

Selectmen's Meeting Minutes

January 29, 2018

At the Selectmen's Meeting held on Monday, January 29, 2018 at 6:30 p.m. the following people were in attendance: John Tholl, Wendy Hersom, and Peter Corey.

A Public Hearing was called to order at 6:30 p.m. to review proposed ordinances:

- Drug Paraphernalia Ordinance
- Open Container Ordinance/Unnecessary Noise Ordinance
- Parking Ordinances

There were two dozen people in attendance.

Chief Samson said back last fall there was a reduction of the marijuana possession to a violation offense. By doing this as a town ordinance it essentially saves the town some money to save sending officers to court. It will be the same fine as the court fine, but with a town ordinance the fines would come to the town rather than the state.

Wendy said it was a misdemeanor crime prosecuted in district court with a \$350 fine. Last year it was reduced to a violation level offense, like a speeding ticket. With it being reduced to a violation level offense, it allowed the town to adopt a local level offense ordinance. The town ordinance is the way for the town to recoup the fine money instead of it going to the state.

Dave Hollmander asked how does this impact people who have medical use marijuana? Wendy said it doesn't affect them. How would it affect medical use of marijuana in a non-smoking building? Chief Samson said that the issue would lie with it being a tenant/landlord issue. The police are not going to enforce that. If it was marijuana from a medical marijuana use. Edie Worcester asked about drug paraphernalia that you can buy in local stores. Wendy said it only becomes drug paraphernalia when it is used in conjunction with marijuana or some other drug associated with it then it becomes paraphernalia. It would be the same thing with syringes. To make it drug paraphernalia, it has to be directly associated with the drug or illegal item. Chief Samson said this is not going to change how we do business. We are still going to ticket for the same offenses. It just gives a different avenue so it brings money back to the town. Chief Samson said we are not going to overly enforce it.

Sondra asked if these ordinances are along the state of NH laws. Chief Samsopn said that there is already a statute in place that is enforceable. Currently Is it ticketed and sent to district court. They still have the right to go to court with the town ordinance.

Someone asked if a study was done to see how much revenue it will bring to the town. Wendy said it is more a cost-saving measure than a revenue measure. We can have officers sit two to three hours waiting for trials. It will save the town money as well.

How many cases a year do we have? Ed said it fluctuates. We have seen a dramatic shift to the opioids. Ed said of the 100+ arrests a year, probably 30 to 40% involve a drug offense in some sort of way. Ed says staffing plays a role in that. Ed said on a large amount of the cases there is another crime involved as well.

Are there are a lot of towns doing this? Wendy said more towns are looking into it. Berlin and Twin Mountain both have done it. It is expensive to send your officers to court. Now with violation level offense it is not a court case. There are a fair number of free-staters in the area who take these to court. The State summons go on your motor vehicle record, and the town ordinance does not go on your motor vehicle record.

Do people still really care about marijuana? Ed said it is still illegal. If marijuana is legalized in the state, then marijuana would no longer be an offense.

Open Container Ordinance and Unnecessary Noise Ordinance was reviewed. Marsha Lombardi asked if fireworks in included in the Unnecessary Noise Ordinance. Ed said that the title is misleading. The focus is primarily the motor vehicle offense. Fireworks is not included in this ordinance. Ed said we address this under the Disorderly Conduct statute, which is very broad. We generally tell people during the average week day be done by 9:00 pm and weekends 10:00 pm. That is the information we give out. The issue is when people continue to do it after they have been asked to stop.

Rick Wright had a question on the open container ordinance – isn't hallways within an apartment building not applicable? Ed said we are actually recommending that this be taken out of the ordinance. Ed said it is not on private property, it is public property. Luke Wotton said he is personally against this ordinance. He is against this ordinance because you can't be obviously drunk on private property. You can't bring a beer to the concerts on the common? Ed said we have current ordinances in effect currently, these are just being updated. John Tholl said Dalton has an ordinance that says you can't have open containers at Forest Lake State Park. Ed said that is why you need the ordinance. This is made to regulate the person who is going to walk the sidewalk consuming alcohol or hanging out drinking at the public park.

Tom Ladd asked if the Unnecessary Noise Ordinance covered the use of jacob-brakes. Wendy said she doesn't believe that this covers that.

Rick Wright asked about the vehicle one for the noise -why do we need this? It seems somewhat vague, excessively noisy or spinning tires. Ed said we have this already on the books, it updates the fine amounts and defines it better. Ed said in the past five years we probably haven't written this up more than five times. It is a tool to address the issues.

Ed said in reference to Parking Ordinances, we already have the parking ordinance and the only real change here are the fine amounts. The current ordinance goes back to the 1990's, and the current ordinance does not have any specific fine amounts and this one does.

Does the town have winter parking bans? In the winter you are not supposed to park in the town streets overnights. A member in attendance asked about the two-hour parking. The fine amounts would apply to that. That two-hour parking was brought up by the business owners and it has not been enforced and we are looking forward to a better way to enforce it. Someone asked about pay permits for parking downtown. Currently there is not anything on that. Prior to the summer the goal is to have something in place for the two-hour parking. We rely on the business owner or resident telling us a car has been parked there for a long time. What types of parking issues are happening downtown? Ed said the two-hour parking and winter parking ban. This revised ordinance specifies the fine amounts. Dave Hollmänder said the parking tickets seem low to him. If you really want to make people realize there is

an ordinance, add a little bite to it. Ed said he is looking at an average around the towns and what is actually reasonable. People should not be parking in handicapped spots. Do we have an issue with this? Ed said we do not get many complaints.

The public hearing on the ordinance closed at 7:00 p.m.

Peter Corey made a motion that we adopt the Town of Whitefield Drug Paraphernalia Ordinance as proposed. The motion was seconded by John Tholl. All in favor 3-0. Motion passed.

Peter Corey made a motion that we adopt the Town of Whitefield Parking Ordinance as proposed. The motion was seconded by John Tholl. All in favor 3-0. Motion passed.

Peter Corey made a motion that we adopt the Town of Whitefield Open Container Ordinance & Unnecessary Noise Ordinance and delete "hallways within apartment buildings" from the first paragraph. The motion was seconded by John Tholl. All in favor 3-0. Motion passed.

Mike Scala, Executive Director of CEDC, attended the meeting to update the board and public on what they are thinking of doing and where we are in the process with a couple buildings in the downtown. Mike said that Wendy Hersom is on the CEDC Board, and he tries to keep people informed in the WEDC. They have been looking at a couple of buildings downtown for purchase and renovation to redevelop as commercial space and residential/work force housing sort of use depending on what happens during the feasibility process. We have been studying these buildings since September. We have conducted a few walk throughs and spoke with possible funders. We are in the process of getting together funds to do a feasibility study to determine the best use and methods to do what we envision. He is pursuing two to three avenues of funding for the feasibility study. It is a lot of moving parts. There is planning, environmental, economics. He would like to get it wrapped up in the next six months or so. We are essentially in the second part of the beginning phases. It is still flexible and adaptable. We have an idea what we would like to do. Marsha Lombardi asked where the properties are, and Wendy there are some confidentiality issues with acquisition of property, which covered under RSA 91:A. We need to respect the decision to not identify buildings at this point. Mike said some of their funding sources require public hearings so when we get to that point we will respect that. It depends what the feasibility study says. The study will address what is the best use for these properties.

CEDC is acting as the applicant for the study. The Town will not be involved in purchasing these properties. They are looking at redeveloping some spaces in the downtown area. They are trying to figure out if it is doable and how will it be doable, i.e. residential, commercial space, service oriented, and/or food oriented. There is no money being asked for from the Town of Whitefield at this point. There is no commitment from the Town at this point other than the Town saying it looks good. Sometimes they do look for more involvement from the Town. We would like the support of the town at this point. Edie is asking about the beautification grant they offer. The CEDC is stewards of the money. Sometimes we grant it to non-profits in the area. Some of the money we set aside is for this beautification grant program. The business would match \$2500. They have a micro-loan system to lend it to the business to get the \$5,000 together. That program is county-wide, used for landscaping, painting, etc. We are hoping people take advantage of that. Dave Hollmander asked if there is any consideration for arts and culture in this project? Mike said not specifically because he is not sure what they will advise us to focus on. We are looking for cash flow. Some of these will be loans and grants. If that can demonstrate some economic return on it then it would be considered. It needs to be

sustainable. Dave said when you think of arts and culture these are things that become attractions while they may not be a direct correlation they feed into a greater picture of an inviting and welcoming economic environment. We are open to anything. A lot of what we decide to do is determined by our funders who have all sorts of different requirements. We are open to anything to see what is feasible. The feasibility study will have different components, environmental, architectural, economic, and there may be companies who will do different components of the feasibility study. Peter Corey asked if they need any type of letter of support from the Town? They accept up to five letters of support. A letter of support from the board of selectmen would carry a lot of weight. That particular grant is not due onto April 30th. It would be good to have a letter stating that the Selectboard supports them looking at this. A couple of the funding agencies are USDA – Rural Development, NH Housing Authority. It is a shot gun effect. You send out the applications and sees what comes back. Mike said he will let us know when he needs the letter of support. Whitefield is unique with a unique downtown. We don't think it will take a lot to reinvigorate the downtown. What is unique about it? The town square is unique, centralized downtown. The community center with the gazebo. The proximity to the highway, Mountain View Grand. The area has a lot of pluses that are exploited. You have 90,000 people going through the downtown to go to the Mt. View Grand. Mike said this type of project will be the first for their organization. We are trying to get involved in the redevelopment effort. Mike said as they progress he will keep the Board in the loop.

Tim Vadney of Wright-Pierce Engineers. He said they are the firm the town has hired to do the engineering for the sewer treatment plant upgrade. He said they are just getting started on stuff. He is wondering who the points of contact will be for the town. Tim said the town did a fantastic job with the request for proposals for the engineering study. Tim was asking what is next with the town's point of contact? The Board said it will be similar with what we did with the water project. It is the Board of Selectmen. How frequently do we want to get together? Wendy said we will take Tim's lead on that. We meet with Steve from Horizons on an as is needed basis for the water project. Wendy said when you need to speak with us, we will make ourselves available. Tim said that there is some more sampling material we need to get, and the Board said that the Town Operator can assist with that.

Tim said that we had the agreement ironed out and RD wanted to change the format. We will get it back to the Board from RD. When it might show up? Tim said hopefully this week, but we have not let it slow us down. As soon as he has it, he will get back up here to further brainstorm with the Board. The Board told Tim if he needs anything, to reach out to Judy.

Gerry Pons of WEDC said the woodlands is degrading at a lot the town owns at the industrial park. It is detracting from the value of the property. We feel that a timber harvesting of the property will enhance the value of the property. It is across the wood chip plant. It is Tax Map 234, lot number 4. Gerry thought that WEDC can assist the Town in getting this together for the Town. The positives it might produce. Greg Ainsworth, a local forester, looked at the property in 2015. He thinks the revenue from the timber harvest is somewhere around \$35,000 and you would have timber tax and forestry fees. Wendy asked if his estimate the same as 2015? Greg was in attendance at the meeting, and he said the markets for spruce and saw logs is a little better than it was, pulp wood is worse, and chips is worse from the landowner's point of view. Greg said unless something has happened with the viability of the timber those numbers should be fine. DG Whitefield has a need for chips and they are willing to enter into an agreement with the forester. Charlie Baylies said he would like to see it as a truck and haul contract. Gerry said that the net effect it is managed timber, provide revenue to the town, make the timber

property saleable and down the road if there is a prospective buyer down the road. If you let it go, it becomes less desirable to purchase.

Marsha asked if this piece of land is right across from the Pondicherry wildlife refuge. She said that you are going to cut right next to that Pondicherry trail. You are going to destroy the wildlife refuge. Greg Ainsworth said it makes it a different type of harvest from a mature stand to a regenerating stand. It doesn't destroy it overall. It makes it different. John Tholl said from management plan, you are not planning to clear cut the whole property. There would be a substantial clear cut as he recommends. Marsha asked if the town needs the money that bad? John said additionally if you leave it like it is and not do anything, you lose a lot of the timber that is there currently. Fir is very susceptible to blow down events and grows in an even age stage. They grow up as a stand and fir is a species you can't do a thinning without blow down. This is an industrial lot. We want to make it attractive for an industrial purpose. We are not going to argue about this. If someone bought it, why wouldn't they want to log it? There is no buyer as it currently is, and we trying to make it more attractive for a buyer. Charlie said we are looking at turning it into an industrial site. This is the property the town owns, and we are trying to make it more attractive if we clean it up and made it nicer. The \$35,000 is income from the timber cutting income. The property would be readily saleable if the timer is in fact managed. If we are trying to bring companies in to the area, we need to provide space they are willing to build on. We have been working with DG Whitefield trying to find people to come in and invigorate the area. It is not a desirable, saleable piece of property as it currently is. We may be able to sell that piece of property. What could we expect from the resale of the property after it is cut? It is more after than now.

Peter Corey said as he reads the timber report from Mr. Ainsworth, it is 105 acres, and it looks like cutting would occur on 40 acres, some clear cutting and some selective thinning depending on types of trees. Peter said it is not part of the wildlife refuge, it is town property and part of the industrial park. Anytime you cut a piece of woodland, a different type of wildlife habitat is created. Peter said it makes sense to manage the property, which is intended for industrial land use. Peter said we should authorize WEDC to enter into the necessary contracts to proceed with a timber harvest on this property. Marsha said the town should vote on this at town meeting. Wendy said that is not necessary. Tom Ladd about the revenue generated from the timber cut. Wendy said it would go in to the general fund.

Peter Corey made a motion that we authorize WEDC to enter into the process of soliciting management contracts for a responsible timber harvest for the town-owned land at the industrial park for review by the Board of Selectmen. The motion was seconded by John Tholl. All in favor, 3-0. Motion passed.

John Tholl made a motion to approve the January 22, 2018 Selectmen's Meeting Minutes. The motion was seconded by Peter Corey. All in favor, 3-0. Motion passed.

The Board finalized the proposed 2018 budget. The public budget hearing will be on February 12th at 7:00 p.m., following the public hearing for the bond hearing on the fire truck purchase.

The Board approved moving ahead with the placing the new wire from the water tank on Colby Road, down Green Meadow Drive and down existing power poles to the Dodge well. Judy will let Fred and Steve Lafrance know.

The meeting adjourned at 8:10 p.m.