

Barbara Campbell_____

John Allen_____

Frank DiFruscio_____

Board Of Selectmen Meeting
July 27th, 2021
UNOFFICIAL UNTIL APPROVED

Present: Barbara Campbell, Chairman; John Allen, Selectman, Frank DiFruscio, Selectman

Attendees: Julie Hoyt, Julie Atwell, Hank Benesh, Bill Wogisch, Marten and Patricia Schoonman, Warren and Leslie Schomaker, Anne Pillion, Pat Kelley, Claire and Jim Lewkowicz, Jay Henry, Jeff Sires, Bill Kelley, Peter Fraser, William Abbott, David and Susan Mason, Joyce Allan, Bob McSheffrey, Marilyn Rodes, Chris Bridge, Peter and Emily Benson, Chris McAleer, Joan Gilmore

1. Meeting called to order at 3:30 P.M.
2. Chairman Campbell led the attendees in reciting the Pledge of Allegiance.
3. **Boston Cane Presentation:** The Board of Selectmen held a ceremony to present Jackson's Boston Post Cane to Warren Schomaker, recognizing him as the oldest resident of the Town. Chairman Campbell read into the minutes a letter officially recognizing Warren (see Appendix A). Warren was awarded a replica of the Cane to keep, while the original Cane remained in the town office for safe keeping. Anne Pillion, President of the Jackson Historical Society, also read aloud a biography detailing Warren's life and his many achievements throughout, highlighting his conspicuous and honorable services to the Town of Jackson. Warren spoke about his personal involvement in the preservation of the Trickey Barn timbers and their subsequent use in the creation of the new Jackson Public Library. He spoke highly of the collaborative effort between the many citizens of Jackson who volunteered to aid the treatment of the timbers, calling it "evidence of a community working together" that he would fondly remember.

4. Approval of Minutes:

- a. Minutes from the July 13th meeting were reviewed. Chairman Campbell noted a correction to be made, adding Peter Fraser to the list of public attendees. **Selectman DiFruscio moved to approve the minutes as corrected, seconded by Selectman Allen. Motion approved unanimously.**
- b. Minutes from the July 13th non-public meeting (RSA 91-A:3 II (c)) were reviewed. **Selectman DiFruscio moved to seal the minutes, seconded by Selectman Allen. Motion approved unanimously.**
- c. Minutes from the July 13th non-public meeting (RSA 91-A:3 II (e)) were reviewed. Chairman Campbell stated the purpose of the non-public meeting was to determine whether to pay a pole tax settlement in the amount of \$1,257 to Consolidated Communications. She stated the Board had decided to pay the settlement based on a recommendation from town attorney Peter Malia. **Selectman Allen moved to leave the minutes unsealed and to issue the settlement to Consolidated Communications, seconded by Selectman DiFruscio. Motion approved unanimously.**

5. For Selectman Discussions and/or Motions:

- a. Benesh Driveway Permit: The Board considered the issue of whether or not the Benesh family had the right to build a driveway, as detailed on a previously-submitted driveway permit application, on an easement they were granted. Chairman Campbell read aloud correspondence from town attorney Peter Malia regarding a letter from the Benesh's attorney, which supposedly provided information that settled the dispute in their favor. However, she stated her concern that approval was still needed from the association of abutters. Therefore, Chairman Campbell suggested that the Board hear from legal representatives of all involved parties before making a decision on the matter, and Selectman DiFruscio agreed. Selectman Allen suggested that the Board communicate with Peter to clarify the information provided in the letter from the attorney representing the Benesh family. The item was continued until the next meeting.
Claire Lewkowicz, abutter to the Benesh property, was recognized to ask a question about the agenda item. Because the item was being continued, Chairman Campbell advised Claire to submit her question(s) through her attorney to be addressed at a later date. Jim Lewkowicz was recognized to request a copy of the wording sent to the Board by Peter Malia. Chairman Campbell stated that the information would be added to the meeting's minutes. (A copy of the wording was not available at time of writing.

Chairman Campbell stated her intent to discuss the letter at the August 10th meeting.)

- b. Iron Mountain Road: Chairman Campbell read into the minutes a letter from property owners on Iron Mountain Road, originally received on June 28th, 2021 (see Appendix B). She explained the safety-related reasons the Town did not perform scheduled maintenance on the class VI portion of Iron Mountain Road and the logic behind the language used in the waiver for maintenance on Iron Mountain Road.

Road agent Pat Kelley was recognized to add his reasoning on when the class VI portion of the road was safe or unsafe to travel. He recommended not restricting the Town's planned maintenance of Iron Mountain Road to a specific range of dates, as the dates of the first frost and last thaw of each winter, which roughly determine when the road is safe for travel, could vary. Chairman Campbell suggested that signage near the base of the class VI portion of Iron Mountain Road could dissuade travelers from attempting to drive up the road in hazardous conditions. Pat Kelley mentioned that such signage was already placed in that location. Jeff Sires, representing the Upper Saco Valley Land Trust, was recognized to highlight the road's status as an emergency lane.

Marten Schoonman, resident on Iron Mountain Road, was recognized to thank road agent Pat Kelley and Fire Chief Jay Henry for their work in maintaining Iron Mountain Road. Peter Fraser, resident of Iron Mountain Road, was recognized to second Marten's thanks to Pat and Jay for their work. Peter also claimed that the wording of the April 9th letter suggested that the residents of Iron Mountain Road would be responsible for maintaining its class VI portion and asked for clarification. Chairman Campbell stated her intent to review the wording of the waiver with town counsel and reference previous meetings to further refine that wording. Pat Kelley referred to the RSA guidelines regarding class VI roads to clarify the intent of the wording used in the waiver. Jay Henry agreed with Peter that the wording in the April 9th waiver was confusing. He suggested clarifying that, rather than suggesting residents on Iron Mountain Road were responsible for maintenance in spring, summer, and autumn, the waiver clearly read that residents would be allowed to perform maintenance upon receiving the Town's permission.

Susan Mason, resident on Iron Mountain Road, stated her issue with the wording in the April 9th waiver and asked that the Town continue to maintain the class VI portion of Iron Mountain Road and preserve its status as an emergency lane. Patricia Schoonman, resident on Iron Mountain Road, also stated her wish to have Iron Mountain Road remain designated as an

emergency lane. Selectman Allen responded that there was no intention to change the emergency status of Iron Mountain Road.

William Abbott, member of the Upper Saco Valley Land Trust, was recognized to clarify some misunderstandings from the previous meeting, including the status of the Hayes Farm as private property and that the Land Trust held an easement on that property allowing a public trail to pass through it. Selectman Allen asked if the Land Trust had any ideas to control parking on Iron Mountain Road. William responded that the increase in traffic and parking was not a result of the conservation easement and that, to his knowledge, the parking area did not fall within the easement area.

David Mason, resident on Iron Mountain Road, was recognized to comment on the increase in traffic on Iron Mountain Road and the resulting wear on the road. Patricia Schoonman stated she had spoken to visitors who had been referred to hike on Iron Mountain Road by their guest lodging. Chairman Campbell answered David and Patricia's comments about advertising of Iron Mountain, similar to previous advertising of Jackson Falls, and stated that the Board might consider working with the Jackson Chamber of Commerce to create controlled, consistent advertisement.

(53:16) Jerry Dougherty IV was recognized to provide some background on the designation of Iron Mountain Road as an emergency lane, which had occurred during his time as a Selectman in 2009 to facilitate its further designation as a class VI road. He clarified that the wording of the April 9th waiver was meant to relieve the Town of obligation to provide police or ambulance services to Iron Mountain Road in the winter months, though this did not necessarily mean that the Town would not provide said services where possible when Iron Mountain Road was navigable. He also explained the emergency lane designation was mainly to facilitate use of fire vehicles to combat house or forest fires on Iron Mountain.

- c. Fire Station Presentation: Jerry Dougherty IV was recognized to present information from the Fire Station Committee. The Committee had deliberated between renovating the existing Jackson fire station or building a new station. Jerry relayed the Committee's recommendation of building a new fire station, stating the existing building was not up to building codes and a renovation was not feasible. Chairman Campbell, Selectmen's Representative for the Fire Station Committee, commented that no specific figures for costs could be presented at time of meeting but agreed with Jerry's recommendation for a new fire station. Selectman Allen asked if the Committee had considered a building that could accommodate the Fire Department, Police Department, and/or the Bartlett-Jackson Ambulance. Jerry recommended against a multipurpose building, stating it would need to

be unreasonably large and expensive to construct.

David Mason, resident of Jackson, asked if any public hearings had been scheduled. Jerry IV said no hearings had yet been scheduled, stating his intention to confer with the Board to plan a public hearing, but mentioned a preliminary suggestion for early autumn. Peter Benson was recognized to speak on the condition of the existing fire station, stating it was not compliant with current codes such as fire suppression, insulation, and electrical. Bill Kelley was recognized to provide further insight from his experience with the Fire Department, emphasizing the importance of a code-compliant structure.

Bill Kelley also suggested that, instead of a public hearing, the Board and the Fire Station Committee hold a public information session to provide information about the plans for a new fire station and to receive public comment and feedback. The Board agreed with his suggestion and decided to discuss a scheduled date for an information session to propose at the next meeting..

- d. Highway Equipment: Road agent Pat Kelley was recognized to suggest the purchase of a new loader vehicle. He mentioned that prices of equipment had been rising more frequently over the past year and therefore advised against waiting until March to make a purchase. He stated his preference for a John Deere machine, quoted at \$177,500 at time of meeting. Chairman Campbell asked if the funding for the purchase was available at time of meeting. Pat replied that the Capital Reserve Fund held approximately 90% of the cost, including the trade-in value of the current vehicle. Chairman Campbell asked about financing options that might allow payment over time to ensure the Capital Reserve Fund could cover the entire cost of the purchase. Pat answered that, aside from a possible municipal discount, the price would remain relatively fixed.

Selectman Allen asked if the Town's current loader was on schedule to be replaced, and Pat responded that it was on schedule. Selectman Allen also asked what the Highway Department considered as the next "big-ticket item", and Pat answered that he did not anticipate any major purchases within the next four or five years. Chairman Campbell asked how Pat intended to adjust his budget to accommodate for the shortfall in funding from the Capital Reserve Fund. Bill Kelley was recognized to offer some advice on how to adjust the budget to cover the full cost of the new loader. Pat recommended contacting the John Deere sales representative to draft a purchase agreement and then determine the desired financing option.

Selectman DiFruscio moved to proceed according to Pat's

recommendations, seconded by Chairman Campbell. Motion approved unanimously.

- e. Police Department Donation: The Board addressed a donation of \$100 to the Police Department from Claire and Jim Lewkowicz. Jackson Police Chief Chris Perley asked that the donation be credited to the Emergency Medical Response line item in the spirit of the Lewkowicz' donation. The Board agreed with Chief Perley's recommendation. **Selectman Allen moved to accept the donation, seconded by Selectman DiFruscio. Motion approved unanimously.**
- f. Septic Discrepancies: The item was placed on hold until the August 10th meeting.
- g. Enhanced 911 (E911) Signage: The Board addressed a question from a resident of Jackson asking if short-term rental (STR) operators informed their renters of their property's location and other emergency information. Chairman Campbell stated her intent to contact Katie Reardon about improving communications between STR operators and renters. She also stated her intent to improve communication with Jackson residents to implement E911 signage. Emergency Management Director Emily Benson was recognized to explain how E911 information could be used by emergency responders. Peter Benson was recognized to provide additional explanation of the way E911 could be used to provide location information. He also stated that legally-standard, reflective metallic E911 signage could be purchased at the Jackson fire station.
- h. Emergency Management Director (EMD) Email: The Board considered whether to approve an expense of \$60 per year to establish and maintain a dedicated email for EMD Emily Benson. **Selectman DiFruscio moved to approve the establishment of the email address and the dedication of funds needed for maintenance, seconded by Selectman Allen. Motion approved unanimously.**
- i. Whitney's Inn Liquor License: The Board reviewed a request from Whitney's Inn to serve alcohol outside of its licensed area. The request would accommodate a wedding to be held on July 24th, 2021. As the date of the wedding had already passed, the request was under retroactive consideration, but both Selectman Allen and Selectman DiFruscio had signed the approval for the request prior to July 24th. **Selectman Allen moved to retroactively approve the request, seconded by Selectman DiFruscio. Motion approved unanimously.**
- j. Liquor License Details: Selectman Allen reported on an issue with loud music over the previous weekend. He suggested revisiting the liquor license for events and refining the methods for monitoring noise levels. He further

suggested adding a fine for noise violations. Chairman Campbell cautioned against being reactive to a single incident and commented that, outside that incident, holders of liquor licenses were generally following the respective rules. Joan Gilmore was recognized to testify to loud noise from parties at Eagle Mountain House and to insist that the location of measurement was a critical factor in determining the level of sound from a given source. She did, however, state that parties were adhering to the time limit, shutting off music and limiting noise after 10:00 P.M.

- k. Old Library Management Committee Request: Chairman Campbell read into the minutes a letter from Alicia Hawkes, representing the Old Library Management Committee, requesting two outdoor power outlets to be installed at the Old Library (see Appendix B). **Selectman DiFruscio moved to approve the request, seconded by Selectman Allen. Motion approved unanimously.**
6. **Short-Term Rentals (STRs):** Prior to reviewing STR applications, Chairman Campbell corrected a comment made at the July 13th meeting in response to Bill Terry's comment on the procedure of application review between the Planning Board and the Board of Selectmen. She quoted that, "according to RSA 674:21.2, the Planning Board shall set forth its comments on the proposal in writing. Since the Planning Board voted not to accept the application, that should be our review comment and why we chose not to. The Selectmen should then vote as they normally would to approve or not at the next meeting."
- a. New: No new applications were received for this meeting.
 - b. Pending:
 - i. Zerveskes, Troy and Kelly - 30 Red Barn Road: The property owners attested that the advertisement used to assess their application at the previous meeting was outdated and would be revised to reflect current information once the application was approved. However, the Board could not approve the application before the advertisement was corrected. The Board agreed to contact the owners to inform them of the order of procedures. **Selectman Allen moved to not approve the application, seconded by Selectman DiFruscio. Motion approved unanimously.**

- ii. 58 Dana Place Road Realty Trust - 25 Dana Place Road: The advertisement for the property was updated to conform with regulations. **Selectman DiFruscio moved to approve the application, seconded by Selectman Allen. Motion approved unanimously.**
 - iii. Carter Notch Inn: The Board had received no response from the property owner at time of meeting.
 - iv. Thigpen: The Board had received no response from the property owner at time of meeting.
 - c. Complaints:
 - i. Horrigan: Chairman Campbell contacted the Horriganes and confirmed they had changed the online advertisement for their property to adhere to the STR regulations.
7. **Upcoming Meetings:** The Board confirmed the following dates and times for their upcoming meetings:
- a. August 10th, 2021 at 3:30 P.M.
 - i. The Zoom platform would not be used for the August 10th meeting.
 - b. August 24th, 2021 at 3:30 P.M.
8. **Public Comment:** Frank Benesh asked what purpose an additional meeting between legal representatives involved in the driveway permit application issue would serve. Chairman Campbell stated her intent to confer with town attorney Peter Malia to clarify the information submitted to the Board and determine the best course of action. Frank offered that Peter could contact his attorney to further discuss details outside of Board meetings.
9. **Other Business: Selectman Allen moved to go to a non-public meeting, seconded by Selectman DiFruscio. Motion approved unanimously.**

Meeting moved to non-public at 5:24 P.M.

Respectfully submitted by Will Reisig

Appendix A: Letter from the Board of Selectmen to Warren Schomaker to Commemorate Receipt of the Boston Post Cane

“Dear Mr. Schomaker:

On behalf of the Town of Jackson and the Jackson Historical Society, it gives us great pleasure to present you with the Boston Post Cane in recognition, honor, and respect to you as our oldest citizen of Jackson.

Awarding the Boston Post Cane is a tradition that began in 1909 throughout New England, and we are proud to still have the Town of Jackson’s original fourteen-carat gold-topped ebony cane. Throughout history, canes were considered a sign of leadership and an ancient symbol of deference to age and reverence of ancestors.

The enclosed certificate has been prepared for you as a symbolic representation as the honored recipient of the Boston Post Cane. A brass name plate with your name will be affixed to the case displaying Jackson’s original cane, located in the town office’s building.”

**Appendix B: Letter to Board of Selectmen from Iron Mountain Road Property Owners
Re: Letter of Agreement With the Town of Jackson Regarding the Continued Upkeep
of the Iron Mountain Road**

“To the Jackson, NH Board of Selectmen,

This letter is meant to capture the conversation had in an in-person meeting, June 25, 2021 at Hayes Farm between a few Iron Mountain Property Owners and Dick Bennett, former Selectman of the Town of Jackson. The Upper Saco Valley Land Trust was also represented. As a former Town of Jackson Selectman and now private citizen, Mr. Bennett was willing to meet with the represented property owners to participate in a conversation and share information about the Iron Mountain Road care and upkeep. He was asked to help the owners better understand how best to approach the Town with suggestions of how they could work with the Town to facilitate a solution to the needed road care and upkeep.

The focus of the meeting was on how to continue the longtime maintenance of the Iron Mountain Road in order to make it possible for emergency vehicles, property owners, hikers and visitors, to safely travel on the road over its entire length during the spring, summer and fall (April 1 - November 1). As has historically been the case, the Town has cared for the road to make it passable for all emergency vehicular traffic. This has been the standard of care for the last 33 years.

For reference, we as property owners recently received a letter from the Town dated April 9th, 2021 that asked us to waive many of the rights we had previously agreed on with the Town through many years of working together. The property owners have always partnered with the Town in the care of the road in a very cooperative relationship. The mailing came out of the blue and caught us off guard as it represented altering the already agreed on care long in place.

None of the property owners signed this waiver as it did not reflect any previous established agreement. This change in direction from the Town ultimately led to last week's meeting with Dick Bennett.

For further reference the following are reproductions from letters between Robin Willits and the Town of Jackson:

(We have provided copies of the originals to the Town on June 28, 2021)

In 1987 and 1988 Robin Willits received notes from the Board of Selectmen stating the Board's "intention to maintain the Iron Mountain Road for passage of emergency vehicles including our police cruiser." They were dated 9/21/1987, and 2/3/1988.

(At this time the road was reclassified from a Class 5 to a 6 in order to waylay any development of furthering housing)

On 9/11/1987, Town legal counsel advised the Board of Selectmen with this language: "It would be imprudent and illogical for the town to let the road 90 completely to pieces. It provides access for firefighting and for rescue of hikers and hunters."

We have a copy of the minutes from the Selectmen's meeting 8/20/2009. A motion was passed unanimously to designate (portions) of 4 roads as "Emergency Lanes."

They are Carter Notch (Class VI portion), Marsh Brook, Wildcat Brook, and Iron Mountain Rd. In 1973, Iron Mountain Rd was designated a scenic road.

In our discussions with Mr. Bennett, we all focused on what we could do moving forward to

assure safe passage on the road. It was clear to all the road had already deteriorated in the last two weeks and needed attention as soon as possible. We also discussed the gate that had been erected by the Town and how we needed to agree on the continued use of such an impediment without interrupting spring, summer and fall passage.

We as owners came to following understanding:

1. We would create language that the Town could sign off on that would capture the definitive agreement for ongoing care of the road.
2. We agreed the two-post barrier that now exists just past the Forestry Road would only have the bar in place (which would be reduced to a 2 by 4 from a 2 by 6-inch rail) from November 1 - April 1 in order to stop vehicular traffic, including snowplows and unregistered winter machines like snowmobiles (and A1Vs) from travelling the road. Property owners would be able to register their winter machines with the Town to allow travel to their properties during the winter months. Mr. Bennett referenced other Jackson roads that have a similar designation for winter and signage that reflects the period of time the road is closed to vehicular traffic. There was agreement at the meeting this would be a good addition to the Iron Mtn Road signage.

Here is suggested language for the ongoing Iron Mountain Road Care agreement:

The Town of Jackson will maintain the Iron Mountain Road for passage of emergency use vehicles, including ambulances, throughout the April 1 - November 1 time frame. This maintenance care and upkeep should take place no later than Memorial Day and if needed, also take place at whatever intervals necessary to keep the road in shape for the passage of these emergency vehicles.

This language borrows from the longstanding agreement already in place and only looks to refocus the agreed-on course of action on the care and upkeep necessary to keep the road in safe condition during the non-winter passable months.

There was also discussion about the U.S. Forest Service being engaged as a partner in the continued care of the road and this conversation is being led by Jim Innis of U.S. Forest Service in direct conversations with the Town."