

ALTON BOARD OF SELECTMEN

Minutes

October 7, 2019

6:00 PM

1 Monument Square

Alton, NH 03809

Approved: October 21, 2019

Vice-Chairman V. MacDonald convened the meeting at 6:05 PM and led the assembly in the Pledge of Allegiance to the Flag and a Moment of Silence. The following staff members were present:

Reuben Wentworth, Chairman, Excused Absence
Virgil MacDonald, Vice Chairman
Cydney Shapleigh, Selectwoman
Philip V. Wittmann, Selectman
Paul LaRochelle, Selectman
Elizabeth Dionne, Town Administrator

Agenda Approval

The agenda moved forward as presented.

Announcements:

- The Town Clerk/Tax Collector's Office will be closed on Thursday, October 17, 2019 for attendance at the NH City and Tax Collector's 81st Annual Conference.

Public Input | (limited to 3 minutes per person on agenda items only)

Loring Carr addressed the Board and asked if there was going to be an appointment of Trustees tonight for Item #4 Water Bandstand Committee; the response was "no".

Appointments:

New Business:

1. Special Event Application; ABA Harvest Happenings

Representatives from ABA, Jacob Bemis and Christy Painchaud approached the Board to discuss the planned events for a safe, enjoyable and centralized celebration for Halloween. Discussion ensued regarding the displays at the various locations to include the giant pumpkin, safety concerns, manpower for the events etc. This will coincide with Trick-or-Treating with hours from 4:00 PM to 7:00 PM. The Police and Fire Chief's currently have not been consulted. L. Dionne explained that they will be contacted for approval, recommending that the Board do a conditional approval.

C. Shapleigh made a motion to approve the Harvest Happenings Special Event Application with the condition that the Fire Chief and the Police Chief approve and P. Wittmann seconded with all in favor of the motion.

2. Shibley's on the Pier Restaurant Dock

This item was postponed until the next meeting.

3. West Alton Community Center - Missing Stage Curtain

L. Dionne noted that she could speak on behalf of this matter and would like to include Marty Cornelssen in the discussion if necessary. Years ago in the West Alton Community Center there was a tapestry curtain that hung on the stage at the center, which has disappeared; no one knows where it is or when it disappeared. It is an antique, it is valuable and it a treasured heirloom that belongs to the Town. The Police Chief thought putting some sort of

press release out that the Town is searching for it with hopes that it is tucked away somewhere. At this time, M. Cornelissen addressed the Board explaining that the Town leased the building to the West Alton Fire Department and according to the lease agreement the curtain was supposed to stay with the building. Shortly after the building was taken back the curtain was not there. The value is approximately 15K and the only one in New Hampshire that this artist did making it one of a kind; it is historic. He urged the Board make a valiant effort to find the curtain by possibly speaking with the individuals who signed the lease agreement. It measures 10' high by 14' wide and is supposed to be on a roller, which is still with the building. Curtains without Boarders was the company that restored the curtain back in 2011 noting that it probably has been folded and stored somewhere and recommends that they be contacted in order for instructions to be sent on how to unfold and roll it back up to avoid ruining the curtain. It is unknown when it was last seen. Simply, it needs to come back without question.

4. Water Bandstand Committee; Request to become Trustees and Crib Damage

At this time, P. LaRochelle stepped down as a Selectman to join the Water Bandstand Committee as a member of the Committee. All members of the committee approached the Board stating their names. P. LaRochelle stated that when the committee had their last meeting they discussed the crib damages, which are very visible due to the drop in the water level of the lake. Some repairs were done in the early spring but they did not realize the severity of the damages from the ice with the girders coming up through the floor. The west and north side is quite damaged and more extensive than originally thought. Winnepesaukee Marine has been contacted but they haven't been out to look at the damages therefore there is no estimate at this time. Temporary repairs can be made for the winter but the timbers underneath are splintered, shifted and cracked; they need to be pulled out, replaced and some are over 20' in length. It appears to be the second and third row of the cribbing that were hit the hardest and will need to be pulled out replaced and pined back together. J. Downing stated they could be patched but obviously, it is not the right way to do the repair. Photos (cell phone) of the Bandstand were shown to the Board and damages included the crib ties being pulled out. N. Merrill asked if the Board would be agreeable to a Warrant Article being put together for the repairs; the Board was in agreement stating that the repairs need to be done correctly. L. Dionne planned to put forth a Warrant Article for the Capital Reserve Fund for the Water Bandstand and if agreeable, she suggested she will wait for the dollar amount for the repairs. This way the money would go into that account and would not go away on December 31st of next year; she will wait for the dollar value for the article.

J. Downing spoke on behalf of the request for the members to become Trustees and compared it to the Levey Park Trustees. The Committee would like to do another water ski show next year and schedule more concerts and with the committee terms being up in March we wouldn't need to come back every time for approvals. Trustees could be appointed or elected and report to the Board. There could be two (2) types of funds, one for repairs and the other for activities. L. Dionne advised the Board and Committee that there would have to be a Warrant Article to create the Trustees and voted upon by the Legislative Body which is by Town Meeting on the ballot. The Selectmen cannot do this based on legal counsel guidance. There are no RSA's for a Water Bandstand unlike Library Trustees or Trustees of Trust Funds. L. Dionne added that there are a couple of options to either continue as it is today or go to the voters, if this is done then any transfer of funds would be held by the Trustees of Trust Funds and not by the Water Bandstand Trustees. The Escrow Account was created for the Water Bandstand Committee not the Water Bandstand Trustees. There are a lot more steps that would be involved to create a Board of Trustees than anybody realizes; this is a serious step to take. Remembering that the Town of Alton owns the structure and the Board of Selectmen are responsible for all structures owned by the Town. With events, needing to be planned ahead of time is a concern for the Committee; it would be either the Trustees of Trust funds or the Board of Selectmen that would be the agents to expend funds. This is adding another layer and there is more legality than meets the eye.

It was the consensus of the Board to take the request under advisement. The Board does have a legal opinion from Attorney Sessler. L. Dionne stated she could create a document outlining all the necessary steps that would need to be done to create Trustees. N. Merrill asked if it would be possible for the Board to consider appointments for a longer term for the Committee members for either 2 or 3 years for the continuity to plan ahead. This Committee is a good, caring Committee and would like to stay on for a length of time. By consensus, the Board agreed.

V. MacDonald made a motion to release the legal opinion to P. LaRochelle in order for him to provide to the Water Bandstand Committee and C. Shapleigh seconded with all in favor of the motion.

The Committee was thanked.

Old Business:

V. MacDonald would like to have L. Dionne to find out when the work is going to begin in the Bay on the Harmony Park wall as the water level is very low. L. Dionne will reach out to everyone involved.

Selectmen Reports

P. LaRochelle met with the Water Bandstand Committee and the Board was just informed as to what had been discussed regarding the crib repairs/damages and Trustees. The Committee feels that they had a very successful season between the concerts and they would like to continue next year with at least two (2) bands in July/August possibly on Fridays not to interfere with the Parks and Recreation Department concerts and trying to bring back the water ski show.

P. Wittmann met with ZAC discussing the possible Warrant Articles that would be presented to the Planning Board putting them in an order of priority. V. MacDonald questioned Association and Private Roads specs being part of the discussion; P. Wittmann did not recall that being part of the high priority ones. In addition, the Guidelines were discussed and it was decided that any proposed changes should be brought forth but it would wait until the next meeting for discussion and vote.

C. Shapleigh had nothing to report.

V. MacDonald had nothing to report.

Town Administrator Report by L. Dionne

Jones Field

Updates were sent to the Board last week on the status of certain projects and contacts with vendors. A letter was provided to the Board that went out to one of the vendors. C. Shapleigh noted that it might be a good idea to move this item to Non-Public under Reputation; moved.

Class Action Suit

A document was received in the mail regarding a Class Action Lawsuit for Opioids, which was provided to the Board. This is being held in the US District Court for the Northern District of Ohio, this involves multiple defendants and plaintiffs such as states, counties and municipalities. It is being brought to the Board's attention because if you want to opt out of it you need a vote or consensus to do so. L. Dionne was not sure how to move forward but recommends that the Town stay in and leave as is based on guidance from legal counsel which has been provided. There is no cost involved with this. The Board consensus was to remain within.

Approval of Minutes

Public Session, August 5, 2019 (Amend Page 6)

C. Shapleigh made a motion to approve the minutes of Public Session, August 5, 2019 as amended with correction on page 6, (change \$17.49 to \$17.19) and P. LaRochelle seconded with all in favor of the motion.

Public Session, August 19, 2019 (Amend Page 7)

C. Shapleigh made a motion to approve the minutes of Public Session, August 19, 2019 as amended on page 7, (add adjournment section) and P. Wittmann seconded with all in favor of the motion.

Public Session, September 9, 2019

C. Shapleigh made a motion to approve the minutes of Public Session, September 9, 2019 as presented and P. LaRochelle seconded with all in favor of the motion.

Public Session, September 16, 2019

V. MacDonald made a motion to approve the minutes of Public Session, September 16, 2019 as presented and P. Wittmann seconded. The vote was 3 approved, 1 abstention, C. Shapleigh.

Non-Public Session September 16, 2019

L. Dionne noted that the 2 items were sealed at the last meeting and recommends that they remain sealed for now with #1 possibly released in November.

V. MacDonald made a motion to approve the minutes of of Non-Public Session, September 16, 2019 divulging nothing and P. Wittmann seconded. The vote was 3 approved, 1 abstention, C. Shapleigh.

Public Workshop Session, September 18, 2019

C. Shapleigh made a motion to approve the minutes of Workshop Session, September 18, 2019 as presented and V. MacDonald seconded with all in favor of the motion.

Public Workshop Session, September 21, 2019

C. Shapleigh made a motion to approve the minutes of Workshop Session, September 21, 2019 as presented and V. MacDonald seconded with all in favor of the motion.

Public Workshop Session, September 23, 2019

Tabled to the next meeting due to no quorum of the Board being present tonight.

Public Workshop Session, September 24, 2019

C. Shapleigh made a motion to approve the minutes of Workshop Session, September 24, 2019 as presented and V. MacDonald seconded with all in favor of the motion.

Public Workshop Session, September 25, 2019

C. Shapleigh made a motion to approve the minutes Workshop Session, September 25, 2019 as presented and V. MacDonald seconded. The vote was 3 approved, 1 abstention, P. Wittmann.

Approval of Consent Agenda

C. Shapleigh made a motion to approve the Consent Agenda as presented and V. MacDonald seconded with all in favor of the motion.

1. Timber Yield Tax

Sandra Roberge	Map 5 Lot 56	Operation 19-011-05 T	\$4,622.74
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2. 2019 Alton Water Works Abatements as Credits to Customer Account

Breth, Jeannette	Map 28 Lot 52-01 59 School St. Alton, NH	Agreement with Commissioners to water disrupted lawn Acct: 353/366	Credit \$50.00 TO ACCOUNT
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Public Input II (limited to 5 minutes per person on any Governmental/Town Business)

Loring Carr approached the Board to speak about the Bay area and Town Roads for the upcoming winter. Concerns were voiced about the height of the snowbanks at the end of his road and others that were the same way; it took days to have them plowed out. He then went to the Bay area to find it was all plowed out and feels that a priority needs to be set for the safety of the people on town roads. The roads should be a priority over the Bay parking lot; it should be considered. He voiced concerns of regarding the Water Bandstand Committee wanting to spend money for different activities, he thought that the Warrant Article was just for repairing the Bandstand. It was noted they received donations. In addition, he voiced leeringness about the Trustee proposal, as there were problems in the past referring to the West Alton Fire Station. He would still like for the Selectmen to be responsible to take care of it. There is more than people realize with having Trustees.

Aimee Terravechia approached the Board questioning the Class Action Suit that was mentioned earlier. She asked if it was the suit that was against Purdue Pharma? They are one of the defendants. Are you not going in line with the NH State Attorney General who has said: because they, along with twenty four (24) others decided not to join the Class Action Suit. It was noted that the Board is acting on Legal Counsel advice.

Ray Howard approached the Board speaking as a State Representative. He received a packet requesting support with the rumble strip issue asking if the Town had heard anything back from the State; negative. He was in attendance at the ten-year plan hearing, Assistant Commissioner Cass was there and he requested that they don't install them. He had a thought, stating that the County Sheriff is the Constitution Sheriff and has the power and authority within the Constitution to intervene with the State if the State is doing something egregious to the people by violating the Constitution. Excerpts were read and referred to specifically in Article 1 and Article 2 within the State Constitution and are in effect today; we have not given consent. He is proposing to contact Sheriff Moyer and ask for him to intervene in the matter. The Board was in agreement.

Loring Carr noted that the last video on the Town website for Selectmen's meetings is August 19th; they are behind a month and a half.

Discretionary Action on Requests for Appointments (No discussion, majority vote required to allow/not allow appointment)

1. Roger Sample; Car Show

L. Dionne recommended an appointment for 5 to 10 minutes.

C. Shapleigh made a motion to grant the appointment request as recommended by the Town Administrator and P. LaRochelle seconded with all in favor of the motion.

2. Duanne Hammond; 2020 Paint a Kitty Display

L. Dionne recommended to deny this appointment as he needs to go through the Old Home Week Committee as in previous years.

C. Shapleigh made a motion to deny the appointment request following the recommendation of the Town Administrator and P. Wittmann seconded with all in favor of the motion.

3. David Widerstrom; Paving Hayes Road

It was noted that there are several requests for paving Hayes Road. C. Shapleigh recommends that they all be put together with one appointment not to exceed 15 minutes.

C. Shapleigh made a motion to allow the appointment requests for David Widerstrom, Patricia & Greg True and Jim Thomas all at the same time, not to exceed 15 minutes and P. LaRochelle seconded with all in favor of the motion.

4. Patricia & Greg True; Paving Hayes Road

See previous motion.

5. Jim Thomas; Paving Hayes Road

See previous motion.

6. Sharon Norby or Rosemary Sullivan; Roberts Cove Road Condition

C. Shapleigh made a motion to allow the appointment request for Sharon Norby or Rosemary Sullivan as recommended by the Town Administrator and V. MacDonald seconded with all in favor of the motion.

Non-Public Session:

V. MacDonald made a motion to enter into non-public session pursuant to RSA 91-A:3, II (c) at 7:05 PM and C. Shapleigh seconded. The Board was polled in the affirmative by roll call with all in favor of the motion.

- P. LaRochelle, yes
- P. Wittmann, yes
- C. Shapleigh, yes
- V. MacDonald, yes

Adjournment:

V. MacDonald moved at 7:18pm to exit nonpublic session. C. Shapleigh seconded. Roll call vote:

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| C. Shapleigh - yes | V. MacDonald - yes | |
| P. Wittmann - yes | P. LaRochelle - yes | Roll call vote carried unanimously. |

V. MacDonald moved to “not divulge” the minutes because divulgence of the information likely would affect adversely the reputation of any person other than a member of this board. C. Shapleigh seconded. Roll call vote:

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| C. Shapleigh - yes | V. MacDonald - yes | |
| P. Wittmann - yes | P. LaRochelle - yes | Roll call vote carried unanimously. |

V. MacDonald moved at 7:19pm to adjourn. P. Wittmann seconded. Motion carried.

Respectfully submitted,

Mary K. Jarvis

Mary K. Jarvis
Recording Secretary

