

**SELECT BOARD
TOWN OF NEW CASTLE**

**Tuesday February 20, 2024, 7 PM
Town Hall. 49 Main St.**

APPROVED

PRESENT: Select Board Member Jane Finn, Select Board Member Pam Cullen, Town Administrator, Mike Tully, Building Inspector Russ Bookholz, via Zoom, Director of Public Works, Chris Robillard, Fire Chief Ted Hartmann via Zoom, Police Chief, Don White.

ABSENT: William Stewart

ALSO PRESENT: (Sign in Sheet): Beth Barnhorst, Peter Hunt, Nancy McArdle, Dave McArdle, David Severance, Catherine Eames, Ian Moodie, Katherine Moodie, Paul Legere, Lori Edmonds, Anne Brown, Steven McCusker, Peter Rice, Randy Bryan, Curt Springer. Also, Dave McGuckin, Nancy Vailas, Randy Bryan, Guy and Pam Stearns.

Noting a quorum, Chair Finn opened the meeting at 7:00PM.

The first item on the agenda is a Public Hearing on a proposed amendment to the Water Sewer Ordinance # 5.4.1 Quarterly billing. Town Administrator Tully and DPW Director Chris Robillard explained the changes to the Ordinance, the purpose of which is to have all sections of the Island receive billings at the same time. The complete amendment to the ordinance is included in these minutes.

Chair Finn asked for any input from the public. Hearing none, she closed the Public Hearing at 7:03 PM, and called for a motion.

MOTION: To Approve and Adopt the amendment to the Water Sewer Ordinance #5.4.1 Quarterly Billing as presented.

MOTION: P. CULLEN

SECOND: J. FINN

UNANIMOUS

Amendment to the Water and Sewer Ordinance, dated April 17, 2023

Background

At the November 16, 2023 meeting of the Water and Sewer Commission, members voted to amend the Water and Sewer Ordinance, dated April 17, 2023 to streamline the work process with respect to quarterly water and sewer billing.

Currently, the billing department is forced to duplicate the billing due to a 30-day delay in receipt of water usage by those sewer customers serviced by the Portsmouth Water Department. This amendment would realign the billing date so that all water and sewer usage bills could be processed and mailed in one work stream.

The Finance Administrator and the Director of Public Works concur with this change.

Existing Language

5.4 Billing and Payments.

5.4.1 Quarterly Billing. The Town will bill for water and sewer based on meter readings done on a quarterly schedule: usage between January 1 - March 31 will be billed in April; April 1 - June 30, in July; July 1 - September 30, October; and October 1 – December 31, January. A late fee (see Appendix B) will be applied to any unpaid bill starting the day after the due date and every month thereafter until paid in full. If there are successive overdue bills, penalties will be assessed separately. If an account is two months past due, a notice will be mailed “certified” that water service may be turned off 21 days thereafter. If the 21st day falls on any date from November 1st to April 1st, water turn off may be delayed to no earlier than April 2nd. This certified notice will indicate that under New Hampshire law RSA 31:141, the Town has the authority to place a lien on the property as provided by RSA 38:22. Action to place a lien on the property will be initiated three months after the first due date.

Amended Language

5.4.1 Quarterly Billing. The Town will bill for water and sewer based on meter readings done on a quarterly schedule: usage between January 1 - March 31 will be billed in **May**; April 1 - June 30, in **August**; July 1 - September 30, **November**; and October 1 – December 31, **February**. A late fee (see Appendix B) will be applied to any unpaid bill starting the day after the due date and every month thereafter until paid in full. If there are successive overdue bills, penalties will be assessed separately. If an account is two months past due, a notice will be mailed “certified” that water service may be turned off 21 days thereafter. If the 21st day falls on any date from November 1st to April 1st, water turn off may be delayed to no earlier than April 2nd. This certified notice will indicate that under New Hampshire law RSA 31:141, the Town has the authority to place a lien on the property as provided by RSA 38:22. Action to place a lien on the property will be initiated three months after the first due date.

Upon Select Board approval, **Appendix D, Amendment History** of the Ordinance will be updated to reflect this action.

TA Tully requested that discussion of Playground Funding listed under Old Business be moved up to the next item on the agenda.

Playground Funding.

Director Robillard reported the results of the Committee meetings, including discussion of the primary goal, which is to place the order for the equipment and get the playground opened by Spring 2024. The project will be done in Phases, with Phase 1 cost set at \$299,366.76. This figure includes a 20-year warranty and full liability coverage. Phase 2 is scheduled for next year. This cost does include the \$100,000 (already approved warrant article of \$100,000). Pam Stearns, who serves on the Committee, noted that in Phase 1 both a portion of the large and small structures will be done to accommodate the ages of the children. Guy Stearns spoke about the original playground which was built thirty years ago and how costs have necessarily gone up. Director Robillard noted that Exeter has just gone through a similar project at a cost of \$598,000 for a brand-new playground. As for timing, Director Robillard noted that materials will be received between 5-7 weeks of placing the order, then 2 weeks to build the structures. Catherine Eames and Ian Moodie asked for clarification on the costs and origin of the remainder of the money needed to complete the project. TA Tully noted that capital reserves will be accessed. The cost for Phase 2 is approximately over \$200,000. Randy Bryan asked if the annual road race plans to make any donations. Mr. Stearns stated there are plans to donate. Select Board Members reiterated need for fundraising. After further discussion, the Chair called for a motion.

MOTION: To Authorize the Director of DPW to proceed with ordering the materials as described and presented at an approved cost of \$299,366.76.

MOTION: P.CULLEN
SECOND: J.FINN
UNANIMOUS

Select Board Member Cullen thanked Director Robillard and the Committee members for their work.

The Select Board moved back to the Consent Agenda Items.

1. Review and Approval of Select Board Minutes dated February 6, 2024.

After review, Chair Finn called for a motion.

MOTION: To approve the Select Board Minutes dated February 6, 2024.

MOTION: P. CULLEN
SECOND: J. FINN
UNANIMOUS

2. Acceptance of Payroll Manifest dated February 1, 2024, in the amount of \$35,841.30.

- 3. Acceptance of Payroll Manifest Dated February 15, 2024, in the amount of \$37,037.63.**
- 4. Acceptance of Accounts Payable Manifest Dated January 19, 2024, in the amount of \$40,204.25.**
- 5. Acceptance of Accounts Payable Manifest Dated February 9, 2024, in the amount of \$73,061.91.**

After review, Chair Finn called for a motion:

MOTION: To Approve the Payroll Manifests and Accounts Payable Manifests as listed

MOTION: P.CULLEN

SECOND: J. FINN

UNANIMOUS

REPORT OF THE TOWN ADMINISTRATOR.

The full report follows:

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Michael J. Tully
Town Administrator

Municipal Offices
49 Main Street
PO Box 367
New Castle, NH 03854
townadmin@newcastlenh.org
Tel: (603) 431-6710

TOWN OF NEW CASTLE, NEW HAMPSHIRE
OFFICE of the TOWN ADMINISTRATOR

TOWN ADMINISTRATOR'S REPORT
FEBRUARY 20, 2024 SELECT BOARD MEETING

REPORTING PERIOD

The reporting period is from February 7, 2024 through February 16, 2024

Finance

The Finance Director will be completing a budget sheet this week which will assist us in having up to date information on our current budget.

Police

Chris Pollock is ranked first in his academy class out of 68 recruits. Officer Lightfoot successfully completed 8 hours training with the new recruits on defensive tactics on Friday Feb. 9, 2024.

We will be doing radar enforcement on Walton Road randomly as we have been receiving complaints from one homeowner of speeders, we did speak to the person in question and advised them to mindful of the speed when traveling Walton Road. A pedestrian sign has been installed on the side of the road a week ago to help deter speeders.

Officers are working on this mandatory 2024 training to be in compliance with the academy standards for this year.

Fire

The second of three radiological Emergency Management exercises was conducted on 2/7. All went well and comments from FEMA were very positive.

Fire and DPW continue to gather cost estimates for storm damage repairs townwide. State and FEMA to assist in potential grant-funded projects to mitigate damage in the future.

Planning to host another large scale regional fire training in the spring (April/ May) has begun. 15+ towns are expected to attend.

Highway

Coastal storm damage assessment and cost estimates have been completed.

New hire Ben Bourassa will begin work on 2/19/24.

Storm cleanup at the Commons continues.

TC Hafford (vapor barrier) will get us on their schedule with priority for their move-up list; will process deposit check next week.

Water and Sewer budgets have been created; Lead and Copper Rule work is in progress (surveying, gathering plans).

Facilities

Town Office. We are waiting on a schedule for the work to be performed in the basement. We had an inspection of the foundation and Director Robillard is getting quotes for work that should be completed before the plastic barrier is installed.

Fire/Police Building. Our team met with the construction company who built the station. The contractor has agreed to fund a portion of the work that will be completed. The final cost to the Town will be approximately \$18k which is substantially less than the original project cost of \$43k.

Highway Department. Some DPW building energy efficiency measures recommended in the energy audit including window sealing/trim work and weather stripping have been completed.

Ocean Street Property. The Committee has sent out a mailer which we included with a required mailer for the Planning Board. We were able to get out both mailers for approximately \$300.

The Commons. Extensive work has been completed regarding storm clean-up

Rec Center. Nothing new to report.

Projects

Budget. The Board voted out a budget which is being finalized and will be presented to the Budget Committee on February 27th

Cable Franchise Agreement. I have mailed the signed conflict agreements to Kate Miller. After they are processed work will begin on the agreement.

Computers/IT. The questionnaire has been completed by department heads. A meeting will be scheduled with the provider.

Personnel Plan. Nothing new to report. I have begun reviewing the current Personnel plan and will be soliciting feedback from the Board soon on specific changes they would like to see.

Rec Desk Software. Nothing to report. Director Robillard will be handling Rec Desk until the part-time Administrative Assistant is hired.

Safe Path. Nothing new to report. Construction has finished for the season. There is one small area that will require paving in the spring.

Solid Waste. The RFP has been approved by the Board and has been posted.

Water/Sewer. There is a public hearing on the agenda to consider an ordinance change regarding billing.

Playground. There is an item on the agenda regarding approval of funding for the playground.

Open Positions. Both the Full-time and Part-time Administrative Assistant positions have been advertised and interviews are being scheduled.

UNH Tower. As requested, I have arranged for a representative to join by Zoom at the March 5th meeting to discuss the tower project as well as answer questions from the Board.

Goals Meeting. I have scheduled a department goals meeting for Thursday 3/7 at 10am. After department heads share departmental goals we will hold a workshop with the Board to review and approve.

Meeting Schedule: The board's next meeting is scheduled for March 5th at 11 am.

During the presentation of his report, TA Tully noted that the Town Hall foundation has been checked and needs repair. There are real issues with crumbling of the foundation. He and Director Robillard are waiting for estimates. The Fire Department Public Safety Building flooring repairs will cost \$18,000.

TA Tully has had discussions with legal counsel with respect to the Cable Agreement, and he has learned that there may be some leveraging available due to inadequate service in some areas, which will impact the terms of the final contract. He will report back to the Board with further updates.

TA Tully is ready to make an offer of employment for the part time Administrative Assistant.

OLD BUSINESS

1. Town Meeting Voting Hours.

TA Tully reported on his discussion with the Town Clerk and recommended that the voting hours for Town Meeting be 9AM to 6PM. The business portion of the meeting will take place at 7PM. After brief discussion, including the availability of Absentee Ballots, Chair Finn called for a motion:

MOTION: To Set the Voting Hours for Town Meeting to be held on May 14, 2024, at the Rec Building beginning at 9:00 AM and concluding at 6:00 PM. Business portion of the Town Meeting will commence at 7:00 PM.

MOTION: P. CULLEN
SECOND: J. FINN
UNANIMOUS

2. Discussion of Playground Funding. (Previously Discussed)

PUBLIC COMMENT.

TA Tully noted that due to the large number of the public in attendance, that speakers limit their comments to 3 minutes each, and to try and avoid repeating the same comments. Chair Finn opened the Public Comment section of the meeting:

Retaining Wall at end of Beach Hill Road.

The first speaker, Beth Barnhorst, expressed her concerns over the one-week process of a property owner obtaining an Emergency Permit from NH DES for a retaining wall built on oceanfront property following the recent storms. Select Board Member Finn asked Ms. Barnhorst for a copy of her letter, which outlined the issues involved and was a comprehensive summation of the issues involved. Ms. Barnhorst noted that no abutters were notified, including the co-owner of one of the lots, and that the map and lot number referenced were wrong. She expressed her concerns that these actions set a bad precedent and changed the character of the area. The

public is being forced to have restricted access to the beach area at certain tide times. Her concerns were representative of many of those who spoke about the work being done and how an emergency permit could override the local land use boards.

Russ Bookholz, New Castle Building Inspector explained how NH DES has ultimate authority over the emergency permitting process. He has messages into the local DES representative, awaiting a call back, and has been to the site numerous times during the process once he was made aware of the issues. He was on site three days during construction, and his first thought was the work was excessive. NH DES still must issue the final permit. Much of the reasoning seems to involve the goal of protecting the septic system which must comply with a 75-foot buffer requirement. Ian Moodie specifically pointed out that DES personnel higher up in the agency than the local representative, need to be involved, as this situation is highly unusual and amounts to a land grab. He believes the Conservation Commission should be involved. Mr. Bookholz once again pointed out that the State is primary authority in the Emergency Permitting process. Paul Legere indicated he had live photos of what occurred on the property during the storms, which may aid in determining what action should or should not be taken. Peter Hunt believes the owner should follow the existing wall of his neighbors. Lori Edmunds, co-owner (Chapdelaine) of one of the two lots was not notified of the work until 4 days before and has not viewed any plans. The Millers, neighbors to the area, wanted to go on record that they were not involved at all in this project.

In addition to concerns and questions about the Beach Hill wall project, some spoke of the Ocean Street property recently acquired by the Town. Randy Bryan suggested applying for emergency repairs. Guy Stearns expressed concern about connectivity from the Commons to the Ocean Street property being interrupted, blocked, or impeded by this wall. In working with the Safe Path Project, one of the goals for the community is connectivity of these oceanfront structures. David Severance expressed concern that that the public is losing beach due to a septic system. Peter Rice also expressed the fact that future severe storms are inevitable, and along with them comes continual erosion. After further comment and discussion, Dave McArdle asked that this matter be put on the next Select Board Agenda for the next meeting, and requested people send in photographs of the subject area. There was also discussion of protecting drainage pipes onto the beach around the pond. The McAndrews explained the history of former owners taking care of this issue. TA Tully and BI Bookholz will continue to gather information and input from residents and NH DES and report back at the next meeting.

NEW BUSINESS:

Discussion of reenactment request – Commons.

Proponents of a Revolutionary War reenactment of possibly 2 days with predominantly militia musters, and a few encampments asked if the Select Board would consider a permit once a final plan has been submitted for an event during Saturday/Sunday June 23-24 on the Commons. This would be like last summer's 450th reenactment spearheaded by Town Historian Carol White, but on a much smaller scale. The Friends of Fort Constitution are having a fundraiser in December and would like to start to put together a plan with the June dates in mind. Carol White has communicated to Select Board Member Pam Cullen that she is in support of this request as

described to her. Select Board Member Finn asked the applicants to put together a plan and work with TA Tully to submit the required permit.

Update of Storm Assessments: Fire Chief Hartmann

Chief Hartmann did a field walk with Director Robillard and FEMA representatives, along with taking multiple photographs to assess the amount of damage from the storms. Estimated time of waiting for federal money is about a year. During discussion, it was noted that the Army Corps of Engineers is the responsible entity for repair or replacement of the jetty. Select Board Member Cullen noted that the underpinnings of the lighthouse have been compromised, and it may have to be moved. Peter Rice concurred, and spoke of Nantucket having to move a lighthouse, and did so successfully. Many issues to keep in mind in preserving and protecting our oceanfront. Select Board Member Cullen thanked Chief Hartmann and Director Robillard for all their efforts.

OTHER BUSINESS.

Town Report

Select Board Member Cullen stated she was having only 75 books printed but will have hundreds of the Warrant Articles Section of the report printed for Town Meeting. The contents of the Town Report will be posted on the website. Last year several copies of the report had to be thrown out, and it is expensive to print. Posting on line is a much more efficient and less costly alternative.

Land Use Case

Chair Finn asked for a Motion to File an Appeal of the Zoning Board Decision regarding the KPYC. She indicated plans were for the Select Board to file on Thursday once approved by legal counsel. Curt Springer and David Severance asked several questions regarding this matter, which were not answered as the matter was a subject of a non-public meeting. No Case Number or other information was provided, but Select Board Member Cullen made the following Motion: To Appeal the ZBA Decision regarding KPYC. Chair Finn seconded, and the Motion carried.

ADJOURN

There being no further business to come before the Select Board, Select Board Member Cullen made a Motion to Adjourn, seconded by Select Board Member Finn. Motion carried.
Meeting Adjourned at 8:53 PM.

Respectfully submitted,

Bette Jane Riordan
Recording Secretary