

MINUTES OF THE SELECT BOARD
Monday, December 3, 2018 - 7PM

Present: Thomas Maher, Chair, Bill Stewart, Selectman, Damon Frampton, Selectman, and Bette Jane Riordan, Secretary.

Also present: Chief Don White, Ken McDonald, TAPC, Brooks Kennedy, Mary Kennedy, Jim Cerny, Andy Schulte, and Attorney Mark Beliveau.

1. Approve Minutes: November 19, 2018.

Selectman Frampton made a Motion to Approve the minutes of the November 19, 2018 Select Board Meeting, as amended. Selectman Stewart seconded, and the Motion carried.

2. Public Questions and Answers:

Pam Cullen, Secretary to the Select Board, had three administrative matters. The first was the MS-1. The DRA representative had called requesting the data sheet, so Pam had the Board sign the requested document. The second item was the electrical permit for 301 Wentworth Road (Rec Building), which the Select Board signed off on. There had been some question as to whether the Town or the Library was the proper signatory. The third matter was the signing of the approval for indoor soccer group.

3. New Business.

a. Safe Path Schedule- Ken McDonald

Ken gave a brief update on the construction schedule, stating that the NH DOT has a cut off date for work on State roads and highways and we are approaching that date. Both DOT and Rye Beach Landscaping noted there are problems with doing any paving with the onset of freezing temperatures and Pike Industries closes December 15th. We would have to truck in our paving from Massachusetts. If we were to proceed with paving, the cost would increase. (paving contract would double). Ken suggested postponing the project until the Spring 2019. After brief discussion, the Select Board agreed to the postponement, but wants to be sure we are first in line. For the Spring start date. Ken expressed the need for the contract with Rye Beach to be signed in order to get the excavation permit. Selectman Stewart wanted to make sure there has been no price increase. The tentative start date according to NH DOT is April 15. This date is weather dependent.

b. LED Street Light Issues.

Chair Maher reported that there had been a couple of LED lights which were blinking and in possible need of replacement. Ben Jankowski has the replacements. There was some discussion about the replacement process. When an LED light malfunction is reported to Affinity, the call back should be to DPW. Chair Maher has concerns that their representatives made a presentation about this process and he wants to clarify the light replacement.

c. Crosswalk Lights at the school.

Ken gave a history of the issue and had provided the Select Board with four options for fixing or replacing the flashing lights at the school. Chief Don White had initiated the process by reporting that the lights were not being maintained or serviced, and were not functioning properly. The four options range from \$6500 up to \$32,850. (Attachment A).

Chief White stated right now the lights are working sporadically but are not serviced or maintained in any fashion. He thought it may be the school's responsibility, but Ken indicated that the State has said the municipality is supposed to be in charge. Chief White feels that we could repaint the road and have the school update the damaged road dummies. In addition, Selectman Stewart asked that the identified Northwood repair or service technician, be contacted to come down and service the light. After discussion it was the sense of the Select Board to postpone any purchases as were outlined in the four proposals, and proceed with Chief White's suggested course of action.

d. Avitar Software – Ken McDonald. Continued to future meeting date.

e. Sewer hookups review.

Selectman Frampton reported that DPW had discovered up to the sewer to assist in that a property had been hooked up to the sewer since 1976 and had never paid. (Toomey property). Selectman Frampton requested that Pam, Ken and Christiane review all property records to determine if there are others. The Select Board agreed. Pam would like to have a spreadsheet which is part of the property tax records to assist with the assessing process.

f. Rec Building issues.

The Select Board discussed the recurring problem of the security code to the building being passed around and the recent damage done to the basketball hoops, as well as the camera being tinkered with and broken. Various remedies and solutions were discussed including getting two cameras, changing their location, caging the cameras, changing the locks, having the police do security checks and Dave McGuckin suggested placing an article in Island Items, the Islander and Andy Schulte's Email group. Pam also mentioned that recently the stove had been turned on which is a dangerous situation. Supposedly the kitchen is to be locked. An inventory should be taking of who has keys. Chief White noted that the police do check the outside of the building and Selectman Stewart suggested that the interior be checked as well. Chair Maher will draft up a notice for publication. The Board did agree to replace the camera and purchase another one.

g. Fire Dept.

Chair Maher noted that this upcoming Thursday, at 2:00 PM, the Board will meet with the Fire Department in preparation for the upcoming budget season, and also to discuss some of the leadership changes. Chief Mark Wooley and Bill Cronin and hopefully Terry Golter will be a part of the meeting. Selectman Stewart stated that a portion of the meeting may be done in Executive Session as there may be some personnel issues to discuss.

h. Water & Sewer Update.

Selectman Stewart reported the Town is moving towards 30% of the engineering and design work. The hold up at present is NHDOT approval to access certain areas to do the borings on Rte. 1B. He stated he has meet with our State Representative to try and move the process along more quickly because it is jeopardizing our time line. Dave McGuckin asked how this would impact any planned work on the bridges. Bill did not believe it would impact our plan at this point. Concerns were expressed about our one -way traffic issues which are planned for.

Chair Maher asked about TTHM's. Bill reported that two tests were done. The first one was completed on July 25, 2018 done by Portsmouth. The TTHMS were higher; namely about a 103 when it should be a running average of 80. A second test was done after a five-day bleed which yielded a better result of 70. The State was planning to use the 70, (evidenced by a memo) as we were doing mitigation work ,which would have reduced our rolling average to 80; however, they decided to go with the higher number. The State felt the 103 more accurately reflected the prior three-month time frame. This resulted in the Town having to send out public notice letters. Bill noted the Town continued bleeding through October, so the next test should show a lower number. He stated the real solution would be the coming on line of the aeration plant. Chair Maher raised the issue of continuing to bleed water and paying the expense, without getting credit. Bill said we would get credit for the bleeding in October. He did note that we can't continue long term bleeding for mitigation.

i. 18 Ritson Street.

Chair Maher summarized the results from the last Select Board Meeting regarding the direction the Select Board as to the placement of the dock. The other issue to be resolved is the sea wall. Brooks Kennedy spoke and said he initially agreed with the option 3 regarding moving the bridge back to where it should be, but the more he considered this he realized the owner was getting something for free. He feels that just moving the dock back was not the right way to look at the situation. He does not believe the owner acted in ignorance, but with arrogance. All the stakeholders agreed to a particular plan, and grievous errors were made.

Chair Maher asked Attorney Beliveau if he had any further comments. He had none, but thanked the Board for their time. Chair Maher noted the Board received a letter from Mr. Benway which will be an attachment to the minutes. (Attachment B).

The Select Board proceeded to discuss the matter. Chair Maher expressed concerned about setting a precedent in this matter. He is inclined to ask the homeowners to move the wall where it is supposed to be according to the agreed upon plans. Selectman Frampton agreed. Selectman Stewart expressed his struggle with the issues involved. It's a 20-25 square feet encroachment. Other factors are trying to work together as a community to come up with the best solution. Given what happened, the owners should remove the 18 inches and make it where it was supposed to be. This was a difficult decision, but it could have and should have been avoided. We should ask that they honor the order. After a question by Jim Cerny regarding procedural status with DES, Attorney Beliveau stated he

had spoken with Eban Lewis of DES who encouraged finding an alternative solution, which is why the Town's input was sought on an alternative solution. He could not offer any definitive answer as to the next step.

4. Committee Reports: None.

5. Adjourn

There being no further business to come before the Board, Selectman Frampton made a Motion to Adjourn, which was seconded by Selectman Stewart. Motion carried.

Meeting Adjourned at 8:25 PM.