

MINUTES
SELECT BOARD
TOWN OF PETERBOROUGH
Tuesday, July 7, 2015 – 5:00pm
1 Grove Street, Peterborough, New Hampshire

Present: Barbara Miller, Ed Juengst, Tyler Ward

Also Present: Pamela Brenner, Rodney Bartlett, Nicole MacStay

Chair Miller called the meeting to order at 5:00pm.

5:00pm Public Hearing – Donations of Land

Mr. Bartlett explained that the Board has the authority under 41:14-a to acquire or sell property after first consulting the Planning Board, Conservation Commission and then holding two public hearings. This is the second of the two public hearings. The Board will then vote on these properties on July 21st. Beginning with the Dell property, Mr. Bartlett said that this parcel is located at the corner of Route 202 and Old Jaffrey Road, and is primarily wetland. This is an area of Route 202 that floods on a fairly regular basis; there is a cross culvert there, and when there is high water that section of road is closed. This parcel has been to both the Planning Board and Conservation Commission; both have voted in favor of acquiring this parcel.

Mr. Juengst said that the Planning Board did discuss it, and it was suggested that we may try to sell it to an abutter, but were not opposed to acquiring the property; Mr. Bartlett said there may be some value to the home to the north; in any case, if the DOT or the Town gets to the point of wanting to undertake improvements to that section of 202, it would be helpful to have ownership of that property. Mr. Ward said that he recalled from the first public hearing that surrounding property owners had been approached, but had declined. Chair Miller opened the hearing to public comment; no one present spoke on the proposed donation.

Chair Miller, referring to the Concord Street property, said that the 1833 Society has been in communications with Fairpoint for some time about this parcel. Mr. Bartlett said that the proposal is to subdivide the rear of the Fairpoint property and to combine it with the library property for the library of the future. This has gotten variance approval from the ZBA as of last night, and will go to the Planning Board. Chair Miller opened the hearing to public comment. Tina Kriebel, member of the 1833 Society, spoke in favor of the acceptance of this donation, noting that the town clearly spoke during the forums that preserving the original library is important. To continue using this campus, this property allows us to expand parking and better utilize the space. As there were no further comments, Chair Miller closed the public hearing.

5:15pm – Public Hearing – Code Book Amendment – Animal Control

Chair Miller opened the public hearing, saying that based on recommendations from the Board's May 19th meeting town staff have drafted a proposed amendment to the Animal Control ordinance.

Ian William (Bill) Forrest said that the argument for this keeps coming back to a health issue, but he contended that it is not a health issue but an aesthetic issue. He contested that the information included in the packet which indicated that it is a health issue came from an unscientific source on the internet. If there was a health issue with dogs then it would be evident in the population of dog owners.

Mr. Ward said that he has a new puppy, and that puppy became ill with Giardia, a parasitic infection, after ingesting another dog's waste. The veterinarian warned Mr. Ward that they should avoid allowing the puppy to lick their faces until after the treatment was complete. Mr. Forrest said that it was because of an issue with one irresponsible dog owner and not the general public; Mr. Ward said that there are many dog owners in the general public. Mr. Forrest said that he is not advocating that we ignore people who are acting irresponsibly.

Chair Miller asked what action would satisfy Mr. Forrest as far as being sure that the information is correct; another member of the audience asked where the information came from. Ms. Brenner responded that the information came directly from the New Hampshire Department of Environmental Services' website. Mr. Forrest noted that the state's animal control laws say nothing about dog feces being a health issue. Chair Miller said that when something like this is presented in a way highlighting its impact on health people pay more attention.

Max Sewell said that you can argue the health issue statistics, but if it is an issue, then why aren't we concerned about dog owners whose property abuts water. He said that he walks his dog every day and doesn't see much dog waste. Mr. Forrest agreed. Mr. Juengst said that this has been brought to the attention of the Board many times over the last several years, and this time the Board was presented with color photographs. Mr. Sewell said that it seems like the laws are coming before owner education, where education seems to be what is needed. Ms. MacStay clarified, saying that the dog walker's responsibility to clean up after the dog has been a part of the ordinance for many years, and that this proposed amendment addresses other language in that section.

Another member of the audience said that it seems that the fines are new, as well as the requirement to carry a means of cleaning up the waste; Chief Guinard said that the fine structure is the same. The objective is to get voluntary compliance to clean up after the dog. Chief Guinard said that a person who does not have the means to clean up after the dog could result in a fine, but if the police do encounter someone without a bag they will educate them first. The audience member asked if the bags would be provided; Chair Miller said that a bag program is being piloted at the Tarbell entrance of the rail trail.

The discussion turned to the language of the signs that are already in place, with many people in the audience saying that they felt they were threatening or disrespectful. Mr. Sewell provided photographs of the signs as well as signs that are in place at MacDowell and in a Jaffrey park. Mr. Forrest added that there is no requirement in the ordinance that dogs must be leashed, only that they are at heel. Chief Guinard said that the Town does not have a "leash law", and the state law requires that dogs are under the verbal control of the dog owner. There was some further discussion about the interpretation of the town's code and the state's laws concerning dog control.

Francie Von Mertens said that many years ago when her grandchildren were visiting, and they were not able to let their four-year-old run around because of the large amount of dog waste. She said that they found that when this first came to the town many years ago with regards to the Freemont Field, she brought her dog-walking friends who said that they could not walk their dogs on the town's trails or in the Freemont Field because of the dog waste that they could not keep their own dogs from interacting with. She said that it is a community problem, and they want to get together as a community to solve this problem. Ms. Von Mertens said that she has spoken with a gentleman at the MacDowell Reservoir, who said that they are very concerned with water quality there, and if dog owners continue to be irresponsible when walking their dogs in areas that are prone to be submerged when the water is high then they may need to consider banning dogs.

There was a discussion about the ban on dogs on the Evans Flats Trail and a sign posted in the kiosk at the trail head saying that dogs are banned per order of the Select Board. Ms. Von Mertens said that it was a vote of the Conservation Commission, and that it had not been brought to the Select Board. There was some discussion about the impacts that dogs may have on the wildlife along that trail.

Mr. Sewell asked if the Town would consider placing receptacles for the bags; Mr. Juengst said that it is the dog owner's responsibility, and that to put in the receptacles would be shifting responsibility from the dog owner to the town in terms of staff time to clean up the waste as well as the purchase of the bags. He added that plastic bags are widely available often at no cost to the dog owner. Ms. Brenner said that what is before the Board is an amendment to Chapter 59 which adds language requiring that dog walkers have on them means to clean up after the dog. She noted that there does not seem to be any contention with regards to the amendment, rather to the signs.

Motion:

Chair Miller made a motion to amend Chapter 59 – Animal Control of the Town Code Book as presented; Mr. Ward seconded.

Vote:

Chair Miller, Mr. Ward and Mr. Juengst voted in favor of the motion; the motion carried.

Public Hearing – Code Book Amendment – Parks and Recreation Areas

Chair Miller opened the public hearing, and said that she thinks that the Parks Committee does a great job, and that she respects what they do for the town. There were no questions or comments about the proposed amendment.

Motion:

Mr. Juengst made a motion to amend Chapter 163 – Parks and Recreation Areas of the Town Code Book as presented; Mr. Ward seconded.

Vote:

Mr. Juengst, Mr. Ward and Ms. Miller voted in favor of the motion; the motion carried.

Pumper Truck Bid Recommendation

Chief Walker reminded the Board that a while back they opened the one bid received for the pumper truck. The original bid came in at \$624,000, well above the estimated amount. Jon Hampson worked with the vendor and made some changes which brought it down to \$550,000. The equipment for this truck will be transferred from a retired engine. Chief Walker said that they have a draft contract from the vendor, KME, which has been vetted by counsel, and that he is working with Ms. Vaihinger for the leasing. He requested that the Board authorize the Town Administrator to sign all documents and contracts pertaining to this purchase.

Motion:

Chair Miller made a motion to accept the bid as recommended and to authorize the Town Administrator to act on behalf of the Board to finalize the purchase of the Pumper Truck; Mr. Ward seconded.

Vote:

Chair Miller, Mr. Ward and Mr. Juengst voted in favor of the motion; the motion carried.

Board and Committee Reappointments

The Board reviewed the list of volunteers being reappointed to various boards and committees.

Motion:

Mr. Ward made a motion to reappoint the slate as presented; Mr. Juengst seconded.

Vote:

Mr. Ward, Mr. Juengst and Chair Miller voted in favor of the motion; the motion carried.

Review and Approval of the Minutes of June 9, 23 and 29, 2015**Motion:**

Mr. Ward made a motion to accept the minutes as presented; Mr. Juengst seconded.

Vote:

Mr. Ward, Mr. Juengst and Chair Miller voted in favor of the motion; the motion carried.

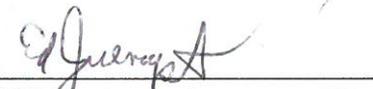
As there was not further business, Chair Miller made a motion to adjourn; Mr. Ward seconded. All in favor, the meeting adjourned at 6:11pm.

Respectfully Submitted,
Nicole MacStay, Assistant Town Administrator

PETERBOROUGH
SELECT BOARD:



Barbara A. Miller, Chair



Ed Juengst



Tyler Ward

ACTION ITEM PENDING LIST

- 1.