



**TOWN OF LISBON, NEW HAMPSHIRE
INCORPORATED 1763**

Board of Selectmen's Meeting

Monday October 2, 2017

6:30 pm

Central Street Railroad Station

PRESENT: Scott Champagne, Selectman; Arthur Boutin, Selectman; Brian Higgins, Selectman; Sharon Penney, Town Administrator; Jennifer Trelfa, Town Clerk; Krystle Dow, Administrative Assistant.

(Guests): Justin Roshak, Littleton Courier; Barbara Charest and Alfred Charest, Residents.

Approval of minutes from September 25th BOS meeting:

Arthur Boutin made a motion to accept the September 25th BOS meeting minutes as written and Brian Higgins seconded the motion. All were in favor of the motion.

Public Auction of Town Properties: There will be an auction of all the Town owned properties on Thursday October 26th @ 10 am at the Lisbon Rail Road Station.

Sale of Property off Elliott Road: The purchase of property off Elliott Road in Lisbon NH is complete. The property was purchased by Charles Weed.

Gravel Request of Purchase Form-Kevin Clement (Road Agent):

A request was put in for the purchase of gravel that will be applied to Peal

Lake Road. The total cost request is \$9,000.00. The cost is only for the purchase of the gravel from Presby as the town will do the rest of the work such as the trucking and so on. The pit where the gravel will be coming from is off Gulf Road. All board members approved and signed the request form.

Alfred and Barbara Charest: Mr. and Mrs. Charest came before the board with a letter. The board asked if they would like the letter to be read then and they will discuss the issue. Mr. and Mrs. Charest stated that it would be best if the letter was read and discussed in a non-public session as it contained personnel matters.

Request of Purchase Form- Chief Pinson(PD): Chief Pinson of the Lisbon Police Department is requesting \$5,000.00 for body cameras. The monies would come out of a revolving fund for this purchase. Chairman Scott Champagne spoke to Jamie Dow of DRA and she stated that it is fine to do this. Each officer will wear a body camera as part of their uniform. All board members approved the request and signed the form.

Request for Use Forms: Lisbon Main Street Inc. submitted two forms for the use of the Lisbon Rail Road Station. The first date being October 11th at 6pm, Arthur Boutin makes a motion to approve the use of the RR Station and Brian Higgins seconded the motion. All were in favor of the motion.

Lisbon Main Street Inc. requested use of the Lisbon Rail Road Station on October 26th at 5:30 pm. Arthur Boutin makes a motion to approve the use of the RR Station and Brian Higgins seconds the motion. All were in favor of the motion.

Final water sewer reading for 21 South Main Street: The board signed off on a final water sewer reading for 21 South Main Street.

Town Administrator Updates:

Sharon Penney (Town Administrator) spoke with Donna from Winnepesaukee Drug Consortium Services in reference to drug screening for town employees. Sharon stated that in speaking with her, Donna had advised that all protocols which previously worked when Lakes Region General Hospital ran the testing consortium should fall back into place now

that her company has replaced LRGH. Employees will still be able to go to Littleton Regional Occupational Health services at the hospital in Littleton for the drug screening test itself as was the case in the past. Kevin Clement –Road Agent was present and stated that he knows there is a gentleman in Littleton NH that does DOT physicals and he was unsure if the gentleman does drug testing and he stated he believes this man is cheaper than going to the hospital for this testing. Sharon stated she would contact the gentleman and get more information.

Public Hearing In reference to Road Ban Exemption- 7 pm

A public hearing was held in reference to Thomas Demers' request for road weight restrictions to be lifted under RSA 231:191. Representing Mr. Demers was his attorney Nikolas Frye. Nickolas called Mr. Demers and put him in speaker phone mode for this hearing. Attorney Frye informed him that the phone would be set in the middle of the table so everyone could hear to which Mr. Demers replied "roger that" as an affirmation of the hearing protocol.

Synopsis of the Road Ban Waiver Request Process – Scott Champagne/BOS:

1st request -Mr. Demers was looking for a seasonal road ban waiver for his 1989 F800 Ford Dump Truck (when empty) for the life of the business. Mr. Demers was in the area at the time of the hearing but did not attend. The board had several questions for him regarding the request and sent a letter to that effect. The board responded to the answers Mr. Demers provided and sent him another letter explaining why his request was denied.

2nd request – The board received a letter from Mr. Demers requesting another hearing on the same matter. Scott Champagne- Chair believe Mr. Demers was here at the time or in state at the time and the board still had more questions. Neither Mr. Demers nor anyone representing him were able to attend the second hearing.

3rd request- A third hearing was held with Mr. Demers on speaker phone and his attorney Nickolas Frye present. Scott Champagne stated it is easier to do it this way as any questions the board has can be answered

immediately. The board has looked over the brief provided by Attorney Frye. They are hoping to come to a conclusion at tonight's hearing (October 2, 2017).

Attorney Frye states that Mr. Demers is asking for exemptions based on the fact that the seasonal road ban is affecting his business in the manner described in the attorney's brief. It would cost Mr. Demers more money to come up with other solutions such as renting a space out so that's why Mr. Demers is coming forward. Mr. Demers is saying that without this exemption, he will have to accept a financial hardship to comply with the road ban. Attorney Frye stated that the hauling permit that Mr. Demers currently has is inadequate due to the reasons stated in the letter. Attorney Frye asked Mr. Demers if he had anything he would like to add and he stated "the board knows where he stands and he's just trying to meet the criteria the board needs from him."

Chair Scott Champagne stated that initially Mr. Demers was asking for the exemption on only his dump truck and now he is currently asking for the same on all his equipment. Initially, Mr. Demers only asked for an exemption on Walker Hill and now he is asking for Walker Hill and Catterall Road.

Scott Champagne asked Mr. Demers if this was correct and he stated yes. Walker Hill and Catterall Road are the two access points he needs. The board then asked Mr. Demers if he was willing to put up a bond to cover potential damage to the road. The board stated that the amount for Walker Hill to Route 302 would be \$250,000.00 as there are two widths of pavement. Attorney Frye asked again if the \$250,000 was just covering the length of distance from Mr. Demers' house to Route 302 to which the board stated it was. The board also stated that there are at least 10 culverts involved which are not included in the \$250,000 bond (according to Road Agent Kevin Clement) Mr. Demers stated that it is not a reasonable request because he knows for a fact Jerry Clough puts up a bond of \$10,000.00 for more length of road. Therefore, he is only willing to put up a small bond for this length of road on Walker Hill (1.25 miles). The board asked what amount he was willing to pay for his bond and he stated he was willing to bond \$1,500.00. The board then explained that the road Jerry Clough uses is a dirt road and the road Mr. Demers uses is a paved road. The board asked Mr. Demers if there was a difference between paved and dirt roads.

Chair Scott Champagne stated that the reason there is a difference in bond pricing is because one is a dirt road and one is a paved road which is much more expensive to repair. Mr. Demers stated that he cannot afford that much for a bond.

Attorney Frye asked from whom or where they came up with the figures and Scott Champagne told him that the town's Highway Department came up with the figures. Scott Champagne also asked where Mr. Demers got the information that we are having warmer springs than usual. Mr. Demers replied with "you can see it and I can see it". Scott Champagne then replied to that not being true as he went back to meteorological reports as far as 2008 through current (2017) for the month of March and the data does not show that conclusion at all. Scott Champagne got his information from Weather Wonder Ground from Concord NH. Scott Champagne asked if anyone was familiar with the publication that UNH puts out in reference to road bans and why they are applied. Attorney Frye asked Mr. Demers if he was familiar with this and but he didn't know the data by heart. Scott Champagne stated that the study talks about paved roads and dirt roads. Scott states that Walker Hill has been posted long before Mr. Demers' business was located on that road. Mr. Demers stated that he's under a hardship with the road ban and the board disagreed. The board agrees that it's an inconvenience but not a hardship and they asked Mr. Demers to explain how this situation is a hardship. Scott Champagne asked Mr. Demers to explain how it's more of a hardship to him than any other company /business in town. Mr. Demers stated if it's not 25 degrees F or lower, then he can't go out and subsequently loses business. Scott Champagne stated that Mr. Demers logic is the same for every other business in the area.

The board had stated that Mr. Demers could easily do business if he parked his equipment off Route 302 and made arrangements like most other business/companies. Scott Champagne told Mr. Demers that he was describing what every other business that transports on the road has to do. Scott Champagne stated that operating under road ban waivers like this can create public safety and liability issues on thawing roads. Board member Arthur Boutin asked Mr. Demers where he got his aggregate and other materials from and he stated Wells River. Scott Champagne states that the roads around the area have been seasonally banned in the spring as long as he's been alive. Scott Champagne states that he feels this

waiver is a public safety issue and he wouldn't feel comfortable letting anyone travel the road in weight-restricted vehicles while the bans are in place.

Arthur Boutin made a motion to deny Mr. Demers request and Brian Higgins seconded the motion by stating he believes it's an inconvenience not a hardship. Scott Champagne stated he believes it is also an inconvenience and a public safety issue. All were in favor of the motion to deny the request.

7:28 pm the public hearing concluded.

2016 Encumbered Funds For Financial Director-Authorized by Town

Auditors: Greg Colby (Financial Director) in talking with the town auditors stated there were several items from the 2016 budget that did not get paid until 2017. Because of the previous administrative upheaval in the town there were a lot of 2016 fiscal year items that did not get encumbered at the time. There is an amount that Greg Colby will come up with which the town auditors will authorize (post FY) encumbering for as long as Greg can show where the numbers came from.

7:41 PM Scott Champagne voted to go into nonpublic session regarding personnel and Arthur Boutin and Brian Higgins voted in the affirmative. A non-public session of the meeting commenced.

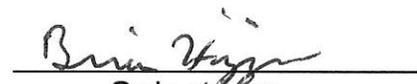
8:12 PM The BOS came out of nonpublic session and Brian Higgins made a motion to Adjourn. Arthur Boutin seconded the motion. All were in favor of the motion.

NEXT BOS MEETING: October 9th @ 6:30 pm at the Rail Road Station

Board of Selectmen:


Chairman
Scott Champagne


Selectmen
Arthur Boutin


Selectmen
Brian Higgins