

Approved

Town of New Boston Selectmen's Meeting April 15, 2019

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| <u>PRESENT:</u> | Joe Constance | Selectman |
| | Karen Scott | Selectman |
| | Christine Quirk | Selectman |
| | Peter Flynn | Town Administrator |

Police Chief Jim Brace, Transfer Station Manager Gerry Cornett, School Board Chairman Kary Jencks, Bill Schmidt, Willard Dodge, David Litwinovich, Bill McFadden, Forestry Committee member Kim DiPietro, Kevin St. John, Ken and Lyn Lombard, State Representative Donna Mombourquette, Colin Daniels, Kaleb Jacob and Brendan Roy of the public were present for all or part of the meeting.

A. CALL TO ORDER: A regular meeting of the Board of Selectmen was called to order by Joe Constance at 6:00PM beginning with the Pledge of Allegiance. He asked all to remember former Selectman Dwight Lovejoy who recently passed and was remembered today in a nice ceremony at the Veterans Cemetery.

Consent Agenda-The Selectmen signed the consent agenda. Karen moved to approve the consent agenda. Christine seconded the motion. All were in favor, 3-0.

B. PUBLIC FORUM:

Joe noted the Board always welcomes public comment and feedback. There are two opportunities for public comment, one at the beginning of the meeting and then another at the end. Anyone with a comment is asked to state their name and address for the record and that comments be respectful and thoughtful. The Board will listen, but public comment is typically not back and forth. If there is any need for extended dialogue a request to be added to the agenda and supporting documentation should be sent to Peter beforehand.

Bill Schmidt of Bedford Road was present and noted he opposed the proposed noise ordinance to be discussed at this meeting.

Forestry Committee member Kim DiPietro was present representing the Forestry Committee and Piscataquog Area Trailways. She noted a class 6 road will be discussed tonight. This is a major connector between the Lydia Dodge trails and the trails in the Deland Forest used often by hikers, bikers and horseback riders. They do not object to a driveway being built there but it is a public way and cannot be blocked.

Kaleb Jacob of Fraser Drive was present and wanted to make a clarification from the last meeting that resulted in a lot of posts and comments on the official town Facebook page and the town website. He is sure he heard the sum of \$18,000 and realizes things change before the

budget is finalized and the town might find cheaper prices. He appreciates Peter's response to his 91-A request with all appropriate documentation. He noted in six years at \$3,000 the total cost of the town hall streaming will be \$18,000.

The Selectmen thanked all for their comments and closed the first session of public comment.

C. APPOINTMENTS:

Item 1: Kevin St. John-Discussion Re: Building on Class 6 Road: Kevin St. John of Butterfield Mill Road was present as he is considering purchasing a New Boston property and requests permission to use a class 6 road as his driveway if he purchases the property. He brought in a map showing the original Curtis Hill subdivision in the area. He spoke to the Road Agent who said the area would have to be improved to driveway standards and kept open and passable. Kevin will have to sign the release used for all properties on class 6 roads to not hold the town liable if the road is impassable for emergency vehicles/town services due to limited town maintenance. Christine noted the town does not maintain class 6 roads at all unless the town needs to use it and finds it inadequate. Kevin also asked if he could run underground utility lines along the road and the Selectmen were not sure, but this should be added to the release once this is determined. Peter and the Selectmen plan to revise the release form soon. Karen noted concern after two residents of Campbell Pond Road met with the Selectmen within the last year with a request to pave the road that the Selectmen denied. Christine noted that was different as those were existing houses on a class 6 road and this is a new house on a class 6 road. Any paving would have to be done to class 5 specifications and those property owners were not willing to do that. Kevin noted he has no desire to pave. He will also consider adding language to his deed to make it clear that it is a class 6 road with property owner's responsibilities. Donna Mombourquette asked if the driveway would be considered an easement. The Selectmen said it is not. Kim DiPietro asked if the property would be accessed by Butterfield Mill Road or Old Coach Road. Kevin said he plans access from Old Coach Road. Kim wanted to make sure he is aware of granite bounds showing the road width. Kevin noted the granite bounds are too close to the pond, to protect the pond he plans to use Greenfield Road instead. Peter will prepare a letter containing all details discussed. The Selectmen agreed to Kevin's request. Kevin thanked all for their service and time.

Item 2: Police Chief James Brace:

Two Officers Commendations-Discussions and Signature by The Board: Police Chief James Brace was present to commend two officers with the Selectmen as follows:

Officer Jesse Byam for his perseverance and effort over the course of a year, identifying suspects and protecting the victim, while bringing a burglary case to a close. Officer Andrew Vollaro for his patrol efforts during the first quarter of 2019 with 26 arrests and 320 motor vehicle stops, responding to and investigating other matters, all showing great balance of the reactive nature of the profession with the proactive needs of the community. Joe noted he has worked with both officers with sensitive matters and is impressed with them. Chief Brace read the commendations aloud and the Selectmen signed them.

First Reading-Noise Ordinance Discussion: Police Chief James Brace was present to bring a draft Noise Ordinance to the Selectmen for review after discussion at the April 1 meeting. Joe noted he reviewed the document and considered it daunting as he expected the ordinance to be

needed for construction/logging noise concerns that are handled under number 5 on page 4. Christine noted she is in favor of working with construction companies that are starting work too early such as 5:00 AM but the ordinance may be more than New Boston needs. She and Karen noted many concerned residents have contacted them who are not in favor. Joe suggested the town could begin with an ordinance covering the aspects noted under number 5 on page 4 and the policy could evolve as the town grows.

Bill Schmidt of Bedford Road was present and noted: 1. Enforcement should be objective not subjective. 2. "Duration" should be defined. 3. How would animal/livestock noise be handled? There should be a reasonable expectation this will be heard. 4. Waiting until 7:00 AM is giving up prime working hours and he suggested changing timing to sunrise/sunset as is done with hunting regulations. 5. Consider this as a Warrant Article as it will affect the entire town.

Brendan Roy of Molly Stark Lane asked how many noise complaints are received each year.

Chief Brace noted noise complaints are received weekly, 4 complaints in 10 days is average. They often come in after the noise occurs not while it is occurring. This proposed policy did not arise from a construction matter, complaints have been coming in since he began working in New Boston. Under current rules the Police Department could arrest the offender for disorderly conduct. A noise ordinance would allow the Department to address the issue locally with a ticket to pay at the Town Clerk's office before initiating a court process if not paid. Residents have said to officers that New Boston should have a noise ordinance. He noted key words in the proposed ordinance such as "unnecessary" and "unusual." He sought input and drafted this ordinance based on common language used in towns like New Boston. He said it is possible to approach this ordinance in an evolutionary way. If it is enacted he does not expect to issue many citations as most people are very reasonable when approached. The ordinance does not pertain to livestock or snow blowing. If the ordinance is not enacted the Department will continue handling noise in the current manner according to state law with disorderly conduct or reckless operation.

Karen noted she prefers less government, and this seems like trying to control residents with more government. She would rather people be neighborly.

Chief Brace said this ordinance would be less government as people would get a warning first before initiating a court process if needed.

Kary Jencks of Scobie Road noted she has experienced complaints of livestock noise and officers did a good job of assessing the situation and determining it is not a violation due to agricultural zoning. She noted she is in favor of the ghost train and noise associated with the Fourth of July and other town traditions.

David Litwinovich of Beard Road suggested revising the exceptions section of the proposed ordinance for clarity.

Joe recommended the Selectmen consider this ordinance further as drafted and as an evolutionary document. He plans to meet with Chief Brace to discuss it. The Selectmen expect to discuss this again and it was continued for further consideration as a first read.

Acceptance of Donation: Tony Bausha donated \$200 to the Police Department to replace a game camera that was stolen after the Department put up the camera to address suspicious behavior. The Selectmen and Chief noted Tony's ongoing substantial efforts cleaning up litter in New Boston. Christine moved to accept the \$200 donation and to allow the Department to expend that donation to purchase a replacement game camera. Karen seconded the motion. All were in favor. 3-0

D. OLD BUSINESS:

Item 3: Approval of Public and Non-Public Minutes of April 1, 2019: The Selectmen reviewed the Public minutes of April 1, 2019. Karen moved the Public minutes of April 1, 2019, be accepted as amended. Christine seconded the motion. All were in favor. 3-0. The Selectmen reviewed the Non-Public minutes of April 1, 2019. Karen moved the Non-Public minutes of April 1, 2019, be accepted as presented. Christine seconded the motion. All were in favor. 3-0.

E. NEW BUSINESS:

Item 4: Peter Flynn: Request for Town's Cash Policy: Peter reported the auditors requested the town add this policy. This is the procedure the town has always followed. The Selectmen reviewed and revised the draft policy at the April 1 meeting. Adoption and subsequent renewal dates will be added. Cash receipts are different from donations. The town has a policy for donations and grants. Christine moved to adopt The Town of New Boston Cash Receipts policy. Karen seconded the motion. All were in favor. 3-0

F. OTHER BUSINESS:

Item 5: Peter Flynn: Confirmation of Hiring of a part Time Finance Department Clerk: At the April 1 meeting the Board approved soliciting applications for a part time Finance Office Assistant. It was advertised internally per the town policy. Two internal applications and one from out of town were received. Interviews were conducted and Maralyn Segien is recommended for the position. There are no health benefits involved. She has been helping the town with projects for fourteen years and will now be eligible for part time benefits according to the Personnel Policy. Joe moved to affirm Maralyn Segien as part time Finance Office Assistant. Christine seconded the motion. All were in favor. 3-0

Item 6: Town Administrators Report:

- Building Permit Revisions: A first reading of building permit fee revisions is expected May 6 as New Boston's building permit fees are lower than other NH towns.
- Record Retention: All Welfare and Personnel files are in the 'copying' stage. Other departments including the Building Department will soon be providing files for digitizing.
- Recreation Commission Bus Shelter: Arrangements to be finalized in early May.
- Road Committee: Committee formed at April 1 meeting and all appointees notified in writing. They are asked to get sworn in. Chairman Willard Dodge is working to schedule first meeting.
- Streaming Service at Town Hall: Now installed and working well. Cost and questions as

requested through citizen request for documents under RSA 91-A can be provided by the Selectmen.

- Continuation of Cellar Project: No update.
- Update of Status of Mountain Road Issue: The one-way sign has been ordered to be removed.
- Transfer Station: Transfer Station Manager Gerry Cornet requests replacement of the Go Green Machine recycling truck stored NBCS as it is falling apart. Its disposal is being determined according to Town policy. He is researching another truck and mutual participation and financing is expected to be determined with the School Board which is expected to be responsible for most of the cost of procurement. Gerry Cornett and School Board representative Kary Jencks were present at the meeting and noted that this should be finalized at the April 17th School Board meeting. The School Board is expected to be in favor of continuing the program.

Item 7: Selectmen's Reports:

- Joe Constance- Joe reported that the Planning Board is working with Planner Mark Fougere to draft regulations for commercial venue permits.
- Joe also reported that the Forestry Committee recently determined a bad winter affected the Christmas trees the NBCS first graders planted last year and the Christmas trees at the NH Nursery that were planned for current NBCS first graders. The committee hopes the trees improve. If not, the Committee may have to order trees from Wisconsin at a slightly higher expense.

G. PUBLIC FORUM:

None.

Item 8: Possible Non-Public Session per RSA 91-A:3, II(a): Chief Brace- Christine moved to enter Non-Public session per RSA 91-A: II(a) at 7:01PM. Karen seconded the motion. All were in favor. 3-0 Poll Vote: Joe=yes, Christine=yes, and Karen=yes. Board then entered non-public session.

Move to exit Non-Public Session: Christine made a motion to exit Non-Public Session at 7:21PM. With Joe Seconding the motion. All were in favor. 3-0

Joe moved to seal the minutes for five years. Christine seconded the motion. All were in favor. 3-0

Joe moved to authorize Police Department staff adjustments as proposed to classify two regular part time officer positions to one regular full-time position and to reclassify one regular part time position to one part time per diem position. Christine seconded the motion. Vote carried 3-0 in favor.

ADJOURNMENT: Christine made a motion to adjourn the meeting at 7:22 PM. Joe seconded the motion. All were in favor. 3-0

Prepared by Maralyn Segien

Next Scheduled Meeting: Town Hall Conference Room on May 6, 2019 (6:00 PM)

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