

# Approved

## Town of New Boston Selectmen's Meeting December 6, 2021

<b><u>PRESENT:</u></b>	Karen Scott	Selectman
	David Litwinovich	Selectman
	Donna Mombourquette	Selectman via Zoom
	James Brace	Interim Town Administrator

Ashley Brochu-Braica, Kevin and Kimberly Dillaway, Nancy Bax, Mark Debowski, Jake Neville, Brad Bingham, Mark Anderson, Willard Dodge, Jesse and Alena Normand, Keith Ammon, Paul Sizemore, Ryan Nix, Dave Elliot, Ethan Preston. Bill McFadden and one or more additional members of the public were present for all or part of the meeting via town hall streams/audio/conference call.

**A. CALL TO ORDER:** A regular meeting of the Board of Selectmen was called to order by David Litwinovich at 6:00PM beginning with the Pledge of Allegiance.

This meeting is being conducted remotely consistent with Governor's Executive Order 2020-04 insuring compliance with RSA 91-A in light of 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.

**Consent Agenda-** The Selectmen reviewed the December 6, 2021 consent agenda. Donna moved to approve the December 6, 2021 consent agenda including payroll, Accounts Payable and other signed official documents. Karen seconded the motion. All were in favor. 3-0 Poll Vote: David=yes, Karen=yes and Donna=yes.

### **B. PUBLIC FORUM:**

David 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 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, David closed the first session of public comment.

### **C. APPOINTMENTS:**

None.

#### **D. NEW BUSINESS:**

**Item 1: Acceptance Of Resignation Of Highway Department Secretary:** The Selectboard received Highway Department Secretary Amy Parrish's letter of resignation. Donna moved to accept the Highway Department secretary's resignation. Karen seconded the motion. Discussion: This will be discussed in non-public session. All were in favor. 3-0 Poll Vote: David-yes, Karen-yes and Donna-yes.

**Item 2: Byam Road Thru-Traffic Discussion (Nancy Bax And Jake Neville Invited To Attend):** Mark Debowski of Byam Road presented on behalf of the neighborhood as a citizen of New Boston as follows:

Citizens are asking for a No Through Trucking Ordinance on Byam Road.

1. My name is Mark Debowski, and I live on Byam Road.
  - a. I am chairman of the road committee, but I am not speaking in that capacity this evening.
  - b. I am speaking as a private citizen with an ongoing concern that is shared by dozens of other people in our neighborhood.
2. Thank you for the opportunity to speak before you this evening.
  - a. We appreciate that you ran for and were elected to your positions as decision makers, so that they could make positive changes that have lasting benefits for this town.
3. I would like to orient you to the area of concern. (map distributed)
  - a. This is a neighborhood with 143 houses and families with children.
  - b. If there is an average of 4 people per house, then we have 572 people and 10% of our town's population here.
  - c. Trucks traveling to and from the gravel pit on Riverdale Road/Parker Road are using our neighborhood as a cut through to get to locations to the south where construction is happening.
  - d. I am not anti-business, just against business being done to the detriment of a residential neighborhood.
  - e. In fact, I design construction projects and understand the needs of construction access but also do a lot of public outreach work for our construction projects and understand that the impact on all types of people during construction needs to be considered.
4. I would like to give you a visual presentation of what we see.
  - a. These are large trucks ranging from dump trucks to trucks hauling large equipment.
  - b. These are loud trucks.
    - i. They are accelerating loudly up the hill.
    - ii. They are using their jake brakes going down the hill – you can hear them the entire way down the hill.
  - c. These are fast trucks.
    - i. Byam Road is on a 7 to 9 percent grade for much of its distance, and these trucks move quickly both up and down the hill.

- d. I would like to show five short videos totaling less than 1 minute and photos of what is occurring. (videos and pictures were shown including a video taken from t/m 6-41-23 looking at the northern end of Wilson Hill Road with Byam Road to the left. Kevin Dillaway of Wilson Hill Road was present and noted the video is from his motion activated security camera. Vibration from the heavy trucks causes the camera to activate.
- 5. This is a persistent problem.
  - a. Graham Duck from our neighborhood spoke to the select board on November 16, 2020 and expressed his concerns.
  - b. As a result of that meeting there was an agreement with Neville Excavating that they would only run trucks two days a week (Mondays and Wednesdays) up and down Byam and Wilson Hill Roads.
  - c. That held for a period of time and reduced the trucking, but the trucking is now worse than ever.
  - d. Neville Excavating has been operating outside of the agreed upon days and there are now many other companies operating six days a week.
  - e. This is a persistent problem that has been going on for 5 or 6 years now.
  - f. It was not like this when we first moved here in 2013.
- 6. There are many trucks that use the road from early in the morning until the evening.
  - a. They begin at 7am on every day except Sunday and go until 5 or 6 pm.
  - b. We have extensive notes from one of the people in the neighborhood from 2020 and 2021 including recent months.
  - c. There are trucks every 5 to 15 minutes with scores of trucks a day.
  - d. The trucks are from Neville Excavating (in New Boston), Montbleau (in Brookline), Preston (New Boston), Sonny D's in Bedford and Paul Lavalley in Manchester along with many unmarked trucks.

That's the situation we have – a residential neighborhood being used by numerous trucks every day. Why is this a bad idea? I think we can all agree that it is a nuisance in terms of traffic and noise, but there are many more serious considerations.

- 7. The road was not designed for this type of trucking.
  - a. I am a roadway engineer and design roads for a living, and I can tell you from over 20 years of professional experience that this type of road is not intended for large trucks.
  - b. The curves of this road are tight and are designed for cars traveling 15 mph to 25 mph.
    - i. There are two tight curves in particular (point out on map).
    - ii. Trucks cross center line regularly into oncoming traffic when going around these curves because a truck is too large to stay in its own lane.
      - 1. The road is not designed to accommodate large trucks around the tight curves of Byam Road.
      - 2. Several times I have encountered a truck in my lane as I am in the inside lane of the curve.
    - iii. There are no paved shoulders on these roads, so there is nowhere to go when someone crosses into your lane.
    - iv. The road is on a hill with grades of 7 to 9 percent. Roads with this steep of grade become much more dangerous for large vehicles as they need to use their brakes a lot, and brake failure is possible.

- v. On the sharp curves the truck centers of gravity are high, and a truck traveling at a high rate of speed may tip.
    - 1. I regularly have to design to prevent truck tipping in much less dangerous situations.
- 8. Our roads are being destroyed by trucking, and it causes dangerous situations.
  - a. The pavement on our road is 3 to 4 inches thick with 12 inches of gravel below. A typical road design to support heavy trucking would have pavement of 8 to 12 inches in thickness with 36 to 48 inches of gravel below.
  - b. The trucks have heavily rutted the road and destroyed the substructure.
  - c. The roads were paved with a topcoat against the road committee recommendations (we had recommended a full reconstruction of the road), and it is temporarily hiding the problem, but the rutting will continue and already has – I can see it again.
  - d. When the road ruts like this it traps water and causes hydroplaning, just as happened in front of our house where this summer, before paving, a car hydroplaned on the water in the wheel ruts and smashed into the wall in our front yard in May – this is all the result of the damage the trucks do to the road; it is not just a nuisance but it is dangerous when it rains and snows.
  - e. Snow and ice cannot also be easily removed from the wheel ruts.
- 9. There are many pedestrians on this road who are in danger from the trucks.
  - a. There are two 11-to-12-foot paved travel lanes and no paved shoulder.
  - b. I run on the road and see many others walking and running.
  - c. There are many bicyclists who use this road as a loop route.
  - d. My wife and daughter walk dogs on the road as do many of our neighbors.
  - e. My son and daughter ride their bikes on the road to use the rail trail at the bottom of the hill (which is a great resource for our neighborhood), but my wife and I are terrified because of the trucks.
  - f. We have many young children living in the neighborhood who walk on the road, including to and from the bus.
- 10. This is a major liability for our neighborhood and the town.
  - a. If one truck is not paying attention or loses its brakes and strikes a car or a person on the side of the road there is going to be an outcry from this neighborhood because this has been known and ignored for many years.
    - i. Where I grew up in Pennsylvania if there were a hill like Byam Road where trucks were regularly traveling there was often a runaway truck ramp at the bottom because trucks do lose their brakes.
  - b. These trucks are heavily loaded and are moving quickly and cannot stop quickly. If a child were to run out in front of a truck, there would be major devastation.
    - i. I was teaching my daughter how to ride her bike on Byam Road, and she swerved out to the left unexpectedly as a truck was passing, and I am so grateful that she was not killed.
    - ii. There are curves on Byam that you cannot see around, and if a child were on the road around one of those curves that child would be crushed.
  - c. These fully loaded trucks lose cargo as they travel, and if a rock comes out and smashes through the windshield of a passing car or crushes a person, we would have a very sad situation.

- i. A coworker of mine recently had a metal bar go through her windshield that came from the back of a truck that even had a cargo cover in place.

11. The New Boston zoning ordinance prohibits this type of activity in a neighborhood from a home business:

Section 319.4

The home business or expanded home business shall not have an adverse effect on the environment or the surrounding properties in excess of that which exceeds normal residential use in the neighborhood of the proposed business, as a result of such things as, but not limited to, noise, vibration, odors, heat, glare, smoke, dust, lights, soil, water or air pollution, or electrical or electronic interference of any kind beyond the property.

Section 319.5

Traffic shall not be generated by such activity in greater volumes than would normally be expected in the neighborhood.

The trucking businesses using the gravel pit on Riverdale Road are doing this very thing in our neighborhood. If it were one of our neighbors, it would be illegal. Why does not this apply to the trucking industry? This is an inappropriate use of a private businesses operating in the wrong context causing safety problems. I would like to state our request, asking you to help us as the leaders of this town.

The Neighborhood Request:

- 12. We are asking that Byam and Wilson Hill Roads be added to the New Boston No Through Trucking Ordinance.
  - a. Bedford Road, Saunders Hill Road, Mountain Road, and Depot Street are already listed.
  - b. The agreement with Neville Excavating has been violated and, furthermore, is irrelevant because there are trucks of all types on all days of the week.
- 13. Some may say that the trucks will have to go somewhere else, and yes, they should.
  - a. They should be using state highways and major roads that are designed for this type of traffic.
  - b. There are many suitable alternate routes that are not curvy, hill, thickly settled residential roads.
- 14. We have precedence for this request from the no through trucking routes in Bedford.
  - a. <https://www.bedfordnh.org/839/No-Thru-Trucking-Routes>
  - b. One of our neighbors grew up on Wallace Road and experienced persistent trucking on the road that became a nuisance.
  - c. The Bedford town council enacted a no through trucking on Wallace Road, and the trucks had to travel a long distance around on Route 114 instead, adding traffic in those areas.
  - d. It is one of 20 roads in town in which there is no through trucking.
  - e. Wallace Road is nothing like Byam Road and Wilson Hill Roads – it is a much busier and straight road, and if it could be done there then it certainly can be done here.
- 15. I appeal to you as our town's guardians that through trucking would not be allowed on Wilson Hill and Byam Road and be required to use state highways and major roads instead of the thickly settled residential roads of Wilson Hill and Byam Roads.

Karen thanked Mark for the presentation and noted she has observed trucking in this area. She agrees this neighborhood in this rural town should not be suffering and she is concerned with noise, road damage and safety in the area. The heavy trucks traveling have to complete their jobs but there are other routes including larger roads they could use. These might affect the business as the travel time could be longer and more fuel used but these costs could be passed along to customers. She requested a solution to improve safety in the area and allow the trucks to travel another route. She has discussed the issue with residents. She and other residents sometime follow heavy trucks traveling in town to determine the company they are from and if they are full, empty or through-trucking. She has noticed another town companies traveling the Byam/Wilson Hill Road area from Bedford Road to their business on Route 77. This is not an issue caused by one subdivision and using that excuse is an injustice/disservice to Byam and Wilson Hill Road residents and companies that are working with the town such as Neville Excavating.

Donna noted she agrees with the neighborhood concerns and asked about the timeframe of construction of neighborhoods in the area. Ashley Brochu-Braica of Popple Road was present and noted her neighborhood of Popple, Swanson and Hutchinson Roads was constructed in 2005, about five years after Byam Road which was built in 2000. She noted these neighborhoods did not cause the volume of heavy truck traffic that has been occurring in the area for approximately nine years. Donna asked how these town truck companies could travel to the location on the other side of town it needs to get to without similarly affecting another neighborhood. The heavy trucks are traveling to a large development in town that is in the construction process. Mark noted they could travel Bog and Bog Brook Roads which is a less thickly settled, flatter and straight area more conducive to heavy truck traffic, alternatively they could travel the state roads of Routes 13 and 114 and New Boston Road but would have to travel Bedford Road.

Mark Anderson of Beard Road noted heavy truck traffic has increased since 2013/2014 as the trucks are traveling to the new subdivision. This traffic was not occurring previously as no building was occurring due to the recession at that time. He anticipates traffic to increase and decrease according to building cycles as more subdivisions are approved and the current truck traffic in the area may decrease significantly in approximately one year. The town is developing quickly, and the heavy trucks should be able to get to location in town safely and in a timely manner. He is not aware of any accidents in the neighborhood involving heavy trucking. He disagrees any added costs could be passed on to current customers as executed pricing contracts may be involved. He also disagrees with the suggestions to reroute the trucks to Bedford Road and Route 13 as these roads already experience heavy traffic. He was a Selectman in 2000 and when Byam Road was approved by the Planning, Zoning and Selectboards. At that time there was a lot of discussion resulting in the decision that Byam Road was known to become a shortcut from Route 13 to Bedford Road. Similarly, Beard and Lull Roads provide a shortcut from Route 13 to Route 77. He runs a farm in that area and is also concerned for the safety of his animals and farm equipment traveling the roads. He also noted New Boston is one of the largest reservoirs of gravel and sand in the area. His recommendation to decrease heavy truck traffic is to decrease subdivision approvals without considering logistical support of how to build the houses.

Willard Dodge of Tucker Mill Road noted he is a lifelong resident, was a Selectman for eight years and served on the Road Committee. He is concerned the residents who have gathered want to stop heavy trucking by their homes and cause heavy trucking for residents in other areas. He also noted Bedford Road is dangerous. He also has experience driving heavy trucks and does not suggest it for the curves on Bedford Road. He observed careful, respectful and appropriate speeds in the video shown. He recommended allowing the trucks to continue traveling to their job sites in the current route and re-evaluate if heavy trucks are no longer driving appropriately. He also noted the Jake brake is very noisy but is the safest thing for the truck. He quoted the late lifelong resident and former Selectman Tom Mansfield, Sr. saying Selectboard members should always do what is best for the town of New Boston, not individuals.

Jesse Normand of Byam Road was present and thanked all for their comments. He grew up in Goffstown, his family is involved in the heavy trucking business that he understands but he also has a family resulting in similar concerns about heavy trucking in the area, including how it could cause depreciation of homes in the area which was one of the reasons Bedford prohibited it on Wallace Road. He noted he supports commerce, but his main concern is safety and protection, especially for his children, as homes are close to the road and there are no shoulders on the road. He does not expect home construction in New Boston to decrease soon and recommends a creative solution to heavy trucking in the area.

NH Representative Keith Ammon of Byam Road was present and noted the Selectboard is the governmental body of the town. He has lived in the neighborhood since 2009 and has concerns with safety and noise and asked the least restrictive solution be researched and considered. He made suggestions for noise muffling especially of the Jake brake.

David noted heavy trucks are inherently loud.

Jake Neville of Neville Excavating/Riverdale Road was present and noted the following:

- His trucks are all following state standards.
- His company is a local company with a shop and gravel pit in town since the early/mid 1990's. His family moved to town in the 1960's. He and his employees have children and families, and they do not intend to destroy neighborhoods, families or lives, they are doing their job.
- The heavy trucks travel the area of Byam and Wilson Hill Roads often primarily due to a subdivision off of McCurdy Road. The heavy trucks are not traveling that way to get to other towns as was occurring on Wallace Road in the past.
- His company has worked with Police Chief Brace when they were through-trucking to Bedford after which the route was diverted, and they are trying to find alternative routes to avoid through-trucking.
- Their business hours are 7:00AM to 4:30PM and they travel Byam and Wilson Hill Roads during these times on Mondays and Wednesdays as agreed, which is a concession on the company's part as the company is required to pay tens of thousands of dollars in registration fees/excavation taxes and property taxes. Drivers may make a mistake and travel on another day, but it is stopped when they become aware of it.
- When large machines need to be moved, the company has to apply for a permit from the state that includes a route to travel determined by the state. Bog Road is posted no through trucking in Goffstown and there are various E2 bridges along the route

that cannot hold the weight, Bog Brook Road may not be able to hold the weight. Going onto Bedford Road from New Boston Road or Mountain Road would be through-trucking because they are coming from another town. This leaves Byam Road or Joe English Road as options for travel routes, of which the company determined Byam Road is the safer route. They do travel the Joe English Road route occasionally.

- At the November 16, 2020 Selectboard meeting, Graham Duck estimated 1,600 heavy trucks travel the area per month, 19,200 trips per year.
- He discussed the planning process with David and learned about off-site improvements when subdivision plans are approved. He suggested the town may be able to request additional funds from developers for road improvements when subdivisions are approved and include note heavy truck travel routes and schedules in the plans.
- He noted incidents of travelers being disrespectful of his drivers in the Byam/Route 13/Wilson Hill Road area and concern that these actions could cause an accident.
- State road design specifications to support heavy trucking discussed earlier of 8 to 12" in asphalt thickness with 36 to 48" of gravel below may be inaccurate as his company builds roads to NH DOT specifications of 12" gravel, 6" crush and 4.5" asphalt and rated for these trucks. He has noticed extensive heavy truck travel Indian Falls Road; it was built to this standard and is not deteriorating at the rate Byam Road is.

Police Chief James Brace was present and noted in the nine years, nine months he has been the Chief, there have been no commercial accidents involving heavy trucks in New Boston or speeding tickets issued to them on Byam and Wilson Hill Roads. He recognizes the seriousness and safety issues expressed but so far there have been no heavy truck accidents or speeding tickets issued. A recorder was placed to count vehicles and speeds during daytime hours, from which it was determined it is Byam Road neighbors speeding primarily during commute times. There was a hydroplaning issue that was directly related to speeding by an inexperienced young driver traveling too fast for the conditions. He directs his officers to be proactive in motor vehicle patrol/enforcement to be visible to prevent bad habits and violations. The officers have stopped heavy trucks including Jake's. Jim, David and Graham met with Jake in February 2021 to address safety concerns. Jake was under no obligation to change his business practices or routes but volunteered to do that as a sign of good faith as a longtime resident/business and work with the neighborhood residents but there is no way to control other businesses traveling the route as the discussion was not engaged due to all neighborhood fingers were and continue to be pointed at Neville Excavating. He does not recommend the heavy trucks travel Bog Brook Road due to safety concerns for high school students traveling the route from school, as well as no shoulder and a stream/river on Bog Road where cars traveling too fast often go into. There have been more accident incidents on Bog Road than Byam Road. Similarly, Bedford Road is the number one location of accidents in town. He is experienced in accident analysis/reconstruction and approves every New Boston Police Department accident report. Accident analysis is a direct correlation to proactive patrol in problem areas and areas where citizens note concern. He recognizes the seriousness and safety issues expressed but since he has been Chief there have been no heavy truck accidents or speeding tickets issued in the Byam and Wilson Hill Road area, and no evidence that the heavy trucks are doing anything that would cause a greater risk there than any other neighborhood or roadway. Safety is anticipated to be more of an issue on Bog



Brook Road, Bedford Road and Meetinghouse Hill Road. Bedford Road is not flat or straight, does not have shoulders and includes several troublesome areas including the corner of New Boston and Bedford Roads. New Boston Road does not have complete shoulders along the route to town. Route 114 is the only road with shoulders, but they are also incomplete. He has not been able to determine a better route than the Byam and Wilson Hill Road area for Neville Excavating to travel from the gravel pit to the subdivision and the materials cannot be helicoptered in. Jim discussed the potential for growth with Planning Coordinator Shannon Silver and learned there are currently no plans or developments in discussion once the current development is complete, at which time the heavy truck traffic in the Byam and Wilson Hill Road area is anticipated to end, in approximately one to one and a half years. The opportunity for change is at the Planning and Zoning Board level, when residents notice developments being proposed, the question should be asked of how material will be brought to the area. He has also experienced frequent heavy trucking in his neighborhood when a development was being built and noted it did end when the subdivision construction was complete.

Jesse Normand thanked Police Chief Brace for these statistics and the information provided tonight and recommended further discussions as there are limited routes for heavy trucks to travel. He remains concerned for safety risks and noted that although there have not been any recorded accidents, there have been incidents that have been avoided.

Police Chief Brace noted he recognizes the risk, takes it seriously and will publish the statistics from all four roads on the Police Department webpage. If heavy truck routes are changed the risk will be at those locations. The statistics show no evidence that the heavy trucks are traveling unsafely although the Police Department is aware that incidents occur when they are not monitoring the area.

Nancy Bax of Wilson Hill Road was present and additionally requested a log of complaints the Police Department has received regarding heavy trucking in the Byam and Wilson Hill Road area. She appreciates the efforts made by Neville Excavating but noted there are other companies/towns/businesses heavy trucking in the area louder, faster and without regard for the neighborhood. The residents chose this neighborhood as they desired a quiet and safe neighborhood for their children, not a major truck route. If the town believes this area is a major truck route, the town should consider the classification of Byam and Wilson Hill Roads as there is a serious mismatch.

Paul Sizemore of Sizemore Truck and Auto was present and noted he hauls the town/municipality trash and often travels Old Coach Road at a certain time to avoid additional fees charged to the town. He cautioned the town from limiting truck travel times. Heavy trucks need to use roads/public ways at certain times, they are not abusing the roads and he expects the heavy trucking to decrease when the subdivision construction is complete. He noted there are commercial properties on Byam Road that also use heavy trucks. The town accepts federal funds/grants that include a condition to accept this traffic.

Neville Excavating employee Rob Williams noted he often drives heavy trucks through the area of Byam and Wilson Hill Roads and has had incidents of travelers being disrespectful/threatening to him although he and other heavy trucks make an effort to drive slowly, carefully, legally and respectfully using appropriate lighting and safety. He described

occasions when he has to cross the double-yellow line. He is a single father and does not intend to destroy neighborhoods, families or lives, he is doing his job.

Ryan Nix of Labree Road was present and noted he is listening to the comments and it seems all agree there is no other good option. He asked if there is a practical solution to improve integrity of the road such as paving/shoulder/structural improvements.

Alena Normand of Byam Road was present and noted blame is not directed at Neville Excavation, there are other companies/towns/businesses heavy trucking in the area without regard for the neighborhood. The road is not made for the heavy trucks. She is concerned someone needs to be hurt for this to become a real issue that would cause a solution for the road where they already pay premium taxes, if it is a truck route the taxes should be reconsidered in that area. Her concern is her children's safety.

Dave Elliot of Tucker Mill Road and D&S Excavating was present and noted he has built most of the roads in town. His biggest concern is there is no safer route, as he knows all of the roads in town and is a heavy truck driver. There are several points on Bedford Road that are not built to the current standards as Byam Road is and it is impossible for a tractor trailer truck to travel Bedford Road without going into the other lane in certain places.

Kevin Dillaway of Wilson Hill Road was present and noted he has found Neville Excavating drivers to be very courteous. He asked how long it will take to fulfill the current subdivision contracts. He is a former civil engineer concerned with how heavy trucking affects road condition and disappointed when the town wasted money in 2021 paving Byam Road. He is also concerned that the state is approving this route for tandems as he has encountered them when they go into the other lane because they are too large for the road and requested they not be used in this area.

Jake noted all three phases of the Lorden subdivision are in binder, one phase may be ready for topcoat next year, there are currently six house foundations and more available to sell who may use other contractors. On Susan Drive and Indian Falls Road residents are building additions and improving their yards. He addressed road standards noting roads should have a crown, gravel shoulder and appropriate drainage but Byam Road has issues. He noted Neville Excavating does not often use tandems in the area but does when necessary and the roads are public right-of-ways which allows them to be used in this manner. He also noted there are exceptions to the No-Through Trucking Ordinance.

Rob noted there may be no better route for tandems to travel. He considers this the safest route and a better alternative than going through school zones including those that would occur by changing to the routes suggested through Goffstown and Bedford. He is also concerned as when he follows GPS he may be sent to a no-through-trucking area where he would have to turn around and find another way.

Kimberly Dillaway of Wilson Hill Road was present and asked if there is a way to have Byam and Wilson Hill Roads removed from the state list of available routes for tandem trucking as the houses are close to the road.

Ethan Preston of Preston Excavation and Saunders Hill Road was present and noted this issue is situational caused by town growth as the Byam/Wilson Hill Road route is not considered a route to use to travel out of town. He expects the heavy truck traffic to decrease once the subdivision is complete but will continue to occur as permits are issued. There is no other option. The locations are not in violation of NH RSAs of in-home businesses disturbing the public as they are not in-home businesses, they are individual house sites. There is a lot of individual commerce that goes into every house site, and someone may be disturbed for every house site. He noted his trucks travel the route Karen questioned earlier as it is a faster route the company trucks are allowed to use to return to the shop from the McCurdy Road area at the end of the day or the truck may have been rerouted that day causing the travel she encountered.

Nancy noted eight heavy trucks travel past these homes every hour Monday through Saturday. Families currently living in this residential neighborhood consider this unreasonable considering the way they support the town tax base.

David thanked the public for attending and being respectful. He noted the subdivisions discussed were approved in the early 2000s and the effects were not anticipated at the time, but the Planning and Zoning Boards are now more aware of how subdivision approval could affect the town. He commended the Road Committee for its efforts in its first year along with the first year with a new Road Agent. The paving process was not perfect, but he expects the process to improve to appropriately repair and pave roads. When he, Graham, Chief Brace and Jake met earlier this year, they had already contacted without success the Senator, SNHPC and other entities attempting to get input as the town has eighteen gravel pits facing pressure from a lot of development. He thanked Neville Excavating for altering its schedule and routes after the meeting as it resulted in some improvement. He agrees a creative solution could be discovered perhaps by alternating the traffic to different neighborhoods. He recommended continuing to consider this by forming a subcommittee consisting of members from the Road Committee, Police Department, Road Agent, business owners and residents. Karen moved to establish a subcommittee to address the concerns relative to through trucking on Byam and Wilson Hill Roads. Donna seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Karen-yes and Donna-yes. Committee constitution will be considered and discussed at the next Selectboard meeting.

#### **E. OLD BUSINESS:**

**Item 3: Jason And Skye Lyons-Land Purchase-Request To Use The Lot:** Jim reviewed legal correspondence since 2008 that indicates the land was never properly deeded but was gifted to the town. The lot cannot be sold without a deed. This would incur more costs than the town and the Lyons were willing to invest. The Lyons asked for permission to park their trailer/camper on the piece of land that they were going to purchase from the town for \$100. This was the intended use and would require approval from the Selectboard. The Selectboard asked if this is considered an easement and was concerned with liability. Legal counsel could be asked to prepare a document releasing the town from any liability through the Lyons's use of the property. The Lyons previously removed trees from the area without permission and the camper is currently parked in the location with Jim's permission. Nothing further is expected to be done at the parcel. Karen moved to obtain a legal document specifying that the town owns the property but is authorizing the Lyons family to use the parcel specifically to park their

trailer/camper. Donna seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Karen-yes and Donna-yes. Jim will request this document from legal counsel and provide it to the Board as a Consent Agenda item.

**Item 4: Budget Item-Dues And Subscriptions Expenditure Follow Up:** The Selectboard reviewed a detailed report of the status of each department's Dues and Subscriptions budget lines from the Finance Director in response to the Selectboard's inquiry during review of Expenditures and Revenues at its November 15, 2021 meeting. Executive, Town Clerk, Finance, Police Department and Recreation Department are underbudget. Tax Collector and Fire Department are level funded. Highway Department overspent due to purchase of books and software for the Road Committee (otherwise would have been underbudget), Transfer Station overspent due to scale licenses required for employees according to the current staffing level.

**Item 5: Painted Double Yellow Line-Highway Department Follow Up:** The Selectboard reviewed documentation obtained in response to Bill McFadden's inquiry during Public Comment at its November 15, 2021 meeting. Jim reported Bill subsequently researched the concern and provided the documentation found in the US Department of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices 2009 Edition Chapter 3B. Pavement and Curb Markings <https://mutcd.fhwa.dot.gov/hdm/2009/part3/part3b.htm>. A single line was painted on Hooper Hill Road as the Road Agent wanted to delineate the center of the road until it is topcoated in 2022.

**Item 6: Approval of Public and Non-Public Minutes of November 15, 2021:** The Selectmen reviewed the Public minutes of November 15, 2021. Karen moved the Public minutes of November 15, 2021 be accepted as presented. Donna seconded the motion. All were in favor. 3-0 The Selectmen reviewed the Non-Public minutes of November 15, 2021. These will be reviewed in non-public session.

#### **F. OTHER BUSINESS:**

**Item 7: Update-Year-To-Date Expenditures And Revenues:** Documentation reviewed including a summary of the proposed 2022 operating budget. The Departments completed their presentations to the Finance Committee with a 3.61% (\$199,604) overall increase from the 2021 operating budget, including 4% COLA to town employees. This is lower than the initially proposed 5.74% increase through the diligent review by Department Managers. The Finance Director will prepare additional documents. Jim recommended Department Managers purchase items costing less than \$5,000 from any available 2021 funds to remove them from the 2022 budget. The Finance Committee will continue to meet to review the proposed Warrant and School District budget. Phone and Personnel Insurance costs were moved from each department to the Executive budget. The state also increased the town responsibility toward the NH Retirement Program by 5.45% resulting in an approximate \$13,000 increase to New Boston based on the 2021 personnel level. Otherwise, although two positions were added to the Town Hall in November, the personnel line would have decreased by \$1,000 in 2022 due to responsible growth. The Selectboard will review this further at its next meeting along with proposed Warrant Articles, Finance Committee recommendations and school district budget information.

**Item 8: Town Administrators Report:** Jim reviewed the Town Administrator's report as follows:

- On November 23, he participated in a call with Andrew Tiebout from Affinity LED Lighting and Bill McFadden regarding the streetlight project approved by voters in June 2021. Additional lights are identified in the GIS audit. The project is planned for mid-January, the equipment will be on site and securely staged in New Boston prior to the end of the year so the vendor can start when their schedule allows. The budget increased, the project cost more than provided by the Warrant Article but moneys due in 2021 will be covered by savings in monthly electricity costs in 2022 (approximately \$3,000) and an anticipated Eversource \$4,200 rebate. Any work done in 2022 will be covered by the 2022 budget. We should not have to encumber or budget additional monies. The town should be able to plan for the full savings of this project in the 2023 budget.
- Town Administrator Hiring Process –Nine current resumes with encouraging candidates have been submitted to the hiring committee members for review. Interviews will be attempted this month if the schedule permits. Wendy Lambert will replace Christine Quirk on the hiring committee.
- The Lyndeborough Road Bridge project is complete. A summary meeting with Town Engineer Kevin Leonard, Road Agent Allen Brown and I is planned for Thursday 12/9 at 1:00 pm to prepare for bill payment with subsequent matching grant reimbursement.
- The problematic trees on River Road and Colburn Road identified back on October 4th have all been removed.
- Two interviews occurred on Thursday December 2nd with promising candidates for the open Planning Clerk and Highway Secretary positions. One was selected for the Highway Department which will be discussed in non-public session. The Planning Coordinator plans to wait until the next Planning Board meeting before making a decision to hire a Planning Clerk.
- Final Department Budgets were presented to the Finance Committee on Thursday December 2nd. The rollup of all department budgets, and total increase over 2021, stands at 3.61%. Warrant Article and the School Budget review are due over the next two weeks.
- Town Hall Administrative Assistants Sonya Fournier and Maralyn Segien are still completing cross training into their new roles and have adjusted well. Both have done an excellent job over the first month.
- Highway Department plow vehicle inventory: Vehicle inventory from Road Agent Allen Brown distributed and reviewed. Jim reported there is a vehicle for each Department employee and the vehicles are used for plowing although one is currently out on medical leave until March 2022. Allen is considering hiring a part-time employee to fill in during this time. The Department has one spare truck to use if another truck is not useable. The Department has seven trucks and one spare. The Department has a tanker that is used for water, not plowing. This is considered "equipment." Contracted drivers do not use town vehicles. The number of contracted drivers will be confirmed. Jim is working with Allen to provide information about the plow cycle/routes to residents.

**Item 9: Selectmen's Reports:**

Karen reported the Road Committee met December 1, 2021 and plans to meet again in January.

Donna reported the following:

- The Finance Committee met three times. The Committee appreciates that the information provided has been very well prepared by the Interim Town Administrator, Finance Director and Department Managers.
- The Solid Waste Advisory Committee met November 8 and today. Jim Keyes accepted the nomination of Chairman. They discussed the Swap Shop and will make a recommendation to the Selectboard at the December 20 meeting.
- The group/unofficial broadband committee did not meet November 22. Bill McFadden has been driving around town looking at the wires to confirm information received from Comcast. The Committee plans to meet again January 24, 2022 with a representative from Cell Coverage Mapping as they are interested in the services the company can provide. Jennifer Allocca created an e-mail address specifically for the broadband project that was published in the New Boston Beacon with one contact so far. The Committee is considering how to gather more information from citizens and awaiting a presentation to the Selectboard from Consolidated Communications.

David reported the following:

- The next Planning Board meeting will be December 14, 2021 when they will review an application for an outdoor event venue on Saunders Hill Road. A sitewalk took place at the property December 4, 2021. The Board continues discussion of potential zoning and building code amendments for 2022 including workforce housing. A solar ordinance recommended by the Energy Committee will be postponed to 2023.
- The Safety Center Committee will meet December 9 to consider a Public Hearing or a meeting in mid-December to present a proposal.

### **G. PUBLIC FORUM:**

David 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 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.

Bill McFadden of Dane Road was present and noted he contacted Registrar of Deeds Jack Flanagan who indicated any land exchange in Hillsborough County is on file at the Registry of Deeds on Temple Street in Nashua where the deed for the parcel discussed earlier could be found. Jim noted this has been researched and the town found that in 2007 there was no interest in deeding the parcel of land that had been transferred/gifted to the town by Robert Wason, II and Charles Wason on November 25, 1986 with a letter. A document confirming this determination was read aloud and the information will be forwarded to town counsel when they prepare the document requested earlier. The process was never completed but there is paperwork and clear documentation that the parcel was given to the town, but no deed was ever obtained, created or filed. The Lyons contacted a title company and learned the title could be cleared but it is costly. The Lyons did not want to incur the expense as they had planned to purchase the parcel for \$100. The town is the legal owner.

Seeing no further Public Comment, David closed the second session.

**Item 10: Possible Request for Non-Public-Per RSA 91-A:3, II(a)(b)(c):** Donna moved to enter Non-Public session per RSA 91-A:3II at 8:55PM. Karen seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Donna-yes and Karen-yes. The Board then entered non-public session.

**Move to exit Non-Public Session:** Donna moved to exit Non-Public Session at 10:36 PM and seal the minutes for five years. Karen seconded the motion. All were in favor. 3-0 Poll Vote: David-yes, Donna-yes and Karen-yes.

**ADJOURNMENT:** Karen moved to adjourn the meeting at 10:37 PM. Donna seconded the motion. All were in favor. 3-0

*Prepared by Maralyn Segien*

**Next Scheduled Meeting: Town Hall Conference Room December 20, 2021 (6:00 PM)  
7 Meetinghouse Hill Road- New Boston, NH 03070  
Phone: (603) 487-2500-[www.newbostonnh.gov](http://www.newbostonnh.gov)  
Handicap Access available**