

MINUTES OF THE SELECT BOARD

Monday September 20, 2021, 7:00 PM

Recreation Building/ Via Zoom

Present: Tom Maher-Chair, Dave McGuckin-Selectman, William Stewart-Selectman and Jennifer Smith-Administrative Assistant to the Select Board and Recording Secretary.

Public Participants: Carl Roediger, Etoile Holzaepfel, Mary Pat Gibson and Sheryl McQuade.

Chairman Maher opened the public session meeting at 7:00PM.

1. Approve Select Board minutes of September 7, 2021

Selectman McGuckin made a motion to approve the Select Board minutes of September 7, 2021. Selectman Stewart seconded and the motion carried unanimously, 3-0.

2. Public Questions and Answers.

Etoile Holzaepfel, 29 Laurel Lane, spoke in opposition of the clearing of vegetation in the park located next to the U.S. Coast Guard Station. Ms. Holzaepfel stated that there was a wholesale clearing of this extensive area by members of the New Castle Garden Club without the Conservation Commission's awareness or approval and that this area is within the state regulated tidal buffer area. Ms. Holzaepfel, a landscape architect, opined that the majority of plants were native and non-invasive. Ms. Holzaepfel stated she had received many phone calls from residents expressing their upset at the removal of tree shade and green buffer between the parking lot and the rest of the park. She was informed by Connie White, Chair of the Conservation Commission, that Eben Lewis of NHDES was aware of the situation and required the town replant native trees and plants. Ms. Holzaepfel further stated that there has been no mention of this topic being on any board agendas for public comment. The plan that she had recently been provided with will not provide any shade and has no trees being replaced. Ms. Holzaepfel closed by saying there needs to be a better effort to create some shade and buffer and asked for an explanation as to why visitors to the park were not invited to offer their comments.

Selectman McGuckin stated that, at the time earlier this summer, he was informed by the Garden Club that the vegetation was invasive and he authorized the Garden Club to move forward with its removal in an effort to beautify the area. Since that time, the BOS has learned that the area should not have been cleared and its members have been working with the Conservation Commission and Mr. Lewis to rectify the situation to the satisfaction of NHDES. Selectman McGuckin further stated that the BOS met publicly several weeks ago with a representative of the Garden Club to review the plans to replant and that discussion would be in the minutes. Selectman McGuckin concluded by stating that a mistake was made and every effort has been made since to correct it.

Ms. Holzaepfel stated that she could not find any mention in the Select Board meetings of a discussion regarding the replanting of vegetation. She requested that there be a better effort made to recreate some shade and buffer in the area and for the Select Board to allow public input.

Selectman Stewart stated that there was native sumac mixed in with some invasives. The area was cleared, but the roots have remained. The goal has been to appease a variety of opinions, with low

plantings to hold the hill in place, as well as some attractive plantings for esthetics. The Select Board was comfortable with the planting plan the Garden Club came forward with. Conversations took place with Eben Lewis regarding any requirements and a Permit by Notification application was filed for through Shoreland for the replanting work that is being done. The Select Board has tried to accommodate a number of needs with a good compromise, including compliance with NHDES.

Ms. Holzaepfel stated that she does not see where there was an opportunity for interested parties to offer their input other than those who took the initiative to directly contact Mary Pat Gibson of the Garden Club. Ms. Holzaepfel opined that normally there are hearings and public meetings where these removal actions would have to go through an extensive review process. Ms. Holzaepfel further asked if it is possible to make some amendments to the sizes and the types of plants so as to provide a better buffer between the parking lot and the park itself.

Selectman McGuckin stated that the Permit by Notification has already been filed.

Selectman Stewart stated that the Permit by Notification does not allow for public notification. It has been accepted and it is a 5-day process.

Chairman Maher stated that discussions on this matter may have taken place earlier than the past several weeks and that a thorough review of recent Select Board minutes will take place after this evening's meeting to establish that date.

Mary Pat Gibson, Garden Club member, spoke via Zoom, stating that it was during a public meeting in November of 2020 that the Select Board authorized the Garden Club to perform cleanup of that area. The Garden Club spent from November until the day they were in the park working, planning this project. This was the second project performed in the park. The initial project received great reviews. Ms. Gibson further stated that Mr. Lewis never instructed the Garden Club to replant trees. Connie White did make it part of her recommendation that we consider planting trees, but many neighbors and residents expressed their approval of the clearing of the area. Ms. Gibson opined that while the area provided some shade to dogs, it was not a sanitary place with the possibility of run off into the river. All these concerns will be addressed as planting will take place in three separate areas. A natural buffer to the shoreline will be added to address erosion and runoff, as well as along the parking lot and the slope area. Residents who value their view were also taken into consideration. The large tree that is currently there is showing new growth due to the light and nutrients it is getting now that the other vegetation has been removed.

Chairman Maher asked if there were any other public comments before moving on to the public hearing scheduled for this evening.

Thomas Smith, 254 Wentworth Road, offered his apologies for expressing his frustrations at the last Select Board meeting regarding the poor acoustics of the Recreation Building.

3. Public Hearing – Establishment of a Special Assessment District

Selectman McGuckin offered a motion to close the public meeting at 7:28pm and open the public hearing for the establishment of a special assessment district. Selectman Stewart seconded and said motion carried unanimously, 3-0.

Chairman Maher read the public hearing legal notice for the establishment of a special assessment district into the record.

Selectman Stewart explained that the water line for Spring Hill Road and Lavenger Lane will be upgraded by the town and the residents as outlined in the public hearing notice will repay the cost of the project, as funded, to the town through an assessment each year, for twenty years. The town currently has complete drawings and will be going to go out to bid. Select Stewart stated the town received NHDES Shoreland approval today for the location. Select Stewart further stated that as of two weeks ago, the town received verification that the City Council for Portsmouth, NH has agreed to accept these water lines if they are built to the specifications they require. Those requirements are included in the engineering. The purpose of this public hearing is to address the final component of establishing a special assessment district which allows the residents to pay back the funding.

Carl Roediger, 51 Spring Hill Road, asked for confirmation that this payment process is over a twenty-year period.

Select Stewart confirmed that it is.

Sheryl McQuade, 58 Spring Hill Road, questioned if the Special Assessment District would be subject to an annual audit.

Selectman Stewart stated that the project itself has to be kept separate and identified as specific to this area. Once the project is complete, we will have a total dollar amount that it cost. That is what the residents will be billed out over the twenty-year period. RSA requires there be transparency as to what is accumulated for cost over the life of this project and what the final note will be.

Ms. McQuade asked if the final amount is a fixed price, or can the price change during the project.

Select Stewart responded that the town will receive a bid "not to exceed" a set dollar. The only thing that could cause it to exceed that amount is if the town signed off on a change order during the project.

Ms. McQuade asked if the residents would be responsible for voting on the change orders.

Selectman Stewart responded that this is essentially a town project and the Select Board would be responsible for signing any change orders. Therefore, there is a trust factor to some extent that the town is working in the best interest of the residents of this project.

Mr. Roediger asked if part of the engineering plan is to strip the asphalt off the entire street and then rebuild the road. Or will the asphalt be cut and rebuilt?

Selectman Stewart responded that the initial plan is to try and use the existing trench. The intent is not to rip up and replace the entire road, but to replace it to the condition that it currently is in. It will be dependent on non-temporary water vs. temporary water and how much asphalt must be ripped up the as deciding factors.

Selectman McGuckin offered a motion to establish a Special Assessment District. The boundary of the Special Assessment District shall constitute the following properties: Tax Map 4, Lots: 5,6,7,8,9,10,11,12,13,14,15,16,17,19,20,21,22,23,24. Selectman Stewart seconded and said motion carried unanimously, 3-0.

Selectman McGuckin offered a motion to close the public hearing and re-open the public meeting at 7:42pm. Selectman Stewart seconded and said motion carried unanimously, 3-0.

4. New Business

a. Covid Update

Chairman Maher stated that it is the intention of the Select Board to try and hold its foreseeable meetings both in person and virtually.

Dr. Kathy Hollister, Health Officer, stated that the country met a grim milestone today in that more people have died from Covid-19 to date (675,000) than those that died from the pandemic of 1918. Pfizer announced today that they are submitting to the FDA for emergency use authorization for a lower dose vaccine for children 5 through 11 years of age. One in four new cases is a child. It is anticipated that children will be able to receive the vaccine as early as late October. The FDA has approved a Pfizer booster vaccine for those individuals 65 and older and for the immunocompromised. The vast overwhelming majority of hospitalized people are unvaccinated. Dr. Hollister closed by stating that she agrees that the Select Board should encourage residents to send their business requests via mail vs. in person visits to town hall and to strongly encourage wearing masks while indoors.

Chairman Maher suggested the Select Board consider returning to the Town Hall Conference Room for its future meetings in order to facilitate better acoustics for hybrid meetings.

Both Selectman McGuckin and Select Stewart expressed a willingness to try the Conference Room as the future meeting place.

b. Acceptance of Safe Path Donations

Chairman Maher read for the record 5 donations to the Safe Path Committee that require acceptance by the Select Board. The donors and amounts were Tom and Molly Reilly-\$200, Sherri Becker-\$100, Todd and Melanie Baker-\$5,000, Peter Schwab-\$1,000 and Nick Diana (10K Road Race)-\$250.

Selectman McGuckin offered a motion to accept the 5 aforementioned donations to the Safe Path Committee. Selectman Stewart seconded and said motion carried unanimously, 3-0.

c. Safe Path Ironwood Contract - Approval

Chairman Maher stated that the Safe Path Committee would like to engage Ironwood Consulting to provide the conceptual design work, surveying and outreach for public opinion, for the project which will basically run from Beach Hill Road all the way through town to Riverview Road. There are areas along the route where expanding or putting in a sidewalk would not be an option. Chairman Maher further stated that these are entirely privately raised funds.

Mary Ann Driscoll, representative of the Safe Path Committee, stated that the specific area will more likely be Pit Lane, because the TAP grant project will cover the Beach Hill Road to Pit Lane section. Safe

Path's goal is to have a contiguous, thoughtful, intuitive path and this is the committee's next step to attain that.

Chairman Maher stated that he has read through the proposal and the contract for this phase states it shall not exceed \$17,000.

Ms. Driscoll stated the correct amount should be \$17,700 and that she would confirm this with Jeff Highland and forward the correct version to Chairman Maher.

Selectman McGuckin offered a motion to approve the Ironwood Contract for \$17,700. Selectman Stewart seconded and the motion carried unanimously, 3-0.

Chairman Maher thanked Ms. Driscoll and the other members of the Safe Path Committee for their incredible fundraising efforts.

d. Town Projects Update

Chairman Maher stated that per Ken McDonald, Admin Project Coordinator, the updating of the lights at the library have been completed. Chairman Maher further stated that an Informational Technology (IT) vendor, Portsmouth Computer, has been awarded a contract with the town to assess its technology needs. The first order of business will be to do a risk assessment of the Town Hall, DPW and Public Safety computer operations. Portsmouth Computer will be onboarding this week.

5. Old Business

No matters were discussed.

6. Adjourn

Selectman McGuckin offered a motion to adjourn at 8:15pm. Selectman Stewart seconded and said motion passed unanimously, 3-0.

Respectfully submitted,

Jennifer Smith
Recording Secretary