

Chairman Wood called the meeting to order at 7:00 p.m. at the Raymond High School. Members present: Greg Bemis, Jack Barnes, Frank Bishop and Timothy Auclair. Also present: Town Manager Richard Bates.

Chairman Wood led the Board in the pledge of allegiance and a moment of silence for departed citizens.

Motion by Selectman Bemis to enter into nonpublic session under the provisions of RSA 91-A:3II(c), seconded by Selectman Barnes. The Motion passed unanimously.

Motion by Selectman Barnes to come out of nonpublic session under the provisions of RSA 91-A:3II(c) and seal the minutes indefinitely, seconded by Selectman Bemis.

Chairman Wood made an announcement that on August 16 at 7:00 in the high school cafeteria, there will be a public hearing on the Exit 4 Project. Everyone is invited to attend, if you have any questions or concerns this will be a good time to ask them.

Public Forum

Chairman Wood asked if anyone had anything for public forum.

Tim Louis came forward, along with Celeste Clark and Julie Hazell-Felch from Raymond Coalition for Youth and Mr. Louis voiced his concerns over the after school program for the middle school being cancelled. Mr. Louis believes there is an urgent need for this in Raymond as a lot of children go home to an empty house with no one to take care of them and that is when they can get into trouble. Mr. Louis asked if there was anyone out there that could help in anyway to please come forward and speak with Celeste or Julie. Celeste Clark and Julie Hazell-Felch can be reached at 895-4735 ext 125 or email at cclark@rcfy.org. Chairman Wood thanked Mr. Louis, Mrs. Clark and Mrs. Hazell-Felch for bringing this issue to the Board of Selectmen.

Chairman Wood asked if there was anyone else wishing to speak in public forum, hearing none, he closed the public forum.

Request for the Town to take possession of the cemetery on Route 102 – Discussion

Mr. Theriault had requested that the Town of Raymond take over the cemetery on Route 102.

Mr. Theriault came forward.

Selectman Bishop asked Mr. John Gordon to come forward and pass on the information he has with regard to the cemetery. Mr. Gordon stated that his mother owns the property on the west side of the cemetery. He has a brief that he put together for the Auburn District Court because Mr. Theriault sued his mother back in 2005 and the matter went to court in July of 2005 to settle this claim. It was a quit claim. In the process of putting

this brief together Mr. Gordon researched all the deeds for both pieces of property the Gordon property all the way back to 1890 and could establish that Moses Lovering owned the Gordon Farm at that time. He also researched what is now the property owned by Aldie Theriault back to 1925 that could establish that this property was part of the Cross Road Farm. The Campbell brothers bought the Cross Road Farm in 1943 and then subsequently spun off this piece, including the Brackett property where the trailer park is, but it was spun off to Avery Campbell in 1957 and then was subsequently sold to Bill Prince, Jr. who lives in Bill Roberts old house right now in 1961 and then it was sold again to Mr. Theriault in 1987. There is nothing in any of the deeds to establish that this cemetery was part of either property. When they went to Court the Judge also asked the same questions to try to determine who owned the property and neither party could establish that and Mr. Gordon informed the Judge that he knew the Gordon property did not have anything in their deeds to establish that. The Gordons have owned the farm that is on 41 Chester Road since March of 1910 and then the same questions were asked of Mr. Theriault. Mr. Theriault also could not establish any kind of evidence at that time that this cemetery was part of his property, so in the Judge's Ruling he does state that the plaintiff (Mr. Theriault) could not establish ownership of that property. Mr. Gordon also went to the Registry of Deeds in researching all of the deeds back to the various years and there is a registered plot plan dated 1966 that was done by Harry Blackett, in conjunction with Bill Prince and it was registered at the Registry of Deeds. Mr. Theriault also has another plan that is about three years later that shows the same boundary descriptions and it also shows the cemetery. Mr. Gordon is requesting that the officials of the town recognize that neither party owns that cemetery. Chairman Wood stated that if in fact there is no evidence that either Mr. Gordon or Mr. Theriault owns the cemetery, then the Town owns it by default already. Mr. Gordon stated that could be. Tracey Barbagioanni from Donahue, Tucker & Ciandella came forward and stated that there is a statutory process for establishing ownership of a cemetery in the State of New Hampshire. One of the issues that goes back historically if there are a lot of family plots that are on privately owned land and they are called for in deed, and are ancestors. In this case though there may not be any evidence showing their ancestors are buried there, it does not mean that heirs or assigns of the person that did own the property out there. The Town would still have to go through the process of quieting title to the property through the proper channels. The Town would give notice to the possibility that there may be heirs or assigns that may possibly lay claim. There may be no claim, but you can't just take over title to this property without giving public notice to those out there who may have some claim to it. And that is part of the process that begins here, but it does not end here. Mr. Theriault brought some additional information on the deeds to light. Further discussions were held on this matter.

Town Manager Bates stated that there is a couple of questions that the Board needs to answer and asked if the Board wants to spend its time on this legal issue, answering some of these legal questions to solve this issue, do you want to spend the Town's money to solve it and move it forward, or this is a civil matter between the two abutting property owners that a Judge already stated that the ownership of the cemetery could not be determined. Does the Town want to spend its money and employ the lawyers to do all of

the investigative work and solve this problem, or which direction does the Board want to go?

Attorney Barbagioanni stated that this matter went to District Court. District Court does not have jurisdiction to quiet title, this is an action that would have to be between two landowners in the superior court, as they are the only court that has jurisdiction to quiet title in property disputes.

Selectman Barnes made a suggestion that the two individuals see if their lawyers can work this out.

Public Works Director McCarthy stated that he thinks there is some miscommunication. Mr. Gordon does not think that the Gordons own the cemetery. He feels that Mr. Theriault doesn't own the cemetery. The Court decision does not establish who owns it. Mr. Theriault feels he owns the cemetery. He is not disputing where it is, he is saying he owns it. What Mr. Theriault is saying is that the Town has been taking care of it, as it is a cemetery. He is willing to give it to the Town if the Town pays for the survey to establish the bounds of the cemetery. Now again, the Town does not have to, you can go back on opinion that you have already paid your lawyers for, saying that in theory the underlying land can be owned by Mr. Theriault, but the cemetery in theory belongs to the heirs of whoever may be buried there, but then we just continue with this legal matter where it might be possible to resolve it by just having the Town get a quit claim deed from Mr. Theriault and the Town take it over and maintain it as the Town always has and then establish the actual rights to it with the Loverings, although again, he feels that it would ultimately come back to the Town because the Town has maintained it for so many years.

Further discussions were held with regard to this matter.

Chairman Wood stated that the Board of Selectmen is beyond their capabilities at this time and asked for a vote on spending time and money to have someone research the deeds to determine this or does the Board say it is a civil matter?

Motion by Selectman Barnes to let Mr. Gordon and Mr. Theriault iron this matter out themselves in Superior Court, the Town will not spend any money to confirm ownership of the cemetery, seconded by Selectman Bemis. The Motion passed unanimously.

If Mr. Theriault wants the Town to continue maintenance of the cemetery he must provide the Town with written documentation allowing the Town access to his property to maintain the cemetery.

Mr. Kappler came forward and made some suggestions to the Board at this point.

Motion by Selectman Bishop that the Town cease maintenance on the cemetery until this problem has been resolved or until documentation has been received by Mr. Theriault allowing the Town access to the cemetery for maintenance, seconded by Selectman Barnes. The Motion passed unanimously.

Chairman Wood thanked everyone for coming in.

Public Hearing:

**To consider changes to the Municipal Water Rate Structure – First Reading
Second Reading will be on August 14, 2006**

Chairman Wood read the draft ordinance into the record (copy on file with Town Clerk). Chairman Wood then opened the public hearing at 7:56 p.m. and asked for any comments or questions from the public.

There was no public comment. Selectman Barnes asked Public Works Director McCarthy to explain this. Mr. McCarthy stated that the rate increase is because they have just spent 2.5 million dollars on the water system and doubled the capacity of what can go on it. Currently there are about 1,000 users on there so half that money in theory was used to make available more water and take more connections, so that increase is based on what it costs to make that additional water available. Mr. McCarthy stated that \$2,000 is the average for a connection fee. Raymond was well behind the average with the \$425 connection fee.

Exit 4 will fall into these new rates.

Further discussions were held.

Chairman Wood asked if there was any further public comments or questions, hearing none he closed the public hearing at 8:05 p.m.

The second public hearing on this matter will be on August 14, 2006.

New Business:

Disposition of delinquent tax properties – Action

Chairman Wood stated that he is looking for a motion that the Board of Selectmen send deeding letters for all property owners who have not signed payment arrangements for past due taxes.

Motion by Selectman Auclair to send deeding letters to all delinquent property owners who have not signed payment arrangements for past due taxes, seconded by Selectman Bemis. The Motion passed unanimously.

Review of the Town Budget as of June 30, 2006 – Grace Collette – Discussion

Finance Director Collette came forward and gave an overview of the town budget as of June 30, 2006. The Board asked questions and Finance Director Collette answered them. (A copy of Finance Director Collette's report is on file with the Town Clerk).

Review of Draft Sewer Ordinance – Discussion

Town Manager Bates stated that he distributed a copy of the draft ordinance to the Selectmen earlier today. Town Manager Bates stated that there also was a list of questions that needed answers from the Board of Selectmen (copy on file with the Town Clerk). Attorney Barbagiovanni further explained some of the questions and the reasons for them.

1. To have the Health Officer involved in enacting the solid waste ordinance and to bring in private septic system regulations into the solid waste ordinance.

Motion by Selectman Bemis that the Selectmen collaborate with the Health Officer to enact a solid waste ordinance and integrate the private septic system regulations into the solid waste ordinance, seconded by Selectman Auclair. The Motion passed unanimously.

2. Who will be the Board of Selectmen authorized representative for the purpose of carrying out the duties and obligations for supervision, maintenance and enforcement under the ordinance. The recommendation is that the Public Works Director be named the authorized rep and the public works department carry out the duties and obligations.

Motion by Selectman Auclair that the Board of Selectmen appoint the Public Works Director as the authorized representative and the public works department carry out the duties under the supervision of the public works director, seconded by Selectman Bemis. The Motion passed unanimously.

3. What would be the name of the fund to hold the sewer charges and fees, it is recommended that it be called the sewer fund and that will be a non-lapsing fund with connection fees.

Motion by Selectman Barnes to name the fund "The Sewer Fund", seconded by Selectman Auclair. The Motion passed unanimously.

4. Will septic systems be allowed to remain in areas where public sewers become available. If the answer is no, how long will landowners adjacent to streets in which public sewers is located have to connect to public sewer? A recommendation is that public connection to sewer shall occur within 90 days or 120 days and septic tanks or other private disposal facilities cleaned and filled with suitable materials.

Further discussions were held on requiring people to hook up. There is no State Law requiring anyone to hook up to a sewer line.

This issue will be researched further and some draft wording will be brought forward at another meeting.

5 and 6 will also be researched further and some draft wording will be brought forward.

7. Will the Public Works Department be authorized to contract with outside consultants for inspections and testing of noncompliance if tasks are outside the experience, education and training of the public works department personnel.

Motion by Selectman Barnes to authorize the public works department to contract with outside consultants for inspections and testing of noncompliance if tasks are outside the experience, education and training of the public works department personnel, seconded by Selectman Auclair. The Motion passed unanimously.

8. What will be the maximum amount of fines per day for violations of the ordinance. The recommendation is up to \$10,000 per day thereby allowing the small homeowner to be assessed \$100 per day fine and the large industrial sites to be assessed at \$10,000 per day based on severity of the violation.

Motion by Selectman Barnes to accept the recommendation of fines from \$100 up to \$10,000 per day, seconded by Selectman Bemis. The Motion passed unanimously.

9. Who does the user appeal to for an abatement of a sewer user charge? The public works department or the sewer commission? What is the time frame for filing the abatement application?

Motion by Selectman Barnes that the abatement appeal go to the public works department with an appeals process to the Sewer Commission and should be filed within thirty days, seconded by Selectman Bemis. The Motion passed unanimously.

Bestway Contract – Review

Town Manager Bates stated that this came up at the last meeting and he researched the issue of reopening negotiations with the issue of municipal solid waste in Raymond.

Chairman Wood stated that the motion on April 17 was a Motion to extend the contract for the transfer facility with Bestway and request to upgrade the permit to allow for municipal solid waste.

Further discussions were held over this issue.

When the time comes for Bestway to come before the Board to approve the Municipal Solid Waste, the Board will take the issue of renegotiations at that time.

Steve Naoum came forward and stated that what was voted by the people was to allow demolition debris only, not municipal solid waste and that the Board should be careful what they approve without voter approval.

Board and Committee Appointments – Action

Zoning Board of Adjustments – James Cantwell – Alternate Member

Motion by Selectman Auclair to appoint James Cantwell as an alternate member to the ZBA, seconded by Selectman Bemis. The Motion passed unanimously.

Raymond Cable Committee – Ron Edgar – Full Member

Motion by Selectman Barnes to appoint Ron Edgar to the Raymond Cable Committee as a full member, seconded by Selectman Auclair. The Motion passed unanimously.

The Board of Selectmen gave their report.

Minutes

Motion by Selectman Barnes to accept the Minutes of June 12, 2006 as drafted, seconded by Selectman Bemis. The Motion passed unanimously.

Motion by Selectman Bemis to accept the Minutes of June 19, 2006 as drafted, seconded by Selectman Barnes. The Motion passed unanimously.

Motion by Selectman Auclair to accept the Minutes of July 17, 2006 as drafted, seconded by Selectman Bemis. The Motion passed unanimously.

Motion by Selectman Auclair to accept the Minutes of July 24, 2006 as drafted, seconded by Selectman Bishop. The Motion passed unanimously.

Motion by Selectman Bishop to adjourn, seconded by Selectman Bemis. The Motion passed unanimously.

The meeting adjourned at approximately 9:15 p.m.

Respectfully submitted,

Kathy L. Cramer
Recording Secretary