

MINUTES OF THE SELECT BOARD
Monday December 6, 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: Dr. Kathy Hollister-Health Officer

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

1. Approve Select Board minutes of November 15, 2021

Selectman McGuckin made a motion to approve the Select Board minutes of November 15, 2021. Selectman Stewart seconded and the motion carried unanimously, 3-0.

2. Old Business

a. Consent Item

Chairman Maher read a prepared statement into the record regarding the on-going issues at Colonial Lane. A copy of the statement will be attached to the minutes.

Selectman Stewart offered a motion that the Select Board grant the request of Ms. Jane Nelson and Mr. Wayne Feigenbaum for a Right of Way Agreement as specifically limited as stated earlier and deny their request for a Right of Way Agreement to construct or install an additional, secondary, or replacement stonewall in the same area as the existing stonewall built by Mr. J.D. Barker within the Town's Right of Way.

Selectman McGuckin seconded and said motion carried unanimously, 3-0.

3. Public Questions and Answers

No public comments were offered.

4. New Business

a. Covid

Dr. Kathy Hollister, Health Officer, stated that currently the State of New Hampshire has the highest number of Covid cases in the country, with over 400 hospitalizations. Those individuals hospitalized are not vaccinated. Dr. Hollister advised the best way to stay alive and stay out of the hospital is to be vaccinated and boosted. Those individuals who initially received the Johnson & Johnson vaccine should booster after 2 months. Dr. Hollister advised those individuals booster with Moderna. Those individuals

who received the Moderna and Pfizer vaccines initially should booster after 6 months. The State of New Hampshire has had 165,000 positive cases of Covid. Omicron first appeared in the U.S. on December 1, 2021. Currently, 18 states have cases of the Omicron variant.

The Select Board thanked Dr. Hollister for her update.

5. Town Projects Update

Chairman Maher stated that the town hall has been undergoing quite a lot of work with new floors, painting and updates in the offices. Chairman Maher publicly thanked DPW employees Chris Robillard and Aaron White for all their hard work during this process.

Chairman Maher stated that the town is also working on IT upgrades, including a firewall for the town's computers.

Selectman Stewart stated that work will begin on the Locke Road and Main Mast Circle water lines the week of December 12th. The town is hoping this project will be completed by the new year. Repairs on the DOT bridge will begin tomorrow, December 7th, at 7am. During the recent town water project, some brackets were removed from the bridge and those areas need rust removal and painting. The bridge may be down to one lane for a short time while.

6. Adjourn

Selectman McGuckin offered a motion to adjourn at 8:16 pm. Selectman Stewart seconded and said motion passed unanimously, 3-0.

Respectfully submitted,
Jennifer Smith
Recording Secretary

Attachment 1:

“The Board would like to make the following statement regarding the on-going issues at Colonial Lane. The Board is aware of letters and a building permit request that have been submitted, these include: 1. A 8/9/21 request from Jane Nelson and Wayne Feigenbaum for a Right of Way Agreement to build a stonewall in the Town’s Right of Way on Colonial Lane 2. A 11/10/21 building permit application from Jane Nelson and Wayne Feigenbaum to build a stonewall in the Town’s Right of Way on Colonial Lane 3. A 11/10/21 letter from Pat and Steve Wilson of 27 Colonial Lane questioning their rights with regard to an easement which 28 Colonial Lane has over their property and a question about whether a gate could ever be installed. December 3, 2021 Page 2 With regard to items #1 and #2, to the extent Ms. Nelson and Mr. Feigenbaum are requesting to construct a stonewall adjacent to their Property that is also within the Town’s Right of Way on Colonial Lane that continues or extends to the West the stonewall presently located in the Town’s Right of Way on Colonial Lane that was constructed by Mr. Barker, or to construct a stonewall adjacent to their Property on the other side of their driveway to the Northwest that is also within the Town’s Right of Way, the Board will grant that request, pending review and approval of the terms of a Right of Way Agreement which sufficiently protects the Town and the Right of Way by the Town attorney, and review and approval of plans for the stonewall by the Town Building Inspector and the Town’s Road Agent and provided that the Road Agent finds that the proposed location of the stonewall will not negatively impact or impede the Town’s Right of Way, including snow plowing and removal. To the extent Ms. Nelson and Mr. Feigenbaum request a Right of Way Agreement and permission to construct or install an additional, secondary, or replacement stonewall in the same area as the existing stonewall built by Mr. Barker within in the Town’s Right of Way, that request is denied. This area is under the Town’s control as part of its Right of Way and the current stonewall and drainage installed by Mr. Barker under an October 2020 Right of Way Agreement with the Town has improved the Right of Way and is working well according to the Building Inspector and Road Agent to maintain the slope, preserve the Right of Way, facilitate snow plowing, snow storage, and facilitate snow melt and drainage. It is not in the best interests of the Town or the travelling public to disrupt or alter the current configuration of that portion of the Right of Way at this time. With regard to item #3, the letter from Pat and Steve Wilson, this appears to be a private matter between them and Mr. Barker and the Town cannot comment on private easement rights or limitations. However, the Board will state that gates cannot be installed on Class V public roads such as Colonial Lane. “