

TOWN OF ALSTEAD, NEW HAMPSHIRE
Select Board
Approved Minutes for Meeting of August 2, 2022 at 5:00 p.m.
Town Hall, 9 Main Street, Alstead, NH 03602

SELECT BOARD PRESENT: Joseph Levesque, Joel McCarty, Matthew Saxton.

STAFF PRESENT: In person: Mike Jasmin, Health Officer; Jesse Moore, Ambulance Chief; Stephen Murrell, Police Chief; Mary Schoppmeyer, Office Administrator.

COMMUNITY MEMBERS: In person: Ben Howard, Laurence Howard, Gordon Kemp, Mark Mastrocinque, Rich Nalevanko, Marge Noonan, Barb Viegner, and others. **Google Meet:** Bobbie Wilson, Ambulance Lieutenant.

GUESTS: No guests were scheduled.

PLEDGE OF ALLEGIANCE

CALL TO ORDER: The Board Chair called the Select Board meeting to order at 5:00 p.m.

ACTION ITEMS: Sign 1 valuation change abatement and 1 refund abatement; sign 1 Vilas pool expenditure; sign 7/30/2022 non-public session minutes.

MINUTES FROM PREVIOUS MEETINGS: Minutes of July 26, 2022; Minutes of July 30, 2022 non-public session. On a motion made by Matt and seconded by Joel, ***the Board voted to approve the public minutes as written. The motion passed with all in favor.*** On a motion made by Matt and seconded by Joel, ***the Board voted to approve the non-public session minutes as written. The motion passed with all in favor.***

OLD BUSINESS: 9 Mechanic St. deeding requests: At last week's meeting some deeding requests were made of the town by the owners of 9 Mechanic Street to make the property a more logically situated parcel. One of the deeding requests pertains to water rights, and discussion ensued in an attempt to clarify what town wells exist, where they are located, and what buildings draw from them. Discussion referenced one town well near the river, potentially supplying the town office building, the store, the fire station, 9 Mechanic St., the gas station, the library, the hotel building, and the Odd Fellows Hall. There was also some discussion of a nostalgic historical nature involving the 2005 flood and prior decades. The conclusion was that more information is needed about the facts of the current water supply and whether it is regularly tested and institutional memory needs to be consulted. Ambulance Chief Moore suggested that the Board contact a company in Walpole that maps municipal water systems and offered to provide contact information. On a motion made by Mr. Saxton and seconded by Mr. McCarty, the Board voted to accept the concept of the request and to recommend that the property owners hire a surveyor to map the desired parcel results, based on the current deed.

SELECT BOARD: Audit: Mr. McCarty read a letter from the Department of Revenue Administration about SB 239, providing the mandatory written notice in the required interval of 60 days before its effective date, of the provisions of the newly adopted RSA 21-J:20-a. The RSA states that "each city, town, school district, village district, county, or precinct to provide to the Department notice and copy of any audit required by RSA 21-J:19 or 21-J:20, as the Department is now authorized to collect a fine in cases of noncompliance." This is not an issue for Alstead as we comply with our audit guidelines, but it is important to be aware of the new RSA. **Elections:** Mr. Levesque read a letter from the Town Moderator requesting that the Board appoint Laurence Howard as a Democratic Inspector of Elections to serve with party-appointed inspectors Ellen Chase, Chris Hanson, and Michael Jasmin. Further, the Moderator noted that because the NH Republican Party appointed no Republican Inspectors of Elections by the July 15 deadline, the Select Board must appoint them. She indicated that Holly Gay, Louis LeMay, Marge Noonan, and Joanne Wildes are willing to serve and asked that the Board appoint them. Questions were raised and Mr. McCarty will follow up with the Moderator to clarify. **Fireworks:** **Mr. McCarty** summarized a letter from a new Alstead citizen regarding persistent noise and debris disturbance in the Shadowland neighborhood caused by repeated ignition of fireworks. There are a variety of ways to respond to the issue; the Board observed that with the help and advice of the Alstead police department residents are first attempting to resolve the issue via the social tools at their disposal and that they concur with that approach. **Cemetery perpetual care:** Mr. McCarty reported on his investigations into perpetual care money in cemetery trust funds, specifically that until 1981, cemetery trustees mowed only those plots that were subject to perpetual care, and at the end of the season the town hired someone to mow everything. In 1981 the law changed, such that if someone buys a perpetual care contract, their stone will get perpetual care and the balance not spent on that stone will go to the care of the entire cemetery. There was additional discussion and some expressed frustration over the large amount of money just sitting in cemetery trust

funds that can't be used for anything except perpetual care and speculation about why the law was changed. **.gov domain:** Mr. Levesque asked the Admin what the status of the transition to the .gov domain. The Admin will touch base with the IT team to get a status update. **Network upgrade:** Mr. McCarty noted that the IT vendor has submitted a plan for budgeting a network upgrade for next year to separate the Police Dept operating network from the Town Office network, for privacy and security reasons. **Bennett Rd. legal action:** Mr. McCarty reported that our court appearance in this matter has been continued until October at the request of the plaintiff's attorney; no specific date yet. **11 Main St. cleanup:** Mr. McCarty reported that a demolition permit has been issued to the property owner's agent and work is pending. It has not been determined whether that property is in a flood zone. **Well Hill Co-op:** A derelict trailer has been demolished and removed; there is a meeting pending between CLF, NH Res Owned Co-ops and Well Hill, and SWCS to discuss 3 new plots there in hopes of addressing Well Hill sustainability and also some local homelessness issues. **Main St runoff at Library:** Mr. McCarty invited Mike Jasmin to report on an issue involving runoff from Main Street onto Library Avenue; Mr. Jasmin indicated that there was nothing to bring to the Board at this time.

POLICE DEPARTMENT: Staffing: Chief Murrell observed that new part time officer and Alstead resident Jonah Merkle is now working full time in Walpole instead of Winchester, improving his availability to his part-time Alstead position. The Chief further reported about recent changes made to Alstead's Information Technology infrastructure to improve Alstead's ability to communicate with the County, and the county agreed to pick up the bill for those improvements. In addition, the chief reported that full-time officer Corporal Wendy Rawling decided revert to using her maiden name, and is now legally known as Corporal Wendy Underwood.

AMBULANCE: Call rate: Chief Moore reported that over the last couple of weeks the call rate seems to have slowed. He hopes that will continue. In addition, he reported that the vendor for the GMRS project has created a web site (alsteadgms.com) with explanations and hyperlinks to licensure. He will host that site for one year. The Town will investigate posting a link to that site in the meantime.

VILAS POOL PARK: Gordon Kemp reported that the park once again has a Swan Boat and that everyone should come on down and enjoy free lunch and family activities this Sunday.

INFORMATIONAL: The next regular meeting of the Select Board is scheduled for Tuesday, August 9, 2022 at 5:00 p.m. Alstead will host the next Five-Town Select Board meeting on Friday August 5th, 2022 at 4:30 PM in the Town Hall at 9 Main Street.

PUBLIC COMMENTS: Right to Know request - Sr. Housing: Mr. Nalevanko reported that he, Mark Mastrocinque, and Glenn Elsesser spent time reviewing records pertaining to his request. He reported that it is true that filing a PA-65 does establish a 10-year time frame within which a low-income housing project can have its tax bill calculated based on its income, and that during that 10-year interval the housing project must file of a PA-67 form annually to report its income. There is more to be learned about what forms were filed and when, and the details of the community loan fund block grant agreement; they will coordinate schedules to arrange another session. **Howard letter:** Ben Duffy-Howard read a letter to the Select Board expressing his anger about his family's ongoing experiences with the Alstead Zoning Board (attached). There were additional questions from other residents and answers provided by the Howard party. The Board thanked Ben for his letter and acknowledged the family's dissatisfaction. Health Officer Mike Jasmin lamented that although his name was mentioned in minutes as someone who could assist with the situation, he was not contacted; things could have been handled differently, and some of the bad feelings expressed could have been avoided. Mr. Saxton volunteered to talk with the Zoning Board administrator in an attempt to clarify confusion about property usage, and Mr. McCarty offered his time where needed as well. There was additional discussion of building code and inspection; Mr. Jasmin reminded us that these are guidelines for the lowest acceptable standard. Mr. Nalevanko observed that by statute, if a town does not have a building inspector the default authority is the State Fire Inspector. Mr. Jasmin noted that while no building inspector enforces building codes in Alstead, the mechanisms in place allow the town to require compliance in important areas.

On a motion made by Mr. McCarty and seconded by Mr. Saxton, ***the Board voted to adjourn the public meeting at 6:10 p.m. The motion passed unanimously.***

Attachments: Inspectors of Elections letter; SB 239 letter; Ben Duffy-Howard letter; Shadowland fireworks disturbance letter

Respectfully submitted,



Mary Schoppmeyer, Office Administrator

176 Pratt Road
Alstead, NH 03602
August 1, 2022

Selectboard, Town of Alstead
PO Box 60
Alstead, NH 03602

Re: Inspectors of Elections, 2022-2024

Dear Joe, Joel and Matt:

The Alstead Democratic Party submitted to the New Hampshire Democratic Party names of four individuals who are willing to serve as Inspectors of Elections for the term 2020-2022. They are: Ellen Chase, Chris Hanson, Michael Jasmin and Laurence Howard. The New Hampshire Democratic Party, in an email dated July 15, notified Town Clerk Julie Bacon that the Party appointed Ellen, Chris and Michael to serve the term 2020-2022. (Laurence Howard was inexplicably left off the list.)

To my knowledge no Republican Inspectors of Elections have been appointed by the New Hampshire Republican Party. Therefore, as it is past the July 15 deadline, it becomes the responsibility of the Alstead Selectboard to appoint four Republican Inspectors of Elections for the term 2022-2024. (RSA 658:2)

I have checked with these experienced Inspectors, all registered as Republican voters, and all are pleased to continue to serve in for the term 2022-2024: Holly Gay, Louis LeMay, Marge Noonan and Joanne Wildes.

In addition to considering these four, I ask that you appoint Laurence Howard as a representative of the Democratic Inspectors of Elections. I have conferred with James Gruber, Chair of the Alstead Democrats, and we agreed that once she is appointed we would notify the New Hampshire Democratic Party and request that their list be updated.

Thank you for your attention to this matter.

Sincerely,

Susan E. Norlander
Moderator

July 25, 2022

Police Chief Stephen Murrell
Selectmen Matt Saxton, Joel McCarty and Joe Levesque ✓
Alstead Town Office
15 Mechanic Street
Alstead, NH 03602

Ann Hess, President Lake Warren Association
PO Box 331
Alstead, NH 03602

Robert Scott, Commissioner
Department of Environmental Services
29 Hazen Drive
Concord, NH 03302-0095

Greetings,

We are a group of concerned Shadowland residents disturbed by the apparent disregard by certain neighbors in their repeated lighting of fireworks. The fireworks are extremely noisy. Some were lit to explode right over a neighboring home. Other fireworks exploded over Lake Warren. This was not a onetime display on the 4th of July; it was random day and night explosions, repeatedly over the course of the 4-day weekend. Plus, previous weekends contained firework displays. Each time the fireworks are lit, the safety of Shadowland residents and property are exposed to the likelihood of an accident. The health of Lake Warren is also in danger as a result of these individual's actions. Protecting loons, eagles and other endangered wildlife is another of our missions.

Most people enjoy a fireworks display. There were several public displays available if someone wanted to go see one. The individual makes the choice to be exposed to fireworks. Currently, Shadowland residents have NO CHOICE but to be exposed to the firework danger.

There is not a noise ordinance in effect in Alstead. Officer Rawlings of the Alstead police department was very helpful in providing informative literature (attached). She mentioned in the absence of Alstead noise/fireworks ordinance, NH State laws take precedence.

It would be reassuring if we knew what preventative measures those lighting fireworks take to assure safety of Shadowland neighbors. Within the Community Restriction section of the NH Department of Safety, from the Office of the State Fire Marshall, PERMISSIBLE FIREWORKS are any small firework devices designed to produce visible effects through combustion. Some small devices are designed to produce AUDIBLE effects containing 50 mg or less of explosive materials, and AERIAL devices containing 130 mg or less of explosive material.

Fireworks can produce noise levels in the range of 120 dBA depending on where the observer is standing. The WHO recommend that adults not be exposed to 140 dB peak noise pressure, with children having a lower limit of 120 dB. For comparative purposes, the decibel level of a jackhammer is 100 dB and for aircraft taking off 180 dB.

Individuals in possession of fireworks are to have a certificate of competency per Title XII Public Safety and Welfare. Chapter 160-B:4 Possession; Penalty states:

1. No person shall possess fireworks other than the following:
 - (a) A person who has in the person's possession a certificate of competency issued pursuant to RSA 158.9-f and a valid permit to display issued pursuant to RSA 160-B:7.

RSA 160-B:10 Local Option states: Any municipality in the state, by action of its local legislative body or local governing body, may vote to allow or to prohibit, within that municipality, the issuance of permits or licenses... Alstead has not adopted the use of permits for the possession and /or use of Permissible Fireworks.

While NH is the Live Free or Die state and no one wants to infringe on another's right, we feel there needs to be guidelines, town ordinance, or whatever other avenue is available to control the dangerous activity of lighting fireworks in close quarters such as Shadowland, Alstead.

Firework users also should take into consideration whether fireworks are necessary as often as they are using them. It seems as though the use of fireworks is increasingly a safety concern as well as public nuisance. There is no reason to light fireworks during the daytime since all they do is result in loud bangs. The noise is infringing on residents' rights to enjoy peace and quiet in our homes, our ability to enjoy boating on Lake Warren and it is causing distress to our pets.

Aside from the nuisance factor, there is a good deal of concern for the health of Lake Warren. Obvious firework debris was found floating in the water just after the holiday weekend. Two dead birds were also found (one floating in the water, the other on land).

Ann Hess, President of the Lake Warren Association, has been made aware of our concern regarding pollution and damage to the health of Lake Warren as a result of discharging fireworks over the lake. Ann also expressed concern and will bring up the issue at the next Lake Warren Board meeting.

Section 160-B:19a Emergency Removal from Sale or Use of Unsafe Devices IV states: Any person who uses a display or consumer firework after being notified by the commissioner or designee, or by a law enforcement officer or fire official that the item is prohibited for use shall be guilty of a class A misdemeanor for the first offense and a class B felony for the second offense.

Officer Rawlings also provided material related to Disorderly Conduct. Section 644:22 states: A person is guilty of disorderly conduct if: I) He knowingly or purposely create a condition which is hazardous to himself or another in a public place by any action which serves no legitimate purpose; or III) He purposely cause a breach of the peace, public inconvenience, annoyance or alarm, or recklessly creates a risk thereof, by: (a) Making loud or unreasonable noises in a public place, or making loud or unreasonable noises in a private place which can be heard in a public place or other private places, which noises would disturb a person of average sensibilities.

We seek guidance on how best to resolve these issues/concerns. We would prefer to address the concerns as a group via this letter to prevent potential bullying by the offender(s) on individual residents. Bindy Curtis of 17 Blueberry Hill Lane, Alstead has agreed to act as communicator for the group of concerned residents. She can be reached via email at bindycurtis@comcast.net.

Best Regards,

Good evening Selectmen and all others in attendance today. My name is Ben Duffy-Howard, and I live just up the road at 5 Prospect Street. Since moving to town in March of 2020, part of what made me feel at home here and gave me pride to live here was my ability to attend the Selectboard meeting each week. It may not seem like much, but this opportunity to be involved made me feel like I was part of a community in a way that I had not felt before I moved here. I am speaking today because my feeling of pride and sense of belonging have been challenged by my family's recent treatment by the Zoning Board.

The stated purpose of the Zoning Ordinance is to "protect the rights and privileges of the citizens of the Town of Alstead and also to protect them from the devaluation of their property and the ruination of their way of life." I do not feel that the Zoning Board has acted accordingly to the declared purpose of this document. Conversely, I believe that the Zoning Board has acted arbitrarily and with no concern for the protection of our rights and privileges, and certainly not in protection of our way of life. We were given a permit after submitting full plans for construction, and logically we began construction. When construction was nearly completed, we were told we must complete a special exception form, which certainly feels unnecessary when we had a permit granted which went unchallenged for an extended period of time. It went unchallenged well over the 30-day time period in which it is allowed to appeal the issuance of a building permit. Given this information how could we reasonably expect to be met with problems from the Zoning Board? We want to be good citizens of this town and thus did what we could to comply. We have nothing to hide. What concerns me is that we were not treated as good-willed and well-intentioned people.

When Selectman Matt Saxton attended the June 6th Zoning Board meeting and took action to ensure that my family would be treated fairly, he was met with hostility. An appointed official asked him why we would refuse to have our tank inspected. No one asks a question like this assuming innocence or willingness to cooperate. This sort of accusatory language recorded on public minutes should be concerning to everyone in this town. When we as citizens deal with our public servants we should not expect to be treated in this manner. In this case, it was my family that was affected, but when a government body feels it is their role to actively seek out and punish their constituents for a mistake that they themselves made and are still unable to admit to, this affects everyone. One member of the board asked why the Zoning Board exists. This is an excellent question, but its answer does not work with the narrative that the Zoning Board attempted to create. According to the Preamble of the Zoning Ordinance, the purpose of the Ordinance is to promote "the health, safety, prosperity, convenience and general welfare of the inhabitants of the Town of Alstead, New Hampshire." The language here is completely against the actions that the Zoning Board has taken that both inhibit my family's ability to prosper here and have inconvenienced us by making us unnecessarily provide proof we had done nothing wrong. The Zoning Board treated us as guilty until proven innocent and with a distinct lack of respect. This behavior is unbecoming of a public body.

At the crux of this situation is the principle of what citizens should be able to expect from their government. I believe that government should be transparent and that citizens of a town should have the chance to be fully aware of what both their elected and appointed officials are doing. I believe that government should serve to attempt to solve the problems of its constituents and not treat them as problems themselves. I believe that citizens should be treated as citizens, and not subjects. This is why I am speaking today. I truly love this town and love living here. It has been a source of pride for me to have the chance to be involved in the democratic process. I do not want to lose faith in this process, but this situation has hurt me in a profound way. I never thought I would have to see my family treated this way by the town I love. I want to live somewhere where the government believes in cooperation, not vilification. I hope it is now abundantly clear to everyone in this room there is a clear issue with the current state of the Zoning Board, and that we as citizens deserve better. We deserve respect. Thank you for your attention and for your time.