

**TOWN OF FRANCONIA  
BOARD OF SELECTMEN'S REGULAR MEETING  
MONDAY, MARCH 19, 2018**

\*\*\*\*\*

**TOWN OFFICIALS PRESENT:** Eric Meth, Jill Brewer, Jeffrey Blodgett

**TOWN OFFICIALS ABSENT:** None

**OTHERS PRESENT:** Peter Grote, Karen Foss, Dawn Steele, Matt O'Brien, Kevin O'Brien, Mary Grote, Kim Cowles, Chief Mac Cashin.

**The meeting was called to order by Chairman Meth at 3:02pm.**

**APPOINTMENTS:**

**Matt O'Brien of The Backpack Café:** Matt O'Brien, co-proprietor of The Backpack Café, addressed the Board regarding the Café's NH DHHS licensing expiring. Matt said that aspect of the business was handled by his partner and he was told there were no issues. With the dissolution of their partnership he has discovered that licensing was not kept current. Matt said he is doing some needed alterations and Building Inspector Allan Clark has been conducting inspections throughout the process. Matt asked if the Board would consider writing a letter of support for the business to the State of NH in the hopes of expediting the standard time frame for licensing.

Chairman Meth said the business is an asset to the community and the Board agreed to provide a letter to Matt stating such.

**SIGN/APPROVE:**

The Board reviewed and signed Sergeant Ryan Jarvis' official appointment letter.

The Board reviewed and signed the MS 232 Report of Appropriations Already Voted form.

The March 22, 2018 Transaction List was reviewed and signed.

**TO DISCUSS/REVIEW:**

Town Administrator Holly Burbank asked the Board if the Chairmanship would be rotated as in previous years. After a brief discussion, Chairman Meth motioned to appoint Selectman Brewer as Chairman. Selectman Blodgett seconded the motion. All were in favor. **Motion Passes.**

The Board reviewed the March 12, 2018 meeting minutes. Chairman Brewer made a motion to accept the meeting minutes as amended. Eric Meth seconded the motion. All were in favor. **Motion passes.**

**TOWN ADMINISTRATOR UPDATE:**

Holly Burbank said Mark Taylor had successfully applied for a grant through Homeland Security and they were granted the Life Squad was granted \$6,000 for protective gear.

Holly mentioned the Board's previously discussed plan to hold a work session to create a Town Road Acceptance plan. The Board set the work session meeting for April 18<sup>th</sup> at 4:30pm.

The Board reviewed a letter from the SAU in regards to an appropriation voted at the Lafayette Regional School District annual meeting.

Holly asked the Board about the \$3,000 raised at Town Meeting with the intent to contract a new site design and host company. Selectman Meth said the Board would take it under advisement but would like to talk with Kim Cowles about her plans for future improvements to the current site, considering the recent changes she has made. Chairman Brewer said she also would like to speak with Kim about her thoughts on continuing to work on the site as well.

Holly Burbank had copies of the Tri-Town Lafayette Recreation Program Agreement for the Board to review. Easton's Board of Selectmen had made one change in section 6 by requesting the removal of the sentence "If the Selectmen are unable to resolve the matter, any Town may request that the matter be submitted to binding arbitration."

The Board had no issue with this change.

The Memorandum of Understanding between the Abbie Greenleaf Library and the Town was reviewed and approved.

Holly also let the Board know that she had heard from the Town's legal counsel regarding the easements for the River Walk project. The consulted lawyer advised "because perpetual easements are like property interests, the Board will need authority to accept these easements." Holly said the RSA was not adopted when on the warrant in 2015. Eric Meth said that he would pose that it wasn't an acquisition of land but more of a legal interest. Selectman Blodgett inquired about potential property tax implications. Holly said she will further inquire with legal counsel.

Chairman Brewer initiated reassigning committee involvement now that Selectman Blodgett has joined the Board. Selectman Blodgett will assume Bernadette Costa's role on the Capital Improvements Plan committee and begin attending Franconia Notch Regional Chamber of Commerce meetings.

#### **CORRESPONDENCE:**

None

#### **COMMITTEE REPORTS:**

**Conservation Commission:** None

**CIP Meeting:** None

**Energy Commission:** Eric Meth said he had spoken with the Library Trustees regarding the Library's high energy use that former Select Board member Bernie Costa had questioned. Eric said they responded that it is an inefficient older building with single paned windows and stained glass windows, among other inefficiencies. Eric may recommend the Library undergo an energy audit to the Energy Commission.

**Northern Pass:** Eric Meth read an email from Christine Fillmore regarding recent happenings with the Northern Pass project. The SEC has suspended its verbal decision made February 1<sup>st</sup>, and will issue their written decision by March 31<sup>st</sup>. The letter is attached to these minutes.

**Planning Board:** None

#### **PUBLIC COMMENT:**

Mary Grote requested that once the Tri-Town Lafayette Recreation Agreement is finalized, that it be put on the website.

Karen Foss asked if the list of suggestions from Plodzik and Sanderson auditors in the Town Report were being addressed. Holly said yes, some have already and others will be going forward.

Peter Grote asked if the Public Safety Building Bond had been paid down yet. Holly Burbank advised him no, not yet.

Dawn Steele asked about the status of the schedule change at the Transfer Station, and if there would be any changes now that the Board has heard from affected businesses. Selectmen Meth and Brewer said they are continuing to monitor the situation.

Dawn also stated that while she is very grateful for Kim's work on the site, she voted for \$3,000 for the specific reason of a new town website and now feels that intention is being derailed. Dawn encouraged the Board to consider what the residents were asking them to do.

Selectman Brewer asked Kim Cowles if she wished to continue her work on the website. Kim said yes, she enjoys doing the site and would like to continue.

**OTHER DISCUSSION:**

Chairman Brewer made a motion to enter non-public session at 4:13pm pursuant to NH RSA 91-A:3 II(b)

The Board came out of non-public session at 4:49pm. Jill Brewer made a motion to seal the minutes of the non-public session. Eric Meth seconded the motion. All were in favor. **Motion Passes.**

With no further discussion, the Board adjourned at 4:49pm on a unanimous voice vote.

Respectfully Submitted,

Jenny Monahan  
Administrative Secretary

Subject: Northern Pass - today's developments

From: CFillmore@townandcitylaw.com

To: townadmin@townofbristolnh.org; bobtselectboard@gmail.com; nedselectboard@gmail.com; zakmei.e@gmail.com; petergrote@me.com; selectmen@franconianh.org; r.irving@northumberlandnh.org; goldenrockfarm@hotmail.com; wbolton@live.com; selectmen@sugarhillnh.org; connorsmargo@gmail.com; saholz@myfairpoint.net; townofwhitefield@ne.rr.com; walterpalmer1@gmail.com; bmurphy@plymouth-nh.org; ericlmeth@yahoo.com; krispastoriza@gmail.com; flombardi@littletonschools.org

Cc: RAcevedo@townandcitylaw.com

Date: Monday, March 12, 2018, 2:11:25 PM EDT

Hello Northern Pass Group,

As you may have heard, the SEC met at 11:00 a.m. today to address NP's motion for rehearing. The very best thing that could have happened would have been if the Committee voted to deny NP's motion. That did not happen, but we believe the result is generally positive for us.

Here's the situation: The Committee reached its unanimous decision to deny the certificate on February 1, but has not yet issued its required written decision memorializing that vote. Their self-imposed deadline is March 31. The law gives parties 30 days to file a motion for rehearing after the decision has been made, but it doesn't specify whether that means the verbal decision or the written decision. NP filed its motion fewer than 30 days after the verbal decision was reached, but since the written decision hasn't yet come out there is a lot of confusion about whether the motion for rehearing was filed too soon, and/or if NP gets another opportunity to file a motion after the written decision is issued, and/or if the SEC should decide the current motion now or wait until any additional motions are filed after the written decision is issued. We all filed our objections last week because the law requires us to file objections within 10 days. We were unsure if the SEC would decide now or later and we did not want to risk missing our opportunity to object. The SEC is supposed to either grant or deny the motions within 10 days after they are filed. Today is Day 10. This obviously didn't give them much time to read and digest everything that was filed, and is also kind of silly because technically we all had until today to file our objections.

Here's what they did today: At its meeting today, the Committee ended up voting unanimously to suspend its verbal decision of February 1, to issue its written order on that decision by March 31, that parties will have 30 days after the written order is issued to file motions for rehearing, that other parties will have 10 days after **\*that\*** to file written responses to those motions, and then the SEC will meet to discuss and decide upon all pending motions (including the ones that have been filed already).

Here's what to take away from this:

1. By suspending the verbal decision, **\*nothing changes\*** for NP (regardless of how they may spin it). They do not have a certificate, they do not have an approval, and nothing the Committee did today indicates that they are likely to change their ultimate decision to deny the certificate. The only thing a suspension does is remove the requirement for the SEC to grant or deny the motion for rehearing within 10 days after the motion is filed.
2. The SEC isn't going to make any decision on NP's motion until after (a) it issues its written decision memorializing the vote it took on February 1, (b) NP files another motion for rehearing based on the written decision, (c) other parties, including us, get 10 days from when NP files to submit a written response/objection to that motion, (d) the Committee members have enough time to read and think about all those filings, and (e) they can schedule a meeting when the entire Committee can be present. (They had 5

of 7 members there today, which legally was sufficient for them to meet, but I confirmed with their attorney after today's meeting that they intend to find a date when all members can be present next time.)

3. We believe the written decision is prepared, but know it has not been signed by all Committee members because two of them are currently on vacation (which is why they weren't there today). Their attorney confirmed that the written decision will be issued before March 31. He wouldn't get any more specific than that. It seems likely that it will be issued next week.

4. Even if NP filed a new motion for rehearing (or possibly just an amended motion to take the written decision into account) the next day after the written decision is issued, we'd have 10 days to file an objection (which we'd file on Day 10) and the SEC would probably not meet for another week or so after that. This pushes any final decision on the motion to rehear into April.

5. The MA RFP has been on hold to give NP time to get its approval from the SEC. They gave NP until March 27. It is unlikely they will have a decision on the motion to rehear by that date. MA could give them more time, of course, but the MA AG is now interested in this process so it may get more difficult for NP there.

6. The best news is that comments from the Committee members today indicated that the **\*only\*** thing they might agree to do is to reopen deliberations on the two factors they did not reach; however, it seems unlikely that they will agree to reconsider their decision on orderly development or to even consider additional conditions on the project, which means that the end result would be the same. That would be a good result for us because (a) it would take weeks if not months for the Committee to find dates to meet and deliberate on those factors, reach a decision, and issue another written decision, (b) we'd then be in a "motion for rehearing" phase again like we are right now, and (c) the longer this goes on, the greater the chance that the project simply dies.

7. Participation in these motions is not particularly labor-heavy for us and won't result in a large cost to any of our towns. It is mostly waiting (which is free) and some writing (cooperatively with the other attorneys we're working with).

Please write or call with any questions!

Regards,

Christine

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