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Disclaimer – The following are Draft Minutes, which could include errors and are subject to change upon approval of the Select Board.



**Town of Henniker
Board of Selectmen Meeting
Tuesday, July 19, 2022
Henniker Community Center**

Members Present: Chairman Kris Blomback, Vice Chair Peter Flynn, Selectwoman Tia Hooper, Selectman Bill Marko, Selectman Scott Osgood

Member’s Excused:

Town Administrator: Diane Kendall

Recording Secretary: Scott Osgood

Guests: See attached

Chairman Blomback called the meeting to order at 6:15.
Recitation of the US Pledge of Allegiance.

CONSENT AGENDA

- 1) Consent Agendas for June 21, 2022, and Consent Agenda for July 19, 2022
Motion to approve by Ms. Hooper, 2nd Mr. Flynn, Approved 5 -0
- 2) Motion Ms. Hooper, 2nd Mr. Flynn, Approved 5 -0

CORRESPONDENCE

3) Letters and Notices

PUBLIC COMMENT #1 – (For any comment by any Henniker resident on a topic. Request time limit, up to 3 minutes.)

Susan Fetzer is here representing the Henniker Historical Society housed in Academy Hall, one of the oldest original buildings in Henniker. They are seeking approval from the Selectboard to submit an assessment application to the New Hampshire Division of Historical Resources to be designated on the State Register of Historic Places. This is an honorary listing that acknowledges a building’s historical significance and encourages the protection of the buildings. They know the New England College Covered Bridge was listed in 2003 and the Tucker Free Library was listed in 2015.

Selectboard member Mr. Flynn noted this request should have been an agenda item instead of public comment and sees no reason to not accept the request. With the applicant providing the request in writing the Board can approve it and confirm future requests as required.

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Town Administrator Kendall stated the request for the presentation was made on Thursday, July 14 at 10:00 am and was inadvertently left off the agenda. Mr. Flynn noted it needs to be formally approved. Chair Blomback stated it could be approved as a consent agenda item.

Ms. Hooper motioned to authorize the Historical Society to submit the application as proposed to NHDHR, seconded by Mr. Flynn, and unanimously approved.

NEW BUSINESS

Police Department request for firearm training location – Chief Matt French

Police Chief Matt French stated the Police Department can no longer use the Pike Industry property on Old Concord Road for use as a firearm training location. The department needs to find an area to practice firearm training in any available pit in this town.

Chief French and Superintendent Aucoin have come up with a solution to use the Highway Department gravel pit next to the transfer station on River Road.

Ms. Hooper motioned to permit the Henniker Police Department to use the Town gravel pit for the firearms training and testing location and have the Highway Department make any necessary adjustments as proposed. Mr. Marko seconded the motion.

Mr. Marko asked about nearest neighbors to the location and suggested Chief French anticipate concerns about sound. Chief French will speak with neighbors. Ms. Hooper asked about frequency of use and Chief French responded less than monthly and could be about a couple of hours at one time.

Mr. Joshua Finet asked to speak. Chair Blomback noted public comment is not typically allowed during a motion. Mr. Finet asked if towns people would be permitted to use the location for the same purpose. Chair Blomback pointed out the board is considering the use for the Police Department only at this time.

Chairman Blomback called the vote. The motion passed unanimously.

Hiring - Selectboard

Chief French stated one member of the Police Department, Officer Jesse Colby is leaving the Department. He stated Officer Colby is moving to work in his hometown of Northfield. Chief French understands, and he gives the best to Officer Colby.

Selectboard member Mr. Flynn moved to accept the resignation of Officer Jesse Colby, with regret, effective July 5, seconded by Selectboard member Mr. Marko. The motion carried approved 5 to 0. Mr. Marko and Ms. Hooper stated Officer Colby was an outstanding officer in Henniker and will be missed.

State Building Code and Building Permits – Robert Garside, BICE

Bob Garside, Building Inspector, explained House Bill #1681 was signed into law effective July 1, 2022, by NH Governor Chris Sununu. The law provides for the adoption of new building codes based on the 2018 ICC and Fire/2020 NEC codes. A six-month concurrency period began July 1, 2022, which allows the applicant to provide compliance with either edition of the Code in effect. After January 1, 2023, compliance with the latest Editions as included with HB #1681 will only be accepted.

Bob states Chapter 133 Zoning Regulations Article XXX written by the Planning Board and adopted by the Town does provide language that anticipates future amendments as adopted by the State of NH. For

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example, each adopted code such as NFPA 101 – Life Safety Code – 2015 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire.) Mr. Garside explained that if other edits or amendments are proposed it would be a good time to update Article XXX 133-176 Adoption of Codes with the most recent State adoption. The public should be aware of the new code they will be adopting in January. Bob has prepared notices that will be included with all new permit applications and posted on the website.

The second issue, stated by Mr. Garside is language in Chapter 133 Zoning Regulations Article XXX regarding what needs and what does not need a building permit. Specifically, language in Chapter 133-182 Permit Not Required “or direct replacement with like materials” Mr. Garside asserts the language is not included in the state building code adopted by the town. He understands the language intent was for replacements of materials such as roofing, siding, and windows however unless specifically stated “direct replacement in kind” is not compatible with codes as adopted by the State of NH and Henniker Chapter 133 Zoning Regulations Article XXX. Repairs with like materials are allowed. He asserts the language is not sufficient. Inspector Garside would like permission to work with the Planning Board to tweak the article a bit to be more in line with the current state building code.

Mr. Marko, states in regard to the 2nd issue of replacement of in like materials, the Building Codes Advisory Committee came up with that with the intent of not burdening people with things that they didn’t have to have. Mr. Marko suggested putting together a subcommittee again, with no urgency and look at how to handle this and at the same time take a look at the new code adoption and find out if that is something we need to do and if the board has the background to say yes or no on adopting the new state building code. Ms. Hooper reminded that revision to the code must go before town meeting. Inspector Garside agreed that this is why he’s bringing it forward now.

Ms. Hooper motioned to reconvene the Building Code Adoption Committee. Discussion ensued about membership. Mr. Marko seconded the motion. Further discussion by Mr. Flynn who clarified that a special committee would be considering amendment to the existing code, not starting from scratch. Inspector Garside, noted to be clear, to say he supports Article XXX that whoever wrote Article XXX did a fantastic job for adoption and that there are minor edits at best, a couple of minor edits and clarification of permits. Chair Blomback called the vote, the motion passed 4-1. TA Kendall asked if the board would appoint members at the next meeting.

Ms. Hooper stated Mr. Marko, Jerry Gilbert, Kris Blomback, Heidi Aucoin, Jenn McCourt, Mark McMurphy, and Joe Devine were previously appointed. Mr. Marko asked to add Scott Dias to the committee.

TA Kendall asked if the board would appoint the Building Inspector as the subject matter expert to the committee and Mr. Marko said no, the Building Inspector should only come in as needed. Ms. Hooper asked to appoint Bill Marko, Jerry Gilbert, Jenn McCourt, Heidi Aucoin, Scott Dias, and Mark McMurphy to the Building Code Adoption Committee. Mr. Blomback declined appointment. TA Kendall will reach out to make sure the appointees accept the nomination. TA Kendall sought clarification from Mr. Marko about the goal of the committee to determine if the updated building code should be adopted. Inspector Garside explained the town adopted the 2015 State Building Code or the latest edition to the State Building Code. January 1st the new code is adopted, it’s not an option. Ms. Hooper said we have a motion and believed Mr. Marko seconded to appoint the members and Mr. Marco said we already passed that.

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Introduction of Cogswell Water Superintendent James Donison

TA Kendall introduced the new Cogswell Water Works Superintendent James Donison. Jim has come in as part time Superintendent for the Cogswell Water Works Superintendent. Jim started on May 4th. Jim has 30 years of experience, as a Public Works Director, and consulting with experience including public works director in Lebanon. Jim has the Grade 4 Water Treatment Plant Operators License, Grade 3 water distribution license, Grade 2 wastewater. Jim retired to the State Retirement system, with the ability to work 26 hrs. per week. Jim is looking for a part-time assistant operator, someone that has water experience. He is working with Highway Superintendent Leo Aucoin on dig safe and Main St drainage project. Jim stated the Water Works have begun using chlorine and back on June 1st there was a positive bacteria hit one of the water samples. All repeat samples were absent of bacteria. On June 2nd they started adding chlorine and that will be a seasonal treatment June to November to prevent bacteria.

Chairman Blomback asked Jim for an overview of the Cogswell Water Works for the Town. Jim stated Norman Bumford was the previous Superintendent for many years, he retired in 2021. The spring fed water system was established in 1914. In 1925 Mrs. Cogswell provided funding to upgrade water system. The system is a department of the Town but under the authority of a three-member board of Water Commissioners. Board of Commissioners meet at 4:00 pm on the 3rd Tuesday every month, with anyone allowed to attend the meeting. A person from the audience asked what form of bacteria was found in the sample and Mr. Donison responded coliform. The test is an absent present test.

Rectangular Rapid Flash Beacon Crosswalk Maple Street and Post Office Place – Leo Aucoin

Superintendent Aucoin explained State of NH, in oversight of crosswalks, eliminated the crosswalk at the College Convenience and the only way to maintain the crosswalk at Post Office Place is to install a rapid flash system. The Town. The board voted for this two years ago and purchased the equipment. Mr. Aucoin explained the agreement with the State is to maintain the beacon in their right of way. Ms. Hooper motioned to authorize the Rapid Flash Agreement with the State of NH and to authorize the Chair to execute the agreement. Mr. Aucoin explained the reason the state requires the rapid flash is enhanced safety because the location out of town, frequency of use and traffic volume. Mr. Osgood seconded the motion and explained its solar operated push button sign system. Mr. Aucoin explained the installation and handicap accessibility. Everything for the system has been purchased and is in storage. Mr. Blomback called the vote. The motion passed 5-0.

Ramsdell and Rt. 114 Drainage Project – Leo Aucoin

Mr. Aucoin explained a few years ago the town approved working in conjunction with the State DOT on a drainage problem at Ramsdell Rd and Route 114. The problem is from state pipe that was altered and downsized more than forty years ago that creates a backup during heavy rain flooding the Borden residence on the opposite side of the highway. Henniker will do dirt work and state is providing pipe. Town will introduce new storm drains working with a subcontractor working on Main St to oversee placement of pipe and remedy the situation. Mr. Flynn complemented Mr. Aucoin on resolving these issues. Mr. Aucoin explained DOT is providing pipes, storm drain lids and covers, town providing machine time labor and installing structures in conjunction with state.

Request to connect to OHRV Trail - Chris Williams

Chris Williams, seasonal person at Rock and Birch addressed the board. Looking for a way to access trail system approximately 1.4 miles to the trail system by OHRV from Rock and Birch.

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Mr. Blomback explained OHRV Committee does not recommend because the OHRV is tasked with controlling access to the system and not in the best interest at this time based on information from the Road Agent and Police Chief. Mr. Williams thanked the board.

Request for Crosswalk on Main Street - Jennifer Lopez

Jennifer Lopez and Joshua Finet proprietors of Superscoops Ice Cream request a crosswalk connecting from the sidewalk in front of their location to the community park across the street. She stated the Highway Safety committee met on December 9, 2020, regarding the request for a crosswalk and supported the crosswalk. When brought to the Selectboard on December 15, 2020, the Selectboard denied the request. On April 8, 2022, she sent email to DOT for guidance in slowing down traffic for ice cream patrons crossing in front of her store to the park. DOT referred her back to the town.

Ms. Lopez provided the board with statistics about ice cream sales for the summer and expressed concern for community members and patron safety crossing the road. She is ok with loosing parking spaces if it needs to happen to provide a crosswalk. Mr. Finet spoke about small business in Henniker and their contributions to the community and the relevance of the community park and parking behind the community building and requested the board find a way to say yes to this. Mr. Blomback reiterated that the board voted against it in 2020 and is not inclined to revisit if there are no fundamental changes. Ms. Hooper mentioned an email dated July 18 from Michael O'Donnell to Aucoin, outlining DOT concerns, safety issues and recommendations. Ms. Hopper suggested it would need to be sent back to the Highway Safety, Economic Development Committee and Road Management. Ms. Lopez read from Highway Safety Committee minutes confirming that committee's decision to support the crosswalk with color suggestions. Ms. Hooper explained the monetary consequences, Mr. Finet appreciates, and stressed safety should be considered. Mr. Blomback said board doesn't have enough information to decide right now and would need re-engage other committees. Mr. Flynn addressed Mr. Finet appreciating safety and concerns about parking spots and asked if neighbors approve of plan. Mr. Trivellini suggested that more parking spaces could be added and asked for the Economic Development Committee to weigh in on the project. Ms. Hooper motioned to send the project to Economic Development, Road Management and Highway Safety Committees for more discussion and bring analysis back to Selectboard for decision making. Mr. Finet asked about more signs to indicate parking. Mr. Marko seconded the motion. Scott Dias mentioned the Planning Board discussed parking and also asked about relocating or eliminating crosswalks. Mr. Osgood spoke in favor of sending to committees. Mr. Marko stressed needing data to support the changes and the need to consider costs. Mr. Blomback called the vote, the motion passed unanimously. Mr. Trivellini stressed the relationship between infrastructure that supports local businesses and the value of properties.

Economic Development Committee Comcast Broadband Grant – Diane Kendall

TA Kendall explained the Economic Development Committee met and reviewed a letter from Comcast dated June 23, 2022, relative to their proposal to use apply for and use state grant monies and private resources to expand broadband services in Henniker at no cost to the town. The letter explains NH HB2 established a matching grant program for expansion of broadband services and seeks to explore partnership with town. The EDC voted 5-0 requesting the Selectboard reach out to Comcast to explore the proposal. TA Kendall spoke with Comcast Government Affairs Sr. Manager, Bryan Christiansen, who clarified there is no need to have formal approval from the board. Comcast has agency to pursue the grant funding. They are seeking partnership to identify "last mile" rural residents with no access to broadband.

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Comcast has identified about 100 households that it does not provide access to, but those households may be served by TDS. There are 2 grant rounds, and it would be more likely than not that if Comcast were included it would be in the second grant round in the early fall 2022. Ms. Hooper asked about the Comcast franchise agreement which she believes has expired. TA Kendall explained that is about cable services and unrelated to the letter regarding the grant opportunity, however she will look into the status of the franchise agreement with Comcast. Chairman Blomback asked about the status of project to create overlay maps of population and internet coverage. Ms. Kendall replied the board voted to enter an agreement with National Collaborative for Digital Equity and the NHMA for consulting services. The membership agreement was \$7,500 and she will collaborate with the finance department to keep the project in motion. Mr. Marko asked why Comcast and not TDS. Ms. Kendall explained the letter requesting partnership came from Comcast not TDS. Mr. Marko also asked eligibility criteria 90% of households in the area must lack sufficient access. Mr. Blomback explained the EDC perceived that as grey area and Ms. Hooper explained that would be an issue for Comcast as they are the agency applying for the grant.

Azalea Park Fund Donation Acceptance – Susan Adams on behalf Alan Brown

Susan Adams addressed the board with a request for acceptance of a donation of \$9,000 from Henniker resident Alan Brown to Azalea Park Fund for the fabrication and installation of railings on both sides of granite steps leading to park trails and the purchase of a memorial bench. \$8,000 will be allocated to the railings and \$694 for the plaque park bench and with \$306 to remain in the fund for the future maintenance of the bench.

Mr. Marko asked if there will be a building permit. TA Kendall replied, most likely and she will coordinate the installer with the Building Department and Parks and Properties Superintendent. Mr. Flynn asked if board policy was adhered to. TA Kendall said it was and the applicable RSA and Selectboard policies were included in the staff report. Mr. Flynn motioned to accept donations as presented. Seconded by Mr. Osgood and unanimously passed.

Accept Grant donation from Rotary for Bandstand Electric – Ruth Zax

TA Kendall explained the Rotary awarded the town with a grant/donation of \$800.00 for lighting repairs and upgrades at the Angela Robinson Gazebo. The board asked Kendall if the quotes had been received, Kendall replied that she was waiting for a quote from a local contractor and that he gave a verbal estimate that the work could be done for around \$800.

Ms. Hooper motioned to accept the Rotary grant of \$800, 2nd by Mr. Flynn and unanimously approved.

Establish Wastewater Superintendent Recruitment Advisory Team – Diane Kendall

TA Kendall explained that WWTP Superintendent will retire on October 3, 2022. Position for a Wastewater Superintendent has been posted to the website and NHMA. One application has been received and there has been inquiry from another potential candidate. Kendall explained due to the highly technical and specific nature of the position, an advisory team should be formed to develop criteria and interview questions, conduct interviews, and advise the Selectboard. Kendall suggested team members to include Town Administrator, Selectboard representative, current WWTP Superintendent, Highway Superintendent, Cogswell Water Superintendent, and Engineer from Underwood and a WWTP Director or Superintendent from another community. Ms. Hooper volunteered to serve on the team. Mr. Marko suggested the addition of a Water Commissioner. The board agreed by way of consensus.

PAST MEETING MINUTES

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Acceptance of Board of Selectmen Non-Public Meeting Minutes June 14, 2022, 6:00pm

Motion to approve by Ms. Hooper, 2nd by Mr. Flynn and unanimously approved.

Acceptance of Board of Selectmen Public Meeting Minutes June 14, 2022, 6:15pm

Motion to approve by Mr. Marko, 2nd by Hooper, and unanimously approved.

Acceptance of Board of Selectmen Non-Public Meeting Minutes June 14m 2022, 8:30pm

Sealed - Motion by Ms. Hooper, 2nd by Mr. Flynn, and unanimously approved.

Acceptance of Board of Selectmen Public Meeting Minutes June 21, 2022, 5:00pm

Motion to approve by Ms. Hooper, 2nd by Mr. Marko and unanimously approved.

Acceptance of Board of Selectmen Non-Public Meeting Minutes June 21, 2022, 5:00pm nonpublic – not sealed

Motion to approve by Hooper, 2nd by Mr. Marko and unanimously approved.

Non-Public Meeting Minutes June 21, 2022, 5:40 PM non-public – sealed

Motion to approve by Mr. Blomback, 2nd by Mr. Osgood and unanimously approved.

Department Reports

Mr. Marko referencing the Building Inspector report, remarked permits were issued for replacement of things spoken about earlier. He asked the board if they would need to discuss refunding permit fees. He remarked the Selectboard makes decisions about fees. Mr. Blomback said the board would have to determine what doesn't need a fee. Discussion ensued about what requires building permits. After discussion the consensus from the board was to defer to the Building Inspector's authority about issuance of permits but to waive permit fees for roof, siding and window replacement until recommendation comes from the Building Code Advisory.

Mr. Marko motioned to "Stop accepting building permits and fees, for projects involving replacement of roofs, siding and windows." Discussion ensued, about technical issues in the State Building Code that causes friction with the intent of town code replacement in kind. Mr. Marko states requirement of permits is a burden. Mr. Marko suggested that there is language in the zoning that allows the Board of Selectmen to change the State Building Codes but couldn't recall the section. After more discussion, Mr. Marko modified his motion to "continue accepting permit application and stop accepting fees for building permits for projects involving replacement of re-roofing, re-siding, and replacement of windows." The motion was seconded by Ms. Hooper. TA Kendall explained that permit applications are the only trigger for assessment adjustments. Chairman Blomback called the vote, the motion passed 4-1.

Selectmen Reports

Mr. Marko attended Planning Board meeting and discussed affordable housing, as did the Economic Development Committee. There were no conclusions, and they are seeking more information from the Town Planner, Marc Fougere, in order to craft zoning that may be more favorable to multifamily housing. Also noted, Planning Board members discussed parking and cross walk issues.

Mr. Flynn remarked no committees that he's assigned to held meetings, therefore nothing to report.

Ms. Hooper attended interviews for open positions.

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Chair Blomback attended Economic Development Committee where they discussed the Comcast letter and heard a request from Henniker House B&B for charging stations in town and preliminary information from Underwood Engineering regarding the costs for sewer expansion out to Old Concord Road. Preliminary analysis is the project is considered cost prohibitive. If Hopkinton developed southwest corner of the Dunkin Donuts intersection it might be a better time to update MOU with Hopkinton. He also attended an OHRV Meeting regarding the request from seasonals at Rock n Birch for access to OHRV trails.

Town Administrator Report

Ms. Kendall notified the Selectmen the district Executive Councilor, Cinde Warmington, has chosen Henniker for the Governor and Executive Council Meeting on July 27. The session will begin with an 8:00 am breakfast meeting at Daniels Restaurant and 10:00 am continue to the New England College Putnam Performing Arts Center. Councilor Warmington is seeking a Selectboard representative to give a brief speech about the town. Mr. Flynn volunteered.

Kendall reported facilitation of amicable resolution of the dirt bike noise complaint. She reaches out to the property owner for their report of activity and communicates with complainants about the report. Complainants proposed a number of restrictions that would be amicable to them but not enforceable by the town. Kendall communicated that the emails and consulting with town attorney have taken up some administrative bandwidth and asked the board how they would like to proceed. If property owner and complainants reached some kind of verbal amicable resolution as to hours and days, Kendall explained, the board could re-evaluate the decision on dirt-bike noise as nuisance, understanding the town has no authority to enforce an agreement between property owners. Kendall remarked that to date there is no resolution. Chairman Blomback recused himself from the discussion. Ms. Hooper suggested the gravel pit owners go before the Planning Board for a site plan evaluation. Mr. Marko said we have no action on that. The board consensus was for the TA to continue communicating with parties and table discussion for a future meeting.

Kendall said the Transfer Station has requested to close the transfer station September 3rd and 4th for the Labor Day weekend. Also, to extend hours on Tuesday Sept 7, and Sept 9. This is the only holiday weekend the staff has requested. The staff has demonstrated enormous pride in their work and has an excellent work ethic. This is evidenced by increased praise for customer service, organization, and cleanliness of the facility. Giving the time off will show a lot of appreciation to our employees and give them time to enjoy the holiday, will improve moral and show that we care for employee work- life balance. Ms. Hooper recommends bringing it as an agenda item for August 9th. Mr. Flynn recommends providing much advance notice to patrons.

TA Kendall reported Henniker Community Market has reserved the community park and bandstand for October 1st and wants to expand into the Community Building. Vendors would be set up inside and outside. Kendall proposed to coordinate the rental use with Parks and Properties Superintendent Mark Boisvert to remove and replace audio visual equipment. Kendall remarked the Rental policy authorized the Town Administrator to approve or deny rental agreements. She brought to the board's attention for their awareness of the use.

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TA Kendall notified the board of a DES Press Release urging the public, community water systems and municipalities to implement outdoor water use restrictions. The board deferred action to the Water Commissioners.

TA Kendall is seeking a quote to repair or replace the fans in the Community Building and asked if the Board would like guidance from the Historic District Committee regarding the old stage.

Ms. Hooper motioned to adjourn; Chairman Blomback invited public comment. The meeting adjourned at 8:32 pm. Ms. Hooper motioned to adjourn, seconded by Mr. Flynn.

The next Board of Selectmen meeting is August 9, 2022, 6:15 p.m.

Respectfully,

D. Scott Osgood, Minute Taker

Minutes Approved: xx.xx.xx



Meeting: SELECT BOARD

Date: July 19, 2022

PLEASE PRINT

Name

Address

Susan Adams	Ramsdell Rd.
Sue Fetzner	Henniker Historical Society
Kristen Machian	
Heidi Auerbach	Wheat Rd
Jenn McCant	Henniker
Cathy & Scott Doras	Henniker
Lori Munko	Henniker
Chris Williams	Henniker
Jennifer Lopez	Super Scoops Henniker
JOSHUA FINCH	SUPERSCOOPS
ROBERT GARZA	Town of Henniker
MARK LUCARD	233 Ray Rd.
Ellen Chase-Lucard	"
Kenneth Carr	136 Ray Rd
KT David	48 Main St
Jim Douison	representing Cogswell Spring Waterworks