

ALTON BOARD OF SELECTMEN
Minutes
May 21, 2018
6:00 PM
1 Monument Square
Alton, NH 03809
Approved: June 4, 2018

John Markland requested the audience to turn their cell phones to vibrate and informed them that they are being video and audio recorded.

John Markland convened the meeting at 6:00 PM and led the assembly in the Pledge of Allegiance to the Flag and a Moment of Silence. The following staff members were present:

Cydney Shapleigh, Chairwoman, Excused Absence
Virgil MacDonald, Selectman
Philip V. Wittmann, Selectman
John Markland, Vice Chairman
Reuben Wentworth, Selectman
Elizabeth Dionne, Town Administrator

John Markland informed the audience that the agenda is available and encouraged the audience to read the public participation policy.

Approval of the Agenda

Reuben Wentworth made a motion to approve the agenda as written and Virgil MacDonald seconded with all in favor of the motion.

Announcements:

- Town Offices will be closed on Monday, May 28th 2018 in remembrance of Memorial Day
- The Annual American Legion Memorial Day Parade will be held on Monday, May 28th at 10:00 AM
- A Cyanobacteria meeting will be held on Thursday, May 24th at 6:00 PM to discuss the high phosphorus concerns in the Coffin Brook area

Public Hearing

West Alton Community Center

Reuben Wentworth made a motion to open the Public Hearing for the West Alton Community Center and Phil Wittmann seconded with all in favor of the motion.

John Dever, Code Enforcement Officer was called to the table to address the concerns regarding the West Alton Community Center. An inspection report and photos were provided to the Board. John gave an overview and history of the building and its condition. It was John's opinion that the building is structurally sound but needs several repairs. The most critical issue is the roof damage with deteriorated tarps that have disintegrated. In 2016, the property reverted to the Town. Several issues of concern were discussed; damage to walls and floors (some rot), bathrooms, kitchen area, non-functioning furnace and no oil tank, foundation and chimney settling, no water and septic (shared with the Fire Station), easement, parking, unique stage backdrop curtain (missing).

Reuben Wentworth inquired from John Dever an estimated cost regarding putting the building back into public usability, bringing it into ADA compliance standards. Reuben approximated it at 10K, John had no idea as to the cost. Flooring would need to be addressed, the wiring is fairly modern, parking issues with only foot access from

the Fire Station, driveway would be a challenge. Reuben further questioned if the water had ever been tested at the Fire Station; John was unaware and did not believe it had.

The floor was opened to the public.

Brian Fortier approached the Board stating that his family owns the property that surrounds the Community Center and the Fire Station. Mr. Fortier clarified to the Selectmen that there was an easement that was granted by his grandfather to the town to supply water to the Community Center and once the West Alton Firemen took the building over in 1997 his mother gave an easement for the septic and a walking path at the Fire Station when the septic failed. That easement is now null and void when the organization went under. The town took us to court and put them under. There is no septic, the pipes need to be taken out so the town would need to decide what they will do for septic for the West Alton Fire Station. There is no easement for a walking path between the properties. Driving by the Fire Station there are beams in the parking lot which is approximately where Mr. Fortier's property line begins. His recommendation would be for the Town to get the two (2) lots surveyed to know exactly what the town is dealing with. He offered copies of all the deeds if desired.

David St. Cyr approached the Board as both a resident and as a Trustee of Trust Funds. When the family gave the property to the West Alton Fire Association and the ownership was given up, Attorney Sessler went to the Registry of Deeds and had the deed transferred to the Trustee of Trust Funds as well as the West Alton Fire Station. Mr. St. Cyr holds an account with approximately \$8,300 that came from the West Alton Fire Association that can't be spent until Attorney Sessler gets legal documentation/guidelines from the Attorney General because it is set up in a trust fund; he has been working diligently. He would gladly turn the ownership over to the town. Speaking as a resident/taxpayer he has never seen the Community Center used. There is lack of parking, it is dangerous to park in the area. There are issues with the access between the buildings. He feels that this is a tax burden to the town and feels that the town should sell it and he feels that no organization would want to travel to West Alton to use the facility. A vote of 20K was voted in by Warrant Article for improvements and repairs. He recommended that this building would make a great burn exercise for the Fire Department then efforts should be made concentrating on the West Alton Fire Department.

Virgil MacDonald made a motion to close the Public Hearing at 6:18 PM and Reuben Wentworth seconded with all in favor of the motion.

Board of Health

Reuben Wentworth made a motion to recess as the Board of Selectmen and to convene as the Board of Health and Phil Wittmann seconded with all in favor of the motion.

Septic Waiver Request; Map 79 Lot 28, 536 Rattlesnake Island; Gaudette

John Dever approached the Board noting that this is for a replacement septic system on Rattlesnake Island replacing an existing privy. The tank would be 55.5' from the shore, required 75'. DES routinely waives that distance. The leach field is approximately 209' from the shore; it is a steep and rocky lot. A sealed plastic tank will be used and will be an improvement from what is currently in place. The cottage will stay the same and this is the best location for the field. A proposed well location is required to be shown on the plan.

Reuben Wentworth made a motion to approve the septic waiver request of actual 55.5', required 75' for Map 79 Lot 28 on Rattlesnake Island and John Markland seconded with all in favor of the motion.

Septic Waiver Request; Map 43 Lot 33, 329 Trask Side Road; Keen

John Dever stated that this property is located on Trask Side Road on the lakeside. The existing system is being replaced with an improved system, which has no plan on record. This lot is very steep from the road. The EDA will be beside the garage placing it approximately 130' from the lake. This will be a concrete tank, sealed, grouted and will be better than the existing system.

Virgil MacDonald made a motion to approve the septic waiver request actual 55', required 75' for Map 43 Lot 33, Trask Side Road and Reuben Wentworth seconded with all in favor of the motion.

Reuben Wentworth made a motion to adjourn as the Board of Health and re-Convene as the Board of Selectmen and Phil Wittmann seconded with all in favor of the motion.

Appointments:

Conservation Commission Annual Status Update

Russ Wilder, member and Earl Bagley, Chairman from the Conservation Commission were present to give an update to the Board. The following was reported:

1. Permit Application Reviews

The Commissioners have reviewed so far in 2018

- 18 - Standard Dredge & Fills
- 3 – Notification of Routine Roadway & Railway Maintenance Activities
- 5 – Permit by Notifications
- 18 – Dept. Head Reviews
- 1 – Minimum Impact
- 10 – Shoreland Permits
- 2- Shoreland/PBN

Totaling 57 Permits

West Alton Marina Wetlands Application was reviewed by the Commission and the Commission sent comments to NHDES. NHDES has requested more information from the applicant and the applicant has requested a meeting with the Commission.

2. Merry Meeting Water Quality (Gene Young)

The Selectmen just scheduled a meeting for the 24th of May so that Fred Quimby can update Alton on the latest.

3. Gilman Pond Conservation Area – Scouts/Trails, Coverts project (Quinn Golden)

Last summer in an effort to expand community involvement the Conservation Commission engaged with the Alton Scout Troop (53) to assist with marking the existing trails at Gilman Pond Conservation Area. The two existing trails were marked with trail marking diamonds, Blue (Dave Lawrence Trail) and Orange (Seavey Trail) markers. A third unofficial trail was identified that connected the two trails and passed over a scenic overlook. It was decided to make it an official trail and formerly marked with White Blazes, it has been named the "Overlook Trail". The Scouts performed an exemplary job marking the trails.

Also last fall, Eagle scout Candidate, Troy Meyer requested to complete his Scouting Eagle requirements with a project at the parking area at the Gilman Pond Conservation Area. To complete the project the parking area was restored to it's original size, topped with gravel, and crowned to support proper drainage. Brush was cut back on each side. An informational Kiosk was built at the site. Also the foot path leading to the trail head was graveled and crowned from the parking lot to the beginning of the trails.

On June 3 2018 at around 12:00 the Alton Scout Troop 53 is trying to put together an official Ribbon Cutting for the project. The Baysider has been invited to cover the event. It is still in the planning stages at this time and is a continuation of the Fall 2017 Eagle Project.

On June 10 Eagle Scout Court of Honor ceremony will be held at Griswold Scout Reservation in Gilmanton Iron Works for Eagle Scout Troy Meyer, which officially completes the project. The Commission has been invited and some members will attend and speak at the event.

In October of 2017 a significant storm with high winds hit the Alton area. Significant tree damage occurred at the site near the Drew's Hill Rd end along the Dave Lawrence Trail. Members of the Commission evaluated the blow down and are still making final

decisions as to what do to with the area. Some fallen trees were cut and moved from the trail, a small section of the Dave Lawrence Trail will be re-routed around the area, although the area is currently safe and accessible for foot traffic.

In the immediate area of the blow down exist several patches of Small Whorled Pogonia. Since this is an endangered Wild Flower, and is native to the site, the Commission called in Bill Brumbeck, Conservation Director of the New England Wildflower Society to visit the site to view the storm damage and assess any potential risk to the wildflowers. Bill advised that in his opinion the blow down was a natural occurrence, and the additional opening in the forest would have no detrimental effect on the site. Since there was little snow on the ground upon his arrival, we had the opportunity to find and mark additional sites where the wildflower grows as well.

This year there are additional projects planned for the Gilman Pond Conservation area:

1. Some trails and intersections still lack signage, it is planned to put up trail marking signs.
2. Eagle Scout Candidate Josh Keslar has requested to complete an Eagle Project on the Drew Hill Road side of the Gilman Pond Conservation Area. The project will include parking lot restoration and signage, brush cutting and an information kiosk to match the existing kiosk on the Gilman's Corner Road side is planned. Final Commission approval is pending, it is expected that the Scouts will present their plan to the Conservation Commission on Thursday the 24th at the regular meeting.
3. This summer the troop plans to produce maps of the Conservation area and mount them on the Kiosks. The maps will include trail information, pond information, fishing information and information concerning the endangered Small Whorled Pogonia that exists on the site just off the Dave Lawrence Trail.
4. A picnic table will be set up at the trail head near the 2017 Eagle Project. The table will be constructed by the Alton Scout Troop 53 and will be designed and installed to be ADA compliant.
5. On the Gilman Pond Conservation Area there is a large Beaver Pond. The pond borders the blow down that occurred in October of 2017 and the Dave Lawrence Trail. Because there is tree damage, and this area is a transition zone between forest and wetlands the Commission will be soliciting the advice of a Forester to make recommendations with the intent of maintaining the diversity of plant and animal life in the area. A subcommittee has been formed from members of the Conservation Commission and they will select and meet with the selected forester and present a plan to the Commission. Input from UNH Cooperative Extension will be solicited as well.

4. Belknaps

Alton Mountain Road Parking – Establishing the municipal trail parking area and trailhead. No Parking and Pet signs; brush clearing; kiosk

New England Forestry Foundation Project

SPNHF Project – Straightback/Mt. Major (Bay Side)

5. Working with Mount Major Snowmobile Club on Trails

Lake Shore Rail Trail – Trail is the responsibility of the Conservation Commission. In the winter it is maintained for snowmobiling by the MMSC. MMSC has offered to do some grading to eliminate some poor drainage. The Conservation Commission is funding the purchase of gravel. Last year the Conservation Commission assisted with similar work on Trail 22 (the Class VI portion of Alton Mountain Road near the Gilmanton town line).

6. Conservation Land Monitoring

Commission Members monitor all conservation lands each year and prepare written reports

Conservation Commission Members – 2018

Earl Bagley - Chairman	Bob Doyle - Member
Gene Young - Vice Chairman	Lou LaCourse - Member
Dave Hershey - Treasurer	Virgil MacDonald - Selectmen's Representative
Russ Wilder - Member	Cindy Calligandes - Secretary
Quinn Golden - Member	

Earl and Russ noted that Alton consists of 4262 acres with the Conservation Commission having 60 parcels of which 20 areas are overseen. Alton is 64 square miles, consisting of 19 square miles of lake and a lot of mountains and lakes to protect.

Virgil MacDonald mentioned discussing a “phone app” for the trail systems and asked how that was coming along. They responded they don’t have it however all the maps are currently on the website. They would need some help with that and inquired if the town’s IT Tech would have the capability to do so. Liz Dionne will check with him to see if he has that capability. Russ believed it was called Storymap. The Forest Society has a QR scan at Mt. Major which works nicely.

Reuben Wentworth asked if there were any paper maps that are out for the public to pick up. Again, Russ responded that they are on the website and are downloadable. Reuben has had a number of people on weekends that have heard about the areas but are not able to find them. Russ stated that the maps could easily be printed. Reuben suggested that it might be beneficial for them to print some and distribute to the businesses around town especially on the weekends. There are some areas that belong to the Lakes Region Conservation Trust.

John Markland inquired if the Conservation Commission was currently a full Board. There is one (1) vacancy. There are a couple of new members, who have been very active and helpful. John Markland individually extended appreciation, acknowledged and thanked each member of the Commission.

Dalton Flannery; Hawker & Vendor Ordinance Discussion

Dalton Flannery approached the Board to discuss having the Hawker and Vendor Ordinance reviewed and potentially changed. Growing up in town he feels that the small businesses are being killed in the Bay area. He previously picked up the application to set up a hot dog cart in town. He spoke with Reuben Wentworth feeling that there were things that were not straight forward; he had his attorney look at it, his opinion was there were some things that were odd and violated the Free Enterprise Act of New Hampshire. Mr. Dalton is requesting having this reviewed and possibly changed stating that competition is always good!

Reuben Wentworth feels that it is a good idea to go back and review ordinances and referenced the cost of a spot at a \$500 fee for a 30-day period, which is high. The parking spaces have been done away with so this is not an option, understanding the concerns of the businesses in the Bay area and he feels that the Selectmen should review. Mr. Flannery referred to Wolfeboro’s Hot Dog Bob at the town docks who does extremely well and feels that the town should do something similar in order to provide that opportunity.

John Markland asked if this had been provided to our legal counsel for review. Liz Dionne responded, “no, this discussion needed to take place first before moving forward”. John noted this should be sent for a legal review with recommendations made then a workshop should be set up. It was the consensus of the Board to refer to Attorney Sessler.

New Business:

1. On Premise Cocktail Lounge Liquor License; The Dive , LLC, Merriam Jamison, member/manager, 23 Riverlake Street, Alton Bay

This is in reference to an on premise cocktail lounge at 23 Riverlake Street. The property is located near JP China and Curry Realtor. Liz Dionne noted that it is her understanding that this is not a business; it is a residential home that wants to open a cocktail lounge. Emails were provided from the Code Enforcement Officer and the Police Chief that advises that the at this time the applicant has not made application to Planning Board or Zoning Board and are recommending against the approval.

Reuben Wentworth made a motion to deny the request and John Markland seconded.

Discussion: Reuben Wentworth stated that once we deny this, send it back to the State Liquor Commission that we are not familiar with the property. At this point, we don't feel that they have followed town procedures.

The motion on the table held with all in favor of the motion.

2. Dead End Sign Request, Frohock Brook Road

A request was submitted by Paul Lewis for a Dead End sign on Frohock Brook Road. The Highway Department and Police Department do not have any issues with the request. Ken Roberts noted that GPS shows it as a through road.

Reuben Wentworth made a motion to approve a Dead End sign for Frohock Brook Road and Phil Wittmann seconded with all in favor of the motion.

Old Business:

1. Water Bandstand Committee - Request for two (2) additional members

The Water Bandstand Committee is requesting that two (2) additional members be appointed to their committee.

Paul LaRochelle, Vice Chairman approached the Board speaking on behalf of the Water Bandstand Committee. He thanked the Board for their appointments and expressed that the Committee as a whole feels it would be better to have five (5) members rather than three (3). Paul noted there were several applicants that have put a lot of time and effort in looking into the necessary repairs; one of our requests for appointment would be Jonathan Downing. The Committee feels that Mr. Downing would be an asset to the Committee and requested that another member from the list be chosen for appointment.

Reuben Wentworth has no problem with a five (5) member committee however he would suggest and recommend that the Water Bandstand Committee make the recommendation. The applicants were provided to the Committee.

Reuben Wentworth made a motion to appoint Jonathan Downing to the Water Bandstand Committee and Virgil MacDonald seconded for discussion to add: allowing the Water Bandstand Committee to choose the person. Liz Dionne voiced that the Board needs to appoint the position; they cannot self-appoint someone.

There was no second to the amendment therefore the motion on the table held with all in favor of the motion.

2. Harmony Park Retaining Wall Bid

Ken Roberts approached the Board on behalf of the Parks and Recreation Director in reference to the Harmony Park Retaining Wall bid. Bids were received, background checks were done, dollars were confirmed etc. A second page was provided which Ken stated will be addressed after the bid is awarded. The recommendation was GMI Paving for a total cost of \$144,012 for all three (3) phases. Materials have already been awarded to Michie Corp.; this would be for two (2) phases in 2018 and the third (3rd) phase in 2019. Reuben voiced concerns about page two (2) with Ken stating this would be a recommendation from him, for discussion. Currently the balance in the Capital Reserve Fund for the project is \$166,643.60. At this time Liz Dionne voiced that page two (2) should be discussed.

- \$190,108.50 Total cost of the project
- \$166,643.60 Capital Reserve Fund balance
- \$144,012.00 Total Bid for three (3) phases
- \$ 23,464.90 Shortage

GMI Paving would like to do the project all in one year which would account for the removal of the steel retaining plates resulting in a reduction of 12K which would result in a total cost savings to the taxpayers.

- \$ 12,000.00 Removal of Steel Retaining Plates

- \$ 11,464.90 Total Shortage after Removal of Steel Plates

Ken's recommendation would be to take the remaining \$11,464.90 from the Highway operating budget from payroll (due to 6 months without a grader operator); therefore, the money is available through the operating budget and complete the three (3) phases of the project in one (1) year for the total cost savings of 12K.

Liz Dionne stated that there are three (3) possible options to take the additional funds from to cover the shortage of \$11,464.90

1. Highway Department Wage Line
2. Legal Budget
3. Surplus

Reuben wanted to throw in a fourth option; the town's people voted on a certain amount for the project to go into the Capital Reserve Fund. Ken stated that the reason the appropriation was made the way it was is that there was no idea to know the costs of the labor for the project, it was only estimated. The steel plates are necessary for safety and accessibility for phase three (3) which if it is all done in one (1) year, they will not be necessary resulting in the cost savings of the 12K. The permit is good for five (5) years. No Highway personnel will be working on this project. For clarification, Ken noted that GMI Paving owns RD Edmunds Construction and it will be the construction side of GMI Paving that will working on the project. They are guarantying that the 12K will be taken off the cost if completed in the one (1) year. References were not favorable on the next lowest bidder, Liz Dionne concurred.

John Markland called the motion on the table.

Further discussion: Reuben Wentworth voiced if this was approved tonight he wanted this noted: he understands that Ken Roberts has been without a grader operator in his budget and he is not just speaking about his department. During budget negotiations last year, he was told that there was no movement in this budget, it is very tight. Now we are looking for 11K, knowing that there is 30K that has to go back into the budget for the Police Boat due to the ability to use the revolving fund and will be off limits. Reuben wondered if any monies can be used from other revolving funds from any of the Parks and Recreation accounts. Liz will need to check with legal counsel. He would like to see all avenues exhausted through Parks and Recreation before using any other funds from any other departments or surplus. Ken offered to negotiate with GMI for potential further reduction to costs.

Reuben Wentworth made a motion to reserve Phase 1, 2 and 3 for GMI Construction in the amount of \$144,012 and Virgil MacDonald seconded with all in favor of the motion.

Reuben requested to add to the previous motion. The motion was amended.

Reuben Wentworth made a motion to award the bid to GMI Construction for \$144,012 and that all means be exhausted before we use any surplus or department funds and Virgil MacDonald seconded with the job to be done in 2018.

Liz Dionne requested for clarification that the motion to be reconsidered be done, then do the amendment.

Reuben Wentworth and Virgil MacDonald withdrew the previous motion and amended motion.

Reuben Wentworth made a motion to award the bid to GMI Paving for a total cost of \$144,012 for Phase 1, 2 & 3 and Virgil MacDonald seconded with all in favor of the motion.

Reuben Wentworth made a motion to award the bid to GMI Paving for a total cost of \$144,012 for Phase 1, 2 & 3 to be done in 2018 and the \$11,464.90 that is needed, be used from any Parks and Recreation Revolving Funds that can be used before any surplus money is used or any department funds are used and Virgil MacDonald seconded with all in favor of the motion.

Public Input I (limited to 3 minutes per person; subject matter - agenda items only)

Elizabeth Dominick approached the Board to speak on behalf of the West Alton Community Center. Ms. Dominick stated she knows that there is significant historical value to the building. Being a resident of West Alton she would like to see more of the operations of the government of Alton to hold meetings in the building in order to get people out of their comfort zone in the downtown area. The building should be part of the community and would like to see more involvement. Listening to the idea of burning the building down; Ms. Dominick takes offense and urged the Board to give this consideration.

Selectmen's Committee Report

Virgil MacDonald reported on the Planning Board meeting; they are trying to figure out the pits and why the paperwork has not gone through. In addition, they are working on the American Legion issues.

Reuben Wentworth reported that the Water Department flushed all the hydrants in town. There was another one down on Pearson Road, which has been replaced. There are two (2) more hydrants down at Rollins Hill and another across from the Mount dock. We are currently obtaining prices about cutting in a valve before replacing. A lane of traffic will need to be shut down at the Rollins Hill site. The Water Department will be conducting interviews moving forward. Shut off notices were sent out to people who have seriously past due water bills so if calls are received in the Administration Department please refer to Water Department or take their name and number so that they may be contacted. Reuben noted we do not want to shut anyone's water off.

John Markland welcomed Selectman Phil Wittmann.

Phil Wittmann reported he met with the Old Home Week Committee. They went thru the booklet and scheduled an extra meeting to proof read and check for errors before sending to the printer. The Parks and Recreation Commission met with a Tinkergarten representative about using a town park for a program, an AYL representative attended which resulted in a lengthy discussion on the improvements to Jones Field, the Summer brochure was received and the Recreation Facility discussion was put on hold for future date.

John Markland made a motion to nominate Phil Wittmann as the representative to the Parks and Recreation Commission and Reuben Wentworth seconded with all in favor of the motion.

Phil Wittmann noted that it would be impossible for him, due to scheduling, to be assigned to the Milfoil Committee.

Town Administrator's Report and Updates by Liz Dionne

Rumble Strips

Liz Dionne relayed to the Governor's Office the question from the last meeting; they will look into it.

PMHS 2021 Car Wash

Joseph Boudreau on behalf of the Class of 2021 is asking for permission to hold a fundraiser car wash in front of the Town Hall on Sunday, June 3, 2018 from 9:00 AM to 3:00 PM. The funds will go towards their senior gift and trip.

Reuben Wentworth made a motion to approve the car wash for the freshman class of 2021 on June 3, 2018 and Virgil MacDonald seconded with all in favor of the motion.

Approval of Selectmen's Minutes:

May 7, 2018

Note: Only two (2) members that were present at the May 7th meeting were present tonight therefore they cannot be approved.

It was the consensus of the Board to table all minutes of May 7th until there is a quorum of those that were present at the meeting.

Approval of Consent Agenda

Reuben Wentworth made a motion to approve the Consent Agenda and Virgil MacDonald seconded with all in favor of the motion.

1. 2018 Charitable Exemption

New England Forestry	M & P 5-65, 6-2, 6-44	Suncook Valley and Henry Wilson Hwy	
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2. 2018 Current Use Application

Holmes Land Trust	Hollywood Beach Road	Map 2 Lot 23	
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3. 2018 Administrative Abatement

Kelly Edward	1439 Wolfeboro Hwy # 19	Map 19 Lot 8-2-19	\$128.00
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4. 2018 Timber Tax Abatement

HKHC Trust/Lakes Region Acreages LLC	597 Avery Hill Road Operation 17-011-09-T	Map 7 Lot 4	\$2,025.00
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5. 2018 Timber Tax Warrant \$5,705.28

Chester Kania	Operation 17-011-01-T	Map 9 Lot 32	\$110.58
D OShaunessy, F Konte-Gibbs	Operation 17-011-03-T	Map 12 Lot 57	\$712.12
MEW Revocable Trust	Operation 17-011-04-T	Map 9 Lot 60	\$563.02
Tibbetts and Fortier	Operation 17-011-11-T	Map 16 Lot 22	\$4,319.56

Approval - Fire Department; Annual Evaluation; Ryan Dominique, FF, \$14.08 per hour to FF, \$14.36 per hour, COLA.

Approval - Parks and Recreation; New Hire; Ashley Schlottmann, Assistant Camp Director, \$15.00 per hour.

Public Input II (limited to 5 minutes per person; subject matter - any Governmental/Town Business)

David Hussey spoke on behalf of the American Legion giving an overview of their existence for the last 50 years. They have been in their present location for 17 years assisting fellow veterans and engaging in fundraisers of which the money is dispersed throughout local charities and local school scholarships. Federal Congress established the Legion in 1919 and membership is limited to qualified members. The Building Inspector and Planner are now threatening court action based on a Zoning definition of a commercial facility. The reason presented is due to the Legion expanding with no baseline to support the expansion statement given. The Legion is not a commercial venture. The Legion's charter specifies it is a sole charitable organization, and it is classified by the town as a tax-exempt, non-profit organization, not a commercial property. The Legion must now bear the cost and burden of review. The Legion falls under a lodge or private club by definition of the Zoning Ordinances. Feeling that the Commercial Function Facility Ordinance does not apply to the Legion and asked that the Selectmen review this and

the Mason's lawsuit pursued years ago. We are not a Commercial Function Facility and we do not fall under that, we fall under Lodges and Private Clubs as dictated by the State.

John Markland made note that during Public Input the Board generally listens to the comments and takes it under advisement without action until time allows research on the matter.

Martin Chabot, Legion Commander Post #72 voiced that the Legion is a family, non-profit organization with a mission based on charitable support of the veterans and the community. We are not a commercial facility. Since inception, they have been conducting fundraisers since 1920. We provided band uniforms to PMHS, donated 10K towards them, and they are still in current use. Free Thanksgiving dinners are provided to anyone who walks into the Post and they work with Meals on Wheels for those residents who cannot attend; over 400 free meals were provided last year. Flags have been provided for our veterans for decades at no cost to the town with help from the Boy Scouts and Cub Scouts. The Cub Scout Charter is under the American Legion. We have been accused of increased activities, which is not the case our veterans are dying! Many celebrations of life are held with their fellow veterans. Feeling that they are not a commercial facility but a grandfathered non-profit organization and are a member in good standing with the State of New Hampshire since 1920. He voiced that they feel that this is politically driven and don't understand what the benefit is to have them spend money that they don't have as they can hardly pay their own bills.

Loring Carr noted he was on the Zoning Amendment Committee as a Selectman's Representative when the Zoning Ordinance was first formed. At that time it was discussed and put forth the commercial facility ordinance, which is being used for this grandfathered organization; it was not the intent or spirit of that ordinance to be applied to grandfathered organizations in town. It was came forward because an individual in a residential area was holding weddings and there were no guidelines to what they could and could not do. Neighbors were complaining and the Town realized there needed to be guidelines in this residential area. It was never discussed that it would apply to churches, Legion or any of those organizations, it was not the intent of this to be applied in this manner. Mr. Carr held up a 2012 Town Report, which lists the Legion under the Assessor's report; a chart lists the tax-exempt properties in Alton, which shows the American Legion. The Planner and Building Official are saying they are commercial. Mr. Carr quoted a classic American series. As Gilligan said to the skipper, Uh, oh, which drew applause from the audience.

Jim Adams, Chairman of the State Veterans Council stated that everything these gentleman are saying is "spot on". They are non-profit and this type of action would be precedent and would need to be looked into very hard suggesting that they should move all the way up to their headquarters in Washington. For almost 100 years, the Legion has been non-profit and are everywhere. Their fundraising efforts are for the betterment of their community and most importantly, it is to take care of their veterans that are in need. This is one of the most active and professional posts in the entire state, they do the right thing without having to be told to do it. This would be a very wrong path to take calling them a commercial entity when they are indeed a non-profit organization. Hopefully this is unintended consequences and when the "legal beagles" get into this the money that will be spent by both the town and the Legion would be counterproductive for all of the good that the Legion does. The State Veterans Council is behind them and will continue to do whatever they can to see that it stays as a non-profit 501-3C and meets all of the criteria.

Tim MacDonald spoke on behalf of the Legion stating that when the Legion took over the location entertainment continued. They say we are growing, we are not, and the only thing that is growing is our members are dying. The first outside event took place in 2003 other outside events took place in 2007, 2008, 2009 and 2010 nothing else has been done since 2012. We are downsizing more than we are upsizing. The location has been used in the same manner as always. Celebrations of life are more common than not. Pictures were provided in reference to rocks and a dumpster, which belong to their neighbor of their parking lot.

Marty Cornelissen offered a historical perspective stating that predates the Legion, the GAR from the 1870's fought and died for this town and the Legion has carried on their mission and traditions; nothing has changed.

Keith Babb, managing member and operator of Green Oaks aka the Coffin Brook Gravel Pit approached the Board. On behalf of the Legion, he offered his support. In regards to the Coffin Brook pit he is currently operating with a DES permit since 1987. We are currently in the Planning Board process to get approvals to the new rules however there seems to be a sticking point with the Intent to Excavate not being signed. The Intent to Excavate and the Intent to Cut are identical in purpose. They are only to serve for a tax certificate so that the State gets paid which may come back to the town anyway. By not signing this intent the Department of Revenue will shut the pit down. This pit has been in existence for 28 years and goes back to "grandfathering". If the intent is not signed there will be people that will lose their jobs along with the town's access to purchase stone etc. The adopted laws were supposed to be put to public vote before they were actually adopted and they never were done.

Reuben Wentworth requested to ask Mr. Babb a question. At last week's Planning Board meeting it was brought up about John talking with the Department of Revenue to see if they would hold off? Mr. Babb stated John had a conversation with Mary and she as much as stated that she would not hold off. Further, speaking Reuben stated that Mr. Babb requested an appointment with the Selectmen, the Board wanted to wait to see what transpired at the Planning Board meeting; after attending he feels that with the two (2) gravel pits and listening to the Planning Board he wonders if the Planning Board by enacting these rules last year realize what they were doing to these businesses. He does not believe that this is politically motivated. He understands and feels that the town should get involved. Mr. Babb stated that he made application to the Selectboard because the Board holds the final authority to sign the Intent to Excavate and hold the authority to override the Planning Board. He doesn't believe that the Planning Board has an issue, that all the issues are coming from the Town Planner, Nic Strong and a letter was sent by her stating that the intent would not be signed; he further indicated that nobody from the Planning Board was aware that this letter went out. John Markland asked Liz Dionne to have Legal Counsel look into this matter before making a decision. Reuben stated that there is a lot more information resulting from this and if they are closed then they will have a hard time getting the pits opened again. This is being looked at and we are trying to get this expedited. Mr. Babb stated that he has submitted 95% of what the Planning Board is requesting. There is a current alteration and terrain permit that was done last year approved and on file, the town has been given a current set of plans, a detailed plan for the stockpile septic that is hauled in; all has been provided. For the future year, the plan is to run it as a quarry consistent with getting this approved. A minor alteration is between 10/15K for engineering which is a piece of paper that shows what has been dug.

Loring Carr noticed that on the website it is taking six (6) weeks before the videos appear and wondered why it was taking so long. He urged the Board to look into this.

David Hussey wanted to reinforce what Mr. Babb had to say. The town had a public meeting regarding gravel pits; what was done wrong was they never did a ballot vote, which is right in the Zoning Laws that it has to be by ballot vote. This is in the Zoning Regulations. With feeling of harassment, it is time to stand up and say something. Mr. Hussey was told that he couldn't talk to anybody but the Code Enforcement Officer, no Planning Board, no Town Administrator, no Selectmen. His name was mentioned on a letter addressed to the Board and that he had made an agreement (letter addressed to the Board, addressed to Elizabeth) he has a copy of the letter that he made a deal with the town for the Legion. The Code Officer knowing and being a veteran knows that this cannot be done; I was called in by John as a liaison to the Legion wanting this to be settled. This has to go before an executive committee. Mr. Hussey and Bruce (in attendance) was at the meeting looked at the ordinance, did not agree with the ordinance, and did not recognize it because it does not pertain to the Legion. We are a private club, a private entity with voted officials declared by Congress in 1990.

Joe MacDonald stated that the Board of Selectmen run this town and are elected to do this job. He sat in a meeting the other night listened to your employees say in my opinion this is the way it should be. He wonders why our tax dollars are being wasted; nothing should be going to a lawyer, nothing should be sent out to people telling them they can't run their businesses or can't run the Legion without the town's approval. You should not have employees sending out letters, causing all this havoc. It is our dollars that are being wasted and it is really upsetting a lot of the town and it makes absolutely no sense at all. Your employees should not be telling people they can't do something. It should be coming from the Board.

John Markland thanked the audience for their service and above anything else he voiced appreciation for everything they have done to protect our Country and our safety. It does mean a lot to us!

Discretionary Action on Requests for Appointments (No discussion, majority vote required to allow/not allow appointment)

None

Non-Public Session I:

John Markland made a motion to enter into non-public session pursuant to RSA 91-A:3, II (c) and Virgil MacDonald seconded. The Board was polled in the affirmative by roll call with all in favor of the motion.

Roll call vote:

Phil Wittmann, yes
Reuben Wentworth, yes
Virgil MacDonald, yes
John Markland, yes

Adjournment

The meeting adjourned at 7:49 PM.

Respectfully submitted,

Mary K. Jarvis

Mary K. Jarvis
Recording Secretary

