

ALTON BOARD OF SELECTMEN

Minutes

May 15, 2017

6:00 PM

1 Monument Square

Alton, NH 03809

Approved: June 5, 2017

Cydney Johnson 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 members and staff were present:

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

Approval of the Agenda

Cydney Johnson made a motion to amend the agenda moving the Discretionary Action Appointment to just after the appointment with Roger Sample due to a misunderstanding with the parties involved who are present at tonight's meeting and Virgil MacDonald seconded with all in favor of the motion.

Announcements:

- Town Offices will be closed on Monday, May 29th in observance of Memorial Day.
- The Town Clerk/Tax Collector's offices will be closed on Wednesday, June 7th for their attendance at an educational workshop session.

Appointments:

Roger Sample, Old Home Week Committee Update

Roger Sample was present to give an overview and voice his concerns regarding the Old Home Week Committee. His biggest obstacle that they encounter is the insurance process for some of the participants for the events; he voiced the need to streamline the process. Virgil MacDonald questioned an umbrella policy with the Town. Liz Dionne responded that there are certain types of activities that are covered depending on if the event is hosted by the Town on Town property, they would be covered under the umbrella of the Town but they would need to sign an indemnification form. If it is on Town property hosted by the Town but involves activity in the water, animals or something that involves a higher risk we may need

additional information. If the event is not on Town property and not hosted by the Town they can do whatever they want. The forms should be available through the Committee's secretary. Phil Wittmann mentioned that there is a woman that wants to do a fundraiser during the block party for her son which might need to have a permit. There are certain vendors/participants that are professionals and don't have an issue with providing a certificate of insurance but it is the small one night type of folks that this becomes an issue. There is going to be an event on school property between the Police and Fire Departments. It was suggested that a list be provided to the Town ahead of time. Reuben Wentworth suggested that possibly one of the other organizations sponsor the event so that they fall under their umbrella then they can donate the money back. The Town sponsors some events others are sponsored by organizations such as Alton Business Association. The car show will be expanded to possibly include a flea market which will be held on the Church property across the street. Reuben further suggested that a list be put together submitted to the Town Administrator who will in turn submit to our insurance company, which includes the following:

- the event
- who is sponsoring the event
- where it is going to be held

At the next regular meeting the Committee will be working on the events so a list can be compiled for submission. The final item for discussion the Mount Major Snowmobile Club wants to use two (2) spaces for the sale of cotton candy for a fundraiser. It was noted that there are no longer spaces available. Possibly they could be located on the grassy area near the bandstand. Liz suggested that he speak with Kellie Troendle, Parks and Recreation Director and stated that either way something should be able to be arranged. Roger mentioned speaking with the insurance company as they use their electricity.

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

Note: This item was moved on the agenda

- Bruton & Berube, PLLC representing Colchester Properties, LLC; Involuntary Lot Merger Request to Un-merge

This is a request for an appointment for an Involuntary Lot Merger to unmerge the lot known as Map 39 Lot 11, 21 Cascade Way, Colchester Properties, LLC.

Reuben Wentworth made a motion to approve the request for an appointment for Colchester Properties for the un-merging of a lot and Phil Wittmann seconded with all in favor of the motion.

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

Steve Parker questioned the Historical Gazebo wondering if it was the water or land bandstand. He was informed that it was neither; it is the newly proposed structure. He inquired if the water bandstand would be discussed tonight with a response of “not in public session”.

New Business:

Approval; Seasonal Restaurant-Beverage/Wine/Liquor License Request, 351 North Main LLC dba The Sandy Point Restaurant, 190 Mount Major Highway, Alton Bay

This request is for the former Sandy Point Restaurant. It was noted by Chief Heath that there appeared to be a need for a correction to the address to 190 Mount Major Highway.

Cydney Johnson made a motion to approve the Seasonal Restaurant-Beverage/Wine/Liquor License Request for 351 North Main LLC dba The Sandy Point Restaurant, 190 Mount Major Highway, Alton Bay and Virgil MacDonald seconded with all in favor of the motion.

Review, Recommend and Approval; Procedure for Boston Post Cane Issuance

Mary Jarvis, Executive Secretary was called to the table to discuss the proposal for the issuance of the Boston Post Cane. Having been contacted by a staff member of the Sugar Hill Retirement Community in Wolfeboro requesting, if available the issuance of the cane to one of their residents that formerly resided in Alton for several years. Various towns within the state were polled for input as we found no policy or procedure for the issuance. A draft policy and nomination form were created for the Board’s review and approval.

Reuben Wentworth made a motion to approve the recommended procedure for the Boston Cane Issuance as presented and Cydney Johnson seconded with all in favor of the motion.

Mary brought forth the question of the request that had prompted this policy. Cydney Johnson inquired as to the process. Liz Dionne stated typically the tradition is one person in each community holds the replica cane until their passing. Cydney’s concern was if we don’t advertise that we are doing this again then it could present an issue. It was recommended that this be opened for a thirty (30) day period in order to allow people to make nominations in the event that there are other folks out there that may qualify. Reuben Wentworth concurred. This will be posted on the website and hopefully the reporter that is present tonight will elaborate on it further in his publication. This will be brought back to the Board.

Old Business:

Fire Department’s Town Hall Inspection Report

At the last meeting there were questions brought forth regarding the Town Hall Inspection Report. Liz Dionne requested that the Fire Chief Ryan Ridley and Deputy Fire Chief Evan

Turcotte come to the meeting to answer any questions that the Board has. Reuben Wentworth had already gotten some answers from the Chief about the fire extinguishers and that the Safety Committee just went through all the buildings but was not aware if the fire extinguishers were on their check off list. The Chief was fairly confident that they were not on the list. Reuben still would like to see the Fire Department take charge of the fire extinguishers instead of hiring a company to come in once a year for inspection. Deputy Fire Chief went through the NFPA Codes which are adopted by state RSA; under NFPA 10 Chapter 7 Section 7.1.2.1 reads as follows: *persons performing maintenance in recharging of extinguishers shall be certified to do so*. If you did want to go this route through the Fire Department then someone would need to be certified, currently we do not have anyone certified to do that for liability purposes. Liz Dionne stated that after the last meeting and after consulting the Fire Chief and the Parks and Recreation Director the maintenance department has already contacted the vendor and scheduled the recertification of all the fire extinguishers. Liz requested that Kellie put a reminder in her calendar to avoid this in the future. Reuben would like to know what the associated cost is to do these inspections. The inspections are typically done in October. Tri-State Fire Protection holds the state bid and are the most cost effective, they give us a discount per visit, per site and it usually gets it done within two (2) days. The charges are not individualized by buildings and is unknown at this time. Reuben again suggested that this portion be transferred over to the Fire Department versus the Building/Maintenance Department, as they are more up to date with this. Phil Wittmann questioned what it would take to certify someone. Evan noted that when he does the inspections of the buildings he checks if they have been inspected by a third party company and he checks to make sure that they are ready to be used if necessary. As far as the liability aspect for the certification, Evan does not have any control or certification for it. Cydney Johnson stated if we certify someone and they choose to leave the department then we have spent the money and have no one to perform the task. If the expense to certify someone is not that much then several people could be certified. Each month Evan checks the State Fire Academy website to see what is offered and has not seen certification of fire extinguisher offered. This will be looked into; he will let Liz know the findings. Phil likes the idea and it makes sense to switch this duty over to the Fire Department. The Chief was asked if this was something that his department could handle. Ryan and Evan responded that they will find out the costs for certification, looking into the process and that they could certainly coordinate the scheduling of the inspections.

Liz also mentioned the next item of discussion which was in regards to item #6 from the inspection report; Sprinkler System with previous questions from the Board about the capacity of 50 or more people and the 10K square footage issues and the necessity for a sprinkler system. Reuben referred to the previous reports dating back to the 1990's. Deputy Chief Evan Turcotte responded that within the fire safety code total building square footage does not necessarily mean sprinkler system or not. It is also based on construction type, type of occupancy and has an explanation that goes more in depth (a handout was provided to the Board). Reuben asked if this is or isn't mandated and are there funds available to install a sprinkler system. Evan responded; there are a couple of ways to correct the problem and was not sure if there are any funds as far as public safety or public administration grants or funds.

Cydney suggested that possibly the Emergency Management Director could look into this. Evan continued that he first identified what type of building the Town Hall is; with the brick and dimensional build it is his belief that it would be considered a Type III (200) of which the 1989 letter that was provided concurred with his belief. The meeting type of room is considered an assembly occupancy, which means it can host 50 or more people for any type of assembly. Moving onto the story and heights, being that the room is on the second floor, room sprinkled, yes or no, looking at the chart a Type III (200), it shows X4 NP which stands for not permitted if we sprinkled it then it would be permitted for assembly use for up to 300 people or less. If we don't sprinkle then you cannot have assemblies of any amount on the second floor. There are a few different ways to approach this matter and referred to NFPA Section 7.3.1.2 Occupant Load Factor which is based upon the square footage divided by the occupant load factor. The assembly concentrated use without tables and chairs with the room being half concentrated, half less concentrated he estimated the room to be approximately 110 people. Evan referred to the letter dating back to 2000 from former Chief Russ Sample; he cannot figure how the determination of 1739 square footage was obtained for up to 50 people. No matter how Evan figured this with the occupants and load factor he came up with way more than 50 people and thought that this might have been an arbitrary figure just to get below the 50 people so it wouldn't be considered as assembly use. These are the reasonings for the need for sprinklers. There are options that can be done so that sprinklers are not necessary.

1. Reduce the square footage in the room; this could be done by putting in closets for an occupancy of 50 or less people in the room
2. Don't host meeting in the room
3. Sprinkle the room

Reuben referred to back in the 1990's when the sidewalk liability law went into effect it was stated that if the town was told that there was a liability there was only 72 hours to correct a situation and all that was necessary was to post a danger, it didn't need to be fixed. Is there a loophole somewhere for the situation? Not knowing the answer Evan would like to have an opportunity to speak with the Fire Marshal to look into this to figure it out. Reuben hates to see the historical value of the community go away with any further renovations to the Town Hall; sprinklers would not do that but putting up more walls would. What if we did nothing to correct this would the Fire Department be obligated to shut us down; the response was "pretty much". Ryan Ridley spoke with the Deputy Fire Marshal last week, Wolfeboro had to sprinkle their town hall and there is something from 10 years ago stating that this should have been done back then; he is not sure why it hadn't been done. Over the years there have been changes to the assembly permit to reflect 49 people possibly this was done to try to get away from the sprinkler requirement. The reality is this has been set aside for a number of years and now it has become today's problem. Meeting downstairs was voiced which would be a way around this. If the room were sprinkled then the occupancy would not even be 300 it would be much less approximately 110 people. Cydney Johnson asked if a Capital Reserve were to be established and place this as part of the CIP Plan showing good faith would this cover us in any way? Evan voiced that he thought there would have to be a definite plan with definite deadlines. Reuben mentioned the Clough-Morrill Trust Fund that is primarily intended for Town Hall building issues; we can only use the interest but he would like to see the cost of the sprinkler system for the entire building. This would also help with insurance. A water

based system opposed to a chemical system was mentioned with The Chief stating it would need to be a water based system. Evan noted there is a dry system and explained its function. The next step is to obtain an estimate and there will be a need to have a fire flow for the water main capacity like the school had to do. No timeframe has been set however once an assembly permit has expired it is not permitted for use and it is currently expired. Reuben asked about a Firefighter being stationed (fire watch) in the Town Hall during meetings in case of an emergency or fire, would that be permissible until we get some planning done. This type of issue came up during the High School graduation, the Fire Marshal's Office was contacted and it is not permitted! Another scenario was brought forward about not allowing more than a certain amount of people in a meeting and if more than that showed up then we recess and move to a different location. Ryan Ridley will look into this and report back to the Board.

Approval; Historical Gazebo, Bay Area

Ken Roberts was present to speak on behalf of the Historical Gazebo. There have been several meetings regarding the gazebo. The finding was that the best option is a precut structure from Fifthroom.com. They are about the only ones in the country that will do a prefab, it will be like an erector set. We don't need a bunch of carpenters to put it together. It can be obtained in a short amount of time; the price is within the budget at \$17,579.00 opposed to 18K plus labor for the others. Virgil MacDonald inquired about the inside octagon center that was discussed with Ken responding that is what the donations are for which will be done by the Historical Society along with seats and memorial plaques. With the money left over (approximately \$2,400.00) we will run conduit to allow electricity for security and night time lighting so that there are no issues. This will be discussed with NH Electric Coop tomorrow and may require a meter on the pole; electricians have not been consulted yet. Reuben referred to the costs with Reeds Ferry seeing that they would delivery, set it all up and it would be done comparing it to Fifthroom when it has to be shipped and erected. The timeframe with Reeds Ferry would be delivery sometime in August/September. Ken stated that it only requires three (3) people without experience to erect and it would take approximately two (2) days. Reuben's concern was if something was missing what would be the timeframe to get the pieces from Fifthroom. Liz Dionne noted that it was her understanding that if there was a missing part/piece then the company would ship it out immediately. The reputation of this company (Fifthroom) is very good. Reuben challenged Ken on the erection of the gazebo and stated if it gets done in the timeframe stated he would take him to dinner. Reuben offered his loader at no cost to unload the gazebo wherever it will be placed; most will be put together at the Highway Department and moved in sections. Liz Dionne stated that the Committee worked very hard on the research, coming up with the best offer they could for the community and she would like to publicly thank everyone involved.

Virgil MacDonald made a motion to order the historic gazebo from Fifthroom.com for Alton Bay and Reuben Wentworth seconded.

Further discussion: Reuben Wentworth mentioned waiving the requirement for three (3) bids. Liz Dionne noted that there was a third bid from Middleton however, it was a wood structure opposed to vinyl; Reuben would like that to be noted in the bid motion.

Virgil MacDonald amended his previous motion to order from Fifthroom.com the historic gazebo for Alton Bay, waiving the requirement for three (3) bids and allow the Town Administrator to sign any of the paperwork involved and Reuben Wentworth seconded with all in favor of the motion.

Approval; Lakes Region Tourism Association Lease Agreement

Reuben Wentworth voiced concerns that he would like to see the fiscal impact be at least \$10.00 per month while they are using the facility to help cover some of the costs associated with the use. They are helping all around the Lakes Region with most of their advertising geared to the northern part of the region and not in Alton. Liz Dionne commented that they lease one office with no bathroom facility; they use the public restrooms across the street. The \$1.00 a month was previously set by a Selectman. If a change is made the LRTA will need to bring it to their Board of Directors for approval. They are a non-profit organization with most of their workers volunteers. They have always been more than willing to distribute any flyers or documents that the Town has and have been a good tenant for a number of years. When the building is rented, the restrooms are not accessible and once the restrooms are renovated to ADA compliance, they will no longer have use of them, which is stated in the agreement; they are aware and understand this. This was compared to the forthcoming CAP agreement who pay \$100.00 per month; they serve our seniors and shut ins. It was noted that the Town Attorney had reviewed the lease.

Reuben Wentworth made a motion to approve the Lease Agreement with Lakes Region Tourism changing the fiscal impact to Ten Dollars (\$10.00) and Virgil MacDonald seconded. The vote was 3 approved, 1 opposed, Cydney Johnson.

Liz Dionne will inform the Board as to LRTA response.

Approval; License to Use Agreement, Community Action Program of Belknap-Merrimack Counties, Inc.

Reuben Wentworth made a motion to approve the License to Use Agreement between the Town and Community Action Program of Belknap-Merrimack Counties, Inc. and Phil Wittmann seconded with all in favor of the motion.

Town Administrator's Report and Updates by Liz Dionne

Tax Deeding Auction, List of Properties

A list of properties for potential tax sale was provided to the Board, which included the properties that the Town has owned for more than three (3) years. Liz requested that the

Board get back to her with any concerns for the deeding on only the highlighted properties that would be inclusive in the auction. Liz's was looking for any reason why a property should or should not be sold and gave some examples as to why they should not be sold, such as contamination and bankruptcy. Virgil MacDonald inquired as to why some were not put up for sale at the last auction. Cydney Johnson noted that they may not have been worth selling because there would not be an interest or be worthy of selling. Reuben Wentworth would like to see the properties before making a decision. Just the highlighted properties were the ones slated for auction, the others have not been owned for the required three (3) year period. Virgil MacDonald questioned the Lee Drive property that was sold at the last auction; the money was kept, as it was a nonrefundable deposit. Liz would like for the Board to look over the list, see if there are any concerns as to why they should not be sold and let Liz know.

Bid Approvals Highway Department

Ken Roberts was asked to approach the Board in regards to the Highway bids. Liz Dionne noted that the agenda had already closed so she offered to bring the bids up under her Town Administrator's report.

Line Painting

Ken reported that the line painting bid previously had a contract however the company was sold so the contract was null and void. They wanted to pass it the purchasing company but Ken felt it was the right thing to do by putting it back out for bid. Highway Safety was the low bidder for all of the crosswalks, parking lines and the yellow lines. They are his recommended company and will try to get them here before the holidays. This is a three (3) year contract and Reuben Wentworth questioned if it was an open-ended contract and could we vacate with ninety (90) days' notice if we are not happy with their performance. Ken stated we have never had an issue in the line-painting field. There is a non-appropriation clause and it is in most of our contracts. Liz Dionne stated that the Town Attorney always makes sure that it is always in the contracts. As far as the crosswalks it was questioned if they would be the solid lines opposed to the broken lines of the previous year's crosswalks. The reason for the broken lines is that is what the State did on their crosswalks, this could be changed but it would make a change order to the contract due to more linear footage. Solid crosswalks cause issues for motorcycles, which may be the reasoning for the state's change, and they create a slippery issue. We are not bound by the State and Ken will check with the vendor to see what additional cost would be to put the full sidebars in. Ken has a meeting with the owner and will be discussing the crosswalk at Busy Corner; in order to get a legal crosswalk there we have to cut back the concrete, lift it and blend it all into ADA compliance which is what he was told he had to do. In addition, this is what needs to be done in front of Village Fitness. A piece of the sidewalk needs to be cut out and have it go directly from the sidewalk into the roadway and an installation of a truncated dome. For the walkways in the bay they have been incorporated as addendums "A and B"; the contractors are/will be made aware.

Reuben Wentworth made a motion to award the Line Painting Bid to Highway Safety, Inc. in the amount of \$10,367.50 for 2017 and Virgil MacDonald seconded. The motion and second were withdrawn.

Reuben Wentworth amended the motion to award the Line Painting Bid to Highway Safety, Inc. in the amount of \$10,367.50 for a three (3) year period conditional upon appropriation approval and Virgil MacDonald seconded with all in favor of the motion.

Rock Crushing

Ken Roberts explained that the rock in the Cemetery will be crushed to a 6" minus; to make the needed room, more will be added to it. In the Bay area when we run the water lines we will oversize the trench take the crushed gravel out bring it to the Cemetery, screen it, reprocess it and bring it back to fill in the trench. 500 yards has already been processed, some has been used the rest is over by the Church property. There appears to be about 1100/1200 yards at the Cemetery and close to 5500 yards at the other location. The appropriation was for 55K and we will spend the entire amount until it is gone. Ken requests that the bid be awarded to NE Earth Mechanics.

Virgil MacDonald made a motion to award the Rock Crushing Bid to NE Earth Mechanics 159 Barnstead Road, Pittsfield, NH in the amount of \$6.88 per yard for 6 minus and \$7.88 per yard for 1½ minus and Cydney Johnson seconded with all in favor of the motion.

Geo-Web Cellular Confinement System (Bay Project)

Ken Roberts explained that this is what is being used in the Bay area on the slope. A comparison was done for this product opposed to building a wall, which would have cost between 40/45K. There will be a representative on site during the installation for insight. After it is complete it will be loamed that is fertilized with 10/10/10 then sprayed with wildflowers on the hillside. There is no issue with this due to the distance from the lake.

Cydney Johnson made a motion to award the Geo Web Cellular Confinement System Bid to EJ Prescott, Inc. in the amount of \$13,137.80 and Reuben Wentworth seconded with further discussion.

Reuben inquired if Ken was performing the installation; the response was "yes". Virgil MacDonald asked about the Geo Web System cracking Ken felt it would not.

The motion was called with all in favor of the motion.

Selectmen's Committee Report

Reuben Wentworth reported that he met with the Budget Committee last week. The Committee was inquiring about the CIP Committee and wanted to request that a Budget

Committee member have representation. He also met with the Cyanobacteria Committee in New Durham. They have requested a meeting in Alton on June 22, 2017 at 7:00 PM; the Gilman Museum has been reserved for the meeting. The Committee is looking for volunteers to train for water testing in the lakes and the Merrymeeting River.

Phil Wittmann met with the Old Home Week Committee however he had not received any minutes of the meeting yet and Roger Sample covered most of what had transpired.

Virgil MacDonald has a Planning Board meeting tomorrow night.

Cydney Johnson also attended the Cyanobacteria Meeting; she had nothing further to elaborate.

Approval of Selectmen's Minutes:

April 26, 2017

Cydney Johnson made a motion to approve the minutes of Workshop Session, April 26, 2017 and Virgil MacDonald seconded with all in favor of the motion.

May 1, 2017

Cydney Johnson made a motion to approve the minutes of Public Session I, May 1, 2017 and Virgil MacDonald seconded with all in favor of the motion.

Cydney Johnson made a motion to approve the minutes of Non-Public Session I, May 1, 2017 releasing #1 and Reuben Wentworth seconded with all in favor of the motion.

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

Steve Parker questioned the new parking spaces in the Bay asking if there will there be parking for tour buses for the Mt. Washington. It is his hope that there would be as he feels that they have been a forgotten entity and it is a big draw to the lakes region. It was noted that taxes are paid on that dock. Previously addressed was discussion on the light on the Bay Bridge, which is deteriorating and needs some attention. The Water Bandstand needs to be addressed; his hope is that it will be finished by Memorial Day weekend. Mr. Parker felt that this is a just a bandaid and would like to see an overall restoration done by lifting the cribs. This needs to look pristine again. Virgil MacDonald suggested that a Warrant Article needs to be started, as it will take between 70K to 100K to complete. Reuben Wentworth mentioned looking at and comparing it to the Warrant Article from the 1970's. In addition, Reuben is looking for people to serve on the Fundraising Committee and asked Steve Parker to volunteer and received a positive response of "sure I would".

Russ Holt questioned the date for completion of the bandstand with a response from Virgil MacDonald "by the end of this weekend". Cydney Johnson wanted it to be put on record that the Board has not been given any insurances by the contractor that it will be done by this weekend. Mr. Holt asked if there were any future plans for the Bandstand knowing that it is in rough shape and noting that it is more historic than the Town Hall; he suggested the need to maintain it. He further questioned if the money for the roof was encumbered then moved onto the finishing of the Bay Hill Road project for re-paving; wondering if that money encumbered. Cydney Johnson stated that the Board has made it their practice to encumber monies. Mr. Holt asked when the town auction will take place. It will be posted publicly and will hopefully be this year.

Approval of Consent Agenda

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

Approval - Fire Department; Fire Fighter to Fire Fighter with Certification ; Amelia Sweezey, \$14.08/hr.

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

This item was moved to the beginning of the meeting just after the appointment for Roger Sample in order to accommodate the parties present in the audience.

Non-Public Session:

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

Roll call vote:

Reuben Wentworth, yes
Philip V. Wittmann, yes
Virgil MacDonald, yes
Cydney Johnson, yes

Adjournment

The meeting adjourned at 7:39 PM.

Respectfully submitted,

Mary K. Jarvis
Recording Secretary