



# Town of Hopkinton, NH

## Office of the Select Board

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### SELECT BOARD PUBLIC MEETING MINUTES MONDAY, AUGUST 20, 2018

#### CALL TO ORDER

Select Board Chair Jim O'Brien called this regular meeting of the Select Board to order at 5:30 p.m. on Monday, August 20, 2018, in the large meeting room in the Town Hall. Mr. O'Brien introduced the members of the Board and led those assembled in the Pledge of Allegiance.

**Members Present:** Jim O'Brien-Chair, Ken Traum-Vice Chair, Sara Persechino, Sabrina Dunlap, and Steven Whitley

**Staff Present:** Neal Cass (Town Administrator)

#### Swearing in of Sara Persechino

Mr. O'Brien administered the oath of office to newly appointed Select Board member Sara Persechino. She was welcomed back to the Board.

#### Points of Pride

Mr. Cass highlighted the cooperation that has been shown between the departments noting how each department supports the others. He expressed thanks to the DPW crew for their assistance with setting up and breaking down for the staff appreciation cookout. Mr. Traum expressed appreciation to Mr. Cass for his efforts during the recent library fire, missing vacation, and Mr. O'Brien concurred.

#### Consent Agenda

Board members reviewed documents for signature and approved unanimously (5-0) the Consent Agenda taking the following action on motion made by Mr. Traum and seconded by Ms. Dunlap.

<u>Item</u>	<u>Date</u>	<u>Action</u>	<u>Comment</u>
<b>BUILDING PERMITS</b>			
207-019-002 - 644 Bound Tree	8/20/2018	Approved	720 sq. ft detached garage
220-008-001 - 371 Burnham Intervale	8/20/2018	Approved	Covert office into 8'x10' bath
209-012-000 - 215 Rolfe Pond Drive	8/20/2018	Approved	Major Interior renovation
256-027-000 - 381 Brockway Road	8/20/2018	Approved	Demolition - attached barn
223-001-000 - Wildwood	8/20/2018	Approved	Construct 2400 sq. ft residence w/garage
217-015-000 - 245 Galloping Hill Road	8/20/2018	Approved	Construct 10'x20' shed
<b>ACCOUNTS PAYABLE</b>			
AP Checks 60468-60494	8/13/2018	Approved	\$130,668.70
AP Checks 60495-60538	8/20/2018	Approved	\$40,613.13

<u>Item</u>	<u>Date</u>	<u>Action</u>	<u>Comment</u>
<b>PAYROLL</b>			
Payroll -Checks 32962-32977 Pay Period - 8/5-8/18	12/20/2018	Approved	Checks = \$10,198.51 Direct Deposit=\$67,471.91 TOTAL = \$77,670.42
<b>ACCEPTANCE OF RESIGNATION &amp; THANK YOU</b>			
LeeAnne Vance	8/20/2018	Approved	Resignation from EDC
Rebecca Whitley	8/8/2018	Approved	Resignation from Recycling Committee
<b>OTHER</b>			
Request for Payment from Trust Funds	8/20/2018	Approved	\$1,757.25 from Merle Dustin Concert Fund
Request for Payment from CRFs	8/20/2018	Approved	\$9,517.15 Police Vehicle CRF \$6,317.00 Recreation Facilities Maint. Trust
Intent to Cut	8/20/2018	Approved	221-072-000 - Bound Tree Road
2018 NH MS-535	8/20/2018	Approved	Financial Report of the Budget

### **Approval of Minutes**

The Board reviewed the minutes of their previous meeting. Mr. Traum made a motion, seconded by Mr. Whitley, to approve the Select Board Public Meeting Minutes of August 6, 2018. Chair O'Brien called for a vote.

**VOTE:** O'Brien, Traum, Dunlap and Whitley voting in favor of the motion; no votes against; Persechino abstained. MOTION APPROVED 4-0-1

The Board reviewed the nonpublic minutes of their previous meeting. Mr. Traum made a motion, seconded by Mr. Whitley, to approve the Select Board Non-Public Meeting Minutes of August 6, 2018. Chair O'Brien called for a vote.

**VOTE:** O'Brien, Traum, Dunlap and Whitley voting in favor of the motion; no votes against; Persechino abstained. MOTION APPROVED 4-0-1

### **Nomination to Brownfield Committee**

Mr. Traum moved to nominate Glenn Smart to the CNHRPC Brownfields Committee. Mrs. Persechino seconded the motion.

**VOTE:** O'Brien, Traum, Persechino, Dunlap and Whitley voting in favor of the motion; no votes against. MOTION APPROVED 5-0

### **Library Fire Update**

Mr. Cass reported the following concerning the library fire:

- The library at this point is basically empty with all the contents being moved to the ServePro warehouse in Bow for cleaning and evaluation.
- Except for about 700 books that received water damage, the books will be cleaned and will be able to be retained.
- Library Director Donna Dunlop is currently receiving quotes from contractors for the work that need to be done.
- Regarding lightening protection, in discussion with the insurance adjustor who deals with this on a regular basis, more often than not lightening protection fails. He believes the lightening actually hit the roof and not the weathervane.

- The library is loaning books out of their temporary space located in the lower level of the Slusser Center.

### **Appointment to Fill Cemetery Trustee Vacancy**

After discussion, Mr. Traum moved to appoint Gayle Kimball to fill the unexpired Cemetery Trustee position previously held by Bob Gerseny. Mr. Whitley seconded the motion.

**VOTE:** O'Brien, Traum, Persechino, Dunlap and Whitley voting in favor of the motion; no votes against. **MOTION APPROVED 5-0**

### **MTAG Grant Follow-up**

Mr. Whitley shared with the Board that the EDC would like the Board to meet with the Plan NH people to discuss the recent MTAG grant that the Town did not receive. Stewart Arnett had attended the EDC meeting and said that there is a possibility the Town still could receive the grant. The Board supported setting up a meeting with Plan NH and will invite Mr. Arnett and members of the EDC.

### **Public Hearing on Request to Cut Brush/Branches on Cross Road**

Mr. O'Brien called the public hearing to order at 6:00 p.m. and invited Don Houston to come forward to explain his request.

Mr. Houston said his request is so that he can access his property on Cross Road from the Maple Street side. He wishes to clear the brush that has grown up over the past 3-5 years. He has no intention of using the road for logging and has on two other occasions gained access for logging from the Hopkinton Road side. He asked if he would be able to clear in the future without having to come back to the Board.

Cleve Kapala, a member of the Conservation Commission said that he was willing to answer questions and that the Conservation Commission has no concern with the request. He then proceeded to show photos of Cross Road and other Class VI roads in town.

Bonnie Christie said she meant no disrespect to anyone and felt like she has followed the correct process. She suggested the Town be careful about giving permission to work on the road saying that the Houston's own "lots of land" and could find other access to their property. She continued that she is concerned about the lowering of the beaver dam on the road and concerned that wild life habitat has been destroyed.

Bill Chapin, Jr. said he echoed Ms. Christie's statement. He said that paths could have been created around the wetlands. He stated that he does not want to limit access to the road.

Bob LaPree, a member of the Conservation Commission and Trail Committee said that Class VI roads are a means of access and Cross Road is an integral part of the planned trails. He said there are no large trees in the section being discussed and that currently there is no way to walk through that area.

Sara Baroody, a Cross Road abutter on the Maple Street end, said that she appreciated all the work that has been done on this issue. They moved here for the community and have three small children. She supports walking trails but is concerned about vehicle traffic. She supports a happy medium.

Mr. Houston said the road has been there a long time and there was no ponding of water in the past. The area was a pasture with water draining through the old culvert. He said it does look bad now but will grow back in 5-6 years. He continued that he has a right to use a public road.

Mr. Traum stated that the area in question contains just brush and no trees.

Mr. O'Brien closed the public comment portion of the meeting.

Mr. Whitley reviewed with the Board statutes concerning the rights and responsibilities of a town to remove trees. He said that the Town is stuck in a gray area.

Mr. Traum said that he walks in the area often and now he is unable to do so. This access leads to other trails.

Mr. O'Brien said that the Board is under no obligation to do anything.

Mr. O'Brien asked the Board how they would like to proceed. Mr. Traum said there are no trees involved so this is just about clearing brush. Ms. Dunlap stated that the statutes being reviewed are irrelevant if there are no trees involved. Mr. Whitley said he would like to look at the site and determine if there are trees. He will do so the next day. The Board will discuss this further on Wednesday morning after their meeting with the Hopkinton State Fair Board.

### **Alcohol Ordinance/Policy Review**

The Board reviewed the current alcohol ordinance and policy. Both state that there shall be no consumption of alcohol and no open containers on town property. After discussion, the Board asked the Town Administrator to bring back to the next meeting language to:

1. Allow tasting at the farmer's market.
2. Allow consumption on specific town property under clear guidelines.

Input will be gathered from the police department and from our insurance provider.

### **Fair Board Meeting**

The agreement with the Hopkinton State Fair was reviewed and the history shared in preparation for the meeting with the fair Board of Director this coming Wednesday.

### **NHMA Legislative Policy Conference**

The Board reviewed the proposed legislative policies that will be used by NHMA for advocacy in the coming legislative session. It was decided that Mr. Traum will attend the meeting on Friday, September 14, 2018, to represent the Town as these policies are discussed and voted on.

Mr. Whitley shared concerns with **Municipal Authority to Adopt More Recent Codes** because this could mean different towns would be following different versions of the national codes making it difficult for contractors. Mr. O'Brien said there is concern that the older versions of the codes do not include things such as updated HVAC and lighting standards that would be more energy efficient and he believes the town would be in favor of the updated codes. After discussion the Board decided to support this policy.

There was discussion on the **Scientific/Technical Standards for Regulatory Legislation** and what it actually means. It is thought that this was brought about by DES water regulations. The Board decided to support this policy with clarification.

The Board decided to abstain on the following policies because they are not relevant to Hopkinton:

- Consolidation Policy on Collective Bargaining Items**
- Changes to the Official Ballot Process and Default Budget**

The Floor Policy proposals that were recently received were then reviewed. There was substantial discussion on the policy concerning town roads and the Site Evaluation Committee authority. Mr. Whitley recused himself

from this discussion as he represents towns that are involved in this issue. This is an attempt to clarify conflicting opinions on the issue. The Board will revisit this particular policy at its next meeting.

By consensus the Board decided to support all the other proposed policies not discussed.

### **Acceptance of Resignations**

Mr. Traum moved to accept with regret the resignation of Rebecca Whitley from the Recycling Committee effective August 9. Mrs. Persechino seconded the motion.

**VOTE:** O'Brien, Traum, Persechino and Dunlap voting in favor of the motion; no votes against; Whitley abstained. MOTION APPROVED 4-0-1

Mrs. Persechino moved to accept with regret the resignation of LeeAnne Vance from the Economic Development Committee effective August 20. Mr. Traum seconded the motion.

**VOTE:** O'Brien, Traum, Persechino, Dunlap and Whitley voting in favor of the motion; no votes against. MOTION APPROVED 5-0

### **Right-to-Know Issues and Guidance**

There have been questions concerning the posting of subcommittee meetings and what constitutes a subcommittee. It was decided that a training will be arranged this fall for all committee/board/commission members and the School Board will also be invited. In the meantime, the Town Administrator will send information out clarifying the subcommittee requirements.

### **Town Administrator Updates**

Mr. Cass updated the Board on the issue with the fire station siding saying that the material used appears to be faulty. This is an issue with this particular material around the country. The siding was handled and installed correctly. It is looking likely that we will receive payment to replace the siding and at this point, a partial payment for the actual installation, but negotiations are continuing.

### **Other**

There is nothing new from the Riverway Association concerning moving the railroad shed.

There is nothing new in regard to joining the opioid lawsuit.

Mr. Whitley is serving as the Interim Chair of the EDC.

### **Non-Public Session-RSA 91-A: 3 IV (c) Reputation**

Mr. Whitley moved to go into a non-public session to discuss an issue which could affect the reputation of someone other than a Board member under the provisions of Nonpublic Session RSA 91-A: 3 II (c). Mrs. Persechino seconded the motion.

**VOTE:** Select Board Members O'Brien, Traum, Persechino, Dunlap and Whitley voted in favor, and the Chair declared the motion to have carried unanimously (5-0).

The Board and the Town Administrator went into nonpublic session, as recorded separately, at 8:35 p.m. The Board returned to public session at 8:58 p.m.

Vote to seal nonpublic minutes:

Mr. Whitley moved to seal the minutes of the just completed nonpublic session because it was determined that divulgence of this information likely would affect adversely the reputation of any person other than a member of this board. Ms. Dunlap seconded the motion.

**VOTE:** Select Board Members O'Brien, Traum, Persechino, Dunlap and Whitley voted in favor, and the Chair declared the motion to have carried unanimously (5-0).

**ADJOURNMENT**

There being no further business, motion by Mr. Traum, seconded by Ms. Dunlap to adjourn the meeting. Vote 5-0 in favor of the motion. The meeting adjourned at 8:59 p.m.

Respectfully submitted,  
Neal A. Cass, Town Administrator