TILTON BOARD OF SELECTMEN
MINUTES
March 12, 2015


Guests: Mr. Ken Norton (WRTA), Dennis Allen, Public Works Director, and Arthur DeMass, Public Works, Residents: Judy Tilton, and Peter Fogg.

Call to Order/Roll Call:
Chairman Consentino called the meeting to order at 4:30 p.m. Selectmen Scanlon on his way. The Board welcomed Gayle Bestick as their new administrative assistant (applause shared). Sel. Consentino reported the elections were over, however; a recount for the Selectmen’s position between Peter Fogg and Wayne Brock, would take place Friday, March 13, 2015, at the Town Hall. Sel. Consentino announced the Town Meeting would start at 8:00 a.m., not 9:00 a.m., as noted in the Laconia Citizen.

Approval of Minutes: February 19, 2015 - February 26, 2015:
A motion was made by Sel. Jesseman, seconded by Sel. LaPlante, to approve the February 19, 2015, minutes as corrected. All in favor. Motion passed.

Sel. Consentino made a motion, seconded by Sel. LaPlante, to bring to the floor for discussion, the minutes of February 26, 2015.

Minutes review:
Sel. Consentino, under old business, corrected Mechanic street letter…”his” or their parking.
Sel. Consentino under non-public session, at 6:19pm…add “pertaining to” personnel matter, “permanently”.
Sel. Dawson on page 2, delete “makeshift”.
Sel. Dawson on page 3, re: 4A screen, clarify it is a cruiser computer screen, that the 4A is a 2014 cruiser.
Sel. Jesseman on page 6, needs context - Sel. Dawson reported she had the driveway application from DOT for Bittern Lane and the applicant, Paula Hiuser.
Sel. Consentino, back to page 4 would like to expand on “scheduling was accurate”, were there other cars on the road. gbestick will go back and listen to minutes.
Sel. Dawson on page 5, should say Town Moderator, Chuck Mitchell.
Sel. Dawson on page 6, Selectmen Dawson had the driveway application from NHDOT for Bitten Lane, and the engineer for proposed sports facility project, John Rokeh.

Sel. Jesseman made a motion, seconded by Sel. LaPlante, to accept the minutes as corrected. All in favor, motion passed.
Sel. Consentino requested, for the agenda in two weeks, to add trees on Silver Lake road.

For the record, Sel. Consentino noted as an FYI, the non-public sessions should be at the end of agenda.

Non-Public Personnel:
At 4:48 p.m. Sel. Consentino made a motion, seconded by Sel. LaPlante, to enter into a Non-Public session as per NH RSA 91A:3 (II)a regarding personnel matter. On a roll call vote, motion adopted unanimously.

At 5:03 p.m. the Board came out of Non-Public session. Sel. Jesseman made a motion, seconded by Sel. Consentino, to seal the non-public session minutes pertaining to personnel matter, permanently. On a roll call vote, motion adopted unanimously.

Town Administrator Report - Joyce Fulweiler:
Joyce reported she had a right-to-know request for the amount of legal fees on a tax appeal. Sel. Dawson asked if Finance Director, Tim Pearson, tracks the most recent court decision expenditures and could it be itemized? She would like to have that kind of information tracked. Joyce explained she processes all the legal invoices for payment and can track each case’s expenses.

Sel. Jesseman questioned the $74,748.76. Joyce explained she had to break out certain amounts because it was not all attributed to that one client. She added, because we prevailed in our case, the Town did not lose over $154,000 in property tax revenue.

Ms. Fulweiler reported they were getting ready for town meeting, she will confirm the setup time. She asked - does the Board need housing ordinance handouts? Answer, no it will be postponed indefinitely. (it’s on line) Sel. Dawson mentioned “draft” should be noted if given to the public.

* The Board signed a yield tax warrant calculated by the town’s assessor.

* The Board signed a new Quitclaim deed for R09-30 which clarifies the chain of title.

* Joyce asked the Board to review attorney client correspondence in the Selectmen’s legal envelope.

* Joyce informed the Board that the Town Hall elevator door upstairs won’t close completely. She will ask Dennis to take a look at it. She will also call Garaventa to look at the lift belt that is making a grinding noise.
* All windows with awnings, and three of the interior airlock windows, have been tinted.
* The Board approved contacting an electrician to install additional outlets in the Finance Office as it was a safety issue.
* The emergency lighting, lights on the first floor, and in the basement were tested. We need bulbs for the exit lights. The lights by the bulkhead, hallway of bulkhead, and one in hallway, are the three which are not working. New batteries have been ordered at $20.00, with no shipping cost. Sel. Scanlon mentioned we may want to consider going to LED bulbs. Sel. Consentino will have Josh Carter, of JP Carter Electric, come in and check into alternatives.

**Other:**

*Heat:* Sel. Dawson raised the issue of some of the radiators not working properly upstairs in the town hall. Brian Ray, of BKM Mechanical, has been here three times. He had mapped out and tagged the different zones, however; the temperatures throughout the building are inconsistent. Administrator Fulweiler asked if we should obtain a second opinion? Sel. LaPlante asked if we budgeted for a new boiler? Sel. Dawson replied it was not the boiler, although, it is at least 20 years old.

After further discussion, Sel. Dawson suggested we call Brian and have him come talk to the Board. Joyce reported that every time we call and he comes in, there is a charge. It was decided to have Joyce call and have him come back and do a walk through with Sel. LaPlante to check out zones etc.

**Bittern Lane - Dennis Allen and Arthur DeMass:**

Sel. Dawson asked the public works director, Dennis Allen, if he was aware of what was required of the Town in the driveway permit - and if he had seen the proposed changes to Bittern Lane dated, 8/27/14.

Sel Consentino remembered, originally it was 96 square feet with 300 parking spaces. Phase 1, approximately 42,000 square feet, 150 vehicles going in and out of Bittern Lane. Sel. Consentino explained the town had to submit an application for a driveway permit, which was originally submitted with 2 buildings; the owners came back and asked to revoke that one and submit the original one with 42,000 square feet.

It was originally intended that the Department of Transportation would meet with the Board, along with the engineers, for a scoping meeting, to discuss the ingress and egress, and traffic study etc...when the Board re-submitted a new application, DOT came back and said there would be no scoping meeting, and they would just approve or disprove. Sel. Consentino is very concerned about traffic....it can be a bottleneck in that area.

Sel. Dawson explained how they were proposing to manage traffic going in...is a widening of the shoulder (the breakdown lane) which is not wide enough for a turning lane by
DOT standards; they would need to move a catch basin. Did the traffic study show approximately 80 cars an hour?

Questions: what is the right of way, easement? edge of pavement? do we have some shoulder? is a sidewalk necessary and where do we put it? what standards have the road been built too? will it stand up to additional traffic? Mr. Allen interjected stating that there could be no sidewalk. Sel. Dawson mentioned the land was deeded from Route 3 to the Agway boundary, with 50 feet on the pond side.

Sel. Scanlon asked if there was conservation land or setbacks. Sel Dawson reported there were none on the west side, as the property owner had declined to set any land in conservation. Sel. Scanlon asked where are the boundaries for Ice House pond? Sel. Dawson indicated it was almost through the middle of the pond.

Sel. Dawson asked Dennis Allen his opinion on how the road has stood up? has anything been done to that road? Mr. Allen reported the road had never been resurfaced or repaired. He stated there was 475 feet from Route 3 to the gate, with a 30 foot entrance from curb to curb, then it narrows down from 24 to 26. There is no wearing course. Mr. Allen confirmed Bittern Lane was 475 feet; and out of the 475 feet, 225 feet has no wearing course on it. Sel. Jesseman asked how much it would cost to lay a wearing course. Mr. Allen answered approximately $100.00. Sel. Dawson asked how wide from Route 3 to Agway? 30 feet. how wide should it be? 28 feet.

Sel. Scanlon voiced his concern about fire department/fire lanes, and if there was enough room for the firetrucks to turn around? Sel. Dawson - what are down there for culverts? Mr. Allen confirmed there was a catch basin on the Route 3 side, not on Bittern Lane.

Sel. Dawson asked Mr. Allen to look at the road as it pertains to drainage. Is there a culvert under the road? and could he come back next week with the information. Sel. Dawson mentioned the applicant had worked with DOT for two years before they discovered they needed to be working with the town, so let’s not delay.

Mr. Allen will assist Mr. DeMass with designing a plan to present to the Board. Mr. Allen stated drainage will be an issue. Sel. Dawson said they may have to construct a swale.

Public Hearing: WRTA Easement (RSA 41:14-a)

Sel. Consentino opened the public hearing for the Winnipesaukee River Trail Easements at 6:00 p.m. For the minutes, it was reported Tilton’s Planning Board member, Eric Pyra, made their motion, seconded by Sel. Dawson, to recommend the Board of Selectmen grant both the 2015 easements to WRTA, and that motion passed. At the January Conservation Commission meeting, it was approved that the Board of Selectmen sign the WRTA Easement.

The Town Administrator, Joyce Fulweiler, explained this hearing was specifically for the easements and that two public hearings were needed. She explained the easement refers to the
portion from the edge of Ernie’s back to the parking lot, from Morrison Avenue to across Ernie’s property to Route 3. Sel. Consentino explained the easements are for construction, to allow vehicles to pass over Knapp Road, which has been signed by the Resident's/owners of Knapp Road, the other easement is for the Selectmen to sign, to give permission to have the trail go through the edge of Ernie’s property.
Sel. Consentino asked if anyone from the public would like to speak.

**WRTA, NHDOT RAIL TRAIL AND WRBP SEWER INTERCEPTOR AGREEMENTS:**

Ken Norton announced he was a member of the WRTA, however; spoke on behalf of being an *almost* abutter - a resident of 199 East Main Street. He fully supports the restoration of Ernie’s property. Sel. Dawson asked if this easement was just the one on the eastern side? Mr. Norton confirmed it was.

Ms. Fulweiler explained that in order for the Phase II (a) of Winnipesaukee River Trail to be constructed, the Town of Tilton had to enter into an agreement with the Public Transportation Bureau of Rails, and with Winnipesaukee River project, because the trail is located in the Railroad right of way, and a portion exists next to Winnipesaukee River Basin interceptor. This is the final phase of the project which has to go out to bid, otherwise, we lose the DOT grant. We need to update our current agreement with the WRTA to take into account Phase II(a), items in the trail agreement, and sewer agreement, that the Board has concerns about.

Joyce mentioned an item which came up with the Department of Transportation’s, Brian Lombard - if and when the trail continues from 140 to Belmont, the Town of Tilton would agree to maintain. Ms. Fulweiler disagreed, explained why, and so DOT agreed to remove that language.

The Board reviewed the Rail-Trail Agreement. Concerns with section 1.1 - “manage, repair, maintain, reconstruct”. Change the WRTA agreement so that it is clear that WRTA is responsible for all of the costs associated with responsibilities in the Rail Trail Use Agreement and the Interceptor Agreement. Section 3.3 needs to be clarified. Tilton will not be responsible for all underground and overhead utilities. There is no provision for the Town to terminate the agreement.

Joyce will prepare a new Memorandum of Understanding with the WRTA combining Phase II and Phase II A agreements with the attached Rail Use Agreement and Interceptor Agreements for both Phase II and II A for both the Board’s and the WRTA’s review and approval. She will also relay the Board’s requested changes on the NHDOT Rail Use Agreement to Glenn Smith. A meeting to sign the final documents was tentatively scheduled for Tuesday with the WRTA.

**At 6:43 p.m.** Sel. Consentino closed the public hearing on the WRTA easements.
Other:
Sel. Consentino reported, since the elections, she had been asked - how could a Sewer Commissioner sit on the Board of Selectmen, and/or how could two Sewer Commissioners sit on the Board of Selectmen; does that constitute a quorum, and do they need to post a meeting notice. To obtain the correct information, she called the NH Municipal Association who did concur, it is not illegal to do that. (See NH RSA 669:7 for reference). Sel. Consentino read aloud, RSA 91a:2(1) - Meetings open to the public. Sel. Dawson noted the Board of Selectmen have no jurisdiction over the Sewer Commission.

Chief Cormier's Report:
Police Chief, Robert Cormier, reported he had recently attended a meeting in Concord where some of the Legislators were discussing reducing the Police Academy budget, subsequently; putting the cost of tuition back on the towns. The Chief stated every year they opposed, however; the budget passed. He explained they were dedicated funds, and those funds of the academy made it possible for the inservice training to be at no cost.

The Chief reported he had sat in on another hearing regarding police details and utility companies. He explained it was regarding Senate Bill 234, which would put decision making on the Utility companies for hiring officer's and/or for traffic control details. Sel. Dawson asked if this applied to a state road or on public/town roads? Chief replied, it would be a law that as long as i.e., Unitel, follow state guidelines, they would not have to consult with the local police. He was able to speak at the hearing emphasizing the main interest of the Police Departments and towns was safety! After the Chief’s comments, Senator Stiles believed the Bill needed another look. The Chief further reported a committee - which he was a member - along with lobbyist from the Utilities companies, New England Flaggers, and the person who had sponsored the Bill, had met. Their outcome determined the Bill was not ready to go forward, and it would be taken back to Senator Stiles. The sponsor of the Bill agreed to go back to the Senator, table the bill, and put it to committee.. Kudos that the Chief was there!

Sel. Consentino questioned the Police department’s timesheets. She noted some had no signatures or dates, is the Board signing them? The Chief explained the Captain verifies all the information is correct before submitting. The Board asked that the Captain note whether the information was verified by phone or how, and that he initial the corrections. The Chief agreed to speak with the Captain.

The Chief mentioned the roads would be a mess this year and full of potholes; particularly, the Police Department’s parking lot. He asked if Dennis Allen could look at the lot patch it, or smooth it out. (Sel. Consentino reminded Joyce to email Dennis - the Board is looking for his 10 year plan)

Chief Cormier reported that each year, people ask about an exploratory committee for a new police station. He mentioned, since it takes a few years to plan, he wants the residents and his staff to know he continues to bring this matter before the Board.
Sel. Jesseman commented he had noticed police officers sporting neatly trimmed, facial hair. Realizing they were only allowed until after the “Winnie Dip” fundraiser on Saturday, March 14th, he inquired if any of the officers had incurred any injuries? or any complaints? Chief Cormier stated there were no injuries, no negative comments or complaints. Sel. Consentino asked if it was a regulation or local preference to have clean shaven faces. The Chief confirmed it was a police standard, however; other departments were participating in the fund raiser, and their officers had grown beards.

**Old Business:**
*Mechanic Street* - Sel. Dawson noted this matter had been tabled for review until after town meeting. She is drafting a letter. Sel. Consentino noted for next week’s meeting, the voting for committees and ex-officio members would take place.

*Cannon Bridge:* the Board reviewed the contract. Sel. Consentino noticed the indemnification was included. She asked why Kevin Waldron, Selectman from Northfield, had not signed the contract. Administrator Fulweiler responded, he didn’t think the bridge project was needed, he was opposed to the bridge project. After review, some discussion, and clarification on the changes, **Sel. Consentino made a motion, seconded by Sel. Jesseman, to sign the Contract; Cannon Bridge Deck Repair and Reconstruction.** Sel. Dawson declined to vote (she doesn’t vote on signing documents.) Motion passed.

**Other:**
Sel. Consentino recognized Al Laplante, for his six years of service as a Town of Tilton Selectmen. Sel. Jesseman echoed her sentiments. *(applause shared)*

*Railroad letter of support* - will be written this week, **to be signed at the next meeting.** Sel. Dawson provided Ms. Fulweiler with the information for the representative from the NH Department of Transportation. The Board of Selectmen will support the NH DOT project, ensuring it is a safe crossing, rather than placing historical significance on the signal box and crossing bars.

Sel. Consentino asked Ms. Fulweiler that on future town warrants, i.e., Articles 2 & 3 more details be included. Joyce reported that DRA provided the wording, verbatim from the statute. Sel. Consentino suggested we should explain the why and what for…

**Selectmen’s Reports:**
Sel. Jesseman reported he had spoken with the chairman of the recycling committee and getting a forum had been difficult, as there is very little interest. He mentioned the Town wide yard sale would take place, he will report more at a later date. He asked for volunteers.

* Manville Road Survey - waiting for snow to be gone.
* Public Works Assistant - Sel. Jesseman mentioned that after town meeting, before September, the Assistant to the Public Works Director come before the Board to ensure them he is well on his way to being trained, and progressing in the manner necessary.

* Sel. Scanlon announced the Conservation Committee meeting was scheduled for next Monday, at 6:00 p.m.

* Each Child is Ours - Craft Fair

The Board reviewed the letter received from Dawna Vinal, secretary, for “Every Child is Ours”, who is requesting a fundraising event - craft fair/vendor bingo - be held at the Autoserv’s annex building. After some discussion, it was agreed that Chief Cormier would check their legitimacy, and report back to the board.

Adjournment

Sel. Jesseman made a motion, seconded by Sel. Dawson to adjourn the meeting. All in favor. Motion passed. Meeting adjourned at 7:45 p.m.