

ALTON BOARD OF SELECTMEN

Minutes

October 21, 2019

6:00 PM

1 Monument Square

Alton, NH 03809

Approved: November 4, 2019

Chairman R. Wentworth convened the meeting at 6:05 PM and P. LaRochelle 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

V. MacDonald requested to add under Old Business e. Highway Department and f. Water Department. P. LaRochelle requested under Old Business, d. Police Department eliminate the discussion.

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

Announcements:

- Halloween hours will be from 5:00 PM to 7:00 PM on Thursday, October 31st.

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

Joseph S. Haas addressed the Board he noticed his name was listed on the agenda for an appointment to meet with the Board stating that he really doesn't have to meet with the Board as all information, he assumes has already been given to them by the Town Administrator regarding the Dover court case. He is looking for the twelve applicants for the fiscal manager position, which is supposed to be open to the public; this is his argument and wants an executive decision from the Board. If he receives a negative decision then he will appeal to Superior Court under 91-A; he is trying to avoid.

Appointments:

None

New Business:

1. State of NH Payment - Municipal Aid

L. Dionne explained that a check was received for \$64,961.71 for unanticipated revenue from the State. Next year we should receive approximately the same amount of money. An explanation was provided as to why it was received and how it may be used. A proposal for using the money was provided to the Board. L. Dionne requested from the Board to have the IT Director Josh Monaco approach the Board to discuss. The proposal consisted of a new telephone landline system, installed and a new server, which is currently in his budget. The remainder of the funds are recommended to be deposited to the Undesignated Fund Balance, which could be used to reduce taxes. L. Dionne explained that if the money is only deposited to the fund balance to offset taxes nothing needs to be done but if it is used otherwise then a Public Hearing needs to be held according to RSA. Both purchases would reduce the IT budget. J. Monaco gave an overview of the proposed phone system. Price comparisons have been done and it would potentially save the Town roughly 8K a year and proposed moving forward with this hybrid solution. Others including some municipalities have had great success with the company, Sangoma. R. Wentworth asked if his budget would be cut by \$14,945 with a response that his budget would be cut close to half.

C. Shapleigh made a motion to accept the Town Administrator's proposal (listed below) for the use of the municipal aid funds and P. Wittmann seconded with all in favor of the motion.

Breakdown as follows:

\$64,961.71	Unanticipated Revenue from the State. "Municipal Aid" Received October 2019
\$ 3,345.14	Telephone System Install by Sangoma
\$11,600.00	New Server
\$50,016.57	Total leftover to go into the Fund Balance for tax offset (if chosen)

It was noted that a Public Hearing will need to be scheduled.

2. Sale of State Owned Land

Discussion ensued regarding the irony of this offer now opposed to years ago when the encroachment was first brought forward. It is strange that this is only being offered to certain landowners and not all. Concerns were voiced that the State should not sell any of the properties in that corridor. It appears to be the parking lot area of the old Bay's Landing Motel. The property is roughly 4,000 square feet +/- and valued at approximately 59K; it will need to be surveyed and include an easement. This is a courtesy letter with an offer to buy before being offered to anyone else.

C. Shapleigh made a motion to pass on the offer to purchase the property and V. MacDonald seconded with all in favor of the motion.

3. Water Department - Truck Purchase

C. Mitchell was present to address the matter. R. Wentworth voiced concerns regarding the Super Cab and diesel. C. Mitchell stated that the Super Cab is currently on clearance and the vehicle would provide dry storage for maps, books etc. In addition, the wheelbase is a concern. This will need to be put out to bid and should be done in 2020. The plan is to take the utility body off the white truck putting an aluminum flatbed body, utilizing the crane on the truck and placing a fuel tank on the superintendent's truck in order not to bother the Highway Department for fills. We would like to make the 2011 vehicle more useful all the way around for more efficient operations. This vehicle would have a better towing capacity and would not be illegal while towing. There are plans moving forward for CDL course training for CDL-A training that would have restrictions. The funds would come from the revenue account and bought outright. The Board will take this under advisement.

4. Shibley's on the Pier Restaurant - Dock

L. Dionne requested that Dave Shibley be included in the discussion. The condition of the dock which is attached to the restaurant has been in question for a few months. A site visit took place six (6) weeks ago with the Town Attorney, P. LaRochelle, L. Dionne and D. Shibley to see what could be done. It was determined that D. Shibley is fully taxed on the dock. There is some question as to who actually owns the dock. The lease is not clear therefore a proposal was brought forward by P. LaRochelle with a win-win solution for all parties. P. LaRochelle explained the proposal which includes D. Shibley taking care of the first 10' from his building towards the Town docks with the Town repairing the rest of the dock. The proposal is to connect that dock to the existing docks adding one or two more fingers depending on space and installing a handicap accessible ramp. In addition, the wall behind needs to be fixed. L. Dionne noted that the 10' out is in addition to the curtilage around the structure. Pricing needs to be obtained. It was suggested that at least three companies be contacted for estimates. J. Downing has drawings of the potential upgrades. It was noted that the lease agreement should be amended to reflect the change for everyone's protection. L. Dionne stated that the Town Attorney will do this if the Board is in agreement with the plan to move forward. D. Shibley stated when the timing of the project takes place the stairs that go from the back of his building to the basement is critical to the daily functions of his business and requested that they would need to have access. The timeline was discussed and is essential for placing a Warrant Article for this project and a "ballpark figure" will be needed. P. LaRochelle offered to meet with people to go over the proposed work.

R. Wentworth made a motion to allow the Town Administrator to go out for RFP's for the work and V. MacDonald seconded with all in favor of the motion.

5. Police Prosecutor Contract

The amended Police Prosecutor Contract was provided to the Board showing the amendments; legal counsel has reviewed the contract.

V. MacDonald made a motion to approved the Police Prosecutor Contract and C. Shapleigh seconded with all in favor of the motion.

Old Business:

1. Jones Field - Castle Fencing Project

K. Troendle provided a memo to the Board regarding the fencing by Castle Fencing. R. Wentworth mentioned a letter by J. Dever in reference to the concession stand being placed on crushed stone instead of just sitting on the ground and asked if there was any concern regarding this before fencing is placed all the way around. K. Troendle stated she had not seen J. Dever's letter. The proposal was to cement the bottoms in and was part of the proposal from the fencing company so that they would be free standing. This is to complete the remainder of the work from the original proposal for around the concession stand and the four dugouts. They are proposing to come back the week on November 11th stating that they have waited as long as they could for the completion; all materials have been purchased and they reminded the Town that they have a signed contract. L. Dionne stated that they have been very patience with the Town and are a reputable company willing to work with the Town. This all comes within the budget and was previously approved by the Board. This is to complete the work that was started.

P. LaRochelle made a motion to approve Castle Fencing to continue the week of November 11th, 2019 to finish their contracted work and V. MacDonald seconded with all in favor of the motion.

2. Lily Pond Road - Road Deeds and Ditching

K. Roberts was called to the table for the discussion for ditching on Lily Pond Road. The footage of the road is in question. K. Roberts recommends that the road be surveyed for the Town to know the exact location of the present road in the Right-of-Way. This is done on every road that is rebuilt as far as ditch lines it is the decision of the Board. K. Roberts does not have the history on Lily Pond Road only that it is not the normal road with almost every road the Town has is 49 ½ feet wide except for this road and a few that were dedicated by the courts. Without a survey we don't even know if the road is within the Right-of-Way where it is supposed to be. The biggest thing on this road are the stone walls; you can't go any further back, you can't set any more ditch lines as you will undermine the stone walls that are in place. Closed drainage systems are the only thing that are going to widen this road. There are a lot of questions with this roadway. Before the ditching was done this year, the water was running right down the road, washing out the driveways and plugging the culverts. The feeling is that costs could be taken out of Road Reconstruction. It was the consensus of the Board to have K. Roberts get pricing on having Lily Pond Road surveyed.

R. Wentworth made a motion to have K. Roberts get bids for a survey on Lily Pond Road and P. Wittmann seconded with all in favor of the motion.

3. Budget Presentations

a. Legal - line 185 only

L. Dionne explained the bottom line for the Legal Budget would increase from \$73,846 to \$126,676 adding line 185.

C. Shapleigh made a motion to approve the Legal Budget 4153 bottom line \$126,676 and P. LaRochelle seconded with all in favor of the motion.

Note: R. Wentworth stated that the only reason this budget has increased so much is due to forthcoming litigation and cannot be avoided.

b. Cemetery Department

K. Troendle was called upon for the discussion. Previously there were questions on this budget; Dave St. Cyr was to be contacted to see how the perpetual care money could be used. L. Dionne stated that she and K. Troendle met with D. St. Cyr and the Trustees of Trust Funds today regarding wages being paid for out of the fund with an answer of “no”, materials and supplies “yes”. K. Troendle noted that D. St. Cyr stated because it is a Town employee they could not be paid from Trust Funds. The Sexton is an employee of the Town and now works for the Board of Selectmen and according to the Town Attorney you are El-Facto Cemetery Trustees. Citing previous actions according to D. St. Cyr payment of the person(s) as done in the past would be inappropriate use of the Trust Fund and it has taken years to correct that mistake. It was made very clear that if you are a Town employee you cannot be paid from the Trust Fund but if you are contracted for services then the labor can be paid out of the Trust Fund. A legal opinion was requested from Attorney Sessler regarding this opinion. Currently the Trust Fund has \$163,610.27 which is principal and interest. The proposed budget is \$67,451 opposed to last year at \$62,303 which is roughly a \$4,800 increase; there is nothing frivolous in the budget.

C. Shapleigh made a motion to accept the Cemetery budget as presented and P. LaRochelle seconded.

Discussion: V. MacDonald asked if anything was coming out of the Trust, K. Troendle responded “nothing is coming out of the Trust”. V. MacDonald does not want the Trust touched at all feeling it should be left alone to build it back up.

The motion on the table was called with all in favor.

c. Conservation Commission

G. Young, Conservation Commission Chair addressed the Board stating that the wages were the only thing that has changed with normal adjustments and is just for the Secretary. Line 172 was questioned for Lake Monitoring. Most of the testing is for the Merry meeting with a lot more testing being done, potentially year round. Most of the testing is done by volunteers. Line 184 (contracted services) was discussed; the Town owns over 600 acres of conservation land most in the Gilman Pond area. Management in the past has been neglected and should be done however you need to know what is there. The proposal is to hire a Forester so that rational decisions may be made. It is roughly 4K to 5K for a decent survey.

V. MacDonald made a motion to approve the Conservation Commission budget for \$21,773 and C. Shapleigh seconded.

Discussion: C. Shapleigh inquired about the electric pole that was added for the light at Alton Mountain Road. L. Dionne clarified.

V. MacDonald amended his motion to approve the Conservation Commission budget for \$21,580.

C. Shapleigh will not withdraw her second. V. MacDonald withdrew his previous motion.

C. Shapleigh made a motion to approve the Conservation Commission budget for \$21,773 and R. Wentworth seconded.

Discussion: P. LaRochelle is in favor; P. Wittmann stated he would vote for it; R. Wentworth stated the only reason he would vote for it is because it was part of their agreement that a light would be put out there and it was overlooked in the agreement. R. Wentworth asked that the agreement be brought back to the Board and if there is any difference then it would be brought back up for reconsideration.

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

d. Police Department

Discussion previously withdrawn.

e. Highway Department

V. MacDonald noted that K. Roberts requested to deduct \$7,000 from line 4312-143 (gravel) within his budget instead of taking \$500 from the individual line items due to them being contracted services. C. Shapleigh noted that it is a bottom line budget so it really doesn't matter. V. MacDonald would like to change his previous motion.

V. MacDonald requested reconsideration of the Highway Department budget as previously approved and P. LaRochelle seconded.

Discussion: V. MacDonald reiterated that the Highway Department Manager asked that the money be taken out of the gravel budget, which makes it easier for his department to keep things straight. It was noted that it was his original suggestion to cut \$500 out of each line.

The motion to reconsider the Highway Department budget was called. The vote was 2 approved, P. LaRochelle, V. MacDonald, 3 opposed. **Motion Fails.**

f. Water Department

V. MacDonald believes that L. Dionne needs to find out what is in the Water Department Fund so that money can be moved to revenues in order to go out looking for grants for matching funds. R. Wentworth would like to see the beginning balance in 2019 after the Town was given an invoice to set up the Revenue Fund. All monies deposited from the billings for the year plus the \$165K. C. Mitchell stated that there currently is 657K noting that there are not many grants available for what they are doing. Again, R. Wentworth would like to see the beginning balance for 2019 and what has been deposited for revenues since plus the released money from the auditor's report to see where we are today so that money can be put into the capital reserves instead of sitting in the revenue fund. The accounts cannot be changed until Town Meeting votes. C. Shapleigh feels that all Town money should be getting the best possible return on the money. L. Dionne will obtain the information.

Selectmen Reports

P. LaRochelle had nothing to report.

P. Wittmann reported he met with the Old Home Week Committee and that they agreed they had successful events. They lost \$2,107.36 due to not having the annual Warrant Article of \$2,500. R. Sample wanted to know how soon he needed to request funding for this year. The ZAC met again with 11 possible suggestions for the Planning Board. They will meet two more times before the presentation to the Planner.

C. Shapleigh had nothing to report.

V. MacDonald had nothing to report.

R. Wentworth reported that the first Budget Committee meeting took place. Questions were asked, departments did well however no decisions were made.

Town Administrator Report by L. Dionne

Colchester Litigation

The Superior Court found in favor of the decision of the ZBA. The Colchester people will be appealing to the NH Supreme Court. L. Dionne offered to set up a meeting with Attorney Tanguay however the Board was comfortable with the information that was relayed to them so they didn't feel that it was necessary to meet with him.

Route 11 and Route 11D Property

A packet was provided to the Board from the Society for the Protection of New Hampshire Forests regarding properties on Route 11 and 11D asking if the Town was aware of any issues concerning solid or hazardous wastes that might impact either of them. R. Wentworth noted that years ago people were going into the 11D property

dumping refrigerators. He believes that it was cleaned up by both the State and Town. A form needs to be signed with no liability to the Town.

Approval of Minutes

September 23, 2019 - Workshop

V. MacDonald made a motion to approve the Workshop minutes of September 23, 2019 as presented and C. Shapleigh seconded. The vote was 4 approved, 1 abstention, P. Wittmann.

September 30, 2019 - Workshop

V. MacDonald made a motion to approve the Workshop minutes of September 30, 2019 as presented and P. LaRochelle seconded with all in favor of the motion.

October 7, 2019 - Regular

C. Shapleigh made a motion to approve the minutes of October 7, 2019 as presented and P. Wittmann seconded. The vote was 4 approved, 1 abstention, R. Wentworth

October 7, 2019 - Non-Public

C. Shapleigh made a motion to approve the Non-Public minutes of October 7, 2019 as presented divulging #1 and #2. Concerns were raised about releasing these items. C. Shapleigh amended the motion to approve and divulge #1 and V. MacDonald seconded. The vote was 4 approved, 1 abstention, R. Wentworth.

Approval of Consent Agenda

C. Shapleigh made a motion to approve the Consent Agenda and P. Wittmann seconded. P. LaRochelle questioned item #2 and asked if the Chief could elaborate further on the New Hire; this would have to go into Non-Public as names would be used. The motion and second were withdrawn.

C. Shapleigh made a motion to approve the Consent Agenda Items #1 and #3 and P. Wittmann seconded with all in favor of the motion.

1. Assessing Department - Land Use Items:
Administrative Abatement 2019

Cory Cotoia	Map 65 Lot 17-44	Camper	\$79.00
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2. Solid Waste Department:

Temporary Hire: Paul Levesque, Fulltime Attendant II, \$14.41 per hour, effective 11/1/2019.

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

K. Roberts addressed the Board as a resident of Alton. While discussing the Town Docks he noted that this will cost quite a bit of money. Before the Board last year, there was a bid for 81K for repairing the wall which has not been addressed since then and feels that it should be addressed. In addition, there is an ADA problem with the sidewalk. There are two major things happening in that area that will cost a lot of money. It was his feeling that this should be addressed by the Board prior to any other projects being done or introduced.

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

- Joseph Haas

