

**Lancaster Selectboard
Minutes of Meeting**

Meeting held in Lancaster Town Hall Auditorium

Monday – June 21, 2021

The meeting was called to order at 6:30 PM by Chairman Leon Rideout followed by the Pledge of Allegiance.

Attendees:

Selectboard Chair Leon Rideout, Selectman Troy Merner, Selectman Shane Beattie, Town Manager Benjamin S. Gaetjens-Oleson, Library Director Barbara Robarts, Recreation Director Eli Vincent, Police Chief Tim Charbonneau, Assistant Fire Chief Ted Joubert, Finance Director Michael Nadeau, Lucy Wyman, Arlene Allin, Bill Allin, Wendi Pedersen, John Garrison, Heidi Chester, Ken Chester, Rich Rochefort, Pidy Rochefort, Dave Haas, Carol Haas, Patricia Ambrose, Janet Wittenauer, Alan Savage, Rob Christie, Peter Riviere, Joe Bachofer and other members of the public.

Department Head Updates:

- **Police Department:** Chief Tim Charbonneau was present and reported they are looking for officers to fill vacancies. They currently have one in the Academy who is due to come out soon with another to be ready to follow in the next class but they are still accepting applications. He stated that he expects the week to be busy as there are a lot of people in Town attending PorcFest. He also stated the new Cruiser that was ordered after Town Meeting is still a few month out from delivery and mentioned the monies to pay for it may have to be encumbered for next year.
- **Fire/EMS & Health Department:** Assistant Chief Ted Joubert informed the Board that several members of the Department are attending trainings. He stated 6 members of the Department are attending Firefighter II in Bethlehem and 3 members are attending EMT Training which is remote. He referenced an issue with mercury exposure at a home in Town that required the response of the Department and coordination with the Fire Marshall's Office, NH DES and the EPA to mitigate. There was an issue with the emergency communications equipment on Mount Orne. It was determined the two AC units for the container were not operating and we were able to get help from local business, Polar Air, whose owner volunteered at least 15 hours of his time to diagnose and repair. He stated EMS has gradually added staff as needed and is still under what was approved. They evaluate weekly and will probably be advertising for more staff within the coming weeks. There will also be some work on updating and developing ordinances to combat blighted and derelict properties that pose a threat to the health of the community.
- **Colonel Town Recreation:** Recreation Director Eli Vincent stated the Father/Daughter Dance was held the past weekend and went well. The pool will be open on the 24th with swim lessons starting shortly after. There have been 95 kids registered for Safe Haven. The 10 and under baseball tournament will be held at the ballfields the weekend of the 25th and the Town was awarded CDFR Tax Credits to help fund their playground improvements.

- **Weeks Memorial Library:** Library Director Barbara Robarts explained the collection automation project is complete but minor tweaks are still being made. The Children's Summer Programming has been set with something scheduled every day.

Appointment:

- **Arlene Allin:** Arlene Allin was present with her husband Bill Allin discuss her concerns with the security of the Town's Wastewater Lagoon facility. She passed out a packet of information to the Selectboard (copy attached to minutes) and referenced it throughout her discussion. She stated the Lagoons are not secured and displayed a carabiner to the Board and explained this was the only thing holding the gate closed, no lock. She stated she wants to see the lagoons locked and secured against unauthorized access. She said the lack of a locked gate goes against the original agreement from when the Town took the land for the facility. She feels the unlocked gate brings unwanted traffic to the facility to view birds and bring attention to her property. She explained that there have been many times people or groups have created unfounded issues with the Allin's property and they are afraid continued visits to the lagoons by people that are viewing birds or claiming to be viewing birds will create more.

Selectman Shane Beattie stated he wants the gate to be locked and was not aware it was not secured. Selectboard Chair Leon Rideout stated he was concerned about the Town's liability if unauthorized people were free to enter the facility.

Dave Haas spoke as a member of the public and stated he could not hear all of Ms. Allin's talk and asked for a summary. Chairman Rideout stated the main the issues were the Town's liability as well as individuals trespassing on the Allin's land. Mr. Haas did confirm that people do visit Lancaster to see birds at the Lagoons and many other communities in NH allow for public access to do the same. Manchester, Exeter and Rochester are just a few examples he offered.

Chairman Rideout stated he would like to see the original agreement Ms. Allin referenced and asked her to bring in a copy.

Chief Charbonneau advised that if the police were to enforce the trespassing statute the properties in question would need to be posted as listed in the statute. Bill Allin did state the original plans of the Lagoons did lay out what signage was required as well as the fencing.

Pidy Rochefort stated she has gone into the Lagoons to view the birds and does not hurt anything. She stated she often feels harassed by Ms. Allin

Chairman Rideout asked Town Manager Benjamin Gaetjens-Oleson to research other communities and see what they allow. He mentioned that there may be a waiver that could be signed by people wishing to enter the Lagoons.

Ken Chester stated he has property that is open to the public. He owns the former Carr residence on Governor's Terrace and still allows people to sled on "Cook's Hill". Heidi Chester added that she is happy with the Board seeking more information before making a final decision.

Mr. Gaetjens-Oleson did explain that Ann Griffin was continuing the bird survey that has been conducted for many years and asked if she could continue if she coordinated with the Water/Sewer Superintendent Tim Bilodeau. The Selectboard said that was fine but would still like a waiver.

Mr. Haas asked if the public could still view the birds from outside the fence. Chairman Rideout stated as long as they did not go inside the fence. Ms. Allin did cautioned that the Town only owns 10 feet outside the fence around the facility. Mr. Gaetjens-Oleson did state the Town did own the front fields of the property from Water Street to the fence. John Garrison offered that the Town should post their ownership of the facility on their website.

A motion was made by Shane Beattie and seconded by Troy Merner to secure the gate at the Wastewater Lagoon property off Water Street to unauthorized personnel. A vote was taken and the motion carried.

Chairman Rideout did repeat that people could still view the birds from outside the fence area.

Old Business:

- Review and Approve the June 7, 2021 Selectmen's meeting minutes

A motion was made by Shane Beattie and seconded by Troy Merner to approve the June 7, 2021 Selectboard meeting minutes as written. A vote was taken and the motion carried.

- Sign Various Paperwork: The Selectboard signed Timber Tax Warrants (Peaslee-Smith, Kenison and Forbes) and Fireworks Permits (Downs, Schmidt and Van Leuven).
- Recording of Meetings Update: Mr. Gaetjens-Oleson explained he had had correspondence with the Town's Attorney who did not feel the Warrant Article defeat in March made it so the Selectboard could not record and later post meetings. The opinion of Town Counsel was that it is within the Board's rights to allow it and adjust budget lines to pay for it. He did warn of potential political criticism of the decision. Chairman Rideout asked if there would be data available to determine how many people were watching the recordings and the answer was yes. Selectman Troy Merner asked if the price would remain the same after Town Meeting. Mr. Gaetjens-Oleson answered the price was \$200.00 a meeting for the Selectboard's remaining meetings starting in July. That would be 12 meetings totaling \$2,400.00. If the Board wanted to continue after the first of the year the price would stay the same until after Town Meeting. Then a new price would be negotiated.

A motion was made by Shane Beattie and seconded by Troy Merner to approve the recording of the remaining 12 regularly scheduled Selectboard meetings for 2021 at a cost of \$200.00 per meeting with the recordings to be posted through Phlume Media's YouTube Channel. A vote was taken and the motion carried.

- FairPoint Appeal Update: Mr. Gaetjens-Oleson explained there was a settlement put forward concerning the FairPoint tax appeal. He stated he had been in contact with the attorney representing the Town. He stated that there was an original offer agreed upon requiring the Town to pay the agreed upon amount over two years beginning in 2022. It appears that before that agreement could be signed FairPoint pulled it back and offered the same deal but with payments beginning in 2021. He stated the Town has 4 options as outlined by the attorney. First would be to accept the modified agreement, second the town could reject the modified agreement and proceed to litigation, third the Town could reject the modified agreement and attempt to force FairPoint to abide by their last agreement and fourth the Town could counter the most recent offer. Mr. Gaetjens-Oleson did say the Town could handle the modified agreement as they have money in Overlay to begin payments this year.

Chairman Rideout stated this litigation has been ongoing for 5 years and it would be good to bring it to an end.

A motion was made by Shane Beattie and seconded by Troy Merner to accept the most recent settlement agreement from FairPoint to pay the amount due in two annual payments beginning in 2021. A vote was taken and the motion carried.

- **Review and Approval of Land Use Job Description:** Mr. Gaetjens-Oleson stated there was no other change to the document other than the addition of “Any and all other duties as may be requested by Supervisor.” The Selectboard signed the Job Description. Mr. Gaetjens-Oleson stated he would begin the advertising process.

New Business:

- **Approval of Primary Dispatch Changes for Police, Fire & EMS 911 Calls:** The Selectboard was presented the form for them to sign authorizing NH911 to release the Town’s 911 information to Grafton Country Dispatch on August 2. It stated Police and Fire would begin then and EMS would be a later date. Assistant Chief Joubert explained it was originally to begin in July but due to equipment upgrades required for the system it had to be pushed out until August. The Selectboard signed the document.

Information:

- There was a letter presented from the NH Liquor Commission related to an application for Mountain Top Restaurant to be located at 200 Main Street, The Cabot Motor Inn. It stated that any comment on the request should be submitted to the Commission.
- **Building Permits:** Jeffrey Olson of 81 Reed Road to construct a 30' X 32' detached garage on slab. No conditions required.

Public Comment:

- Lucy Wyman asked what was happening at the former FB Spaulding property as the buildings were being removed. Mr. Gaetjens-Oleson stated he has not been made aware of any future plans beyond the building removal.
- Rob Christie inquired as to his Tax Appeal application. Mr. Gaetjens-Oleson explained the recommendations from the assessor were just submitted at the end of the day and were unable to make it into the night’s packet.
- Alan Savage asked when the Selectboard approved the purchase of the new 1-ton for the Highway Department. He stated he did not recall the Board reviewing bids and wanted to have an explanation. Chairman Rideout asked Mr. Gaetjens-Oleson to bring the truck price information to the next meeting.
- Rob Christie referenced Littleton’s audit issues and how it is making it difficult for them to borrow money. He asked that a simple explanation as to how the Town deals with their finances be presented at the next meeting. Mr. Christie also asked Selectman Merner about the Carroll withdrawal Committee. Selectman Merner explained the Carroll Committee agreed to cease their attempt to withdraw and that decision will be voted on by the District Committee in a coming meeting.
- Peter Riviere Stated that Littleton has several other positions reviewing finances for the Town and are still going through audit issues and questioned whether the Town had enough protections in place. Chairman Rideout answered that even with Littleton’s extra

layers they are still having issues. He stated he feels the system the Town has works well and has been even better lately with manifests emailed to the Selectboard for early review and there have been no issues identified by auditors.

- Alan Savage asked when the next Selectboard meeting would be. Mr. Gaetjens-Oleson stated it would be Tuesday the 6th.
- Lucy Wyman asked about the status of Board vacancies. Mr. Gaetjens-Oleson explained there were still 2 for the Conservation Commission and one for the Planning Board. He said he received no response from the newspaper ad but one person did attend the last Conservation Commission meeting to observe.
- Peter Riviere asked if the Selectboard members could provide updates at their meetings for the other Town Board's they are appointed to. Chairman Rideout stated he did not feel that was appropriate and didn't want to step on any of the Board Chair's toes. He reminded Mr. Riviere that all those meetings are public. John Garrison agreed with Chairman Rideout and stated that people could either view the minutes online or go the meetings. Mr. Savage agreed with Mr. Garrison.

With nothing further to discuss a motion was called to adjourn.

A motion was made by Troy Merner and seconded by Shane Beattie to adjourn the meeting. A vote was taken and the motion carried.

Meeting adjourned at 8:30PM

Respectfully,

Approved:

Benjamin S. Gaetjens-Oleson
Clerk Pro Tem

Leon Rideout, Chair

Shane Beattie

Troy Merner