

Approved

Town of New Boston Selectmen's Meeting November 16, 2020

<u>PRESENT:</u>	Joe Constance	Selectman	
	Karen Scott	Selectman	via audio/conference call
	David Litwinovich	Selectman	via audio/conference call
	Peter Flynn	Town Administrator	

Chief Brace James Brace, Transfer Station Manager Gerry Cornett, Graham Duck (Via Audio as an appointment) and other members of the public were present for all or part of the meeting via town hall streams/audio/conference call.

This meeting is being conducted remotely consistent with Governor's Executive Order 2020-04 insuring compliance with RSA 91-A considering COVID-19 circumstances. Due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically. Please note that the public can access this live meeting by viewing it via a "live-stream" link on the New Boston NH website. Please note that all votes that are taken during this meeting shall be done by roll call vote.

A. CALL TO ORDER: A regular meeting of the Board of Selectmen was called to order by Joe Constance at 6:13PM beginning with the Pledge of Allegiance.

Consent Agenda-The Selectmen reviewed the November 2, 2020 and November 16, 2020 consent agendas. Karen moved to approve the November 2, 2020 consent agenda including approval of appointment of Mark Debowski to the New Boston Road Committee and appointment of Matt Beaulieu to the New Boston Finance Committee and the November 16, 2020 consent agenda. David seconded the motion. All were in favor. 3-0 Poll Vote: Joe-yes, David-yes, and Karen-yes

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 call 603-848-5387 to comment as per the rules for live meetings and state your 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: Graham Duck-Discussion Re: No-thru Trucking Ordinance: Graham Duck of Popple Road was present to meet with the Selectmen to discuss trucking through town.

The Selectmen reviewed his written request dated November 3, 2020. Joe asked for clarification of the estimate of 200-300 trips per the neighborhood per week.

Graham noted he has been counting over two years and spoke to the trucker January 2020 who estimated more trips per week. Graham thanked the Selectmen for considering the concern. He met with the Selectmen in 2019. He has lived in town for six years on Popple Road with his family. He is meeting with the Selectmen on behalf of the neighborhood as neighbors have come together to request help as they have been asked to ignore and endure heavy trucking through their neighborhood. All neighbors are dismayed and troubled. They are not trying to villainize or disparage anyone but there is one business that is the primary source of the concern.

Joe noted he is familiar with the challenges the neighbors have been facing for 2.5-3 years as a result of this business and the trucks going from Parker Road to Indian Falls Road.

Graham asked if the ordinance passed in October relaxing the trucking ordinance previously in place was requested by the business owner to more easily service another job.

Joe noted that business owner was not the only one as there has been an upsurge in construction in New Boston over the last ten years. The Through Trucking Ordinance exception was for a firm from outside of town or is traversing from inside town to outside of town and then back in a different area could be accommodated on a permit basis for a limited amount of time, renewable upon review. It was not specific to one business owner.

Graham asked who brought the request for revision to the Chief Brace.

Joe noted he and the business owner brought the request to the Chief Brace.

Graham asked if the revision is expected to increase or decrease the amount of heavy trucking on Byam and Wilson Hill Roads.

Joe noted Byam and Wilson Hill Roads were not considered specifically as they are not the only roads that have a lot of trucking, either from in town or on a permit-based timeframe. He does not think the ordinance will increase or decrease the amount of heavy trucking on Byam and Wilson Hill Roads.

Graham asked if the Selectmen are familiar with the area of Byam and Wilson Hill Roads.

Joe noted he is quite familiar with the area.

Karen noted she traveled the area today to become familiar with the area and was traveling behind a heavy truck and followed it from Wilson Hill Road to Byam Road to Gregg Mill Road to Lull Road to Route 77.

Graham noted his neighborhood has one hundred forty homes, according to the town tax cards it is described as above average in value and desirability. There are many children and active adults running, walking and biking in the neighborhood. With an average tax base of \$9,000 per home, the neighborhood is contributing \$1.3 million to the town tax base. With an average of four people per home, the neighborhood makes up ten percent of the town population.

Joe asked if the desired action is to close the road to trucking.

Graham asked if the Selectmen are familiar with the size and weight of the vehicles in discussion, especially the particular business owner's dump trucks.

Joe noted they are mostly ten wheelers weighing approximately 20,000 pounds unloaded.

Graham noted the ten wheelers discussed weigh approximately 40,000 pounds or more loaded.

Joe noted 40,000 pound may be heavier than the actual loaded weight.

Graham compared this tonnage to the tonnage of average cars at 1.5 tons. The vehicles in question are significantly large and traveling the area daily. The specific problem is, beginning at 7:00 AM each Monday, the business' first trucks arrive in the neighborhood. They greet the residents at the bus stops morning and afternoon. During the busy season, residents expect two to five trucks in the neighborhood at any time every day. Graham spoke with the business owner who indicated to him he takes 1,600 or more dump trucks through the neighborhood monthly during the busy season. During slower seasons, these trucks drive through the neighborhood past the homes every six to ten minutes. That is well over 50 million pounds being moved through this neighborhood monthly. Graham noted the Selectmen may want to request the business owner's trucking records for corroboration. Graham is very concerned with safety in his neighborhood and the severe impact on the environment and the community in this area including noise that can be heard from .25 to .5 miles away, smog and exhaust smell and how this has accelerated the degradation of these roads. He expects no roads in New Boston could withstand this traffic. He noted Byam Road winds and is steep and in several places barely accommodates the width of two normal vehicles, let alone a full-size dump truck. He compared the current situation with the situation in the neighborhood three years ago when it was much more enjoyable, quiet and safe with families out walking, running and biking. The heavy truck traffic began three years ago and it was thought it might last a couple weeks or a month. Months went by and it continued but his family thought it still might be temporary. It continued and they called the town to ask about the "no-through trucking" sign in their neighborhood. In January 2019 he spoke with the business owner, who was staying at the time at his Florida home. Graham discussed with him the concerns of noise, exhaust, congestion, degradation of roads, safety, etc. The business owner informed Graham that "it was not his problem and he would continue to run trucks in the neighborhood as long as he needed." Graham asked him at the time if he would continue traveling different routes to the same location on half of the trips. The business owner said "No, because that would just cost me money." Graham read aloud a story from a neighbor that lives on Byam Road as she is disturbed that she cannot enjoy the neighborhood she moved to three years ago. She filed a police report noting the trucking is disruptive. Graham noted many neighbors planned to join the Zoom meeting that was previously

planned for tonight and many may be viewing the livestream of this meeting. The neighbors are not happy, they are sad, fearful, frustrated, angry, confused and dismayed. They request help from the Selectmen to restore long lost balance to the community. He noted Joe has been vocal and even encouraging the trucking to continue in the neighborhood. He told Joe it is not fair to put the financial interests of one local business ahead of the safety, tranquility and quality of life for hundreds of New Boston residents. He said Selectmen are not elected to represent business owners, they are elected to protect the interest and integrity of the community. He noted Joe's singular argument to continue the trucking in this neighborhood is this is a local business doing business in town is threadbare. The activity is not safe or fair and it is wrong to continue this edict and expect the neighborhood to deal with it. It is not in the spirit of the community or of what the Selectmen were elected to do. Graham noted someone could be hurt in the neighborhood as a result of this activity. It is not unheard of as a truck very recently lost its breaks on Cemetery Road. If that happens the Selectmen can expect to be considered when residents ask who could have prevented the injury, and then ask, "why didn't they?"

Joe noted he was not elected to represent this particular business owner. Joe has known him for a long time as a businessman in town, does not know him socially at all. The Selectboard considered the revised ordinance with two public readings at recent Selectmen's meetings and passed the revision November 2, 2020. The Selectboard attempted to make accommodations for all businesses, not just this particular business owner, to be able to, within certain limits, come out of town from in town to an out of town location and back. Joe would be willing to engage the business owner, if authorized by the rest of the Board, if there are alternatives for some of the trucks to travel a different way. A year ago, Joe requested the Police Department watch the trucks of the business to see where they were going from the pit as it was known they were using this route to travel out of town. The No-Through Trucking Ordinance from 1996 was then revised in 2019 to limit through trucking.

Graham clarified by asking if the town had the trucks tracked through town. He learned from a neighbor that the police followed trucks from the business and determined that the No-Through Trucking Ordinance was not adhered to on at least two occasions, and in return, the town then rewarded the business with a relaxed rule that allows him to truck.

Joe denied this interpretation.

Graham asked if it is fair to have 1,600 heavy trucks travel through a neighborhood monthly.

Joe would not address the fairness of it. He noted he resides on Bedford Road, the busiest road in town other than Route 13. He understands the concern of heavy trucks going by and has had family pets hit by these trucks going by. He is also not fond of heavy trucking.

Chief Brace James Brace discussed limiting the traffic by having it go another way and the fairness and legality of the current activity. The Police Department needs an Ordinance or something that would make this issue enforceable. There is no ordinance in town that says that Through trucking is restricted or not permitted on Byam Road but there are four roads that are restricted by a No-through Trucking Ordinance: Bedford Road, Saunders Hill Road, Mountain Road and Depot Street. From an enforcement standpoint, there is no violation when a truck travels up Byam Road through Wilson Hill Road. The issue is when the truck travels onto

Bedford Road and then out of town. The police stopped a couple trucks this year coming from the development at Lorden and Susan Roads and found those trucks were going from that development to the business on Parker Road and back to the development. There was no through trucking violation to enforce, they had done nothing wrong according to town ordinances. Rules have not been relaxed to allow this activity, there are no rules other than traversing Bedford Road through town as a through way which this business was not doing. This is by evaluating the language of the ordinance as written.

Graham noted there are several hundred unhappy residents, rightfully so, there is an epidemic in the neighborhood where they must listen to heavy dump trucks in this rural town all day every day. The argument is the trucks have a job. Graham said they don't need to have that job in town, and they have the ability to run the trucks in different directions to the job when they leave Parker Road. There is no reason for them to drive the current route other than profit margins. If it is the Selectboard's job as elected officials to protect this business owner's profit margins, then the Selectboard is doing a good job of it. The residents are requesting help from the Selectboard but the Selectboard is stonewalling the residents and saying there is nothing they can do. Graham says the Selectboard can stop the trucking or redirect portions of it. It is not the Selectboard's responsibility to manage this particular business.

Joe asked Chief Brace what municipalities do in these situations.

Chief Brace asked Graham if these roads are closed and truck traffic is redirected to another area, then those residents protest, then the same restrictions would be enacted in that area.

Graham noted the residents have discussed this possibility, but they are not responsible to manage this particular business. There is a contract on the other side of town that the business is having a difficult time getting to, and it is not his only job (he has jobs around the state), the town is trying to accommodate one job for this business owner at the detriment to hundreds of residents/taxpayers and their quality of life. He speculates the business owner does not live in this community. He and the neighbors want to find a way to move this problem forward in a way that does not financially handicap the business owner. He said the town needs to be protected.

Chief Brace noted the Police Department can enforce the rules as written. Byam and Wilson Hill Roads could be added to the ordinance but that would just move the problem.

Graham asked if the current activity could be considered a form of harassment. The neighbors have estimated approximately 11,000 trucks moving through the neighborhood since he met with the Selectboard in 2019. He asked if it can be argued that this is a safe number of trucks traveling on the roads discussed tonight. If someone is hurt, he said people would consider the Selectboard as an entity that knew about the problem and did nothing to prevent it. He noted the police and the Selectboard are just here to enforce the laws, but guidance is needed.

Joe proposed asking the Chief Brace to research the legalities and examples from other communities that have faced this issue in specific neighborhoods and generally. He also proposed a meeting between neighborhood representatives, the Chief Brace and the business owner to review tonight's discussion and find compromise for accessibility v. profitability.

Karen noted this issue has occurred for approximately four years, traffic, noise, use of jake brakes due to the steep grade of the road. She followed behind a heavy truck from another business today and followed it from Wilson Hill Road to Byam Road to Gregg Mill Road to Lull Road to Route 77. These are narrow roads. She agrees, Byam Road is a neighborhood. She does not consider Bedford Road a neighborhood, it is a main road. She asked if an ordinance can be enacted for Wilson Hill Road limiting the number of dump trucks per month. She is shocked to learn there are 1,600 dump trucks traveling this road monthly, a truck passing every six to seven minutes, she would not be happy with that situation and speculates the rest of the Selectboard would not be happy with it. She agreed the meeting proposed could take place and asked the other businesses traveling also be involved, however, Graham has already spoken to the business owner and received a response that it is not the business owner's problem. She agreed Chief Brace could research the legality of the trucking, but he has already stated that the No Through Trucking Ordinance applies to only Bedford Road, Saunders Hill Road, Mountain Road and Depot Street. She suggested the trucks travel from the business, down Route 114, through Goffstown and around to Lorden and Susan Roads, these are larger state roads. The safety concern is not acceptable.

Joe also requested the Chief Brace to research examples from other communities that have faced this issue in specific neighborhoods and generally.

David noted the problem can be solved. He agrees with the meeting proposed. He has been a member of the Planning Board and does not expect the problem to end soon as the town is growing and developing. The truck traffic through these neighborhoods may lighten but development may begin to take place in other areas of town. This problem needs to be addressed town wide. There are approximately eighteen gravel pits in town and there are routes through town that are facing similar levels of traffic. He does not want to shift the problem from the Byam Road area to another area of town, he would rather defray or spread the traffic through other areas of town. He is familiar with Gregg Mill and Lull Roads that are traveled by these heavy trucks and they are not in great shape for this volume of traffic.

The Selectboard asked the Chief Brace to engage all interested parties to determine what to do in an unbiased fashion and research examples from other communities that have faced this issue in specific neighborhoods and generally.

Chief Brace noted there has been misconception of the word "through" in "No Through Trucking" as some think this means "no trucking" but some trucking is allowed to make deliveries in neighborhoods. "Through trucking" is not allowed on certain New Boston roads. This business travels from Parker Road travels up to Wilson Hill Road, traveling "through" the Byam Road neighborhood. All parties involved need to understand that "trucking" is not being limited, "through trucking" is being limited. The Police Department gets complaints but explains this difference and distinction to these callers. There are instances such as in the spring and mud season when the Road Agent posts roads for weight limits. These are exceptions but if the town enacts an ordinance for Byam Road, there could still be trucking on that road for deliveries. He noted Joe has reached out to the Police Department on multiple occasions to address this issue that Graham brings up of excessive trucking. The concept that the town is relaxing rules for the business owner is inaccurate. Joe has been proactive in trying to address

this. The recent Ordinance revisions were to get a better grasp of trucking allowed in the area by enacting the permit process, it was not to relax the rules for a business owner. The town is trying to work with all parties involved to come to a solution, not shifting responsibility onto the neighborhood or telling residents to deal with it. Joe has been very proactive with the Police Department to come to a stopgap or resolution.

Graham asked what the town's plan was to address the traffic in the neighborhood, he gets the sense there was no plan. He is not here to vilify or create enemies, he is trying to work with and maintain the community. The neighborhood feels like it has been taken advantage of, this is their town, the situation is ruining their quality of life, every day that goes by and nothing changes angst has developed. He plans to continue to be involved to improve this issue in a reasonable manner.

The Selectboard asked the Chief Brace to engage all interested parties to determine what to do in an unbiased fashion and research examples from other communities that have faced this issue in specific neighborhoods and generally. Joe asked David to become involved due to his relevant Planning Board experience and asked Graham to continue to check in with David and Chief Brace. Karen thanked Graham for all he has done regarding this matter.

D. OLD BUSINESS:

Item 2: Approval of Public and Non-Public Minutes of November 2, 2020: The Selectmen reviewed the Public minutes of November 2, 2020. Karen moved the Public minutes of November 2, 2020 be accepted as amended. David seconded the motion. Poll Vote: Joe-yes, David-yes, and Karen-yes. All were in favor. 3-0 The Selectmen reviewed the Non-Public minutes of November 2, 2020. Karen moved the Non-Public minutes of November 2, 2020 be accepted as presented and sealed for the standard amount of time. David seconded the motion. Poll Vote: Joe-yes, David-yes, and Karen-yes. All were in favor. 3-0

E. NEW BUSINESS:

Item 3: Overview of Current Operating Budget Being Reviewed by Finance Committee: Peter reported the first two Finance Committee meetings went very well with very good questions from the Committee, especially Selectboard Committee Representative Karen. A question about the Library budget came up at the last meeting that is expected to be straightened out at the next meeting. Requested budgets from Departments remained flat and close to the 2020 default budget. The Police Department budget is calculated with staffing levels approved by the Selectboard in 2020.

F. OTHER BUSINESS:

Item 4: Updated Year to Date Expenses and Revenues: Provided. Peter reported the expenses are well within the default budget. Revenues are very good with an increase in building department and motor vehicle registration revenues, exceeding projections. In March, the Selectboard made recommendations for budget cuts and spending in 2020. Department managers followed this advice. It was unknown at that time how COVID-19 would affect the budget but it is now known that COVID-19 caused many departments to save money during the

year as many budgeted services could not happen. The town anticipates ending 2020 within the default budget with a surplus.

Item 5: Town Administrators Report:

- Highway Superintendent Position: The Selectmen will discuss this in non-public session.
- Continued Road Paving Plans: Bog Brook Road is newly paved, and more roads are hoped to be done as weather conditions allow including sections of Lyndeborough Road, Meetinghouse Hill Road and Hooper Hill Road.
- NH DRA previously notified the total New Boston tax rate was \$23.80 for 2020 (\$5.13 town portion), down from \$25.05(\$5.48 town) in 2019 but the NH DRA has since corrected the New Boston tax rate to \$24.09.
- Karen asked Peter about a sign to be installed at the corner of Bedford and Chestnut Hill Roads. Peter and George St. John located an area and placed stakes where the sign will be installed. George will install it soon.
- Joe asked about the status of electric signage for high traffic roads. A grant has been submitted for a radar trailer and a solar speed sign that may be placed on Bedford Road. Grant award is unknown, Sergeant Tim Loveless will follow up for a status. Signs will be ordered in 2020.
- Peter contacted the state today for approval of locations to install Purple Heart Community signs in New Boston. Six are planned at approximately \$57 each. These funds are available in the 2020 budget. A Proclamation that New Boston is a Purple Heart Community is displayed in the Town Hall.

Item 5a: Request From The Police Chief-Acceptance Of Highway Safety Grant Of \$3,400.00: Police Chief James Brace was present to meet with the Selectmen to discuss the NH Highway Safety Grant in the amount of \$3,400 awarded to the New Boston Police Department for overtime for text enforcement, speed enforcement, seat belt enforcement, Operation Safe Commute and DWI enforcement patrols from now to September 30, 2021. The only match is administrative time and operational costs such as gas for patrol cars. The Selectmen must approve all grant awards per town policy. Karen moved to accept the NH Highway Safety Grant in the amount of \$3,400. David seconded the motion. All were in favor. 3-0 Poll Vote: Joe-yes, David-yes, and Karen-yes. All were in favor. 3-0

Item 6: Selectmen's Reports:

Joe reported the Forestry Committee installed a replacement gate at the Christmas Tree Farm and added a gate to the Sherburne Town Forest lot.

David reported at the recent meeting the Planning Board reviewed the CIP Schedule and set Board goals for 2021.

Karen reviewed the town of New Boston hiring process for citizen understanding. She understands if there is an open position the town advertises for the position. She noted a recent position was advertised in several newspaper publications and the NH Municipal Association job board. A couple thousand dollars was spent. Applications were received in July. Normal procedure is to form an interview committee, contact applicants and set up interviews, narrow down the candidates for second interviews, the committee then makes recommendations for hire

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to the Selectboard who then review and vote on the candidate. Peter noted this process is not mandatory, it depends on the position and the applicants. A committee is not necessary for every hire. If the position warrants it, a hiring committee should be formed. The hiring policy can be found in the Personnel Policy Manual. Karen noted there are currently open positions in town, it does not appear normal hiring procedures are being followed, a position was advertised, the town received applications since July, interviews were attempted then cancelled. The town has since continued advertising the position at taxpayer expense, now the town plans to bypass all normal and expected business policies to hire a candidate. Applications containing qualifications and experience were received and these candidates were not granted an interview to show town interest. She prefers to always follow standard hiring procedures that would take place in any company.

Joe noted no hiring process has been violated for any town position. The town can interview as many candidates as it would like to, based on qualifications. The town does not interview as a courtesy, it interviews based on qualifications. There are some required procedures and there are procedures the town is not required to do. There have been no violations.

G. 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 approach the podium and state your 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 second session of public comment.

Item 7: Non-Public-Per RSA 91-A:3, II (a)(b)(c): Discussion Re: Possible Personnel Hiring(s) Joe moved to enter Non-Public session per RSA 91-A:3II at 7:15 PM. David seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Joe-yes and Karen-yes. The Board then entered non-public session.

Move to exit Non-Public Session: Karen moved to exit Non-Public Session at 7:36 PM. David seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Joe-yes and Karen-yes.

Joe moved to allow Transfer Station Manager Gerry Cornett to hire Prescott Weldon as Transfer Station Attendant. Karen seconded the motion. All in favor. 3-0 Poll Vote: Joe-yes, David-yes, and Karen-yes.

David moved to hire Allen Brown as Road Agent as a regular full-time employee with benefits for two years from the date he was hired as Interim Road Agent subject to review in two years. Joe seconded the motion. The motion carried. 2-0 Poll Vote: Joe-yes, David-yes, and Karen-no.

Karen noted she is not against hiring Allen Brown at this time but in her opinion the hiring process was not followed appropriately, it was done unprofessionally as the town has not followed through with interviews of all applicants.

Joe moved to seal the Non-Public Minutes for 5 years, seconded by Karen. All voted in favor 3-0 Poll Vote: Joe-yes, David-yes, and Karen-yes.

ADJOURNMENT: Joe moved to adjourn the meeting at 7:40 PM. David seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Joe-yes and Karen-yes.

Prepared by Maralyn Segien

**Next Scheduled Meeting: Town Hall Conference Room on December 7, 2020 (6:00 PM)
7 Meetinghouse Hill Road- New Boston, NH 03070
Phone: (603) 487-2500-www.newbostonnh.gov**