

ALTON BOARD OF SELECTMEN

Minutes

**February 3, 2020**

Approved: March 2, 2020

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Chairman R. Wentworth convened the meeting at 6:00 PM and C. Shapleigh led the assembly in the Pledge of Allegiance to the Flag and a Moment of Silence. The following staff members were present:

Reuben Wentworth, Chairman  
Virgil MacDonald, Vice Chairman  
Cydney Shapleigh, Selectwoman  
Philip V. Wittmann, Selectman  
Paul LaRochelle, Selectman  
Elizabeth Dionne, Town Administrator

**Agenda Approval**

P. Wittmann made a motion to approve the agenda as presented and V. MacDonald seconded with all in favor of the motion.

**Board of Health**

C. Shapleigh made a motion to recess as the Board of Selectmen and reconvene as the Board of Health and P. LaRochelle seconded with all in favor of the motion.

- Septic Waiver Request; Map 70 Lot 7, 90 Sunset Shore Drive

John Dever, Code Official presented the request explaining the circumstances.

C. Shapleigh made a motion to approve the waiver request for Sunset Shore Drive Map 70 Lot 7, Septic/Pump Tank to Lake, Required 75' Actual 61' and V. MacDonald seconded with all in favor of the motion.

R. Wentworth made a motion to adjourn as the Board of Health and reconvene as the Board of Selectmen and C. Shapleigh seconded with all in favor of the motion.

**Announcements:**

- Deliberative Session is scheduled for February 4<sup>th</sup>, 6:00 PM in the PMHS Auditorium. Snow date is February 5<sup>th</sup>.
- Town Offices will be closed on Monday, February 17<sup>th</sup> in honor of President's Day.
- A Public Hearing is being held on Wednesday, February 5<sup>th</sup> at 7:00 PM at the New Durham Elementary School. The Public Hearing is being held by the EPA regarding the phosphorus concerns at the Powder Mill Fish Hatchery in New Durham. Public input may be submitted to the EPA in writing until February 14<sup>th</sup>. For EPA contact information please contact the Alton or New Durham Town Hall. Snow date will be Thursday, February 6<sup>th</sup>.
- The Town Clerk/Tax Collector's Office will be closed on Tuesday, February 11<sup>th</sup> for the Presidential Primary which will be held at St. Katharine Drexel Church, voting is from 7:00 AM to 7:00 PM.

**Public Input | (limited to 3 minutes per person on agenda items only)**

None

**Appointments:**

- Rev. Paul Terry - Proposed Solar Farm Concerns

Rev. Paul Terry handed out to the Board a prepared statement which he read into the record as follows:

*Members of the board:*

Good evening and thank you for this opportunity to speak to and perhaps with you.

As you are no doubt aware both from my email of November 18, 2019, to each of you and my application for permission to speak with you tonight, I wish to be heard and to make two requests as you reportedly consider drafting a warrant article pertaining to the possible erection of a solar generating power array on town owned land.

At the outset I want to make clear that, as the old saying goes, "all I know I read in the newspaper." Also, I am not opposed to solar or any other renewable energy source.

As I have indicated, my understanding is that the town of Alton has received a proposal from a private concern to establish a solar array on a portion of land that is town owned and where the town's transfer facilities are located and operated.

Assuming I am correct, then I would urge the board to receive and act on two requests, as follows:

First, if the board is truly interested in advancing the erection of a solar facility on town owned land for public consideration and vote, then I believe in the interest of good governance best practices—even if not legally required to do so—that the board should direct that the awarding of any contract to erect a solar array be subject to a competitive bid process.

Second, I believe the board should draft and adopt specifications and criteria that must be satisfied in order for any bid to be considered. Such specifications and criteria should of course include financial benefit to the town, but ought to include certifications by bidders that the solar arrays do not contain any toxic metals or substances. If the arrays do include such substances, they should be disclosed, along with legally binding requirements that the bidders will accept responsibility for contamination of the soil resulting from any failure of the sealed units. In order that this provision be meaningful and effective, the specifications adopted by the board should include periodic monitoring and reporting to the board, or to its designated town agency or department.

Again, and finally, I am inclined in favor of the concept of establishing a solar array at the location in view, but urge that these two requests be made integral parts of any warrant that you may decide to put forward for public debate and vote.

Thank you.

R. Wentworth reiterated that there is no particular company at this time and the Town is just asking the voters to see if they would allow such a project. There will be numerous steps to be taken prior to entering into any agreement. Several proposals would be requested before a decision is made to move forward.

- Patricia Torriero - Ridge Road, Map 15 Lot 15

Patricia Torriero addressed the Board explaining that Ridge Road is a private road off of Chestnut Cove Road that has six (6) empty lots with four (4) homes. On November 19, 2019, the Town took ownership of Map 15 Lot 15 which in her opinion makes the Town part of the Homeowners Association (HOA). As part of the HOA she voiced that the Town would be responsible for 1/10 portion of the plowing costs. Ridge Road and Evans Hill Road are a subdivision. According to Ms. Torriero the Town has been plowing Evans Hill Road for every plowable snow for years and is unsure why, as there are no homes located on it. She is requesting from the Town that they plow Ridge Road due to the Town's 1/10 ownership. R. Wentworth noted that the request for appointment was to either plow the road or provide an address to send a bill to the Town for their share of plowing. In addition, she was informed that the Town cannot just plow the road and would need to find out why Evans Hill is being plowed; this would be considered taking on a winter maintained road and the Board has voted not to take on any other winter maintained roads. The lot was taken by tax deed, a legal opinion needs to be obtained from legal counsel. Ms. Torriero brought forth a previous situation in reference to a similar scenario. As Chair, it is recommended that this be forwarded to the Town Attorney for a legal opinion and recommendation with a written response to follow from the Town Administrator, hopefully within a couple of weeks. The consensus of the Board was to proceed as recommended by the Chair.

#### **New Business:**

1. Winter Carnival - Special Event Application - Use of Town Property

Christy Painchaud, Chair ABA, Kelly Sullivan, Vice Chair ABA and Jason Gurnari, General Manager of the Lodge at Smith Point addressed the Board to discuss the plans and contingency plan for the Winter Carnival. There were some amendments that needed to be made to the application due to the ice conditions and moving a portion of the Winter Carnival into the parking lot. The amendments:

- Item #9 - Vendors - changed to "yes"
- Item #10 - Food Sales - changed to "yes"

- Item #15 &16 - Alcohol Sales - changed to “yes” but it would be through a contracted vendor The Lodge at Smith Point

It was noted that the Lodge will be charged a fee by ABA however they will be donating a percentage of the sales to the ABA as part of the fundraiser. The other vendors are being charged a fee excluding the Non-Profits and some are waived such as big businesses that are Gold Sponsors of ABA. Food vendors (The Lodge and Dockside) have paid \$25 and will be donating 10% of their sales, Shibley’s is donating ice cream and are not being charged. Alcohol was questioned J. Gurnari from the Lodge at Smith Point spoke on behalf. In his experiences with previous events like this he stated that this will be only beer. They have obtained their Off-Site Catering License through the State and with this license there are a lot of requirements including that the event must be enclosed, a permit of Assembly will be required from the Fire Department in advance. All is dependent on the size of the event and the State rule needs to be adhered to. His liquor investigator has been working closely with him. A 20x20 tent will be erected and double fenced, one directly behind his tent the other six (6) feet outside the first fence. The tent will be walled off on the back with no access and will either be drilled into the ice or secured with weights (50 gallon drums filled with water or concrete deck blocks) if it is held in the parking area. There will be only one (1) exit and one (1) entrance, two (2) security guards and the liquor investigator will be present at the site at all times. The staff is trained to state recommendations for service of alcohol. L. Dionne reinforced the need for liability insurance and cautioned that anything possible should be done to protect the Town and the Town should be listed as an additional insured on the insurance certificate. C. Shapleigh noted that this isn’t a new concept and is becoming a common practice in other Town’s and does not want this to be made into something that it doesn’t need to be made into. R. Wentworth is not comfortable with this being held on Town property even with all insurances being in place. C. Shapleigh stated that as long as this is held well maintained. It is important that we maintain the integrity but also keep up with the times and don’t want to make the Town of Alton known as unapproachable for these types of events. Comparisons were made to other events and consideration to the local businesses in the area. K. Sullivan stated that the ABA tried very hard to approach and speak with all business in the Bay who showed support for working together. C. Shapleigh feels that it is not fair for any business to dictate if another business from another part of Town comes into the area; free enterprise. P. LaRoche feels that it is important to talk with and keep people informed. C. Painchaud stated the cutoff date of February 13<sup>th</sup> or 14<sup>th</sup>. The vendors have been capped at 25 and 20 of them are local. K. Sullivan stated the vendors are being charged this year noting that this is considered the ABA’s largest fundraiser with the monies being put back into the Town or into Non-Profit organizations all while making an effort to be as respectful to all involved. There are over 9K in sponsors with 5K/6K in expenses. It is unknown if the hay ride will take place and if it does all precautions will be taken for safety purposes. The entrance would be to the right of the land bandstand, closing half of that off. Requested is a total of seventeen (17) parking spaces for usage for the vendors and beer tent and vendors near the community center. The ice sculpture may be located on the land bandstand or the ice dependent on the location of the actual event. The beer tent will be located directly to the left across from the land bandstand in the grassy area facing the road. Another request made by ABA was regarding the sidewalks in the area and the area in front of the land bandstand; they asked if they could be plowed/cleared for safety. They were informed that plowing is not a feasible option due to them being brick and it would destroy their integrity and no ice melt can be used; it would destroy them. ABA would be allowed to manually shovel (no pry bars or chippers are to be used) however there should be no use of any salt; both areas are brick. Sand could be used as long as it is not a sand/salt mix. J. Gurnari, reinforced his involvement, his experiences and was adamant of his responsibilities and respect for all businesses in the area. He is very passionate about the event, will do anything he can and hopes that the Board will take this all into consideration in making their decision. He will provide anything that is requested. V. MacDonald feels that the Winter Carnival is beneficial to the businesses and draws the people into Town and what it has to offer. Parking issues are always a concern and are being looked into.

V. MacDonald made a motion to approve the Winter Carnival Special Event Application as amended by the backup plan, if necessary and C. Shapleigh seconded.

It was noted that the insurance certificates need to be submitted for the event which includes the beer tent.

The motion was called. The vote was 4 approved, 1 opposed, R. Wentworth.

## 2. Caterer off-site Liquor License - Relentless Restaurant Group, LLC dba The Lodge @ Smith Point

R. Wentworth made a motion to approve the Caterer off-site Liquor License - Relentless Restaurant Group, LLC dba The Lodge @ Smith Point to include an insurance certificate naming the Town of Alton as an additional insured and C. Shapleigh seconded with all in favor of the motion.

3. Retail Tobacco License - JP China

C. Shapleigh made a motion to approve the Retail Tobacco License - JP China as presented and P. LaRochelle seconded with all in favor of the motion.

4. Report Cover and Dedication

The Board was provided various covers for the Annual Town Report. After viewing it was the consensus of the Board to use the picture with the one sailboat.

Old Business:

None

Selectmen Reports

P. LaRochelle reported on the Water Bandstand Committee meeting. Currently the committee has received \$1,800 in donations with the escrow account having a balance of \$5,404.56. Planned events for the water bandstand are on 7/17 and 8/14 the Rollins Band and a water ski show is planned for 6/20 with a rain date of 6/27. In addition there are plans in the making for the Fire Department, Touch a Truck event and a dog demonstration with a possibility for some music.

P. Wittmann had nothing to report.

C. Shapleigh had nothing to report.

V. MacDonald reported on the Planning Board meeting who just did the final approval for Lakeview Estates for the road. It should be coming before the Board soon.

R. Wentworth reported that a letter was received from the Cyanobacteria Committee that will be presented Wednesday night to the EPA. If you want to speak at that meeting then you should contact the EPA office. They will be taking written submissions until February 14<sup>th</sup>. The phosphorus levels are working their way down to the lake and are asking the state to fix what they have created. He urged presence at this meeting to voice support of this situation. V. MacDonald suggested that letters be written and to the schools (Alton Central School, PMHS and New Durham Elementary School) regarding classes that are being taken to Mill Pond.

Town Administrator Report by L. Dionne

HB Perambulation

For informational purposes the Board was informed that there is a proposal to do away with the requirement for perambulation of the Town lines every seven (7) years and leave it up to the Selectmen as they see necessary. GIS can be used.

Rumble Strips

The Board was informed that a call was received last week from Senator Hassen's office. The conversation was lengthy. They have been in contact with the Washington, DC office to explore any possible waivers for the Town's. Federal laws do allow for a lot of flexibility and leeway with Federal Safety funds which is what R. Howard had told the Town. It is being suggested that the Town begin at the State level with proposed legislation and that there is probably very little that can be done on a federal level, it would be a multi-state level and would take years to accomplish. It is up to the State as to where the funds are used and with confirmation from the State the funds do not have to be used on rumble/mumble strips, it can be used on anything else regarding safety. V. MacDonald would like to see the funds used on sidewalks on Route 28 to the High School. Litigation was mentioned. The suggestion was to begin with State legislation. It was the consensus of the Board for L. Dionne, Town Administrator to check with Attorney Sessler regarding the possibility of filing an injunction against NH DOT.

Highway Department Workshop Date

The Highway Manager is requesting a Workshop with the Board to discuss 2020 Road Projects and 2020 Equipment which would be too lengthy for a regular meeting. There are only two (2) weeks before he goes out again for medical purposes. K. Roberts was called to the table stating that some of the items are time sensitive and would like to have things in place in the event that the vote is favorable for the various articles. Whether it is surveying, bidding, engineering etc. some could be dependent upon road reconstruction such as fixing the excavator or turning it back to the lease/purchase program. This is the last year on the lease for the loader and grader; decisions will need to be made as to how the department is going to proceed. Acceptance of State bids was brought forth and other accessory equipment will need to be bid out. K. Roberts is looking for direction from the Board as to what direction they want to go and how to he should proceed. Bids specs would need to go out now if engineering is desired for School and Church Streets. The roads of interest are Hayes Road, School Street, Church Street, Roberts Cove Road, Lily Pond Road (survey only, back to Board for approval) Toms Road and Valley Road. V. MacDonald requested a copy of the research once obtained for Lily Pond Road.

The consensus of the Board was to schedule the Workshop for Monday, February 10, 2020 at 6:00 PM.

Bridge Deficiency - Loon Cove Road

K. Roberts, Highway Manager spoke with the State and the average bill for bridge repair is 1.3/1.6 million; it has never been that much. We can go out and hire an engineer to get a general estimate to build the bridge or it can be done in-house without the Bridge Aid Program. A form has been given to L. Dionne for submission to obtain an estimate for the Loon Cove Bridge replacement. You can apply for a grant, nothing will be done until fall with 92 applications already submitted that have not been assigned. This bridge was installed in 1968/1969 when Route 11 was installed. The culvert is rotting at the bottom at the water line. L. Dionne brought this forward tonight to see if the Board would like to make an amendment at the Deliberative Session for the Bridge Repair Capital Reserve Fund to increase the dollar amount so that the Town would have the required 20% down for the project; this is what is needed for a grant. The current balance in the fund is approximately 125K. R. Wentworth offered to make the motion to amend the Bridge Repair Capital Reserve Warrant Article to at least 150K which would leave 45K left in the event it is needed. Copies of the NHDOT letter in reference to the deficiency will be provided as a handout at Deliberative.

**Approval of Minutes**

January 20, 2020 - Regular

V. MacDonald made a motion to approve the minutes of the Regular Meeting, January 20, 2020 as written and R. Wentworth seconded. The vote was 4 approved, 1 abstention, C. Shapleigh.

January 20, 2020 - Non-Public

L. Dionne recommended releasing #3 and to not divulge the remaining.

R. Wentworth made a motion to approve the minutes of Non-Public Session, January 20, 2020, as presented divulging #3 and P. LaRochelle seconded. The vote was 4 approved, 1 abstention, C. Shapleigh.

**Approval of Consent Agenda**

C. Shapleigh made a motion to approve the Consent Agenda as presented and P. Wittmann seconded with all in favor of the motion.

**1. 2019 Administrative Abatement**

David Newton	1439 Wolfeboro Highway #13	Map 19 Lot 8-2-13	\$214.00
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**2. Yield Taxes**

Keith Dube	132 Hamwoods Road	Map 2 Lot 12	\$80.62
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**Fire Department:**

Promotion: Jordan Pellowe, FF to FF/EMT, \$13.52 per hour to \$14.57 per hour, effective 4/29/2019

End of Probation: Jordan Pellowe, FF/EMT, \$14.57 per hour to \$14.82 per hour , effective 1/7/2020

End of Probation: Robert Brown, FF II/Paramedic, \$17.78 per hour to \$18.03 per hour, effective 1/7/2020

**Public Input II (limited to 5 minutes per person on any Governmental/Town Business)**

Loring Carr addressed the Board questioning that he believes there was a vote for the Warrant Article at the end of the articles at Deliberative Session regarding hearing the concerns and reports of the public and asked what that vote was. R. Wentworth stated it was not a vote, the Town Administrator was to contact each Board member; this was brought forward at a Budget Committee meeting. This contact was made and not all remembered and/or responded. It was noted that this will not appear on the Warrant this year.

Bob Holt addressed the Board voicing confusion on the Winter Carnival and asked if the beer tent issue had been run by the Police Chief; it has with no concerns. Noted was all departments and emergency personnel have no concerns. He asked if there was a Town policy in reference to no alcohol on Town property. R. Wentworth gave an overview of what transpired during the Winter Carnival discussion which included the percentage of the proceeds being given back to the ABA. It is unknown if there will be more requests in the future and would be determined on a case by case basis. He urged the Board to possibly increase the required insurance amount. The Workshop date was confirmed and noted that the public may attend.

Richard Shea was looking for some education with a self-interest to see that Roberts Cove Road be repaired or redone. He has reviewed the budget information seeing that the Town has an article for road reconstruction/maintenance for 950K. After viewing meeting videos and listening to the discussions, he could not really follow whether there is a plan with dates and prices or if it is still in a preliminary stage. He was alarmed by hearing that the work on Roberts Cove Road was so extensive it could take up to eight (8) years to complete, this is concerning. Understanding that there is a Workshop being scheduled to discuss road issues and wonders if the Workshop will be open to the public. As a private citizen he asked if there was anything further that he could do to increase the chances that the work be done in the near future. R. Wentworth stated that someone could speak at Deliberative Session to raise the amount from 950K to 1.5 million or whatever you might want and would be dependent upon passage. The specific roads were named and will be discussed at the Workshop. It was the decision and request of the Board to have two (2) Public Inputs on the agenda, one at the beginning and one at the end.

C. Shapleigh made a statement that she completely misunderstood the previous L. Carr discussion on the Warrant Article, offering to make an amendment at Deliberative to have it placed on the Warrant. It was noted that this is not an option due to it being a creation of a new article and cannot be done.

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

C. Shapleigh questioned why this was coming before the Board if it were already approved by the Planning Board. R. Wentworth explained that it is required to be approved by the Board of Selectmen in order to allow someone to build on a Class VI road.

1. John Robidas-Adams, Trustee - Building Approval Class VI portion of Reed Road

It was the consensus of the Board to approve the appointment request for 5 minutes.

**Non-Public Session:**

R. Wentworth made a motion to enter into non-public session pursuant to RSA 91-A:3, II (a) (c) and (e) at 7:42 PM and V. MacDonald seconded. The Board was polled in the affirmative by roll call with all in favor of the motion.

P. LaRochelle, yes  
P. Wittmann, yes  
C. Shapleigh, yes  
V. MacDonald, yes  
R. Wentworth, yes

**Adjournment:**

R. Wentworth moved at 7:59pm to exit nonpublic session. P. LaRochelle seconded. Roll call vote:

C. Shapleigh - yes	V. MacDonald - yes
P. Wittmann - yes	P. LaRochelle - yes
R. Wentworth - yes	<u>Roll call vote carried unanimously</u>

R. Wentworth moved to “not divulge” item #2 in the minutes because divulgence of the information likely would affect adversely the reputation of any person other than a member of this board. P. LaRochelle seconded. Roll call vote:

C. Shapleigh - yes	V. MacDonald - yes
P. Wittmann - yes	P. LaRochelle - yes
R. Wentworth - yes	<u>Roll call vote carried unanimously</u>

R. Wentworth moved at 8:00pm to adjourn. P. Wittmann seconded. Motion carried.

Respectfully submitted,

*Mary K. Jarvis*

Mary K. Jarvis  
Recording Secretary