

ALTON BOARD OF SELECTMEN  
Meeting Minutes  
Public Session I  
May 16, 2016  
6:00 PM  
1 Monument Square  
Alton, NH 03809  
**Approved: June 6, 2016**

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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
- Lou LaCourse, Vice Chairman
- Philip V. Wittmann, Selectman
- Virgil MacDonald, Selectman
- John Markland, Selectman
- Elizabeth Dionne, Town Administrator

**Approval of Agenda**

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

**Appointments:**

Paul Lewis ~ Culvert request; Frohock Brook Road (Class VI Road)

Paul Lewis from 56 Frohock Brook Road and Highway Agent, Ken Roberts were called to the table to discuss a culvert situation located on his property which is located on both a Class V (25') and Class VI (75') roadway. Pictures were provided to the Board for their review. There is an exposed culvert across the road 100' up from his property, Mr. Lewis is afraid this could receive damage from vehicles running over it. The road is well ditched just past the culvert but it was filled with leaves and is filled in from there to the asphalt of the new road, from that point there is no ditching for approximately 30' allowing for the water to run off the mountain. Some of the water runs down the culvert but the remainder goes down the new road and could cause damages to the roadway and his driveway. Mr. Lewis is asking for permission and possibly some help to do the work on the Class VI portion of the roadway.

Ken Roberts is assuming that the previous work was done by the Bolanger subdivision. There is no erosion issue shown in this area. Ken asked that this be brought to the Board as he has no authority to approve this and it has always gone before the Board of Selectmen for the approval. Ken recommends that the Board approve the work to be done.

Mr. Lewis stated that his plan was to put a berm in just below the culvert. Ken was in agreement.

Ken Roberts noted that 1375' of that roadway has been maintained over the last 22 years. When it was recently paved it went beyond that footage to just beyond Mr. Lewis' driveway as a good will gesture and the plowing goes beyond that point. By law the Town cannot do work on a Class VI road. Ken Roberts would be happy to check on the work being done. In the past a bond has not been required for work on a Class VI road. It appears that the culvert is not damaged and building a berm and cleaning the ditch line is not that serious.

Virgil MacDonald made a motion to allow the work to be done by Mr. Lewis on the Class VI section of Frohock Brook Road and Phil Wittmann seconded. John Markland voiced concerns regarding Attorney Sessler's email about drawing a up a form to be signed and would be more comfortable with that being done; he is not disagreeing with the work but would like to see a waiver of liability form completed in order for the town not to be held liable for any damages later down the road, in time.

Basically Ken Roberts would like to see the road left in better condition than it is today prior to the work being done. This is how it has been done for the loggers and other folks and Mr. Lewis would not be responsible for any flooding issues. Lou LaCourse stated his interpretation is that Attorney Sessler states that according to the "town policy and form for waiver do not apply under the facts you have set forth because there is no building being erected". Possibly this is something that can be looked at in the future for more complex issues.

Lou LaCourse recommended moving forward with the motion as previously stated. The vote was 4 approved, 0 opposed and 1 abstention, John Markland.

Ken Roberts offered to take a look at the work, once it is complete. He then referred to the Highway Department forms, specifically the right of way form which covers everything but Class VI Roads and offered to the Board that if they wanted to turn that part of this over to him, it would not have to come before the Board each time, unless it was major work.

#### Richard Fiore - Route 28 Property Plans

Richard Fiore stated that William Cass from the State has requested a letter from the Town of Alton showing approval of the Board of Selectmen to move forward, and that they are in favor of commercial business in his area of ownership. He is looking to purchase a curb cut on Route 28. The curb cut is located right across from the Legion and the Blake building. A copy of the State requirement was requested of from Mr. Fiore however he only had a verbal request and does not know how long it would take. It appears that this could be a Planning Board decision and the Board of Selectmen has no jurisdiction over the Planning Board. The consensus of the Board is to check and speak with the Planning Board to find out their stand on the issue and this area before making any decisions. Liz Dionne, Town Administrator will get back to Mr. Fiore.

#### **Announcements:**

- The Annual Memorial Day Parade will be held on May 30<sup>th</sup> at 10:00 AM at Monument Square. Town Offices will be closed that day.

## Selectmen's Committee Report

Phil Wittmann met with the Old Home Week Committee which discussed the various events that will be taking place. The Committee met with John Alden from the Mason's on their proposal along with the River Run Deli to hold a Kayak race. Also, a Paint the Pig event with a Pig Out Ice Cream Social by Duane Hammond was discussed. The Alton Business Association will be holding a Ham & Bean Supper.

Lou LaCourse met with the Zoning Board some of the cases were moved to next month due to two (2) recusals. There will be a special meeting on Thursday for an appeal of a decision; we granted an expansion of a home in Keewaydin Park and another request for a special exception for a commercial facility on Prospect Mountain, which failed. The Conservation Commission met and discussed moving money from a savings account to a short term CD in order to make a bit more money. It was recommended that they check with the Town Treasurer.

## Town Administrator's Report and Updates

### Tom Sargent, Assessor Appreciation

Tom Sargent was very thankful for his letter of support regarding his DRA report.

### Parks and Recreation Department Update on Trees at the AVAS Building

Alton Community Services has declined the offer of the wood; they need it cut and split and the town staff does not have enough staffing, time or funds to do so. In speaking with the different departments apparently there are several people interested in the wood. A waiver would have to be signed which the Highway Department has. As time goes on there will be more trees with road reconstruction, this will be offered to the property owners. A possible list could be created of potential people that might be interested in the wood rather than just taking it for disposal.

Virgil MacDonald made a motion to allow Ken Roberts to dispose of any wood as long as it is not for commercial resale. Questions on commercial resale and liability issues were discussed. After the discussion Lou LaCourse seconded. Cydney Johnson asked for clarification on the motion. Begin a list and allow Ken Roberts to dispose of the wood without it having to go before the Board each time not allowing them to be used for commercial resale. This will be for all trees moving forward. At this time, Ken Roberts was called to the table to discuss this matter. Stating, most of the wood is soft wood and not hard wood so it really does not have much value. As long as it is non-commercial and in the Town of Alton. John Markland still had questions on the liability issue; Ken Roberts stated that there is a waiver form that is used for fill and this could be used for the wood. There is less liability of dumping the wood on someone's property by their request than having someone coming onto town property. After the discussion and clarification, all were in favor of the motion.

### Summer schedule of BOS meetings

Liz Dionne mentioned that it had been brought to her attention that the Board sometimes went to a summer schedule of one (1) meeting a month. Cydney Johnson noted that historically it has been for the months of July and August as long as there were not a lot of items for discussion. It was the consensus of the Board to continue with the meetings as normally scheduled; two (2) per month.

Liz Dionne brought forth the idea of a consent agenda, in the future, which would be one motion for multiple approvals for Non Public items for various simple things such as end of probation increases.

### Dudley Road street light corner of Route 28

Lou LaCourse brought to Liz's attention a street light issue on Dudley Road. Previously there was Board discussion about possibly moving a street light at the Dudley Road and Route 28 intersection. Lou LaCourse noted that the conversation was to move some street lights located at intersections and that they really didn't need them beyond the intersections. The one on Route 28 is about 150' down from the intersection. If the Town pays for the street light, then you should be able to make a request to have it moved; it may come at a cost and must be approved by the governing body or a designee. Virgil MacDonald voiced that if this is done for one intersection then it should be for all. Cydney Johnson noted that she thought she remembered it being the intersections in town and specifically Route 140 and Main Street. John Markland mentioned the intersection at JP China and how dark it is and he would like to see the cost to do so and the possibility of doing an energy efficient upgrade.

The Board agreed that the Town Administrator should speak with NH Electric Coop to get the information.

### Roberts Cove Thank You Letter; Parking Easement

This item is being brought forward to confirm sending a letter of thanks for the 30x70 parking easement that was donated to the town. Confirmed.

### Liquor License Request Nolan's, Sandy Point Restaurant

The restaurant hopes to be opening soon and they need approval of the Board. This is for a full liquor license. Liz will add the word approve and change the date on the prepared letter.

Lou LaCourse made a motion to approve the full liquor license for Nolan's Sandy Point Restaurant authorizing Liz Dionne to sign the letter and Cydney Johnson seconded with all in favor of the motion.

## Public Input I

Ray Howard approached the Board in regards to Mr. Fiore's request, he would have joined in with him. The State has designated this section of Route 28 as a restricted access road. The State is looking for support, for creating access and was sure that they were looking for approval from all the Boards including Zoning, ZBA and Planning. Perhaps the Town could do a petition in support of getting that location opened up. It was questioned and believed that all of Route 28 right up to 28A is restricted but he is not absolutely sure. Also brought forward was the possibility of a set of lights and a truck lane from points north from the Legion and Blake building locations; for alleviation of traffic backing up.

Jeff Clay approached the Board noting it has been 15 months since he has come before the Board and had hoped that some things would have been changed such as:

- Board Participation Policy - he objected to this policy then and still objects to this; it violates a citizen's right to speak and freedom of speech. He believes that it intimidates people from speaking before the Board. He specifically referred to paragraph 3 and 4; stating you cannot tell me what I can and cannot say. Speaking on only agenda items was mentioned; it was stated by Mr. Clay "then everything that the Town Administrator is speaking about should be listed on the agenda". The policy is contradictory on many issues and would hope that the Board would take a look at it and not allow the Chair to use their individual rights.
- Police Officer Presence - The Police Officer is still present; Mr. Clay questioned why is he here wasting taxpayer's money? Let's move past this!

Cydney Johnson informed Mr. Clay that he had reached his five (5) minute time limit.

## Approval of Selectmen's Minutes

### May 2, 2016

Lou LaCourse made a motion to approve the minutes of Public Session I, May 2, 2016 as written and John Markland seconded with all in favor of the motion.

Lou LaCourse made a motion to approve the minutes of Non Public Session, May 2, 2016 as written opening #1, 2, 3, 4, 5, 6, 7, 9, 10 & 11 and Cydney Johnson seconded with all in favor of the motion.

Lou LaCourse made a motion to approve the minutes of Public Session II, May 2, 2016 as written and John Markland seconded with all in favor of the motion.

### May 4, 2016

Lou LaCourse made a motion to approve the minutes of Public Workshop Session I, May 4, 2016 as written and Virgil MacDonald seconded with all in favor of the motion.

Lou LaCourse made a motion to approve the minutes of Non Public Workshop Session, May 4, 2016 as written opening #1 and Cydney Johnson seconded with all in favor of the motion.

Lou LaCourse made a motion to approve the minutes of Public Workshop Session II, May 4, 2016 as written and Phil Wittmann seconded with all in favor of the motion

### **Old Business:**

#### Fire Department, Items for Disposal

Fire Department Captain Evan Turcotte was called to the table to discuss the items for disposal.

Lou LaCourse inquired of item #3, will the tires be separated from the rims? The answer was “yes” and it was noted that the rims are well past their age.

Cydney Johnson made a motion to give permission to the Fire Department to dispose of the items as listed on the memo dated 5/10/2016 and John Markland seconded.

Virgil MacDonald questioned the ladders listed in item #4 inquiring about them going out to auction or a sealed bid.

Cydney Johnson called the motion on the table. Virgil MacDonald reiterated he would like to see the ladders go out for auction or sealed bid. Lou LaCourse suggested that the motion be amended to first see if the ladders, for a thirty (30) day period, be auctioned. Liz Dionne recommended that they either be put out as a sealed bid or be sold outright. It was questioned if this was the motion on the table, it was, and Virgil MacDonald seconded. At this time Virgil MacDonald wanted to add the hoses as they could be sold to marinas or used at the docks in the Bay. It was noted that it shows on the list that it could be given to Alton residents.

The amended motion failed by vote: 2 approved; Lou LaCourse and Phil Wittmann 3 opposed; Cydney Johnson, John Markland and Virgil MacDonald.

The original motion was put back on the table as follows:

Cydney Johnson made a motion to give permission to the Fire Department to dispose of the items as listed on the memo dated 5/10/2016 and John Markland seconded. The vote was 3 approved, 2 opposed; Virgil MacDonald and Phil Wittmann. The motion carried.

#### Fire Department West Alton Fire Station Improvements

A memo was provided which was previously discussed at a meeting. It was decided that more time was necessary to review the items for improvements. No further discussion transpired.

Cydney Johnson made a motion to approve items 1 through 6 for a total amount of \$16,992.00 as written on the memo dated 5/2/2016 from the Fire Chief and Lou LaCourse seconded. The vote was 4 approved, 1 opposed; John Markland.

#### Fire Department; Donation Acceptance, Thermal Imaging Cameras

Through the Fire Association, money was raised from fundraisers and the money was donated to purchase the Thermal Imaging Cameras to the Town and the Fire Department.

John Markland made a motion to accept the donation of the two (2) Thermal Imaging Cameras from the Alton Firemen's Association with a letter of thanks to the Association for the donation and Lou LaCourse seconded with all in favor of the motion.

#### Email Policy, Formal Acceptance

A draft email policy was created a few years ago however by oversight it was not approved. It has been the policy of this Board not to send emails.

Virgil MacDonald made a motion to accept the Email Policy as written and to send it to all Board members and Phil Wittmann seconded with all in favor of the motion.

#### **New Business:**

#### Land Use Items as recommended by the Tax Assessor

John Markland made a motion to approve the 2015 Abatement for Map 40 Lot 13 for \$652.00 and Map 63 Lot 26 for \$342.00 and Virgil MacDonald seconded with all in favor of the motion.

John Markland made a motion to approve the 2015 Timber Warrants, total amount of \$4,844.93 for Map 9 Lot 60 Operation 15-011-07-T for \$3,679.40 and Map 10 Lot 31 Operation 15-011-12-T for \$1,165.53 and Virgil MacDonald seconded with all in favor of the motion.

#### **Public Input II**

Jeff Clay approached the Board stating "that being a Select Board person comes with a lot of responsibilities, to do what is right at all times, you represent all of those in the community. Even when a Board member acts inappropriately it is up to you folks to possibly discuss it and take action where necessary. I honestly believe that you folks should look into Judge Carroll's decision and look at anyone that previously voted to have me removed from this meeting should be censured by you folks, given everything that has taken place. It is your responsibility to look and did someone act inappropriately. There are at least three (3) new members on this Board and I think that it is really important that you don't overlook things especially things that cost taxpayers in the end. It is your responsibility, an important responsibility. The Board is still doing things improperly. I was arrested for it in the past for trying to correct it and I will continue to try and correct it and if it requires taking you folks to court then that is what I will do. You are entering and conducting meetings outside of

public, in violation of the Right to Know Laws. I have explained it before, it was never vague, it is very specific and I hope that you folks will look into that. As long as there is going to be a Police Officer here I want you to know that I feel incredibly, incredibly, intimidated by that so for now on every time I speak here so that you folks know that I don't want to get arrested and so that I know that I won't be harmed I will sit here like this (with his hands held up in the air) during public input. I'm innocence and just exercising my right's, don't arrest me. This is how I will sit (again, with hands in the air) to let you know that I am not a threat. Obviously this is what you people believe, I am not a threat. I want you to understand that. So, don't have me arrested. The new Administrator made an interesting comment today. You realize that you people have no authority outside of this Board meeting as a member of the Board. Everything that you do is only valid right here but what you said earlier was you spoke with Mr. MacDonald earlier today and you discussed Town business, that can't take place, that can only take place here. The question I want to ask all of you to understand and think in your mind; have you discussed Town business one on one with this person. I don't expect you to answer, you know in your mind if you have, if you call her on the phone or if you're visiting her office and talking with her. You have no legal authority to do that, that is a violation. I have a right to know what your conversations are and that's why they take place here. You can ask the Administrator, she will back it up if she know the right to know laws and if she understands your authority. There are a lot of problems associated with that, eventually it will come around to bite you when all of a sudden you get angry at one of your contemporary's because that person talked to that person outside of this meeting and it angers you because it was an issue that you were passionate about and a decision was made without you. You owe it to us to do everything upfront, in public and understand that there is a limit to your authority. Please do not violate those things, it is really important. Thank you".

Ray Howard approached the Board regarding the Fire Department items that were discussed for disposal, earlier in the meeting. He suggested that the Town wide yard sale might be a good, quick place for the items to be put up for sale.

**Non-Public Session:**

Cydney Johnson made a motion to enter into non-public session pursuant to RSA91-A:3, II (a) through (k) and John Markland seconded. The Board was polled in the affirmative with all in favor of the motion.

The meeting adjourned at 7:13 PM.

Respectfully submitted,

*Mary K. Jarvis*

Mary K. Jarvis  
Recording Secretary