

TOWN OF SANBORNTON
MEETING OF THE BOARD OF SELECTMEN
Sanbornton Town Office
573 Sanborn Road
Sanbornton, NH
1.19.2022 – 5pm

The Board of Selectmen convened in regular session and in teleconference. In attendance were: Chairman John Olmstead, Selectman Bob Lambert, Selectman Jim Dick (remotely) and Town Administrator Trish Stafford. Those in attendance recited the Pledge of Allegiance.

1. Public Comment – None

2. New Business

a. Public Hearing: Request to Upgrade a Portion of Old Range Rd - Chair John Olmstead opened the public hearing at 5:02. Town Administrator Trish Stafford stated that the town's attorney Stephen Bennett has advised that anyone providing public comment during the public hearing portion should be sworn in under oath; Police Chief Stephen Hankard swore in the public as a Justice of the Peace. Joining the hearing remotely was Nathan Hersom of Sanborn Rd and Selectman Jim Dick. Chair Olmstead made a **motion** to allow Selectman Dick to participate remotely. Bob Lambert **seconded** the motion and the motion **passed** unanimously.

Attorney Amy Manzelli of BCM Environmental & Land Law was in attendance to represent Mark and Tracey Judd; Mark Judd was also present. Mr. Judd explained that he has lived at his property for 21 years and feels the current state of Old Range Rd from Tower Hill Rd to his driveway is unsafe. Lost motorists were not an issue when he purchased the property but as more people use GPS for navigation it has become a hazard, often when visitors are trying to find Steele Hill Resorts. Old Range Rd appears to be a passable road according to GPS but it is in fact a Class VI Road that is not maintained by the Town. Mr. Judd stated that the road is already narrow but becomes narrower due to snow banks in the wintertime. There are already Dead End and Class VI warning signs but these get ignored which leads to stuck cars which he himself has helped pull out.

Attorney Manzelli explained that the Judds agreed to maintain this stretch of road when they purchased the property 20 years, ago but the societal change of motorists using GPS could not have been predicted at that time and has put an undue burden on the Judds. She stated that the cost of upgrading the road from Class VI to V is an additional cost but it is the Town's responsibility to maintain the portion of road where the public is travelling.

Chair Olmstead asked about the frequency at which lost motorists are seen travelling on Old Range Rd; Mr. Judd responded that in an average week it is about seven cars but usually more during holidays. Chair Olmstead asked if there is any physical proof other than just what Mr. Judd has witnessed and Mr. Judd responded No, but added that it is common knowledge amongst residents that cars often get lost on Old Range Rd. Selectman Dick asked if there are any other driveways on this stretch of the Class VI portion of Old Range Rd and Mr. Judd responded No.

Highway Department Director Johnny Van Tassel stated that he also lives on a Class VI Road and understands the issues that Mr. Judd has experienced but the Highway Department cannot take on any other roads at this time. He explained that the Town has already taken over eight new miles of road recently and does not have the bandwidth for more road maintenance, and that he feels that it would set a precedence for the other residents that own property on Class VI roads and want those roads to be upgraded. Selectman Dick asked if the Class VI sign on Old Range Rd has the same language as the others in town and Johnny responded Yes, but suggested possibly moving it closer to the beginning of the road than it is currently.

Selectman Dick asked if there could be adequate room for someone to turn around if a gate was placed at the beginning of the Class VI section and Johnny responded Yes. Johnny provided estimates for plowing the road if it were upgraded to Class VI which would total approximately \$109 per trip including personnel and plow truck use for one hour, as well as \$20,950 for the actual road upgrade if the Highway Department were to do those versus a contractor (which he believes would be higher).

Chief Hankard stated that upgrading the road to Class V would not stop the issue of lost motorists though it would make it safer, but feels the best solution would be a gate. Police Chief Paul Dexter explained that printed maps to Steele Hill are available at the Life Safety building because of how often lost motorists stop and ask for directions there. He stated that upgrading the road will not solve the problem but offering an improved section at the end for people to turnaround may help, so that they are not turning around in the Judds' driveway. He does not feel the car count justifies upgrading the road to a Class V.

John McCarville of Tower Hill Rd stated that he walks the Old Range Rd and has seen a lot of cars looking for Steele Hill. His wife Michelle Jackson stated that in their travels they also see people parked on the side of the road while using the road for recreation, and the road is too narrow for the Judds to go around those parked cars and get to their driveway. Audry Barriault stated that she believes the Judds' property can only be subdivided if the road is upgraded to a Class V.

Attorney Manzelli stated that Mr. Judd has someone plow the road and it only takes ten minutes; she added that the only application before the Select Board right now is for Old Range Rd and not the other Class VI roads in town. She explained that she understands where the Town is with its budgeting cycle so her clients would be amenable to approving the upgrade but not constructing until 2023 so as to allow adequate time to budget. Johnny reiterated that the Highway Department does not have the manpower or equipment to take on any more roads and is not in favor of this.

Selectman Lambert stated that the Judds signed a hold harmless waiver when they purchased the property and the wording of that agreement says they will release the town from maintenance forever. He added that he understands the application is for this one road but the Select Board is responsible for looking at the big picture of all the Class VI roads in the town; he suggested adding better signage. Mr. Judd responded that the existing Class VI sign is not effective because it is placed at a portion of road that is well-maintained which misleads the motorists to thinking

the rest of the road is in the same condition. John McCarville asked if Google can be petitioned to change their map; Chair Olmstead stated that he has tried to do this in the past when he owned a business and it did not work.

Attorney Manzelli asked if the Select Board would be open to the Judds paying for a contractor to do the upgrades to the road with a small turnaround; Chair Olmstead asked if the construction could be paid for by the Judds but the Town could agree to maintain. Attorney Bennett explained there is a statutory process to do this but it is possible. Johnny stated again that the Highway Department does not have the resources to maintain the road. Chief Dexter asked if a private citizen can pay to upgrade the road to Class V and choose to not have the town maintain it. Johnny responded that any resident on a Class VI now can make improvements if they wish as long as he has provided them with his approval, but the road stays a Class VI Road.

Melanie Van Tassel asked if changing the classification of a road goes to Town Meeting; Attorney Bennett stated that it can be petitioned at Town Meeting or can be approved by the BOS. Selectman Dick explained that the argument made by Attorney Manzelli is that the BOS needs to balance the needs of the landowner, public interest and burden on the Town, but so far, he is only he has only heard of situations that are annoying and frustrating but not necessarily a public danger. He stated that he doesn't feel upgrading the road will solve the issue of lost motorists and the public interest is not sufficient enough for the Town to take on this burden of a new road especially if it will not help the issue.

Attorney Bennett stated that a written decision is required to be sent to the applicant by the BOS based off tonight's testimony; the Board can deliberate in public or in a non-public session. Chair Olmstead closed the public hearing at 6:36 and stated that a letter of decision will be sent within 30 days.

b. Request to Waive 30-Day Camper Limit at 760 Stage Rd - Robert and Kiely Dubois explained that they are currently building a home at 760 Stage Rd and are living in a camper temporarily but have surpassed the 30-day maximum for doing so according to the zoning ordinance; they are requesting an extension to continue living in the camper. They were issued a CZC on July 21st, 2021 and expect to be in the new home this spring though getting materials is difficult and wood is expensive, and they are doing most of the building themselves without a contractor.

Selectman Lambert asked if Chief Dexter or Chief Hankard have any issues with this request for an extension and both did not. Chief Dexter added that he has issued an e911 address and Chief Hankard stated that he has driven by the property and the camper is well kept. Selectman Dick asked if there are any sanitary issues to be concerned with; the applicants responded that they have a portable toilet serviced once a week.

Chair Olmstead made a **motion** to waive the 30-day maximum for living in the camper and extend to June 30, 2022. Selectman **Lambert seconded** the motion and the motion passed unanimously with **roll call** votes as follows: Dick/Yes; Lambert/Yes; Olmstead/yes

c. Police Dept Update - Chief Hankard explained that there is still no build date for the the F-150 approved to be purchased at last Town Meeting; he has been told the price of the original quote at Irwin Ford will be held but is on a waitlist at several other dealerships in case one comes in. He has looked into grant options for purchasing the new base station radio; the manufacturer of the radio, Motorola Solutions, has their own grant specialists that he will be meeting with. He has also applied for a separate grant and has some time to investigate further as the radio can't be used until the new police station is finished.

Officer Warren Thompson was recently added to the regional SWAT team. Motor vehicle stops increased from 2020 to 2021; this is attributed to running at full staff and more cars travelling the road. Accidents also increased. New trainings that the department staff will be attending include drugs, financial crime and NH police record retention; Chief Hankard will be providing ALICE training to employees for active shooter response.

Chief Hankard stated that the department currently has two patrol rifles that are almost 20 years old. He is requesting to purchase four Ruger 556 patrol rifles using \$4,000 of the \$5,000 budgeted for part-time employees which he is not using. The cost of each rifle is \$699 plus the cost of accessories. Each rifle would be zeroed in to a particular officer for ease of aiming.

Selectman Lambert made a **motion** to approve up to \$4,000 for purchasing four new patrol rifles as described. **Chair Olmstead seconded** the motion and the motion passed unanimously with **roll call** votes as follows: Dick/Yes; Lambert/Yes; Olmstead/Yes

d. Transfer Station Requests/New Hire Request - Trish explained that she and Transfer Station Manager Shauna Gautier met with an applicant, Roy Cannon, for the Transfer Station attendant position; Shauna would like him to start on January 28th. Chair Olmstead made a **motion** to hire Roy Cannon at labor grade 6, step 1 pending background check. Selectman **Lambert seconded** the motion and the motion passed unanimously with **roll call** votes as follows: Dick/Yes; Lambert/Yes; Olmstead/Yes

Trish will draft a PAF and send an offer letter.

Shauna requested three Trustees of the Trust Fund requests for payments to be signed. Chair Olmstead made a **motion** to approve the request from account 4915.110 for electrical work on the new compactor in the amount of \$7,600. **Selectman Lambert seconded** the motion and the motion passed unanimously with **roll call votes** as follows: Dick/Yes; Lambert/Yes; Olmstead/Yes

Chair **Olmstead made a motion** to approve the request from account 4915.100 for brake repairs on the Transfer Station F-150 in the amount of \$4,180.44. Selectman **Lambert seconded** the motion and the motion passed unanimously with **roll call** votes as follows: Dick/Yes; Lambert/Yes; Olmstead/Yes

Chair Olmstead made a **motion** to approve the request from account 4915.900 for a new MSW compactor in the amount of \$9,582.50. Selectman **Lambert seconded** the motion and the motion passed unanimously with **roll call** votes as follows: Dick/Yes; Lambert/Yes; Olmstead/Yes

e. Fire Dept Update/New Hire Request - Chief Dexter would like to hire an on-call non-certified firefighter who will obtain EMT or firefighter certification within one year. **Chair Olmstead** made a motion to approve the hiring of Duane Blackstone as part-time probationary member at grade 5, step 1. **Selectman Lambert seconded** the motion and the motion **passed** unanimously with **roll call votes** as follows: Dick/Yes; Lambert/Yes; Olmstead/Yes

Chief Dexter explained that he has started code review on the new town building and the access way currently sits at a 12% grade; under NFPA standards it should sit at no more than a 10% grade unless there are mitigating circumstances approved by the fire chief. He has spoken with HL Turner, the engineer for the project, about widening the access way to 20 feet to give emergency vehicles a wider travel path. They came to the consensus that a 12% grade could work as long as the access way is widened.

3. Old Business

a. Copier Quotes - Trish will get copier quotes for the next meeting.

4. Town Administrator's Update - Trish explained that the BOS secretary resigned yesterday; **Chair Olmstead made a motion** to vote to accept with regret Susan Smith's resignation notification as of 1/18/22. Selectman **Lambert seconded** the motion and the motion passed unanimously with **roll call** votes as follows: Dick/Yes; Lambert/Yes; Olmstead/Yes

Trish stated she has spoken with Treasurer Karen Cobb about the duties of Treasurer and the items that can be delegated by the BOS. Trish would like to propose potentially making the position full-time position in hopes of attracting more candidates. The position combines the secretary duties and the duties of finance clerk, the Treasurer would sign to delegate some tasks with the elected Treasurer maintaining the rest. She stated that going forward this would put the Town in a better position so they aren't scrambling to find a resident to run for the elected Treasurer position who is currently doing more than is required.

Trish requested a signature to sign on the health officer. Selectman Dick asked how the Town Report is coming along; Audry responded that she can't finalize it until the budget is completed and is still waiting on the Town Clerk report and Auditor's report.

5. Selectmen's Reports – Selectman Lambert stated that the Historic District Commission approved a 7'x7' breezeway addition on the Bodwell residence located in the Historic District. Selectman Dick has received feedback from the attorney on draft warrant articles; it was decided that one warrant article will include both the request for establishing a CRF for the Police vehicle as well as for the base station radio for a total of \$70,000. He stated that the BOS will need to decide if the other warrant article for discontinuing Old Johnson Rd is in the Town's interest to put forward or if it needs to be a petitioned article.

The Board entered a non-meeting at 7:54 and returned to the regular meeting at 8:20.

6. Select Board Signatures – Melanie Van Tassel requested signatures for a welfare lien. Also signed was an invoice for the ambulance fund. Trish provided an application for Veteran’s Tax Credit to sign as well.

7. Minutes - Approval of minutes from 1/5/22 was postponed until next meeting.

Meeting adjourned at 8:27pm. The next meeting is scheduled for Wednesday, February 2nd at 5:00.

Respectfully submitted,

Audry Barriault, Secretary Pro Tem

Selectboard Clerk: _____

Approval Date 2.2.2022