

ALTON BOARD OF SELECTMEN

Minutes

Public Session I

January 14, 2015

6:03 PM

1 Monument Square

Alton, NH 03809

Approved: February 3, 2015

R. Loring Carr convened the meeting at 6:03 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:

R. Loring Carr, Chairman
Marc DeCoff, Vice Chairman
Cydney Johnson, Selectman
Lou LaCourse, Selectman
David Hussey, Selectman
E. Russell Bailey, Town Administrator

Approval of the Agenda

R. Loring Carr made a motion to amend the agenda add New Business #6 Public Participation Policy and move it to before Public Input and Cydney Johnson seconded with all in favor of the motion.

Appointments: None

Announcements: The Public Hearing for the Bond issue for Road Reconstruction will be held Tuesday, January 20, 2015, 6:00 PM at the Gilman Museum and the next Regular Board of Selectmen's meeting is Monday, January 26, 2015, 6:00 PM at Town Hall.

Selectmen's Committee Report

Lou LaCourse reported that the Budget Committee voted on accepting the school budget. The only discussion was on Article 5 which was for 313K for either a cistern or taping into the water main on Route 140.

R. Loring Carr reported that the Old Home Week Committee had cancelled their meeting.

Town Administrator's Report and Updates by E. Russell Bailey

The Board had previously reviewed a request from the Levey Park Trustees for crosswalks at Levey Park. We have received an email response from NH DOT regarding

the crosswalk. Due to this being on a state highway the state needs to approve the request. There are certain requirements that the town would have to do such as ADA ramps, truncated domes, overhead lighting and restricted parking adjacent to the crosswalk. There is a bit more that would need to be done than just painting a crosswalk.

It was the consensus of the Board to continue with the project by obtaining prices and giving more thought to this issue by talking with Ken Roberts and checking on the lighting. E. Russell Bailey will bring this back to the Board at a future meeting.

A quote for concrete only was provided to the Board for work to be done at the Gilman Museum for a ramp to make it handicap accessible. Other work needs to be done to improve the entranceway. The Museum is strictly funded by the trust fund for that building, there was \$2,100.00 in the budget for this year and Russ would like to encumber that amount in order to pursue getting proper access to the building. Other quotes will be obtained and our people will do the prep work and brace the entranceway posts.

Cydney Johnson made a motion to encumber the \$2,100.00 for handicap access for the Gilman Museum with further quotes to be forth coming and David Hussey seconded with all in favor of the motion.

An FYI; at the next Planning Board meeting coming before them will be a change to allow one of the properties to be rebuilt in the area of the fire at the Christian Conference Center.

Notification was received by mail in reference to training classes on Planning and Zoning law classes which will be offered at New Hampshire Technical Institute.

Public Participation Policy

A draft policy was provided to the Board for review and comments. This will be an addition/amendment to our policy 7.2 in reference to Public Input.

Cydney Johnson questioned if this was a boiler plate policy; where did it originate? This policy was taken from Alton Central School and probably came from the School Board Association.

Marc DeCoff did not agree with item #1 referring to extending by approval of the Board.

Lou LaCourse had a concern regarding the word privilege (second paragraph) asking if it was that or a right. Cydney Johnson clarified the statute in reference to public.

David Hussey made a motion to accept the policy addition 7.2 on Public Participation at Board Meetings and Marc DeCoff seconded with all in favor of the motion.

It was noted that this policy will appear on the back of each meeting agenda.
R. Loring Carr read the policy into the record:

TOWN OF ALTON

PUBLIC PARTICIPATION AT BOARD MEETINGS

The primary purpose of the Board of Selectmen's meetings is to conduct the business of the Town. The Board encourages residents to attend Board meetings so that they may become acquainted with the operation and programs of the Town. All official meetings of the Board shall be open to the press and the public. However, the Board reserves the right to meet and to adjourn or recess a meeting at any time. The Board also reserves the right to enter non-public session at any time, in accordance with the provisions of RSA 91-A:3.

Public participation in the Board's regular meetings is a privilege that the Board has adopted in order to assure that persons who wish to appear before the Board and bring matters to its attention may be heard. At the same time, in order to assure that it may conduct its meetings properly and efficiently, the Board adopts as policy the following procedures and rules pertaining to public participation at Board meetings:

- 1. At regularly scheduled Board meetings, the agenda will reflect two (2) times during the meeting that allows for public input. Speakers will be allotted five (5) minutes per person unless extended by approval of the Board.*
- 2. Complaints regarding individual employees, other individuals and/or any matter that may, in the opinion of the Board infringe on another persons rights of privacy will not be allowed, such matters must be directed to the Town Administrator during normal business hours at Town Hall.*
- 3. When addressing the Board, all speakers are to conduct themselves in a civil manner. Obscene, libelous, defamatory or violent statements will be considered out of order and will not be tolerated. The Board Chair may terminate the speaker's privilege to address the Board if the speaker does not follow these rules of order.*
- 4. If a speaker does not follow these rules after being warned to do so by the Board Chair they may be removed from the meeting. Persistent violations of these rules may result in loss of the privilege to address the Board.*

Purpose:

The purpose of this policy is to provide the Board with an opportunity to receive directly from citizens any concerns, desires, or hopes they may have for the community.

Procedure:

- A. *Persons wishing to be heard must state their name(s), and address and state the issue(s) they wish to be heard on.*
- B. *Persons should try to speak directly to the issue, as briefly—and fully—as possible.*
- C. *Persons should try to be specific about what they want acted upon --if that is the case—by the Board.*

Ground Rules:

- A. *The Chairman of the Board conducts public input.*
- B. *The Chairman indicates how much time will be allowed for public input.*
- C. *The Chairman will call on those wishing to be heard.*
- D. *No discussion on individual personalities (good or bad) is permissible in public session.*
- E. *The Board will make no decisions during **Public Input**.*
- F. *Any person whose conduct is disruptive or disorderly will be ordered to cease and desist from such behavior. Should their behavior continue after due warning, they will be removed from the meeting room.*

Public Input I

Jeffrey Clay, Mallard Drive approached the Board voicing his displeasure with the lack of adherence to the laws and rules of the Board. He also voiced his opinion regarding the vote to have a Police Officer present at the meetings which is used just to intimidate the public. On adopting a policy for Public Input; it was Mr. Clay's opinion that it is just another way to violate a person's freedom of speech. He asked that all members of the Board resign; he also encouraged Russell Bailey, Town Administrator to do the same. Mr. Clay mentioned that there would be an article in the Baysider newspaper tomorrow that would address these issues. He also referred to the violations of the RTK laws and asked why Chairman Carr appears at the Town Hall so very often. Again, he also addressed the legality of David Hussey voting and being on the Board.

R. Loring Carr thanked Mr. Clay as his five (5) minute time had elapsed.

Approval of Selectmen's Minutes

December 10, 2014

Marc DeCoff made a motion to approve the minutes of the Joint Meeting with Alton School Board & Water Commissioners, December 10, 2014 as presented and R. Loring Carr seconded. The vote was 4 approved; 0 opposed and 1 abstention, Cydney Johnson.

December 15, 2014

Marc DeCoff made a motion to approve the minutes of Public Session I, December 15, 2014 and David Hussey seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the minutes of Non Public Session, December 15, 2014 opening #1 & 5 and David Hussey seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the minutes of Public Session II, December 15, 2014 and David Hussey seconded with all in favor of the motion.

December 30, 2014

Marc DeCoff made a motion to approve the minutes of Public Workshop, December 30, 2014 as presented and David Hussey seconded with all in favor of the motion.

Old Business:

Review 2015 Budget/Warrant Articles

R. Loring Carr didn't like and questioned the wording of Article 4 specifically the word "brought". A discussion transpired with no changes being made.

The Warrant Articles for the Deliberative Session will need to be discussed.

E. Russell Bailey spoke with both DRA and Bond Counsel in reference to the Bond Article and has gotten clarification on the wording. An email response from DRA in reference to a possible issue of "no means no" as we have 2 Articles for Road Reconstruction and 2 Articles for sidewalks; when you read the Articles they are distinctly different. It seems that we are covered if they were turned down by the voters. A final proof will be done and the final Warrant will need to be signed by the Board after the Public Hearing as it needs to be posted. The Budget Committee has completed their items and the Budget Committee needs to sign the MS7 as it needs to be posted by January 26th.

R. Loring Carr noted that Article 25 needs to have the number 38 changed to 39 for the age of the Fire Truck.

Review Petition Articles

The Petition Articles closed on January 13, 2015. There were three (3) received on scenic roads which will need to be voted on to either recommend or not recommend.

Russell Bailey gave a brief overview of the statute on Scenic Roads. Ten (10) voters or property owners of that road can petition to have the road declared a scenic road. It

has to be approved at Town Meeting and the Board can only make a recommendation to the voters. Maintenance work in the Right of Way on trees or stone walls on those roads to be done by either the Town or Utility Companies can only be done after a Public Hearing is held by the Planning Board which would need to be posted and advertised twice with at least a seven (7) day notice. From a staff's point of view this would not be recommended. Letters have been received from two (2) different people, one from Mr. Nemser and the other from The Willson's. R. Loring Carr read Mr. Nemser's letter into the record as follows:

January 11, 2015

Dear Russ,

As you know, the Seavey and Nemser families have long been protective of Alton's land assets and are strong proponents of conservation for the benefit of the Town's residents and visitors. We are specifically concerned with the petition to designate our road, Gilmans Corner Road, as a "Scenic Road". We are secondarily concerned with the petitions to designate Rines and Drew Hill Roads as Scenic Roads . We request you make our concerns known to the Board of Selectmen by reading this letter into the record at Monday, January 12, 2015 meeting of the Board.

Once a road is designated a Scenic Road, in general, repairs, maintenance, reconstruction or paving may not involve cutting, damage or removal of trees (that have a circumference of 15 inches or more at a point of 4 feet from the ground), or the tearing down or destruction of stone walls, or portions thereof, without the written consent of the Planning Board. Before consent is provided, a public hearing must be held that is duly advertised as to time, date, place and purpose, 2 times in the local newspaper at least 7 days prior to the hearing.

In general, designation of Scenic Roads is requested to erect hurdles to development along the road. However, this type of hurdle may be overcome by developers in working to obtain Planning Board approval of development plans. Failure to approve reasonable development plans on the basis of a Scenic Road designation could result in costly litigation for the Town.

There is no obvious benefit to the Town to have designated Scenic Roads. Inappropriate development is already addressed by the Planning Board. Town maintenance of its roads may be encumbered and certainly delayed by the added administrative burden on the Highway Department will certainly increase the Town's cost of doing business and ultimately affect property taxes within the town. Failure of the Planning Board to protect trees and walls on designated roads, or accidental disturbance to trees and walls in the conduct of approved work on designated roads, could also result in costly litigation and restoration expense for the Town.

There is no obvious benefit to residents on designated Scenic Roads. In fact, there is only added burden to the landowners' normal maintenance of their property. I am

advised by the Town Planner that typically in the Town of Alton, there is a 50 foot right of way on all town roads; 25 feet in either direction from the center line of the road. In the Town of Alton, the landowner on a designated Scenic Road would be restricted from conducting normal maintenance (such as pruning or cutting trees, or repairing stone walls) on property within that right of way, under penalty of law and subject to liability for damages, without obtaining prior written consent of the Planning Board. Not only is this burden to the proper owner, but an added administrative burden on the Town of Alton for handling landowner requests will certainly increase the Town's cost of doing business and ultimately affect property taxes within the Town.

We understand that not one of the petitioners reside or own property on Gilmans Corner Road. We have spoken to a number of landowners and residents on Gilmans Corner Road, none of whom were aware of the impact of the designation or are in favor of the designation of Gilmans Corner Road as a Scenic Road. We further understand from some of those who have spoken with the petitioners and live on other roads that are being petitioned, that the petitioners are advising those landowners that the designation of a Scenic Road will in no way impact the rights of those landowners. This is contrary to the advice of the Town Planner. Those we have spoken with, some of whom have also spoken with the Town Planner, have expressed concerns about the misinformation given and added burden that such designation would require.

We believe that since there are currently no designated Scenic Roads in Alton and therefore, the Town may not have fully established it rules and regulation for them, it would be important to first do so before designation any Scenic Roads. Without doing so requires voters to vote without sufficient information.

Given that there is no apparent benefit to the residents of Gilmans Corner Road, or Rine and Drew Hill Roads, or the Town of Alton, and only added burden, and given the misinformation or uncertainty of the impact of the designation of our roads as Scenic Roads, we encourage the Board of Selectmen to take a position against this and the other two petitions.

If you have any question or wish to discuss this matter, please call us.

Sincerely,

Michael F. Nemser

Lyn Seavey Nemser

Marc DeCoff made a motion to **not recommend** the three (3) Petition Articles for Scenic Roads and David Hussey seconded with all in favor of the motion.

It was the consensus of the Board to hold a Workshop immediately following the Bond Hearing on January 20, 2015 at the Gilman Museum to review the Warrant Articles in preparation for the Deliberative Session.

Review and Approval Grant

These two (2) grants were approved for the Encumbrances at the end of December.

- A. Cruiser Laptop
- B. Cruiser Video

Marc DeCoff made a motion to approve the In Cruiser Laptop grant Task #15-03, 05 Total Budget \$5,272.00; Federal Budget \$2,500.00, Local Budget \$2,772.00 and David Hussey seconded with all in favor of the motion.

Cydney Johnson made a motion to approve the In Cruiser Video grant Task #15-02, 07 Total Budget \$4,250.00; Federal Budget \$2,125.00, Local Budget \$2,125.00 and Marc DeCoff seconded with all in favor of the motion.

R. Loring Carr brought forward the issue of the various “good strings attached” in carrying out these grants.

The Master Lease agreement for Ford Motor Credit is for informational purposes only as this was previously approved. This will be signed off by Chief Heath and he is still waiting for one (1) vehicle.

Review Hawkers & Vendors Policy

This has been an ongoing issue that has been ongoing since summertime. There are two (2) pending requests for the vendor spaces down at the Bay. Due to the past issues related to the rental of these seven (7) spaces, it was suggested that the Board eliminate them. It was also suggested that the price be increased for these spaces however there is still an issue in reference to conflicts on certain items being sold. Special Event Applications were brought forward which is an entirely different scenario and are all unique Special Events such as the Craft Fair, Relay Race. Non-Profit Organizations within our town were also mentioned.

Marc DeCoff made a motion to increase the rate to \$150.00 per space per day with no restrictions. David Hussey stated we shouldn't even use these spaces. Nobody has been approved for this year. There would still be Special Event Applications to be reviewed individually. **The motion failed.**

David Hussey made a motion to remove the seven (7) spaces under the Hawker & Vendors Policy and only use them for Special Events and Lou LaCourse seconded. Cydney Johnson mentioned long term renters (referring to the popcorn sales) and we should inform them of this change in policy. After the discussion all were in favor of the motion.

New Business:

Land Use Items as recommended by the Town Assessor

Marc DeCoff made a motion to approve the 2014 Land Use Change Tax for Map 8 Lot 3-4 for \$7,100.00 and Map 15 Lot 56-3 for \$7,200.00 and David Hussey seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the updated Timber Forester contract and David Hussey seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the 2014 Veteran Credit Denials for Map 6 Lot 1-9 and Map 66A Lot 1 and David Hussey seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the 2014 Veteran Credit Approvals for Map 6 Lot 1-52 for \$500.00; Map 6 Lot 23 for \$500.00; Map 6 Lot 43-2 for \$500.00; Map 6 Lot 43-2 for \$500.00; Map 11 Lot 13-23 for \$500.00; Map 31 Lot 36-5 for \$500.00; Map 36 Lot 33 for \$500.00; Map 37 Lot 67 for \$500.00; Map 50 Lot 31 for \$500.00; Map 65 Lot 30 for \$500.00; Map 71 Lot 5 for \$500.00; Map 71 Lot 43 for \$500.00; Map 10 Lot 22-5 for \$500.00; Map 11 Lot 28-4 for \$500.00; Map 6 Lot 1-27 for \$500.00; Map 1 Lot 16-5 for \$500.00 and Map 8 Lot 18-1 for \$500.00; and David Hussey seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the 2014 100% Veteran Credit Approvals for Map 15 Lot 59-1 for \$1,400.00 and David Hussey seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the 2014 100% Veteran Credit Denials for Map 8 Lot 18-1 and Map 36 Lot 33 and David Hussey seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the 2014 Elderly Exemption Denials for Map 12 Lot 4 and David Hussey seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the 2014 Abatement Requests for Map 52 Lot 26 for \$295.00; Map 50 Lot 32 for \$202.00; Map 34 Lot 18-1 for \$173.00; Map 34 Lot 39 for \$691.00; Map 38 Lot 56 for \$152.00; Map 5 Lot 17-2 for \$44.00; Map 60 Lot 16 for \$899.00; Map 5 Lot 16 for \$853.00; Map 6 Lot 37-2 for \$151.00; Map 8 Lot 37-5 for \$145.00; Map 49 Lot 7-1 for \$60.00 and Map 11 Lot 25-33 for \$356.00; and David Hussey seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the 2014 Administrative Abatements for Map 65 Lot 17-6 for \$185.73 and David Hussey seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the 2014 Solar Exemption for Map 12 Lot 67-6 for \$14,199.00 and David Hussey seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the 2014 Disabled Exemptions for Map 6 Lot 1-6 for \$40,000.00 and Map 6 Lot 1-6 for \$40,000.00 and David Hussey seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the 2014 Timber Warrants for Operation #14-011-09-T for \$1,063.36; Operation #14-011-11-T for \$724.99; Operation #14-011-13-T for \$886.07 and Operation #14-011-15-T for \$427.03; and David Hussey seconded with all in favor of the motion.

Town Report

Several examples of Report Covers were provided to the Board. The general consensus of the Board was the Water Bandstand with the boat, photo provided by Ruth Arsenault. Also, a dedication needs to be considered.

Special Event Applications

Barbershoppers Application:

Cydney Johnson made a motion to approve the Special Events Application for the Barbershoppers Jamboree for Saturday, August 15, 2015 and David Hussey seconded with all in favor of the motion.

R. Loring Carr mentioned that a Proclamation needs to be written up by E. Russell Bailey for the weekend to be designated as “Barbershoppers Weekend in the Town of Alton” and provided to the Board for the next meeting as well as a letter to the Baysider from the Selectmen. It was noted that the Noise Ordinance was extended until 1:00 AM for the event.

Castleberry Fairs Applications:

Cydney Johnson made a motion to approve the Castleberry Fairs and Festival Special Event Applications for July 11 & 12, 2015 and September 5, 6 & 7, 2015 and Marc DeCoff seconded. R. Loring Carr amended the motion to add upon review of the Event Sponsor Release and Indemnification Agreement for the Town of Alton submitted by Castleberry Fairs concerns on “a, b, c, d, e, f, g”. There are six items that they have concerns on agreeing to and have our Attorney look at these.

R. Loring Carr made an amended motion to conditionally approve the Castleberry Fairs Applications upon finalizing the Release and Indemnification Agreement and have our Attorney review and Cydney Johnson seconded with all in favor of the amended motion.

Timber Forester Contract

Last year we changed our Forester; the new Forester's starting rate was \$30.00 per hour and the previous Forester rate was \$40.00. Tom Sargent is recommending that we move his rate to \$35.00 per hour for a one (1) year agreement; which he is in agreement.

David Hussey made a motion to approve the Timber Forester Services Contract for Bryan Mica for \$35.00 per hour and Cydney Johnson seconded. The vote was 4 approved, 1 opposed; Lou LaCourse.

Easement, NH Electric Co-Op Map 15 Lot 71

This property is actually under the Conservation Commission; they have reviewed this and signed off on granting the easement. The Board still needs to sign off on the easement as the governing body.

Cydney Johnson made a motion to approve the NH Electric Cooperative easement for Map 15 Lot 71, Drew Hill Road and David Hussey seconded with all in favor of the motion.

Public Input II

None

Non-Public Session:

R. Loring Carr 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 Marc DeCoff seconded. The Board was polled in the affirmative with all in favor of the motion.

Adjournment was at 7:32 PM.

Respectfully submitted,

Mary K. Jarvis

Mary K. Jarvis
Recording Secretary

