

ALTON BOARD OF SELECTMEN
Minutes
Public Session I
December 15, 2014
6:00 PM
1 Monument Square
Alton, NH 03809
Approved: January 14, 2015

R. Loring Carr 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:

R. Loring Carr, Chairman
Marc DeCoff, Vice Chairman
Cydney Johnson, Selectman
Lou LaCourse, Selectman
David Hussey, Selectman
E. Russell Bailey, Town Administrator

PUBLIC HEARING

At this time the Public Hearing for weight limits and through trucking was opened for public input.

R. Loring Carr noted that the stub on Old Wolfeboro Road from town to Route 28 was added.

George Morgan, 224 Powder Mill Road voiced his concerns that the road is much too narrow for through trucking with no sidewalks and its steep banks. There are families with children with no safety margin for trucks of that size being run up and down the road. David Hussey noted that this road is a normal size road for Alton at 21'. Mr. Morgan suggested if this road is to be opened, drop the speed limit to 20 mph. There is too much potential for skidding and stopping with that kind of weight.

Marc Fuller, Powder Mill Road approached the Board with his comments. In his opinion the road is standard and as a part-time truck driver who pays 50 to 60 cents more per gallon for road tax, and some of that comes back in Highway Block Grants for road construction and re-construction which is utilized as stated in your Warrant Article. The speed limit is already at 30 mph; there are other roads in the state in the same or worse condition that trucks are allowed to use. The truckers feel it is not fair to be posted for the weight limits and unnecessary, understanding that there will be closures during the springtime or if there is a bad bridge; there isn't a problem with this.

Ryan Heath, Police Chief was called upon for any comments he might have in regards to the roads. The Police Department's position is to serve at the will of the community and to enforce the rules and regulations of the Selectmen and taxpayers, as they are presented to the department. We need to protect these roads and the investment that the town has put into them. There is no position one way or the other with these roads; they are standard in width for the town and so are the speed limits. The reactionary space, with a tractor trailer; does not have a lot of room for error. The department will enforce whatever they are instructed to do regarding these roads.

Jeffrey Clay, Mallard Drive questioned why these roads were selected, what is the benefit to the people, what is the long range plan down the road. Commenting that there must have been a reason to implement these prohibitions, for these heavy trucks and asked how long will it be before the roads begin to crumble again and the taxpayers will have to pay for them to be repaired?

David Hussey noted that they were originally posted because the roads were in such poor shape but have been brought up to the specs of the state which means now that anybody should be able to use them. Noting that the roads will still be closed in the springtime.

Carol Morgan, 224 Powder Mill Road voiced her concerns in reference to safety issues on the roadway and mentioned that there is a quality of life issue and this should be taken into consideration.

R. Loring Carr closed public input, asking the Board for their comments.

In David Hussey's opinion there is one (1) place on Coffin Brook Road of concern which is at the bridge; two (2) tractor trailers would not be able to make it through at the same time and recommends no through trucking for tractor trailers and to limit the crossroad from Route 140 to the New Durham line. Also he felt that all other roads should be open.

Lou LaCourse felt that this should go before the people. That the Board is a small group making a big decision; noted by other Board members; as Selectmen we are elected to make the decisions and by RSA, the responsibility is placed on the Selectmen.

Cydney Johnson questioned Chief Heath in regards to any sharp corners or narrow places that would be a danger to the people living on that road which would prevent tractor trailers from crossing the roads. In response he was not aware of any dangers as it has been quite sometime since the roads were open to vehicles of this size; clearance and distance could be an issue with the shoulder of the road. Also questioned was trouble during the winter months. Without having the stats available,

at times there have been problems during snowfall with a fair amount of vehicles that go off the road.

Lou LaCourse asked a general question to the truckers in attendance regarding using all of the roads since they had been opened? It was the general consensus that a couple of them had been used.

David Hussey made a motion to open these roads for trucking except for Coffin Brook Road placing no through trucking for tractor trailers due to the danger of the bridge. A discussion transpired, noting the closing of School Street, Old Wolfeboro Road, Bay Hill Road, and the stub on Old Wolfeboro Road. E. Russell Bailey read the roads into the record that were noticed for the Public Hearing: Old Wolfeboro Road (Route 28 to Route 28), Powder Mill Road, Stockbridge Corner Road, Valley Road, Coffin Brook Road, Hollywood Beach Road and Roberts Cove Road. David Hussey added no tractor trailers from Coffin Brook Road to Route 28. Marc DeCoff questioned when other roads get rebuilt, will they be closed; they would be looked at on a case by case basis. After the discussion Marc DeCoff seconded with a vote of 3 approved, (RLC, DH, MD) and 2 opposed (CJ and LL).

R. Loring Carr closed the Public Hearing.

Approval of the Agenda

E. Russell Bailey requested removing item #1 under Old Business, Project Status Update as the projects for this year are complete and adding Jonathan Downing under appointments in reference to Old Home Week, the Barbershoppers.

Cydney Johnson made a motion to approve the agenda as amended and David Hussey seconded with all in favor of the motion.

Appointments:

Jonathan Downing approached the Board in reference to the Barbershoppers. He gave a historical overview of the Barbershoppers and their plans for participation for Old Home Week. They are scheduled for the weekend of August 14th & 15th; Friday will be registrations with concerts during the day with the main concert at the High School on Saturday night. After the main concert they usually have an afterglow which would be singing down at the Bay possibly going to different churches and restaurants. The Lakes Region Chordsmen will be sponsoring the event along with Parks & Recreation with all proceeds being divided in half, if there are any profits. He requested a Proclamation for 55 years as this was always done in the past. Also requested was extending the curfew for noise and possibly allowing alcohol to be consumed in public.

R. Loring Carr inquired whether police coverage would be necessary at the gym the night of the concert. A Special Events Application needs to be completed with contact information. The event will be sponsored by the Parks & Recreation Department. Cydney Johnson mentioned a possible need for a Police Officer at the Bay with a potential for parking and traffic issues. There will be a contract between the Lakes Region Chordsmen and the town to make it clear who is responsible for what. This will be the Laconia Chapter; they are very excited about performing.

Marc DeCoff asked Jonathan Downing about the alcohol consumption mentioned earlier. Chief Heath made it known that the Liquor Commission would forbid alcohol.

Marc DeCoff made a motion to approve the Barbershoppers and extend the noise ordinance to 1:00 am on Saturday, August 15, 2015 and David Hussey seconded with all in favor of the motion.

Announcements: Town Offices will be closed half a day December 24th and all day December 25th in observance of Christmas and January 1, 2015 for New Year's Day.

BOARD OF HEALTH

R. Loring Carr made a motion to recess as the Board of Selectmen and to convene as Board of Health and David Hussey seconded with all in favor of the motion.

John Dever was present to present the septic waiver for Map 76 Lot 15; 158 on Rattlesnake Island for Jonathan & Kathleen Sistare. The topography is very steep with an existing system that is ancient. The designer is proposing to use the Clean Water Solution System, the tanks will be plastic, the EDA to the leach field is half inch drip tubing and will be trenched instead of digging the whole field; it will be seasonal. This will minimize the need for an excavator with all the requirements being met through our regulations.

David Hussey made a motion to grant the septic waiver for Map 76 Lot 15; using the Clean Water Solution System, septic tank to Lake required 75', Actual 50' for 158 Rattlesnake Island and Marc DeCoff seconded with all in favor of the motion.

R. Loring Carr made a motion to adjourn as the Board of Health and to re-Convene as the Board of Selectmen and David Hussey seconded with all in favor of the motion.

Selectmen's Committee Report

Lou LaCourse reported he will be meeting with the Budget Committee tomorrow evening and with the Zoning Amendment Committee on Wednesday.

R. Loring Carr reported meeting with the Old Home Week Committee. They have been working on ideas for events and will meet again after New Years.

Town Administrator's Report and Updates by E. Russell Bailey

Under the new MetroCast Franchise agreement the town would be getting a grant each year to be used to assist with any costs involved with providing public access videos for the meetings. We received the first check today in the amount of \$1,208.00. I will need to get back to the Board in reference to the current video system.

A letter from the School Superintendent was received today, addressed to the Board of Health in reference to the issue that's been discussed with the school and the Water Department regarding water flow. David Hussey questioned if this letter had been copied to the Water Department; it appears that it went to the School Board. The school department feels that it is up to the town to address this problem. The dates need to be looked at on the letter and it was noted that the date of the scheduled meeting was December 9th which the School Board cancelled, it was re-scheduled and held December 10th; the Board of Selectmen were not told that the School Board had previously met, the letter was dated December 10th. The letter was read into the record as follows:

December 10, 2014

*Alton Board of Health
Alton Town Hall
PO Box 659
Alton, NH 03809*

Dear Members of the Board of Health,

At the December 8, 2014 Alton School Board meeting, the Board discussed their concern regarding the lack of water flow from the fire hydrants. The concern is not only for the children and facilities of Alton Central School but for the citizens of Alton.

The Board feels strongly that the remedy for this matter is not the responsibility of the School District. Rather, they feel that the Town needs to resolve this as soon as possible to assure the safety of all.

Please contact the Alton School Board if you have any questions. Thank you for your prompt attention and response to this matter.

On behalf of the Alton School Board,

S/ William Lander, Superintendent of Schools

Cc: Alton School Board

David Hussey mentioned that all of the hydrants had been checked; they are all working. He also mentioned that if this sprinkler system was designed back in 1994 and they failed to check with the Water Department in 2014, before it was designed and if it was incorrectly designed, then the architect is responsible, according to the bid specs. The flowage should have been looked at before the architect even bid on the job.

An overview of the joint meeting was given to provide Cydney Johnson with what transpired as she was not in attendance due to a prior commitment.

Cydney Johnson stated that there still seems to be confusion or a general lack of understanding as to the Selectmen having authority over the Water Department. E. Russell Bailey explained that by statute the Water Commissioners are a separate entity as voted by town meeting, the only way that they could be discontinued and have them under the Selectmen is through a town meeting vote. Since they are a separate entity and they have their own funding, they don't go to taxation, they have their own revenue through their fees, their money is kept separate and they have a right to hold their money in trust using it without town meeting authority, just the Commissioners authority. By statute the Board of Selectmen has no authority over the operation of the Water Department.

Further discussion transpired regarding the joint meeting.

Marc DeCoff mentioned that Steve Miller had an estimate of over 300K to have a cistern put in place and would check into getting a Warrant Article for approximately 150K. The Planning Board does not support or recommend cisterns; they have been removed.

R. Loring Carr mentioned that Scott Williams repeatedly said there was 500 gallons per minute coming out of the hydrants but the other side of the table stated there is no flow.

Lou LaCourse thought that the school should be treated as any other business has been treated and absorb the cost. The water system was not built to support a sprinkler system in schools; this should have been thought of sometime last year; not now.

It seems that the letter from the School Board was sent before we even had the joint meeting and why did we even have the meeting when the School Board didn't even attend. This letter is being written to the wrong people, it should be sent to the Water Commissioners. The letter should direct them in the proper direction and also a copy of the RSA should be sent along with it. No matter how many times the Board is asked we cannot make the Water Department do something; we don't have the authority to do.

Another joint meeting is scheduled for January 7, 2015 at 6:00 PM to be sure that things are in line. We have pointed them in the right direction to the Water Department. A letter is to be sent directing them to the Water Commissioners along with the RSA.

E. Russell Bailey stated that it is a question or issue of who is going to pay for this. It could be subbed out to a contractor. Getting the line done now is not really feasible at this time; at best it would be early spring. If the school isn't willing to pay and the Water Commission won't build it unless they pay, I am not sure where this will go. Rates would have to be raised for everybody.

Public Input I

R. Loring Carr noted that the Board voted at the last meeting to implement a five (5) minute limit for public input.

Jeffrey Clay, Mallard Drive approached the Board questioning when and how the limit was voted on. He stated that he will be at every single meeting until there is compliance with the Right to Know (RTK) laws and believes that the Board is still breaking the law under Chairman Carr's leadership and he will ask a judge to personally fine him 2K for every violation of the RTK laws. Mr. Clay referred to his previous RTK request regarding emails between the Board of Selectmen and the Town Administrator, Lou LaCourse sent two (2) regarding fireworks and David Hussey sent one (1) with no others sending or receiving emails for the entire year beginning January 1. He then read an excerpt from RTK law. He also stated that it is against the law to communicate by telephone with each other and questioned how meetings are getting set up, how are you communicating with each other and is now making a RTK request for every single email sent or received concerning public business between each and every one of you from your personal computers and wants them in five (5) days for his inspection from January 1, 2014 to today's date. Mr. Clay stated that his greater free speech protection applies; this was violated at the last meeting and he will take the Board to court for that. At the last meeting you had me escorted out of the building by the Police; he will take the Board to court for that. Again, he stated that this evening David Hussey voted again and he is not a legal member of the Board as his interview took place in non-public session and did not receive a majority vote from this Board, he should not be on this Board. His RTK request from each of the Board members is for any documents whatsoever received or accepted by you is

also requested, this includes any written communication or information whether paper, electronic or other physical form received by a quorum majority of vote by a public body official function. He again read an excerpt from the RTK law. He requested that Cydney Johnson do an ethics violation/investigation stating his reasons. As a member of the Board whenever something arises if it gives the appearance of impropriety she needs to step away and excuse herself. She was bragging at the next to the last meeting that when the Police were called to investigate a person who was popping wheelies, driving recklessly without a helmet on, down the street and he continued to enter a personal arena towards Ms. Johnson. R. Loring Carr attempted to quiet Mr. Clay from any further conversation of a personal nature towards Ms. Johnson however he continued and was asked to stop on numerous occasions but continued; therefore he was escorted from the meeting room by the Police Chief.

Elizabeth Cantrell from the Baysider questioned the time and date for the next joint meeting which is January 7, 2015 at 6:00 PM. A copy of the letter from the School Board was provided to her.

Marc DeCoff made a statement regarding that the Board had previously voted that there are to be no emails between the Board members and that there has been no exchange between them.

Approval of Selectmen's Minutes

Marc DeCoff made a motion to approve the minutes of Public Workshop Session I, November 25, 2014 and David Hussey seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the minutes of Non Public Workshop Session, November 25, 2014 opening 1a and Cydney Johnson seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the minutes of Public Workshop Session II, November 25, 2014 and David Hussey seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the minutes of Public Session I, December 1, 2014 and David Hussey seconded. R. Loring Carr requested amending page 4 after the second to the last sentence adding *a Police Officer removed Mr. Clay*. Marc DeCoff seconded the request and made a motion to approve the minutes as amended and Cydney Johnson seconded with all in favor of the amended motion.

Marc DeCoff made a motion to approve the minutes of Non Public Session, December 1, 2014 opening 1 & 3 and David Hussey seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the minutes of Public Session II, December 1, 2014 and Cydney Johnson seconded with all in favor of the motion.

Old Business:

2015 Budget/Warrant Articles

There will possibly be ten (10) or more Zoning Amendments therefore the Articles cannot be numbered yet. The Warrant Article for the Bond issue will need to be placed as the first Article after the Zoning Amendments. E. Russell Bailey talked with the Bond Bank there is no payment in the first year due to the timing and being on a calendar year, if approved the first payment wouldn't be until February of the following year. There will be some costs involved, we need to hire a bond counsel which could cost anywhere from 4K up to 8K and a there is a fee with the bond bank who handles the entire sale and was told that the fee is about 15K for the sale of the bond; this needs to be confirmed. This could possibly be included in the Warrant Article or we can work it into the operating budget. The school's amount came out of their operating budget. This would fall under legal so we either need to increase legal or cut some other costs to cover it; we won't know until the bond counsel is hired. The general consensus was to add the amount to the article and have all the numbers on the table so that the people know the costs. This will need to be fine tuned once all the fees are set and approved by the Board. The bond bank gave a list of four (4) bond companies in the state and they would be brought to the Board for a decision. The wording of the Article does not need to be finalized tonight but this needs to be presented to the Budget Committee. The Article language will be drafted based on an estimated 2% to 2.5%.

Marc DeCoff made a motion to add the 20K to the Article for the cost of funding the Article and David Hussey seconded with all in favor of the motion.

Article #9, Sidewalks in the Bay: A question came up on this article about the wording of the brick sidewalks and a possibility for a need to have more detail. The concern is the way the Article reads seems to imply that the sidewalks will be brick. The consensus was to remove the word brick from the article.

Article #12, Landfill Closure: A question was raised when reviewing this Article with the Budget Committee. This Article covers the engineering, any new monitoring wells, the testing of the wells and the annual report. This year we have spent approximately 18K with another bill to come in; it should be no more than 20K. We have 28K in the account now which raises the question of why do we need another 30K. We want to fix the drainage which would mostly be done in house. There will be a wetlands permit that could be several thousand dollars. We could potentially reduce this Article.

Lou LaCourse made a motion to reduce this Article to 12K and Marc DeCoff seconded with all in favor of the motion.

It was noted that the Warrant Articles will be voted on tomorrow night at the Budget Committee meeting.

Article #8, Old Home Week: The Water Ski Show has responded and it is not going to take place so we need to remove this and add the Barbershoppers.

Due to the Bond issue, Ken Roberts suggested a possible lease for a grader which has only had about 5K in repairs; it is the loader that has cost the most money. A lease payment cannot come out of a Capital Reserve account. There is no quote for the loader yet. Last year we spent 30K rebuilding the grader. There is currently 134K in the Capital Reserve and we will add 95K which will take it over 200K noting that we have a lot of old equipment. There is not a lot of time; we can let the Budget Committee know that it might come forward to them before the Public Hearing. E. Russell Bailey will talk with Ken Roberts again to obtain more information. The consensus of the Board was to keep what we have now and use whatever funds we have, in the event that something breaks down. There is 30K in the emergency maintenance that has not been touched noting that maintenance is not the same as replacement. We will keep the Highway Capital Improvement at the 95K for this year.

The date for the Public Hearing for the Bond will be sometime in January or the first week of February; based upon statute it can't be any sooner than 60 days before the March meeting and no later than 15 days before that. Russ will confirm after talking with DRA and Bond Bank for their input.

New Business:

Land Use Items

Marc DeCoff made a motion to approve the 2014 Excavation Intent for Map 9 Lot 59-2 and Cydney Johnson seconded with all in favor of the motion.

Marc DeCoff made a motion to approve the 2014 Administrative Abatements in the amount of \$445.00 for Map 6 Lot 1-10 for \$53.00; Map 6 Lot 1-31 for \$44.00; Map 25 Lot 4, for \$71.00 and Map 71 Lot 116 for \$277.00 and Cydney Johnson seconded with all in favor of the motion.

Public Input II

None

Non-Public Session:

R. Loring Carr made a motion to enter into non-public session pursuant to RSA91-A:3,II (a) personnel (c) character/reputation and (e) claims/litigation and Marc DeCoff seconded. The Board was polled in the affirmative with all in favor of the motion.

Adjournment was at 7:35 PM.

Respectfully submitted,

Mary K. Jarvis

Mary K. Jarvis
Recording Secretary