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

July 25, 2019

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

OTHERS
PRESENT:  Town Clerk/Tax Collector Ms. Adams.

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

WORK SESSION

Ms. Adams advised that she interviewed someone for the Deputy position and drafted a conditional offer of employment. Mr. Irvine said they would review the applicant’s resume and application later tonight and with Ms. Adams recommendation the board would act on whether or not to offer the position. She was asked to contact the references prior to a final decision.

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

The board approved purchase requisitions for PD (SPOTS program annual license, ammo for Officer Franz-Morin for use at the PD Academy), Hwy Dept. (hydraulic valve for backhoe, 2000 hr service on loader), Tax Collector (mortgage searches).

The board approved the following Building Permit application:
1. Timothy & Delitha Watts; Tax Map R16, Lot 10.7
2. Charles & Margaret Stark; Tax Map R18, Lot 28A
3. Tilton Realty Trust; Tax Map R11, Lot 17.48
4. Tilton Realty Trust; Tax Map R11, Lot 17.51
5. Tilton Realty Trust; Tax Map R11, Lot 17.49
6. Tilton Realty Trust; Tax Map R11, Lot 17.50

The board approved the following Septic Design:
1. Benjamin Durack; Tax Map R20, Lot 67

The board approved the following Intent to Cut Wood
1. Dana & Nathan Torsey; Tax Map R9, Lot 9

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

Board reviewed email from Chris Bell, 7/25, which included a reference to ice cream sales in North Conway, which the board felt had no correlation. Mr. Irvine advised that Mr. Bell seems to have difficulty accepting the board’s guidance as Mr. Bell appears to think the edge of the property line and the edge of the state’s 50 ft ROW are the same, which they are not. Mr. Irvine reviewed the series of events chronologically – Mr. Bell obtained the 30-day Hawkers & Peddlers permit with guidance to meet with Planning Board and was told to come back to Selectmen for long term Hawkers & Peddlers permit, applying the $50.00 Mr. Bell had already paid to the $300 fee for the long term permit. Mr. Bell obtained Site Plan approval from Planning Board. To date Mr. Bell has not yet filed the required longer term Hawkers/Peddlers permit application. The sign permit is in limbo and continues to be out of compliance as any attractant is considered a sign so putting the sign on a trailer that includes a smoker, has increased the overall dimension of
the sign and the location is a concern. The Site Plan doesn’t accurately reflect what is on
the ground now. Mr. Mertz advised that the smoker Mr. Buitta previously had at his place
had to be removed as it was determined to be a sign and was non-compliant. Mr. Irvine
said that due to difficulty with himself discussing matters with Mr. Bell correspondence
might be best done in writing. Mr. Irvine said the guidance Mr. Bell has received has not
been adhered to and he is out of compliance with many aspects of his operation. Mr.
Irvine suggested writing a letter to Mr. Bell, laying out each of the issues and what needs
to be done for each to become compliant, with a follow-up to counsel if Mr. Bell doesn’t
comply. Mr. Denoncour agreed that Mr. Bell is making it more difficult than it needs to
be. Mr. Irvine said it seems Mr. Bell is making no effort to work with the Selectmen. It
was noted that in 2018 when Mr. Buitta was before the Planning Board, Mr. Bell attended
and said he had previously been told that he himself couldn’t do what Mr. Buitta was now
being allowed to do. In an email Mr. Bell said he hoped that if he found a property to
locate his own business on that he could then disregard the Planning Board rules “and
blatantly do whatever I want”. Mr. Irvine asked what the Planning Board approved and
Mr. Mertz said they approved a temporary structure that would go over his trailer so food
could be served without getting rained on, a camper trailer to be used as an office, a main
smoker, an event smoker, with both smokers potentially fitting under this proposed
structure. The Planning Board referred Mr. Bell to the sign ordinance and what was
allowed and said the board had expressed concern with people parking on the shoulder of
Route 104 which could hinder line of sight for motorists. Mr. Irvine asked how long this
Site Plan approval was for. Mr. Mertz said it was good until the end of the long term
Hawkers & Peddlers permit. Mr. Bell said he would reapply next year after he sees how
the 2019 season goes. Mr. Irvine said that subsequent to the expiration of the Hawkers &
Peddlers permit, that has not yet been submitted, that any approval be with the condition
that Mr. Bell remove any outward appearance of the business within a reasonable time
such as 7-10 days, trailers, temporary structure, etc. Mr. Mertz asked what if Mr. Lacasse
wants to keep the structure in place through the winter because he wants to park
something under it and Mr. Irvine said Mr. Lacasse could then submit a building permit.
Mr. Mertz suggested that if Mr. Bell submits a permit application for the longer term
Hawkers & Peddlers and pays the additional required $250 fee, that there be a condition
on it that Mr. Bell must meet the requirements of the Planning Board for his Site Plan and
how everything was to be situated on the property. Mr. Irvine said any future
communication will be done in writing so there will be documentation. If Mr. Bell shows
up for a Selectmen’s meeting the board will listen to him, with any necessary responses
being done in writing. As to whether Mr. Bell is entitled to copies of enforcement letters
sent to others, Mr. Irvine said Mr. Bell is not a NH resident nor is he a NH taxpayer and
therefore doesn’t qualify under the Right To Know law.

APPOINTMENTS
7:00 pm
Open RFPs for paving

The board opened proposals for RFP 2019-627.

1. Bryant Paving – Dana Hill Rd @ $139,000; Old Bristol Rd @ $137,800.
2. GMI Asphalt – Dana Hill Rd @ $112,240; Old Bristol Rd @ $97,642.50.
3. Pike Industries – Dana Hill Rd @ $157,000; Old Bristol Rd @ $142,000.
4. Porter Paving – Dana Hill Rd @ $129,937; Old Bristol Rd @ $76,203.

Mr. Irvine made a motion, seconded by Mr. Denoncour to forward the bids to Public
Works Director for his review and input and request that Porter Paving provide insurance
certificate as it was missing as part of the proposal. Vote was unanimous.

7:05 pm
Engineer Kent Brown was present. He said he is preparing variance requests to the ZBA
in preparation of enlarging the Community Church and asked about the possibility of
discontinuing a portion of Church Lane, after the residences. An easement would be
necessary for the water line, which Mr. Irvine said would involve the Precinct. Mr.
Brown said he had suggested to the church that they angle their addition to make the variance easier. Mr. Denoncour said when the church met with the board they suggested the same, so it would not increase the non-conformity. He said there would also be a problem meeting the parking requirements, which Mr. Brown said the road discontinuance would help with. Mr. Denoncour said that many people walk Main Street, taking Church Lane as a way to avoid unsafe passage on Main Street in that vicinity, including the elementary school walking to the library and the NHS students walking to Palazzi Field. Mr. Brown said that could be handled by easements. Mr. Irvine suggested they merge their lots. There was discussion on where the road could be discontinued and the board agreed a discontinuance could be done and to invite all interested parties into the process while the plan is being developed. Mr. Brown said he wants to meet with the Selectmen again, once he has more formalized plan.

8:00 pm

Chief Drake was present. He said 2 cold water rescue suits material failed testing and would like to purchase 2 more. He will get quotes. The board agreed to use funds from the Fire Dept Equipment/Repair and Replacement expendable trust fund. Chief Drake said they have to replace a piece of section hose on 17E2 that isn’t repairable. The board asked him to get a requisition to them right away.

Chief Drake said Eric Potter and Kaitlin Able would like to take the next EMT course at $1500/student. He said he was unsure whether there was enough money in the budget to pay for the training, but can use the Fire Dept Training expendable trust fund.

**NON PUBLIC SESSION**

At 8:15 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 Chief Drake.

**RETURN TO PUBLIC SESSION**

At 8:25 pm, Mr. Irvine made a motion, seconded by Mr. Mertz, to come out of Non-Public Session; Mr. Mertz made a motion, seconded by Mr. Irvine to seal the minutes for 5 years. Votes were unanimous.

**NON PUBLIC SESSION**

At 8:26 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 Chief Drake.

**RETURN TO PUBLIC SESSION**

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

Relative to shift coverage said he has had some staff with other obligations and getting people to cover shifts is becoming more difficult but the dept is looking to add more members.

Chief Drake said he would like to host Firefighter I class in spring.

**DISCUSSION**

The Board reviewed the following:

- The board signed DRA Form MS-535.
• Mr. Irvine provided the board a court hearing update on the short-term rental issue on Seminole Ave. There had been discussion on a settlement offer with the town offering that the Lawlesses would be responsible for their legal fees to date, pay civil penalty, the agreement to allow contracted rentals remains in force to 8/17/19, with no more rental activity after that until they receive a Special Exception from the ZBA. The Lawlesses agreed.

• Town Attorney letter to DirecTV regarding non-compliance with Settlement Agreement and response from DirecTV’s counsel, who disagrees stating reasons why would be submitted.

• Letter from James Emery thanking the board for the Kim Ayers nomination and subsequent award. Mr. Emery requested a copy of the nomination.

• Mr. Irvine said Mrs. Lucas is investigating the Pemi outlet culvert with the NHDES dept. that handles stream restoration, which is a simpler process.

• State budget:
  a) Letter from NH President of the Senate & Speaker of the House
  b) Email from NH House Communication, 7/18; re: vetoed budget & upcoming hearings.

• Decision on Northern Pass appeal to uphold the SEC decision.

• Email from LRPC, 7/16; re: electricity bid through group purchase program. Mr. Irvine made a motion, seconded by Mr. Denoncour, that if it is beneficial to the Town to authorize Town Administrator Mrs. Lucas or Finance Officer Ms. Duggan to sign and submit the contract. Vote was unanimous.

• Email, 7/15, from person interested in camping on property they are interested in purchasing, while working to clear land and construct a future home, asking if this is permitted. The board agreed this was not permitted or creates a campground, and discussed installation of services for connection to the camper creating a dwelling which would have to be removed upon construction of a home. The board agreed to provide him with a literal interpretation of the ordinance.

• Payment schedule for NASD for 2019-2020.

• Copy of NHDES Temporary Groundwater Discharge Permit Application – Mansfield Woods.

• Memos from Tax Collector to waive interest:
  1. Mark & Julie Mullane – accidentally sent envelope in without check inside. After contacting Mullanes a check was sent. Mr. Irvine made a motion, seconded by Mr. Denoncour to abate $.11 interest. Vote was unanimous.
  2. David Rodriguez & Yolanda De Barrera – included check in mail but forgot to sign it. A signed check was sent upon notification. Mr. Irvine made a motion, seconded by Mr. Mertz to abate $3.51 interest. Vote was unanimous.

• Sign (temporary) enforcement letters from Permitting Assistant:
  1. HEG (Energy North – Mobil station)
2. Irving Oil
3. Flag Cove Properties (Country Cottage) w/response from owner saying they would review what they needed and comply with the ordinance.

- Inquiry from Police Dept; re: refund received under drug forfeiture. Chief Stevens was advised that the monies would go to the Town Treasurer who would deposit them into a special account, then disperse funds from that account as directed under RSA 318-B:17-b. Chief Stevens thought it could be handled much differently providing them with easy access to cash. There was discussion on creating a petty cash box for drug enforcement activity, being replenished by the Treasurer. The board agreed further discussion should be had with Chief Stevens.

- Tax Collector’s Lien Redemptions.

OTHER BUSINESS
- Mr. Irvine said Morrison Construction was dumping soil and pavement at the edge of the church parking lot over a culvert area. NHDOT is looking at the issue.
- Mr. Irvine said he and Bob Pollock met with NHDOT Commissioner and Executive Councilor Cryans talking about the off-ramp and driving Rt 104 to the Meredith town line to discuss issues New Hampton is concerned with. Mr. Pollock will be discussing further with LRPC.
- Mr. Denoncour showed sign colors proposed for welcome signs and Police & Fire, the board agreed on colors but said they’d like to see a better color example and to include the Nature Fitness signage to be part of the Fire & Police signage.
- Mr. Mertz said he spoke with Ms. Adams about shelving, but she no longer needs additional shelving.
- Mr. Irvine said the board had previously approved 2 conditional offer letters for Transfer Station employees - one has gotten another job. There is another person who wanted the position previously but was unable to do the job at that time and is now interested. Mr. Mertz made a motion, seconded by Mr. Denoncour to make a conditional offer of employment to William Pack. Vote was unanimous.

PUBLIC COMMENT
There was none.

NON PUBLIC SESSION
At 10:00 pm Mr. Irvine made a motion, seconded by Mr. Mertz, to go into Non-Public Session, according to RSA 91A:3 II (e) Litigation. Vote passed. Roll call was taken, Mr. Irvine - Y, Mr. Denoncour – Y, Mr. Mertz – Y.

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

RETURN TO PUBLIC SESSION
At 10:02 pm, Mr. Irvine made a motion, seconded by Mr. Mertz, to come out of Non-Public Session and to seal the minutes for 5 years. Votes were unanimous.

ADJOURNMENT
Mr. Denoncour made a motion, seconded by Mr. Mertz, to adjourn at 10:03 pm. Vote was unanimous.

Respectfully submitted,
Pamela Vose