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**Town of Henniker
Board of Selectmen Meeting
Tuesday, April 6, 2021
Zoom**

Members Present: Chairman Kris Blomback; Vice Chair Tia Hooper; Selectman Peter Flynn; Selectman Scott Osgood; Selectman Leon Parker

Town Administrator: Joe R. Devine Jr.

Recording Secretary: Kelly McCutcheon

Virtual Zoom Guests: Bob French, Doreen Connor, Dave Currier, MaryEllen Schule, Fire Chief Jim Morse, Stephanie Teaze, Elizabeth Bitters, Danny Teaze, Bill Marko, Arnie Huftalen, Melanie & Patrick, Michael Pon, The Messenger, Mathew Wiecz..., Joan O'Connor, Heidi Aucoin, Burns Barford, Alison, Police Chief French, Jean, Devin Patterson, Jan's iphone, Tom Patenaude, Arthur Mallett, Ross Bennett

Consent Agenda

Item 1: Consent Agenda from March 29, 2021

Item 2: Tax Refund Request Map 1 Lot 583-L

Selectman Parker moved to approve the consent agenda as presented. Vice Chair Hooper seconded. Motion carried 4-1 (Flynn).

Public Comment #1

No public comment

NEWBUSINESS

Item 3: Music on Main Street

Bob French stated they are looking to close Main Street on September 18, 2021 starting at 8am for set up and Music on Main Street taking place from 10am-4pm.

Selectman Parker moved to authorize the schedule and begin planning for Music on Main Street September 18, 2021. Vice Chair Hooper seconded. Motion carried 5-0.

Item 4: Noise Ordinance

Doreen Connor, representing Melanie & Patrick, stated that Henniker has had a noise ordinance sine July 1990 and that the ordinance has previously been amended by the Board of Selectmen in addition to the noise ordinance that exist in zoning passed by the town. Currently the ordinance prohibits unreasonable noise, noise that interferes with residents' quite enjoyment of their property. It is difficult to enforce since what is unreasonable varies from person to person.

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The fact the town has had a noise ordinance for decades, Doreen Connor attempted to create a noise ordinance targeted at vehicle use only and will not impact equipment or guns. The sole focus is vehicle use on private property. The families living across from the gravel pit in questions have recorded decibel readings as high as 90 decibels and have called Henniker Police multiple times to come on the property and measure the decibels. Doreen Connor stated the noise is so loud that even with the windows closed and the tv on that Patrick and Melanie can still hear the noise.

Police Chief French stated for the Police Department that they do not know who to issue the summons to since right now the issue is with a group of motorcycles, how does the department determine which one or ones are over? He stated measuring done by Fish & Game standards is complicated and explained the degrees, RMPs, cylinders that need to be measured and that most off-road dirt bikes do not have tachometers. Chief French stated it is not that the department does not want to do anything, but they need to ensure anything they do pursue will hold up in court.

Chair Blomback stated he sees all sides and spoke with Melanie & Patrick earlier and offered them the opportunity to speak.

Melanie stated that they live with very loud noise for 40-45 hours a week and have to leave their home since they cannot live there, even with the windows closed and the TV on. She stated they cannot enjoy their yard and have to move.

Patrick stated they have been living there a long time and last year the dirt bikes started and they thought they could outlive them. Patrick has spoken with the landowner the bikes are using but the noise is persistent and chronic now and it is unacceptable to do this to your neighbor.

Chair Blomback stated he also spoke with the landowner who indicated there are 7 people who have permission to ride down there. Chair Blomback stated it is unknown if it is those 7 or illegal riders that are trespassing on the property.

Melanie stated there are many there every day, even when the 7 allowed are away at competitions. Chair Blomback suggested looking at who is riding on the property. Vice Chair Hooper stated it is not a one-off issue and would like Chief French and Doreen Connor to work together to draft a reasonable ordinance.

Selectman Flynn stated he would like to see a town wide ordinance since there are other properties in town that have issues. He also recommends Town Counsel provide guidance on the ordinance as well. Selectman Flynn had been to the site to witness first hand and stated the noise is hard to put up with and it will not be easy to draft an ordinance that will satisfy everyone.

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Selectman Parker's audio connection was not solid but, Selectman Parker recommends citing the landowner rather than the individual motorist and putting the responsibility on the landowner.

Chair Blomback stated his concern of unintended consequences since Pat's Peak has equipment that can be loud in a residential area. Joe Devine stated businesses are exempt from the noise ordinance. Vice Chair Hooper stated she would like Doreen and Chief French to work together since there are issues in other parts of town as well. Selectman Flynn agreed with Vice Chair Hooper and that Chief French and Doreen's work will be brought back to the Board and presented at a first reading.

Chair Blomback asked about the impact on OHRV trails since some are public and some are private. Doreen Connor stated the ordinance would not impact public roads and only impact private property. Chair Blomback reiterated his concern of unintended consequences and what it will mean for OHRV clubs and snowmobile clubs. Vice Chair Hooper stated this is a different issue as the noise is stationary at one property.

Patrick stated that OHRV's are a nuisance but as Vice Chair Hooper pointed out they drive past and are gone, they are not doing lap after lap after lap, which nobody wants in their neighborhood. Patrick stated that OHRV's are stopped from parking in parking lots and unloading and that private landowners are the issue.

Vice Chair Hooper moved to proceed to have Attorney Doreen Connor meet with Police Chief French and other parties as necessary to draft an ordinance and bring it back before the Board. Selectman Parker seconded. Motion carried 5-0.

Chair Blomback stated his concern that other parties include businesses, OHRV, snowmobile club as they will be impacted based on what is written. Selectman Flynn stated he wanted to encompass all potential noise makers as part of the discussion then his audio and video connection cut in and out.

Item 5: Fire Department Donation

Fire Chief Jim Morse stated one of the gas meters used to check houses failed. He looked into pricing and found new models that sense explosive gases which the Fire Department is in favor of the new models. The new models are expensive but the Fire Fighter Association and Henniker Auxiliary Club have generously donated the funds.

Vice Chair Hooper moved to accept the donations of MultiRae Lite Gas Detectors from the Henniker Firefighters Association valued at \$2,171 and Henniker Auxiliary Club valued at \$2,000. Selectman Flynn seconded. Motion carried 5-0.

Chair Blomback expressed his appreciation to both organizations for their donations.

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Item 6: Town Hall Boiler

Joe Devine stated the Labor Department had come through in January 2021 failing the boiler, but the town was granted an extension until April 27th. Joe read both bids that came back and stated the lower bidder would not be able to meet the deadline, and there will be daily fines for each day pass the deadline. Selectman Osgood asked about the deadline. Joe stated that businesses that burn oil are required to have a boiler certificate. Chair Blomback stated the deadline seems arbitrary and asked Joe to reach out for an extension. Vice Chair Hooper stated her concerns over employee exposure and health issues.

Vice Chair Hooper moved to authorize the Town Administrator to sign an agreement with Morrill Heating and Cooling to replace the boiler at Town Hall for \$19,250. With the funds coming from the Town Owned Buildings ETF. Selectman Flynn seconded. Motion carried 4-1 (Osgood).

Item 7: Manhole Covers

Joe Devine stated that one of the quotes did not include flaggers but that quote has been updated in the online packet for tonight. NHDOT (New Hampshire Department of Transportation) will be resurfacing 114 in town from south of Post Office Place and two quotes have returned.

Vice Chair Hooper asked why the Road Agent was not present. Joe stated he was unable to attend. Vice Chair Hooper asked about the manhole covers if they will be replaced or fixed. Joe stated the manhole covers will not be replaced or repaired, but it can be taken up with the Road Agent. Vice Chair Hooper would like the manhole covers inspected to see how many need repair or replacement.

Selectman Osgood moved to authorize the Town Administrator to execute an agreement with SUR Construction to raise the 20 manhole frames and covers. The cost will be at minimum \$9,500 and should not be more than \$13,950. Motion carried 4-0 (Selectman Flynn cut out in the middle of the motion and rejoined after the motion was made)

Item 8: Building Inspector Job Description

Joe Devine stated Henniker passed the amendment at Town Meeting and as part of hiring and process thought it would be good to look the job description over and asked for the Board's approval. The Board had a brief discussion and Selectman Parker's audio connection cut in and out.

Selectman Flynn moved to approve the adjusted Building Inspector job description and recommends as presented. Vice Chair Hooper seconded. Motion carried 5-0

Item 9: Changes to Town Health/Dental Insurance

Joe Devine reviewed the current Town Health & Dental policies compared to the new proposed policies. Vice Chair Hooper asked about the prescription tiers. Selectman Flynn asked about the difference between a FSA and HRA. Chair Blomback stated the bottom line is there is no additional cost to the town. Joe confirmed but if an employee wants the Cadillac plan with

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better benefits, they have to absorb that cost and have a higher deductible plan, which is cheaper for the town and why he would like to put the town savings into a HRA to cover half of employee's deductible.

Selectman Flynn asked how employees will be informed. Joe Devine stated Health Trust will come in during open enrollment and have multiple meetings with employees. Vice Chair Hooper recommend the first presentation be recorded for employees and the set up multiple days for employees to speak with Health Trust and make a choice.

Selectman Parker moved to authorize the Town Administrator to work with Health Trust in adding the additional health insurance options, including adding the difference in the cost of the high deductible plan into an HRA for the employee. Selectman Flynn seconded. Motion carried 5-0.

Dental

Vice Chair Hooper moved to table. Selectman Flynn seconded. Motion carried 5-0.

Item 10: DOT Meeting Update

Selectman Osgood requested the item be on the agenda. DOT is proposing a rotary for the intersection of Old Concord Road and 202 intersection by the Dunkin Donuts. Vice Chair Hooper had also attended the DOT meeting and stated an overpass/underpass will be a better solution with the traffic concerns and planning for the future.

Fire Chief Morse agreed with Vice Chair Hooper and stated he believes many people from Hopkinton feel the same way, despite it being more expensive. Vice Chair Hooper stated a rotary may help the current situation, but we need to build and plan for 30 years out and that a rotary will greatly impact commuters and emergency responders trying to reach Concord. She stated she hopes the Board will be more vocal and push back against NHDOT.

Fire Chief Jim Morse stated the DOT accident numbers from 2009-2018 presented are not accurate and low because it only includes the State Police who responded and none of the local first responders' reports were considered. Chief Morse stated he is in the process of compiling accurate numbers from his records, Hopkinton Police, and Concord Dispatch. Vice Chair Hooper also recommended checking with Merrimack County Offices.

Selectman Osgood stated if both towns' folks care that much, they need to contact DOT and let them know that a rotary is not acceptable, and the people want an overpass/underpass.

OLDBUSINESS

Item 11: Hometown Hero's

Dave Currier presented the Legion's plan for the Hometown Hero's banner program to place 14 banners on the telephone poles starting at Community Park and going down towards the Old Concord Road cemetery. The banners are set up before Memorial Day and taken down after Veteran's Day to preserve them from the winter elements.

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Vice Chair Hooper asked how one goes about purchasing a banner and what is required. Dave stated once the Board approves all anyone has to do is contact Concord for Hometown Hero's Banners and meet their requirements and they will handle the rest.

Selectman Flynn asked if the banners would be hung from lamp post or telephone poles; lamp post. There was discussion regarding ownership of the lamp post between the town and NEC (New England College). Selectman Flynn would like to meet with NEC again regarding alternating town banners and college banners throughout the downtown. Vice Chair Hooper stated her concern hanging the banners from utility poles given the current litigation with PSNH.

Chair Blomback moved to approve the banners as presented and to attach to the lamp post until permission to hang from the utility poles is granted; and authorized Joe Devine to contact the utility company for permission. Vice Chair Hooper seconded. Motion carried 5-0.

Item 12: Committee Assignment –Azalea Park

Chair Blomback moved to appoint Selectman Osgood to the Azalea Park Committee as the Selectman Representative. Selectman Osgood seconded. Motion carried 5-0.

OTHERBUSINESS/CORRESPONDENCE

Item 13: Acceptance of Board of Selectmen Meeting Minutes March 24, 2021

Vice Chair Hooper moved to approve as amended. Selectman Flynn seconded. Motion carried 5-0.

Item 14: Town Administrator Report

- COVID-19 Update—As of March 31, 2021 we have 6 active cases (0.12% of population), we have had 9 new cases in the past fourteen days, a total of 209 cumulative cases (4.24% of population) a positivity rate of 1.7% and 5,634 tests have been conducted on Henniker residents.

- Woodman Park and Soldiers Memorial—Part of the 2021 budget included resurfacing the Veterans Memorial. In speaking with the Henniker Beautification Alliance they are now interested in possibly moving and creating a new area within the park. I have attached a plan being proposed. From my understanding from the committee no town funds will be used other than what was already budgeted for in the resurfacing of the memorial. They do have landscape companies and others willing to donate time and resources for completion. The plan I have attached is still in the infant stage but we wanted to make sure the Select Board was aware of the discussion. The Water Department will also be working in this area so I have suggested the Beautification Alliance reach out to the Water Department so work isn't done just to have it removed because of the water project.

By consensus the Board tasked the Historic Committee to review

- NH Room and Meals Tax Revenues —As of this writing, two of three spokes of the New Hampshire State government budget writing and approval process have agreed with increasing the amount of money Granite State cities and towns would receive through the meals and rooms (M&R) tax collections. In presenting his FY 2022 -2023 budget proposal in February, the Governor has proposed a \$10 million increase in M&R tax distribution from \$68.8 million to

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\$73.8 million in FY'22 and from \$73.5 million to \$78.8 million in FY 23. These increases, however, are subject to the M&R tax generating increased revenues to cover these increased expenses. On March 11th, the New Hampshire Senate on a 24-0 vote unanimously approved SB 99 which would fully fund the 40% of M&R revenues state statutes requires, instead of the current 22% that has been in place for a number of years. The Senate then voted to table SB 99, which is a procedural process to hold on to the bill until they get the State operating budget proposal. This enables the Senate to get the funding measure in the operating budget. Currently, the Town of Henniker receives M&R tax distribution of approximately \$249,000. We do not have data yet on what either the Governor's budget proposal or SB 99 would mean specifically to Henniker. But should \$249,000 be approximately 22% of collections as reported, then the Governor's budget proposal should yield approximately \$320,250 in FY '22 and \$409,312 in FY'23 for Henniker. And the full 40% of M&R tax collections as called for in SB 99 would yield approximately \$534,000 for Henniker in both years of the State operating budget. At this point there is no indication where the House of Representatives may stand on the M&R tax revenue issue. The House is the first body after the Governor proposes a budget that works on their budget proposal. The House needs to act in early April to approve its version of the budget and to pass it over to the Senate for their efforts. Attached for the Board's information is a copy of a press release issued by the State Senate upon the passage of SB 99.

Item 15: Selectmen Reports

Chair Blomback, Vice Chair Hooper, and Selectman Osgood had no reports.

Selectman Parker stated summer paving bids came back yesterday and the Road Agent is reviewing them now and will bring forward at the next meeting.

Selectman Flynn stated that the Water Department sent him a letter to inquire with the Athletic Committee to find out their schedule for the season since there will be a lot of disruption in front of the baseball field this season.

Public comment #2

Heidi Aucoin spoke about Woodman Park and how the Beautification Committee wanted the Historic Committee to review to see if it is even plausible and that nothing can happen until the changes to Circle Street and Depot Street have been made.

Heidi also spoke about the lamp post downtown and that she believed the college bought some south of the bridge in front of the Simon Center although the town pays for the electric. She stated she hopes a liaison will be created with the college to coordinate wreathes, flags, and banners throughout the year. Vice Chair Hooper stated with NEC being founded after WWII to provide higher education for those returning home, she believes NEC will support.

Vice Chair Hooper moved to adjourn. Selectman Parker seconded. Motion carried 4-0 (Selectman Flynn cut out again before he could vote).

Adjourned at 8:30

UPCOMING DATES

April 13, 2021 –Road Management Committee Meeting

April 20, 2021 –Board of Selectmen Meeting