

**SELECT BOARD
TOWN OF NEW CASTLE**

**Tuesday March 19, 2024, 11:00 AM
Town Hall. 49 Main St.**

APPROVED

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

ALSO PRESENT: (Sign in Sheet): Tom Smith, Curt Springer, Steven McCusker, Robert Cheney, Esq, Sheehan Phinney Bass Law Firm, Anthony Coniglio, Paul Legere, Beth Barnhorst, Barbara Hughes, Mary Briggs, Kris and Stewart Hanna. Lisa English, Town Clerk via Zoom. Ellen Garvey.

Chair Stewart opened the meeting at 11:01 am, noting that the meeting is on Zoom. He asked that those wishing to speak during any portion of the meeting should sign in with name and address, and when one does speak to state name and address, and if someone on Zoom has a question to use the “raise your hand” feature in the Chat section to be recognized.

CONSENT CALENDAR

1. Review and Approval of Previous Select Board Minutes of March 5, 2024.

After review and edits, Chair Stewart called for a Motion. Select Board Member Pam Cullen thanked the secretary for her detailed minutes.

MOTION: To Approve the Select Board Minutes of the March 5, 2024, meeting as amended.

MOTION: P.CULLEN

SECOND: J.FINN

UNANIMOUS

2. Acceptance of Payroll Manifest Dated March 14,2024, in the amount of \$33,379.02.

MOTION: To Accept the Manifest as presented.

MOTION: P.CULLEN

SECOND: J.FINN

UNANIMOUS

Welcome to New Staff Member:

Chair Stewart introduced Jennifer Poliseno who is the Town’s Planning and Zoning Clerk, as well as assists with DPW. Jennifer comes to the Town with a wealth of experience, being a realtor and having done similar work in Methuen Massachusetts. She is already proving to be a great person to the Team, having a positive impact on the workflow, and a real positive

experience. Chair Stewart stated the Town looks forward to her continuing in that role. He hopes everyone will welcome her, as she will be a great asset.

REPORT OF THE TOWN ADMINISTRATOR.

TA Tully presented his report for the period beginning March 6 through March 17, 2024.

Police:

In March, the Town dealt with another storm with roadways flooded. TA Tully thanked the residents who reported issues during the storm and kept an eye out for their neighbors, as we checked out a few issues. Police Dept has been finishing up annual training records and gearing up for summer. They are looking forward to a busy summer with warm weather.

Fire:

The Fire Department has enrolled one member in the FDIC national fire training “H.O.T.” series to bring new skills back to town for spring learning. They also have provided standby emergency medical service for the NHSPCA event in the Commons and met with Homeland Security and Emergency Management to open dialogue about future storm response and grants.

Highway:

TA Tully stated the Public Works Department has reconfigured space in the Town Hall in order to create space for the New Administrative Assistant, Jenifer Poliseno. This move included swapping the office spaces of the Finance Director with the Building Inspector. Painting was also completed. Our new employee Ben Bourassa in DPW has completed flagger certification at Primex, and we are continuing work with engineers and contractors on damage restoration from the January storm.

Facilities:

Town Office:

There is an item of the agenda to consider quotes for suggested foundation work before the vapor barrier is installed. The foundation was found to need repairs (crumbling and other issues); These repairs need to be made prior to the vapor barrier being installed. Director Robillard will be presenting the quotes to the Select Board along with his recommendation. Remediation in the Town Hall crawlspace is to be completed by Monday March 25. The vapor barrier installation is scheduled for the week of April 8, 2024, if approved masonry work will be completed in between those dates. TA Tully stated that our insurer Primex will not cover this as mold is involved. It can't be attributed to water damage, but to age.

Ocean Street Property:

TA Tully reported that he is currently in discussions with the Committee Chair Paul Legere in scheduling a public meeting to review the result of the Ocean Street Committee's research. Mr. Tully asked if Select Board would like this presentation prior to Town Meeting. Chair Stewart indicated the Board would like a report, and then have opportunity to ask questions prior to Town Meeting. Mr. Legere explained how he intends to present the overall information on the property itself along with the report. Select Board Member Cullen asked if Mr. Legere would be at Town Meeting, and he replied he would be there to give the presentation.

Projects:

Budget:

The Board presented the FY25 budget to the Budget Committee on February 27th with a March 12th follow up meeting. The next meeting is scheduled at 5:00 PM March 19, 2024. (This evening) and will include a review of the Warrant.

Computers/IT

TA Tully purchased a new computer for the Planning/Public Works Administrative Assistant.

REC Desk

TA Tully reported that Ms. Polisenio is getting up to speed on the Rec Desk software. Part of her duties will include reservations of public spaces.

TAC Position: (Transportation Committee through Rockingham Planning Commission)

This position has been posted on the website as requested.

Playground:

The playground layout is complete beginning with rough grade. The equipment is scheduled for delivery the last week in April.

Open Positions:

Both the Full time and Part time Administrative Positions have been filled and both began work March 11, 2024.

UNH Tower Presentation:

Rescheduled to Tuesday, April 2, 2024.

Goals Meeting:

The goals meeting with employees was a success. TA Tully will be meeting with two other employees who were unable to make it to the main session. The next step will be to schedule a workshop with the Board to consider goals and make changes/add as they see fit.

RPC Commissioner Position:

TA Tully received an Email from RPC which stated that the Board had appointed Randy Bryan as RPC Commissioner. The position had most recently been held by resident Nancy Jackson split with another person (Maryann Driscoll). He could find no record of the Board approving this. He asked if the position should be posted. The Select Board said it should. Town Clerk Lisa English stated she had spoken with Nancy Jackson who resigned and told her that Randy Bryan was taking over. Ms. English prepared an Oath Form for Mr. Bryan and left in the folder for the Select Board to act upon it. Mr. Tully stated he needed minutes of the Select Board appointing Mr. Bryan. Chair Stewart explained the Board would take back the process; advertise the position and appoint. Mr. Tully will advertise/post the position.

Oath of Office. – Paul Legere Conservation Committee Member.

Chair Stewart explained that there are two openings on the Conservation Commission. Currently Tony Coniglio is serving as an alternate and has been recommended for a full member position. Paul Legere has also been recommended for a full-time member position. Paul has experience in civil engineering and Tony currently serves as an alternate. Commission member Beth Barnhorst recommends both individuals. Select Board Member Cullen pointed out that the actual term length for these positions needs to be determined, as they are filling out either a remainder of someone's term or a full three-year term. Terms should be staggered so not everyone is leaving at the same time.

After discussion, Chair Stewart called for a Motion.

MOTION: To Appoint Paul Legere as a full member for the Conservation Committee, for a term to be determined; and to Appoint Tony Coniglio as an Alternate member to the Conservation Commission for a term to be determined.

MOTION: P.CULLEN
SECOND: J.FINN
UNANIMOUS

Oliver Street Light Discussion.

Last fall, a utility pole in front of 57 Oliver Street, was moved which resulted in a bright streetlight bothering abutters (47 Oliver) to a significant degree. The previous TA in response had Mr. Robillard remove the light. Now the Town has received a complaint over the phone, that

the street is too dark for her to walk her dog. Chief White noted that the whole street is dark. Barbara Hughes reiterated that the light was a medical health issue and a health hazard and asked that it not be put back. Ms. Hughes stated that the resident only uses the property for vacations and is rarely there. Another abutter, Stuart Hanna addressed the Board on behalf of themselves, the Marvins and the Hughes's. He stated it is not overly dark and is opposed to returning the light. Curt Springer expressed his views that it's up to the person walking to make sure they are safe in terms of a headlight or reflective materials. He doesn't believe a lot of lighting is necessary on the Island. Resident Ellen Garvey supported Mr. Springer's sentiments and feels there is sufficient light to keep it safe. She resides nearby and supports wearing a headlight. Chair Stewart brought the issue back before the Board. Select Board Member Cullen stated she feels the streets should be lit appropriately for safety purposes. Chair Stewart agrees with Mr. Springer and is not in favor of a lot of lighting. He supports leaving this matter alone for the time being. The Select Board was not inclined to act on this matter now. TA Tully will discuss this matter with the resident.

Discussion of Street Repairs in recent storms.

Director Robillard was asked to put together a list of storm damaged repairs. He stated that the January storm caused several issues that need to be addressed. While the Town submitted our Preliminary Damage Assessment, we currently have no updates on FEMA funding. Projects to be addressed at this time are as follows:

- River road & Cape Road erosion and stone displacement.
- Piscataqua Street
- Walbach Street
- Ocean Street
- Ocean Street Property
- Dog Park
- Jetty
- GIC armor stone and erosion. (Great Island Common)
- Wild Rose Lane

Interim funding sources and prioritization are needed to put together plans for repair. The Roads Capital Reserve Funds (CRF) is at \$165,000. Many contractors working for municipalities and NH DOT are approved on a Time and Materials basis for emergency repair work. Director Robillard is asking the Board if DPW can approve Time and Materials (T&M) work in lieu of the bid process due to unknowns and complexity of work. Director Robillard's current plan is to repair Ocean Road first. He then would like to address the rock work at the Commons since the work needs to be done before the season with enough time to seed the areas necessary for the park to open. He would like direction from the Select Board on prioritizing and allocating funds while we wait for FEMA monies. Chair Stewart stated that clearly the Town must act, but must also understand the FEMA process, and which of our expenditures will be reimbursed. We need to act on our safety issues but need to know more on the financial end.

Paul Legere made a comment about Ocean Street repairs listed and stated that the Ocean Street Committee has some interesting ideas, and he would hate to see something repaired in that area

only to have it removed if this new proposed idea were to be adopted. They were perhaps proposing a pedestrian area in some area of Ocean Street. In any event Director Robillard and Mr. Legere will connect. Chair Stewart wants to take a broader and holistic view of this issue of storm repair. He wants to get a more detailed narrative and use whatever leverage the Town may have in securing financial aid for the repairs needed for safety purposes. Chair Stewart wants to know where the State places us in terms of degrees of damage. Chief Hartmann stated that New Castle has the largest “ask” for funding due to the severity of damage. TA Tully asked the Chief if he had working relationship with Brian Scott District Engineer for DOT District 6. The Chief will follow up.

Dave McGuckin cautioned about New Castle doing too much on the Causeway, (a State Road Rte 1-B) while beneficial, (recent removal of seaweed after storm), may cause the State to try and transfer responsibility to the Town.

Chair Stewart summarized next steps to make sure what is prioritized safety wise, and then get numbers assigned to the repairs needed to be done, and then make final decision based on safety. We also need to understand where we are on the pecking order for receipt of state funds or other financial assistance.

Select Board Member Cullen asked about the fence on Piscataqua. Director Robillard stated the wall that supports the fence is compromised. Anything done now would be a band aid approach. He has some suggestions for redesigning the area, but as of now, that is not a high priority item. issues. That is one of the reasons it won't be paved this year.

Consideration of Town Hall Foundation Quotes

TA Tully reviewed the quotes submitted for the foundation work and after review, the Select Board adopted the recommendation of the Town Administrator to select Keith Buckovitch Masonry. Initially reported cost will be \$14,200 for the crawlspace work and an additional \$6,975 to do the basement area as well. Chair Stewart explained that the Board put extra money into the budget in Facilities and explained the financing options. After discussion, it was the sense of the Select Board to go with the Keith Buckovitch company for the work to be done on the Town Hall foundation.

Review of Draft Warrant.

Chair Stewart explained that today the Board will review the “money” articles. These will be submitted to the Budget Committee. TA Tully began the presentation and corrected the polling times to reflect 9:00 AM to 6:00 PM instead of 7:00 PM. The Business meeting will begin at 7:00 PM. Noting that Articles 1-8 are zoning, planning, and land use, he began with Article 9. This deals with the total operating budget and excludes all appropriations contained in special or individual warrant articles addressed separately. Legal review still needs to be done prior to final figure.

Article X: Donations to local non-profits. The 20 agencies listed should meet the criteria “public good” for donations. TA Tully recommended that in lieu of sending out checks to the

recipients, that an inquiry be made first to determine if the agency needs the donation. Select Board Member Cullen explained past practice which did not include requesting a form first. She did however indicate that the agency was asked how many New Castle residents were served by that agency (Example: Meals on Wheels). Chair Stewart explained to the public that the Board will send out the total sum of \$11,000 approved at Town Meeting, to the listed non-profit agencies who serve New Castle, for a service the town doesn't or can't provide. There are a variety of agencies, so the Town takes a percentage of its budget to donate to these non-profit service providers. Select Board agreed on Article 10.

Article XI: Contingency Fund. To raise and appropriate \$35,000 for the current year for unanticipated expenses. Any monies left over at the end of the year lapse into the general fund. Select Board agreed.

Article XII: To raise and appropriate \$25,000 to be added to the Vehicle and Equipment Capital Reserve Fund previously established. Currently that fund has \$346,900. Chair Stewart noted the Town doesn't have a specific purchase in mind this year, but the money is intended to be available for calendared purchases and of unexpected big-ticket items (Example: Fire Truck), so as not to adversely affect the tax rate. This amount was recommended and approved by CIP. (Capital Improvement Committee). The Select Board agreed.

Article XIII: To raise and appropriate \$25,000 to be added to the Roads and Streets Capital Reserve Fund previously established. \$165,900 is the current balance. This amount was recommended and approved by CIP. Discussion focused on the effects of storm damage and associated costs. Select Board agreed.

Article XIV: Raise and appropriate \$140,000 to be added to the Government Buildings and Facilities Capital Reserve Fund previously established. According to TA Tully, the current balance in the fund is \$411,800. He listed all the current projects which need to be funded: Front of Town Hall, the basement project, plus foundation costs, and the playground project. Chair Stewart said CIP recommended \$75,000. He noted the Board added \$65,000 for a total of \$140,000 to accommodate the projects. The Select Board agreed.

Article XV: Establish an Earned Time Settlement Capital Reserve Fund for the buying out of employees earned time during anytime of the life of their career and to raise and appropriate \$10,000 to put in the fund, with this amount to come from unassigned fund balance, and to name the Select Board as agents to expend. TA Tully proposed this fund. Currently there are two employees who can retire at any time and would cost \$53,000, which must come from the budget. Over time, this fund would be the resource for the pay outs. After discussion, the Select Board agreed this makes sense and agreed on the article.

Article XVI: To establish a revolving fund for the purpose of Public Safety Special Detail, and appropriate \$10,000 to be added to the fund. The Town Treasurer would have custody of all monies in the fund and pay out the same only upon order of the governing body and no further approval is required by the legislative body to expend. TA Tully explained further indicating that details are difficult to budget for and a revolving fund is a good planning tool. Chair Stewart

explained how this would alleviate budget problems with details and provide a smoother flow. After discussion, the Select Board agreed.

Article XVII: Establish a capital reserve fund in the amount of \$1 for the purpose of stabilizing Health Benefit increases for employees and to name the Select Board as agents to expend. Chair Stewart was initially not comfortable with the possible restrictive effect of the wording. He believes there needs to be flexibility. Tom Smith, Treasurer, stated he believed the fund should be established, and the wording could be fine-tuned. Chair Stewart does not want to have to amend this down the road. He doesn't want to lose flexibility with too many different funds. TA Tully explained the benefits of this practice. He noted that the Board could wait and submit this article at another time. Tom Smith encouraged submission of this article with the wording to be fine-tuned. Chair Stewart stated there needs to be a vote to establish a fund and include changes in wording. TA Tully assured the Chair that he will take care to get appropriate wording for this article and there would be no problem.

TA Tully stated that next step is to vote to approve the slate of warrant articles and send on to the Budget Committee.

Chair Stewart called for a motion.

MOTION: To Approve Warrant Articles 10 through 17 for Town of New Castle Town Meeting, FY 2025, May 14, 2024 with #17 approval being contingent upon review and finalization of language in Article No. 17.

MOTION: J.FINN
SECOND: P.CULLEN
UNANIMOUS

Consideration of Green waste 2024 Proposed Dates

Select Board Member Finn submitted the following schedule of 2024 dates for green waste Days for the Town, as recommended by Jim Rini:

May 11, June 8, July 20, August 17, September 21, October 19, November 23. (All Saturdays)

MOTION: To Approve the dates for green waste day for 2024 as presented.

MOTION: W. Stewart
SECOND: J.FINN
UNANIMOUS

PUBLIC COMMENT

Curt Springer announced that the New Castle 4th of July Committee met last week, with the next meeting being in April, and encouraged citizens to join in. He has been acting as the liaison to Police, Fire and the Church and will continue in that capacity.

Ellen Garvey spoke about the Coast Guard Anniversary last summer and the celebration which took place with the Wood Island Group, including Fireworks and donations by citizens for Gather. She indicated they wish to replicate the same scenario this summer and will have the food trucks at the Common as well.

Attorney Robert Cheney, of Sheehan Phinney Bass & Green Law Firm, spoke on behalf of his client, 79 Beach Hill Road LLC, and property owner Ray Martineau. His intention was to clarify the line of demarcation between private and public (State of NH public trust doctrine) ownership along the oceanfront, specifically as to the mean high tide description. This is regarding the ongoing issue with work done at the ocean front lot abutting the public beach in New Castle, the Emergency Permit process with NH DES and other related issues. Chair Stewart thanked Attorney Cheney but indicated this was not the forum for further detail on the legal issues, but he appreciated his clarification regarding the line of demarcation. Attorney Cheney stated his client wanted him to represent to the Select Board that none of the work being done is within the public trust area (31 feet landward of the mean high tide line.). Chair Stewart also stated that there is also a Town process regarding construction of a wall in that area. As a community, New Castle has some significant concerns. We are trying to maintain access to an area that has been in the public for a very long time. Attorney Cheney said the line is set by data. There is still more discussion to take place. Chair Stewart said the data itself can also change. Attorney Cheney said the data is reviewed every 19 years.

Lisa English, Resident and Town Clerk, went on record to state that the work done by Mr. Martineau, while done under an Emergency Permit, cannot be viewed as temporary as opposed to permanent. From a resident's perspective, she stated she is not sure where the line is drawn between temporary and permanent. Chair Stewart noted receipt of a letter from NH DES regarding this issue, which is available now at Town Hall in the Building Inspector's office. Chair Stewart also said the case information is available to track on NH DES's website. TA Tully also suggested any member of the public can write into him and he will provide the requested information via the NH Right to Know Law provisions contained in RSA 91-A.

OTHER: None

Chair Stewart noted the Select Board is going into Non-public Session per 91-A:3.2-e.

Motion: To go into Non-public session per NH RSA 91-A:3 2 e, at 12:42 PM.

MOTION: W.STEWART
SECOND: P.CULLEN
UNANIMOUS

Chair Stewart, Aye; Select Board Member Finn, Aye, Select Board Member Cullen, Aye.

Motion: To adjourn Non-public session at 1:32 PM.

MOTION: P.CULLEN
SECOND: W.STEWART
UNANIMOUS

Respectfully Submitted,

**BJ Riordan,
Recording Secretary**