

BOARD OF SELECTMEN MEETING
Minutes of June 1, 2020

CALL TO ORDER: Chairman Ross McLeod called the meeting to order at 7:00 pm. Selectmen Roger Hohenberger and Bruce Breton were present in the meeting room; with Mr. McLeod, Selectmen Heath Partington and Jennifer Simmons, Town Administrator David Sullivan, Town Clerk Nicole Bottai, Parks & Recreation Director Cheryl Haas, Police Captain Mike Caron, and Fire Chief Tom McPherson, in attendance via Zoom Conference.

Mr. McLeod read a statement relative to the Governor's Executive Order 2020-04 #12, which authorizes the Board of Selectmen to meet electronically provided public access is available via telephone or electronic means. He read the access phone number, text message number, and email address available for use by the public.

Mr. McLeod then conducted a roll call of all participants to ensure they were conferencing in alone; which each confirmed, followed by the Pledge of Allegiance.

ANNOUNCEMENTS/LIAISON REPORTS: Mr. McLeod requested the Memorial Day video be played.

PARKS & RECREATION DIRECTOR: Mr. McLeod noted Ms. Haas had provided an update to the Board for their review, and asked she provide an overview of same and her recommendations. Ms. Haas indicated she was seeking the Board's assistance regarding various items, as she had been receiving calls; going on to outline the following:

- *Playgrounds:* currently closed; recommendation is to keep Griffin Park closed as it can be locked, but to open Wonderland as it cannot be secured and is of a different surface. Discussion ensued regarding signage to use at own risk, enforcement, frequency of cleaning, and the different levels of use at each. Mr. Sullivan expressed concerns regarding the ability to keep Griffin cleaned, and further discussion ensued regarding adding language to the sign indicating it is not cleaned regularly.

It was the majority consensus to concur with opening both playgrounds and to post them as discussed. Mr. McLeod was the exception, expressing concerns regarding Covid-19 and citing the recent Supreme Court decision relative to large numbers of people congregating in close proximity for extended periods of time.

- *Basketball courts:* Currently closed, with Nashua Road being locked and Griffin Park fenced in due to the resurfacing; recommendation is to open them at some point. Discussion ensued regarding transmission of the virus and user risks/choice.

Majority consensus, save for Mr. McLeod, was to open the courts and install signage.

- *Griffin Park bathrooms:* Recommendation is to leave them closed, as they would require cleaning several times a day versus twice per week, and to use porta-potties instead. Discussion ensued as to whether the cost for additional cleanings could be reimbursed through the CARES Act and the amount of funds available, as well as whether opening the Park facilities without opening the bathrooms made sense.
- *Fields:* Discussion as to whether group usages, such as leagues, would be permitted, and whether same would be in keeping with Covid guidelines; the latter of which was affirmed. Consensus was to approve usage of the fields as discussed.
- Discussion returned to the bathroom facilities, and it was the consensus to defer to Ms. Haas, who indicated they will not open until they can be properly cleaned.

- *Summer camps*: Discussion of request to offer tennis or similar camps in accordance with State guidelines; these will be controlled events involving registration. It was the consensus to support same.
- *Cobbetts Pond boat launch keys/authority*: Mr. Sullivan provided background on the process by which keys are provided to the Town by the Cobbetts Pond Improvement Association and disbursed by the Town Clerk's office; noting a contract is also involved to obtain the key, which is for fishing purposes only, at a cost of \$15. He indicated that Ms. Haas recommends the keys and contracts be given to her for processing as part of her authority, and she will then pass the keys onto Mrs. Bottai; adding she would like the Board to authorize her as the point of contact for the CPIA. Mr. Sullivan further explained that Mrs. Bottai would sell the keys and then provide the contracts to Ms. Haas so the latter knows who has them; adding no confidential, supporting information would be necessary.

Mr. McLeod sought clarification as to what was not working in the process that Ms. Haas was looking to fix. Ms. Haas explained she does not have access to who has keys, yet she has to enforce the Beach. She noted she would like those names and numbers, and added she is also not advised when the keys arrive yet she receives the calls/complaints; reiterating that she manages the Beach not the Town Clerk.

Lengthy discussion ensued, with input from CPIA members Tony Deluca and Brett Nigro and Mrs. Bottai, regarding the process, that issuance of the keys has temporarily been suspended, those besides residents who need keys such as Marine Patrol, codification/updating of the contract, and centralization of the contracts so they can be accessed as necessary.

It was the consensus of the Board that the CPIA give the keys to Ms. Haas who will take the number she needs for Marine Patrol, etc., and then give the balance to Mrs. Bottai, that the contracts be scanned to central location, and that calls be referred to Ms. Haas as overseer of the beach as appropriate.

- *Town Beach*: Recommendation is to open it and staff it with lifeguards, however, the question is what should be done as far as after hours (eg lock the gate or keep it open). Lengthy discussion ensued regarding past practice, possible implementation of parking permits, use of the area being at one's own risk, and proximity/social distancing issues given the size of the area.

Captain Caron expressed concerns that the Traffic Regulations would need to be amended to allow for enforcement of stickered parking. Discussion ensued regarding the size of lot, and that amending the regulations would also allow the Board to determine fines/penalties for violations.

Chief McPherson indicated he was against having the gate to the parking lot locked after hours, as it would cause a delay in response to a water emergency; adding people will not be travelling this summer and the Pond will be busy. He also expressed concerns that locking the gate will also cause parking issues on the street. Further discussion ensued regarding parking and enforcement, and possible overtime for the lifeguards and reimbursement for same.

It was the majority consensus, save for Mr. McLeod, to open the beach and to not lock either gate after hours nor implement parking stickers.

Ms. Haas advised she will confer with Chief McPherson and will need a non-public under hiring. Further discussion ensued regarding posting of the beach with the same signage and developing an informational sheet to be given out with the beach pass. Ms. Haas indicated she will do the latter, and noted she will be changing the typical beach rules, as well.

- *CPIA fireworks*: Will be held on 7/3 and the recommendation is to close the beach to avoid a large gathering of people. Discussion ensued, with concurring input from Chief McPherson and Captain Caron, and the consensus was to support the recommendation.

- *Food trucks:* Request to allow a food truck at Griffin Park on Friday nights for the next month or so; subject to social distancing and adherence to Covid guidelines. Discussion ensued regarding cash handling, social distancing, and possibly having different/multiple vendors.

Mr. Hohenberger moved and Mr. Breton seconded to waive the Vending on Town Property Policy to allow for food trucks at Griffin Park. Roll call vote – all “yes”.

TOWN OPERATIONS UPDATE: Mr. Sullivan noted business is currently continuing as usual, and that an updated press release had been issued in May. He indicated Department Heads had been meeting weekly about re-opening, perhaps via a phased process, and that he will be sending out a plan for the Board’s consideration on 6/15. Mr. Sullivan noted that plexiglass has been installed in the Community Development Department, and they are comfortable opening soon rather than later; adding they may be the only department to do so at this time.

Mr. Partington and Mrs. Simmons expressed no concerns. Mr. Hohenberger inquired whether people would be lining up outside, and Mr. Sullivan noted two can be accommodated inside with 6’ of distance; adding the biggest question is will the Town require masks, which most believe we should unless proper distancing is possible. Mr. Breton noted that, in restaurants, only the servers have masks, and Mr. Sullivan clarified that those are private entities; adding towns and cities are exempt from the orders. Discussion ensued regarding the availability of disposable masks, and outside dining versus the size of the town building interiors and available space to maintain 6’ of distance.

Mr. Sullivan clarified the intent was not to open tomorrow; adding the estimate to put in the window barriers was quite expensive and may require a waiver of the bid process on the 15th just to move the process forward; adding the material is also still being discussed. Mr. Sullivan noted that staff has done a tremendous job of serving the public virtually without opening the buildings and exposing the employees and public to undue risk; adding we will open at some point and are also looking at having outdoor service at the Town Clerk’s office for a couple of weeks. He reiterated staff thoughts will be sent out to the Board for further discussion.

Mr. McLeod expressed his support for opening Community Development and providing/requiring masks. Discussion ensued with input from Chief McPherson regarding same, viral loading, managing risk to employees, the timing/requirements of other towns opening, and the efforts of staff and public.

Mr. Breton suggested that Mr. Sullivan reach out to other communities to see what they are doing, and a discussion ensued with Mr. Sullivan advising he could do so.

TIF DISTRICT UPDATE: Mr. Sullivan advised this has been postponed, as Mr. Norman would like time to incorporate additional information into the report. Mr. Breton inquired whether there would be a map showing the districts and, if so, that the zoning of the parcels involved be added. Mr. Sullivan replied in the affirmative; adding that Mr. Norman hopes to have the presentation to the Board well in advance of the meeting.

Mr. Breton sought clarification regarding residential property not being considered, and Mr. Sullivan noted there will be no spot zoning, however, if a residential property abuts the water line it will be in the district for the initial discussion. Discussion ensued.

COMMITTEE APPOINTMENT: Mr. McLeod noted that, subsequent to the last meeting, Jason Gill had contacted Mr. Sullivan asking to continue on the Recreation Committee. Mr. Hohenberger moved and Mrs. Simmons seconded to re-appoint Jason Gill as a regular member. Roll call vote – all “yes”.

TIMBER TAX WARRANT: Mr. Sullivan advised a tax warrant had been received for parcel 11A-350 in the amount of \$140.04. Mr. Breton moved and Mr. Hohenberger seconded to approve the issuance of same. Roll call vote – all “yes”.

Mr. Sullivan advised a tax warrant had been received for parcel 8B-3000 in the amount of \$575.26. Mr. Hohenberger moved and Mrs. Simmons seconded to approve the issuance of same. Roll call vote – all “yes”.

AMERICAN LEGION LEASE AMENDMENT: Mr. McLeod noted the Board has received a picture of the sign as previously requested, and Mr. Sullivan added that the Legion has no concerns with the amendment as drafted; clarifying the copy for execution will have the subsection “II” of the RSA removed as requested by the Board. Frank Farmer, Post 109 member, also clarified that the sign had gone to the Planning Board where it was approved.

Mr. McLeod then noted this property is in the rural district, where the allowed height of the sign from grade is 6’; however, this would be 8’ 4”. Discussion ensued regarding the existing post height, the Planning Board’s approval of same, the sign ordinance, and the use of the building; with Mr. McLeod expressing concerns regarding the Community Development Department’s interpretation of the ordinance given the approval of the sign. Mr. Partington added he had thought it was determined that the Legion was not a governmental use, and thus they had to meet the ordinance requirements.

Lengthy discussion ensued, with input from Captain Caron, regarding previous discussions of same, possible solutions, Town Counsel’s opinion, the multi-use status of the building and possible impacts of separate signs, and the ordinance language as it pertained to the rural district.

Mr. Breton moved and Mrs. Simmons seconded to approve the sign as it is. Mr. Partington pointed out that, right or wrong, the Planning Board has already approved the sign. Discussion ensued regarding the previous motion of the Board, as made on 3/9, to allow co-location of the Legion and ACO signs.

Mr. McLeod called for a roll call vote on the motion, and Mr. Partington reiterated the sign has already been approved. Further discussion ensued regarding the Planning Board’s approval of the sign, with Mr. Sullivan citing the minutes of same, and Mr. Farmer noting the Legion could cut the posts down to 6’ prior to installation.

Mr. Breton amended his motion to say as approved by the Planning Board, and Mrs. Simmons reiterated her second. Mr. Partington noted the issue before the Board was the lease approval, not the sign which is already approved and outside the Board’s jurisdiction. Discussion ensued and Mr. Breton withdrew his motion and Mrs. Simmons her second.

Mr. Hohenberger then moved and Mrs. Simmons seconded to approve the lease. Roll call vote – all “yes” save for Mr. McLeod due to his concerns regarding the sign; asking that Mr. Sullivan confer with Mr. Norman regarding the department’s interpretation of the ordinance. Discussion ensued, no further decisions were made.

WOODBURY/ABBOTT ROADS: Mr. Sullivan summarized that the Ciccones, as owners of the roadways with Jim Morgan through the Woodbury Abbott LLC, had contacted him requesting to be put on the agenda to discuss the following items: right of way on the roadways, safety, property damage, status of the Bayleaf Road entrance to Deer Leap, signage, and littering/general maintenance. He noted that Conservation Commission Chairman Dave Curto had joined the Zoom session, and then deferred to Ciccones for their presentation, with Mrs. Ciccone explaining the road association has been receiving some concerns and complaints regarding increased activity in the area and giving a background of the Abbott Road Owners Association. Highlights of the discussion included:

- Parking on Woodbury and Abbott roads in the area of Deer Leap is an issue, as is entrance by individuals onto private property. The narrowness of the roadways was noted as it pertained to safety concerns.
- Signage and/or mapping for Deer Leap was discussed to mediate some of the issues, and Mr. Curto advised that directional signs had been posted by him, which had disappeared.
- Discussion regarding the small strip of land in the area and whether it is primarily for boat launching only; which Mr. Curto indicated he believed it was.

- Ambiguity of both the trails in the area and the information available online regarding them, and the resulting issues it causes, was discussed.
- It was noted by Captain Caron that the Association could post the roads however they wish, however, as they are private roads it would not be enforceable by the Department; adding they could be posted that cars will be towed, and it would be up to the owners to call for same.
- What Conservation can do to assist was discussed, with Mr. Curto noting he has begun a community relations effort and the Commission has entered into an agreement with the Southern NH Planning Commission to GIS all trails in town.
- The possibility of issuing parking permits for the boat launch area was discussed, and Mr. Sullivan noted that is always a possibility provided there is no charge, as having a fee removes the Town's immunity.

Resident Alan Carpenter reiterated whether parking at the boat launch access is allowed was an issue; adding that Abbott Road is not meant to hold this type of traffic. Discussion ensued regarding having Town Counsel research the deed to define what it says regarding any obligation to allow parking there while off hiking. Mr. Sullivan clarified that the deed for Deer Leap does not speak to that parking lot.

Resident Norm Young indicated his understanding was the strip in question was donated to the Town, and Mr. Sullivan disagreed; indicated it was conveyed by tax deed. Further discussion ensued, with input from Mr. Morgan, regarding the boat launch parcel versus another piece that is 11,000 sft which that was given to the Town; and whether the latter could be made into a parking area. Mr. Sullivan clarified there are no restrictions on the use of the 11,000 sft parcel.

Discussion ensued regarding Conservation looking at the larger lot as a possible project, with Mr. Carpenter feeling doing so would be contrary to the effort to reduce traffic; adding they would then need to discuss the Town taking over maintenance of the roads. Mrs. Ciccone clarified the neighbors wanted to keep the roads private, and were not looking for the Town to take on any expense; adding that Bayleaf also has parking.

Lengthy discussion ensued regarding the two parcels, and the differing language in the two deeds and the intent of same, as well as the Ciccones seeking guidance regarding proper signage at the smaller lot, and the private status of the roads and town's right to pass/repass. Mr. Breton sought clarification as to whether either could take increased traffic, and Mrs. Ciccone replied in the negative; reiterating the narrowness of the road, speed concerns, and that removal of the ambiguity in the area via signage will help. Discussion ensued, with Mr. McLeod clarifying that the Board cannot give the Ciccones legal advice, but can assist by making some determinations regarding these parcels.

Resident Dianna Fallon spoke to the Deer Leap parking lot being undersized, as well, noting it would be fairly easy to make it larger for all, including those who may want to launch down at the smaller strip and then park there. She also noted the availability of the Bayleaf parking, and suggested that usage levels may not abate after Covid given the reopening of the Moeckel Dam. Further discussion ensued regarding safety issues, and Conservation's willingness to assist the Ciccones.

Thanks were extended by all, and Mr. Curto did note that an ADA dock was being installed at the Moeckel Dam, which will alleviant some pressure at the Deer Leap end.

OLD/NEW BUSINESS: Mr. Hohenberger advised that a lightning strike a couple of months prior had damaged various cable equipment; noting that currently cameras are on loan for the Town Hall. He indicated the insurance company has been contacted but, in the interim, he would ask that the Board approve the Cable Advisory Board to expend up to \$25,000 from the Special Cable Fund contingent upon Mr. Sullivan verifying with the insurance company that the expenditure will not impede reimbursement of the claim.

Mr. Breton seconded the motion and Mr. Sullivan confirmed that the insurance company had no issues. Roll call vote – all “yes”.

Mr. Sullivan advised he been notified that the Castle Hill Bridge contract has been approved by the State, and the final step is to approve the Town’s share of the engineering/construction costs, that being \$13,100, the change order, and Mr. Sullivan’s execution of same.

Mr. Hohenberger moved and Mr. Breton seconded accordingly. Roll call vote – all “yes”.

CORRESPONDENCE: Mr. Sullivan advised that notice had been received of the first issuance of the McAuley Common PILOT; no action was required.

Mr. Sullivan noted the American Legion had requested permission to utilize the Town Common fire pit for a ceremonial burning of flags on 6/15. Brief discussion ensued regarding approval from the Fire Department.

Mr. Hohenberger moved and Mr. Breton seconded to approve the request subject to Fire Department approval. Mr. McLeod clarified Board approval was required as the pit was on Town property. Roll call vote – all “yes”.

MINUTES: Mr. Hohenberger moved to approve the minutes of 5/18 as written. Mrs. Simmons seconded, but noted an amendment on page 2, where Jason Gill was listed as having been appointed; Mr. Sullivan concurred.

Mr. Hohenberger amended his motion to approve the minutes as amended. Mrs. Simmons reiterated her second. Roll call vote – all “yes”.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Breton seconded to enter into nonpublic session in accordance with RSA 91-A:3 II b. Roll call vote – all “yes”. The Board, Mr. Sullivan, and Ms. Haas were present to discuss potential candidates for lifeguard.

Mr. Hohenberger moved and Mr. Breton seconded to hire the two certified lifeguard candidates as recommended by Ms. Haas. Roll call vote – all “yes”.

Mr. Hohenberger moved and Mr. Breton second to hire two additional candidates as recommended; pending final completion of certification. Roll call vote – all “yes”.

Mr. Hohenberger moved and Mr. Breton seconded to exit the non-public session. Roll call vote – all “yes”.

Mr. Hohenberger moved and Mr. Breton seconded to adjourn. Roll call vote – all “yes”.

Meeting adjourned at 10:53 PM.

Respectfully submitted,

David Sullivan, Town Administrator
Wendi Devlin, Administrative Assistant