

The meeting was called to order 6:30 pm in the Fremont Town Hall Main Floor meeting room. Present were Selectmen Gene Cordes, Neal Janvrin, Roger Barham, Town Administrator Heidi Carlson and Selectmen's Clerk Jeanne Nygren. Bruce White from FCTV was recording tonight's meeting. All rose for the Pledge of Allegiance. In the audience, also present was Stephen Bassett.

**II. ANNOUNCEMENTS** were read by Selectmen Cordes as follows:

1. The Town Clerk Tax Collector's Office IS CLOSED on Mondays through Labor Day. Effective September 11<sup>th</sup> the Clerk's office will reopen on Monday from 9:00 am to 12 noon and will have new hours on Wednesday from 3:00 to 7:00 pm ONLY.
2. All Town Offices are closed on Monday September 4<sup>th</sup> in observance of Labor Day. Trash and Recycling collections are delayed by one day during the week of Labor Day.
3. The Fremont Planning Board is in need of members. The Board meets twice per month to consider land use applications, work on Zoning Ordinances, and other land use regulations. If you are interested and would like to get involved in the community, contact Casey Wolfe at 895 3200 x 18 or Heidi Carlson in the Selectmen's Office.
4. The Fremont Police Department does vacant house checks. The form is available on the PD web page or at the Fremont PD, and should be completed and dropped off at the Safety Complex.
5. The Annual Regional Hazardous Waste Day will be held on Saturday September 16, 2017 at the Brentwood Highway Garage at 207 Middle Road in Brentwood from 9:00 am to 12 noon.
6. Fremont's Fall Bulky Day will be held on Saturday October 14, 2017 from 8:00 am to 12 noon at the Highway Shed on Danville Road.
7. Guard rail will be installed by NH DOT on Danville and South Roads in September.
8. The NH DMV will close all of their offices for a software upgrade on Monday, October 9<sup>th</sup> and Tuesday, October 10<sup>th</sup> and will temporarily limit some services. **Town Clerks WILL NOT be able to process the State portion of vehicle registrations from Friday, October 6, through Tuesday, October 10.** See postings at Town Buildings and on the homepage of the Town's website.

**III. LIAISON REPORTS** - no meetings to report on.

**IV. APPROVAL OF MINUTES**

Janvrin moved to approve the minutes of August 24, 2017 with one amendment. Barham seconded and the vote was unanimously approved 3-0.

**V. SCHEDULED AGENDA ITEMS**

At 7:00 pm Selectmen opened the appointment with representatives from Lewis Builders to discuss the remaining Site Plan items for the Black Rock's Village project. Present were Town Attorney Diane Gorrow, Attorney Robert Levine representing Lewis Builders, Joshua Manning, Jonathan Morse and Christine Lewis Morse from Lewis Builders, Thomas McCutcheon representing the Black Rocks Homeowner's Association; and the Town's consulting engineers from Stantec Dan Tatem and Rene LaBranche.

Cordes reviewed the Town's goals for the remainder of this site to be completed for the property owners and with a timeline this season as this Board's goal. A copy of the mid-August punch list was provided by Stantec that entailed 16 items needing improvements so project can be signed off by the Town as completed satisfactorily. The consensus this evening by all parties is to wrap this project up. Cordes asked if there is anything on this list that needs discussion as an outstanding item.

Today there was a site visit with Lewis Builders and Stantec to clarify the deficiencies. The list was reviewed by each item number that has been cleared to acceptable standards by Stantec. There are several still remaining that were discussed but no formal resolution was provided tonight. Both Lewis Builders and Stantec have different views on protocol, regulations, and the necessary items to be completed per the as-built plan. Several times Lewis representatives indicated that they do not want to incur expenses they feel are not necessary with regard to Stantec's engineering review.

Attorney Levine made it clear that this project's 112 units have been completed and now the Homeowners Association is the owner of the project. Any future repairs will be the responsibility of the Association, and Black Rock's Village roads are owned by the residents and will never be owned by the Town. Attorney Levine confirmed this as his interpretation as well.

Christine Lewis Morse stated that Lewis Builders is a professional organization who has been in the area for a long time, and that they will go back and finish anything that needs to be done.

The following list are the items still requiring solutions and negotiations (numbered as from the 08/16/2017 Updated Remaining Work List from Stantec). Items not covered here have been completed from the original list.

2. Headwalls do not meet NH DOT or the approved plan standards. Stantec wants replacement mortaring in place instead of the dry laid stone. Manning feels in 10 years there has been no deterioration and this is a private area not a major highway. Questions arose on bonding for an additional five years as an option to protect the homeowner's rights and property. There was discussion about if a compromise is possible? There was also discussion about what needs to go back to the Planning Board in terms of as-built and deviations from the originally approved plans.

3. There is a list of drainage culverts that do not have flared end sections or headwalls. The culvert end treatments, as shown on approved plans, must be installed. These are loose laid rocks which have had some after-the-fact pointing. Tatem explained that the rocks underneath help with frost action and keep area tight around the pipes. If dirt erodes this, it could wash out and have heaving with frost. Stantec is recommending removal and correct installation with mortar at all of the headwalls.

9. There are four non-compliant guardrail end sections on Gordon Road. These will be reviewed on the walk thru next week.

10. Crosswalk markings and stop bars have not been painted on the pavement. The Association voted not to have these installed. Stantec and Selectmen feel this is a violation of safety, and is definitely necessary. Association will bring this up at their next meeting and final decision to be discussed at another meeting.

11. This item is ongoing with still some work to be done or fully stabilized as the balance of improvements are completed.

12. There was discussion about landscaping. While all agree that it looks good and is growing appropriately, it is not per the approved plans. No one had an issue with this, and it was decided that the

final landscaping and vegetation remedial work will be left to Homeowner's Association to decide upon, working with Lewis to complete it.

13. and 14. There was lengthy discussion about the pavement. Stantec documented that the wearing course was to be cored, with pavement and thickness and adhesion to the binder course pavement verified, along with verification of the compaction. Tonight (just prior to the meeting); Josh Manning had emailed over letters from their engineer (Steve Cummings) with results and reports on some of these tests. Tatem noted that Stantec was not contacted to be present when the coring was done, nor were they contacted when the tack coat and the paving were done originally last fall.

The report (summarized in a letter dated 08/22/2017 from Steve Cummings PE) show that there is not sufficient compaction, there are issues with the adhesion, and in some areas there is not sufficient wearing course of pavement. Tatem and LaBranche both discussed this as a problem, and are still not sure how to best remedy it. Two possible suggestions were discussed, to grind the top layer off and shim and overlay; or to reclaim the entire pavement layers.

Both options to complete removal and repaving the roads vs doing shimming and overlay to patch compromised areas were options discussed. Lewis is clear on these deficiencies and completion won't be until next year. It will be planned for first thing in the spring of 2018.

15. As-built plans are to be submitted for final review by Stantec prior to signing off this project. This would include any revisions done throughout construction. Manning said that copies have been filed at Rockingham Registry of Deeds by Lewis as each of the units progressed, and copies will be provided to the Town. Manning said they were opposed to having to pay Stantec to review the as-built plans.

Tatem reiterated that all of Stantec's review items in the punch list are grounded in the Town of Fremont's Regulations. There was discussion about what items can be settled here, and what may need to go back to the Planning Board for re-approval if the modifications are significant enough to warrant same. There was lengthy discussion about review of the as-built plans.

Christine Lewis Morse said that they will give the Town a full set of as-built plans but they will not agree to having Stantec review them.

Attorney Gorrow stated that if it is part of the Town's regulations, that the as-built plans should be reviewed by the Town Engineer.

16. Lewis Builders through their Attorney took issue with the review of homeowner's documents, deeds and easements at this point in time. Attorney Levine stated that these documents were all reviewed and approved by the Planning Board at the onset and that it is not customary to be done at the end of the project, after deeds have been transferred to new owners. He said that the Attorney General's Office has final approval of condo documents. Attorney Gorrow agreed that this is primarily done up front, but states that she often reviews easements and deeds at other times during the process. She stated that it is the expectation that all documents are done in accordance with the samples approved.

Levine stated that there are no easements within the project, all owners own their unit and 1/12 of the other improvements, land and infrastructure.

Tatem explained a recent case-in-point in Fremont where the Town Engineer's review of as-built plans discovered a discrepancy in the setting of the bounds, and this is just one reason why it is done. Manning said there are no lot lines here because it is a condominium project. Attorney Gorrow added that whatever is required by the Town's Regulations is what should be done.

Stantec will provide their requested data and another meeting date is scheduled for 7:30 pm Thursday, September 14, 2017 at Fremont Town Hall for an update on completion of deficiencies. (On Friday 09/01/2017, this meeting was changed to September 21, 2017 due to scheduling conflicts for Lewis Builders).

At closing it was determined that the following issues need resolution: hottop, guardrail, Homowner's Association items including sharing the punch list, the HOA punchlist, and landscaping (Chris will meet with HOA soon); and a final decision needed on item #15.

Black Rock's Village Homeowner Association also needs to come forth with any of their concerns. Lewis Builders is planning a meeting with this association. Everyone present was thanked by the Board and they left at 8:35 pm.

At 8:35 pm a motion was made by Janvrin to recess the meeting for five minutes. This was seconded by Barham. The vote was unanimous 3-0.

A motion to return to session at 8:41 pm was made by Janvrin. This was seconded by Barham. The vote was unanimous 3-0.

Selectmen took up a question from Steve Bassett who was in the audience. He submitted an Intent to Cut form and asked about a ROW to access his cut. The Board explained to him that this was not anything to do with the Town, and that Bassett needs to make any arrangements with landowners about accessing his own land through private property.

## **VI. OLD BUSINESS**

1. Generator update information is still pending at the Complex. Barham said that there is plenty of room by the flagpole for underground tanks at the Complex.

Carlson advised Selectmen that Leon Holmes Jr recently (personally) purchased a potential generator for the Highway Shed. It will need minimal work to get up and running, but it is large enough to restore power at the shed. Janvrin thought research should still be investigated for getting a larger unit in the future. He expressed interest in a larger unit, and in an automatic transfer switch.

2. Town Hall basement updates:

- KTM's mason was on site over the weekend causing some trouble with the fire alarm system, but got the stairwell area and rear chimney repointed. The mason's cleanup work that took place on Tuesday caused some water damage in the basement area floors and sheetrock. Mark Minasalli has been contacted about this and a fan has been running since it happened on Tuesday sometime.
- Cordes will get back to KTM regarding the flooring.
- Work continued on the footings for the I-beam installation. There are two four by six-foot areas excavated and the footings were poured on Monday.
- I-beam delivered on Monday and prepped on Monday and Tuesday.
- Electrician here Monday to move wires and junction box in the way of the beam placement and KTM is planning to work around or move the telephone/data and fire alarm wires until vendors can return to make a more permanent placement.

3. After review of the tax payment arrangements being met in full for 2015 and 2016 tax liens, and 2017 of the property taxes on parcel 04-001.00, a motion to abatement the portion of interest as follows; 2015 interest abatement lien for 974.57 and \$19.00 in cost; interest on 2016 lien \$112.45; and interest on 2017

property taxes \$37.45 was made by Barham. This was seconded by Janvrin. The vote was unanimous 3-0.

## **VII. NEW BUSINESS**

1. A motion to approve the accounts payable manifest \$39,422.27 dated September 1, 2017 was made by Janvrin. This was seconded by Barham. The vote was unanimous 3-0.
2. Review the folder of incoming correspondence was completed. The Community Information Meeting relative to the Mill Road Dam in Brentwood is set for September 27, 2017 from 5:00 to 8:00 pm at the Brentwood Community Center. A formal mailing will also be provided for residents. Graduate Students from UMass Boston will be in the Riverside Drive/Tibbetts Road area on Saturday September 9, 2017 talking with residents about their thoughts and questions on water levels, the dam, etc, so that the ESRLAC Committee (working on the public information forum) can have experts available to help answer questions.
3. A motion was made by Barham to sign Form MS 535 for submission to DRA (completed by Auditors earlier this year). This was seconded by Janvrin. The vote was unanimous 3-0.
4. The Safety Committee met on Tuesday August 29, 2017 at the Fremont Public Library. Follow-up items were discussed, and there are no safety incidents to report this quarter. There is one final building checklist to be performed by Joe Goldstein.
5. After review of the disabled veteran credit application filed on Map 06-017 owned by David & Karen Duffy from 96 North Road a motion to approve was made by Janvrin. This was seconded by Barham. The vote was unanimous 3-0.
6. An Intent to Cut form was submitted by land owner Stephen Bassett for review by the Board. It was noted one lot listed is not owned by Mr. Bassett. A letter will be sent to Bassett to correct his submittal.

## **VIII. WORKS IN PROGRESS**

The Public Budget Hearing will be held at 7:00 pm on Wednesday evening January 10, 2018. The Town's Deliberative Session is set for Monday February 5, 2018 at 7:00 pm at Ellis School; with a snow date of Wednesday February 7, 2018 at 7:00 pm.

Cordes requested Holmes propose in writing his detail of the spending of the NH excess Highway Block Grant funds for clarification.

Carlson indicated she and the Road Agent have been contacted by a Loon Way property owner regarding using Loon Way to access his land for a timber operation and performing some road work. The taxpayer was asked to submit a proposal for the work to be done on the road.

**BUDGET WORK SESSION:** Selectmen discussed roof replacement at the Safety Complex and that we either need to plan in the current operating budget (EOY encumber); or propose it for the 2018 budget. This is a good location for a solar generating system as well. Cordes spoke with energy people on the net metering process whether at one site or go to multiple sites. If setting up by specified date would be beneficial for the Town to do this. Further information needs to follow.

Carlson handed out an updated budget forecast for review and revenue worksheet submitted to DRA for the 2017 tax rate. Due to the length of time spent at their appointment time, another work session for

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review of Department budgets submitted is necessary to prepare their recommendations for the Budget Committee's next meeting. This was scheduled for Tuesday, September 5, 2017 at 7:00 at Town Hall meeting room upstairs. This was posted this evening.

At 8:55 pm Barham moved to enter non-public session pursuant to NH RSA 91-A:3 II (c) to discuss a tax hardship and current year tax deeding. Cordes seconded and the roll call vote was unanimously approved 3-0; Cordes-yes; Janvrin-yes; Barham-yes.

Nygren left the meeting at 9:00 pm.

Respectfully submitted,

Jeanne Nygren  
Selectmen's Clerk

At 9:15 pm motion was made by Janvrin to return to public session. Barham seconded and the roll call vote was unanimously approved 3-0; Cordes-yes; Janvrin-yes; Barham-yes.

Carlson reviewed the potential tax deed list with the Board and how to handle making payment arrangements. The Board was comfortable with Carlson meeting with residents to get payment arrangements signed (the same arrangements, only extended through a one year period). The Board reiterated their thoughts that they want to maintain payment arrangements in lieu of tax deeding when possible.

The next regular Board meeting will be held on Thursday September 7, 2017 at 6:30 pm at the Town Hall. It will include the Grassdrag abutter/neighbor meeting.

With no further business to come before the Board, motion was made to adjourn the meeting at 9:20 pm by Janvrin. Barham seconded and the vote was approved 3-0.

Respectfully submitted,

Heidi Carlson  
Town Administrator