

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

April 11, 2019

MEMBERS

Mr. Irvine, Mr. Mertz, and Mr. Denoncour were present.

PRESENT:

OTHERS

Town Administrator Mrs. Lucas

PRESENT:

CALL TO ORDER:

Mr. Irvine called the meeting of the Board to order at 6:35 p.m.

WORK SESSION

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

The board approved purchase requisitions for Hwy Dept (road sweeping, 2013 repair that needs diagnosis-HELD)

The board approved the following Building permit:

1. Sheldon Towne, Tax Map R-13, Lot 25.
2. Brian & Cindy Wedin, Tax Map R-8, Lot 9C.

The board reviewed the following Veteran's Tax Credit:

1. Matthew & Bei Simmons – Tax Map R5, Lot 16A. Each spouse is eligible for the credit; it was noted that this won't be effective until 2020 as they recently moved to NH from out of state. Mr. Mertz made a motion, seconded by Mr. Denoncour, to approve the tax credit. Vote was unanimous.
2. Carroll Family 2008 Trust – Tax Map R3, 9C. Mr. Irvine made a motion, seconded by Mr. Denoncour, to approve the tax credit. Vote was unanimous.

APPOINTMENTS

6:36 PM

Theresa Griffin

Theresa Griffin appeared to see the board, though she did not have a scheduled appointment. Mr. Mertz made a motion, seconded by Mr. Denoncour, to grant her an appointment. Vote was unanimous.

Mrs. Griffin asked why she had received a letter stating she had not been reappointed as an Alternate Member to the Planning Board. Mr. Irvine said the concern was that her attendance wasn't sufficient for being able to act as a voting member, when needed, for any applications before the board to enable her to be familiar with applications. He said the letter also explained that if circumstances change, allowing her more time to attend, she would be welcome back on the Planning Board. Mr. Irvine suggested she look at the meeting schedule and start attending with future consideration to reappoint her. Mrs. Griffin asked how her attendance compared to other members and Mr. Irvine said those that were up for reappointment attend regularly and that each time a reappointment is done, that it reviewed.

6:50 PM

Ingrid Heidenreich

Ms. Heidenreich was present on behalf of New Hampton Firefighters Assn. She said they would like to host a spaghetti dinner once a month beginning in May as a fundraiser. There was discussion on logistics and personnel needed. The board expressed support and asked her to present a detailed plan with the Fire Chief's input, for the Selectmen to consider. Mr. Irvine asked if this event has any insurance implications and Ms. Heidenreich said the association's event insurance would cover it.

7:00 PM

Mr. Berube and GM Gail Archibald (Bayside Rentals) were present to discuss a letter Mr.

Richard Berube

Berube received relative to using his property for short-term rentals.

Mr. Irvine said many other letters were sent to property owners on this subject with the concern being how they were being used and the impact to the community. He said the board has been meeting with property owners for a case by case review.

Mr. Berube said they had purchased a cottage on Chapman Point Road and after several years bought the neighboring property after watching it be neglected, which they now rent out. He said Bayside Rental has maintained good restrictions in its rental agreements to ensure the neighborhood is not affected. Mr. Berube said they typically rent it during the summer months, but also allow friends to use the cottage. The cottage only has two bedrooms and sleeps four. Mr. Irvine said the Selectmen don't feel added regulations are needed to address any obnoxious use as there is a current regulation to handle that, but they need to determine whether it is a permitted use in the neighborhood. Mr. Irvine said this short-term rental falls under the definition of a "tourist home" to supply transient accommodations with a fee. He asked Mr. Berube file to an application with the ZBA for a Special Exception, advising that the biggest impact these rentals have is to the character of the neighborhood. Ms. Archibald explained the rental process through Bayside Rental.

Mr. Irvine advised that if the Special Exception were granted there may be requirements for life safety that would need review by fire and/or police.

7:30 pm

Police Chief Stevens

Chief Stevens was present.

The board said they reviewed the draft noise ordinance and asked for the Chief's input.

1. Chief Stevens expressed concern with the language that states loading, unloading, opening and closing containers etc. asking about nighttime deliveries.
2. He said there was state statute which says if the noise is unreasonable the PD can take action, so creating language that is not well defined can become difficult to enforce.
3. Concern with limiting the times of operation of snowmobile traffic/vehicles and OHRV as some are required to be open 24/7 to continue funding by the state. It was noted that this wouldn't be enforceable by the PD, but would be by Fish & Game.
4. He said he agrees with prohibiting noise/music in a moving vehicle that can be heard from more than 50' but disagrees with no limit to the level of music outside a vehicle during the hours of 7am to 10pm as there may be people that work a night shift and need sleep.
5. Some of the draft vehicle noise restrictions listed would not be enforceable by current state statute if the noise ordinance wasn't in place.
6. Mr. Irvine asked about limitations to firearms usage as it wasn't addressed in this draft and that using a property as a firing range could negatively affect the neighbors. Chief Stevens said this can be handled by state statute and considering what's reasonable.

Mr. Irvine asked what the cost of a decibel reader would be and Chief Stevens said he would have to look into it. Mrs. Lucas said that use of reader alone, in determining compliance may limit enforcement of an unreasonable noise by not allowing discretion by an officer.

**NON PUBLIC
SESSION**

At 7:57 pm Mr. Irvine 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. Mertz, Mr. Denoncour, Chief Stevens, and Mrs. Lucas

RETURN TO PUBLIC SESSION

At 8:24 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. Denoncour, to seal the minutes for 5 years. Votes passed.

NON PUBLIC SESSION

At 8:25 pm Mr. Irvine 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. Mertz, Mr. Denoncour, Chief Stevens, and Mrs. Lucas

RETURN TO PUBLIC SESSION

At 9:43 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. Stevens, to seal the minutes for 5 years. Votes passed.

Mr. Irvine made a motion, seconded by Mr. Mertz that based on the successful completion of the interim performance review for Police Chief Stevens per the contractual agreement, that the Chief's salary be increased to \$65,000/year, with an effective date of 3/10/19. Vote was unanimous.

Chief Stevens reviewed his trip to Australia to carry the torch for the Special Olympics.

Chief Stevens said he intends to adjust the schedule to eliminate assigned "call outs" pointing out that if an officer utilizes earned time off to attend a family event, etc. and they have call out time that week they would only be paid straight time for those hours. He was told the board was revising the personnel policy. It was pointed out that the highway department is in the same situation when they get called out and work all night. It was pointed out that DOL states that overtime does not have to be paid until after 43 hours and the town does pay after 40 hours worked. There was agreement that call outs presently affect only 2 department members that live in town, but that could change with future staff. The board agreed to take this under advisement.

Chief Stevens said he has a potential part-time candidate for police officer.

DISCUSSION

The Board reviewed the following:

- The board signed two Excavation Tax Warrants: \$1,826.00 & \$37.64.
- The board signed an Addendum to the Personnel Policy, approved on 4/8/19, which will allow an employee to use personal time before or after a holiday, with advance notice, to qualify for the paid holiday. Letter going to all employees advising them.
- The board signed a letter to Mr. & Mrs. Lawless asking them their status on filing an application for a Special Exception for use of their property as a short-term rental.
- Mr. Irvine made a motion, seconded by Mr. Mertz to approve BTLA Form A-9 for the New Hampton Community Church for tax exempt status.
- Harold Lamos has requested permission to have vendors sell (no consumption) of Micro/brewery beers/wines during at their farmers market on Town House property.

After discussion the board agreed to meet with Mr. Lamos to discuss further.

- Letter from Joe & Donna Tuzzolo, dated 4/8 from Seminole Avenue stating opposition to any short-term rentals in their neighborhood.
- Diane Ford and Alfred Chute, Tax Map U-8, Lot 6A10 - Cottage in Pemi Shores Condo Assn appears to have exceeded the conditions set forth by the association when they constructed an addition. The board asked that an enforcement letter be sent.
- Relative to the new flagpole at the Veteran's Park, Mr. Mertz said the pole with an internal halyard is more costly, requiring a smaller flag. The board agreed to purchase the one with the external halyard.
- NHDES Wetlands Permit notification for Wolak Realty, Dunkin Donuts.
- Notice of Decision from ZBA for 1625 Summer St. Ltd Partnership – Approved.
- Copies of enforcement letter from Permitting Assistant Mr. Pollock relative to unpermitted construction:
 - a. Wintringham Rev. Trust, Tax Map U-15, Lot 8
 - b. Charles Flight, Tax Map R-11, Lot 17-1
 - c. Jon Soller & Robin Thomas, Tax Map U-1, Lot 12
 - d. Marcia Litchfield, Tax Map R-4, Lot 45.
- Inquiry on unfinished Applewood Estates subdivision and required road bond, requesting they meet with Selectmen.
- Response from Senator Guida's office relative to Mr. Irvine's concern with their lack of response to his requests.
- Notification that spraying along the power lines will be done at some ROW locations in town.
- The board was advised that property owner Rick Green has asked about allowing a customer who came to the blueberry picking farm to hold a wedding ceremony, but no reception, on his property. As it was one time only, just the ceremony with around 30 attendees, the board agreed this was not an issue but suggested Mr. Green speak with his neighbors, which Mrs. Lucas advised he stated he would. The board agreed this was very different than someone offering their property for events at a cost – which they consider a commercial/business use.
- Hwy complaint form – Straits Road.

OTHER BUSINESS

- Mrs. Lucas said resident Shana Martinez may be willing to transcribe Conservation Commission and Planning Board minutes and will be meeting with her to discuss.

PUBLIC COMMENT

There was none.

NON PUBLIC SESSION

At 10:10 pm Mr. Irvine made a motion, seconded by Mr. Denoncour, 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, Mr. Mertz, and Mrs. Lucas

**RETURN TO
PUBLIC SESSION**

At 10:17 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 until litigation is completed. Votes passed.

Mr. Irvine made a motion, seconded by Denoncour, to communicate to Atty Boldt, who is representing Town of New Hampton relative to PSNH appeal to the BTLA that the board accepts his recommendation relative to the status conference and agrees to the proposed settlement offer to be made to PSNH. Vote was unanimous.

ADJOURNMENT:

Mr. Irvine made a motion, seconded by Mr. Denoncour, to adjourn at 10:17 pm. Vote was unanimous.

Respectfully submitted,
Pamela Vose

DRAFT