

I. CALL TO ORDER The meeting was called to order at 6:30 pm in the basement meeting room at the Fremont Town Hall. Present were Selectmen Gene Cordes, Neal Janvrin, Roger Barham, Town Administrator Heidi Carlson and Selectmen's Clerk Jeanne Nygren. All rose for the Pledge of Allegiance. The meeting is a live broadcast by Bruce White from FCTV.

II. ANNOUNCEMENTS

1. Tax bills are due Tuesday July 2, 2019.
2. The Town Clerk Tax Collector begins summer hours next week. Effective Monday July 1 the office is CLOSED on Mondays.
3. All Town Offices are closed on Thursday and Friday July 4 and 5 due to the holiday, and trash is on a one day delay next week.
4. Chester Road will be CLOSED Monday and Tuesday July 8 and 9 for culvert work. There will be other closures but dates will be determined based on weather and the schedule for the GMI who is doing the paving work.

III. LIAISON REPORTS

1. Janvrin stated that the June 25, 2019 Zoning Board meeting was cancelled with no applications pending.
2. The NH DES Wetlands Permit and Shoreland Notification paperwork were filed on Monday by Tom Sokoloski, the Town's Consultant Wetlands Scientist relative to the Sandown Road Bridge. The Conservation Commission has reconvened to review the application and forwarded along their support to NH DES. Any change in field conditions needs to be shared with the Commission as the project progresses.

Other Sandown Road Bridge updates include that the bid document will go out tomorrow (and be posted on the Town website) for the construction work around prep (pavement removal, gravel placement abutment work as needed, etc.) and setting of the deck structure. The bid opening will tentatively be scheduled for 6:30 pm on Thursday July 11, 2019 as the first item on the Board of Selectmen's agenda. From here, the Board would tentatively make a motion to accept the lowest responsible bid once the reference checking is done by Stantec, with an award to go out by the following Monday or Tuesday. The goal is to have work beginning by July 22, 2019 by that vendor, for the bridge deck ready to be in place in early August.

In early July, quotes will be obtained for the guardrail and paving work needed for the project. As smaller components of the overall project, this pricing will be gathered through qualified vendors either on the State bid list or that the Town has existing contracts/relationships with (IE: GMI quote on paving).

The end goal is to have the project complete by August 23 before school starts this fall.

IV. APPROVAL OF MINUTES

A motion to approve the minutes of the June 20, 2019 meeting as written was made by Janvrin and seconded by Cordes. The vote was 2-0-1 as Barham abstained, he was not present at this meeting.

V. SCHEDULED AGENDA ITEMS – times subject to change depending on flow of the meeting

6:45 pm Public Input - none

7:00 pm Department Heads - Road Agent Leon Holmes Jr. is requesting a line item transfer to be used for line striping for Beede Hill Road and Red Brook Road and also other stop lines painted throughout Town. He is requesting \$15,000.00 from 4312050 winter equipment hire be transferred to line 4312705 seal coating and pavement repair. Barham moved to approve the proposed line item changes as stated above for the highway budget and this was seconded by Janvrin. The vote was unanimous 3-0.

Holmes has been working on Chester Road all this week doing tree and drainage work on culverts to get ready to repave and hot top. He is planning on doing 2,994 feet of the 6,718 road length with the \$100,000 from the Warrant Article. This would be only two sections of Chester Road. The road will be closed to traffic for the entire week of July 8th through July 12th with traffic being detoured through Whittier Drive.

At 7:15 pm Selectmen Cordes opened the Public Hearing relative to amending the Town's Thru Trucking Ordinance and read the following:

TOWN OF FREMONT NH
PUBLIC HEARING

The Fremont Board of Selectmen will hold a public hearing at 7:15 pm on June 27, 2019 to discuss amending the Town's Thru Trucking Ordinance. Text of the proposed Ordinance can be found posted at Town Buildings and on the Town's website on the Home Page and the Selectmen's Public Hearing Page. The hearing will be held in the basement meeting room at the Fremont Town Hall, 295 Main Street in Fremont NH. Written comments will be accepted until 5:00 pm the day of the hearing to FremontTA@comcast.net.

The Public is welcome to attend.

Posted: 30 May 2019 Published: Union Leader 10 June 2019

Selectmen Janvrin presented the history of how we have gotten to this point:

- Increase of heavy truck traffic on Rogers and Shirkin Roads and the damage and cost to maintain the roadways.
- Hours of operation of the businesses and the noise impact.
- Possible damage to environment caused by spills/odors.
- Safety of the motoring public and residents using Shirkin and Rogers Road while vehicles are being operated to and from businesses in Epping to include heavy truck traffic and heavy volume of cars during sporting events taking place on evening and weekends at the recreation facility.
- After road inspections with Road Agent Leon Holmes, Jr. significant damage was noted at intersection of Rogers and Shirkin Roads including ruts in travel lanes cause by heavy trucking and damage to the shoulder portion of the road due to trucks and other traffic having to move to the right when meeting oncoming traffic.
- Concern for culverts under Rogers and Shirkin Roads.
- Roads have not been built to today's standards and cannot tolerate this type of traffic. They are not 24 feet wide, pavement depth is not sufficient, along with gravel base used.
- Large impact on our Highway Department and tax base, on cost of repairs through the years amounting to \$750,000 on North side of town roads without any tax benefit from businesses located in Epping.
- Police Chief's concern for heavy traffic and repeated complaints on safety, noise and hours of operation.

- Traffic enforcement issues related to the soccer fields.
- Violations need to be observed by an officer and sequence to issue a citation for violations.
- Repeated speeding offenses.
- Research of RSA gives the Town authority to “Regulate the operation of vehicles”.
- Existing Thru Trucking Ordinance only covers some of the roads in Fremont.

Solutions being contemplated:

- Decision that trucking on Rogers and Shirkin Road is a problem that should be regulated.
- Add Shirkin and Rogers to our No Thru Trucking Ordinance and increase the penalty to \$500.
- Create a “Weight Restriction” Ordinance for Shirkin and Rogers Road with a penalty of \$500.
- Forward Ordinance to Town Counsel for review and they have recommended to proceed.
- It was voted by the Board of Selectmen to go forward with adding Rogers and Shirkin Road to our Thru Trucking Ordinance and tonight’s Public Hearing being scheduled.

Prior to accepting public comments, Selectmen Cordes summarized several emails received over the past couple of days, mostly today and this evening. This included:

- Letter from Buxton Oil’s legal counsel with their concerns and legal points.
- Epping resident stating this will only shift traffic volume to them thus creating safety concerns in Epping.
- Eastern Propane’s Regional Manager on impact any changes made would be relative to their efficient operations. (He is also a Beede Hill Road resident in Fremont).
- Fremont resident who lives on Shirkin Road gave a 20 year history of usage on this road and unsafe issues due to traffic and speed.

At this time Cordes opened up for the public comments with a brief synopsis of their remarks:

Richard Boyd, 76 Shirkin Road, as resident shares his concerns on the safety issues with trucks going over the speed limit at intersections and not stopping as required at stop signs.

Road Agent Leon Holmes Jr spoke of his responsibility to approximately 40 miles of roads in Fremont. He recapped the past history of funds spent on approximately 14 miles on the North Side of Fremont since 1999. His figures throughout these years added to over \$700,000 being spent on this side of town. He has to constantly go back and fix roads due to heavy truck damage with no benefit to Fremont taxpayers on the businesses in Epping causing the damages. He also expressed concern that the remaining roads in Fremont have suffered due to having to repair over and over the same area of roads. His remark “Something needs to change.”

Clark Patterson, owner of New England Paving in Epping, said that changes and restrictions will be a problem for his business. If he needs to go another route it would be extra miles through Epping where coming out onto Fremont roads is only approximately ½ mile to get to Route 101. He is proposing giving funds to Fremont for their road repairs.

At this time Barham asked for a show of hands on how many Fremont residents were present tonight, which was approximately 65% of the room. It is noted that approximately 45 people (in total) were present in the room at highest count.

Diane MacPherson, 11 Sawmill Lane, spoke of an incident on Rogers and Shirkin intersection where she had to pull over twice to let a truck go through.

Holmes Jr cited an incident while he was working on Martin and North and posted “No Thru Trucking” that he saw trucks go through their roads as they are taking a short cut.

Grasso Cindy, 527 Beede Hill Road, remarked that Epping may be inconvenienced but they brought in the industrial park and now five years later our roads are junk. Epping will continue to grow if we don’t do something now it will only get worse for Fremont, so it is important to do something now.

Roy Olsen, 10 Martin Road, states that large trucks that don’t see potholes make a lot of noise that he has to listen to when their chassis slam in the middle of the night, and this is getting more frequent. Recently, he has seen pool water trucks going down Martin Road Bridge that is posted with a 15 ton limit.

Randy Grasso, 527 Beede Hill Road, hears Eastern Propane 18 wheel tankers late at night using their Jake brakes and it wakes you up at night.

Connor Crowley, an attorney from Devine Millimet, representing New England Paving, has concerns on development in Epping that has an impact to Fremont remarking that New Hampshire law prohibits an ordinance being passed essentially impinging on business rights and it is not a valid traffic ordinance.

Clark Patterson realizes that the cost of paving a road is high and 85% of asphalt in North America is provided by one company. He noted that the Town’s vendor is trucking asphalt for Town work from an hour away. With his company being close by, he would be available at a lower cost hopefully saving the Town’s residents money.

Holmes said their quality of work (GMI) is outstanding and they are only 45 minutes away. Cordes asked for those present to just stick to the discussion on the proposed ordinance topic.

Jack Mullen, 117 Tavern Road, expressed concerns that Fremont is taking the hit on roads with no tax benefits to us and that increasing the penalty to \$500 is a good idea. Safety is also of great concern.

Janvrin stated there is a slight glitch in the enforcement of this ordinance as the violator has to be observed by a police officer. The first violation is only a warning and a second time they can be given a citation.

McPherson feels that Epping should be concerned of the weight limits going over bridges and the trucks are going down residential roads.

Greg Dodge, Town Administrator in Epping, said they are listening to what is being said here tonight. He brought up a case presented in 2016 in Exeter regarding weight limits but nothing materialized from this case. He is requesting that the Board not act on this ordinance tonight and suggested possibly collaborating to share cost is something else to look at.

Janvrin said not every issue is addressed and of great importance is the quality of life.

Mark Beliveau, Attorney for Buxton Oil (Pierce Atwood LLP), picked up on the comment that the Board not take action tonight to postpone to allow for more discussion. He said that prohibitions on trucking will put all the businesses out of business and that this type of prohibition is unlawful under NH law. He encouraged the Board not take action to try to find a solution that makes sense. Roads are accessible to everyone. Towns cannot place restrictions.

Kelli Olsen, 10 Martin Road, remarked that the sign “No Thru Trucking” is not there now.

Leon Holmes Jr said the “No Thru Trucking” is posted on Martin Road. Fremont did not post this bridge and that the State of New Hampshire put this on the state’s red list, forcing the posting.

Gordon Muench, 881 Main Street, remarked that no one offered to help before. Fremont is so far behind on our roads and you are potentially risking equipment taking it over some of the bridges when you exceed the posted limits.

Cindy Grasso stated that in the past no one in Epping has come forth and now they are here with representation. They are proposing sharing in the cost, what do they have to offer with quality of life and safety of residents with the smell, noise, danger and not getting out of their driveways? She suggested you would have to babysit 24 hours a day to monitor, speed limit, not using Jake brakes, going thru stop signs and asked are they coming forth with money for that?

Cody Belanger (a member of the Epping Board of Selectmen) spoke as an individual acknowledging that he hears the concerns and wants to work together as neighbors. He suggested that an Ordinance that prohibits business on how to continue their business may open the Town to lawsuits which are also tax impacts.

Janvrin said there are other routes out of the Epping business area that don’t go through Fremont roads which could be used.

Mullen said he was offended by “lawsuit” remark. Epping takes all the tax dollars, interference in their own town would be the solution to this problem. Their Planning Board has approved the paving, oil, propane and other commercial uses without giving any thought how they get to their businesses and stated again it is not fair for Epping to reap all the benefits and they need to do some soul searching.

Patterson questioned the existing business at the end of Shirkin Road and asked how they get out from their businesses.

Holmes stated Galloway trucks have to go left out of their business and there is a sign there stating that. It was brought up this sign is no longer there and needs to be put back. (It was noted that this is the other side of Shirkin Road, in Fremont west of Beede Hill Road).

Patterson said he feels that the Police Department does enforce the laws, and he will take care of his drivers if there are any violations on the part of his business.

Belanger asked for clarification on Beede Hill Road as to what is state owned and what is town owned. Holmes stated that Fremont owns 4,300 feet of road and the State road cannot post “No Thru Trucking”. Carlson clarified that from the center of Fremont to house #392 is State owned (with the Town maintaining it in the winter); and that from house #392 to the Epping line is Fremont roadway.

Cordes is glad to see the community leaders from Epping paying attention and want to discuss this further. He stated that we would want the correspondence and legal points to be reviewed by the Town’s Attorney before any decisions are made.

Fremont Police Lt. Peter Morelli said the Department is aware of all complaints occurring, cited numerous calls, and went through how the Town Ordinance violations could be prosecuted. Trucking issues have been addressed for quite a while, and recently the Department conducted training with the State on how to conduct stops as they are federal violations that only can be enforced by federal officers. Now Fremont has only one officer on the street and if they had extra man power assigned to do duty on

Shirkin Road-Beede Hill Road area, that would be great and would potentially help to address some of the concerns, but that there is a lot of activity in all areas of Fremont that the Department covers. There was discussion about use of a radar trailer as an option for added speed enforcement.

Joe Trombley, a member of the Epping Board of Selectmen, commented there are new members of the Board only being Selectmen for two years, and finding out the sins of 20 years ago and they are picking up the pieces.

MacPherson thought that an access road may be the solution as a way out for businesses to Route 101 and not through any residential areas.

Mike Yergeau, the Epping Selectman and their rep to the Epping Planning Board, said at their next meeting they will look into the hours of operation that were approved on the site plan.

Carlson reiterated that some of these discussion items are Code Enforcement related and not necessarily something that can be solved with the Ordinance updates. She also thanked Epping representatives for coming forward and for listening to the Fremont concerns as we have all felt that we have not been heard for many years over these issues. Specifically the expansions to Seacoast United have not included Fremont and the increase in traffic volume from that has been immense, with many additional cars in the area (causing added enforcement concerns and safety issues).

Cordes thanked all those present tonight who took the time and it was evident that more data, conversations, and legal advice needs to be pursued at a minimum. Barham moved to recess the Public Hearing to 7:30 pm on Thursday July 25, 2019 (same location). This was seconded by Janvrin. The vote was unanimous 3-0.

VI. OLD BUSINESS

1. A motion to adopt the Payment Procedure Policy as written effective June 27, 2019 was made by Janvrin and seconded by Barham. The vote was unanimous 3-0.

2. Primex continues to work on the claims filed for water issues at the ballfields garage and the Library. Carlson provided follow up information.

The Library Trustees are working on their 2020 budget and plan to meet with the Board late summer to discuss it. They will include the capital projects and other repairs needed. The current work includes emergency lighting and is currently underway now that an electrician has been reached to do the work. Additionally, the rest of the faucets at the Library (like the one that burst last week) will be scheduled for planned replacement as soon as possible to avoid any further problems. Trustees met last night.

3. Lewis Builders follow-up

Contact with NH DOT for final resolution. No action has yet been taken on Attorney Ducharme's letter. A follow-up letter to the Mullen's inquiry also needs to be done. Barham has not yet spoken with DOT for clarification on deceleration lane and the Board has to deal with this as the residents don't want to use this lane. Lewis Builders does not plan to do anything further with regard to the deceleration lane. The Board asked to keep this on pending future agendas for resolution.

4. The newly renegotiated Comcast Contract renewal is ready for signature as written with advice from counsel. Bruce White was consulted in the control room and had no further comment about the contract, stating he was pleased it is finally complete. A motion to sign the final renewal 10 year contract dated

June 27, 2019 was made by Janvrin and seconded by Barham. The vote was unanimous 3-0. This contract expires April 30, 2029.

5. Impact fees – in follow-up to discussion last week, the Town is beginning the investigative process to look into the Impact Fee study entails and how it would be changed, if that is found to be in the Town's best interest. Leanne Miner is scheduling time with the School Administration to discuss their data and input to the process, and the Town is contacting Bruce Mayberry as well as potentially other consultants to look into what other information may be helpful to the process. Miner also met with Jenn Rowden this week to look at the updates to the Capital Improvement Plan and Master Plan as these are also integral parts of the process. Changes will not be immediate given the amount of work that goes into such a planning process.

VII. NEW BUSINESS

1. The Selectmen reviewed the folder of incoming correspondence that includes: Eversource increases on temporary basis. Permanent rate increase as of July 1, 2020; Roofing at ballfield concession stand along with maintenance; Police Detail fund being instituted; School Board and Planning Board meeting discussion on impact fees. Road agent update on Chester Road with GMI proposal; Comment sheet regarding South Road development; Email MRI regarding availability for consultant services on Fremont Fire Rescue Department; Email Heidi need for router in FCTV; Conservation Commission minutes of June 26 on Wetland permit along with a copy of the permit; Regulation changes on Town engineering work; Comcast Infinity and "on demand" fee schedule changes.

2. A motion to approve the payroll of \$32,723.24 for the current week dated June 28, 2019 was made by Barham and seconded by Janvrin. The vote was unanimous 3-0.

A motion to approve and accounts payable manifest of \$83,811.99 for the current week dated June 28, 2019 was made by Janvrin and seconded by Barham with unanimous vote 3-0.

3. A motion to approve the FCTV Revolving Fund Manifest 2019-13 \$1,291.62 for reimbursement of June FCTV wages to the General Fund was made by Barham and seconded by Janvrin. The vote was unanimous 3-0.

At 8:23 pm Janvrin moved to recess until 8:30 pm which was seconded by Barham. The vote was unanimous 3-0.

At 8:30 pm the meeting was called back to order by Cordes.

4. With the upcoming holiday week, the Board discussed a provisional plan if an accounts payable manifest is needed on an emergent basis. As has been done in the past, Janvrin moved to have either two Selectmen review and approve; or Carlson along with one Selectman to review and approve. Barham seconded and the vote was unanimous 3-0. The manifest would be on the following week's agenda for final signature.

5. After consideration of the request to a waiver of \$90 commercial permit fee for a replacement handicap ramp at the People's United Methodist Church was made by Barham and seconded by Janvrin. The vote was unanimous 3-0. This is consistent with what the Town has done in the past for non-profit organizations.

VIII. WORKS IN PROGRESS

1. There is not a Board meeting next week due to the holiday. No accounts payable run is planned and the next one will be during the week of July 8, 2019.

2. The auditors have concurred with the balance report for the Police Department Special Detail Revolving Fund. As soon as a record of the transactions can be put together, a check will be cut for movement of the money from the General Fund to a new fund (still to be set up once check is done) by the Treasurer.

3. Leanne Miner sent all of the proposed contract documents for the four engineering firms to Town Counsel for review. Next step would be for the Board of Selectmen to review and sign as the Planning Board then prepares to update their procedure and work with applicants to choose a firm for coming projects, as well as engage the one the PB wants to do the upcoming excavation permit review work.

At 8:36 pm Janvrin moved to enter non-public session pursuant to NH RSA 91-A3 II (c) to discuss a personnel matter. Cordes seconded and the roll call vote was unanimously approved 3-0; Cordes-yes; Janvrin-yes; Barham-yes.

Nygren left the meeting at 8:38 pm.

Respectfully submitted,

Jeanne Nygren
Selectmen's Administrative Assistant

At 8:40 pm the Board began their non-public session.

At 8:55 pm a motion was made by Janvrin and seconded by Barham to return to public session. The vote was unanimously approved 3-0.

No decisions were made by the Board. The next regular Board meeting will be held at 6:30 pm on Thursday July 11, 2019 at the Fremont Town Hall in the basement meeting room.

With no further business which may legally come before this meeting, motion was made to adjourn by Janvrin at approximately 9:00 pm. Barham seconded and the vote was unanimously approved 3-0.

Respectfully submitted,

Heidi Carlson
Town Administrator