

MINUTES OF THE SELECT BOARD
Monday, October 15, 2018 - 7PM

Present: Thomas Maher, Chair, Bill Stewart, Selectman, Damon Frampton, Selectman, Bette Jane Riordan, Secretary.

Also present: Christiane McAlister, Accountant, Ken McDonald, TAPC, Jim Cerny, Tom Smith, Brooks Kennedy, John Ireland, Laurie Chandler, Allyson Tanguay, Andy Schulte, Attorney Mark Beliveau, Elaine Nollet, and Jane Sweeney.

1. Approve Minutes: September 17, 2018 and October 1, 2018.

Selectman Frampton made a Motion to Approve the minutes of the September 17, 2018 BOS meeting as amended. Selectman Stewart seconded, and the Motion carried.

Selectman Frampton made a Motion to Approve the minutes of the October 1, 2018 BOS meeting as amended. Selectman Stewart seconded, and the Motion carried.

2. Public Question and Answer:

a. NCHS invitation.

Elaine Nollett, Board Member, NCHS, along with NCHS President Jane Sweeney, invited the Select Board members to the former fire station (Town garage next to NCHS) on October 18, 2018 between 10 and 4:00 PM to view the recent installation of storage shelves and meet volunteers from Strawberry Banke who are cataloguing historical artifacts from the museum's recent Demers exhibit, which are being stored in the building. Elaine described the clean up efforts of the Board, and the excitement of those from Strawberry Banke, including renown archaeologists who are offering their assistance to organize and catalogue the artifacts. Elaine also requested that the Town consider transferring ownership of the building to NCHS in the near future to be used as an annex to the main museum. After discussion, Chair Maher thanked Elaine and Jane, but also stated that consideration of the donation of the building was premature. The Select Board members will try and get to the building on Thursday.

b. Laurie Chandler and Proclamation of Pulmonary Fibrosis Awareness Month.

Laurie Chandler of Quarterdeck Lane addressed the Select Board on the disease of Pulmonary Fibrosis and her own personal experience, and presented a proclamation requesting that the Select Board proclaim the month of September as Pulmonary Fibrosis Awareness month. She spoke about the seriousness of the disease which creates scarring in the delicate lung tissue of affected patients causing progressive, incurable lung disease. There is no known cure (IPF). The complete proclamation will be attached to the minutes. The Pulmonary Fibrosis Foundation was formed in 2000 and unifies patients, caregivers, medical professionals and the general public by sharing and providing the latest information about advancements alongside all of the work still to be done within the global pulmonary fibrosis community.

After discussion, Chair Maher read the proclamation and the Select Board accepted the request to declare the month of September as Pulmonary Fibrosis Awareness Month.

c. Jim Cerny: Cemetery Trustee

Jim reported that the redraft of deed for the gift of 161 square feet of land to the Riverside cemetery from Mark Hughes has been received. Attorney McGee raised the issue of a partial release from the mortgage holder, and initially thought the Town should do this. However, that responsibility is not the Town's, but the original grantor Mark Hughes and/or former owner Laurie Clark. Jim hopes that is resolved soon so the deed can be signed and recorded.

3. New Business.

a. Board requests for new members.

ZBA -Alyson Tanguay (Alternate) :

Alyson Tanguay introduced herself to the Select Board and expressed her intent to be a member of the ZBA as an alternate. She is a licensed architect and has her own firm. She has degrees in architecture and urban design. She can read plans and is enthusiastic about what she can bring to the land use board. Chair Maher thanked Alyson for coming forward to volunteer her time for the community.

b. Safe Path Update: Ken McDonald

Ken reported that he hopes to receive updates shortly and stated that CMA is working with Rye Beach Landscaping to provide an updated bid for the project CMA is working with the State of NH on its requirements. The contracts have been referred to the Select Board. Selectman Frampton plans to meet with Ken. Dave McGuckin asked who the project manager was, and Ken replied it was himself as TAPC (Town Administrative Project Coordinator).

c. Website: Ken McDonald

Ken reported that the issue remains whether or not the Town will stay with the current vendor or pursue a new one to take over the management of the Town's web site. At present, the website will go down as of April 2019 unless the Town signs a new contract for their updated system, or selects another provider. There will be no increase in the annual fee, but the start up cost will be \$3000 over three years. There are four options which Ken outlined, and reiterated the deadline is April 30, 2019, and a decision needs to be made well in advance of that date. After discussion Chair Maher stated he needed the input of Selectman Frampton and Stewart, and would revisit the issue in a few weeks. The next Select Board meeting is November 5, 2018.

d. Attorney Beliveau's letter re: NHDES Order No. 18-015 WD

Attorney Mark Beliveau of the law firm Pierce Atwood, introduced himself as the legal representative of Benway and Hall, owners of the subject property on Ritson Road, which is under an Administrative Order from the State DES to comply with conditions imposed as a result of the owners' non-compliance with placement of the wall, the dock, removal of granite staircase and other conditions spelled out in the order. Attorney Beliveau stated that the owners' intend to comply but have filed an appeal of the Order in order to buy time to have the Town consider that moving the wall 18" and doing the other measures outlined in the order would more adversely affect the wetlands than does the present situation. He

asked the Board if there might be another way to bringing about a good outcome. He noted that the owners never intended for the project to be completed in the manner it was, which was not according to the submitted plans.

He brought out the plans and pointed out shifting the float off the right of way and other changes that could be made. He had discussed this with Eban Lewis of DES who indicated to him that he needed to go back to the Town. He noted that Bauer construction built the wall which encroaches on town land.

During discussion Selectman Stewart noted the protracted process, and does not understand how the errors occurred. A lot of work went into the process and it was clear from the plans what needed to be done. He stated he found it tough to appreciate the owners' predicament at this time. Bill's main concern is with the dock and the steps. Chair Maher also expressed his concerns. Attorney Beliveau reiterated that his clients intend to comply with the order however they are trying to open up lines of communication. Selectman Stewart asked him to explain the basis for the appeal of the order. Attorney Beliveau explained that the appeal to the Wetlands Council must be based on the argument that order is either unreasonable or unlawful. His argument will be that the order is unreasonable. The order was issued September 18, 2018 and the 30 day deadline is this coming Thursday, September 18,2018. They could not appeal the letter of deficiency, but had to wait until the order was issued.

Brooks Kennedy, abutter to the property, spoke at length focusing on the dock which is in the right of way and interfering with his ability to use his own dock. He spoke of the wall encroachment and the fact that the dock was moved 8 feet closer to his property. He explained how the owners could comply with moving the dock and and expressed his continued frustration with the entire matter. He thanked Selectman Stewart for his expressed opinions on how this non-compliance could have happened.

e. School crosswalk light:

Ken presented the results of his research into replacing the light signals at the school crossings and explained the origins of the two crosswalks. The request came from Chief White. The original crosswalk was located at Neals Lane and Pit Lane. NH DOT painted the old one (illegal), and the Town painted the correct one. The lights were installed in 2007. NH DOT said to replace them. He noted we have missed the deadline for this year to obtain funding. One of the lights is solar and the other is electrical. Ken submitted information regarding two possible options which the Board could consider. Ken is getting quotes for the lights replacement and will report back.

f. Avitar letter regarding NNETC 2017 appeals:

This matter refers to the public right of way and the telephone company usage of the poles. See letter dated October 9, 2018. (Attachment). No action by the Town is required at this time. We have already filed our appearance.

g. Election Day BOS schedule:

The Select Board agreed upon the following schedule for coverage of the polls on Election Day, Tuesday, November 6, 2018.

Chair Maher: 9:00 AM – Noon.

Selectman Frampton: Noon- 4:00 PM

Selectman Stewart: 4:00 PM to close.

h. Auditor – Management items.

Selectman Stewart reported that there is no formal audit completed as of yet, however the Select Board met with the auditors to discuss their “management points” which they are suggesting to the Board. There are 8 main items which are not deficiencies, but suggestions on how to improve certain processes. The Board agreed to have Selectman Stewart do a “top-line” discussion of these items. They are as follows:

1. The Recreation Revolving Fund: The Board will meet with Guy Stearns.
2. Water & Sewer Commission: Issues concerning signing off on checks.
3. Library: The software is old, is not working properly and needs to be replaced.
4. Tax Collector: How to deal with pre-payments.
5. Policies and Procedures: Need to define them better.
6. Journal entries: General Ledger; Select Board review.
7. Revenue recognition: How quickly we recognize income.
8. Deposits: How frequently we deposit funds. Should be weekly or whenever we receive over \$1500 per RSA's.

Selectman Stewart noted that overall with respect to these items, the Town is in good shape. Chair Maher indicated there will be follow up on these items.

i. Fire Department update:

Chair Maher reported Chief David Blanding retired from his position effective October 12, but his last day with vacation was October 5, 2018. Mark Wooley has been named Interim Chief. Chair Maher has met with Mark, Terry Golter and Bill Cronin and reported that Mark is doing well since his return from open heart surgery, and is focused on maintaining the highest level of public safety. They are looking to going forward to find the next leader of the department. Chair Maher thanked each of the members and volunteers who assisted the Department during Mark's absence and in the transition since his return. They are: Justin Coleman, Terry Golter, Erin Kelly, Peter LaBreque, Shawn LaMontagne, Terry LaMontagne, Bill Naugle, and Andrew Stanley.

j. Water/Sewer Project update:

Selectman Stewart reported on the upcoming administrative kick-off meeting for the water project. This meeting is for DPW, Town accountant, John Ireland (Water & Sewer) Selectman Stewart and Underwood on the next steps, including communication issues. The next meeting will be a meeting for the public. Selectman Stewart stated that the surveying is almost done, and property owners have been identified who may be affected by boundary and easement issues. Meetings will be scheduled with them.

No update on Sewer at this time. Selectman Stewart briefly discussed the water runoff issue and the MS4 indicating that EPA and DES are requiring compliance. We had hoped to be eligible for a small town waiver (Under a 1000 people), and are working to get this. He noted that they stated the water around New Castle is impaired but our ability to control it is very limited; however the Town continues working with DES.

4. Committee Reports:

Water & Sewer Commission: Selectman Frampton reported on this month's meeting held last week. The Commission is still working on getting cost estimates for the bulkheads and risers on River Road. The Commission has submitted an article for Island Items on watching out for leaks and other problems which homeowners may have which may affect utility bills.

5. Adjourn. There being no further business to come before the Board, Selectman Stewart made a Motion to Adjourn, which was seconded by Selectman Frampton. Meeting adjourned at 8:35 PM.

Respectfully submitted,

Bette Jane Riordan