

ALTON BOARD OF SELECTMEN
Meeting Minutes
March 7, 2016
6:07 PM
1 Monument Square
Alton, NH 03809

Approved: March 21, 2016

Lou LaCourse convened the meeting at 6:07 PM and led the assembly in the Pledge of Allegiance to the Flag and a Moment of Silence. The following members and staff were present:

Lou LaCourse, Vice Chairman
Philip V. Wittmann, Selectman
Virgil MacDonald, Selectman
E. Russell Bailey, Town Administrator

Cydney Johnson, Chairwoman arrived at 6:14 PM
Marc DeCoff, Selectman arrived at 6:16 PM

Approval of the Agenda

Phil Wittmann made a motion to approve the agenda as presented Virgil MacDonald requested adding under Old Business #2 to Allow Liz Dionne to sign for Milfoil Grants. The Board was in agreement with all in favor.

PUBLIC HEARING

MetroCast Amended and Restated Franchise Agreement

E. Russell Bailey noted that the Public Hearing was publicized for amending the MetroCast Franchise Agreement; it has been under discussion for quite a while. Attorney Kate Miller reviewed and worked with both MetroCast and TDS; they have come up with recommended items then modified, in order to meet statutory requirements. With more than one franchise agreement in a community the agreements need to be very similar; not favoring one company or the other. Based on that and the FCC regulations which rule, the following changes are being recommended in the MetroCast Agreement:

1. Provide Inet services to the town (based on the town paying for the service);
2. Internet and bandwidth services for municipalities. The discount rate is not allowed under federal law.
3. Standard installation distances for billing will be reduced from 300' to 150' to match TDS's obligation. A sidebar letter was provided by MetroCast stating they will still look at the 300' without charging.
4. PEG channels will be eliminated with no impact on MetroCast which has been the Board's position for the last few years. The PEG grant would not be applicable.
5. There will be some pre-drops however federal law needs to be followed with 95% of the franchise that we work with are regulated by FCC rules and regulated by state law at 5%.
6. The technology upgrade review would be amended due to federal law; we cannot make them change their technology.
7. Standards to where their office is located would be modified to meet FCC regulations.

8. The performance bond required for all franchise companies was not changed
9. Annual reports would be available but we would have to ask for them, they are not automatically sent.

The changes are very similar to the TDS Franchise Agreement for the amendment to the MetroCast Franchise Agreement.

The Public Hearing was opened for Public Input. Seeing none, Public Input was closed.

At this time Chairwoman Cydney Johnson arrived at the meeting.

Virgil MacDonald made a motion to accept the changes to the MetroCast Franchise Agreement to bring it up to standards with the TDS Agreement and Phil Wittmann seconded with all in favor of the motion. (4-0) Note: Marc DeCoff was not present to vote on this item.

The Agreement will be signed at the end of the meeting.

At this time Selectman Marc DeCoff arrived at the meeting.

Vice Chairman Lou LaCourse turned the meeting over to Chairwoman Cydney Johnson.

Appointments: NH DOT ~ Crosswalk Issues

E. Russell Bailey recommended holding off on this item until 6:30 PM due to DOT being notified to arrive at that time. The Board was in agreement.

Announcements:

- Town elections are scheduled for Tuesday, March 8th at Prospect Mountain High School Auditorium from 7:00 AM to 7:00 PM. The Town Clerk/Tax Collector's Office will be closed for the day.
- Weight Limits are in effect subject to change on a daily basis; contact the Highway Department for details.

Selectmen's Committee Report

Phil Wittmann stated that there was a Parks and Recreation meeting however he hadn't received the minutes so he would rather hold off on reporting.

Lou LaCourse mentioned that the Zoning Board had met with four (4) items on the agenda; three (3) were accepted and one (1) was rejected.

Town Administrator's Report and Updates by Liz Dionne

Liz Dionne spoke with the High School Superintendent, Bob Cullison, he is looking into other possibilities for future elections at the school. The gymnasium and music room were discussed. Also the Moderator mentioned the Pearson Road Senior Center; she and the Town Clerk will be looking into the location later in the week, Liz will keep the Board informed.

The Moderator is requesting Selectman assistance at the election. At least one (1) would be good but two (2) would be better noting that Virgil MacDonald cannot assist due to running for office.

Liz discussed with the Moderator adjusting the check-in line at the polls. Currently there are three (3) lines he has thought about four (4) but there are space issues and is unsure if that would be a possibility.

The Old Home Week Committee is looking into sponsoring a carnival; one of the locations is in the Bay parking lot with possible dates of July 22nd thru July 25th. The Committee will be checking with the town's insurance company, Primex and notifying Shibley's Restaurant. Virgil MacDonald voiced that all businesses in the area should be notified. Liz Dionne noted that she would pass along the Board's concerns to the committee. Cydney Johnson would like to have input from both the Fire Department and the Police Department and also voiced that the Bay area may not be the best option as the dates are very busy times in the area with parking issues being a concern. The idea of notifying Shibley's appeared to be more of a courtesy. Again, Liz Dionne mentioned she would pass along the Board's concerns and get input from the Fire and Police Department's.

Liz Dionne provided a hand out to the Board in regards to the Highway Department Sweeper. E. Russell Bailey recommended holding this item as minimum amounts will be set and should not be discussed in a public meeting.

The truck bed quote for the Parks and Recreation Department was discussed at the last meeting; quotes were provided to the Board along with a memo from Kellie Troendle, Parks and Recreation Director; quotes were obtained, keeping the quote for a new steel bed, obtaining a quote for a new aluminum bed and the Highway Department has a second hand aluminum bed that could be used but would need to be retrofitted noting that it has been stripped. Virgil MacDonald inquired as to why there was only one quote and wouldn't it need to go out to bid; being under 5K it is not necessary to go out to bid. Cydney Johnson asked if this was an installed quote and if not would the town mechanic be doing the install. E. Russell Bailey believed that the quote was without installation.

Marc DeCoff made a motion to approve the steel bed with the aluminum deck for \$2,290.00 with \$200.00 for shipping.

Lou LaCourse would like to see some other quotes. E. Russell Bailey brought forth that the vehicle needs to be fixed by the end of the month due to the fact it will not pass inspection. The town mechanic feels that the life of the truck would be approximately three (3) years. This was addressed during budget season; to start building up money into the reserves to replace the vehicle.

Cydney Johnson amended the motion on the table to approve the steel bed with the aluminum deck for \$2,290.00 with \$200.00 for shipping with two (2) additional quotes to be obtained to see if we get a better price and Lou LaCourse seconded with all in favor of the motion.

The Parks and Recreation vehicle that the custodian uses is in poor condition and will not pass inspection at the end of March. An estimate was brought to the Board on February 22, 2016 regarding a proposed purchase of a vehicle. The current vehicle they have would cost approximately 7K to bring that vehicle up to a condition to pass inspection. Kellie Troendle is looking for guidance from the Board on how to proceed; Liz recommended that she continue to look around for another vehicle to purchase. 5K was previously approved by the Board to find a used vehicle to replace the current one being used, she will need to keep looking and come back to the Board with another proposal. E. Russell Bailey recommended that the Board

allow the Chair or another member to sign off on the vehicle if another one comes our way that meets the needs, in order to move this along.

Marc DeCoff made a motion to allow Virgil MacDonald to sign off on a vehicle. It was mentioned that Virgil may not be on the Board due to the upcoming election.

Cydney Johnson made a motion to allow Lou LaCourse to sign off on a vehicle and Marc DeCoff seconded with all in favor of the motion.

The Town Hall HVAC system previously went out to bid; no decision was made last year. Liz Dionne and E. Russell Bailey suggested to the Board the possibility of re-bidding this item due to the possibility that the current bidders may not honor their pricing. If the Article passes then we would like to put this back out to bid within the next week.

Virgil MacDonald made a motion to allow the HVAC system to go out for a re-bid and Marc DeCoff seconded with all in favor of the motion.

Public Input I

None

At this time the DOT Crosswalk issues were brought forward.

Bill Lambert, Traffic Engineer from NH DOT was present to discuss and review the crosswalk issues and paving work to be done in Alton. Bill has the Commissioners authority to approve crosswalks, all paving marking signs and traffic signals in the state and is also responsible for speed limit controls. In 1991 the American's with Disability Act (ADA) passed; when it initially passed the focus, from a public right of way's perspective was to provide wheelchair accessible right of ways essentially making sidewalks accessible to wheelchairs. Prior to that there were a lot of sidewalks that ended with a vertical curb especially at intersections. Since, public agencies have spent a considerable amount of money around the country including New Hampshire bringing themselves into compliance by dropping them to be flush for wheelchairs, when it came to crossing locations. The downside of this was for the visually impaired who depended on the end of the curb to alert them that they were entering the street. Subsequently there is now the detectable warnings to alert the visually impaired that they are about to enter the road. For the most part Highway Departments only needed to bring the public right of way into ADA compliance when they were doing reconstruction work; maintenance work was considered exempt and is still considered exempt which changes the definition of what is considered maintenance. NH DOT has considered resurfacing roads to be maintenance work; we were not reconstructing the road therefore we were not bringing the sidewalks into the current standards of compliance. Two (2) years ago this changed when the US Department of Justice determined that resurfacing a road other than a minor skim coat was considered reconstruction. At that time agencies are required to bring the pedestrian facilities into ADA compliance. For any resurfacing project that is being done NH DOT has to reevaluate all crossings. All midblock crosswalks are being looked at; in Alton Route 11 will be resurfaced not too far from Town Hall right through the Bay area. They are being reviewed with the primary area being the Alton Bay area from the intersection of Route 28A through Alton Bay to the MS Mount Washington docks.

The sidewalk at the Parker Marine location is a public sidewalk to an established public sidewalk; it will stay; the ends need to be ADA accessible turning the existing asphalt ramps into concrete ramps with truncated domes and detectable warnings.

The sidewalk at Irwin Marine from the store to the parking area on the other side is proposed to be eliminated as it does not lead to a pedestrian facility.

The sidewalk at Bizzy Corner from the store parallel to the approach on Route 11 perpendicular to the other approach; site distance is a concern. Making this ADA accessible is an issue due to the grade on the opposite side from the store. This is proposed to be eliminated. The store side of this crosswalk currently does not have a public sidewalk.

The sidewalk at Shibley's Ice Cream store is proposed to be removed. ADA accessibility on the store side would significantly change the operation of their facility. Virgil MacDonald questioned the amount of people who cross during the 4th of July events. He also challenged that the paving was going to be four (4') feet from the sidewalks. Mr. Lambert responded that the right of way needs to be accessible and both the US Department of Justice and the Federal Highway Division states that NH DOT can no longer ignore this issue.

The sidewalk at the public bathhouse, there is a ramp on the far side and being public this is proposed to be kept with building a small sidewalk with a ramp for accessibility. Plowing concerns and the visually impaired were discussed.

The next two (2) sidewalks are located and lead from the public parking area however they do not lead to anywhere. Those locations, people come down from the Christian Conference Center to Route 11 then cross the road to the lake area but there is no defined pass to either of those locations. There is no sidewalk from one side to the other; these are being proposed to be eliminated. Mr. Lambert stated that there are crosswalks that seem to be perfectly reasonable for pedestrians but are difficult to make them accessible, we are therefore taking out crosswalks that have been there for many years because they cannot be made accessible. He voiced that leaving one (1) of the two (2) locations could be a possibility which would need to meet ADA compliance.

The next sidewalk that will be kept is at the end of the lakeside sidewalk that crosses to the opposite side north or west to the MS Mount Washington Boat dock. The other two (2) in that area are by Pops Clam Shell which leads directly into their parking lot with no accessible landing on that side and the other near Manchester Ave. that goes to the tourist information area. The standards seem to change over time and the town has put a lot of time into foot paths along the water opposite Pops including the path that comes directly to the crosswalk in that location; the challenge is that the opposite side does not having a sidewalk for accessibility therefore we cannot put a crosswalk in that location.

Virgil MacDonald voiced that crosswalks stop traffic and that the state should be ready to take some of the liability if someone gets hit crossing the roadway if they take away the crosswalks. Mr. Lambert responded that crosswalks do not stop traffic, it sets the regulation but studies show that with marked crosswalks and signs you only get about 25% compliance for people to stop. Again, the crosswalks do not stop traffic, it only tells the motorist where they are required to stop. He understands the concerns and hopes that both the people driving and walking be responsible. On the opposite side of the lake not one of the crosswalks are ADA accessible and would need to have something built on that side. A two (2') foot pad makes it accessible for the visually impaired but there needs to be a fixed landing point panel with an approximate 25' length of sidewalk to make it accessible.

The crosswalk at the far end north or west of the docks will remain.

Cydney Johnson posed several questions/statements to Mr. Lambert in reference to the concerns of the eliminations of these crosswalks. She stated that at the beginning at Parker Marine just past the MS Mount Washington there are currently ten (10) crosswalks and seven (7) of them are proposed to be eliminated.

Mr. Lambert responded that one (1) of the two (2) opposite Shibley's at the Pier could probably stay; probably the one closest to the middle because there wouldn't be any crosswalk in a long stretch.

Cydney Johnson stated that the town does have on street parking at the Bay and inquired if the panels with the "rumbled strip" are they required to be raised or can they be recessed so that someone in a wheelchair or with a walking cane noticeably know the difference in the texture?

Mr. Lambert responded that the truncated domes are the ones that have been studied and have been determined to be standard for cane users which are raised approximately 1/8 to 1/4 of an inch. Referring to the Ice Cream Stand and these impeding their business, it really wouldn't. Parking and handicapped parking issues were discussed.

Cydney Johnson stated to Mr. Lambert that he is here talking with the Board tonight wondering how much of this is just to be nice and how much are you going to listen to the Board's input? Mr. Lambert is willing to listen to the input and voiced that one of the concerns is the scope of this resurfacing project doesn't really include a lot of the engineering, if it is something that is very basic like taking a sidewalk and bringing it up to standards, that is pretty easy to do but to come up with details to make the opposite side accessible is something that the state would have to have somebody else do. Cydney surmised that it sounds like the state did not budget for engineering in order to be sure that the town maintain the safety in the busiest areas of town so we are going to eliminate the crosswalks unless the town comes up with an engineering study. Mr. Lambert stated that they budgeted for paving work but when the Department of Justice puts us in the position within a budget cycle of adding things that were not in the original scope of the resurfacing project. It is true that we did not budget for it but we did not anticipate the change either.

Cydney Johnson commented that she would like to see the state come and walk that area with the Selectmen, the Fire Department, the Police Department and the Highway Department to talk about safety in that busiest, busiest area of town and we live on tourism in this town and there are people crossing constantly down there believing that eliminating any one of the crosswalks is putting the town in a very bad position.

Mr. Lambert stated that if there was a sidewalk from the Clam Shell to Shibley's it would make it much easier as we could make all the points from that sidewalk accessible. The other difficult thing is that those businesses are not open in the winter months. Crosswalks/sidewalks need to be accessible year round and need to be accessible year round which is already done.

Cydney Johnson again inquired if the state would be willing to meet with the town to walk the area, discuss our concerns and inquired if traffic counts were done, was this looked at other than by Google Map to see how many people were congregated on a specific day, referring to September 2013 (as referenced) it is now 2016 and September is not exactly a peak month.

Mr. Lambert stated that traffic counts have been done, he is more than familiar and drives the area, has engineers that reside in Alton and are aware of the traffic conditions. We are in a bind with the ADA it is not just in Alton it is in other locations as well.

Cydney Johnson would like to be able to find a happy medium asking if the work is done and no panel is in place who fines NH DOT?

Mr. Lambert responded that it is not a fine but federal funds can be withheld for not meeting ADA compliance. At any point in time if we are not meeting the ADA compliance we are subject to a liability risk. There were opinions voiced by several of the Selectmen regarding the crosswalk concerns and Marc DeCoff noted that the way to fix this would be to run a sidewalk down that side of the roadway then the state can attach the accessibility.

Mr. Lambert would be more than happy to walk the areas with the town to go over this in detail however he is not sure if the resurfacing project that is scheduled for this year can be delayed; it is not his decision to make. It might be possible to defer the accessibility issues as they are currently developing the ADA transition plan. There are a couple of locations that have irresolvable concerns and will put this in the plan for future resolution and bring that recommendation back. If this is an identifiable stretch of road to be resurfaced and Ken Roberts felt that if the road is in a condition to defer the maintenance for several years by resurfacing this year opposed to waiting a few years then have to reconstruct it that would be what they would rather do. Mr. Lambert thought that the resurfacing work would move forward and he will ask his policy makers if they can defer the ADA transition items until a future time until this can be looked at further.

At the pleasure of the Board, Cydney Johnson invited Police Chief Ryan Heath and Highway Agent Ken Roberts to the table for their input.

Ken Roberts addressed a couple of issues of concern stating that every sidewalk in the Bay is licensed and he understands the consolidated factor. He agrees with walking the area and believes that the future plans for the area that have been discussed need to be brought forth, possibly slowing down on the process. If the Warrant Article for sidewalks passes tomorrow Ken Roberts plans to move forward; this needs to be a key point and he will put the ADA crossings for the current sidewalk side. He questioned how a visually impaired person would be able to identify where a four (4') foot panel was located if it were in the middle of nowhere. The elimination of the crosswalk at Bizzy Corner was mentioned and concerns were voiced in regards to hurting the businesses and everything is business to the Town. That particular crossing has been there forever. He could see consolidating the one in front of Shibley's and the Bathhouse possibly doing something in front of the men's room as that location is currently a no parking area. Moving to the next two (2) crosswalks coming down over the hill at Winni Ave.; possibly doing something on that corner, at least you would have something in that area. Ken could see eliminating the next two (2) crosswalks but not the one at Pops, near the dining hall there is no parking there, it might be possible to put a crossing there. Ken stressed the real need to have a crosswalk at Bizzy Corner; shooting it diagonal from the store to JP China.

Mr. Lambert compared the area to an area in Tilton which is a painted shoulder building a concrete pad at the back of the shoulder. Ryan Heath inquired about the crossings at the traffic circle.

Ryan Heath brought drawings that were in line with what Ken Roberts spoke about and he also provided statistics. He voiced his concerns of the diagonal crosswalk at Bizzy Corner, merging

the Shibley's and the Public Restroom into one moving it closer to the restrooms and out of the waiting line for the ice cream store, merging the two center crosswalks to just across the main entrance to Winni Ave., merging the crosswalk at Pops and the Community Center making it closer to the Community Center. The statistics were as follows: near the Irwin Marine area from June 24th to July 8th there were 62,682 vehicles, in the Parker Marine area from July 8th to July 16th there were 32,784 vehicles. The average speed was between 24-28 mph coming in from Parkers and the average pace coming into the Bay was 30-31 mph. There is not a speeding problem, there are issues of on street parking, events taking place, with the main parking along the stretch of the dirt area to the restroom. The problem is not in the Conference Center area. The heavy load area is just the people utilizing the Bay area crossing from one side of the road to the other. During main events every officer in town is on duty and posted at the crosswalks to facilitate the movement of people; there needs to be designated crossings which also helps to control the flow of traffic.

Both Ken Roberts and Ryan Heath agreed that the Bizzy Corner crossing is the biggest issue.

To summarize the discussion Mr. Lambert noted that there is a need to resolve the Bizzy Corner issue, combining the Shibley and Bathhouse crossings closer to the Bathhouse, combining the crossing in the town's parking area opposite or at Winni Ave., combining the crossings at Pop's and the Community Center to the westerly edge of Pop's by the dining area and keeping the one at the far end, lakeside remaining as is; six (6) of the ten (10) crosswalks would stay, the Irwin crossing would be eliminated. Every business was notified that this meeting was taking place. Mr. Lambert will meet with his asphalt project manager to discuss the Bizzy Corner crossing which may need to be deferred until a later date and would be happy to meet with Ken Roberts and Ryan Heath to take a look at the area. Research will need to be done as to the ownership of the corner at Bizzy Corner Store.

An email was requested to be sent to Town Administrator Liz Dionne with the date for the walk of the area to assess the crosswalk issues.

Approval of Selectmen's Minutes

February 22, 2016

Cydney Johnson made a motion to approve the minutes of Public Session I, February 22, 2016 as written and Lou LaCourse seconded. The vote was 4 approved, 0 opposed, 1 abstention; Marc DeCoff.

Cydney Johnson made a motion to approve the minutes of Non Public Session I, February 22, 2016 opening #1 & 2 and Lou LaCourse seconded. The vote was 4 approved, 0 opposed, 1 abstention; Marc DeCoff.

Cydney Johnson made a motion to approve the minutes of Public Session II, February 22, 2016 as written and Lou LaCourse seconded. The vote was 4 approved, 0 opposed, 1 abstention; Marc DeCoff.

Old Business:

1975 Fire Truck Bid Results

The Fire Truck Engine 5 was previously approved to be put out for sale/bid. There were two (2) bids.

Marc DeCoff made a motion to award the bid to the highest bidder but see if more money can be obtained for scrapping the vehicle and Cydney Johnson seconded with all in favor of the motion.

Liz Dionne Milfoil Authorization

Not discussed at this time.

New Business:

Land Use Items as recommended by the Tax Assessor

Marc DeCoff made a motion to approve the 2016 Elderly Exemption Denial for Map 16 Lot 26-1 for \$00.00 & and Virgil MacDonald seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the 2016 Veteran's Tax Credits for Map 12 Lot 94-6 for \$500.00; Map 4 Lot 2-5 for \$500.00; Map 4 Lot 2-5 for \$500.00 and Map 11 Lot 25-12 for \$500.00 and Virgil MacDonald seconded with all in favor of the motion.

Note: There was a question as to the same Map and Lot exemption; it was noted that it is for each person, not per household.

Marc DeCoff made a motion to approve the 2016 100% Veterans Disability for Map 11 Lot 25-12 for \$1,400.00 and Virgil MacDonald seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the 2016 Solar Exemption for Map 50 Lot 32 for \$14,750.00 and Cydney Johnson seconded with all in favor of the motion.

Pole Petition; Old Wolfboro Road

Virgil MacDonald questioned why this was just being brought before the Board as the pole is already installed.

Marc DeCoff made a motion to approve the Pole Petition for License number 3623 on Old Wolfboro Road and Lou LaCourse seconded with all in favor of the motion.

Police Grant; Speed Enforcement and Safe Commute

Ryan Heath approached the Board to discuss the Police Grant which is utilized annually from highway safety for speed enforcement combined with safe commute. The safe commute is a statewide initiative where they pick designated days listed in the grant to enforce speeding throughout the state to enforce commuting traffic during the morning and afternoon commuting traffic. The speed enforcement is at prime times, weekend hours, late evening hours on Thursdays and Fridays and are assigned to the officers as seen fit. The benefit to the town is we get extra coverage at busy times with no additional cost to the town. This needs to be over and above the normal scheduled enforcement times. The grants are designed to combat speeding in the peak hours and in conjunction with DWI and the safe commute is geared for distracted driving. It was noted that the in kind match is \$1,979.51 and the recommended enforcement is three (3) stops per hour during the timeframe they are being conducted.

Virgil MacDonald made a motion to accept the Highway Safety Grant for Speed Enforcement and Safe Commute authorizing Elizabeth Dionne to sign the grant and if required authorize the Chairman to sign an authorization and Phil Wittmann seconded with all in favor of the motion.

At this time the Board returned to Old Business #2 to address the authorization for Liz Dionne for Milfoil Grant.

Virgil MacDonald requested that an authorization for Liz Dionne be granted in the event that any further Milfoil Grants come forward and to authorize the Chairman to sign if necessary; previously E. Russell Bailey was authorized. This is to be sure there will be no delays moving forward.

Virgil MacDonald made a motion to authorize Liz Dionne to sign Milfoil grants and the Chair to sign authorization if required and Marc DeCoff seconded with all in favor of the motion.

Public Input II

None

Non-Public Session:

Cydney Johnson made a motion to enter into non-public session pursuant to RSA91-A:3, II (a) personnel (c) character/reputation and (e) claims/litigation and (d) acquisition, sale or lease of personal property and Marc DeCoff seconded. The Board was polled in the affirmative with all in favor of the motion.

The meeting adjourned at 7:38 PM.

Respectfully submitted,

Mary K. Jarvis

Mary K. Jarvis
Recording Secretary.