thanked Attorney Boldt for his help in this matter. At this point Attorney Boldt left the meeting.

Chairman Wood stated that the agenda will be out of order as the public hearing took longer than expected.

#### **Certificate of Recognition – Ashlyn Ernst**

Ashlyn Ernst came forward to accept the Certificate. Chairman Wood stated that Ashlyn is a skater. She skates for a team called the Black Pearls. It is a synchronized skating team and they have competed all the way up the Nationals.

The Board congratulated Ms. Ernst on her accomplishments.

#### **Proclamations and Recognition for the successful capture of the “Golden Ghost”**

Police Chief Salois recognized Officer McCarthy for his involvement in finally capturing the Golden Ghost, the golden retriever that has been on the loose for over 18 months. There have been very many people helping in this capture and Police Chief Salois wanted them to be recognized and thanked for their efforts also.

Steve Sprowl, Field Services Manager for the NH SPCA came forward and gave a synopsis of what efforts went into the capture of the “Golden Ghost”.

The Board of Selectmen and Town Manager gave Officer McCarthy and all those involved a “good job done”.

Chairman Wood gave a proclamation for each of the volunteers involved in the capture.

**Public Hearing – Recreation Donations**

Chairman Wood opened the public hearing at 8:46 p.m.

Acceptance of donations of two children’s bicycles from Wal\*Mart; a \$20 gift card from Ben Franklin; 150 Be Our Guest Cards from McDonalds; fruit, juice, coffee, Easter Bunny, paper goods and gift bags for the Easter Bunny breakfast from Hannaford Supermarkets; a check in the amount of \$252 from Uniroyal for the 2005 soccer program; a check for \$500 from Wal\*Mart for the 2006 soccer program; a check for \$100 from PAW Fast Pitch Softball for Senior trips 2006; a check for \$20 for the 2006 flashlight egg hunt from Remax; a check for \$4,000 from Aggregate Industries for the 2006 volunteer banquet; from Judy Williams Real Estate a check for \$10 for the flashlight egg hunt; I.C. Reed & Sons a check for \$100 for the flashlight egg hunt; D.F. Richard Energy a check for \$25 for the flashlight egg hunt and from Raymond Chiropractic Clinic a check for \$20 for the flashlight egg hunt.

Chairman Wood asked if there was any public comments. Hearing none, he closed the public hearing at 8:47 p.m.

**Selectman Bishop made a Motion to Accept the above donations, seconded by Selectman Auclair. The Motion passed unanimously.**

A letter of thanks will be sent to all contributors.

**Unfinished Business**

**Board and Committee Appointments**

**Selectman Barnes made a Motion to Reappoint Sharon Weldy to the ZBA, seconded by Selectman Bemis. The Motion passed unanimously.**

**Selectman Bemis made a Motion to Reappoint Jonathan Wood, Janis Kent and Cari Boothby, all as full members of the Conservation Commission, seconded by Selectman Auclair. The Motion passed unanimously.**

**Selectman Barnes made a Motion to Reappoint Sandra Lee Ellis to the Recreation Advisory Board, seconded by Selectman Auclair. The Motion passed unanimously.**

**Selectman Barnes made a Motion to Reappoint Dean Plender and Maureen Lundergan as full members of the Solid Waste/Recycling Committee, seconded by Selectman Bemis. The Motion passed unanimously.**

**Selectman Barnes made a Motion to Reappoint Joseph Lucafo to the Cable Committee as an Alternate, seconded by Selectman Auclair. The Motion passed unanimously.**

**Selectman Barnes made a Motion to Appoint Joyce Wood as a full member, Steve Goldthwaite and Kathy Lee as Alternates to the Historic District Commission, seconded by Selectman Auclair. The Motion passed, with Selectman Bemis recusing himself.**

**Selectman Barnes made a Motion to Reappoint Paul Brown and Donald Tenney to the Raymond Business & Economic Development Council as full members, seconded by Selectman Auclair. The Motion passed unanimously.**

**Selectman Barnes made a Motion to change the By-Laws of the Raymond Business & Economic Development Council to allow for two alternates on the Raymond Business & Economic Development Council, seconded by Selectman Bemis for discussion.**

Chairman Wood stated that the RBEDC voted overwhelmingly to only have one alternate. They did not want to increase the alternates.

Town Manager Bates stated that in order to change the by-laws you would need to do it at a meeting that was correctly noticed and where the RBEDC could have input in what is being changed.

Chairman Wood suggested the Board wait for a public hearing to change and by-laws.

**Selectman Barnes withdrew his Motion to change the By-Laws of the Raymond Business & Economic Development Council and Selectman Bemis withdrew his second.**

**Selectman Barnes made a Motion to wait two weeks and have a public hearing on amending the rules of procedure for the RBEDC and have no appointments made tonight for the alternate position and invite any current members of the RBEDC to come and give input, seconded by Selectman Bemis. The Motion passed unanimously.**

#### **Board and Committee Appointments – Interview**

Diane White was interviewed for appointment to the Historic District Commission.

#### **New Sign for old firehouse- Action**

Public Works Director Dennis McCarthy has requested permission to have a new sign built for the old firehouse and asked for guidance on what the Board of Selectmen would

like to have on the sign. Chief Pratt liked the “Old Fire House – Torrent Hall” name, which is the one that Public Works Director McCarthy recommended also.

**Selectman Barnes made a Motion to table this discussion until Chief Pratt can be in attendance and give his recommendations, seconded by Selectman Bemis. The Motion passed unanimously.**

Chairman Wood made an announcement that there is a vacant seat on the Budget Committee due to Timothy Auclair being elected a Selectmen. Those interested should send a letter of intent to Gail Columbus, Chairperson of the Raymond Budget Committee c/o Raymond Town Hall, 4 Epping Street, Raymond, NH 03077. The deadline for this is May 8, 2006.

### **Middle School Portables – Discussion**

With the construction of the new middle school there was some discussion of possible using one or more of the portables for storage for the Recreation Department. However, any place you put it there will be a potential for it being vandalized and the recommendation that Dennis has made is that we should not get involved in keeping any of them. There is a provision in the contract for the middle school for Bonnette, Page & Stone to dispose of them and they would be responsible for that under the terms of the contract. If for whatever reason somebody else came in and took them, there would be a \$5,000 rebate to the School District from Bonnette, Page & Stone. Dennis McCarthy stated that they are not worth keeping.

Chairman Wood then asked for a discussion on this issue. Selectman Bemis stated that he inspected the portables, underneath, all over, etc. But to try and get them moved and have someone vandalize them, break the windows, etc, is not worth the cost involved.

**Selectman Barnes made a Motion to leave the disposal of the portable classrooms at the middle school to Bonnette, Page & Stone, seconded by Selectman Auclair. The Motion passed unanimously.**

### **Driveway Permit request on a Class VI Road – Valerie Picco**

Valerie Picco has requested a building and driveway permit for a house to be built on Audette Road.

**Selectman Barnes made a Motion to send this matter to the Planning Board for their recommendation, seconded by Selectman Bemis. The Motion passed unanimously.**

The Board of Selectmen gave their report.

Chairman Wood went over correspondence received.

The Town Manager gave his report.

Discussions were held among the Board of Selectmen and Town Manager regarding the Exit 4 project and the upcoming fall vote.

**Minutes**

**Selectman Auclair made a Motion to Approve the Minutes of April 19, 2006 as amended, seconded by Selectman Barnes. The Motion passed unanimously.**

**Selectman Bishop made a Motion to Adjourn, seconded by Selectman Barnes. The Motion passed unanimously.**

Respectfully submitted,

Kathy L. Cramer  
Recording Secretary