

MINUTES
FRANCONIA BOARD OF SELECTMEN MEETING
Monday, August 22, 2016

A meeting of the Franconia Board of Selectmen was held at 3:00 pm on Monday, August 22, 2016 at the Franconia Town Hall. Regular members in attendance were Bernie Costa, Eric Meth, John Lachapelle, Sally Small and Herbie Bartlett

Guests of the Board: Deb Stever, Greg Wells, Dick Bielefield, Kim Cowles, John Strasser, Amy Rassmussen, Phil Beaulieu, John Monaghan, Walter Palmer, Margo Conners

Other Guests: Peter Grote, Dawn Steele, Mary Grote, Karen Foss, Russ Cumbee, Kathy Mead, Tina Lynn Caisse Knox, Dennis & Linda Camellio, Amy Bahr, Bob Thibeault, Bob Sherburn, Catherine Ting

MINUTES: 8/15/16

BOS Minutes 8/15/2016: A formal reading of the August 15, 2016 minutes was waived and the minutes were approved as amended.

FOR CONSIDERATION OF APPROVAL:

Transaction Lists – 8/25/16 - Approved and signed by the Board

Solar Permit – Mike Girouard – Map 16/Lot1 1-17 – Approved & Signed by the Board

Solar Permit – Brian Davie – Ma 12/Lot 37 – Approved & Signed by the Board

Building Permit – Mullin – Map 8/Lot 1-18 (Addition – Breezeway & Garage) – presented but not signed until next day

Application for Exemption – Russ & Lydia Cumbee Map 30/Lot 2-14 (Solar) – signed by Board

APPOINTMENTS:

3:00 – Greg Wells – Tri-Town Transfer Station Budget –Budget was discussed. Budget is on track. Bag sales and recycling are up from last year. His recycling will drop next quarter. He will need a new pump for compactor which will cost \$2100 to replace. We can take that out of the \$3500 contingency fund. We need to fill two positions at the transfer station. We have four applicants for the full time position and one who filled out an application for the part time and the full time position. Greg wants two full time employees as he may be going part time at of the beginning of the year. Everyone who works at the transfer station needs to be certified. DES stated that once you are certified you can run a landfill. The next class is in October. Greg's payroll will be over if we hire 2 full time people, but he can probably compensate it from another line of his budget. The Town of Franconia is responsible for the interviewing and hiring.

A closed session will be scheduled to review applicants. A probationary period 60 days. There is no town policy for probationary periods. The town needs to crunch the numbers. The town should see if the other departments want to pitch in and help out at the station until we hire. Greg believes the wages should be \$12-14/hr as a baseline depending on who we hire. Sally will schedule the closed session for tomorrow at 10 am.

3:30 – Kim Cowles – Recreation Budget - Budget was discussed. The uniforms were over a little bit but her income compensated for it. Staff training was a little over. Several lines will change when the bills for the summer program have been paid. If you go to the Lafayette Recreation website the staff training is

listed. The Rec program utilized the Bethlehem town pool this year for K-4 swim instructions. They had to make two trips with the van on Monday's & Wednesday's. The total cost for this was \$350. The camping trip went well and everyone had a good time.

Kim will provide the town participation numbers as soon as she can get them to the Recreation Committee on September 1st.

The tri- town agreement was distributed a year ago. Comments came in and this should be the final draft. John sent it to town attorney and she had some questions. Budgeting provisions section 6d. What does this mean? Do revenues and fees go back into the general fund? There is a similar question for item 6f. The Program has the fund raising revenue from The Halloween Soccer, Wobble Gobble, Color Run and Triathlon which accumulates for facility improvements. The Dow Fund accepts donations as unanticipated revenue or should we set up a trust fund. Dow Fund gets audited by the auditors as well. Donations go in our "in and outs" category. The recommendation was made to add some explanation to these lines to show where the money is put. It is in a savings account at the Mascoma bank which started years ago when we were given the Dow. It is spent for upgrades to the field. Donations go for events, concerts and fireworks. Events that are not budgeted come out and put into our general fund. It is an in/out account. It is drawn on once a year for events on the Dow. Who has access to this account? Sally does. Are people aware that the money doesn't go into the general fund? Kim said yes.

The Dow Fund get audited. It has nothing to do with the operating budget. This needs to be clarified. This was started in 1994. Jennifer Peabody and Ruth Vaille started it. The Rec Committee supervises and shows it on their budget. Need to put on the budget sheet the balance of the fund each quarter. We will have to do this on a separate sheet. Kim will add explanation to items 6d and 6f regarding where the funds go. There is a requirement that the AG approve it after it is signed. Sally can circulate the agreement and each board can vote and sign it. The Board gave Kim permission to speak to the attorney to get the appropriate wording for this.

Recreation Committee – There is one opening on the Franconia Rec Committee. Cindy Berlack, Tina Lynn Caisse Knox and Frank Pinter are interested in the Rec Committee position.

The budget costs are divided according to the population of children in each town. This is because this program services all ages, but almost the whole budgeted cost is to service the youth programs. A portion is Kim's wages.

4:00 – Phil Beaulieu – NH Dot District 1 Engineer – The Board asked Mr. Beaulieu many questions regarding the drilling for core samples that is taking place along Routes 18 and 116. The Board is concerned that the process is not being monitored by D.O.T. as promised by Northern Pass. Concerns include sedimentation of rivers by the bentonite and pollution of aquifers by the introduction of a polymer during the drilling process in an area where cattle are being raised for food. Requests were made for the MSDS (Material Safety Data Sheets) for these substances. These are available on line. We were told by Northern Pass Representatives that DOT representative would be supervising every step of the way and it doesn't appear that this is happening. Mr. Beaulieu addressed some of these concerns with the following: DOT did issue excavation permits for this. They do not provide full time observations in District 1. The Application comes in and it gets reviewed and they field verify each location. It gets staked and painted. They relocated out of a paved area and couldn't have the borings near drainage. They give final approval to execute the excavation permit. He stated that they go out occasionally to make sure the contractors are doing what they should be doing and then D.O.T. does a final follow up to make sure they are backfilled and up to grade. Then a punch list of items to be fixed is

created and once completed they would release their surety bond. They have inspected twice. He went out to Easton and inspected the work along the river. They didn't see anything out of the ordinary.

Descriptions of the drilling were given: Horizontal directional drilling goes deeper. They would drill 50 feet into ledge and most drillings go 10 -15 feet deep. Around the vault areas they have to go deeper.

The Select Board asked what recourse do residents have when we believe there is misuse of the chemical substances? Mr. Beaulieu referred them to DES. He stated that the polymer is from SW Cole. The representative from Northern Pass said a tablespoon per bucket is used. It is injected in to the boring on unconsolidated materials so the material doesn't collapse. It is inert and he has a MSDS sheet on it in his office. The quantities are small. The containers they had on site were small. There couldn't have been more than a gallon of it on site. Bernie would like a copy of the MSDS sheets for chemicals being used on site. Mr. Beaulieu said he would get her copies.

He stated that some substances are not a problem in small amounts. In some holes that had unconsolidated materials they drill down the first ten feet for the borings they observed and they put casing for the first variable depths. They went down 40 feet. The stream was within 30 feet of them drilling. They do not want get ground water to seep into the stream. They will put a solid steel casing down and then put boring down beneath it. They pull out and pull the casing out. Towards the top they are not using the polymer. The Board explained that we have a large aquifer out by the Franconia Inn area and are concerned about contamination.

Mr. Beaulieu suggested that the Town contact DES and explain what their concerns were in regards to this and referred them to the Compliance Officer, Jefferey Blacharczyk.

The Northern Pass Committee has a call in to Greg Smith at DOT. Mr. Beaulieu is not familiar with him. He suggested that the Town contact the ROW Bureau. They have better records than Lancaster does.

At the District 1 office the records they have are a prescriptive 3 rod ROW of those areas. They need that minimum width to maintain the road. This is the equivalent to 24.75 feet from center line. It is a total of 50 feet and is from the edge of the pavement about 11/12 feet. They would not permit for boring on private property.

The Board asked if DOT uses data from local surveyors? He stated "no". Charles Schmidt is the contact person for the ROW Bureau.

Walter Palmer, the Select Board spokesman for the Northern Pass Committee, spoke regarding DOT's permitting process for Geotechnical boring – Woodstock and Route 112. The crews for drilling out on Route 116 have been asked for MSDS sheets. They should have them on site along with the excavation permits. OSHA may require and even DES. The crews didn't have the MSDS or the permits on site. The Northern Pass Committee has pictures of the contractors pulling water from local streams and sediments going back into local streams near their operations. The work crews have left a gelatinous material behind in large quantities on the ground. The Committee made a request for you to come in. The contractor is not being supervised according to the permit. DOT issued the permit. The town is requesting adequate monitoring and adhering to the permit. The DOT needs to step up its monitoring and inspection of the sites. Since Mr. Beaulieu and DES went out, the forest people have gone out, the drillers are being more careful to capture and carry off site. We appreciate the improvements of the operations. They need to proceed according to the environmental guidelines.

Mr. Palmer continued stating that part of the requirements of the permits is for the contractors to stay in the ROW and not on people's property. We have asked them to not to come onto our properties, but they cannot show us where the Right-of Way boundary lines are. Land owners and the town would like DOT to show us the ROW and where the operations will be going thru Franconia on Route 116 and 18. Workers are parking their vehicles and trespassing on public property.

Peter Grote, chairman of the Northern Pass Committee, stated that in some places the ROW appears to be less than 3 rods according to a survey from 1991. Surveys for the bridge past Harvard Street appears to be less than 3 rods. It depends on the location. Mr. Beaulieu recommends calling the ROW Bureau.

Peter also asked if this is a prescription for viaduct use or does it entitles the owner to go 50 feet down and use it unrelated to transportation. Mr. Beaulieu stated that to permit this the Attorney General had to make a decision and ruled that this is viaduct and a public utility. He stated that the Town can challenge this in a different venue and different court. The Committee would have to go directly to the commissioner and assistant commissioner. Walter Palmer stated that he is also part of the Group of Citizens who contacted the commission on June 13th and received no response. He asked if we can prevail upon you to advise us to whom we could address the question. Mr. Beaulieu agreed to do so.

Peter also elaborated with the fact that we have questions and concerns in regards to their maps, locations, containers in the middle of the town, important intersection, local traffic, emergency traffic, in town access to safety services, accessing businesses, school, bicycles, uses for the center of town, and volume of construction traffic that will be passing thru, material that has to be removed and coming to restored and replaced, equipment, heavy trucks, staging areas, and trees that had to be cut are some of those. Route 116 is a scenic highway. What are your plans for replacing those trees? Is the root system to be replaced? No attention has been given to those issues.

Mr. Beaulieu said he was right and that we are still in the very early stages in the process and they have preliminary plans. That is why he generated the letter. The Committee and the Town appreciate the information in the letter.

DOT is looking at this project like any other public utility project that is being proposed. There are details and they welcome comments from the municipalities. It was suggested that the Town should have a liaison at DOT to contact directly when there are issues.

Northern Pass led us to believe that there would be considerable monitoring. When they take the casings taken back out of the hole what measures are taken for the situation when they hit unconsolidated material which allows the drilling, which is under pressure, which blows out and begins migrating to the water. A lot of residents have shallow wells for water. What will happen to the ground water that is feeding our wells? The only answer is that he is not geotechnical engineer. Phil can ask and do some research. He said that they have their own boring crews that at DOT. He will ask the questions.

The Board asked if we can we request that they have pre-work sampling done? Mr. Beaulieu stated that DOT did this on the I93 widening and sampling is part of the construction and the storm water and pre-blast surveys for blasting ledge...usually not done at this stage.

There were a lot of questions re: best practices and the impact with what is going on now even before construction. The importance of the impact on the environment is great. There is overlapping jurisdiction and concerns and comment with DES but at the end of the day environmental impact is DES. They work closely with them. We can call anytime and speak with the Inspector of the Day. They have a hotline. Contact information is on the website for Inspector of the Day.

The contractors get their surety bond back for each permit after they do a property cleanup. The town wants to be part of the final inspection in this matter after the project is complete. The State has never had that request before. Mr. Beaulieu thought that it seems reasonable.

The Board expressed gratitude for his meeting with them on such short notice.

One more question for you unrelated to Northern Pass. Can we put a crosswalk in on Route 116 where we feel we need it? DOT will not let us do it. We can speak with Bill Lambert at Bureau of Traffic. His number is 271-2291. Generally, you need an intersection and proper lighting.

Mary Grote from the Northern Pass Committee asked where and how can we have someone come and talk to the abutters of the Row that have questions? Mr. Beaulieu replied that this is new to them. Normally the questions would get passed thru the town and then they would be treated like Right to Know.

Walter Palmer asked Chief Monaghan – law enforcement presence appears to protect the crews and keep the locals away. They keep discouraging us from taking pictures. What is your position on this? Have they asked you to assist them? You are hired to protect the town. The Chief responded that they have called for us to do the detail. We have not done it. We have no jurisdiction in Easton. Mr. Palmer stated that they are setting up cones in the area and stopping us from getting in to take pictures. If they trespass on my property can we have them arrested? The Chief said that there is a fine line between civil and criminal. Walter would like some assurance to protect land owners rights. The Chief explained that we have to prove that they knowingly, negligently, or recklessly misbehaved. We will show up and mediate it as best we can. The Chief assured the Board that he has discussed this with his fellow officers. They have not participated in this in any manner in regards to traffic control.

In Easton there was an arrest. The sheriff made the arrest. It is jurisdictional and the Sheriff has statewide jurisdiction.

5:30 – Closed Session – Legal/Personnel

Closed Session – Legal and Personnel – As per RSA 91-3:II (e) the Board voted to go into closed session. At 6:20 pm the Board voted to come out of closed session and seal the minutes.

TO DISCUSS/REVIEW:

Public Input –

Linda & Dennis Camellio had questions about the contractors boring on their property. They are especially concerned that their waterline crosses the road. The Board suggested that they mark the waterline and call Phil Beaulieu immediately.

Russ Cumbee – He doesn't understand why DOT would issue a permit for a project that hasn't been approved yet. Bernie stated that we have asked them to do discovery work. This has to take place.

He is requesting that the board consider having a brief public input at the beginning and at the end of each Board of Selectmen's meeting. People get worn down and go home before they can say what they need to.

Dawn Steele wanted to speak about Medicare issues – Working at the age of 65 or older, you can choose to remain on your employer’s insurance provided the organization employs 20 or more in total. (The total includes part time employees and/or non benefits eligible employees.) The Town of Franconia does employ more than 20 individuals.

Job Descriptions – Rec Director Parks & Recreation. - There isn’t any qualifications on this one. 40 hours non exempt, on call or seasonal. Classification was taking on B&G Laborer. This would be an exempt job.

Town Ordinances – John Monaghan dropped off the ordinances for the Boards review. The Board can do this anytime. Fees and verbiage can be changed. Bernie asked if the Chief was satisfied that moving the Community Sign would alleviate the traffic visibility issue and he thought it would. Bernie will speak to the church to cut the tree.

The Board made a motion to adjourn the meeting at 6:20 pm with all voting in favor.

Respectfully submitted,

Herbie Bartlett
Executive Secretary