

## Minutes

### Bristol Select Board

June 25, 2015

**Present:** Select Board members: Janet Cote, Rick Alpers, Shaun Lagueux, Betsy Schneider, Paul Manganiello, and Town Administrator Michael Capone.

The meeting was called to order at 6:02PM.

Mr. Lagueux made a motion to approve the public and non-public minutes from June 11 , 2015 seconded by Mr. Alpers. With no further discussion, the Board voted 5-0 in favor of approving the minutes.

Consent agenda: Mr. Lagueux made a motion to approve the consent agenda dated June 25, 2015 to include the items named therein, seconded by Mr. Manganiello. The Board voted 5-0 to approve the motion.

**Public Hearing on 79-E Application:** The application is in regards to Mr. Hertrich and the property at 12 Central Square.

Mr. Hertrich thanked Town Administrator Capone for his assistance with the application process

Mrs. Cote informed those present that the purpose of the public hearing is to answer questions regarding the 79-E application. There are three criteria that have to be met: the building has to be a qualifying structure, the rehabilitation costs have to be considered substantial (\$75,000 or 15% of the assessed value), and there has to be a public benefit. The Board has 45 days to make a decision.

Mr. Alpers asked if the Board has to wait the 45 days and what could happen if the Board makes a decision tonight. Mr. Capone replied that the Board does not need to wait the 45 days and he is not aware that anything has happened in other Towns that did not wait the 45 days.

Mr. Lagueux suggested that Mr. Hertrich go over the high points of his proposal and plans for the building. Mr. Hertrich replied that he is on phase two of the renovations to 12 Central Square. The second floor has not been started. There are two apartments that need to be renovated on the second floor. Mrs. Cote asked what the intentions are for the apartments. Mr. Hertrich replied that one apartment will be a two bedroom and the other will be either a one or two bedroom apartment.

Mrs. Cote commented that based on the map included in the 79-E application the building is in the zone so it is a qualifying structure.

Mrs. Cote asked if the estimated \$127,000 renovation cost is for all new work. Mr. Hertrich replied that it is for all new work on the second floor and the hallways. Ms. Schneider asked if the estimate is a professional estimate. Mr. Hertrich replied that the estimate is a rough estimate that he came up with based on his previous renovation experiences.

Mr. Capone commented that the assessed value of the property is \$132,300 and that the costs fall within the threshold. Mrs. Cote confirmed that it meets the cost criteria.

Mrs. Cote addressed the public benefit criteria which includes increased economic vitality for the downtown and increased housing downtown. Mrs. Cote commented that the property is currently assessed for two apartments and that Mr. Hertrich states that the apartments will be habitable after the renovations. Mr. Hertrich commented that he is asking for an extra two years of tax relief on the basis that the two units were uninhabitable for many years and not just empty. Mr. Alpers asked when the last time the units were rented. Mr. Goodrum replied that he inspected these apartments a number of years back with then Chief Skantze and they were not habitable. Mr. Capone commented that they were last noted in 2006 according on the assessing card.

Mr. Rottenecker asked if the Town had dedicated parking for the units. Mr. Hertrich replied that there is virtually no residential parking there. Mr. Alpers commented that the Planning Board would answer parking questions. Mr. Lagueux commented that there has never been dedicated parking for any downtown apartments. Mr. Rottenecker also commented that turning the buildings downtown into residential versus commercial would hurt the downtown. Mr. Hertrich replied that the first floor of this building is still commercial use.

Ms. Schneider commented that she is still struggling with considering the new housing criteria as the units were always apartments no matter how bad they are. Mr. Manganiello asked if the Board was approving the extended period of time tonight also. Mrs. Cote replied that it depends upon the motion made tonight. The Board can decide up to five years with an additional two years for new housing units and up to four more years for affordable housing. Mr. Capone commented that Mr. Hertrich would have to meet the requirements for affordable housing as defined by the federal government.

Mrs. Cote asked the Board if they were in agreements that the building is a qualifying structure. The Board agreed that it is. Mrs. Cote asked the Board if they were in agreement that there is public benefit. The Board agreed that there is public benefit. Mrs. Cote state that the criteria has been met and the Board may start discussion on approval of the application.

Mr. Simard asked if there would be pressure on parking for the retail stores downtown with the new apartments and if this would hurt the downtown economic vitality. Mrs. Cote replied that the parking would be used mostly at night and on the weekends so parking would not hurt businesses on an everyday basis. Mr. Hertrich should not be penalized for the way things are now.

Mr. Rottenecker asked if Mr. Hertrich has applied for any federal grant money as the building is on the National Registry of Historical Places. Mr. Hertrich replied that he has not applied but has looked into some programs.

Ms. Schneider asked if Mr. Hertrich went to the Planning Board for making structural changes. Mr. Capone replied that Mr. Hertrich went to the Historical District Commission regarding the improvements to the front of the building. Ms. Schneider asked Mr. Paradis from the Planning Board what that Board looks at regarding these matters. Mr. Paradis replied that the Planning Board looks at the history of the property to see what it was used for. Ms. Schneider commented that she is trying to determine if the units are new housing as they have been taxed as apartments in the past.

Mrs. Cote commented that the next step will be to draft a covenant that the Town will enter into with Mr. Hertrich. The covenant will include what Mr. Hertrich has to do in order to abide by the 79-E terms. The timeline will have to be followed also. Mr. Hertrich commented that he can get the work done within a year.

Mrs. Cote closed the public hearing.

Mr. Manganiello made a motion for the approval for non-tax increases attributed for the rehabilitation for the structure at 12 Central Square owned by Russ Hertrich for a maximum of five years from the completion of the rehabilitation, seconded by Mr. Alpers. The Board vote 5-0 in favor of the motion. Mr. Capone will draft the covenant language that the Board and Mr. Hertrich will sign.

#### **Space Needs Discussion:**

Mrs. Cote stated that this discussion is a continuation of a review of the Town's space needs issue. The negotiations on the boat shop property will be held in the non-public session. Mrs. Cote commented that the Board needs a clearer picture of what the department heads' space needs are. Mr. Lagueux commented that Board has no ability to address space needs without an understanding of what real estate is available that the Town may or may not own.

Mrs. Cote asked Highway Superintendent Mark Bucklin his opinion on moving the salt/sand shed to the boat shop property. Mr. Bucklin replied that moving the shed to a residential area may not be a good spot for all night operations.

Mr. Alpers commented that the boat shop property lends future Boards the ability to do things for many years to come. Storage is an issue in town but the size of the parcel gives the Town expansion possibilities.

Mr. Capsalis commented that Mr. Hughes would like to work with the Town regarding his property. At the current asking price it is a great buy for the Town.

Mr. Williams commented that the boat shop property will serve the town for many years to come as the building has such potential. There are active business people present who will offer their services to assist the Town in moving forward with this project. Mrs. Cote asked if Mr. Williams was willing to sit on a committee regarding this. Mr. Williams replied that he would be willing to sit on a committee and willing to step forward to offer support and help in the project. Mrs. Cote commented that the use of that particular building is for the Police Department and the town offices will be adjusted in the present building.

Mr. Simard commented that the library went through three iterations and the cost came down on that project. If the boat shop can be done at a reasonable cost then it should be considered.

Mr. Rottenecker asked if the appraisals were done by a professional, how much will it cost to turn the property into a police station, and if the issue will be postponed until March so voters can discuss the cost. Mrs. Cote replied that the figures discussed were supplied by an architectural firm and by a construction company. These figures are estimates and there are no firm numbers yet.

Mr. Sharp commented that this is a very simple process and he is willing to help also with donating GC time. This is probably the most viable option for the expense. Mrs. Cote asked if he were willing to do this for just this particular property. Mr. Sharp replied that it depends on the dollars as he would not want to spend another half million dollars on another property. Mr. Sharp is willing to serve on a committee.

Mr. Goodrum commented that in his personal opinion the project is going to happen in his tax paying years. He does not want his taxes to go up but the Town needs a police department that is in compliance. The property needs to be purchased to get to a conclusion on this. The expansion is needed so something will have to come off the tax map. The Town can get tax dollars back in other ways. Mr. Goodrum is willing to sit on a committee.

Mrs. Greenwood commented that she would like to see the Town move forward one way or another. The boat shop is a viable property and the situation has to be corrected now. There is a lot of taxpayer support for this but more information is needed by the public.

Mrs. Huber commented that she is not pleased that the property will be taken off the tax map. If the property is purchased the Town needs to sell other town owned property to pay for this building. Mr. Alpers commented that the Town has worked hard to dispose of tax deeded properties. Some of the empty properties are valuable to Water/Sewer and may meet other Town needs.

Mr. Hill commented that there was a proposal a few years ago for a 1600 square foot addition to this building for the police department. Nothing happened to this proposal after CIP presented it. Mr. Hill feels the property next door needs to be considered more seriously too.

Mr. Rottenecker commented that if the Town says no to the cost of the renovations but it owns the boat shop property then the Town is left with a building that is off the tax map. Mrs. Cote clarified that the purchase of the building needs to go before the voters at Town Meeting.

Mr. Carr suggested that a committee be appointed to come up with solutions for the Police Department needs. Chief Lewis commented that this has been done several times and in some instances the committee came up with a plan that had more square footage than the Police Department asked for.

Mr. Richards commented that the boat shop property has a lot of potential for business expansion and is concerned with taking it off the tax rolls. This needs to be looked at as it seems that there are a limited amount of areas that can be developed in town.

Mr. Shackett commented that committees have studied this previously and the Town has an opportunity now with this property offered at a highly discounted rate. If the decision is pushed off the Town will miss the opportunity.

Mr. Sellers commented that this sounds like a great deal but the whole building has to be refurbished and the property will be taken off the tax base forever.

Mr. Cote commented that he doesn't think the Town should put its eggs in one basket and that the next door property should be considered.

Mr. Rottenecker asked what the assessed value of the boat shop property is. Mr. Capone replied that it is assessed at approximately \$586,000.

Mr. Alpers commented that this option was the least expensive of the four that was presented and that any discount will apply to all four options.

Mrs. Cote commented that the Board has other considerations not just the price. There will be due diligence on all issues.

Ms. Schneider commented that the architects neglected to add the \$215,000 needed to refurbish the present building after the police department moves into the new building. This amount needs to be added into the 1.5 million. Mr. Lagueux replied that it will cost less to retrofit the building for town offices and the \$215,000 is added in if the town offices are moved next door and the present building is retrofitted for the Police Department.

Mr. Carr commented that the Select Board bypassed the CIP on this. Mrs. Cote replied that this issue has been a priority 1 for the CIP for several years. The discussion started last year with a different property. There might be multiple options but one property is of enough interest to at least make an offer on it. Mr. Hill commented that the CIP responds to requests made and there is no request on this right now.

**Mark Bucklin, Highway Superintendent:**

Mr. Bucklin informed the Board that there is a purchase order pending to finish the chip sealing on Peaked Hill Road. There is a single source provider with this. The purchase order is for \$48,295. Mr. Lagueux commented that there is \$50,000 in the budget for this. Mr. Lagueux made a motion to approve purchase order #003647 to Allstate Asphalt Inc. for chip sealing the remaining part of Peaked Hill Road and for Ten Mile Brook Road in the amount of \$48,295, seconded by Mr. Manganiello. The motion carried with a 5-0 vote.

Mr. Bucklin stated that the engine seized on the old one ton truck while it was at a dealership for service. Mr. Bucklin is concerned that the new truck being ordered may be delayed and there needs to be a truck for the winter. Irwin has a truck that fits his request but there is \$2,200 worth of extra options on it. The Town would get this one sooner than the one being ordered. The Town could also choose to have the engine rebuilt in the old truck. An estimate of \$6,200 was given for an engine rebuild

which would replace all eight pistons. The rebuild will take a few weeks. Mr. Bucklin recommends having the rebuild done in the truck and waiting for the new truck on order. Mrs. Cote asked if there will be a budget issue for the cost of the rebuild. Mr. Bucklin replied that there is money in the maintenance line and the department can find money in other lines too. The truck will go to the Fire Department as the forestry truck after the new one arrives. Ms. Schneider commented that the truck should be sent for an estimate on the rebuild as it could only be one piston that needs to be replaced and that this is a viable option if the truck is going to the Fire Department afterwards. Mr. Lagueux commented that Franklin just spent \$30,000 for a forestry truck and that he likes the idea of shifting the truck to the Fire Department after it is used by the Highway Department. Mr. Bucklin replied that this is the route he wants to take and that the parts on the rebuild will be warranted for six months.

Mr. Bucklin and Mr. Capone walked around Kelley Park after the circus left town. There are some concerns with the turf and pictures have been taken. Garth Woolsey was contacted to take a look at the work that needs to be done and he will give a cost estimate. Mr. Capone sent an email to Mr. Lyons from the Lions Club to let him know what is happening. Mr. Bucklin commented that Garth will try to replace the sod and aerate real heavy and then after a week see what comes back. Mr. Lagueux commented that the Lions Club signed on to some of this and they did say damage would be addressed.

The Board thanked Mr. Bucklin for attending the meeting.

Mr. Alpers requested that item #2 on the agenda be tabled. The Board agreed.

#### **Personnel Policy Revision:**

Mr. Alpers asked if this policy was reviewed by Town Counsel. Mr. Capone replied that this policy was a hybrid of policies from other towns and it is consistent with the RSA. Mr. Alpers made a motion to adopt the policy of other wireless communication devices in vehicles for the Town of Bristol while also notifying employees of this policy effective July 1, 2015. The motion was seconded by Ms. Schneider. The motion carried by a vote of 5-0.

#### **Town Administrator's Report:**

The Board has to sign a form for the generator grant that was submitted by Chief Yannuzzi. The Board has to agree to the terms and conditions of the grant. This is a step that needs to be executed before final approval of the grant. Mr. Alpers made a motion for the Town of Bristol Board of Selectmen by majority vote accept the terms of the Emergency Management Performance grant as presented in the amount of \$13,000 for purchase of a generator and furthermore the Board acknowledges the total cost of the project is \$26,000 in which the Town is responsible for a 50% match of \$13,000. The motion was seconded by Mr. Lagueux. The Board voted 5-0 in favor of the motion. Three Board members signed the form.

Mr. Capone was notified by Mark Avery of the State shed that work will be done of the state pumps beginning around July 4<sup>th</sup> and lasting for a six week period. The Town will have to go to New Hampton during this time for fuel.

Mr. Capone received notification from the state on new fuel prices. For the next year diesel will cost \$2.64 per gallon down from around \$3.00 per gallon last year.

Mr. Capone received an email from Les Dion. Mr. Jay Meegan contacted her on behalf of the Laconia ice rink offering the town its old Zamboni. The Zamboni needs to be tuned up and moved. Ms. Schneider commented that these need to be stored in a heated shed and the town is not ready for this yet. The Board extends its thanks to Mr. Meegan but must respectfully decline the offer of the Zamboni.

Mr. Capone informed the Board that he has reached out to the fireworks company regarding the price and date of the special fireworks show in honor of Joe and Paula Denning. He has not heard back yet. The Town has received \$800 in donations for this show so far. There does not have to be a public hearing as the amount is less than \$10,000 but per the RSA the Board has to accept the money being donated for the fireworks show. This will be put on a future agenda.

Mr. Capone did submit an LCHIP grant application to get additional money for work on the Old Fire Station. Lucille Keegan and Sandra Heaney worked on the grant. The Town should know by fall if it will get the money.

Mr. Capone informed the Board that Ms. Heaney has submitted a request that the Old Fire Station be placed on the State Register of Historic Places. Mr. Capone received notification that as of April 27, 2015 the Old Fire Station is listed on the NH State Registry of Historic Places.

#### **Select Board Items:**

Mr. Lagueux was approached by a Highway Department employee who has concerns with a small pine tree at Avery Crouse Beach. The tree needs to be taken out and replaced by shrubs. There are Shoreland protection concerns. Mrs. Cote commented that the call needs to be made to DES about the process. Mr. Capone commented that the work may qualify as maintenance. Mr. Lagueux thought it may qualify as hazardous mitigation.

Mr. Lagueux commented that he saw the work that has been done on the Historical Society garden downtown and was informed that they received a sizeable donation for that project by a local business owner.

Mr. Alpers requested that a meeting be set up with Jeff Chartier this summer to set the Water/Sewer rates. Mr. Capone will set up the meeting with Jeff Chartier on August 10<sup>th</sup>.

Mr. Manganiello attended the Planning Board meeting and Mr. Steven Means came to the Select Board to discuss the special exception required by the Planning Board.

**Public Comment:**

Mr. Means informed the Board that he attended the Planning Board meeting regarding the restaurant he is opening called Hog Wild BBQ. The Planning Board informed Mr. Means that a special exception is needed to open with indoor seating. The restaurant was always operated as a seated restaurant and only stopped when it became the creamery. Mr. Means commented that all his plans have been put on hold because of the Planning Board.

Mr. Lagueux asked if there was indoor seating last year. Ms. Maryann Parkhurst commented that last year there was indoor seating and she has been helping Mr. Means with the process of opening his restaurant.

Mrs. Cote asked how much of a lapse has occurred since it's been the creamery. Ms. Parkhurst replied that it's been 2-3 years. The property went under agreement three times and it fell through each time. Ms. Parkhurst contacted the state about selling ice cream and opened that creamery late that season. Ms. Parkhurst expanded the license with the state the next year for the same seating as the prior restaurant.

Mr. Lagueux asked if she had the same issue with the Planning Board. Ms. Parkhurst replied that she just applied through the state and got permits from Town and did not go through the Planning Board.

Mrs. Cote commented that the Planning Board has to go through their procedures and ordinances.

Ms. Parkhurst asked if there could be special meetings.

Mr. Lagueux asked what process the Planning Board is asking. Mr. Means replied that they are asking for a site plan review and zoning. It could be the end of August before the restaurant can open.

Mr. Capone commented that the explanation from the Planning Board Chair is that the restaurant went from ice cream take out to a seated restaurant without proper notice to the Planning Board. Since the procedure was not followed it cannot continue as a seated restaurant. Mr. Capone explained that when the use goes from takeout, which is permitted in the zone, to interior seating, a special exception is required. Mr. Means did not go through the proper Planning Board process. The Planning Board is bound by zoning ordinances of the Town. They did offer some suggestions to Mr. Means as to how he might open on a limited basis while he completes the special exception process.

Mrs. Cote asked if Mr. Means can do take out. Mr. Capone replied that take out is permitted. Mrs. Cote suggested that Mr. Means start with that while going through the process.

Ms. Parkhurst commented that no one told Mr. Means to go to the Planning Board. The town offices have been helpful but there was no information on the correct procedure.

Mrs. Cote replied that the Planning Board are tied to the RSAs and might not be able to speed up the process. Mr. Means asked for clarification on how to find out if the special exception did expire.

Ms. Schneider replied that he should talk with the Chair of the Planning Board.

Mr. Capone commented that this was discussed last night and that in his opinion this discussion tonight is unfair to the Planning Board.

Mr. Lukeman commented that this is still evidence of Bristol not being a business friendly town.

Mrs. Cote commented that this matter is still up to the Planning Board and Zoning.

Mr. Sellers commented that if there is a checklist of what to do then someone didn't hand him the paper with the proper steps to go through.

Mr. Lagueux replied that the employees at the town offices know that this will happen and they do tell people the process. They give out the information but do not determine who needs to see the Planning Board. Mr. Lagueux commented that Zoning is in the hands of the electorate.

Mrs. Cote ended discussion by informing Mr. Means that this needs to be taken up with the Planning Board as it is not in the hands of the Select Board.

With no further public business to come before the Board, at 8:58 PM Mr. Alpers made a motion for the Board to go into non-public session under RSA 91-A:3 (a), (d) and (e), seconded by Ms. Schneider. A roll call vote was held. The motion carried by a vote of 5-0.

At 9:58 PM, Mr. Lagueux made a motion to adjourn. The motion was seconded by Ms. Schneider. The Board voted 4-0 in favor of adjournment.

Respectfully submitted,

Wendy Costigan

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Janet Cote, Chair

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Shaun Lagueux, Vice Chair

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Rick Alpers, Select Board

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Paul Manganiello, Select Board

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Betsy Schneider, Select Board