

Board of Selectmen
Unapproved Minutes
Tuesday, August 16, 2022

On Tuesday, August 16, 2022, at 5:30 PM, the Board of Selectmen met in Meeting Room A at the Town Municipal Building, 10 Grandview Drive, Bow, NH 03304.

I. Call to Order

Chairman Bruce Marshall called the meeting to order at 5:50 PM with a quorum present. Present: Chairman Bruce Marshall, Vice Chairman Michael Wayne, Selectman Christopher Nicolopoulos, Selectman Matthew Poulin, Selectwoman Angela Brennan, Town Manager David Stack, Finance Director Geoff Ruggles, Recording Secretary Wendy Gilman and members of the public.

II. Public Comment

Chair Marshall asked if anyone wished to speak who was not on the agenda. The Chair recognized Harry Judd, 25 Stack Drive. Mr. Judd reported a problem with a subdivision on Page Road previously approved by the Planning Board in 2015. The approval had conditions which included submitting a plan prior to any cutting. One of the owners of the cluster subdivision had significant cutting done including into the wetland's setback area/buffer zone. The reasons for the restrictions were to address flooding of abutting landowners' property. Cutting did, however, take place even though the logger was asked to stop. Some large trees were taken down but not removed, just taken down. The situation now becomes remediation and whether the Planning Board will enforce the site plan. Code enforcement has been to the site and is preparing a report, which the Town Manager will forward to the Planning Board. Mr. Judd emphasized that the issue is the water not being retained due to the cutting of the trees and flooding of abutting properties. Chair Marshall thanked Mr. Judd for bringing the issue to the attention of the Board.

III. Public Hearings - None.

IV. Meetings

1. Chief Eliot Berman – Stryker Power Load Cot Demonstrations (5:30 PM). The demonstration took place outside of the building.
2. John Greene – Audley Divide Concerns
The Board has received pictures from Mr. Greene relating to his concerns. Selectman Nicolopoulos asked about putting signage up in the area. Chair Marshall indicated that the police department had increased patrols in the area and issued citations to persons acting inappropriately. The Town Manager will check with the Police Department on what they could do about posting signage in the right-of-way and addressing the issues occurring. However, it is up to the property owners to address if they want to keep people off their property.

John Green, 8 Audley Drive, arrived later in the meeting to address his concerns. Mr. Green stated they were finding used needles and other detritus in the area that his young children should not have to deal with when they go out to play. He also provided pictures demonstrating his comments. He doesn't have a problem with the people enjoying the view. However, others are using the area as informal park at all hours

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of the day and night, urinating in public, exposing themselves to his children and participating in illicit activities. He is constantly picking up trash left in the area and the amount of traffic is a problem. The area wasn't intended as a park and is an unlicensed use which is hindering his use of his own property. The Selectboard told him that earlier they had asked the Town Manager to look further into the situation with the Police Department. Chair Marshall urged Mr. Greene to keep the police department informed especially if there are any peak times these incidents occur. The Board expressed condolences for the passing of Mr. Greene's father.

3. Nicole Foote – Appeal of surcharge for after the fact electrical permit
Ms. Foote, 3 Logging Hill Road, spoke to the issue. They put up a soft wall pool in 2013-14ish and was under the impression that permits weren't needed, since it was a nonpermanent structure. Because of a complaint, a building inspector went to inspect the pool site which resulted in the issuance of a \$500.00 fine. The building inspector indicated the fine might be reduced to \$250.00 if permits were obtained. Ms. Foot stated the pool has been there since 2014 and the electrical was already on site at that time. She stated the pool wasn't even worth \$250.00 fine. She is requesting the fines be waived and they will obtain and pay for the permits needed.

Selectman Nicolopoulos moved to waive the \$500.00 fines conditioned on the Footes obtaining and paying for the required permits. Motion was seconded by Selectman Wayne. Vote on the motion was 3-0-2, with 2 abstentions. Motion carried.

4. Anthony Foote – I-93/I-89 Project.
Anthony Foote, 3 Logging Hill Road handed out plans and reviewed them with the Board. Opportunities for commercial and mixed use in the Bow Junction were presented and various scenarios discussed. He urged the Board not to just accept what the State of New Hampshire Department of Transportation (NHDOT) presents, but to have more input into the plans and advocate for changes/opportunities beneficial to the Town of Bow.

Representative Mary Beth Walz, 25 Stack Drive, asked to be heard on the issue. She gave some background on how the plan was developed. The Town had some concerns, and the State modified their plans to address those concerns. The Town had their say. The State has their plan, and they are going forward. To have the State modify their plan they would have to open it all up for comment again and that may not even be an option at this point. Chair Marshall said the Board had invited NHDOT to speak to the Selectboard in June. He would like the Town Manager to follow up on that invitation. He believes the NHDOT's plans are conceptual and not set in stone yet. There was continued discussion regarding elimination of exits, on and off ramps and locations. Town Manager Stack will follow up with NHDOT.

- V. Consent Agenda
 1. Appointment – Planning Board Member, Jonathan Pietrangelo
 2. Utility Billing Warrant - \$7,708.58
 3. Gravel Tax – HLF South, LLC - \$124.44

Selectman Nicolopoulos moved the Consent Agenda. Selectman Poulin seconded. The Chair called for discussion. Sensing none, he called for a vote. Motion Passed 5-0-0.

VI. Town Manager's Report

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Town Manager David Stack reviewed the items of his report dated August 12, 2022. He met with Peter Levine and Tim Bernier and has had preliminary discussions regarding the Dow Road/Rte. 3A intersection improvements for the new subdivision. They are not using Town water but are putting in wells and catch basins. The developer is in discussions with the Planning Board about phasing the project. The Police Department has installed a new fingerprint scanning machine with grant funds from the Department of Justice. A job posting for a new Assistant Recreation Director has been posted and they have gotten a good response to it. Regarding the cell tower, Town Manager Stack and Selectman Wayne met with the wireless company about the lease. A lease with AT&T has been secured but not one with Verizon. The Board feels the lease can't move forward until they have an agreement with Verizon. The Town Manager will get more information for the Board.

VII. Discussion/Action Items

1. Acceptance of July 12, 2022 Meeting Minutes

Selectman Nicolopoulos moved to accept the Minutes of July 12, 2022 Meeting. Motion was seconded by Selectman Poulin. The Chair called for discussion on the July 12th minutes.

Selectwoman Brennan had comments on Section II Public Comments. Selectwoman Brennan stated it should be noted for the record that Emily Bibbo, 20 Hampshire Drive, is Mr. Poulin's spouse. There was some discussion whether Emily Bibbo stated she was Mr. Poulin's spouse or not. Selectwoman Brennan felt the context was needed since Ms. Bibbo spoke as a member of the public.

Additionally, and in the same section, Selectwoman Brennan felt the statement that "...profanity and name calling...*at the end of the June 14, 2022 Board of Selectmen Meeting*" and the statement in the next paragraph, "...conduct that took place *at the last meeting*" advances a false directive that it took place during a public meeting, which she stated it did not. Chair Marshall added to his "Bottom Lines" statement that it took place after, "the meeting was adjourned."

Under Section IV. Meetings, 4. Larry Haynes HLF's Request for Town Water, Selectman Brennan asked that the minutes clarify who the attorney was who was present. Selectman Nicolopoulos stated Ari Pollack was an attorney with Gallagher, Callahan and Gartrell. *The minutes will be amended to put Esq. after Ari Pollack's name.* Selectwoman Brennan noted that 5. Jessica Dunbar - Energy Committee Update only contained a single sentence description of the update in the minutes and would like to see more of a description of the Committee's update. Selectman Nicopopoulos indicated he would like to see the motion and a summary of what came before it in the meeting minutes. Selectwoman Brennan stated she would like to see in the meeting minutes, Section VII, Bottom Lines, that the comments be put in the order in which they were delivered.

The Chair called for further comments. Sensing none, he called for a vote to accept the July 12, 2022 Board of Selectmen Meeting Minutes as amended. Motion carried. 5-0-0.

2. Live Streaming – Trial Period Results and Recommendations

Chair Marshall summarized the results and recommendations of the live streaming trial period. Town Manager Stack stated that Staff had become used to setting up to live stream meetings. Finance Director Ruggles noted the equipment had to be moved from meeting room to meeting room. Chair Marshall stated the Board had received a petition with 116 signatures supporting the continuation live streaming, recording, and posting of the videos online. The petition was read into the record. Susan Marcotte-Jenkins,

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11 Hope Lane, commented, among other things, about the importance of transparency, public participation in town government and the rights of its citizens. Comments from petition signers were not read but are available as part of the public record. The Chair thanked the petitioners for bringing this to the Board's attention.

Representative Mary Beth Walz, 25 Stack Drive, asked to be heard on the issue. She stated that what they had learned in the Legislature was there is a tremendous amount of interest in what those in State government do. Live streaming and recording increases transparency of the government process. As government representatives, we owe it to the people to be transparent. She strongly encouraged the Board to record and publish public meetings.

The Chair asked for further comments. Lorna Landry, 35 Bow Center Road, had been listening to the meeting via ZOOM prior to attending the meeting. She stated the audio was better on ZOOM than it was here at the meeting and urged the Board to approve the petition. The Chair called for comments from the Board. Selectwoman Brennan stated she felt the Board had a responsibility to their community to provide these recordings to the community and it is in the best interests of the community for them to know what is going on. She thanked the petitioners and those who have spoken for participating in Town matters.

Selectwoman Brennan moved to continue live streaming, recording and posting to the website. There was no second to the motion. Motion failed for lack of a second. The Chair asked for any further discussion. Chair Marshall advised that the Town Attorney had recommended not to video record and post the meeting. Selectman Poulin felt they should take the advice of the Town Attorney. Selectwoman Brennan noted other towns do record and post their meetings.

Selectwoman Brennan moved to continue live streaming the Board of Selectmen meetings until such time as the Board decides it is in the community's best interest to video record the meetings. Selectman Wayne seconded the motion. Sensing no further comment the Chair called for a vote. Motion failed 2-3-0.

Selectman Wayne moved the Selectboard continue to live stream its public meetings. Motion was seconded by Selectwoman Brennan. The Chair called for a vote. Motion carries 4-1-0.

3. CIP proposed projects

Town Manager Stack just wanted to make the Board aware that equipment/vehicle costs have increased considerably and, at the current contribution rates, may not be enough to make the purchase. The contribution rates will have to be revised.

4. Replacement MDTs for police cruisers

The Police Department's Mobile Data Terminals (MDTs) are scheduled in the CIP to be replaced in FY2024-25. The Department doesn't feel they will last that long. The Department was awarded a grant from the NH Department of Safety for \$20,484. The purchase price of the units is \$45,287. The Town's portion of the purchase would be \$24,803.

Selectman Nicolopoulos moved to approve the purchase of the MDTs immediately and to use \$24,803 from COVID relief funds for the Town's portion of the purchase. Selectman Poulin seconded the motion noting that \$24,803 is under the limit to be put on the CIP. There being no further discussion, the Chair called for a vote. Motion carried 5-0-0.

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Representative Mary Beth Walz, 25 Stack Drive, asked the Board to alert the Board of Trustees to the timing of CIP purchases so they don't reinvest funds immediately if they know they are going to need the money.

5. Benchmarking Energy Use in Town buildings

Town Manager Stack indicated Jessica Dunbar from the Energy Committee was present and could speak more specifically to the subject, however it looks like a good opportunity to manage energy costs and to see the result of the energy improvements already made. Selectman Poulin requested an update on the solar panels at the Public Safety Building. Finance Director Ruggles will have it for the next Selectboard meeting.

Selectman Nicolopoulos moved to approve \$1,800.00 to support this energy benchmarking program. Motion was seconded by Selectman Poulin. There being no further comment, the Chair called for a vote. Motion carried 5-0-0.

6. Charter Information Committee – Member Recommendations

There have been more applications for Information Committee. Absent a complete list at this meeting the Selectboard moved this item to the next scheduled Board of Selectmen Meeting.

7. Additional Highway Block State Grant Aid and Municipal Bridge Funding

Additional funding has been allocated to the State Highway Block Grant Aid and Municipal Bridge Funding and will be in addition to the amount the Town typically receives. The funds will come from State Surplus Funds. The paving budget has \$100,000 left in it and with the additional funds it will allow the Department of Public Works (DPW) to complete installation of drainage, grade, and pave Stack Drive. Increases in the per ton cost of asphalt has resulted in the need for additional funding to complete the project. Funding will still be available next year. Selectman Nicolopoulos felt the project should be put on hold in hopes the price of asphalt will come down. There was some discussion on whether DPW Director felt the road had to be done now.

Selectman Nicolopoulos moved to use \$190,757.00 be directed towards Stack Drive with DPW Director's discretion whether to do it in 2022 or 2023. Selectman Poulin seconded the motion. Sensing no further discussion, the Chair called for a vote. Motion carried 5-0-0. It was noted that a Public Hearing still needed to be scheduled to accept and expend the additional funds. That being the case, Selectman Nicolopoulos and Selectman Poulin withdrew their motion and second until after the Public Hearing. In addition, an email is requested from the DPW Director as to when the project should be completed.

8. Planning Board and CIP Resignation – William Oldenburg

Selectman Poulin moved to regretfully accept the resignation of William Oldenburg from the Planning Board and CIP Committee. Having served with him on the CIP Committee, he was sorry to see him go. Selectman Wayne has also served with Mr. Oldenburg on committees and seconded the motion to "regretfully" accept his resignation. He will be missed. There being no further comments the Chair called for a vote. Motion carried 5-0-0.

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Chair Marshall hoped he was resigning to enjoy his retirement. The Board would like to draft a letter thanking him for his service.

VIII. Reports

1. Right to Know Log
2. Coronavirus State and Local Fiscal Recovery Fund
3. Outstanding Projects

IX. Bottom Lines

Selectman Wayne would very much like to hear from Dubois and King on where the Town stands on their water project. at the next month's meeting.

Selectwoman Brennan attended Bryan Westover's retirement party. She wished him the very best in his retirement, thanked him for his outstanding service and stated he will certainly be missed. Selectwoman Brennan further stated there had been some confusion over the past several weeks. She, "would like to make something perfectly clear..." and "will not cower to the politically motivated, manipulative theatrics, and intimidation tactics." She remains, "...focused on the business at hand which is serving the people of our community,"

Selectman Nicolopoulos I want to thank all of the volunteers that serve on our community. Willis Sloat and Bill Oldenburg I served with on the planning board when I was selectmen rep. I often comment on how lucky we are as a town to have so many volunteers. For the Planning Board to lose two representatives like that is unfortunate for all of us. I just want to convey them my sincere thanks.

Selectman Poulin was unable to attend Bryan's retirement party but sent his best wishes.

Selectman Wayne echoed Selectwoman Brennan's comments on wishing Bryan the very best retirement and expressed appreciation for his many years of service. He also remarked on Bill Oldenburg's many years of service on the Planning Board and the CIP Committee. He will also be sorely missed.

Chair Marshall said that Bryan was a huge asset to the Planning Department and hopes once he meets retirement restrictions that he can come back at least part-time.

X. Non-Public Session RSA 91-A-3 – None.

XI. Adjournment

Upon a motion by Selectman Wayne and second by Selectman Poulin the Selectboard voted unanimously to adjourn the meeting at 7:45 PM.

Respectfully submitted,
Wendy Gilman, Recording Secretary.

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