

BOARD OF SELECTMEN
Minutes of December 10, 2007

MEMBERS PRESENT: Chairman Alan Carpenter called the meeting to order at 7:05 PM. Selectmen Bruce Breton, Dennis Senibaldi, Margaret Crisler, and Roger Hohenberger were present, as was Town Administrator David Sullivan. Mr. Carpenter read the agenda into the record.

ANNOUNCEMENTS: Mr. Senibaldi indicated that there were a large amount of names remaining on Helping Hands' giving tree at the Library, and urged all to help out.

SCHOOL BOARD: Mr. Carpenter explained that the Board had been contacted by the School Board requesting to be on the agenda to discuss time sensitive issues.

School Board Chairman Al Letizio approached, indicating that the School Board was in attendance to seek the Selectmen's guidance on two issues, and opened the discussion by reviewing a plan relative to 9 acres of property on Lowell Road behind the Middle School staked out for exchange to the Town as per previous agreement. Mr. Letizio noted that the Conservation Commission had reviewed the proposal and had no objection.

Mr. Hohenberger sought clarification that the 9 acres was related to the previous agreement to facilitate Mr. Logan's issue, and Mr. Letizio replied in the affirmative. A discussion ensued regarding the subsequent lot line change and whether or not an exchange had been required at that time, as well. Mr. Carpenter requested that staff research prior minutes regarding the latter.

Mr. Hohenberger inquired what the 9 acres was used for now. Mr. Glenn Davis indicated that the area is very sloped and wooded, and abuts the Landry Trust Easement and Conservation land.

Mr. Jim Finn, Conservation Commission Chair, approached noting that the Commission had no overall concerns with the acreage proposed, which is contiguous to current Conservation land.

Mr. Letizio then reviewed a map of the High School site depicting athletic facilities approved by the voters as part of Option B in 2007 explaining that, subsequent to the vote, the Athletic Committee had determined that the approved fields and facilities did not meet the needs of the High School or the School Board's promise to the voters. He noted that the Athletic Committee had adopted a vision, which the School Board had unanimously endorsed, to complete the program needs by requesting additional approval of a second gym, a multipurpose athletic facility consisting of a lighted turf field surrounded by a track/bleachers, and additional baseball/softball diamonds. Mr. Letizio noted that the School Board had requested that Mr. Davis try to fit these additional facilities on the existing site while leaving room for construction of the future second facility, however, as initially proposed the facilities would not be visible, secure, or accessible. Mr. Letizio also noted that, if constructed on site, the future Middle School students would then likely need to be bussed to other fields.

Mr. Letizio noted that it was then felt by the School Board that utilizing an additional 16 acres of Gage lands was the best way to address this issue, noting that it was not unanimously supported but there was no other clear acceptable alternative. He indicated that input had been garnered from the Conservation Commission and Recreation Committee regarding use of the Gage lands and a similar, equitable swap of land, and that Recreation had unanimously supported the proposal and a majority of the Conservation Commission had, as well, provided a 2-1 swap was discussed.

Mr. Letizio then noted that, as the Gage lands are Town-owned, a Town Warrant vote would be required, and sought the Board's support of the proposal. Discussion then ensued regarding the condition of high school land and the current lack of a true Middle School as it pertained to available facilities and programs.

Mrs. Crisler expressed concerns with the District's taking of additional Gage Lands. Mr. Letizio did not feel the District was taking the land, but rather it was a cooperative effort toward the facility. Discussion ensued regarding the quality of the land, the ability of the School District to sell their land, and the responsibilities of the individual Boards.

Mr. Breton and Mr. Senibaldi indicated their support of the proposal, conditional upon a land swap. Mr. Hohenberger expressed concerns as to whether or not adequate engineering had been completed to prove that the additional facilities can't be constructed on the current site.

Discussion ensued regarding the Gage Land and the original intent of the warrant article placing it under Conservation/Recreation stewardship, the differences in the quality of the land, and engineering costs/comparison. Mr. Davis noted that some level of engineering had been done including topographical review and layout, and that the Gage property offered a better site line and tied into the site plan.

Mr. Carpenter echoed Mr. Hohenberger's concerns, noting that the voters had been originally told that the money/land was available for the High School; then, the School District had requested additional funds last year and it was now being proposed to open with only two grades. Mr. Carpenter felt that the curriculum needs of every child needed to be served, not just athletes.

Mr. Letizio clarified that the School District was only requesting that the Selectmen put an article on the Warrant for the voters to consider. Discussion ensued regarding the need for a public hearing and the number of opportunities to discuss the proposal further prior to the vote.

Mr. Breton then moved and Mr. Senibaldi seconded to ask the voters to allow 16 acres of Gage lands to be used by the School District for the High School.

Mrs. Crisler felt that a citizen's petition would be a better means of placing such an article on the Warrant, and a discussion ensued regarding same.

Motion passed 4-1, with Mr. Hohenberger opposed.

Mr. Hohenberger then requested that Mr. Davis clarify for the Board the lack of permits for the High School facility. Mr. Davis noted that the architectural, building, and design teams were responsible for the structure, and that 100% of the ICC review needed to be completed before a permit could be issued. He further noted that all teams would be meeting with Town staff and the Fire Chief the following day to review the ICC report. Mr. Davis noted that the ICC reported no concerns with the building save minor issues with the doors and similar items.

Chairman Carpenter called for a five minute recess.

BLASTING UPDATE: Mr. Carpenter noted that this was a public information meeting, and outlined the discussion as follows: update from Mr. Turner, results of Stonehill's analysis, representatives of the NH Department of Environmental Services, and then public input. Mr. Carpenter noted that this had been a difficult issue, that the Selectmen's actions are bound by RSA's and local zoning and other ordinances, and that it was not in the best interest of any that the Board make quick decisions. Mr. Carpenter also noted that the Board had met with Town Counsel regarding this matter, and much correspondence had been exchanged to determine the best course of action. He requested that speakers keep their comments relevant to the discussion.

Mr. Turner deferred to Mr. Tim Stone of Stonehill Environmental to discuss the matter of nitrate results.

Mr. Stone, a licensed geologist and hydrologist, explained that he had been retained by the Town to investigate claims of water quality impacts related to the Ledge Road blasting. Mr. Stone explained that he had reviewed available historical data and compared it to newly collected samples in efforts to determine what is occurring.

Mr. Stone indicated that wells in the vicinity of the Meadowcroft Development had been sampled, and a boring done in the center of the blast site. He then reviewed topographical data and defining features in the area. Mr. Stone explained that, based on the topography, the surface water drainage flows to the west and southeast of the site. Mr. Stone further noted that the area is bedrock and typically fractured from the northwest to the southwest, and that the likely preferential ground water flow would be along that fracture from the higher elevations to the lower.

Mr. Stone then reviewed an aerial view of the site prior to the construction, along with a plan of the work area depicting the crushed gravel piles and the road as they pertain to the groundwater drainage line. Mr. Stone indicated that, initially, 15 homes had been selected to the south and west of the site for testing. Those owners had been contacted to complete questionnaires, and a fairly thorough general chemical analysis completed. Mr. Stone indicated that a volatile organics analysis had also been completed on one property.

Mr. Stone then indicated that most of the general chemistry and VOC results had shown nothing unusual, however data from Meadowcroft and owners to date showed a definite trend with nitrates and indications are that the issue may have originated with the blasting site. Mr. Stone noted that additional data will be collected, and that to the west and north concentrations were relatively low.

Mr. Stone indicated that the DES had collected samples the previous Thursday and Friday, and would also be testing for nitrates. Based upon the DES results, the second phase of the investigation will be determined, which may include additional wells being tested and onsite monitoring.

Mrs. Crisler sought clarification that the nitrates were originating from the blasting material. Mr. Stone concurred, noting it was a result of the ANFO material utilized to blast. Mrs. Crisler then inquired as to arsenic results, and Mr. Stone indicated a trace amount of plecorium had been found onsite, but nothing more. Mr. Stone indicated that arsenic is a problem in this area of NH, but it is just natural to bedrock. He also noted that blasting could contribute to turbidity, but it is hard to tie the two together and he is not seeing any indication of an increasing trend. Mr. Hohenberger noted that a lot of silt had been reported, as well as discoloration. Mr. Stone reiterated that nothing had been found indicative of turbidity problems, however, the first round of testing had been for general chemistry.

A discussion ensued regarding the age of the historical data, the levels of contamination, and the drop in concentration as it pertained to the cessation of blasting. Mr. Stone noted that, if the source is eliminated, the contamination should generally flow through the area fairly rapidly. He noted, however, that there are rock piles on the site that may be a source of contamination and that although they have good data now, more needs to be collected. Discussion ensued regarding looking further for other potential impacts of the site and natural filtering of the contaminants. Mrs. Crisler noted that if the blasting material is found to be the cause, the Town may face issues in the future as Route 111 is blasted.

Discussion ensued regarding vibration levels, impacts to high water tables, and hydro-shock as a result of the blasting. Mr. Stone deferred to Hager-Richter regarding water table/hydro-shock issues, but noted that ANFO contaminants will tend to degrade more readily.

Mrs. Joanne Vignos approached seeking explanation of the discoloration and raised iron levels in her water. Mr. Stone indicated that the first round of sampling did not confirm the Vignos' results of last spring, and that the latter may have been due to heavy rains or a change in surface conditions. He noted, however, that the blasting was not being discounted as a cause. Mrs. Vignos expressed her disappointment in Mr. Stone's conclusions, to which he replied he did not doubt that they had experienced a problem, however the samples when taken with other available data seemed to indicate it was a transient problem.

Mr. Greg Kindrat then approached bearing a bottle containing water taken from his home which was full of black silt. Discussion ensued regarding turbidity and nitrates. Mr. Kindrat indicated that two Planning Board hearings had been held regarding this project, which he referred to as a strip mine, and none of the owners on Haverhill Road had been notified.

Mrs. Julia Wissell approached reiterating that she had not been considered an abutter to the project, despite being 400' away from the blasting. She noted her property had been subjected to blasting on both sides, from Ledge Road and the High School site, and that land at the back of her property had since collapsed into the woods. She then suggested that the water at the High School site be tested as well. Mrs. Wissell further noted that the owners had received no notices/warnings of the blasting, and that the Town should be ashamed.

Mr. Carpenter inquired whether structural assessments had been completed. Mr. Stone and Mr. Turner replied in the negative.

Mr. Keith Dubois of the NHDES Water Management Division then approached. He explained that, while the DES has no authority to regulate blasting the WMD has the authority to stop operations and request an investigation when contaminants are found. In addition, the WMD can require a response from the developer during the investigation, such as providing bottled water, and remedial repair.

Mr. Ralph Wickson of the NHDES approached indicating that, based upon the nitrate contamination, the DES can by law require the developer to undertake and complete a site investigation within 120 days to fully define the nature of the impacts. To date, DES has collected 20 samples and are monitoring bedrock wells. Once analysis is completed the DES will meet with the property owners.

Mr. Carpenter sought clarification that the DES has accepted that there is an issue. Mr. Wickson replied in the affirmative, noting that the contamination found in the onsite borings alone was an issue. He further noted that an EMB has been issued relative to the identified nitrates on the site that Meadowcroft will be required to respond to. Mr. Carpenter then inquired who selects the independent contractor. Mr. Wickson replied that Meadowcroft will make the selection, and the contractor must operate to DES specifications.

Mr. Hohenberger then inquired as to the danger to the public of the nitrate contamination. Mr. Dave Gordon of the DES Environmental Health Program approached and explained that 5 of the tested wells have confirmed nitrates, which can originate from items such as fertilizer, manure, and blasting material. Mr. Gordon noted that nitrate by itself is harmless, however, bacteria in the body converts nitrate to nitrite, which at levels of .5% in adults and .1% in children can interfere with the body's ability to process oxygen. Very high levels can result in coma or death. Mr. Gordon noted that infants are the most susceptible, along with pregnant women at between 30-40 weeks gestation, and people with digestive disorders. The DES recommends that the effected residents not drink their water, due to unknown cancer risks.

Mr. Gordon then indicated that 18 of the wells tested showed arsenic levels over the drinking standard. Mr. Carpenter inquired as to treatment measures for removal, and Mr. Gordon indicated the reverse osmosis is the only effective treatment for nitrates, and that arsenic can be filtered out with specialized filters.

Mr. Brandon Curran of the DES then approached indicating that no further blasting would be allowed at the Meadowcroft site until a remedy is in place for the existing issues and it is determined what went wrong and the means to prevent such occurrences in the future. Mr. Curran reiterated that State law does not allow the DES to proactively regulate blasting, however, the means to do so in the future was being explored.

Mr. Senibaldi then inquired as to the effects, if any, of the ongoing rock crushing at the site. Mr. Brandon noted that the DES was working expeditiously to determine the cause of the contamination, and a discussion ensued relative to the surface water results in October.

Mr. Stone noted that if the crushed stone were found to be a source of contamination, then it would need to be managed. Discussion ensued as to testing methods for the crushed stone and the possible need to suspend crushing until the material is tested.

Mrs. Crisler reiterated her previous concerns regarding the potential impacts of contaminated materials from many other projects in Town, including the High School site and the Route 93 project. Mr. Curran indicated that the DES is willing to work with staff moving forward and to offer guidance to the Planning Board and the Town, noting that the Town is in much better shape than most based upon having an ordinance in place and baseline data available.

Mr. Curran then indicated that the DES will expedite testing of the crushed gravel at the site. Mr. Senibaldi inquired whether the crushing could be stopped without the test being conducted, and Mr. Curran replied in the negative. A brief discussion ensued regarding the amount of gravel excavated in the last year.

Mr. Bruce Richardson approached to inquire about the airborne effects of the blasting. Mr. Gordon noted that breathing or ingesting nitrate particles can pose a risk. Discussion ensued regarding complaints received regarding the dust and the lack of control measures. Mr. Richardson pointed out that if the blasted material is being stockpiled it must be contaminated, as well.

Mr. Richard Wissell approached noting that he had previously planned to sell his home, and now cannot. He stated he was glad that the NHDES had become involved. Mrs. Wissell then approached, noting that she had not drunk her water since June, however she now had several health problems including: cancer markers in her blood, skin cancer, a hole in her stomach, and acid reflux, which the doctors can't explain. Mrs. Wissell noted that the silica blowing into her home needs to be checked, and felt that Meadowcroft should be made to test for "sick" homes. Mrs. Wissell indicated that if the Town would not do so, then she would take steps under the 1970's Relocation Act or the Town would take her house by eminent domain.

Mrs. Vignos approached to reiterate that she had no issues with her water prior to the blasting, yet 6 weeks after the blasting started her water began to go bad resulting in the need to purchase several filtration systems. She theorized that, even though no nitrates are present in her water, the shaking from the blasting opened up fissures in the bedrock thereby releasing tons of deposits. Mr. Curran agreed that shaking could release such deposits.

Ms. Debbie St. Jean approached, indicating that the previous summer she had been witness to the blast concussion at her home on Hawthorne Road. Ms. St. Jean urged the Board and the DES to investigate further as the impact was immense. The DES urged residents with documented issues to contact them for assistance.

Mr. Stone noted that a review of previous samples and upcoming testing is planned, and that the DES' investigation will require onsite monitoring.

Mr. Kindrat inquired what penalties will be assessed if the blaster is out of compliance as stated. Ms. Goduski noted that the first step will be to try to bring them into compliance.

Mr. Kindrat then noted that sprinkling the site to contain the dust made little sense if the water is contaminated. He then inquired whether the elderly were also more susceptible to the effects of contaminants. Mr. Gordon replied in the affirmative, noting the effects of nitrates in particular.

Mr. Ron Stoner approached inquiring about the potential for radon issues as a result of the blasting activity. Mr. Stone replied radon is a naturally occurring issue in NH, and that he had not seen or read of any issues. He noted, however, that uranium had been measured, which is an indicator of radon. Discussion ensued regarding the DES undertaking further radon testing.

Ms. Lynn Smith approached indicating she also is not an abutter of the project and was never notified. She expressed concerns that this summer her well went dry after approximately three blasts from the site. She noted that in 15 years, she had not had an issue with her well, but had had to have it re-fracted this year resulting in a completely different water quality.

Mr. Carpenter then summarized the discussion, noting that: no further blasting will occur prior to March 31, 2008; DES will expedite testing of the crushed rock; and the Board of Selectmen will be reviewing the Town's Blasting Ordinance at their next meeting.

Mr. Turner noted that residents may contact him with any issues or concerns, or to obtain contact information for the DES or Stonehill Environmental.

Attorney Campbell approached, noting he had reviewed proposed revisions to the blasting ordinance, and that it was important to reaffirm within it some of that evening's comments. He also noted that he had cautioned the Board in the past regarding adjudication of complaints, which he understood was frustrating to the residents, however it was improper for the Board to address alleged civil wrongs. Attorney Campbell noted that the Board can only regulate where the State allows them to.

After further, brief discussion, Mr. Carpenter extended the Board's thanks to all for their attendance and input.

Mrs. Crisler then moved and Mr. Hohenberger seconded to adjourn. Passed unanimously.

The meeting was adjourned at 11:20 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

Note: These minutes are in draft form and have not been submitted to the Board for approval.