

Dick Bennett_____

Barbara Campbell_____

John Allen_____

**Board Of Selectmen Meeting
January 12th, 2021
UNOFFICIAL UNTIL APPROVED**

Present: Dick Bennett , Chairman; Barbara Campbell, Selectman

Not Present: John Allen, Selectman

Attendees: Carrie Burkett, Victor Allen, Matt Falconeiri, Emily Benson, Diane Pratte, Julie Hoyt, Julie Atwell, Kevin Tilton, Hank Benesh, Hank and Linda Dresch, Chris Perley, Kevin Bennett, Edmund Harvey, Barbara Theriault

Meeting via ZOOM conference call with audio/video recording

1. Meeting called to order at 3:32 P.M.
2. **Approval of Minutes:**
 - a. Minutes from the December 22nd, 2020 regular meeting were reviewed. Chairman Bennett corrected that a formal violation was filed in response to the complaint against 46 Alpine Drive, where the minutes had incorrectly stated that no violation was filed (item 4.c.ii). **Selectman Campbell made a motion to approve the minutes, seconded by Chairman Bennett. Motion approved unanimously.**
 - b. Minutes from the December 22nd, 2020 non-public meeting were reviewed.
 - i. **The minutes of the RSA 91-A:3 II(a) section were sealed.**
 - ii. **The minutes of the RSA 91-A:3 II(c) section were sealed.**
3. **For Selectman Discussions and/or Motions:**
 - a. EMD Update: Emily Benson, Jackson Emergency Management Director, was recognized to comment. Emily was in the process of composing the annual review and progress report on action items in the 2019 update of the hazard and mitigation plan. She stated her intent to provide an update to the Board to be included in minutes of a future meeting as well as an update via Jackson

eNews. Related to COVID-19, Emily acquired more personal protective equipment (PPE) for the Fire Department from Tamworth, and she reported that the vaccination process is underway with volunteering first responders in Jackson having already received their first dosage. She reported discussions underway regarding supply of additional PPE for town elections and updates to general protocol.

Chairman Bennett asked if there was any estimate on when public vaccinations would become available. Emily answered with an estimate of May or June of 2021, but she reminded that the situation was developing by the minute and that her estimate could change as a result of future developments. Chairman Bennett also asked if quarantine protocol had been updated recently. Emily responded that updated guidelines from the Center for Disease Control (CDC) stated that a person who has been potentially exposed to COVID-19 may leave quarantine and return to work if they test negative via an antigen-based test, if they are fever-free for at least 24 hours prior with no fever-reducing medications, and if they have no risk factors for exposure to COVID-19 over the previous ten days.

Chris Perley, chief of Jackson police, was also recognized to comment. Chief Perley commented that the CDC had changed the quarantine guidelines for people who have had both shots in the vaccination process. After fourteen days from the administration of the second dosage, they would no longer be required to quarantine if exposed, nor would they be required to quarantine if traveling outside of New England. Wearing a mask was still highly recommended, as a vaccinated individual could still carry and transmit the virus while not suffering symptoms. Chairman Bennett asked if a vaccinated individual would receive some form of identification to indicate their vaccination status, and Chief Perley answered that vaccination cards were being issued to vaccinated individuals.

- b. Sale of Town Property Inquiry - Tax Map V-7, Lots 53 and 54: Kevin Tilton, with HEB Engineers, and Matt Falconeiri, Kevin's client, were recognized to comment. Kevin provided some details for the proposed purchase of two town-owned lots by Matt. He asked if the town would be interested in selling the lots and, if so, what mechanism would be required for it. Dick answered that the sale would need to be proposed at town meeting and put to vote, and he asked that Kevin and Matt compose wording for a warrant article and present it to the Board for consideration.

Selectman Campbell asked about the current and intended buildability of the lots. Kevin responded that the lots were not currently buildable but could be if combined with adjacent lots, already owned by Matt, in the future.

Chairman Bennett asked that the intent to combine those lots for buildability

be included in the wording for the warrant article, and Kevin and Matt agreed. Kevin asked if the Board had the authority to grant an easement on the lots. Dick answered that granting an easement would be within the Board's authority once the proposal is submitted. **Kevin asked if the Board would grant him permission to contract a wetlands specialist to perform a wetlands delineation on Lots 53 and 54, and the Board agreed to grant permission.** Selectman Campbell asked if the Board would receive a copy of the delineation report for future reference, and Kevin agreed to send the report to the Board.

- c. Jackson Falls Parking: Barbara Theriault, chair of the Save Jackson Falls Committee, was recognized to comment. Barbara summarized the discussion held at the recent Conservation Commission meeting and highlighted their proposals for changes and improvements to parking arrangements at the Falls. Chris Perley, chief of Jackson Police, was also recognized to comment. Chief Perley agreed with the need for regulation of parking and made his own suggestions about restricting parking. Pat Kelley, Jackson road agent, was also recognized to comment. Pat commented on the proposal of paving the parking area near Jackson Falls to mark designated parking spaces with painted lines, stating that the cost to pave would not be a concern but that drainage for runoff water would be significantly expensive, complicated, and potentially disruptive to the area. Chief Perley cautioned that any and all changes to rules, laws, and/or regulations surrounding Jackson Falls needed to be made "fair and equitable" to avoid creating conflicts between the police and the visitors at Jackson Falls.
- d. Iron Mountain Road: The Board received notice about plowing without proper authorization on the class 6 portion of Iron Mountain Road. Pat Kelley, Jackson road agent, was recognized to comment. Pat stated that New Hampshire state law prohibits plowing on class 6 roads without proper authorization and permission. The road being plowed could become an erosion or safety issue. Chairman Bennett cited RSA 231:45, which prohibits public improvements to class 6 roads except with written permission from the Town. Carrie Burkett, land owner on Iron Mountain Road, was also recognized to comment. Carrie stated her concerns about erosion damage where plowing had been done and about visitors being endangered by the conditions on the road. She suggested that the town install a gate to dissuade visitors from attempting to navigate the road under dangerous conditions. Chris Perley, chief of Jackson police, was recognized to comment. Chief Perley highlighted the requirement for authorization from the Board of Selectmen or the town's road agent to maintain a class 6 road in town and stated the potential need for the person(s) responsible for said maintenance to post a

bond for satisfactory restoration if repairs are required. He also stated that ATV use on Iron Mountain Road had been observed and was similarly prohibited on a class 6 road without authorization and signing of a waiver. Kevin Bennett, Jackson building inspector, was also recognized to comment. Kevin noted that the Burketts had signed a waiver and received authorization to use their snowmobile, and no issue had been reported about the use of the snowmobile to date at time of meeting.

- e. Town Office Building - Handicap Walkway Roof: Newly-installed solar panels on the roof of the town office building have created a potential hazard for falling snow over the handicap ramp. The Board considered the possibility of installing a cover over the walkway to eliminate that hazard. Selectman Campbell stated that the cost for that cover was quoted at approximately \$10,000-15,000. Pat Kelley, Jackson road agent, was recognized to comment. Pat stated that the estimate was not more accurate due to unavailability of contractors in the area.
- f. Annual Update of Investment Policy: The Board reviewed an annual update of the investment policy. Selectman Campbell noted that there appeared to be no significant changes. **Selectman Campbell made a motion to approve the annual update, seconded by Chairman Bennett. Motion approved unanimously.**
- g. Trustees of the Trust Funds: The Board reviewed a request for a withdrawal of \$30,915 from the Police Cruiser Capital Reserve Fund 0027. **Selectman Campbell made a motion to approve the withdrawal, seconded by Chairman Bennett. Motion approved unanimously.**
- h. Letter of Support for North Country Council Grant: The Board reviewed a letter from North Country Council, requesting support for a grant application for transportation research in the north country. **Selectman Campbell made a motion to approve and sign the letter of support, seconded by Chairman Bennett. Motion approved unanimously.**
- i. January 21st Yearly Resolution Letter: The Board reviewed a yearly resolution letter to be sent to state representatives, recommending that they act on the best interest of their constituents. **Selectman Campbell made a motion to send the resolution letter on January 21st, seconded by Chairman Bennett. Motion approved unanimously.**
- j. Letter from Yesterday's: The Board considered a letter from the owner of Yesterday's, requesting ahead-of-schedule approval of outdoor parking for 2021. Chairman Bennett proposed sending a letter to the New Hampshire Department of Transportation (NHDOT) in favor of outdoor seating arrangements for Yesterday's similar to the arrangement used in 2020. **Chairman Bennett made a motion to send the letter to NHDOT to allow**

outdoor seating at Yesterday's for 2021, seconded by Selectman Campbell. Motion approved unanimously.

4. Short-Term Rental (STR) Applications

- a. New: No new applications were received for this meeting.
- b. Pending:
 - i. Kudrick: Four applications had been submitted for STR Conditional Use Permits.
 - ii. DiFrusco, 114 Tin Mine Road: New egress windows were installed. **Selectman Campbell made a motion to approve the application, seconded by Chairman Bennett. Motion approved unanimously.**
 - iii. Berman: The property in question was not operating as an STR. The previous violation against the property was withdrawn.
 - iv. McInnis: The notice for the first violation against the STR property was sent.
 - v. Nelson: A Conditional Use Permit application was received for the property in question.
 - vi. Saleta: The notice for the first violation against the STR property was sent.
 - vii. Aupont/McLaughlin, 801 Carter Notch Road: The Conditional Use Permit application for the STR property was completed and submitted. **Selectman Campbell made a motion to approve the application, seconded by Chairman Bennett. Motion approved unanimously.**
 - viii. Beal, 56 Dundee Road: The advertisement for the STR property was updated to conform with regulations for maximum advertised occupancy. **Selectman Campbell made a motion to approve the application, seconded by Chairman Bennett. Motion approved unanimously.**
- c. Complaints: A complaint was submitted against the STR property at 62 Thorn Hill Road. After receiving no response to the previous two violations, legal counsel has been contacted to issue a third violation. Victor Allen, complainant, was recognized to comment. Victor asked some questions about the nature of the violations and the Board's reaction to them. Chairman Bennett stated he would make no further comment on the violations until due process had been followed. Selectman Campbell thanked Victor for his diligence but reiterated from a previous meeting that not every complaint filed would result in a violation issued.

5. Building Permits

- a. DeFusco/Pratte - Building Permit/Enforcement Issue: The Board considered asking Kevin Bennett, Jackson building inspector, and Pat Kelley, Jackson road agent, to investigate the issue and determine the extent of the setback. Kevin Bennett was recognized to comment. Kevin stated that the town could send a letter requesting the removal of the lamp post but that the issue is primarily a civil dispute between the two neighbors. Diane Pratte was also recognized for comment. Diane claimed that there was encroachment on her property on two separate instances. The first was an instance where an abutter overstepped the boundary of an easement and was considered a civil matter between the neighbors. The second was a setback issue separate from the easement, where a portion of the abutter's driveway violated the setback from the neighboring property line. Diane made a reference to discussion at the previous Board meeting, where the abutter clarified that the violation was deliberate, and she asked that the Town take appropriate action to enforce the setback requirement. Chairman Bennett stated his intent to issue a letter of violation before pursuing other action.

6. Benesh Driveway Permit: This item was still pending at time of meeting.

7. Right of Way, Vista Way: This item was still pending at time of meeting.

8. Upcoming Meetings:

- a. The next Board of Selectmen meeting was scheduled for January 26th at 3:30 P.M., with the first annual budget hearing to immediately follow the meeting. Both the regular meeting and the budget hearing would be held via the Zoom platform.
- b. The following Board of Selectmen meeting was scheduled for February 2nd at 3:30 P.M., with the second annual budget hearing to immediately follow the meeting. Both the regular meeting and the budget hearing would be held via the Zoom platform.

9. Public Comment:

- a. Kevin Bennett, Jackson building inspector, was recognized to comment. Kevin asked if anyone had tested the water quality at Jackson Falls, as required for the "wild and scenic river" designation. Chairman Bennett was unsure but encouraged Kevin to pursue the issue further. Selectman Campbell also relayed a notice from Julie Atwell that handouts for the upcoming budget hearings would be made available at the town office and on the town's website.

Selectman Campbell made a motion to move to a non-public meeting, seconded by Chairman Bennett. Motion approved unanimously.

Meeting adjourned at 5:29 P.M.

Respectfully submitted by Will Reisig