

**TOWN OF FRANCONIA
BOARD OF SELECTMEN'S REGULAR MEETING
MONDAY, APRIL 23, 2018**

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

OTHERS PRESENT: Holly Burbank, Jenny Monahan, Peter Grote, Dawn Steele, Nick Mike, Bob Montagno, Kim Cowles, Larry Plate, Mary Grote.

The meeting was called to order by Chairman Brewer at 3:04pm.

To Sign/Approve:

The April 16, 2018 meeting minutes were approved as amended.

The April 26, 2018 Transaction List was reviewed and approved.

The Board reviewed the applications for property tax credits/exemptions. Chairman Brewer made individual motions to accept or deny the following:

- Map 12/Lot 48: Veteran Tax Credit – Approved.
- Map 24/Lot 1: Veteran Tax Credit – Denied. Elderly Exemption – Denied. Woodheating Exemption – Denied. (Lack of supporting documentation.)
- Map 7/Lot 2: Veteran Tax Credit: Approved.
- Map 13/Lot 10: Veteran Tax Credit – Denied. (Lack of supporting documentation.)
- Map 14/Lot 21-1: Elderly Exemption – Approved.
- Map 21/Lot 2-7: Veteran Tax Credit – Approved. Elderly Exemption – Denied. (Lack of supporting documentation.)
- Map 6/Lot 15: Veteran Tax Credit – Approved. Elderly Exemption – Denied. (Lack of supporting documentation.)
- Map 24/Lot 17: Veteran Tax Credit – Denied. Elderly Exemption – Denied. Solar Energy System – Denied. (Lack of supporting documentation.)
- Map 26/Lot 5: Veteran Tax Credit – Approved. Elderly Exemption – Denied. (Lack of supporting documentation.)
- Map 13/Lot 11: Veteran Tax Credit – Approved.

All motions passed.

An Intent to Cut application for Map 1, Lot 2 was reviewed and approved.

A building permit for Map 14/Lot 142 was reviewed and approved.

A building permit for Map 14/Lot 127 was reviewed and approved.

A building permit for Map 28/Lot 6, originally approved in January, was reviewed and approved after changes were made to the plans.

A tax abatement for \$19.10 was approved as requested by Tax Collector Carol Wills.

Town Administrator Update:

Holly Burbank updated the Board on the status of a number of projects. (See attached document.)

Correspondence:

Holly Burbank let the Board know that Michael Ransmeier P.C. had emailed her on behalf of a resident regarding a Right of Way issue with an abutter.

COMMITTEE REPORTS

Conservation Commission: Jill Brewer said Ginny Jeffreys has drafted a letter on behalf of the Conservation Committee criticizing some of the State's proposed changes to wetlands permitting.

CIP Meeting: None

Energy Commission: Eric Meth said discussions about future solar installations in Franconia continue with the Energy Commission, as well as an interest in conducting energy audits at the Safety Services Building and Highway Garage. Eric also mentioned that Lafayette School is switching entirely to LED lighting. The Energy Commission's next meeting is planned for May 26th.

Planning Board: A joint meeting date between the PB and the ZBA has not yet been finalized.

Northern Pass: Eric Meth read an email update from Christine Fillmore citing some concerning language in the NH Site Evaluation Committee's written decision denying the Northern Pass project. (See attached document – *remember to get doc from Eric on 04/30*)

After a brief discussion, Eric Meth made a motion to direct the Town's legal counsel to address the concerning language in the Site Evaluation Committee's written decision. Selectman Blodgett seconded the motion. All were in favor. **Motion passes.**

Public Comment:

Nick Mike encouraged the Board to form a plan to bring new business to Town with the hope of attracting younger people to settle here. Selectman Blodgett said a community development commission may be useful.

Peter Grote said he would like to see the Town's financial plan be more long term and include defined objectives.

Dawn Steele recommended a more forward thinking financial plan rather than addressing issues when they become dire.

Selectman Meth expressed his agreement that attracting new business is a priority, and suggested that the Town could capitalize on commerce and businesses that accent Franconia's outdoor/recreation theme, which may help draw more visitors from Cannon Mountain into Franconia village.

Bob Montagno said there is a major trail building initiative currently being planned that could help draw more people to the area recreationally.

Nick Mike said new business would help stabilize the tax rate and make it so young people would have an easier time getting established in Franconia.

Larry Plate, who lives on Plantation Road, complained that gravel being kicked up from plowing is causing a large accumulation of sand on his property, which he then has to remove. Holly Burbank said she would talk with Scott Leslie about the issue.

Chairman Brewer made a motion to enter non-public session at 4:13 PM pursuant to NH RSA 91-A:3 II(a)(c). Selectman Meth seconded the motion. All were in favor. **Motion passes.**

The Board left non-public session at 5:32 PM. Chairman Brewer made a motion to seal the minutes of the non-public session. Selectman Meth seconded the motion. All were in favor. **Motion passes.**

With no further discussion, the meeting was adjourned at 5:33 PM on a unanimous voice vote.

Respectfully Submitted,

Jenny Monahan
Administrative Secretary

Town Administrator Update

April 23, 2018

Fire Pond:

- ☐ Off Wallace Hill Road
- ☐ Needs to be cleared out – has filled in over the years
- ☐ Need a temporary easement/agreement until RSA 41:14-a can be adopted.
- ☐ Fire Chief & DP W Director working together to get done this spring/summer
- ☐ Will hire contractor to do work, as Highway Dept. Equipment not large enough to do work.

1st Issue Tax Warrant:

- ☐ Hope to have 1st Issue Tax Warrant to Tax Collector by end of week.

Riverwalk & Bickford Trail Easements:

- ☐ Easements are almost complete, and will go to property owners for signature
- ☐ Won't be able to accept easements until Town Meeting vote (RSA 41:14-a).
- ☐ In interim, we have written agreements from property owners affected by Riverwalk.

July 1st Storm – FEMA Funding:

- ☐ Looking into getting Funding for Mitigation
- ☐ Working with HEB Engineers to look at different options for getting approved for this funding.
- ☐ Will look at both State & Federal Funding

Road Acceptance Policy:

- ☐ Working on draft policy, and will present to Board once completed.

Crosswalk Design - NH Route 116 @ Academy Street

- ☐ Waiting for Crosswalk Design from HEB Engineering

Heritage Museum Roof:

- ☐ Requests for Bid should be going out this week for the Heritage Museum Roof Replacement.

Tri-Town Agreement:

☐ Still waiting for word from AGs Office. Laura from Mitchell Group will follow up to see when it might be complete.

Buildings & Grounds Tractor Purchase:

☐ DPW Director is looking at several different models, considering pricing and fit will work for the Town.

Grader:

☐ The Grader has been out of service, as it has needed repairs. DPW Director is hoping those will be complete this week.

Highway Department Hours:

☐ Beginning the week of May 7th, the Highway Department will change to their summer hours, which are M-Th 6a-3:30pm and Fridays from 6-10am.

RTK Request:

☐ We have been working on a right to know request from Claudia Lachapelle. Her request involves 2018 weekly individual payrolls for each town employee beginning 1/1 to 4/16, including regular wages, overtime, sick, vacation & holiday pay, and any requests for overtime or any additional work requests paid by overtime or schedule adjustment. In addition, she is looking for the current town employee list including job titles, hourly rate, or current salary arrangement, as well as The Town's policy regarding use of Town-owned vehicles for home to work site commute. Who is eligible, justification / eligibility for such use, rules/responsibility of the employee, estimated financial benefit to the employee etc..

☐ We anticipate that the information will be available by Wednesday of this week. Due to our computers being down last week when Certified Computers were here putting in our new server, we were not able to access the data requested.

(Email re Northern Pass read by Selectman Meth)

Although the time period for filing motions for rehearing has not yet ended, the SEC has already scheduled the meeting dates on which it will consider these motions. The SEC will meet to discuss and decide on the motions to rehear on May 24 and continue (if needed) on June 4. There will be no public participation or comment during these meetings except if the SEC asks for it (which could happen but isn't likely). NP has not yet submitted another motion in response to the written SEC decision. Its original motion is still "alive," and we do expect them to file something else in the coming week either expanding it or replacing it.

One additional update: The Town of Whitefield has chosen not to participate further in NP proceedings, which brings our representative group to six municipalities.

This brings me to the question: The written SEC decision contained one very disturbing passage on pages 282-283 in which they seem to conclude that the SEC can preempt municipal control over town roads and authorize a project to use a town road without obtaining a local license. The following paragraph is what concerns us, and particularly, the bolded/underlined passage:

"The Applicant also argued that a Certificate with conditions requiring town approval and regulation is "unworkable." See Applicant's Post-Hearing Memorandum at 23. That appears to leave two options: (i) the Site Evaluation Committee with its single staff person oversees and regulates the construction, operation and maintenance of the line within the municipal rights-of-way, or (ii) the Site Evaluation Committee employs a contractor to do so. **Both options are within the authority of the Committee**, but the Applicant provided no compelling reason why we should adopt either. In this case, each option would unduly interfere with the orderly development of the region."

This is a point we contested strongly throughout the proceedings, along with the three northernmost towns. As you may recall, we filed a motion on this point that was denied because the SEC said we could continue to argue it during the hearing (which we did). The danger of letting this go without at least raising it now is (a) if we don't file anything now about it, we waive our ability to do so in the future, and (b) if it stands as it is, the SEC, NP, and other utilities may use it as a precedent in future cases to conclude that the SEC can preempt town control over its own roads.

Therefore, we propose filing a very narrow Motion to Rehear on this small point, asking the SEC to modify the language slightly so that it says "Even if we assume without deciding that both options are within the authority of the Committee...." The tone will be respectful of the SEC and its decision overall. While we do not want to argue with a decision that is, overall, what we were looking for, we are mindful of the future problems that may occur if we let this go without saying anything.

Please let me know by this Friday whether your town would like to sign on to this motion to rehear.

Regards,

Christine

C. Christine Fillmore, Esq.

Gardner Fulton & Waugh P.L.L.C.

[78 Bank Street](#)

[Lebanon, NH 03766](#)