

Adopted

Town of New Boston Selectmen's Meeting March 15, 2021

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

Road Agent Allen Brown, Planning Board Representative to the SNHPC Mark Suennen, Conservation Commission Vice-Chairman Louise Robie, Police Chief James Brace 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 6:00PM beginning with the Pledge of Allegiance.

Consent Agenda- The Selectmen reviewed the March 15, 2021 consent agenda. David moved to approve the March 15, 2021 consent agenda including appointment of Christin Carothers as a Planning Board Alternate, and reappointment of Ed Carroll and Peter Hogan to the Planning Board. Joe seconded the motion. Poll Vote: Joe-yes, David-yes, and Karen-yes. 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 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: Allen Brown-Road Agent-Discussion Regarding Dougherty Lane Bridge And Future And Ongoing Projects: Road Agent Allen Brown was present to meet with the Selectmen to discuss road projects as follows:

- Borings done on Dougherty Lane Bridge with good findings of 13-15' average depth and hit ledge on either side. The driller's log is pending.
- Dirt roads are an ongoing battle. Every road is anticipated to be stoned and graded by the end of next week. Allen is considering adding an environmentally safe enzyme to dirt roads that would absorb approximately ten inches and help the road bed materials stick together to form a concrete-like base. It also has dust prohibitive properties.
- The Highway Department is preparing a catalog of all town culverts and their condition and considering areas that need drainage improvements.
- A draft bid request for paving and grading will be finalized. The town has developed a standard paving contract to use for all paving projects. Bids are expected to be received for Selectmen review and award at the next Selectmen's meeting. Several roads are planned for improvement according to the budget.
- Trucks and equipment are all up and running thanks to the hard work of the road crew, especially Bill Dodge who has been welding and fabing.
- Allen is waiting to hear back from the engineers about the Bedford Road culvert project.
- Bid sheets are hoped to be ready before the end of April for the Lyndeborough Road project.
- There are several hazard limbs hanging in trees around town that could fall. The Highway Department will remove these as time allows.

Item 2: Mark Suennen-Request For Additional Information Re: TAP Grant Intent of Interest For Rail Trail: Planning Board Representative Commissioner to the SNHPC Mark Suennen was present to meet with the Selectmen to discuss the town's recently submitted Letter of Intent to NH DOT for an approximately \$500,000 federal TAP Grant. Peter noted he signed and submitted according to the normal procedure a Letter of Intent at the request of the Conservation Commission. The deadline for submission was prior to the scheduled Selectmen's meeting preventing Selectmen review of the letter prior to submission. Peter has authority to sign these grant requests if they do not require town funding. NH DOT notified the Conservation Commission that the letter was received and provided a deadline of March 19 to submit the grant application. If this 80/20 matching grant is awarded, it would not obligate town funds as the matching portion would be funded by donations. The project would take place in 2023. The town would fund bills from the project temporarily according to an anticipated 2022 Warrant Article until they are reimbursed under the grant. Similarly, the Rail trail Committee applied for a \$100,000 50/50 matching grant from NH Parks and Recreation in 2017. Several letters of support were submitted with that application, including letters from Peter and SNHPC. That grant was awarded and all required matching funds were raised through fundraising, not taxation.

Item 3: Louise Robie-Request Selectmen's Approval To Endorse Rail Trail Grant Application: Conservation Commission Vice-Chairman Louise Robie was present to request Selectmen approval to endorse an application for a federal TAP Grant for a Rail Trail project. She noted the Rail Trail project historically has been funded with no tax impact. The project has been done in phases, including Phase 1B from the fairgrounds to Lang Station that was accomplished with an 80/20 grant. A \$100,000 50/50 matching grant was awarded from NH March 15, 2021

Parks and Recreation to improve the Rail Trail from Lang Station to the end. \$102,000 was donated to allow this to happen. The Commission is now considering a project recommended by Eric from NH Parks and Recreation when he met with them to review progress of the project under the 50/50 grant. At that time gravel trucks were observed constantly traveling Parker Road as it intersects the trail. This was considered a hazard and he recommended the Commission apply for a TAP grant to improve this area of the Rail Trail as it is a safety issue for trail users crossing the road. The Commission noted historically there was a tunnel in that area and Eric recommended the tunnel be added due to the safety issue. There is also a steep incline from the Rail Trail on both sides of the road and this area could be improved for trail users with a tunnel under the road. Therefore, the Letter of Intent was submitted as noted under Item 2. She requests Selectmen support of the grant application for the 80/20 matching TAP grant. All matching funds will be funded by donations. A draft letter of support for Selectmen signature was provided to them for consideration. The letter of support would not commit the Selectmen, it would just indicate support.

Planning Board Representative Commissioner to the SNHPC Mark Suennen noted he learned of the Letter of Intent at a SNH Regional Planning Commission meeting. He has some concerns and they were discussed as follows:

- He asked if the Police and Fire Departments were notified of submission of the Letter of Intent due to the safety hazard. Louise noted they were not informed but the Conservation Commission submitted a Letter of Interest for the TAP Grant. NH DOT responded and is interested in the Commission's subsequent grant application. The Commission hopes to complete the application and requests Selectmen support.
- Conservation Commission Chairman Laura Bernard attended the mandatory grant application webinar on March 3. Mark noted the town must designate and certify according to the Local Public Agency process a full-time employee to be considered the person in responsible charge of the grant process. Louise noted Laura is a full-time employee but not currently certified. Town Engineer Kevin Leonard from Northpoint Engineering plans to renew his certification and will be in charge of the project. Mark noted this could be an issue according to the Local Public Agency project rules and regulations as Kevin's certification expired as of February 2 and he is not a full time town employee. He noted that according to the Local Public Agency regulations there is design and engineering certification and a construction labor compliance certification. The labor compliance certification would be needed when construction begins and the design and engineering certification requires Local Public Agency certification. Mark noted Kevin can help with both of these. Louise noted Laura can oversee all bills and the construction process. Peter noted Laura can be certified as soon as the Local Public Agency holds its next certification class and this is expected to be done in time for the grant award. Mark noted the construction class involves a one or two day virtual course that is anticipated to take place in April or May and the design and engineering class is a half day course anticipated to be offered in October. Joe noted a town employee will be selected for these courses and in the future the town plans to expand its notification circle for Letters of Intent in these situations. Peter noted the SNHPC notified the town of the availability of this grant and the town representatives to the SNHPC were inadvertently not notified as the town has not dealt with them before, but will in the future to improve communication.

- Mark noted concern with the funding timeline. Peter clarified that if the grant is awarded, the Conservation Commission fund would cover expenses and would then submit the expenses for reimbursement through the grant.
- Mark noted concern with a Local Public Agency rule requiring 100% of total funding must be in hand prior to beginning the project. Peter noted he discussed this with Tom Jameson at NH DOT who recommended this be accomplished through a 2022 Warrant Article. If voters approve the Warrant Article but the grant is denied, the Warrant Article would then be null and void. Mark noted the town would sign the grant agreement between October 2021 (before a Warrant Article would be drafted) and January 2022 and funds would become available in January 2022 with funding required to be 100% in hand at that time. Funds would have to be completely spent by September 2024. Louise noted if the grant is awarded, one-third of the fundraising has already been pledged.
- Mark noted Northpoint Engineering provided a sketch with the Letter of Intent. He asked what the estimate was. Louise noted the estimate was preliminary at approximately \$550,000 including the tunnel from Concrete Solutions, road work and engineering. Louise noted she met with Kevin, Laura and the Road Agent on March 12 to clarify/revise the submission for the grant application. They anticipated the estimate included in the Letter of Intent is appropriate. Mark noted he works in the industry and he is concerned the estimate is not high enough. Louise noted Kevin indicated he will have accurate estimates by March 19. Joe clarified the Letter of Intent/Interest estimate does not bind the project to that figure. Estimates can be updated for the grant application. The tunnel would be engineered taking the gravel truck traffic above into consideration. Louise noted the tunnel is planned to be 55' long, 9' high and 9' wide with at least 6' of gravel above. The road would be paved and there would be guardrails on each side. The concrete tunnel has tolerances for weight factored in and is similar to tunnels built under highways. Mark noted he is sure the tunnel can be engineered to be structurally sound.
- Mark asked who would be responsible to maintain the tunnel after it is installed. He noted NH DOT requires tunnels be maintained through winters and inspected every two according to the Local Public Agency regulations. Louise noted the Conservation Commission is anticipated to maintain it as it maintains the Rail Trail and will research the requirements Mark noted.

Joe moved to support the grant application as requested. David seconded the motion. Poll Vote: Joe-yes, David-yes, and Karen-yes. All were in favor. 3-0 The letter will be finalized prior to Selectmen signature.

D. OLD BUSINESS:

Item 4: Public Hearing-Request Acceptance Of Police Department Body Camera Donation For \$10,000: The Selectmen opened the Public Hearing at 6:47 PM. The donor will be announced in the Town Report for this donation of body cameras for the Police Department. Police Chief James Brace was present to report that the donor understands the requirement he be identified however he does not intend to gain notoriety or press, he is simply expressing gratitude to the Police Department. The town will identify him at a later time according to NH RSA. The intent of the donation is to purchase body cameras for the Police Department. The amount would cover the cost of year one of the five-year agreement presented as a 2021 Warrant Article.

There is no contingency for the donation if the Warrant Article does not pass. Joe recommended the donor be notified of this possibility and consider how the donation would be handled in that situation. Peter noted this happened in another town where it was learned the law indicates the donation cannot be returned. Police Chief James Brace will discuss this with the potential donor prior to the Selectmen taking action. The Selectmen will discuss this again at their April 19 meeting. Joe moved to close the Public Hearing at 6:53 PM. David seconded the motion. Poll Vote: Joe-yes, David-yes, and Karen-yes. All were in favor. 3-0

Item 5: Approval Of Public Minutes Of February 17, 2021 and Non-Public Minutes of February 24, 2021: The Selectmen reviewed the Public minutes of February 17, 2021. Karen moved the Public minutes of February 17, 2021 be accepted as amended. Joe 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 February 17, 2021. Karen moved the Non-Public minutes of February 17, 2021 be accepted as presented. David seconded the motion. Poll Vote: Joe-yes, David-yes, and Karen-yes. All were in favor. 3-0 Non-Public minutes of February 24, 2021 are pending.

E. NEW BUSINESS:

Item 6: Update On Year To Date Expenditures And Revenues: Peter provided documentation. The budget process has been delayed by postponing voting day. Peter is watching spending very closely to ensure the town is working within the recommendations of the NH DRA and governor's office pertaining to frequency and amount of spending during this time without an approved budget. He complimented department managers for cooperating and living within a budget similar to the budget at this time last year. The town is waiting for potential budget approval in June but is able to begin planning some road projects within the budget. Revenues are doing very well including \$250,000 from motor vehicle registrations and building permits.

F. OTHER BUSINESS:

Item 7: Town Administrators Report:

- Continued Road Paving Plans: As above under Item 1.
- Town Meetings: Deliberative Session rescheduled to May 3, 2020, voting day rescheduled to June 8, 2021.
- Letter of Support For Rail Trail Committee has a deadline of Friday March 19, 2021 to sign and present to the TAP Program Manager at the DOT: As above under Items 2 and 3.
- Streetlights On Meetinghouse Hill Road have been repaired and are now working.
- Attorney Courtney responded to request for clarification re: Planning coordinator Shannon Silver doing consultation on the side. He was OK with the request and the Town Administrator drafted an agreement form to have Shannon sign off on dealing with the subject of Conflict of Interest.

Item 8: Town Department Managers Monthly Reports: Peter provided documentation from the Department Managers.

Item 9: Selectmen's Reports:

Joe reported the Forestry Committee plans to place town forests into Conservation Easements to be protected for perpetuity. Sherburne Forest was surveyed and documents are being prepared. Approximately ten years ago the Selectmen made an agreement with the Friendly Beaver Campground to construct a carport on the Sherburne Forest for campground generated recyclable materials. The town benefits through this agreement by selling the recyclable materials for Transfer Station revenue. This is not allowed in Conservation Easements. Options are being considered including moving the structure off the property or exclude this area from the Conservation Easement. The Conservation Easement can then take place at Sherburne Forest. The Forestry Committee provided a letter and supporting documentation to the Selectmen. The Forestry Committee will meet with Conservation Commission representatives on March 24 to discuss and Selectmen input is requested. Joe recommends the area be excluded from the Conservation Easement. The Follansbee and Johnson Lots are being marked for timber cutting for conservation purposes.

David reported the Planning Board will meet March 23 to review an application to construct an addition from Ecosmith Recyclers and office building construction at Chestnut Hill Road.

Karen reported the Road Committee will meet March 24 where they anticipate discussing mud season and strategizing an annual maintenance schedule with the Road Agent.

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 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 second session of public comment.

Item 10: Non-Public-Per RSA 91-A:3, II(a)(b)(c): Joe moved to enter Non-Public session per RSA 91-A:3II at 7:05 PM. Karen 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: Joe moved to exit Non-Public Session at 7:21 PM. Karen seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Joe-yes and Karen-yes.

ADJOURNMENT: Joe moved to adjourn the meeting at 7:20PM. Karen 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 April 19, 2021 (6:00 PM)

7 Meetinghouse Hill Road- New Boston, NH 03070
Phone: (603) 487-2500-www.newbostonnh.gov