

Note: Draft minutes are subject to corrections, additions, and deletions.

October 17, 2022

Posted: Library, Town Offices, Town website

6:00 p.m. Board of Selectmen's Room

PRESENT: James Waddell, Chairman
Chuck Rage, Vice-chairman (absent)
Russell Bridle, Selectman
Richard Sawyer, Selectman
Amy Hansen, Selectwoman
Jamie Sullivan, Town Manager

SALUTE TO THE FLAG

I. Public Comment [Time limitation of three (3) minutes]

Sel. Sawyer noted the issue at Smuttynose.

Christy O'Keefe, Dearborn Ave, discussed the noise ordinance in general. She noted that the board should take a look at it, discussing 70 decibels is too loud and 30 seconds is too long. She discussed the possibility of two zones. She noted in town has been historically quieter and discussed businesses in town with outdoor seating. She discussed the difficulty of enforcement and noted roads in town that are mixed zones.

Mallery Leduc, 36 Towle Ave., discussed the weekend of the music festival. She discussed noise from outdoor entertainment throughout the pandemic. She discussed the impact of the loud music and noise on her family. She discussed measures they had taken and the right to peace and quiet in their home. She noted there is something that can be done and discussed changing the noise ordinance.

Eugene Borden, 12 Thayer Road, discussed enjoying events at Smuttynose. He discussed the recent noise level and trying to contact them, to no avail, noting his disappointment in that. He noted the disruption being unwelcome.

Steve Keirstead, 105 Towle Farm Road, noted he is the CEO from Smuttynose. He discussed hearing the concerns loud and clear and how they have tried to be good stewards toward the community. He noted abiding by the ordinance, but it didn't sit well with them that they upset the community. He discussed already working on things that could change for further events and reiterated wanting to work with the community.

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II. Announcements and Community Calendar

Sel. Hansen announced the trunk or treat this Saturday at Marston School, held by the PTA.

Chairman Waddell discussed political signs are all over town. He discussed a group of kids in town with a positive message.

III. Approval of Minutes

1. September 26, 2022
2. October 3, 2022

Sel. Bridle MOTIONED to APPROVE the Minutes of September 26, and October 3, 2022, SECONDED by Sel. Sawyer. VOTE: 4-0-0

IV. Consent Agenda

1. Cemetery Deed: Michael & Kathleen Gillis 15/I-3/2/1&3
2. Donation: Parks & Recreation for Marelli Square for \$4000, anonymous donor
3. Parade & Public Gathering License: Veteran's Day Ceremony; Wreaths Across America

Sel. Sawyer MOTIONED to APPROVE the Consent Agenda, SECONDED by Sel. Bridle. VOTE: 4-0-0

V. Appointments

1. Carl McMorran, Aquarion Water Co. and Daniel Lawrence
 - a. Quarterly Report

Mr. McMorran discussed main breaks, noting it an average year, and discussed disruptions when they happen.

Mr. Lawrence discussed ongoing projects, noting Marston Way, Jenness Tank, and Little River, and noted funding.

Sel. Hansen asked about the timing of being so close to the school year. Mr. Lawrence noted the timing with the contractor. Sel. Hansen noted the divot on High Street. Mr. Lawrence noted he drove there today to look. They discussed further. She asked about the ranking of the infrastructure. Mr. Lawrence discussed the parameters of the Biden infrastructure bill and noted other funding acquired.

Mr. Lawrence discussed the Glade Path tank and the Highland Ave Main and both gentlemen discussed Little River.

Mr. McMorran discussed a drought update, noting there was not a water restriction and more rain the last couple of months. He gave an update on the PFAS water treatment.

Sel. Bridle asked about the boil order in Rye. Mr. McMorran noted they are not connected to their system so there was no impact.

Sel. Sawyer asked about the Highland Ave. project and timing. Mr. McMorran noted if they can get an early start and weather cooperates it may be done by Memorial Day.

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Sel. Hansen discussed being mindful of timing and when school starts and how much it impacts the community.

Chairman Waddell asked about the status of the water tank on Exeter Road. Mr. Lawrence discussed seeking approvals to remove the old tank and build a new one. Chairman Waddell asked about keeping people informed and Mr. Lawrence noted this is the first time it has been discussed.

Sel. Sawyer asked that the Smuttynose new business agenda item be moved to now for the people in the audience.

Sel. Sawyer motioned to APPROVE the agenda change to begin the Smuttynose discussion now, SECONDED by Sel. Bridle. Vote: 4-0-0

1. Full Strum Festival at Smuttynose Discussion

TM Sullivan discussed the approved festival at 105 Towle Farm Road. He noted the loud sound and that it did not violate the decibel code, but many including him could hear it.

There was general discussion and noted that Andy Hart, part of the ownership team at Smuttynose was invited to speak and he was present.

Sel. Sawyer discussed developing the ordinance for noise and sound. He noted that the noise ordinance applies to vehicles and the entertainment ordinance came about with outdoor entertainment starting to happen in town. He explained working on the ordinance with timing and decibel levels. He discussed why he wouldn't support separate zones for the ordinance, noting the need for a consistent solution for the entire community. He noted that festivals should not be a part of the consent agenda but placed for discussion on their own and gave reasonings. He discussed speaker placement and sound absorption and noted the ordinance is town voted.

Sel. Bridle noted he was out of town that weekend but did receive complaints and noted he agreed with Sel. Sawyer regarding the approval being placed on the regular agenda. He discussed working on the ordinance and maybe the timing could be ten seconds.

Sel. Hansen noted being home that weekend and with many appliances on, she could still hear bass. She noted it definitely needs to be addressed and commented on the signs that are still up regarding the festival. She noted it is littering and there was litter after the race the week before as well. TM Sullivan noted the race was a different group and Sel. Hansen noted Smuttynose was a sponsor. She discussed how large the event was and agreed about changing from the consent agenda. She noted hearing people had a great time at the event, but also had sympathy for abutters to mixed zone properties, liking a quiet back yard. She noted hearing about pushback from the promoter and that our Police dept. does not deserve pushback. She noted live music not maintaining a consistent sound for decibel levels and discussed mapping where the area of complaint phone calls came from. She discussed being a good neighbor to the community and good things happening but this scenario being discussed needs to be reworked before happening again.

Chairman Waddell noted a few problems, one being no one could get in touch with ownership. He noted agreeing with Sel. Hansen on the signs. He discussed a problem that must be addressed when people can't get their kids to sleep. He discussed a business being able to have their business operate, but they must police themselves as well.

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TM Sullivan asked if they had live music this past weekend and the answer was yes. He noted hearing Saturday night music, not recalling hearing it previously, or exactly where it came from. He noted to consider such as we move forward. He noted the festival a different scenario but it all needs to be figured out and he appreciated Smuttynose working with the board on such. He asked the board how they would like to proceed.

Sel. Sawyer noted that whatever they do, the Police Chief and staff need to be involved as they will be doing the enforcement, as well as a member of the board as they will be hearing the complaints. Sel. Hansen volunteered. He discussed others that should be involved, and Chairman Waddell agreed there needs to be input from the community.

TM Sullivan noted that time is important and discussed putting the group together to gather recommendations. There was general discussion on the size of the committee.

Chairman Waddell made the point that entertainment licenses can be revoked. There was discussion on such, and TM Sullivan clarified the direction of the board.

Sel. Sawyer MOTIONED to APPROVE the formation of the committee as described by the Town Manager, SECONDED by Sel. Bridle. Vote: 4-0-0

VI. RSA 674:39-aa Restoration of Involuntarily Merged Lots

1. 10 Ash Street

TM Sullivan noted Atty. Pasay is present, and they have received the information in their packets. Atty. Pasay gave a summarization of what the owners are looking for.

Henry Boyd from Millennium Engineering offered a presentation of how the property is stated on the tax map but explained the five lots scenario.

Atty. Pasay explained what the law says regarding voluntary merger and outlined those circumstances.

Mr. Boyd discussed zoning and lot size.

TM Sullivan asked how the two buildings are serviced for electricity and septic. There was general discussion with the owners indicating that there is no septic and there was an answer that both buildings are serviced for electricity independently. TM Sullivan discussed if it appears the owners have, in an overt action or conduct, voluntarily or involuntarily done the merger. He noted it is the board's decision. He discussed some photos that are in the board's packets. He noted when the owners took possession it was as two parcels on one deed, and it has been taxed as one parcel since 1975. He discussed entrances and summarized the entire circumstance, and noted all points are on record.

Atty. Pasay asked to respond to TM Sullivan's remarks. He discussed his thoughts on the reasoning of the one deed. He discussed rentals of the property with two different tenants and noted individual mailboxes. He discussed the statute regarding real estate taxing.

Sel. Bridle noted growing up in that area and always thinking it was two separate properties.

Sel. Hansen noted it matters that they have been taxed as one lot. There was general discussion. She discussed utilities and noted being conflicted.

Sel. Sawyer noted a confusing issue. He discussed taxation would be the same for however many lots the area is. He discussed it being clear these are separate lots and we can't lump as

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one and noted it has been operated as designed. He noted he would have to support based on that.

Chairman Waddell discussed the deeds are not clear and he would agree with Sel. Sawyer and support.

TM Sullivan reiterated if it were an involuntary merger.

Sel. Sawyer asked about the timing of the buildings. Atty. Pasay answered and Sel. Sawyer noted it was two distinctly different times.

Sel. Hansen asked for clarification on what result is being asked for. Atty Pasay showed on the tax map the result would be three separate lots. There was general discussion.

Sel. Sawyer MOTIONED to APPROVE the request to unmerge the lots at 10 Ash Street, SECONDED by Sel. Bridle. VOTE: 3-1-0 (Hansen)

VII. Budget Review

1. Tax Collector

Ms. Bennet discussed her budget lines, noting removing the part time wages and moving the funds to supplies and expenses due to the high cost of items. She discussed increases in wages.

2. Town Clerk

Ms. Doheny discussed her budget, noting it straightforward. She noted adjustments to wages and a change to the number of elections. She noted an increase in computer support based on a quote and an increase in supplies.

Sel. Sawyer asked if there is enough in the budget should we ever be compelled to do a hand count for an election. She noted it difficult to answer without really looking at costs of several things. Sel. Sawyer discussed it unlikely, but we should be prepared.

Sel. Hansen noted she assumed the wage increase included the dep. clerk at 40 hours and the answer was correct. She asked how many resident stickers we issue a year, and the answer was 23,000. They discussed the number and the cost increase of the stickers. Sel. Hansen asked about the amount we are giving out and the answer was a significant change since the changes at the beach.

Sel. Bridle asked about charging for resident stickers. TM Sullivan reminded the board they told him no the last time he brought it up. There was general discussion.

Sel. Hansen asked how the scholarship stickers came about and was there a vote. There wasn't an answer available, but the Town Manager noted the discussion to help those who couldn't afford summer camp.

3. Conservation

Ms. O'Brien discussed the full-time wage line as a new item since her position went from part time to full time. She discussed an increase for the intern wages and supplies and expenses.

Sel. Bridle noted the big increase was a vote from last year.

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Sel. Hansen asked if the coastal resiliency position come from this budget and the answer was it is a grant funded position. She asked about land acquisition, and the answer was land acquisition has always been through voted funds.

Sel. Sawyer noted conservation does a great job.

Chairman Waddell asked how Ms. O'Brien likes the full time and she answered great, there is lots to do. TM Sullivan noted she is a great addition to the team. Mr. Deiner agreed.

4. Parks & Recreation

Dir. Boudreau discussed wages and those effected by the town vote. He explained a change in how overtime is processed. He discussed a software program increase.

Sel. Bridle reiterated the town vote of a part time employee to full time.

Sel. Sawyer noted another department that does a great job with a minimal budget.

Sel. Hansen noted ditto and good job.

Dir. Boudreau added that the full-time position was very much needed and is working out great.

Chairman Waddell asked what the full-time position is doing. The director gave a lengthy list of all the maintenance and other duties that are being fulfilled.

Sel. Sawyer mentioned pickleball and there was general discussion.

5. Fire

Finance Dir. Kristi Pulliam did an overview of the fire budget. She presented slides with budget numbers. The 2023 budget is \$4,382,680.00 for the Fire Dept., with the default being \$4,293,471.00. She noted the increase from 2022 to 2023 is 8.46% and the budget for 2023 is 2.08% higher than the default. She offered a breakdown of categories and noted gas and electric have not been updated.

The Fire Chief and Deputy Chief continued.

Chief McMahon discussed the budget increase is largely due to the town vote of the four new firefighters. He discussed the administration budget and what it includes, and noted he projects gas and diesel to be overspent this year. He discussed contractual items. He discussed suppression as being the largest part of their budget and reiterated the four new firefighters by town vote. He discussed the unlikeliness of receiving the SAFER grant and what that means. He discussed overtime sick and vacation coverage and the history of its costing. He noted career incentives reflect the four firefighters and protective clothing reflects inflation. He noted fire prevention is only a contractual increase, and no change in the training line. He discussed the employee change which reflects a small decrease in the communications budget and noted no change in vehicle maintenance. He reiterated the utilities issue. He discussed an application for a grant for breathing apparatus.

Sel. Sawyer discussed the default budget and how would that effect services should that be passed. TM Sullivan reiterated the fuel and electric increase. Chief McMahon discussed that it would mean shifts would not be filled and explained. They discussed the concern with that. Sel. Sawyer highlighted the age demographic of town.

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Sel. Bridle asked about volume increase. The Chief noted it was relatively flat but was a busy summer. Sel. Bridle asked about double and triple calls. The Chief discussed it is common. Sel. Hansen asked what the was and Sel. Bridle explained. The Chief noted that will be helped when the additional firefighters are on board.

TM Sullivan discussed what the vote in March meant, that the town expecting a certain level of service.

Chairman Waddell noted the towns responsibility to inform the public what would happen to that level should the default budget be passed.

The Chief discussed the purchase of an ambulance, the supply chain issue, and ordering now, if we want it in two years when we will need it. He discussed the sole source vendor, Sugerloaf, and their attributes.

Sel. Bridle asked if going with this sole source will it be more conformed with what we have and the answer was yes, it being more operationally efficient.

Sel. Sawyer asked about trade and sale, and the online auction system, using the best benefit. The Deputy and Chief noted they used Municibid. Sel. Sawyer discussed it not being prudent to not approve tonight, noting the two years and the level of service of two ambulances in town. He and the Chiefs discussed. Sel. Sawyer noted he supports. Chief McMahon noted this is the EMS fund.

Sel. Hansen asked about a deposit or paying the whole thing and the answer was it will be worked out.

Sel. Bridle MOTIONED TO APPROVE, “To waive the Town purchasing policy as being in the best interest of the Town and to authorize Town Manager James Sullivan to enter a contract with Sugarloaf Ambulance Rescue Vehicles of Wilton, Me., in an amount not to exceed \$302,378.99 for the purchase of an ambulance as outlined in the Fire Chief’s memo dated October 6, 2022, said purchase to come from the EMS fund.”, SECONDED by Sel. Sawyer. VOTE: 4-0-0

TM Sullivan noted there was a zero change to the emergency management budget.

VIII. Town Manager’s Report

- 1) Recreation Building: We are still doing punch list items and waiting for the delivery of furniture and materials. Given schedules at this point we likely will not be having our Grand Opening / Ribbon Cutting until November (after Nov 9).
- 2) Cemetery Update: See Director Glovers Report. Paving to be done this year if price comes in. Asking the board to pass the following motion.

Sel. Hansen MOTIONED TO APPROVE to waive the Town Bidding policy as being in the best interest of the Town and authorize the Town Manager James Sullivan to enter a contract with JAMCO Excavators, LLC. In an amount not to exceed \$80,000 for paving and repairing of the roadways and associated work, in the High Street Cemetery; said funding to come from ARPA funds previously accepted by the Town”, SECONDED by Sel. Bridle. VOTE: 4-0-0

- 3) TM Vacation: I will be away from the Office November 1st returning November 9th I recommend Director Pulliam be appointed as Acting Town Manager in my absence.

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Sel. Sawyer MOTIONED to APPROVE the APPOINTMENT of Finance Director Kristi Pulliam to be acting Town Manager for the duration of TM Sullivan's vacation, SECONDED by Sel. Bridle. VOTE: 4-0-0

4) Town Office Building Issues:

- We are still working on a plan to replace the leaking roof which will become a warrant article. I wanted to advise the Board that we will likely be adding AC units' replacement to this article. It makes sense as the current units are 30 years old (Well past the 15-year expected life cycle). And we will need to lift them to install the new roof, re-installing the old units seems a waste. I will keep you posted on the costs as we move forward.
- We are researching a potential concern about the marble siding on the Town Office appearing to be coming loose. We have had a structural engineer come out to inspect and are awaiting a report on the condition. Some appear to be protruding from the side, they are very heavy, and we are concerned about the potential of falling. We will be evaluating appropriate steps as we receive the report (could include safety walkway covering and or removal). We will keep you posted of developments.
- The building generator must be replaced. We have been having issues twice a month or more with alarms and failures/requiring constant service calls and expense. It has become obvious we cannot continue and risk not having power during an emergency (Building and Channel 22). I will be authorizing the purchase (State Contract) of \$46,250 (plus permit fees). I am authorizing it out of the General Government fund (we may need to revisit later in the year if we risk overrunning this section and request a formal transfer).

There was general discussion and consensus that it is critical this must be done.

- 5) Hiring: We continue to seek candidates for DPW laborer, Fire (No response on the SAFER Grant; we are moving forward) and Police are moving forward with candidates. Police are seeking a Senior Secretary position due to a pending retirement. The Coastal Resilience Coordinator position is open, and we are receiving resumes.

Sel. Hansen asked about evaluating the salary for the Police secretary position. TM Sullivan noted it is a Teamster position.

Sel. Bridle asked about the cemetery report and the number of burials with cremations being at 50% of those, and asking if it is time to look at a wall. TM Sullivan noted that it is in the discussion phase along with other cemetery items, perhaps with a cemetery consultant for assistance.

Chairman Waddell asked about community aggregation. TM Sullivan noted meeting with a group this week and noted state law and rules regarding shopping for rates.

Sel. Hansen asked when the master plan update will be finished. TM Sullivan noted it is a question for the town planner and he will enquire. Sel. Hansen noted attending the last planning meeting and how important the update will be for these big projects.

TM Sullivan discussed final budgets and numbers for next week.

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IX. Old Business - None

X. New Business - None

XI. Closing Comments - None

XII. Adjournment

Sel. Bridle MOTIONED to adjourn the meeting, SECONDED by Sel. Hansen. VOTE: 4-0-0

James Waddell, Chairman