

## **I. CALL TO ORDER**

At 6:00 pm the meeting was called to order by Gene Cordes at Country Lane/Tarah Way for review and updates on the progress of the emergency road access. Present at the site meeting were Selectmen Gene Cordes, Roger Barham and Neal Janvrin; Town Administrator Heidi Carlson, Land Use Administrative Assistant Leanne Miner; Planning Board member Jack Karcz; Albert Witham from Witham's Countryside Homes, his maintenance man Bruce Bennett, Martin Ferwerda and his Attorney Justin Pasay; and Tarah Way residents Deb and Denny Byrne, Dave Rines, and John and Barbara Folland.

Cordes began with a summary of what brought us to the site visit today including a previous non-public meeting. The Board stated that their concern continues to be the emergency access for safety of all residents with the Governor's Forest and Witham Parks. The maintenance of the roadway once constructed and resolution of the impassable situation that currently exists are also to be determined.

Rines asked about Witham being present, and Al Witham was pointed out as being at the site this evening.

Pasay indicated that their perspective on the road on Ferwerda's side of the line is that they have conditional approval from the Planning Board and that Ferwerda built the road as conditionally approved.

The Town contends that the wall was constructed without the necessary pre-review of the Town's Engineer and that the grades currently visible on site that were clearly difficult to navigate on foot, were unacceptable as a public safety matter. Karcz remarked that you used to be able to walk up that roadway. Currently there is a pile of crushed stone at the bottom of the hill near the property line. Ferwerda indicated by standing near it, where the line was between the Ferwerda and Witham lots.

Al Witham stated that he was willing to work with Ferwerda on the matter, and that they had been able to do so in the past.

Ferwerda and Pasay referenced the 2002 approval and the Town debated that some of those items had been changed in his more recently revised Site Plan Review. Ferwerda blamed the Town for the property line encroachment (from Witham lot); which was disputed by the Town in terms of when he knew about it.

There was significant debate about what had been done and Ferwerda moved further from the site, yelling to be heard from the distance, clearly in disagreement with the statements made by the Town. Selectmen took issue with the presentation by Pasay as well as with some of Ferwerda's statements.

Pasay asked for the cease & desist to be lifted by tomorrow (as outlined in his most recent letter restating their case).

Cordes responded that the first house within the development is as important as the last. Further that another recitation of the items lined out in Pasay's two prior letters is not productive. The questions are is the road safe to use and what needs to be done to make it safe, as well as whether or not the constructed retaining wall is safe and what needs to be done to make it so.

Pasay returned that all Ferwerda wants is to abide by the conditions of approval, and asked for a date sensitive time to get the next meeting scheduled.

At approximately 6:40 pm Janvrin moved to recess the meeting to be reconvened back at the Town Hall. Barham seconded and the vote was approved 3-0.

At 6:57 pm the meeting was reconvened in the basement meeting room at the Fremont Town Hall. Present were Selectmen Gene Cordes, Neal Janvrin, Roger Barham, Town Administrator Heidi Carlson and Selectmen's Clerk Jeanne Nygren. All rose for the Pledge of Allegiance. Also present in the audience tonight was Sandra Mullen and Sonja Morrow from Black Rock Village. The meeting is a live broadcast by Bruce White of FCTV.

## **II. ANNOUNCEMENTS**

1. Bean Road is closed again tomorrow for reconstruction. Local resident traffic, the school bus and emergency services will be able to get in. This may be continued into next week, weather depending.
2. Trash and recycling are delayed one day this week due to the Memorial Day holiday. Thursday collection will be tomorrow; and Friday normal collections will be on Saturday June 1.
3. Starting in June, Eversource will be performing ground line inspections on transmission lines in communities including Fremont. Crews will be traveling on ATVs within the power line corridor, inspecting the structures, foundations, and guy anchors (wires used to support structures). They have notified nearby property owners with more details on the work. Their letter is also posted on the home page of the Town's website. If residents have questions about the project, they can call Eversource at 888 926 5334 or email [NHProjectsInfo@eversource.com](mailto:NHProjectsInfo@eversource.com).
4. Tax bills were mailed on Tuesday and are due Tuesday July 2, 2019. If you have not received one by early June, please call the Tax Collector.

## **III. LIAISON REPORTS**

At the May 25, 2019 Zoning Board of Adjustment had their Site Walk at South Road for the Special Exemption on Map 02-19.004 to allow driveway in wetland buffer area. Janvrin reported that present were Joe Falzone, Jim Gove, Joe Nichols, Jack Downing, as well as Conservation Commission members Pat deBeer, Dennis Howland and Leanne Miner who all walked into the woods to delineate the distance of the wetlands regarding regulations with respect to the driveway that has requested special exemption.

On May 28, 2019 Zoning Board of Adjustment met with all members present, and after discussion voted to grant the Special Exception driveway through wetland buffer on Map 02/19.004 on South Road.

## **IV. APPROVAL OF MINUTES**

A motion was made by Barham to approve the minutes of the May 23, 2019 meeting as written and this was seconded by Janvrin. The vote was unanimous 3-0.

## **V. SCHEDULED AGENDA ITEMS**

6:45 pm Public Input: Present were Sandra Mullen and Sonja Morrow from Hall Road who presented their concerns on the recent repaving at Black Rocks Village. Mullen spoke that the recent repaving done did not include their section of Hall Road. She had conversations with Lewis Builders and Evergreen and was told this would be done, but when her husband confronted the Continental Paving personnel they said they were not. Due to the communications being misconstrued she is requesting that the Town not release the bonded funds until completion of their part of Hall Road. They report being told this would be done about a month ago. Mr. Mullen went to the Black Rock Village Association President who said they were, also Jodie at Evergreen Harvard said yes, but Josh from Lewis Builders said they are not doing it as

they are approved as driveways. Mullen said there are 4 driveways off of her road and 8 off of the other section.

Barham recalled that the Planning Board at that time after engineering review, considered these areas not part of the review as they were considered driveways and were not included in the bonding process.

Mullen feels that Lewis Builders should be respectful and do the right thing for their residents. Other residents have emailed Lewis with their concerns regarding the finishing of the paving of Hall Road.

Cordes requested more research be done to review with our engineer to see where it goes from here as it was not believed to part of the initial bonding process. He said the Town would do their best, but was not sure that this was considered roadway, and part of the bond being held. They were thanked for sharing their concerns and left the meeting at 7:10 pm.

7:00 pm Department Heads - none

## **VI. OLD BUSINESS**

1. Within the mail file, Selectmen read other email correspondence from this week relative to Hall Road and the BRV paving, including an email from Bruce Mullen as his wife had earlier discussed.
2. Seacoast Farms – Selectmen reviewed a letter drafted to Bob Kelly in follow-up to his last site visit to keep storage amounts in line with agreed site plans and again asking him to meet with the Board on site. Janvrin moved to approve and sign the letter. Barham seconded and the vote was unanimous 3-0.
3. With respect to the old fire truck for use by the Highway Department, Road Agent Leon Holmes Jr is currently using it on construction projects and wishes to hold on to the truck at least through the season. The Board asked to revisit the topic at the end of the construction season.
4. A motion to sign the thank you letters prepared for the participants and those who assisted with the Memorial Day ceremonies was made by Janvrin and seconded by Barham. The vote was unanimous 3-0. Selectmen signed multiple letters.
5. Carlson prepared the updates to the No Thru Trucking Ordinance and it has been posted for a Public Hearing that will take place at 7:15 pm on Thursday June 27, 2019.
6. Carlson has drafted a memo to the Planning Board in response to their inquiry about Impact Fees. Barham reviewed the memo and information to be sure it is what they were looking for. If additional information is needed, it can be gathered. The School District has also provided enrollment information which is being forwarded out to the Planning Board for review. Barham suggested RPC be involved with the research of data with final review by the Board of Selectmen. It is possible that legal advice will be sought, but will wait until the Planning Board's review is undertaken.

## **VII. NEW BUSINESS**

1. Selectmen reviewed the folder of incoming correspondence.
2. A motion to approve the Payroll manifest for \$32,353.72 for current week dated May 31, 2019 was made by Barham and seconded by Janvrin. The vote was unanimous 3-0.

A motion to approve the Accounts Payable manifest for \$37,955.11 for current week dated May 31, 2019 was made by Janvrin and seconded by Barham with unanimous vote 3-0.

3. A motion to sign the letter to Trustees of Trust Funds requesting release of \$4,390 from the Town Buildings Maintenance Expendable Trust Fund (as voted 05/16/2019) to pay for the replacement water softening system at the Fremont Safety Complex was made by Barham and seconded by Janvrin. The vote was unanimous 3-0.

4. A motion to approve Cable Revolving Fund Manifest 2019-011 in the amount of \$1,920.83 to reimburse the General Fund for May 2019 payroll costs was made by Janvrin and seconded by Barham with unanimous vote 3-0.

5. Recently there was a burst water pipe at the parks maintenance building which Carlson has been obtaining quotes for replacement/repair. Of the two quote received there is a discrepancy in price, as one does repair only, and the second has replacement cost included. Also consider filing of an insurance claim to help with cost of completion of the project to include replacement and repair.

### **VIII. WORKS IN PROGRESS**

At 7:55 pm Janvrin moved to enter non-public session pursuant to NH RSA 91-AL3 II (c & e) to discuss both personnel and legal matters. Cordes seconded and the roll call vote was unanimously approved 3-0; Cordes-yes; Barham-yes; Janvrin-yes.

Nygren left the meeting at 8:00 pm.

Respectfully submitted,

Jeanne Nygren  
Selectmen's Clerk

The Board's non-public session began at approximately 8:05 pm.

At 8:30 pm a 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.

At the conclusion of non-public session, the Board also reviewed the NH DOT concern about a driveway constructed at 55 Danville Road. DOT has reported back, and the town's file updated, that the second driveway access was removed and loamed/seeded. The Board expressed concern about the non-residential nature of the improvements and storage areas and equipment at this location and asked that the Code Enforcement Officer look in to it and contact the owner.

The Board discussed the cemetery operations and day to day events and operations.

The Board reviewed the tax deed list for the fall and asked Carlson to send follow-up letters to those who are not already engaged in a payment plan with the Town.

There was additional discussion about the Black Rocks Village work done this week and the slight bumps in the pavement. The Board wanted to know from Josh Manning at Lewis Builders his thoughts on the issues raised by Mr Mullen in his email and the two residents here earlier in the meeting. The Board also

asked about what happened to the work supposed to be completed at the Route 107 intersection, including the decel lane remediation work.

The Board discussed a response to Mr Ferwerda through his attorney that will be sent through the Town Attorney. Basically the Board dictated information for an email that included *“After meeting on site this evening for further discussion on the emergency access issue, we would like to reiterate our concern has always been public safety for the residents within both parks. We were encouraged that Al Witham was on site last night and expressed a willingness to work to resolve the emergency access road and retaining wall, in accordance with the conditionally approved plan. Regarding your interest in Phase 3 development, if you wish to begin doing site improvements the Town has complete access to maintain it’s oversight and the cost of the Town’s oversight must be bonded in advance. The Board is not going to issue building permits or CO’s until the emergency access connection is resolved. The solution has to be engineered from the edge of the road at Tarah Way to the edge of the road at Country Lane.”*

The Board felt that Ferwerda can do rough in and prep work within Phase III as long as the engineering oversight for said work is bonded in escrow in advance with the Town. If he wanted to get a building permit in there, he would have to finish the access connection; and he would need to bond a road before getting a permit in any event (relative to RSA 674:41).

The next regular Board meeting will be held at 6:30 pm on Thursday June 6, 2019 at the Fremont Town Hall in the basement meeting room.

With no further business to come before this meeting, motion was made by Janvrin to adjourn at 9:00 pm. Barham seconded and the vote was unanimously approved 3-0.

Respectfully submitted,

Heidi Carlson  
Town Administrator