

**I. CALL TO ORDER** The meeting was called to order at 6:30 pm in the basement meeting room at the Fremont Town Hall. Present were Selectmen Gene Cordes, Neal Janvrin, and Roger Barham; Town Administrator Heidi Carlson and Selectmen's Clerk Jeanne Nygren. Also present was Fremont School Board member Gordon Muench. This meeting is being live broadcast by FCTV Bruce White. All rose for the Pledge of Allegiance.

## **II. ANNOUNCEMENTS**

1. The Town Clerk Tax Collector has reopened on Mondays from 9:00 am to 12 noon.
2. The NH Primary was held on Tuesday. You can contact the Town Clerk's Office at 895 8693 x 307 or email [FremontClerk@comcast.net](mailto:FremontClerk@comcast.net) for all election information. It is also posted on the Town's website on the home page.
3. Selectmen, as available, will participate in the Community Night scheduled at Ellis School next Tuesday, September 18, from 6:00 to 7:00 pm, in conjunction with Open House.
4. Hazardous Waste drop-off day will be held on Saturday September 29, 2018 from 9:00 am to 12 noon at the Brentwood Highway Shed. Information is in the September Newsletter and posted on the trash and recycling page of the Town website.
5. The Planning Board's North Road Scenic Road Public Hearing will be held on Wednesday October 3, 2018 (and not September 17<sup>th</sup> as reported last week).
6. The Fremont Planning Board will host a special session on Wednesday, October 17, 2018 at 6:30 pm at the Fremont Town Hall in the basement meeting room to discuss proposed changes to the Fremont Zoning Ordinance including a new definitions section, changes to the zoning districts, and changes to the table of permitted and prohibited uses within all districts.
6. Fall Bulky Day will be held on Saturday, October 20<sup>th</sup> from 8:00 am to noon.

## **III. LIAISON REPORTS**

Janvrin was unable to make the FCTV meeting of September 10, 2018 but reported information provided by Bruce White. They are still working on hooking up the second channel to accommodate broadcasting of school meetings.

On September 11, 2018 the Selectmen met at the polls where they also worked on budgets and other pending matters as well as met with some residents throughout the day. Updates were forwarded to Carlson who prepared the minutes of this meeting.

On September 12, 2018 the Road Agent and Selectman Barham attended "Road Maintenance 101 for Administrators & Elected Officials."

The purpose of the seminar was to provide Administrators and Elected Officials essential information on managing town roads including:

- Construction of roads
- Lifecycle of roads and deterioration
- Types of road maintenance
- Road inventory and evaluation of condition

- Creating and maintaining a Pavement Maintenance Plan

Rockingham Planning Commission (RPC) is currently completing a road evaluation study of the Town roads and it is proposed to by next budget season complete the following tasks:

1. Complete the Road Inventory & Condition Study of town roads
2. Determine estimated costs for:
  - a. Reconstruction of failed roads (backlog)
  - b. Maintenance of structurally sound roads (ongoing maintenance)
3. Develop a Pavement Maintenance Plan including a 5-year Capital Improvement Plan and present to the voter.

Barham reports that he is working with the Road Agent and RPC to gather the data necessary to complete the road inventory, and grade/evaluate each road to have a better long-term plan for improvements and capital budgeting. He explained how the evaluation process works.

Today Carlson had received Barham's certificate of completion of the 5 hour training session, which is part of the Road Scholar Program. Barham and Holmes were thanked for their participation in this training seminar.

Janvrin attended the September 12, 2018 SRRDD 53B meeting in Rye, where they discussed the final plans for the September 29th Hazardous Waste Drop off event to be held in Brentwood. They are soliciting for volunteers to help with this event and remind people from participating towns to make sure they have proper identification to enter this event as they will be checked by personnel. Their financial report which has a balance of \$44,000.00 was given to Carlson. These meetings are being held quarterly.

Cordes recapped the September 12, 2018 Budget Committee meeting where they did an overall review of all department budgets. The School District will hold a tour of the Ellis facility for the Budget Committee to review all of the improvement projects to the building which included bathrooms, counters, building security in the lobby and reception areas. The security project is being done in phases as some of the electrical hookups won't be done for a few months. The Budget Committee tour will be held on Wednesday October 17<sup>th</sup> followed by their regular meeting held in the School Library after the tour.

The Committee met with the Library Trustees last night and are planning to meet with the Police Department at their next scheduled meeting on September 19, 2018 to review the Police and ACO budgets.

#### **IV. APPROVAL OF MINUTES**

A motion to approve the minutes of the September 11, 2018 meeting was made by Janvrin and seconded by Barham. The vote was unanimous 3-0.

#### **V. SCHEDULED AGENDA ITEMS**

6:45 pm Public Input - none

7:00 pm Department Heads – none present

#### **VI. OLD BUSINESS**

1. Carlson said that the informational town data and handouts are ready for Barham to take with him tonight for usage at the Open House Town table on Tuesday, September 18<sup>th</sup> at Ellis School.

2. Pending final review of any typographical errors on the September 2018 Trash and Recycling RFP, which the Selectmen will edit this weekend, they will notify Carlson by Monday as she is preparing to email out to vendors and post on the Town's website.
3. Selectmen acknowledged receipt of an Administrative Order # 18-014 WD relative to the Brentwood Dam (NH Dam #D029001) over the Exeter River. This has been posted to the home page of the Town's website where other Brentwood Dam information is posted. They basically identified the specific deficiencies and placed pending time frames for a more active decision as it is a threat to some residents next to the dam, as well as Fremont residents upstream.
4. Safety Complex Roof proposals and follow-up information will be provided next week as references given by applicants are still being researched for their favorable recommendation of their job performances. The Board would like to meet with the low bidder next week on site at 6:30 pm and this will be set up for the meeting of September 20<sup>th</sup>.
5. The Safety Complex generator was sold today for \$350.00 to Mammoth Lumber. It will be removed with a ramp truck in the next couple of days. For the record this generator will be used to power a saw mill.
6. The Emergency Management (4290) budget had to be revisited again as the maintenance contract for all of the generators had not been fully included. Janvrin moved to amend the original recommendation of \$4,000 to \$4,330 to accommodate this increase. This was seconded by Barham. The vote was unanimous 3-0.

## **VII. NEW BUSINESS**

1. A motion to approve the accounts payable manifest for \$55,294.68 for week dated September 14, 2018 was made by Janvrin and seconded by Barham. The vote was unanimous 3-0.
2. Selectmen reviewed the folder of incoming correspondence. They signed outgoing correspondence to Bob Kelly to follow-up the site meeting in August. The Board had a few questions on the engineering reports in the folder which Carlson will find out if Board signatures are required.
3. The MS 1 for 2018 has been submitted, along with the updated revenues (MS 434). In working on all of the tax rate forms and documents, the 2017 Audit has been uploaded to the DRA website and the Auditors have submitted the MS 535. Selectmen need to sign the print copies of DRA Forms 2018 MS 1 and 2017 MS 535 which also need to be uploaded to the tax rate setting portal.

A motion to sign DRA Form 2018 MS 1 cover sheet was made by Janvrin and seconded by Barham. The vote was unanimous 3-0. A motion to sign the 2017 MS 535 was made by Barham and seconded by Janvrin. The vote was unanimous 3-0.

4. There were 3 Town Report bids received which are as follows:

Country Press- Lakeville, MA 500/650 copies; \$2,078/\$2,619 cost respectively  
Ram Printing-E Hampstead NH 500/650 copies \$2,632/\$3,317 cost respectively  
KB Offset Printing-State College, PA 500/650 copies \$2,518/\$3,217 cost respectively

The low bidder is our current printer Country Press but a spreadsheet will be prepared to detail all prices for comparison and review at the next meeting.

### VIII. WORKS IN PROGRESS

1. The Annual Snowmobile Grass Drag Event will be held on Columbus Day Weekend.
2. The Budget Committee schedule for the fall season has been posted and published. It is weekly from now through December 19<sup>th</sup> on Wednesday evenings at 7:00 pm, except the week of Thanksgiving. The public budget hearing is scheduled for Wednesday, January 9, 2019.
3. An RFP for future electrical work at the ballfields has been put together, posted and circulated. Jon Benson is working on a future project of having electricity installed at each backstop and the sign out front (for a spot light to light the sign to be visible from Main Street). Any interested electrician is invited to bid and the document is on the website or available by contacting the Selectmen's Office.
4. There is a preconstruction meeting for Black Rocks Village repaving scheduled for Wednesday September 19, 2018 at 10:00 am at the Town Hall. Planning to attend are SW Cole, Dan Tatem, Lewis Builders representatives and Continental Paving representatives.

With all scheduled agenda items having been completed, a motion was made by Cordes to recess the meeting until 7:45 pm which is the scheduled time to begin the Public Hearing. Janvrin seconded and the vote was approved. The Board was in recess from 7:30 pm to 7:45 pm.

At 7:45 pm Janvrin moved to return from recess. Barham seconded and the vote was approved unanimously. Cordes then opened the Public Hearing and read the posted notice of hearing as follows:

#### *TOWN OF FREMONT NH PUBLIC HEARING*

*The Fremont Board of Selectmen will hold a public hearing at 7:45 pm on September 13, 2018 to discuss adoption of a Noise Ordinance. Text of the proposed Ordinance can be found posted at Town Buildings and on the Town's website on the Home Page and the Selectmen's Public Hearing Page. The hearing will be held in the basement meeting room at the Fremont Town Hall, 295 Main Street in Fremont NH. The Public is welcome to attend.*

*Posted: 20 August 2018*

*Published: Fremont Newsletter September 2018  
Union Leader 28 August 2018*

A sign in sheet was circulated with the following members of the public present: Brian McGinn, David Verville, Gail Miller, Donald Miller, Keith Stanton, Nancy Murray, Daniel Therrien, Cooper Muench, Dennis Acton, Amy Bean, Gordon Muench, Virginia Russell, Michael Littlefield, Ashleigh Harriman, Greg Fraize, Rip Philibert, Ashley Griffith, Sandra Moscillo, Sean Crowley, Josh Gallant, Michael Nigrelli, Paul LeCain, Richard Butler, Kurtis Boissonneault, Kathy Anzalone, Anthony Anzalone.

Cordes recapped the submitted emails sent to Carlson with their overall statements of concerns which were:

1. How to enforce ordinance when dealing with residents vs vehicles traveling through Fremont that are not residents relating to their decibel level, too vague.
2. Disapproved seeing this as a possible tool for harassment of neighbors. Town has limited police available.
3. Overreaching, overly excessive and unnecessary as written. Will drain police resources and feels neighbors should resolve issues themselves. Let it go to a vote on ballot.
4. Thank you for Selectmen fast tracking noise issues especially on the recreation trails.

5. Resident thanks for this ordinance and didn't have a good view on the mentality of the Fremont FB page people.
6. Ordinance too vague and could expose residents to harassment. Neighbors should iron things out themselves. Put to vote on ballot.
7. Too complicated and will lead to unintended consequences. Addresses a problem that does not exist.
8. Don't vote noise ordinance.
9. Believes sound ordinance is very reasonable. Likes it excludes snow removal. Change time limits to 10:00 pm to 5:00 am.
10. Opposes ordinance and wishes it to go on the ballot for voters.
11. Put out for residents to vote on and not a selectmen decision.

The emails are all on file if anyone wants to view them.

Cordes then opened the discussion for those who were in the room. Comments are summarized as follows:

Dennis Acton - 93 Risloves Way - asked for clarification on a few things and asked the purpose and intent of noise volume. He felt that because of a few bad apples, they need an ordinance created as a tool.

Cordes stated many complaints have come into Carlson on the noise in proximity to recreation trails and its usage and they are asking for limits on usage. He is in agreement that this ordinance is too vague and Town Counsel states in needs work.

Janvrin stated with no enforceable noise ordinance in place it makes it difficult for local police departments to enforce violations that are out of the ordinary. He composed this ordinance in concert with surrounding town's ordinances and is a work in progress.

Nancy Murray - 47 Deer Run - feels that something is needed to provide structure. Current ordinance is limited mostly to motor vehicles and doesn't encompass other things that may disturb other individuals. She presented NH RSA 644:2 Disorderly Conduct as a tool the Police can use, and she read several excerpts:

A person is guilty of disorderly conduct if

III. He purposely causes a breach of the peace, public inconvenience, annoyance or alarm, or recklessly creates a risk thereof, by:

- a. Making loud or unreasonable noises in a public place, or making loud or unreasonable noise in a private place which can be heard in a public place or other private places, which noises would disturb a person of average sensibilities or
- b. Disrupting the orderly conduct of business in any public or governmental facility; or
- c. Disrupting any lawful assembly or meeting of persons without lawful authority.

III-a. When noise under subparagraph III (a) is emanating from a vehicle's sound system or any portable sound system located within a vehicle, a law enforcement officer shall be considered a person of average sensibilities for purposes of determining whether the volume of such noise constitutes a breach of the peace, public inconvenience, annoyance, or alarm, and the officer may take enforcement action to abate such noise upon detecting the noise, or upon receiving a complaint from another person.

Keith Stanton - Birch Haven - remarked the recreation trails are State property and how can you enforce this ordinance. Where are the people who claims this noise? What is the definition of prolonged and unusual noises? Define “annoying” and further that the ordinance is too vague. Need a public hearing to adopt any ordinance.

Several other residents that attended voiced the same complaints as already addressed. Many examples were posed about different types of noise (band equipment, lawn equipment, snowblowers, etc).

It was evident that problems which need to be addressed regarding the recreation trails include definition of times it can be used, is it dawn to dusk? What state rules are enforced and does the state enforce anything as local town has no authority?

Cordes - Some kind of ordinance is needed to address complaints that have come into our office.

Sandra Moscillo - 64 Brentwood Road - What are times for rec trails, and Cordes answered that he believes it is dawn to dusk.

Dan Therrien - 15 Pond Lane - Asked what the decibel level on certain vehicles are. If issue this is only law that needs to be addressed.

Shawn Crowley - Sandown Road - Feels if you purchase a home next to the trails you should expect noise as well if it is next to a railroad track then expect a train to go by.

Police Office Kurtis Boissonneault talked about decibel levels and the NH state law. He spoke of what it takes to record a decibel level and the manpower necessary to obtain this number, requiring at least 3 people and possibly 4 and the meter is costly.

Kathy Anzalone – Said she was glad the Town is addressing. She referenced a loud party in Brentwood that is not a continuous happening that neighbors just need to accept it or address with resident having party to solve any issues involved.

Several residents stressed the ability of neighbors to come together and talk to one another.

Nancy Murray referenced a continual problem with abutters on loud noise that was not accepted by person committing the violation and she was verbally threatened by a neighbor about the complaints on their noise. She stated “not everyone is a nice person.” This eventually resolved when they left the area.

Carlson applauded the community spirit and neighbors talking, thanking people for coming out tonight. She also indicated that the Town receives a lot of complaints regarding trucking with Jake break usage from hours as early as 4 am thru Fremont roads and that many of these may not be Fremont residents and are just passing through. Also the trail users are not generally Fremont residents.

Don Miller - 1 Danville Road – States he is at a dangerous corner in Fremont and asked about four wheelers and snow mobiles, and does the Town have a decibel meter. It was stated that the Town does not have one, so we can’t even measure. Officer Boissonneault stated the problem with decibel limits is it takes 3 officers to run and probably another person to oversee the inspection. He mentioned that on the Seacoast, Harley Davidson has set up for bikers in other towns on the seacoast for people to get readings, just to find out for themselves. Miller also cited oil and gas deliveries to the gas station in town with noise from back up horn and not having sufficient lighting at station.

Josh Yokela - 16 Tibbetts Road - Question on procedure, is the intent to go to voters or sign as ordinance by the Selectmen. Janvrin when going forward with something it will go to the voters on the ballot with another public hearing taking place prior.

After further discussion, the residents in the room felt most comfortable with the Board's word that this ordinance draft would not go further. Selectmen assured the public that they would hold another public hearing if another draft comes forward, and that it would go to Town Meeting for a vote.

A motion was made by Janvrin not to proceed with this Noise Ordinance as written. This was seconded by Barham. The vote was unanimous 3-0. One resident wanted to take out the Board's use of "as written" on this motion but the Board's final decision was they are not going forward with the Ordinance.

A motion to close the Public Hearing was made by Barham at 8:40 pm and seconded by Janvrin. The vote was unanimous 3-0. Members of the public left the meeting room over the next five minutes or so.

At 8:43 pm Janvrin moved to enter non-public session pursuant to NH RSA 91-A:3 II (c) to discuss a personnel matter. Cordes seconded and the roll call vote was unanimously approved 3-0; Cordes-yes; Janvrin-yes; Barham-yes.

Respectfully submitted,

Jeanne Nygren  
Selectmen's Clerk

Nygren left the meeting at 8:45 pm. Selectmen began their session with Chief Butler at 8:50 pm.

A motion was made by Janvrin to return to public session at 9:50 pm. Barham seconded and the vote was unanimously approved by roll call vote: Cordes – yes; Janvrin – yes; Barham – yes.

Motion was made by Cordes to seal the minutes of the non-public session indefinitely. Barham seconded and the vote was unanimously approved by roll call vote: Cordes – yes; Janvrin – yes; Barham – yes.

Selectmen discussed with Butler his budget proposal, which was circulated tonight. Butler also indicated that he would be presenting two Warrant Articles for per diem daytime coverage and paid night call coverage. He briefly discussed the options for a scheduling matrix and how that would equate in dollars. He was asked to send this information to Carlson so that members could review it prior to working on the budget. Selectmen will meet with Butler and Christopher Olsen in non-public session beginning at 6:30 pm on Monday September 24, 2018 and may work on the budget if time permits at the end of that session. The public budget presentation of the Fire Rescue budget with the Board was scheduled for Department Head time at 7:00 pm on Thursday October 3 so that the public can view the presentation as well.

Carlson asked the Board if there was any pending information about Steve Bassett's most recent submission of plans. The Board indicated that an email had been sent to Don Wilson regarding further information on his research to document the ROW, but nothing had been received back from him. The Board reiterated that the Town cannot prove an individual's property rights, and that they are taking no further action. Bassett has been asked to show his deeded ROW documents, and no action will be taken by the Town until that is submitted.

The next regular Board meeting will be held on Thursday September 20, 2018 beginning at 6:30 pm at the Fremont Safety Complex. Following the site visit with the roofing contractor, Selectmen will return to the Town Hall basement meeting room for the rest of the agenda.

With no further business to come before the Board, a motion to adjourn the meeting was made by Janvrin at 10:05 pm. Barham seconded and the vote was unanimously approved 3-0.

Respectfully submitted,

Heidi Carlson  
Town Administrator