TOWN OF NEW HAMPTON
BOARD OF SELECTMEN
MEETING MINUTES
TOWN OFFICE
NEW HAMPTON, NH  03256

July 11, 2019

MEMBERS PRESENT:  Mr. Irvine, Mr. Denoncour, and Mr. Mertz were present.

OTHERS PRESENT:  Town Administrator Mrs. Lucas

CALL TO ORDER:  Mr. Irvine called the meeting of the Board to order at 6:30 p.m.

WORK SESSION  Manifests, bills, requisitions, purchase orders and leave request forms.

The board approved purchase requisition for Fire Dept (EMT class).

The board approved the following Building Permit application:
1. Michael Manganiello; Tax Map R2, Lot 8
2. Robert & Leslie Schilling; Tax Map R4, Lot 90G
3. New Hampton School; Tax Map U7, Lot 13; Demo
4. New Hampton School; Tax Map U3, Lot 11; Demo
5. Donna Coulter; Tax Map R6, Lot 58; Extension request

The board approved the following Occupancy Permits:
1. Tilton Realty Trust, Tax Map R11, Lot 217-44
2. Michael & Marie Portner, Tax Map R4, Lot 39C

The board approved the following Septic Design:
1. 25 Clement Road LLC; Map R2, Lot Tax 2

The board approved the following Intent to Cut Wood
1. Michael & Alice Anderson; Tax Map R20, Lot 20
2. Roberta Black; Tax Map R1, Lots 14 & 16

The board reviewed the following Sign Permit application:
1. Chris Bell, Tax Map R11, Lot 25A; HELD for information.

APPOINTMENTS  6:45pm
Chris Bell, Traveling Texas Smoke Shop

Chris Bell was present. Mr. Irvine said the board had received his email responses to getting an enforcement letter. The Board had the sign permit application from Mr. Bell, the original sign permit and plot plan from Mr. Lacasse that showed the front property line. Relative to Mr. Bell’s mention of harassment and discrimination, Mr. Irvine asked Mr. Bell to describe why he feels he is being discriminated against or harassed. Mr. Bell said there were 3 items in the state ROW that are closer to the road than his sign and there were other people in town that were violating the ordinance who received a courtesy call to remove their signage when he was given a cease and desist letter after submitting a sign permit and meeting with the Selectmen. Relative to harassment Mr. Bell said he received a phone call from Permitting Assistant Mr. Pollock, who had previously sent him a letter, and felt he called him prematurely since he’s been up front with the board. Mr. Irvine advised Mr. Bell he has not been singled out and that the letter is a typical enforcement letter sent out to others. Mr. Irvine advised Mr. Bell that he seems to be stressing that
“Neil (Irvine) said” this or that, pointing out that as Chairman of the board he many times leads and directs discussion, with his colleagues stating disagreement when they feel it appropriate. Mr. Irvine referred to an earlier discussion with Mr. Bell that it was his opinion that Mr. Bell’s sign should be between the two existing sign posts, while Mr. Mertz said it would be acceptable to have Mr. Bell’s sign attached in some way to the posts. Mr. Bell said it was not personal that he mentioned Mr. Irvine in the emails but that it seems Mr. Irvine keeps changing what is required of him. Mr. Bell referred to Mr. Irvine’s previous questions about how his proposed lean-to would be constructed, then Mr. Irvine suggesting he use nuts and bolts or that the sign needed to be attached to the sign posts, and not just touching the posts. Mr. Bell said after his discussion with the Selectmen and ensuring his sign was not within the state ROW, he immediately got a call from Mr. Pollock who told him he must comply with the ordinance. Mr. Bell said - then the Selectmen advised him in a subsequent meeting that it appeared that part of the sign was not on Mr. Lacasse’s property, but state property, which to him was harassment. He said if his sign is not on Mr. Lacasse’s property, why is it ok for Mr. Lacasse’s trailer to be located close to the road. Mr. Irvine said the town doesn’t have jurisdiction over the trailer, but does – relative to the sign. Mr. Bell said he contacted NHDOT who told him the edge of the ROW was 50’ from the center of the crown of Rt 104. Mr. Irvine advised that the cease and desist letter doesn’t state that the sign is in the state ROW, but on state property. Mr. Irvine said his sign was seen at the edge of the road, sitting in his truck and moved away from the sign posts. Mr. Irvine said 2 weeks ago the sign arrow was touching the sign posts and at that time the board had asked Mr. Bell to determine where the property line and once that was done the board agreed they would sign it outside of a regular meeting to speed up the process, but Mr. Bell never provided that information. Mr. Bell said he tried to locate the front pin and when he did that he found a new sign for the Farmer’s Market, attached to the Stop sign. Mr. Bell said that at that point he moved his sign 5’ closer to the road but not within the state ROW. Mr. Bell said he has not found the front property pins. He said his sign will now sit on either his truck or a trailer. Mr. Mertz advised that the sq. footage Mr. Bell is proposing meets the ordinance and everyone agreed that it looked better not to have the sign in the back of the truck or a trailer, but must be part of the existing sign. He said the problem is with determining the property line, not the state ROW. Mr. Irvine said relative to the person who put out the non-compliant sign and was phoned to advise him to remove it, it was because he had submitted a sign permit which met the ordinance, and when it was discovered that there was an additional non-compliant sign that applicant was called. Mr. Bell’s cease and desist letter was sent after 2 unscheduled meetings took place with the Selectmen for which the board discussed, at length each time, what was required for Mr. Bell’s sign permit before it could be approved. For this reason, Mr. Irvine said this shows the board did not discriminate but actually took much time trying to work with Mr. Bell. Mr. Denoncour said the board has tried to ensure and accommodate Mr. Bell’s needs based on the ordinance and the way the board sees the specific information about the site. Mr. Bell argued that his sign being in the back of his truck can be in the ROW as there are other vehicles marked for sale on Rt 104 that are within the state ROW. Mrs. Lucas reviewed the series of events: Mr. Bell met with Selectmen on 6/27, with the direction that Mr. Bell would determine where the property line and the sign’s placement relative to that. At that meeting Mrs. Lucas said he agreed to do that, but 6/28 Mr. Bell called the office and advised Administrative Assistant, Mrs. Vose that he had a catering event, and didn’t have time to find the property line. As the Selectmen had made the offer on 6/28 that as soon as Mr. Bell found the line, and provided that information to the office, the board agreed one of them would come in and approve the sign permit. On 7/3 the measurement had
still not been provided and the sign was moved from its location close to the existing free-standing sign, closer to the road. Mr. Bell argued the camper and Farmer’s Market were closer to the road than his sign. Mrs. Lucas explained that the camper was not a sign and the Farmer’s Market signage was allowed as temporary signage compliant with the ordinance. Mr. Irvine said the board worked with him allowing him the 30-day Hawkers & Peddlers permit, while he got additional approvals from the Planning Board to do it for longer. Mr. Bell said he got the 30 day approval and the longer term Hawkers & Peddlers permit. Mr. Irvine asked if he was now going to leave his sign in the back of his truck and Mr. Bell said he didn’t know, and didn’t know if he’d get another cease & desist letter, or if he should build his lean-to. Mr. Mertz confirmed with Mr. Bell that he was clear on the sign permit requirements and Mr. Bell said he was not going to try and locate the front property pins. Mr. Bell said he wished the town cared about the trailer for sale being situated where it was and the board reminded him again, that it was not under the town’s jurisdiction to enforce its location. Mr. Irvine offered to recuse himself if that made Mr. Bell more comfortable and he responded with asking Mr. Irvine to treat him more fairly and to go look at the Farmer’s Market and see how many signs they have up. He said he would make a decision with his lawyer. Mrs. Lucas advised that current sign concrete posts were put in by the owner prior to Mr. Lacasse. Mr. Mertz asked if there was anything further he could help with and Mr. Bell said no.

7:00 pm
Erin Darrow, Right Angle Engineering

Engineer Ms. Darrow and Conservation Commission Chair Mr. DuBois were present to discuss a trailhead at the Winona Road railroad overpass, showing a drawing of the site. It was noted that the acquisition involved a grant from NHEC which asked the town to make an effort to offer recreation, but it was not a requirement of the grant. If a trail was established, Mrs. Lucas said it would have to be ADA compliant. Ms. Darrow said after much discussion the commission felt the best access was a woods road access next to the railroad overpass where there was a path to the Snake River, being more user friendly location with less impacts to the wetlands. She said NHDOT is willing to allow for the expansion of the existing gravel pull-out by approx. 10 ft. She showed some photos of the turnaround/pull-out. Ms. Darrow said it would be desired to have the expansion go behind the cable pole, but it would require the pole be moved. She said it is unclear who actually owns the pole but it could be NH Optical and though DOT has record of other NH Optical poles, they don’t have one for this one, and therefore there may be a legal obligation to move it if they don’t have an easement. She advised that DOT will require this turnaround for vehicles to use for maintenance or vehicles needing to turn around due to the limited access overpass, and will require that vehicles can back up to turn around without entering Winona Road. Ms. Darrow said DOT may install “No Parking Between Signs” so the turnaround portion of the parking area is not blocked. It was determined the pole mentioned, was licensed by the state, but it was outside of their ROW. The board agreed to authorize Mrs. Lucas to draft a letter to NH Optical about the pole and its location on town property.

Ms. Darrow said the town would need to submit a Driveway Access Permit with NHDOT and a Wetlands Permit from NHDES. She said Jeremy Hiltz has agreed to donate fill and gravel installation, with some other associated costs not part of this donation. Ms. Darrow said she has concern with Conservation Easement held by Meredith and spoke with their Planning Coordinator who advised they would like to see the plan. The board felt it was best to involve all interested parties during this process. There was agreement that Mr. DuBois would schedule a meeting with the interested parties for 8/12, 7:00 pm.
Mr. DuBois advised the Kelley-Drake Conservation Area trails are complete and kiosk is in place.

XXX pm
Harold Lamos

Mr. Lamos was present. He said that last year he had a banner he would put out Friday night and take down after the Farmer’s Market on Saturdays as people had been having a difficult time finding its new location. He said he forgot to take it down on Saturday which prompted a call to him to say it was non-compliant. He apologized for not taking it down. The board advised it does not comply with his sign permit and it is too large to allow per the ordinance.

XXX pm
Public Works
Director Mr. Boucher

At 7:55 pm Mr. Mertz made a motion, seconded by Mr. Denoncour, to go into Non-Public Session, according to RSA 91A:3 II (a) Personnel. Vote passed. Roll call was taken, Mr. Irvine - Y, Mr. Denoncour – Y, Mr. Mertz – Y.

Present
Mr. Irvine, Mr. Denoncour, Mr. Mertz, Mrs. Lucas, and Mr. Boucher.

RETURN TO PUBLIC SESSION
At 8:58 pm, Mr. Irvine made a motion, seconded by Mr. Mertz, to come out of Non-Public Session; Mr. Irvine made a motion, seconded by Mr. Denoncour to seal the minutes for 5 years. Votes were unanimous.

There was discussion on recycling: single stream vs current collection and separation. Mr. Boucher said there was discussion with Waste Management’s Mr. Boyer about renewal of the 5-year contract. Mr. Boucher reviewed a spreadsheet creating by the office which compares current costs if those same recyclables were handled through single stream. He said single stream would not require balers & baling wire, hoppers for handling recyclables, rental of dumpsters for storage purposes, or their transportation costs. He advised that glass could be separated or could go into single stream container. Mr. Boucher said to have someone watch what is going into a single stream container would prevent them from doing the other duties required of them. Mr. Irvine asked how he would reconfigure the facility to handle single stream and Mr. Boucher said it would take an engineer to determine what would work. If residents began putting everything into one dumpster, Mr. Irvine said if the market turns around and recyclables produce more income, it may be difficult to get residents to recycle again. He suggested having residents drop off the recyclables as they do currently, with employees commingling them together for shipment which would mean a reconfiguration of the facility would not be necessary. Mrs. Lucas said the commingled container would leave New Hampton, then pick up in Laconia and mix with material from Holderness and Moultonborough, which includes glass. Mr. Irvine asked how many employees were needed to run efficiently and Mr. Boucher, 2 on Mon & Wed, with 3 on Sat. With single stream, Mr. Boucher said it would likely take the same number of employees. Mrs. Lucas said there has also been costs associated with handling and holding recyclables while waiting for good market pricing. Because of an increase in the weight of the container with single stream, Mr. Mertz said the container would be shipped more often. There was discussion on whether recyclables can be compacted or baled, then placed in the container, and whether another compactor may be needed for this new process. Mr. Boucher to find out the maximum tonnage Waste Management can take to determine # of hauls, and whether material can be compacted/baled.
Mr. Irvine made a motion, seconded by Mr. Mertz, to accept the recommendation of Mr. Boucher for conditional offers of employment to Mr. Filley and Mr. Steele as a Transfer Station Attendant/Laborers at $12/hr. Vote was unanimous.

RSMS study: Mr. Boucher said relative to the road study LRPC asked him to estimate the how much money would be spent on road improvements over the next 10 years. Mr. Boucher said he reviewed the 2019 projects on Dana Hill and Old Bristol roads with the number calculated by this study being very close to what was proposed in paving bids. The RSMS written report still needs to be done but the board agreed the information seemed very helpful and would prove to be a great tool.

Mr. Boucher said Jeremy Hiltz could put wheels on it and when they got it back it seemed fine, but when it was disconnected it the hitch popped up and the employee felt it was unsafe to use. CAT specialist recommended welding some brackets, which was done, but noted it also needs to be unhooked properly and all personnel have now been trained.

Driveway permit for Outlet Road due to failed culvert: Mr. Boucher met with engineer Kent Brown and NHDOT Mr. Kimball saying a permit would be required from NHDES to remove the culvert.

Dana Hill Road: in preparation of paving improvements the department will install underdrains and shift the road slightly to create better ditching to avoid material washing out onto roadway.

Mr. Boucher said he spoken with Town of Plymouth to see if it’s feasible to swap the use of the grader for the excavator – with operator, in order to minimize expenses for both towns. A written agreement would be necessary. Mrs. Lucas asked Mr. Boucher to get costs for excavator rental and delivery for comparison purposes.

**DISCUSSION**

The Board reviewed the following:

- The board signed IRS Form 941.
- Letter from Governor Sununu, 7/9; State budget and request for local official to attend Informational Session on 7/19 @ 10am.
- Delinquent ambulance bills:
  a) $1,234.16; inactive insurance at time of call. Send to collections.
  b) $1,220.63; no insurance. Send to collections.
  c) $1,163.80; MVA – no insurance.
  d) $1,215.22; MVA – no insurance.
  e) $1,155.69; MVA – no insurance.
  f) $1,261.22; no insurance.
  The board voted unanimously to send all to collections.
- Letters from NH DRA:
  1. Board signed that the town doesn’t use Form PA-28.
  3. 2018 Cyclical Revaluation
• Letters from Primex
  1. Appreciation of continued partnership with Primex
  2. Premium Holiday distribution for 2018 Property Liability and Workman’s Comp.

• Fire Dept. Policy from Provident; Finance Officer Ms. Duggan will handle completion.

• ?? Letter from town counsel to DirecTV - lacking information as required by Settlement Agreement. ??

• Senator Guida saw NHDOT correspondence with NHDOT relative to Rt. 104 study. Mr. Pollock to respond.

• Email from surveyor engaged by NHS, 7/9; question on setbacks to ROW as it was a corner lot. After discussion the board agreed the front ROW is where the front of the house faces.

• Complaint from Jellystone Campground customer, 7/8, and response from Health Officer, 7/11.

• Email from Scott Fawcett, 7/2; re: use of property at 101 Old Bristol Road. Mrs. Lucas had advised him that it can only be used as a single family property with the rustic cabins left as rustic cabins.

• Follow-up on Charles Lyle, Tax Map R13, Lot 23B. Response to Permitting Assistant’s letter dated 7/3/19. Mrs. Lucas will direct the Fire Dept to perform an inspection for an Occupancy Permit to confirm what is above the garage.

• Follow-up on Wintringham Rev Trust, Tax Map U15, Lot 8, construction setback to side property line, with revised plan submitted. Mrs. Lucas said Permitting Assistant Mr. Pollock visited the site and photos he took show it’s not a typical deck. The board agreed the applicant needs to go to the ZBA for a variance. Mrs. Lucas advised this permit had been denied and a letter should be written advising him he needed a Special Exception. I believe you and I talked about this – wondering what its status was.

• Survey of Town property, Tax Map R3, Lot 3, and its effect on abutting Bruce Harvey land as a result of surveyors Kent Brown and Colin Brown agreeing to the property lines. Mrs. Lucas said Mr. Harvey still needs to confirm the survey.

• NH Dept of Natural & Cultural Resources Special Use Permit for Sky Pond State Forest.

• Memo from Treasurer Mrs. Mertz; reimbursement to the general fund from Fire Dept Special Revenue Fund $25,000 for PSB payment.

• Copies of Real Estate Tax Lien Notice to Lienholder (2018):
  a) Patricia Provencher, Tax Map R20, Lot 61
b) Scott & Diana Batchelder, Tax Map R4, Lot 46  
c) Loren Emmons, Tax Map U1, Lot 18  
d) Linden Drake, Tax Map R4, Lot 88

- Tax Collector’s Lien Redemptions.
- Letter from Sansoucy, 7/2; re: 2018 abatement request for Eversource recommending denial.
- Letter from LRPC, 6/224; TAC representatives needing re-appointment. Mr. Mertz made a motion, seconded by Mr. Denoncour, to appoint Robert Pollock, Jr. as representative. The board agreed to consider someone as an alternate.
- Bill Huckins has asked Mrs. Lucas if there was a possibility to use his saw mill for logs taken from his property and constructing small sheds, displaying them for sale on his property on Dana Hill Road. There was discussion on whether it is an agricultural use according to RSA 21:34-a. The board agreed to obtain more information.
- Follow-up letter: Cease and Desist to James Morin on vehicle sales on Rt 104.
- Letters going to Flag Cove Properties (Country Cottage), Irving and Mobil relative to temporary signs.

OTHER BUSINESS
- Mr. Mertz said Bruce Harvey asked him about Middle Gate Homes properties on Main Street and their access. Mrs. Lucas said the Administrative Assistant reviewed minutes and plans from that subdivision application with Mr. Harvey. Mr. Harvey may meet with the Planning Board to ask further questions.
- Mrs. Lucas said Mr. Boucher got a call from a property owner on Old Bristol Road who is having problems with drainage now that the Hunewills made some changes on their side of the road as some of their drainage was causing problems on the roadway. Mr. Boucher will discuss with the Hunewills.
- Mr. Mertz advised that there has been further washout into the road from the Martin residence during heavy rains. Mrs. Lucas suggested a letter be sent.
- Manditory Harassment training Aug 7th at 3pm and 6pm.

PUBLIC COMMENT
There was none.

NON PUBLIC SESSION
At 10:02 pm Mr. Irvine made a motion, seconded by Mr. Mertz, to go into Non-Public Session, according to RSA 91A:3 II (c) Personnel. Vote passed. Roll call was taken, Mr. Irvine - Y, Mr. Denoncour – Y, Mr. Mertz – Y.

PRESENT
Mr. Irvine, Mr. Denoncour, Mr. Mertz, and Mrs. Lucas.

RETURN TO PUBLIC SESSION
At 10:10 pm, Mr. Irvine made a motion, seconded by Mr. Denoncour, to come out of Non-Public Session and to seal the minutes for 5 years. Votes were unanimous.

Mr. Irvine made a motion, seconded by Mr. Mertz that based on the recommendation of
Deputy Chief Lang to extend probationary period of Peter Reid in order for him to get his EMT certification as a requirement of his probationary offer of employment for a period of 9 months from the date of expiration of his current probationary period. Vote was unanimous.

**NON PUBLIC SESSION**

At 10:12 pm Mr. Irvine made a motion, seconded by Mr. Denoncour, to go into Non-Public Session, according to RSA 91A:3 II (c) Personnel. Vote passed. Roll call was taken, Mr. Irvine - Y, Mr. Denoncour – Y, Mr. Mertz – Y.

**PRESENT**

Mr. Irvine, Mr. Denoncour, Mr. Mertz, and Mrs. Lucas.

**RETURN TO PUBLIC SESSION**

At 10:50 pm, Mr. Irvine made a motion, seconded by Mr. Denoncour, to come out of Non-Public Session; Mr. Irvine made a motion, seconded by Mr. Mertz to seal the minutes for 5 years. Votes were unanimous.

**OTHER BUSINESS** *(cont.)*

Relative to Chris Bell’s sign permit Mrs. Lucas noted there is a large banner on Mr. Bell’s tent and in the past the town has also interpreted a sign on a vehicle as being a sign. In the first meeting it was said he could be storing the sign in the back of his vehicle so the board agreed not to pursue that issue. Mr. Irvine said Mr. Bell has not completed his sign application and his signage does not meet the regulations. There was some discussion on how to determine the location of the front property pins with agreement to speak with NHDOT and have Mr. Boucher confirm. The board agreed to continue to hold the sign permit application until 7/15 allowing Mr. Bell to provide the required information.

**ADJOURNMENT:**

Mr. Denoncour made a motion, seconded by Mr. Denoncour, to adjourn at 11:04 pm. Vote was unanimous.

Respectfully submitted,
Pamela Vose