



Town of Hopkinton

Office of Select Board

330 Main Street, Hopkinton NH 03229-2627 - (603) 746-3170 – www.hopkinton-nh.gov

**SELECT BOARD
PUBLIC MEETING MINUTES
Monday, May 23, 2022
Approved**

CALL TO ORDER:

Chair Dunlap called this meeting of the Select Board to order at 5:30 p.m. on Monday, May 23, 2022. With the meeting being held at Town Hall, Chair Dunlap introduced the members of the Board.

Select Board

Members Present: Sabrina Dunlap; Ken Traum; Steven Whitley; Thomas Lipoma; and Jeffrey Donohoe, via telephone, for a portion of the meeting

Staff Present:

Neal Cass, Town Administrator; Cara Johnson, Administrative/Assessing Assistant; Jeff Yale, Chief of the Fire Department; Sean Weldon, Fire Department Captain/Warden and President of the Firefighters Association; Jim Lewis, Firefighter; Nate Martel, Fire Department Captain; Jake Martin, Firefighter; Thomas J. Hennessey, Chief of Police; and Joshua Stevens, Police Officer

Public Present:

Greg Uhrin, representing YCN, a broadcast programming organization; Bob Bradford; Bonnie Christie; Scott Clay; Shannon Greenwood; Celeste Hemingson; Bob LaPree; Katherine Mitchell; Bob Wells; Mike Wilkey; and Mark Zankel

POINTS OF PRIDE:

Mr. Cass shared that Ken Aubrey had called to express appreciation for the great job the Department of Public Works has been doing with the work on Bound Tree Road, where he resides. With a staff shortage continuing in many departments, Mr. Cass thanked the employees who are doing a great job to keep everything running so smoothly, and added that there would be a swearing in of a new police officer tonight.

Chair Dunlap noted her thanks and appreciation to Mr. Cass for keeping everything operating so well during this time of multiple staff shortages.

Mr. Traum pointed out that the Memorial Day Parade will be held on Monday, thanked Rob Dapice and Jason Lang for coordinating the parade this year, and noted how nice it is to have such events taking place again. He added thanks to Mr. Cass and the staff, and extended a welcome back to Carol Harless, Town Clerk/Tax Collector.

ADMINISTRATIVE:

The Board reviewed documents for signature, and approved (4-0) the Consent Agenda, taking the following action on a motion made by Mr. Traum and seconded by Mr. Whitley.

TOWN OF HOPKINTON - SELECT BOARD			
CONSENT AGENDA			
MAY 23, 2022			
ITEM	DATE	ACTION	COMMENT
AP MANIFEST			
AP MANIFEST DATED 5/23/2022	5/23/2022	APPROVE	\$1,668,738.64
PAYROLL			
EMPLOYEE PAYROLL	5/23/2022	APPROVE	\$87,966.83
DIRECT DEPOSIT: \$84,514.81			
CHECKS: \$3,452.02			
POSITION APPOINTMENT			
APPOINTMENT TO HPD PATROL OFFICER - JOSHUA STEVENS (TWO CERTS)	5/23/2022	APPROVE	
TAX COLLECTOR'S WARRANTS			
PROPERTY TAX LEVY	5/23/2022	APPROVE	\$12,369,734.00
SEWER TAX LEVY	5/23/2022	APPROVE	\$74,455.47
APPROVAL OF ABATEMENT			
999-004-000 - PSNH - TOWNWIDE	5/23/2022	APPROVE	\$59,001.83
CURRENT USE APPLICATION			
241-049-000/241-050-000/242-001-000 - BRIAR HILL RD - 15.43 AC - MADDEN	5/23/2022	APPROVE	
TIMBER TAX			
OP #21-227-14-T - 233-012-000 - SUGAR HILL RD - RICE	5/23/2022	APPROVE	\$245.30
OP #21-227-21-T - 221-050-000/-001 - PINE ST - BROWN (PINE ONE LLC)	5/23/2022	APPROVE	\$1,209.91
RIGHT TO BURY			
#1180 - ROWELL - BLACKWATER - SECTION F/LOT 103/PLOTS 3 & 4	5/23/2022	APPROVE	
OTHER			
PERSONNEL ACTION FORM - NEW HIRE - TEMP SEASONAL - TOM ELLSWORTH	5/23/2022	APPROVE	
PERSONNEL ACTION FORM - NEW HIRE - FULL-TIME - CSABA MOLNAR	5/23/2022	APPROVE	
PERSONNEL ACTION FORM - NEW HIRE - TEMP SEASONAL - CHELSI POIRIER	5/23/2022	APPROVE	
PERSONNEL ACTION FORM - RE-HIRE - TEMP SEASONAL - JACKSON SMITH	5/23/2022	APPROVE	
PERSONNEL ACTION FORM - NEW HIRE - FULL-TIME - JOSHUA STEVENS	5/23/2022	APPROVE	
PERSONNEL ACTION FORM - NEW HIRE - TEMP SEASONAL - VIOLET WEBB	5/23/2022	APPROVE	

VOTE: Dunlap, Traum, Whitley, and Lipoma voting in favor of the motion, no votes against;
MOTION PASSED 4-0.

The Board reviewed the Public Meeting Minutes of Monday, May 9, 2022. Mr. Traum made a motion, seconded by Mr. Whitley, to approve the Public Meeting Minutes of May 9, 2022.

VOTE: Dunlap, Traum, Whitley, and Lipoma voting in favor of the motion, no votes against;
MOTION PASSED 4-0.

Chair Dunlap noted that Jeffrey Donohoe is currently traveling and is without cell service, but will call in this evening, if he is able. Later in the evening, Mr. Donohoe was able to join the meeting via telephone, so, at that time, a motion was made by Chair Dunlap, and seconded by Mr. Traum, to allow Mr. Donohoe to join the meeting remotely.

ROLL CALL VOTE:

Sabrina Dunlap	Yes
Ken Traum	Yes
Steven Whitley	Yes
Thomas Lipoma	Yes

MOTION PASSED 4-0.

PUBLIC APPOINTMENTS:

I. Before beginning the presentation regarding the Fallen Firefighters Memorial, Chief Yale thanked the Board for having representatives of the Hopkinton Firefighters Association (and the Fire Department) at the meeting this evening, and expressed appreciation for the support the Fire Department receives all year long. Chief Yale noted that this September 2nd will mark ten years since the passing of Fire Chief Rick Schaefer, and that the Firefighters Association has looked into the feasibility of having a memorial placed on the river side of the Fire Department, to honor all the firefighters whose lives have been lost while serving. After Chief Yale introduced some members of the Fire Department and Firefighters Association who were able to attend this meeting, Captain Martel gave a brief presentation of the plans for the Fallen Firefighters Memorial. Captain Martel noted that, as we head toward Memorial Day Weekend, it is important to remember those firefighters who have lost their lives in service to their communities. He highlighted the historical and symbolic significance of the bell, a means of communication among firefighters and the community, noting the particular pattern of bell ringing that sends the message that a firefighter's life has been lost while on duty. Captain Martel pointed out that the funding for the project is through the Firefighters Association, but added that if people would like to contribute to the project privately, the opportunity will be available at some point, possibly through a buy-a-brick program. It was noted that there may be opportunities for donation of construction materials, as well, when the project moves beyond the planning stage. Discussion ensued among the Board, Chief Yale, and Captain Martel, regarding the details of the project, with Mr. Traum sharing information that was provided to the Board, showing that the plan is for a sixteen-foot square, two-foot high block, with the bell on a four-foot square and three-foot high column on the block. Chief Yale added that this type of memorial is common at fire stations, noting that at the fire training academy in Concord, there is an eternal flame memorial, inscribed with the names of all New Hampshire fallen firefighters. The Board expressed their support of the project, commending the group for such a respectful memorial. There being no further questions or comments, the Board and the members of the Firefighters Association exchanged thanks.

II. Prior to the swearing-in ceremony, Chief Hennessey introduced Officer Stevens, noting that he is coming to Hopkinton from the Danville Police Department, having previously worked with the

Pittsfield, Barnstead, and Newton Police Departments, and pointed out how fortunate the Town is to have him joining the Police Department. After Officer Stevens was sworn in by Chair Dunlap, everyone present applauded, and Officer Stevens, Chief Hennessey, and the Select Board exchanged thanks.

III. Mr. Uhrin pointed out that he was at this evening's meeting in order to gauge our community's interest in participating with a regional cable channel, adding that his organization has been engaged with TDS for about six to seven years, and prior to that with MCT Telecom and Kearsarge Cable, providing programming to area subscribers. He presented a brief history of the evolution of his organization, noting that they have been providing community programming, which is primarily of local interest, such as high school sports and town parades, for about 50 years, and highlighted some of the towns that have expressed interest in or have begun carrying his programming on one of their cable channels. With TDS viewers in Hopkinton already able to view his company's programming, Mr. Uhrin expressed that his goal is to have local Comcast subscribers able to view the programming, as well. He noted that viewing is also available through his company's website, for those who are not cable subscribers or whose cable company does not yet carry his programming. At the request of Chair Dunlap, Mr. Uhrin clarified that the channel already exists on Comcast, but the Town would need to formally request that Comcast dedicate the channel to his organization's community access programming. Mr. Whitley asked about infrastructure upgrades that may be necessary in order to partner with Comcast, and who would bear the cost of such upgrades. Mr. Uhrin pointed out that his organization would likely pay for such upgrades, as long as the cost is reasonable. After briefly touching on his hope to set up an advisory committee with one member from each of the towns participating with his organization and a discussion of working with the high school representatives for permission and schedule coordination, Mr. Donohoe asked to confirm that there would be no financial commitment from the Town if the Board agrees to move forward. Mr. Uhrin said there would be no financial commitment from the Town; however, the costs associated with paying his crew would be borne by the organization for whom they are working, such as a school district, if they are broadcasting games. He also pointed out that, although there is not currently a cost to the Town, as their programming evolves, there may be some cost, depending on the type of program requested by the Town. After recommending which department at Comcast to contact, Mr. Uhrin and the Board exchanged thanks.

OLD BUSINESS:

I. Regarding the building permit request for her property on Bound Tree Road, Ms. Greenwood noted that she was at this meeting to review her previous Select Board meeting visit and request the signing of a waiver releasing the Town from any responsibility or liability for the Class VI portion of the road in front of her property. Ms. Greenwood pointed out that she had researched circumstances similar to hers, in which residents sought to build homes on Class VI roads, and she found the most recent case was in 2018, so they used the same document that was used in that case. Mr. Cass added that the Planning Board, Department of Public Works, and Police and Fire Departments had all signed off as not seeing any problem with the request. Before proceeding, Chair Dunlap clarified that the topic is a State law, RSA 674:41, whether or not they can issue a building permit. She added that they are not discussing the topic from Town Meeting, which was converting a Class VI road to Class V; they are only talking about whether or not a building permit can be issued for this property on Bound Tree Road. Chair Dunlap shared that she had received some email from residents, with some people expressing concern that this building on this property would go against the Town's Master Plan. While Chair Dunlap understood the concern, she read a passage from the Master Plan that refers to the

statute, saying that “The Town defers to RSA 674:41, regarding building on a Class VI road,” and goes on to describe the process. She pointed out that she believes it is important that the Town develop a policy on building on Class VI roads. There was a lengthy discussion among the Board members concerning this request versus the subject voted on at Town Meeting, with the majority of the members agreeing that they are separate topics, and that it is essential that the Town develop a policy regarding building on Class VI roads. The opportunity for the public to speak was opened and the following people spoke:

Mike Wilkey, the Chair of the Planning Board, noted that, although the Planning Board understands the Select Board’s right to make a decision relative to the petition or a building permit, he is not sure the ordinances cover all circumstances, believes there is a liability issue, and thinks there should be ordinance changes.

Chair Dunlap pointed out that, according to the New Hampshire Municipal Association, there is no requirement that a municipality adopt any town-wide policies, that this type of request can be examined on a case-by-case basis, and that even if there is a policy in place, construction may be allowed in some areas but not others. This being the case, Chair Dunlap noted that, although a policy would be helpful, it isn’t odd that there is not an existing policy.

Bonnie Christie, of 302 Smithfield Road and a member of the Conservation Commission, asked Chair Dunlap to reread the passage she read earlier from the NHMA’s publication, *A Hard Road to Travel*, regarding what constitutes a taking, so the passage was read again. Ms. Christie expressed her concern that the Town is already on a slippery slope of approving building permits because others have been approved, and that Hopkinton is changing, legally, without regard to the damage the development and building are doing to the environment. A discussion of Class VI roads and Class A trails ensued among the Board members and Ms. Christie, and the consensus was that Class A trails should be a topic of conversation and would need to be a Town Meeting vote in order to become effective.

Bob Wells, of 174 Moran Road and a former Chair of Development Activities in Hopkinton, pointed out that he was shocked that the Town does not have an existing policy that forbids any construction on a Class VI roads, and urged the Board to develop such a policy in the immediate future. He added that he believes voters would not support Class A trails at Town Meeting and the Town will be open to development. Further discussion of these topics ensued among the Board members and Mr. Wells.

Celeste Hemingson, Vice Chair of the Planning Board, expressed her view on why Mr. Wells believes a Town Meeting vote on converting Class VI roads to Class A trails would fail, indicating that this would mean there would be no cheap building lots available. She went on to note her disagreement with Chair Dunlap’s presentation of the RSA.

Katherine Mitchell, of 1677 Bound Tree Road, pointed out that the area near the Class VI section of Bound Tree Road is sparsely populated and she is concerned about the safety, as this portion of the road can be varied in condition and she believes it is not always passable.

Mark Zankel, of 485 Crowell Road, noted that he was there to urge the Board to commit to developing the policy that has been discussed.

Scott Clay, of 1677 Bound Tree Road, said that there is a large amount of wetland in the area and he believes there is a boundary dispute between property owners; he urged the Board not to make a decision tonight.

Bob Bradford, of 72 Pet Dow Road, expressed concern that in granting this application, the Board may also be granting the right to build for the owner of land across the street. Discussion ensued among Board members and Mr. Bradford, and it was pointed out that the land across the street also fronts on the Class V portion of the road.

Chair Dunlap reiterated that the decision tonight is specific to this one request only and is based on the facts before the Board, and given the fact that the Town's public safety experts do not have any concerns and all the other facts, there is no reason seen to fairly deny a building permit to the property owners. After a brief discussion among Board members, regarding the vote at Town Meeting and this request to move forward with a building permit, a motion was made by Mr. Whitley, and seconded by Chair Dunlap, to approve the authorization to apply for a building permit, provided the applicant meets the necessary requirements to get a building permit, including the execution of the waiver of liability.

ROLL CALL VOTE:

Sabrina Dunlap	Yes
Ken Traum	No
Jeffrey S. Donohoe	Yes
Steven Whitley	Yes
Thomas Lipoma	Yes

MOTION PASSED 4-0.

Chair Dunlap thanked everyone for the email and comments and noted that there will be more to come on the development of a policy.

II. Regarding the Houston Barn Construction Manager selection, Mr. Cass shared that the only submission after the Request for Qualifications (RFQ) posting was from Milestone Engineering and Construction. Mr. Cass and the group assembled from the former Barn Committee reviewed the submission and recommended moving forward. It was noted that Mr. Cass would work with the group throughout the project, so he will be kept apprised of the progress and any changes that may arise. Mr. Traum made a motion, seconded by Mr. Whitley, to accept Milestone Engineering and Construction for the Houston Barn project.

VOTE: Dunlap, Traum, Whitley, and Lipoma voting in favor of the motion, no votes against;
MOTION PASSED 4-0.

III. Giving an update on the Petition to Lay Out Over Old South Road, Mr. Cass explained that the petitioner must pay to have a title search performed to find every party with any interest in the abutting properties, and give every party a clear 30-day notice of a Public Hearing. At Mr. Traum's request, Mr. Cass described the location of Old South Road and noted that this petition is from a resident whose property is fronted on South Road with the back of the property on Old South Road. He added that the resident would like the Town to do the work needed to change Old South Road from Class VI to Class V, making it a through road between the intersection with South Road and Route 77.

NEW BUSINESS:

Regarding bids for the Tyler Bridge, Mr. Cass shared a slide of the five submissions the Town received last Thursday afternoon, with E.D. Swett, Inc. submitting the lowest bid. In addition to being the contractor responsible for the work on the first phase of the Tyler Bridge project, they meet all qualifications, have been pre-qualified by the State of New Hampshire, and are the recommended choice of the engineers, Mr. Cass, and Dan Blanchette, Director of the Department of Public Works. It was noted that the bid, at \$634,140.00 is significantly lower than the approximately \$800,000.00 remaining from the bond. Mr. Lipoma asked how the bids compared to the actual cost of the first phase of the project, and Mr. Cass noted that the actual cost was far less than the bid. Mr. Traum made a motion, seconded by Mr. Whitley, to approve the E.D. Swett, Inc. bid for the Tyler Bridge project.

VOTE: Dunlap, Traum, Whitley, and Lipoma voting in favor of the motion, no votes against;
MOTION PASSED 4-0.

TOWN ADMINISTRATOR UPDATES:

Mr. Cass noted that the deed for the donated Blackford property has been recorded by the Merrimack County Registry of Deeds and received by the Town, adding that the ad for bids will go out tomorrow. Regarding the heating oil bid, Mr. Cass thanked Michelle Clark at the School District for all her work in putting this together, noting that the bid came in at \$3.51 9/10 per gallon and adding that we are currently at \$1.96 per gallon, through July 1. It was noted that \$2.50 per gallon was the budgeted amount, so a close eye will be kept on oil use. We are still on the list for the surveyor of the Horseshoe Tavern, and Mr. Cass noted that he is in regular contact with that company. On the subject of public use of Town Hall, Mr. Cass shared that Janet Ward is interested in having a gathering at the hall on the evening of June 9, for a viewing of the primetime hearing of the January 6 attack. There was a brief discussion on public use of Town Hall, and it was noted that Ms. Ward would have to follow all the rules and regulations applicable to group rentals.

Chair Dunlap asked about the status of the fence project at George Park and Mr. Cass replied that a deposit has been made and it is on the schedule with the vendors, with the goal of completion before the start of fall sports at the middle/high school, but it is dependent on the work schedule of the vendors. It was noted that there is ample parking in the school lot and on the adjacent area just off Kearsarge Avenue, so there should be no parking on the far side of Park Avenue, across from George Park; an ordinance will be created, and signs will be erected to address this problem.

Mr. Traum asked if there are any updates on health insurance provider costs, and Mr. Cass replied that costs are under budget.

OTHER:

Mr. Traum said he had been asked by a resident if it would be possible to put a crosswalk in Contoocook Village, between Mr. Mike's and the Tooky Village Barbershop or the Everyday Café, and Mr. Cass pointed out that this had been suggested and investigated in the past, but the entry and exit sidewalks needed for a crosswalk do not exist in that location, so it is not possible. There was a brief discussion about whether the Town might be able to put in sidewalks and a crosswalk, even though Maple Street is a State road (Route 127), and it was pointed out that there may be grant opportunities and the State may approve such a plan.

On a similar subject, Chair Dunlap pointed out the dangerous situation with the three-way stop at the intersection of Kearsarge Avenue and Pine Street, adjacent to the Fire Station. Discussion ensued

regarding the possibility of adding signage to alert drivers that not all approaching traffic stops. Adding a fourth stop sign is not possible, as fire trucks coming out of the station are not able to stop at that corner, particularly if turning onto Pine Street, and during school drop-off and pick-up hours, traffic would back up in front of the Fire Station and out onto Park Street.

Mr. Traum shared that he recently read an article about a clothing and textile recycling company, so there was a brief discussion regarding this topic. Mr. LaPree and Ms. Christie, both residents, noted that there are collection bins at the Transfer Station and a few other locations around town. Mr. Traum's primary concern is helping reduce the tonnage of items thrown in the hopper.

NON-PUBLIC SESSION -RSA 91-A: 3 II (b) Hiring

Ms. Dunlap moved to go into a non-public session to discuss an issue involving hiring a person as a public employee under the provisions of Nonpublic Session RSA 91-A: 3 II (b). Mr. Traum seconded the motion.

ROLL CALL VOTE:

Sabrina Dunlap	Yes
Ken Traum	Yes
Jeffrey Donohoe	Yes
Steven Whitley	Yes
Thomas Lipoma	Yes

MOTION PASSED 5-0.

The Board and the Town Administrator went into nonpublic session, as recorded separately, at 8:20 p.m. The Board returned to public session at 8:28 p.m.

These minutes were not sealed.

NON-PUBLIC SESSION - RSA 91-A: 3 II (a) Personnel

Ms. Dunlap moved to go into a non-public session to discuss a personnel issue under the provisions of Nonpublic Session RSA 91-A: 3 II (a). Mr. Traum seconded the motion.

ROLL CALL VOTE:

Sabrina Dunlap	Yes
Ken Traum	Yes
Jeffrey Donohoe	Yes
Steven Whitley	Yes
Thomas Lipoma	Yes

MOTION PASSED 5-0.

The Board and the Town Administrator went into nonpublic session, as recorded separately, at 8:28 p.m. The Board returned to public session at 8:35 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. Mr. Traum seconded the motion.

ROLL CALL VOTE:

Sabrina Dunlap	Yes
Ken Traum	Yes
Jeffrey Donohoe	Yes
Steven Whitley	Yes
Thomas Lipoma	Yes

MOTION PASSED 5-0.

NON-PUBLIC SESSION IV-RSA 91-A: 3 II (d) Leasing of Property

Ms. Dunlap moved to go into a non-public session to discuss the leasing of property under the provisions of Nonpublic Session RSA 91-A: 3 II (d). Mr. Traum seconded the motion.

ROLL CALL VOTE:

Sabrina Dunlap	Yes
Ken Traum	Yes
Jeffrey Donohoe	Yes
Steven Whitley	Yes
Thomas Lipoma	Yes

MOTION PASSED 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 8:42 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. Mr. Traum seconded the motion.

ROLL CALL VOTE:

Sabrina Dunlap	Yes
Ken Traum	Yes
Jeffrey Donohoe	Yes
Steven Whitley	Yes
Thomas Lipoma	Yes

MOTION PASSED 5-0.

ADJOURNMENT

There being no further business, Ms. Dunlap moved that the meeting be adjourned. Mr. Whitley seconded the motion. All member voted in favor and the meeting was declared adjourned at 8:42 p.m.

Respectfully submitted,

Cara Johnson
Administrative/Assessing Assistant