



BOARD OF SELECTMEN
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MINUTES OF THE BOARD OF SELECTMEN

Monday, November 02, 2015 – 7:00 p.m. – Town Hall Conference Room

Members Present: Vaughan Morgan, Kevin Forrest, John McDevitt, John Penacho, Jim Rolston

Members Absent:

Staff: Karen Anderson – Town Administrator

Chair Morgan opened the Board of Selectmen meeting at 7:00 p.m. A roll call was taken by the Chair; he announced a quorum was present and the meeting was being recorded.

I. PUBLIC HEARING

1. Acceptance of FEMA Funds and Authorize to Expend

The Town Administrator explained that the Town received \$35,343.53 as a result of the January 2015 winter storm snow removal. Chair Morgan opened the hearing to public comments. There being none, he closed the public hearing and returned to the Board.

MOTION: *J. Penacho moved to accept the FEMA funds in the amount of \$35,343.53 and authorize it to be expended in 2015 for snow removal. Second – K. Forrest; all in favor. MOTION CARRIED*

II. APPOINTMENTS

1. Green and Company – Request for Septic Waiver: Age Restricted Housing Development

Green and Company requested to be heard at the meeting on Monday, November 16, 2015 or Monday, November 30, 2015.

2. Mitch Kalter: Thompson Brook Fish Passage

Mitch Kalter, Project Coordinator for Trout Unlimited, addressed the Board to update them on a project that has been ongoing for approximately five years; a letter of support was done by the Board four years ago. Also present was Coleman Lawson, Northeast Project Coordinator. Chair Morgan noted that Chip Hussey, Conservation Commission Chairman, was present.

M. Kalter pointed out where the 6' wide culvert was located on Winnicut Road. The high velocity from channeling the water has led to downstream erosion; the culvert is perched with a large scour pool below it. At one time there were also guard rails, but the road covering has thinned. M. Kalter noted that it was a 7' or 8' drop to the water, adding there's little indication that the culvert is there. Pictures of erosion holes were shown to the Board. DOT has filled several holes in with gravel or boulders.

In 2009 when the dam was removed, the discovery of wild Brook Trout was considered a very exciting find by Fish and Game. In this area, there aren't many wild Brook Trout. Repairing the culvert would maximize the survival options of the wild Brook Trout. In addition, M. Kalter noted it was close to the tidal waters of Great Bay and could possibly create a population of anadromous Brook Trout.

M. Kalter further explained that the river is normally 15' wide. When it's narrowed down, the water comes out the chute at a velocity that doesn't allow the fish to get in there. The increase flow also erodes the soils and river bed causing a scour pool, which is not a normal river bed. By creating a normal flow pattern, it should restore the river and the habitat on either side for wildlife which is required by NH Stream Crossing Guidelines.

There is a design and engineering plan in place. Monitoring has been done since 2009, and they have a Wetlands Permit. Some stream restoration has been done and they are now focusing on fish passage. M. Kalter gave a summary of what has been done to date and the grants received. They've spent \$63,000 on the Thompson Brook portion. He explained they would like to use a pre-formed concrete bridge structure approximately 20' wide to replace the existing culvert. It will completely restore the stream width and satisfy NHDOT specifications. The project cost is \$292,000. NHDOT has given in-kind donations and have agreed to handle traffic issues during construction as well as onsite engineering. They have \$240,000 on hand, and need an additional \$50,000 or more. However, they need \$95,000 due to it being a private sector project. Trout Unlimited will hire and pay the contractors. M. Kalter will be requesting funds from NH Fish and Game as well as fish passage funds from NH Wildlife. A grant from NH Charitable Foundation expired on October 30, 2015; he's hoping for an extension. They have been granted a six month extension on one grant. If they can show that the project has received funding, extensions will be granted.

M. Kalter asked the Town to support them in their effort so they can move forward with contracting. The 15% contingency is standard practice in case of cost overrun. They have requested that the Town commit to a \$50,000 contingency. C. Hussey felt it's a viable and good project, adding there is a safety issue. NOAA has limited funds available. Great Bay Stewards didn't feel they could contribute. To receive a larger grant from the NH Charitable Foundation, a paid staff is required; Trout Unlimited is a volunteer organization.

They are aware that Winnicut Road is a State road; however, it's also a structure that needs to be repaired. It's failing and its integrity has been compromised. If the Town would support the contingency as a back-up, the money may not be needed. They were hopeful the project could be done without costing the Town any money.

Asked for the Conservation Commission's thoughts, C. Hussey felt covering the contingency may be an option, adding they felt it would be good for the environment. J. McDevitt asked if they would be using money from the contingency fund if grants were lost. M. Kalter responded they haven't lost any funds now and he's hoping that the NHCF grant will be extended. He continued that if they didn't reach the "magic" number by the end of April, the project may not happen. They would like to be able to tell their sponsors the Town was behind the project. J. McDevitt stated that there are many roads in Town the State is responsible for that are not maintained. He was not confident in another project the State should be funding. C. Lawson responded that the State Engineer has given his full support to the project and would like to see it done even though his hands are tied.

J. Rolston felt it was a worthwhile project; however, he didn't want to do anything until after January 01, 2016, when Trout Unlimited would have a better idea about funding. The Board was reminded by the Town Administrator that the deadline for warrant articles was January 08, 2016. Members of the Board

agreed it was a tough time of year to be requesting funding: the budget process was completed and property tax bills were just sent out. Chair Morgan felt it was a worthwhile project but didn't see how it could be done at this time. J. Penacho added that there were other road repairs that needed to be done. The Town Administrator pointed out that the Conservation Commission Capital Reserve Fund was for the purchase of conservation land and/or easements. Chair Morgan told M. Kalter and C. Lawson that their efforts on a worthwhile project were appreciated. The Board agreed another letter of support could be written if requested.

J. McDevitt asked if the fish ladder on Rt. 33 was working as designed. Fish and Game contracted Santech Engineering to work on the fish ladder. The first contractor failed and another was hired. It was built according to Santech specs and doesn't pass fish; it's essentially a velocity barrier.

3. Jim Jones: Snow Plowing and Removal

The Town Administrator told the Board that they had asked J. Jones to meet with them before the plowing season started for an overview of their expectations. *J. Jones arrived at 7:45 p.m.*

J. Penacho asked J. Jones to explain how the decision was made to start plowing. J. Jones responded that he is called by the Police Department as well as determined by the amount of snow. If there is no call from the Police Department, they normally put trucks on the road when there is a snow cover.

J. Penacho specifically asked about the last snow storm of the season and why his trucks were out when the snow melted two hours later; the cost to the Town was over \$50,000. J. Jones responded that he didn't bill the Town for the last storm; that bill was probably a combination of storms. A discussion followed regarding the criteria for sending trucks out. When questioned by J. Penacho about billing, J. Jones responded that there are times when he does not bill the Town and used the last storm as an example. As a result of the discussion regarding billing, J. Penacho stated that he wanted individual bills for each storm, not a single invoice for multiple storms. J. McDevitt stated that he was comfortable with a weekly bill that included a breakdown of each storm. J. Penacho wanted clarity on what the Town was being billed.

The Town Administrator updated J. Jones on roads that have been renamed; private roads now have blue signs. She added that at the end of Sleepy Hollow where they've been putting snow on the empty lot, there is now has a driveway leading to a new home. A resident at the end of Brown Avenue has also spoken to the Town Administrator about snow storage. J. McDevitt requested that there be a plan in place to dump snow so it's not put on private property. The liability for damage to private property due to snow plowing and/or removal was questioned by K. Forrest. The Town Administrator explained that State law protects the town and contractor from damages resulting from snow removal; they don't protect the property owner. The property owner will have to pay unless they can show the town and/or contractor was negligent.

The Town Administrator told members of the Board that she rode with J. Jones while he was plowing, and he'd be more than happy to have them ride along. She felt it was helpful to see things as plowing was being done. J. McDevitt, returning to private roads being marked, reminded J. Jones that not all private roads have a blue sign. He reiterated that those roads should not be plowed.

III. ADMINISTRATIVE AND OTHER ITEMS

1. Sofia Way Road Bond Approval

The Town Engineer approved the road bond amount of \$36,100.90 for Sofia Way.

MOTION: K. Forrest moved to approve the road bond for Sofia Way in the amount of \$36,100.90. Second – J. Rolston; all in favor. MOTION CARRIED

2. Veteran's Credits

The husband and wife at 46 Orchard Hill Road qualify for Veteran's Credit.

MOTION: K. Forrest moved to approve the two Veteran's Credits in the amount of \$500 each for the property located at 46 Orchard Hill Road. Second – J. Rolston; all in favor. MOTION CARRIED

3. Elderly Deferral

The Elderly Deferral was continued to the meeting on Monday, November 16, 2015.

4. Approval of Minutes: Monday, October 19, 2015 and Monday, October 26, 2015

MOTION: J. Penacho moved to approve the minutes of Monday, October 19, 2015 and Monday, October 26, 2015. Second – K. Forrest; all in favor. MOTION CARRIED

5. Other Business

- The Board packet included the bid from Bourassa Paving for the work done on Great Bay Drive East. The additional paving was done at no cost to the Town, and was a decision made solely by Bourassa Paving. The Town Administrator has spoken to the Brackett's who have said they would meet with the Board and Town Attorney on Monday, November 30, 2015. The Town Administrator explained to the Brackett's that the paving was not paid for by the Town; it was extra pavement that was given to Bourassa Paving. They were in the area and made the decision to pave Great Bay Drive East; residents of Great Bay Drive West are extremely upset.
- Transfer of Funds to the Cemetery Fund: The Town Administrator stated that the Board could make the transfer but didn't feel it was necessary. The Board had approved a transfer from the Cemetery Fund to the Police Department to finish their upstairs. Tree and grub removal at the Cemetery was paid from the Town tree removal account.
- Dearborn and Hillside Projects: It was recommended that a catch basin on Dearborn be lifted a little further and a different grading be added. Caswell is complete and residents are happy. Hillside is not complete. There was meeting with two residents, and a smaller paved apron will be added. The Town Administrator has discussed the possibility of a parking ban on the cul-de-sac portion of Hillside with the Police Chief. No additional work has been contracted for Hillside.
- Health Insurance Meeting: There has not been a meeting scheduled with a representative from HealthTrust due to their unavailability. Employees and Board members will be notified as soon as a meeting has been scheduled.
- Live Streaming: The Town Administrator told the Board that we have the ability to stream meeting recordings through the website. Recordings would be posted the day after the meeting. There has been some discussion that there may be a warrant article for live streaming, and this may be an option. J. McDevitt stated he would prefer residents attend meetings and engage with the Boards

rather than listen to recordings. He didn't have any issues with recordings being posted on the website. J. Penacho pointed out that Boards would have to be very specific about who was speaking, whether a Board member or someone in the audience. K. Forrest, seeing the pros and cons, felt it might mitigate a warrant article at a cost to the Town vs. no cost. He recommended a "test drive" on a limited basis. The Town Administrator suggested that a counter be added to keep track of how many people took advantage of listening to recordings on-line. J. McDevitt stated that the Board of Selectmen couldn't require other Boards or Commissions to have their meeting recordings posted. J. Penacho felt live streaming would happen at some point; however, the Board should research the best medium to be used. Listening to audio, it's very easy to take things out of context.

- 911 Public Hearings will be held on November 16 and 30, 2015.
- Remembrance Park: K. Forrest asked the Town Administrator to follow-up on the proof with the Vermont engraver before any work was done on the monument.
- Trails: C. Hussey told the Board that the Conservation Commission will be meeting with Easterly Surveying about locating the boundaries off Coastal Way.
- Boat Launch: The Conservation Commission recently did their annual walk through Weeks trails. They would like to do a feasibility study to reactivate the boat launch off Tide Mill Road; at one time it was a very active launch. Parking may be a problem and would have to be researched.
- Parking Lot Light: The Town Administrator received a price of \$1,100 from Maldini Electric; the price from Unutil was approximately \$2,700.

IV. ACCOUNTS PAYABLE – THURSDAY, NOVEMBER 05, 2015

1. Payroll Manifest 22

MOTION: J. McDevitt moved to approve Payroll Manifest 22 in the amount of \$46,642.37. Second – J. Penacho; all in favor. MOTION CARRIED

2. General Fund Manifest 23

MOTION: J. Rolston moved to approve General Fund Manifest 23 in the amount of \$500,355.34. Second – K. Forrest; all in favor. MOTION CARRIED

\$423,000 to be paid to Busby Construction for the work on Dearborn and Caswell.

3. Medical Deductible Expendable Trust Manifest 22

MOTION: J. Penacho moved to approve Medical Deductible Expendable Trust Manifest 22 in the amount of \$1,192.86. Second – K. Forrest; all in favor. MOTION CARRIED

4. Police Special Revenue Fund Manifest 10

MOTION: J. Penacho moved to approve Police Special Revenue Fund Manifest 10 in the amount of \$44,823.80. Second – K. Forrest; all in favor. MOTION CARRIED

V. ADJOURNMENT

MOTION: J. Penacho moved to adjourn at 8:26 p.m. Second – J. Rolston; all in favor. MOTION CARRIED

NEXT MEETING

Monday, November 16, 2015 – 7:00 p.m., Town Hall Conference Room

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: Monday, November 16, 2015