

ALTON BOARD OF SELECTMEN

Minutes

February 4, 2019

6:00 PM

1 Monument Square

Alton, NH 03809

Approved: February 20, 2019

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Chairwoman C. Shapleigh convened the meeting at 6:02 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

John Markland, Vice Chairman

Virgil MacDonald, Selectman

Philip V. Wittmann, Selectman

Reuben Wentworth, Selectman

Elizabeth Dionne, Town Administrator

James Sessler, Town Attorney

**Agenda Approval**

R. Wentworth made a motion to approve the agenda and V. MacDonald seconded with all in favor of the motion.

**Announcements**

- Deliberative Session is scheduled for Tuesday, February 5, 2019, 6:00 PM at Prospect Mountain High School Auditorium with a snow date of Wednesday, February 6, 2019.

At 6:04 PM, C. Shapleigh made a motion to recess as the Board of Selectmen to consult with Legal Counsel and J. Markland seconded with all in favor of the motion.

At 6:35 PM, C. Shapleigh reconvened the Board of Selectmen meeting and J. Markland seconded with all in favor of the motion.

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

Bob Holt approached the table to discuss Petition Warrant Article #33 in reference to Highway Road Reconstruction for 950K. His concern is the recommendation on the article, which reads recommended by the Board of Selectmen (2-2); he feels that this is confusing for the residents/voters. It was noted that DRA reviewed the articles.

Loring Carr approached the table to discuss his concerns of adding COLA into the Default Budget lines. There have been cases regarding this. He stated unless there is an employee contract by law you cannot add in COLA or salary increases. A similar issue came up last year. He asked the Board to look at a magazine article from the NHMA, 2017 September/October issue and quoted from such. He noted he would bring this up at the Deliberative Session and urged the Board to review.

**Appointments:**

None

**Old Business:**

1. Discussion on Ordinance Relative to Sales or Solicitation on Public Property, Private or Park Property

L. Dionne spoke on behalf of this discussion stating that this originally was scheduled on the agenda to discuss with Attorney Sessler, this happened during the Non-Meeting with Legal Counsel. This is regarding an independent vendor in the Bay area. It will be entirely up to the Board whether they want to change this ordinance. The ordinance applies to Town property. R. Wentworth noted that on State property we have no jurisdiction, the only jurisdiction is on the licensing of a vendor being in town and feels that the only thing he would like to see changed is the licensing fees. He would like to see \$100 per month opposed to \$500 for a thirty (30) day period. V.

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MacDonald thought \$500 is reasonable. It was suggested to find out what other towns charge for vendor fees; P. Wittmann concurred. L. Dionne will have research done. J. Markland agrees with R. Wentworth on this but not necessarily with the \$100 monthly fee. The mention of a daily fee was brought forward. R. Wentworth would like to see this done within the next thirty (30) days due to the season fast approaching. L. Dionne agreed and stated that there would need to be a Public Hearing held for the change of the Ordinance.

## 2. Discussion on Town Website Videos

A discussion was previously brought forth before the Board with a request to get some statistics regarding the statistics of viewing of the videos on the town website. This information was provided to the Board. V. MacDonald voiced that the videos should stay on the website but people need to come in and pay for the minutes. C. Shapleigh asked L. Dionne if it were customary for minutes to be on town websites; L. Dionne responded yes. C. Shapleigh does not want to punish the entire town for the actions of one. R. Wentworth does not think the minutes should be removed from the website and sees the problems with the time and the research that goes into this by staff members noting that labor cannot be charged. L. Dionne mentioned that we are not required to perform the research, people are referred to the website and are referred to the Town Clerk's Office as the official keeper of the records. Copies are charged for at 50 cents per page or a DVD or Flash Drive is a \$10.00 fee. L. Dionne feels that the videos are easier to watch rather than spending hours reading through pages of minutes, it appears that the videos are causing a lot of the Right to Know requests. The minutes are the official, legal town records of the meetings and the videos are a courtesy. P. Wittmann concurred with C. Shapleigh's opinion of not punishing everyone for the actions of one. R. Wentworth feels that the videos should go back to the Library. In addition, he feels that by having everything on the website it curtails people from coming out and being involved in our municipality and community. No matter the outcome we should at least look at the fees and possibly adjust them and do a fee comparison. The consensus was to leave this status quo. Different fees were questioned; it was the decision to bring the fee schedule in for review.

### New Business:

#### 1. NHDES Grant Application, Herbicide Treatment & Diver/DASH - Approval

The grant is being requested by the Milfoil Committee. The grant is for the Annual Grants for Herbicide Treatment & Diver/DASH. R. Wentworth would request that before they begin the new treatment in the river that they come before the Water Commissioners or the Selectmen to inform them as to where the herbicides are being applied due to the new chemicals being used. This could avoid unnecessary spending for water testing.

R. Wentworth made a motion to accept the grant and V. MacDonald seconded with all in favor of the motion.

#### 2. Special Event Application; Winter Carnival, ABA; February 17, 2019

R. Wentworth has no problem with the application however attaching tarps/banners to the recently renovated Water Bandstand is a concern; if they are tied to the bandstand there is no issue but if they are nailed or screwed into the new PVC trim boards there would be an issue. It was suggested that an inspection be done on the Monday following the event and if there is damage that the ABA be held responsible for any damages.

R. Wentworth made a motion to approve the Special Events Application for the ABA for the Winter Carnival with an inspection to be done on the Monday following the event. If there are any damages to the Water Bandstand that the ABA is to be held responsible for any damages and J. Markland seconded with all in favor of the motion.

At this time, V. MacDonald questioned the location of the dumpster, which was noted on the application.

#### 3. Fishing Derby, Ice Vendor (Johnson's Seafood & Steak), Sale of Alcohol; February 8, 2019 through February 10, 2019 - Approval

This is a request from Johnson's Restaurant for the sale of alcohol for February 8<sup>th</sup> through February 10<sup>th</sup> on the ice.

R. Wentworth made a motion that we (the Board) do not sign the applications due to not having any jurisdiction on the ice and J. Markland and P. Wittmann simultaneously seconded.

Further discussion: R. Wentworth noted that this is the State's responsibility and thank them for making us aware that they are considering letting someone have alcohol for sale out on the ice. Where it is not our jurisdiction for liability reasons we should not sign it.

At this time, the motion on the table was called with 4 approved, 1 opposed, V. MacDonald.

### Selectmen Reports

R. Wentworth reported as Water Commissioner that beginning on February 11, 2019 a new Water Superintendent will start her name is Courtney Mitchell she has been the acting superintendent. She was the only qualified candidate and holds all the DES required licenses with an even higher level than anticipated. Depending on the outcome of Town Meeting, it has been his pleasure to serve as a Water Commissioner. In addition, R. Wentworth would like to thank the Alton Highway Department for their recent work on Rand Hill Road due to voiced concerns in reference to the grooming machine from the snowmobile club flattening out the snowbanks which are impeding the travel lanes in the roadway. The issue has been taken care of. On another note on 1/24/19 he received paperwork from T. Neff that showed in 2018, Actual Expenditures of \$5,606,925 our budget for 2018 was \$7,731,283; he hopes that we are not going into the Deliberative Session tomorrow night with these figures and that there is updated information. L. Dionne will check with T. Neff.

P. Wittmann reported that he met with the Parks and Recreation Commission. They discussed signage on the Quinnipsee Trail, Light up Night, Winter Fun Events, Seasonal Programs, Program Planning for the Summer to include things that would attract families as a group. In addition, he met with the Cyanobacteria Committee to discuss the erosion into the bodies of water that have been previously discussed. It appears that one needs attention which is off Letter S Road. Fishing and the possibility of cement docks were discussed to curtail problems. L. Dionne noted that the two (2) of the top ten (10) were Letter S Road and Pine Street.

J. Markland had nothing to report.

V. MacDonald had nothing to report

C. Shapleigh wanted to correct a misunderstanding from the last meeting. V. MacDonald had stated that the Planning Board had requested that the State reinstall the rumble strips and they say that when Route 28 is paved they don't want them reinstalled however if we don't win that battle they are asking that the rumble strips that are put back in are the lighter version (quieter). V. MacDonald stated he did not make a mistake when he said what he said. He had asked the Planning Board to send a letter asking that the rumble strips be left out and they voted to have them put back in.

R. Wentworth suggested that L. Dionne look into the concerns that L. Carr brought forward regarding the Default Budget so that they would have the correct information if necessary. L. Dionne will comply.

### Town Administrator Report by Elizabeth Dionne

#### Joint Workshop Dates

L. Dionne is requesting some Workshop dates from the Board to meet with the Cyanobacteria Committee. It would be very helpful for the entire Board to have this joint workshop to discuss the top ten (10) list with the representatives from the Town of New Durham, Town Planner, Highway Manager and Fred Quimby. Now is the time to look into grant applications, which are very detailed. With the scores of locations that need work they came up with this list, there are two (2) in Alton and two (2) or three (3) in New Durham. L. Dionne urged the Board to hold this workshop as soon as possible. The following dates were given consideration; if other dates are needed the Board will be contacted:

- February 12, 2019
- February 19, 2019

#### Winter Carnival; DJ Services

There was discussion on the Winter Carnival regarding DJ Services at the last meeting. L. Dionne provided the Town funded amounts from previous year's records. R. Wentworth can't see doing any more than \$150 towards

these services. He is disappointed that Parks and Recreation has stepped away from this and feels that the businesses should step up to give back to the community. C. Shapleigh can't support this after the Budget Committee cutting all funding for Old Home Week. R. Wentworth stated that this was never budgeted or asked for in the Parks and Recreation budget for this year. Questions arose whether the ABA stepped in, taking over vs. the Town backing away from their involvement and how this transpired.

V. MacDonald made a motion to pass on supporting this and P. Wittmann seconded with all in favor of the motion.

Barnstead Class VI Roadway

L. Dionne received a call last week from the Town of Barnstead in reference to a Class VI road on their side of the town line called Old Farmington Road which runs off of North Road in Barnstead. This runs across a property owned by Dan Hillsgrove; he is having problems with vehicles on his property, issues with a stream because of these vehicles, issues with a gate etc. The Barnstead Selectmen will be putting forward a Warrant Article to discontinue that Class VI portion of the road. They called wanting to make sure that it wouldn't cause problems for Alton. They seem to be under the impression that on our side of the town line, the Class VI road continues. In speaking with K. Roberts he cannot find any records that there is a Class VI portion of that road. He is not saying one doesn't exist but there is nothing that supports this is a Class VI road. The Highway Manager, Police and Fire Chief's are fine with Barnstead discontinuing that Class VI road on the Barnstead side of the town line. L. Dionne just wants to be sure that the Board is in agreement with this situation.

C. Shapleigh made a motion to follow the Fire, Police and Highway Manager recommendations and J. Markland seconded.

R. Wentworth noted that this should include until a future date that any records may be found.

The motion on the table was called with 4 approved, 1 opposed, V. MacDonald.

Approval of Minutes

January 16, 2019

C. Shapleigh made a motion to approve the minutes of Workshop Session, January 16, 2019 and R. Wentworth seconded with all in favor of the motion.

January 23, 2019

C. Shapleigh made a motion to approve the minutes of Public Session, January 23, 2019 as presented and V. MacDonald seconded with all in favor of the motion.

C. Shapleigh made a motion to approve the minutes of Non-Public Session, January 23, 2019 releasing all.

L. Dionne requested to not divulge #1. The Board concurred.

C. Shapleigh amended her motion to approve the minutes of Non-Public Session, January 23, 2019 releasing #2 and V. MacDonald seconded with all in favor of the motion.

Approval of Consent Agenda

C. Shapleigh made a motion to approve the Consent Agenda and J. Markland seconded with all in favor of the motion.

**1. 2018 Timber Warrant**

Howard, Raymond & Barbara Rev Living Trust	Map 5 Lot 20	311 Stockbridge Corner Road	\$1,858.98
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**Public Input II (limited to 5 minutes per person on any Governmental/Town Business)**

Bob Holt approached the Board to discuss the town road issue with Barnstead that was discussed earlier in the meeting. He asked if the road in Alton had a name. C. Shapleigh noted that it was on private property. B. Holt responded then it is not a town road and if it is on private property then it can't be a town road. B. Holt referred to the previously discussed Ordinance for Public/Park Property; he suggested contacting Gilford who had a very comprehensive Ordinance. In addition, B. Holt referred to the Castleberry Fair discussion from a few weeks ago which was left up to the Town Administrator to work this out, was it handled? L. Dionne asked if she was allowed to speak. C. Shapleigh stated that there is not normally back and forth dialogue; things are still being addressed. Certainly a Right to Know request when it is settled would be appropriate. It is in the works.

Loring Carr approached the Board and thanked the Board for the reconsideration of the Default Budget. He is totally confused regarding a Petition Article, that voted with a 2-2 outcome then it means the Article fails; why doesn't it say not recommended by the Selectmen. Concerns were voiced and it will be looked at and corrected tomorrow at Deliberative Session.

Dalton Flannery approached the Board regarding the Hawkers and Peddler's Ordinance discussion. D. Flannery came before the Board in May of 2018 and was looking to have the Ordinance changed; he continues to wait for a reply. Recently he had his attorney look at the Ordinance again. It states that he cannot operate on public or private property but it does not address state property. It has been brought to his attention that others sell products (Snap-on Tools) and wonders why he can't sell his products what is the difference. C. Shapleigh noted that the Board has no jurisdiction over State property and that he could go to any private property owner to grant permission. D. Flannery mentioned that the Ordinance states he cannot operate on private property for more than a thirty (30) day period; he is looking for clarification. D. Flannery made an offer, if allowed stating he owns a hot dog stand and would love to operate at Downing's Landing, he has gotten prior approval before, has a state permit to operate and wants to operate legally. He is willing to offer and agreed to offer free meals every single day to Firefighters and Police Officers. C. Shapleigh appreciates the offer, thinks it is a fantastic thing that is being offered however the Board does not have jurisdiction over Downing's Landing and that this might be construed as a bribe. Understanding where his heart is, it is a wonderful thing. R. Wentworth noted that you still need to have a license to operate within the Town. The fee structure will be looked at whether it is private property or state property and you will need licensing. You always need a Hawkers and Vendors license from the Town. Again, the fees will be reviewed.

Loring Carr approached the Board voicing that he thought the Planning Board might have some regulations regarding the Ordinance discussion. This should be looked into.

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

- All in for Alton - Community Profile, Kelly Sullivan

J. Markland made a motion to approve the appointment request for Kelly Sullivan representing All in for Alton - Community Profile and V. MacDonald seconded. The vote was 4 approved, 1 opposed, P. Wittmann.

**Non-Public Session:**  
None

**Adjournment:**

R. Wentworth made a motion to adjourn and Virgil Macdonald seconded with all in favor of the motion. The meeting adjourned at 7:34 PM

Respectfully submitted,

*Mary K. Jarvis*

Mary K. Jarvis  
Recording Secretary