

Approved

Town of New Boston Selectmen's Meeting February 19, 2020

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

Police Chief Jim Brace, Road Agent Dick Perusse, Gail and Randy Parker, Candy Woodbury, Dan Garrity, Bill McFadden, David Litwinovich, Joyce Arivella and Kaleb Jacob 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.

Consent Agenda-The Selectmen signed the consent agenda. Christine moved to approve the consent agenda including the hiring of Timothy Loveless as Police Sergeant and Ken Lombard reappointment to the Open Space Committee. Karen 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 the Town Administrator beforehand. Seeing none, Joe closed the first session of public comment.

C. APPOINTMENTS:

Item 1:

a) Gail Parker-Review Proposed Sign for Village Trestle: Gail Parker of Mill Street was present to meet with the Selectmen to update them on the new 'New Boston' sign at village triangle she discussed with them October 7, 2019. She has been working with Ne-Op-Co Signs from Concord, NH. She created a life size sample four feet wide. Interim Building Inspector Ed Hunter noted concern of the height to allow for traffic sight distance at the intersection. Sight distance and location of the sign were considered. The location may be different than the location of the current sign. The Gravity Monument would remain and the current hedge there is a danger for sight line and traffic safety that should be reviewed by the Highway Safety Committee and trimmed immediately. Gail introduced her committee, Candy Woodbury, Dan Garrity and Randy Parker. Photos of what the sign would look like placed at the triangle were

viewed. Joe moved to accept the sign design and placement thereof according to the plan presented with Gail Parker's amendments made tonight. Christine seconded the motion. All were in favor. 3-0. Karen moved to accept donation of the sign from the Committee. Joe seconded the motion. All were in favor. 3-0 Peter set up the account at the Town Hall as he was instructed to do in October. The Committee will initiate fundraising approximately \$4,000 with a letter. Approximately \$1,200 was raised so far. The Selectmen thanked the Committee for its efforts.

b) Dick Perusse-Discussion and Request Pertaining to Total Loss of a Dump Truck: Road Agent Dick Perusse was present to discuss an incident on February 7, 2020 when a wire on River Road hit a Highway Department 2006 dump truck/plow truck that was plowing the road, starting it on fire. The insurance adjuster is considering it a total loss and calculating the claim at approximately \$40,000. Dick has researched repair and replacement options. This truck was scheduled for replacement in 2021 on the CIP Schedule. The Department had a 2003 spare truck that is now a front-line truck and there is no other spare if there is a mechanical issue with another truck. The plan was to purchase a new truck in 2021, trade the 2003 and keep the 2006 truck as a spare. The Department keeps seven trucks with one spare. The Selectmen considered funding and replacement options. The Selectmen will wait for further information before considering if a replacement should be purchased in 2020.

D. OLD BUSINESS:

Item 2: Approval of Public and Non-Public Minutes of January 13, 2020: The Selectmen reviewed the Public minutes of January 13, 2020. Karen moved the Public minutes of January 13, 2020 be accepted as amended. Joe seconded the motion. All were in favor. 3-0 The Selectmen reviewed the Non-Public minutes of January 13, 2020. Christine moved the Public minutes of January 13, 2020 be accepted as presented. Karen seconded the motion. All were in favor. 3-0

Item 3: Discussion Re: Noise Ordinance-Possible Motions (Remove Previous Motion to Table from The Table and Possibly Move A New Motion): Christine noted she researched the Noise Ordinance after the August 19, 2019 meeting and has changed her position to against the Noise Ordinance at this time. On January 6, 2020 she requested the Selectmen make a final vote on this matter before she leaves office in March.

Joe noted he is in favor of a Noise Ordinance to allow the Police Department to manage noise issues at a local level due to some matters that have occurred, such as an issue that has been going on for four years recently discussed at a Planning Board meeting, and the potential for more noise issues in town. He noted the current draft could be revised and he has begun reviewing it for possible revisions.

Police Chief James Brace was present and noted he has also spoken to many residents since the August 19 meeting who noted they had changed their position from against a Noise Ordinance to support. Some had thought the Noise Ordinance would give the Police Department more authority, but the Police already have authority under NH RSA 644:2, Disorderly Conduct, Section III(a) and III-a. Instead, a Noise Ordinance would give reasonable local control with specific parameters set by the Selectmen and the town. Violations would be handled through the

town instead of the state. The currently drafted Noise Ordinance mandates a warning, the state RSA does not. The proposed ordinance addresses actual situations in town that have been going on for twelve years. The Police Department is bringing this proposed ordinance forward because they are the voice of the people who call the Police and don't have the courage to attend and speak tonight and/or fear retaliation from neighbors. Alternatively, neighbors could try to work out any issues between themselves and not involve the Police Department. Most complaints the Department receives are the result of ongoing situations that have not stopped over time. The proposed ordinance is an attempt to manage noise issues at the local level. There have not been any amendments or changes to the draft since it was first presented to the Selectmen. To vote it down is not giving it due justice as there are residents who are suffering from provocative noise actions. He recommended the town work together to draft a Noise Ordinance with specific parameters that would work for the town culture and use resources in the best way.

Jim noted the issue recently discussed at the Planning Board is currently not considered a criminal matter, it is a violation of a business site plan. Peter and the Selectmen noted the Planning Board, ZBA and Code Enforcement Officer could work together to resolve this issue by verifying the violation and rescinding the site plan through the legal system if necessary.

The Selectmen discussed situations that may cause a noise complaint as follows:

- Event situations that may cause noise at hours later than currently specified in the ordinance. If the event is at a business, the event would be limited by the hours specified in the site plan. For other events, event permit applications are available at the Town Hall with approvals signed off by the Police and Fire Departments and Health Officer.
- Setting off fireworks celebrating someone's life or a sport team winning a championship.
- Vehicle noise: This is partially covered under RSA 266:59 that covers mufflers in that there is no decibel level for vehicles but there is for motorcycles.
- Shooting noise and affects to second amendment rights: Shooting is covered and enforced under shooting and Fish and Game laws.
- Agricultural animal noise: Covered under other statutes.

Karen noted she is against a Noise Ordinance. In most situations if the police approach someone who is making noise and ask them to quiet down, it will happen. In some situations, someone might continue the noise and should be handled under the RSA. Alternatively, neighbors could try to work out any issues between themselves and not involve the Police Department. She also recommended the proposed ordinance go to town vote.

Jim explained the current procedure under RSA 644 does not mandate a warning, the current procedure under RSA 644 for a second offense is a misdemeanor with a permanent arrest record and a \$100 fine. If police are called and the complaint is verified the person making noise could be arrested immediately with a \$100 fine. They may go to court for the \$100 fine, but the Department would invest approximately \$1,000 in resources for the officer, office administrator, prosecutor and time in court to prosecute a \$100 fine. Under the proposed ordinance, the second offence would be a \$100 fine to be paid at the Town Clerk's office if the person feels they are guilty with the same rights they would have in District Court.

Christine moved to remove this discussion from the table and allow further action on this issue. Karen seconded the motion. 2-1

Christine moved to end discussion on the proposed Noise Ordinance. Karen seconded the motion. 2-1

Joe moved to adopt the proposed Noise Ordinance as presented. Karen seconded the motion. 1-2

E. NEW BUSINESS:

Item 4: Renew Town of New Boston Investment Policy: Peter reported the municipality also has its own Investment Policy that the auditors need, modeled after the Trustee of the Trust Funds Investment Policy. It is signed annually and has not changed for many years other than the date. Joe moved to renew the Investment Policy. Karen seconded the motion. All were in favor. 2-0-1 (Karen Abstained)

F. OTHER BUSINESS:

Item 5: Consideration of Changes In “Committee” Policies Re: Membership Number: Peter reported this pertains to the Energy Commission for now. The Commission is currently limited to three members. Two new people are currently interested in becoming involved with the Commission. They are very interested in the topic, have ideas and have a lot of background experience in this field. Peter has dealt with the ideas brought up in his work in another town and they should be brought forward by an official committee. Therefore, he recommends the Board adopt a revision to increase Commission membership from three to five members. Joe moved to Board adopt a revision to increase Energy Commission membership from three to five members effective immediately. Christine seconded the motion. 2-0-1

Item 6: Town Administrators Report:

- Recreation Bus Shelter: The refund was been received three weeks ago but it did not work out as the check was going to bounce. This may be a legal issue, but an appropriate check is hoped to be received very soon.
- Update on Record Retention Committee: The Committee awaits town vote on the Warrant Article it placed on the ballot.
- Noise Ordinance: As above.
- Town Investment Policy: As above.
- Board and Committee Application Requests: Peter will add something to Facebook to seek applicants for various committees and boards. Three have been received so far as discussed above.
- Update on New Boston To Bedford/Manchester Bus Service: Peter, Recreation Director Mike Sindoni and Susan Carr have been attending meetings with SNHPC. A final decision for funding this project in 2020 is expected at a meeting Friday at 10:00AM. The town is trying on behalf of the citizens to continue this service. The problem has been the lack of passenger participation, but interest has increased this month.

Item 7: Selectmen’s Reports:

- Karen reported the Road Committee met February 10.
- Joe reported the Forestry Committee has been busy with work parties at the Lydia Dodge

Forest doing sample plots and inventory. A select cut is expected soon. The Committee will continue this work. He offered to serve as a Selectmen's liaison at Conservation Commission meetings due to its interrelation with the Forestry Committee. The groups have been working together on Conservation Easements. Christine and Karen agreed, and Joe will plan to begin.

G. PUBLIC FORUM:

Bill McFadden of Dane Road was present and asked the following:

- Suggested searching for a replacement used dump truck at the State Vehicle Auction in Concord if needed.
- He asked if the Police Department can begin a policy to issue a warning for the first time a noise complaint is verified according to state statute. Police Chief Jim Brace was present and noted each situation must be considered on its face. That is what he instructs his officers to do. They try to approach the issue in the least restrictive fashion. It was written into the proposed ordinance, but the Department is not required to issue a warning first. Each officer's perception is different, the proposed ordinance takes the arbitrary nature of officer perception out of it.

Item 8: Possible Non-Public Session per RSA 91-A:3II (a)(b) and (c) Legal and Personnel:

Joe moved to enter Non-Public session per RSA 91-A:3II (a) and (b) at 6:37PM. Karen seconded the motion. All were in favor. 3-0 Poll Vote: Christine=yes, Joe=yes and Karen=yes. Board then entered non-public session.

Move to exit Non-Public Session: Joe moved to exit Non-Public Session at 7:10PM.

Christine seconded the motion. All were in favor. 3-0

Joe moved to seal the non-public minutes for five years, seconded by Christine. All voted in the affirmative 3-0.

Karen moved to hire Ricardo A. Pereira as a new Patrolman for the New Boston Police Department. This appointment will fill an open position.

ADJOURNMENT: Karen moved to adjourn the meeting at 7:11PM. Christine seconded the motion. All were in favor. 3-0

Prepared by Maralyn Segien

Next Scheduled Meeting: Town Hall Conference Room on March 2, 2020 (6:00 PM)

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