

**Minutes  
Bristol Select Board  
February 20, 2020**

**Present:** Select Board members: Chair Les Dion, Vice Chair Don Milbrand (arrived late), Rick Alpers, JP Morrison (arrived late), Wayne Anderson and Town Administrator Nik Coates.

**Absent:**

**Non-Public Session:** Mr. Anderson made motion to enter nonpublic session per RSA 91-A, II (a) and (c) at 4:00 PM. Seconded by Mr. Alpers. Roll call vote taken. 3-0-0 in favor, motion carried. Mr. Morrison absent from non-public session and Mr. Milbrand arrived at 4:10 PM. Motion made by Mr. Alpers to leave nonpublic session at 4:55 PM. Seconded by Mr. Milbrand. Roll call vote taken. 4-0-0 in favor, motion carried.

**Public Session:** Chair Dion opened the public meeting at 4:56 PM.

**Others Present:** Mark Bucklin, Highway Superintendent; residents of Hemlock Brook Road and Sunset Heights Subdivision, and Kevin MacCaffrie, president of the Sunset Heights Subdivision Association; and other Bristol residents.

**Public Hearing for Hemlock Brook Road and Sunset Heights Subdivision Roads and SB2:** Chair Dion opened the public hearing for Hemlock Brook Road at 4:58 PM. Chair Dion informed the public that this public hearing is for questions and other concerns regarding the layout of plans for the conversion of Hemlock Brook Road from a private road to a public road. A walk through of the area was conducted by Select Board members, Mr. Coates, Mr. Bucklin and Hemlock Brook Road residents earlier in the day. Mr. Alpers explained that the Select Board received a petition to lay out this portion of the road and that the Board is considering laying it out as a Class V road which would mean the Town will be responsible for maintaining it. The road would remain unpaved, but some stabilization work will likely be done to be sure it remains in good shape. Mr. Bucklin asked about removal of boulders and was answered that it is part of the settlement agreement which is not part of this public hearing. Chair Dion asked if there were any public comments. Ben Drew asked why the Town is making this a public road. Mr. Coates informed him that the Town received a petition to layout the road as a Town road. Mr. Drew asked why originally the road was going to be laid out as a Class VI road and was changed to Class V. Mr. Alpers answered that it is being laid out in accordance with the legal settlement. Mr. Drew asked about signage, parking, future development and if 4 wheelers would be allowed. Mr. Milbrand answered that 4 wheelers aren't allowed on Class V roads and that proper signage would be installed by the Highway Department. Mr. Drew asked about issues relating to the legal settlement and was told that this public hearing was to discuss the layout of the road only and legal matters could not be discussed at this forum. Chair Dion said that if he had non-layout related items he wanted to discuss, then he could bring them to the Select Board outside of the public hearing. There being no further public questions and comments, Chair Dion closed this public hearing at 5:05 PM.

Chair Dion opened the public hearing for the conversion of Sunset Heights Subdivision Roads from private roads to public roads at 5:06 PM. Mr. Morrison arrived at 5:10 PM. Mr. Coates explained that the original site plans were under a different subdivision name as they currently are. Chair Dion asked if there were any public comments. Kevin MacCaffrie, president of the Sunset Heights Subdivision Association, thanked the Select Board for doing their due diligence and for looking at the road conversion proposal. Mr. Alpers asked Mr. MacCaffrie if the association has over the 51% approval needed to bring the roads up to specification according to the association's bylaws. Mr. MacCaffrie

answered that the association has received over 75% approval and that it is still the intent to bring the roads up to specification. Mr. MacCaffrie asked if the association were to do all the work to bring the roads up to specification, could the Select Board still vote against having these roads become public. Mr. Alpers responded that if the association does their due diligence by bringing the roads up to specification, the Board would accept the roads. Paul Noonan was also concerned with this. Paul Guarino asked if a motion would be proposed during this public hearing. Mr. Alpers answered that the public hearing is to converse on the contingencies and a motion would be made after the public hearing. Paul Noonan asked about the estimate the association received from GMI last spring. He was answered that the association should contact GMI directly and that they are using the Town's contract price. Mr. Guarino inquired whether GMI would know what the Town specifications are and was answered they would. Mr. Bucklin added that paving prices can vary according to the fluctuation of oil prices. Mr. Coates conveyed that the underlying water infrastructure would remain private. Red Sun Water Company will be responsible for water main leaks and any road repairs associated.

Les asked if there were any other questions. There being no further comments or questions this public hearing was closed at 5:15 PM. Mr. Alpers excused himself from the meeting at 5:15 PM.

Chair Dion opened the SB2 public hearing at 5:16 PM. This public hearing is to take comments on the petitioned warrant article to change the form of government in Bristol from the traditional town meeting to a deliberative session followed by ballot voting. Mr. McCaffrie asked if this article will be on the warrant regardless of any Select Board vote taken at the public hearing and was answered it would be. Mr. Coates informed the public that the law was changed so that it has to be debated and voted on at the Town Meeting and cannot be voted on the official ballot. A 3/5 majority vote of the Town Meeting attendees is required to pass this article. Chair Dion asked if there were other public comments. There being none, closed the public hearing at 5:20 PM.

**Consent Agenda:** Mr. Milbrand made a motion to approve the consent agenda dated February 20, 2020, to include the items named therein, seconded by Mr. Anderson. No discussion took place. The Board voted 4-0-0 in favor of the motion to approve the consent agenda.

**Meeting Minutes:** Mr. Milbrand motioned to accept the minutes of 2/6/20, seconded by Mr. Morrison. No discussion. The Board voted 3-0-1, motion passed.

Mr. Milbrand motioned to accept the minutes of 2/11/20, seconded by Mr. Morrison. No discussion. The Board voted 4-0-0, motion passed.

Mr. Alpers returned at 5:27 PM

**Votes regarding Hemlock Brook Road and Sunset Heights Subdivision Roads:** Mr. Alpers moved under RSA 231:8 that the Select Board lay out as a Class V Town Road Hemlock Brook Road Extension as it is shown on the "Survey for the Town of Bristol NH Showing a Proposed Layout of Hemlock Brook Road Extension" dated September 21, 2018, seconded by Mr. Morrison. No discussion. The Select Board voted 4-0-1, motion passed.

Mr. Alpers made a motion for the Select Board to accept as Class V Town Roads the roads in the Sunset Heights Subdivision as shown on the Plan titled "Sunset Heights: A Re-Subdivision," recorded as Plan #10115 at the Registry and approved by the Planning Board on September 27, 2000. The roads to be accepted are now known as Wicom Road from the intersection of Prestige Drive to its terminus, all of Sundown Road, all of Autumn Lane, and all of Scenic View Road. Acceptance of these roads is conditional upon, and shall not be effective unless and until, all of such roads have been improved by a

private contractor engaged by the residents of the subdivision, and payment in full has been made to the contractor by the residents of the subdivision, and the roads are in compliance with current Town specifications, and all such improvements have been approved by the Select Board and Highway Superintendent. All underlying water and sewer infrastructure shall remain privately owned. The motion was seconded by Mr. Milbrand. Mr. Alpers suggesting adding that there be a final walk through to confirm that all the contingent improvements were done, and the Select Board will then sign off.

Mr. Coates added that if the motion is accepted a notice will be sent to the residents with a copy of the motion and an explanation. A point person from the association should be established in order to coordinate with Mr. Bucklin. Mr. MacCaffrie asked if the scope of work is based on what the Board and the association has already agreed to and Mr. Coates replied that it is. Chair Dion asked if there was any further discussion. There being none, the Board voted 5-0-0. Motion passed. Mr. Coates added that notices will be sent to the residents with a copy of the motion and a short explanation i.e., none of the roads will become public until the work has been performed and the association has paid for work fully and Mr. Bucklin and the Board have formally agreed that those things have been done properly. After the work has been done and approved, the Board will take a vote and then Town records and maps which show public roads will be updated. The written record is the given to the Town Clerk.

Mr. Alpers encouraged the Select Board to have a conversation with Mr. Bucklin regarding adding more personnel, fuel and material to the budget for plowing and sanding the extra roads. Mary Lou Drohr asked if this would be voted on at Town Meeting, she was answered it would not be. Mr. MacCaffrie thanked the Board for their consideration and time.

#### **2020 Warrant: Finalization and Voting:**

The Select Board went over the articles on the 2020 warrant and determined which select board member would provide the public with an explanation of the warrant.

The petitioned warrant articles will be presented by the petitioners.

Article 18 on the operating budget will be presented by the Budget Committee Chair.

Article 19 to establish a contingency fund for unanticipated expenses: Mr. Morrison.

Article 20 for preparation of architectural studies for a future public safety building: Mr. Milbrand.

Article 21 to add \$44,000 to the Police Vehicle Capital Reserve Fund: Mr. Milbrand.

Article 22 for the purchase of two cardiac monitor/defibrillators: Mr. Alpers.

Article 23 for the renovation of the bathroom and second floor facilities at the Highway Department garage: Mr. Anderson.

Article 24 for the purchase of a Limited Use Limited Application (LULA) elevator for the Town Office building: Mr. Alpers.

Article 25 to raise and appropriate \$14,000 for the Fourth of July fireworks display: Chair Dion.

Article 26 for the establishment of a Patriotic, Recreation and Special Events Expendable Trust Fund: Mr. Alpers.

Article 27 to raise and appropriate \$240,000 to be added to the Accrued Wages, Assessment Reval, Fire Department Fire Engine, Highway Department and Town Building Maintenance Capital Reserve Funds: Mr. Milbrand.

Article 28 to transact any other business that may legally come before the Town Meeting: Mr. Morrison.

**Select Board Items:** Mr. Morrison asked if Mark Bucklin had voiced any concern about the Highway Department salt/sand shed being taken off of the warrant. He was answered that Mr. Bucklin had not said anything.

Mr. Alpers inquired as to when the public information session for the Sewer to Lake project would be. Mr. Coates answered that it will be held at 4:00 PM on February 26th at the Minot-Sleeper Library. Chair Dion asked when the Candidates Forum would take place. Mr. Coates informed her that it will be held at 2:00 PM on Saturday, February 29<sup>th</sup> at the library.

**Public Comments:** Tom Ford asked for an explanation of the petitioned warrant article for SB2. Mr. Coates explained that SB2 changes the form of municipal government. A deliberative session would be held instead of a town meeting to go over each item on the warrant, changes can be made to the warrant at the deliberative session and residents would then vote on articles via official ballot at a later date. Roy Ford asked if this been voted on yet and was told that it will be voted on at the Town Meeting on March 14<sup>th</sup> at Newfound Regional High School at 9:00 AM. He also asked if other towns have adopted this and was answered that Alexandria, the Newfound School District, and possibly Danbury. Statewide there are a number of towns which have adopted SB2. Mr. Coates also answered that all articles are voted on in an SB2 ballot, not just articles involving money. Paul Simard said that the current traditional form of government disenfranchises a lot of voters, because the few people who go to Town Meeting vote on the issues. He feels more residents will be able to vote with an SB2 form of government.

Mr. Alpers suggested that a recess be taken in case anyone else comes in for public comments. The Select Board recessed at 5:55 PM. Chair Dion reopened the public hearing on SB2 at 6:01 PM and asked if there were any public comments or questions. The following public comments were made: Eric Nelson is in favor of SB2 because many people can't or don't attend meetings. Having a ballot vote will allow more people to have an opinion and a vote. Donna Hardy is also in favor of SB2, as it will allow more people an opportunity to vote on important issues. John Sellers is for SB2 because it will allow people to go to the ballot box and if they are away or sick, they can get an absentee ballot in order to vote. He feels it would be a change which includes everyone and hopefully it will pass.

Mr. Coates went over a recent change in the state law regarding the voting process to change from a traditional form of government to SB2. Last year, the state changed that SB2 must be voted on and discussed at the town meeting and not by official ballot. The town meeting vote will be by secret ballot and will need a 3/5 majority of those present to pass. Discussion on this followed. A woman who did not identify herself added that people work on weekends and SB2 would allow more ease of access to vote. She also thought a Bristol Town Meeting board should be put up somewhere to highlight the issues and get the word out to the public. The Board thought that was a good idea and Mr. Anderson suggested that residents who are interested in the issues keep their friends informed. Eric Nelson

suggested that the Town website be kept up on more timely manner. Chair Dion said she appreciates his input and will look into that.

Mr. Alpers stated that both government options (SB2 and Traditional Town Meeting) aren't efficient and that a Town Charter form works better because the Town would have more ability to make decisions. He understands that the Town Meeting is not well attended and feels part of it is due to voter apathy. SB2 still has the Deliberative Session which may not be well attended. Voters can make changes to the warrant at the deliberate sessions which will then be voted on by ballot. John Sellers agreed SB2 is not perfect but will allow more people to vote. Erik Nelson said the elderly population is not being fairly represented with the traditional town meeting. Mr. Alpers feels that the elderly demographic is more represented at Town Meeting than younger generations. There being no further discussion, Chair Dion closed the public hearing at 6:20 PM.

**Non-Public Session:** Mr. Alpers made a motion to enter nonpublic session per RSA 91-A, II (c) at 6:21 PM. Seconded by Mr. Milbrand. Roll call vote taken. 5-0-0 in favor, motion carried. Motion made by Mr. Alpers to leave nonpublic session at 6:50 PM. Seconded by Mr. Milbrand. Roll call vote taken. 5-0-0 in favor, motion carried. Motion made by Mr. Milbrand to seal the minutes. Seconded by Mr. Morrison. The Board voted 5-0-0 in favor; motion carried. Motion made by Mr. Anderson to adjourn public meeting at 6:52 PM, seconded by Mr. Alpers. 5-0-0 in favor, motion carried.

Respectfully submitted,

Wendy Smith