

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

II. ANNOUNCEMENTS

1. Roadside cleanup for Earth Day will take place on Saturday May 4 from 8:00 am to noon. Volunteers are being solicited to pick up the bags throughout town that day. Bags also can be dropped off at the Highway Shed that day also. Neighborhood collections are also taking place and being organized. This will be done in combination with a Community / Library Open House and Cookout following the cleanup! Open House events will take place at the Fremont Public Library from 11:00 am to 1:00 pm. The town-wide yard sale will also take place this day. Additional information is available on the Town's website and slides are on the FCTV bulletin board.

2. Spring Bulky Day is Saturday May 18 from 8:00 am to 12 noon at the Fremont Highway Shed. The Garden Club Plant Sale will also take place on May 18th at the Fremont Public Library.

3. The Memorial Day Parade and Ceremony will take place on Sunday May 26, 2019 beginning at 9:00 am from the Town Hall. Contact Jeanne Nygren for more information or to participate.

4. A Memorial Service will be held at the Fremont Public Library on Sunday April 28th at 2:00 pm for long-time School and Town employee Marlene Emery.

III. LIAISON REPORTS

Janvrin reported at the April 15, 2019 FCTV Committee meeting they met with Mike Rydeen who discussed a possible solution to the acoustic problem at the gym by hanging flags around the room. Bill Millios will check with other communication experts and get their opinion. Rydeen proposed to have a fund raiser to buy as "Donate a Flag" campaign to defray some of the costs. The FCTV Fund balance as of March 29, 2019 is \$14,037.36.

Barham reported that the Planning Board met Wednesday April 17, 2019 at 7:00 pm in the Basement Meeting Room. The following topics were discussed:

1. Lot Line Adjustment between 25 and 35 Main Street (Map 3 Lots 165 & 166):
 - a. The proposed LLA regularizes discrepancies in previous surveys.
 - b. The Board approved the application with no conditions.
2. Planning Board Rules of Procedure:
 - a. The Board reviewed proposed edits and discussed additional changes.
 - b. A further draft will be discussed at the next meeting.
3. Circuit Rider Business:
 - a. The proposed Patterson application on Shirkin Road (Epping) was discussed:
 - i. Jenn Rowden stated the Epping PB deemed it to have a Regional impact.
 - ii. The Town and RPC are designated as abutters.
 - iii. The RPC will hold a public meeting scheduled for May 2nd.
4. Other Business:

- a. Casey stated that with details of available grants and Jenn Rowden said she would review this and identify any possible applications.
- b. Leanne Miner advised the Board that the Subcommittee would meet on April 25 to review the Site Plan and Subdivision Regulations.

The next meeting is scheduled for Wednesday May 1, 2019.

IV. APPROVAL OF MINUTES

A motion was made by Barham to approve the minutes of the April 11, 2019 meeting as written. This was seconded by Janvrin. The vote was 2-0-1 with Cordes abstaining as he was not present at that meeting.

V. SCHEDULED AGENDA ITEMS

At 6:45 pm members of the public coming into the meeting included Randy and Cindy Grasso, Doug Andrew, Debbie Goudreault, Karl Frederickson, Gary and Tanice Cloutier, Kelli Olsen, Emil Plante, Dan Costello, Sharon and Costas Tonas, Scott Barthelemy, Richard Boyd, Michael Nygren, Matthew Thomas, Shawn Perreault, Jonathan Starr, Gary Pellegrini, Joshua Gallant and Brian Riley.

At 6:45 pm Department Head Road Agent Leon Holmes, Jr met with the Board to discuss the conditions of Shirkin Road and Martin Roads, regarding weight restrictions and concerns of residents. Yesterday Holmes and Janvrin visited Shirkin Road and Rogers Road to do an assessment, with pictures being taken by Janvrin.

Janvrin stated that he felt he was the cause of this agenda item. He explained that last week after hearing concerns about the truck traffic on Shirkin Road and the damage that was being done to the road surface, he questioned whether a weight limit restriction might be a solution. It was decided to put the issue on a future agenda, and ask the Road Agent to be part of the discussion. Janvrin then read through a list of observations:

1. I did a site walk with Leon and I saw that there was significant damage being done to Shirkin Road at the intersection of Rogers Road and Wildwood Drive. This damage is being caused by heavy trucks turning on to Shirkin Road from Rogers Road. Leon told me that the road has not been built to with stand this type of traffic. We were at the intersection approximately 5:30 pm and I could not believe the number of vehicles traveling towards Epping. I believe there was an event going on at the Seacoast United Soccer Fields.
2. I have researched NH RSA 31:39 "Powers and Duties of Towns". This statute clearly gives the Town the authority to "Regulate the operation of vehicles", and it also establishes the right "to enforce the observance of the bylaws by suitable penalties not exceeding \$1,000." This is the statute that was used when the Town adopted a "No Thru Trucking Ordinance" that is currently place for other roads in town.
3. I researched the Town's No Thru Trucking Ordinance and saw that it was in effect for Abbott Road, Bean Road, Leavitt Road, Martin Road, North Road, Scribner Road and Whittier Drive. This Ordinance allows for a penalty not to exceed \$100.
4. If the Board decides that the trucking on Rogers and Shirkin Roads is a problem and that we should regulate it, there are two possible solutions:
 - a. Add Shirkin and Rogers Road to our "No Thru Trucking Ordinance" and increase the penalty

to \$500.

- b. Create a “Weight Restriction” Ordinance for Shirkin and Rogers Road with a penalty of \$500.

Janvrin stated that he has drafted both an updated No Thru Trucking Ordinance that includes both Rogers and Shirkin Road, and a Weight Restriction Ordinance for Rogers and Shirkin Road both with a penalty of \$500.

Both were included along with a copy of RSA 31:39, in the packet that Janvrin circulated to the other Board members for consideration.

Cordes stated Town Counsel will have to look over these ordinance proposals along with posting a public hearing to hear from other Fremont residents their thoughts on these ordinance changes. This process all takes time and he thanked the residents for their patience.

Holmes Jr stated that last week while doing shoulder work in that area he noticed there was more traffic from trucks than cars. He feels the businesses in Epping need to use another way out thru Epping and not thru Fremont. These roads were not built to sustain the weight of the vehicles that are presently using them, and weight limits to limit weight, and no thru trucking limits on these roads would be helpful to alleviate the problems that have been occurring in this section of Fremont for many years. Holmes Jr said he is constantly having to do repairs over and over in these areas.

Comments from the public included:

Randy Grasso suggested the Town propose traffic go through Epping and not use Fremont roads and the possibility of putting in a haul road to have large trucks use to keep traffic off our roads. He said this road would be along the highway fence, and would be helpful as it would come out to Buxton’s, or elsewhere directly on to Shirkin Road in Epping.

Gary Cloutier attended the Planning Board meeting in Epping last week where he mentioned to them the issues regarding truck traffic on Shirkin Road and how Fremont residents felt on this issue. He asked them what they were going to do if our Board of Selectmen put in no thru trucking or weight limits, leaving them only one alternative by going through their Epping residential neighborhoods. The Epping Planning Board appeared concerned.

Holmes Jr asked if we can legally just post no thru trucking with no limits. Janvrin said the statute for no thru trucking is 26,000 pounds or above, so a one ton vehicle would not be excluded. He also said regardless what the outcome of the current Epping Site Plan Application is, that we need to address the problems with the Fremont roads.

Cindy Grasso asked if there were any reason why the three Selectmen would not want to make it no thru trucking. Cordes stated he feels we need to hear from other Town’s residents as well as other users. There would need to be a formal public hearing, and Town Counsel also needs to review all ordinance proposals.

Gary Cloutier said there is no benefit to Fremont the way it is now, they get all the tax revenue and Fremont taxpayers incur the costs to repair the roads.

Costas Tonas feels the need is to also address the speeding with these trucks which not many go less than 45 MPH and to also include the soccer traffic going thru Fremont to get to the soccer fields. Cordes stated that he knows the Fremont Police Department spends as much time in this area of town as any

other due to the large volume of complaints. The Board will also look to Chief Twiss for input on the proposed ordinance changes.

Richard Boyd asked if EPA could be contacted with respect to the quality of the air with the odor from the asphalt plant, vibration and noise pollution and would they be contacted by Rockingham Planning Commission in this study.

Barham reported that at the Epping Planning Board meeting, the application was deemed to be of regional impact. The Town of Fremont is now a designated abutter, and RPC as a designated abutter can also comment. Jenn Rowden will get back with the confirmation time and location of the RPC Regional Impact Meeting planned for May 2, 2019. Notification will be sent to the Board of Selectmen, Fremont Planning Board who will in turn try to notify the Fremont residents once confirmed. Those present at the meeting tonight were asked to leave their email addresses on the sign-in sheet.

Cordes thanked all the residents that participated tonight for their input and patience through all this process. Holmes Jr and others left the meeting at 7:15 pm.

At 7:16 pm Cordes opened the Cemetery Public Hearing as follows:

TOWN OF FREMONT NH PUBLIC HEARING

The Fremont Board of Selectmen and Cemetery Trustees will hold a public hearing at 7:15 pm on April 18, 2019 to discuss implementation of the Cemetery Maintenance Trust Fund and the price of cemetery lots in Fremont. The hearing will be held in the basement meeting room at the Fremont Town Hall, 295 Main Street in Fremont NH as part of a regular Selectmen's Meeting. The Public is welcome to attend.

This notice was posted 25 March 2019 and published in the Fremont Newsletter April 2019 and in the Union Leader 02 April 2019.

Present were Cemetery Trustees Mathew Thomas, Michael Nygren, Jeanne Nygren, Sexton Shawn Perreault and newly hired cemetery maintenance worker Brian Riley.

Perreault handed out an information sheet relative to the price of a cemetery lot in Fremont as well as how the Cemetery Maintenance Trust Fund will be set up and administered.

Introduction

In 2019 Fremont voters passed Warrant Article 22:

ARTICLE 22: *To see if the Town will vote to establish a Cemetery Maintenance Trust Fund pursuant to RSA 31:19-a and RSA 289:2-a. The money received from the sale of cemetery lots in Fremont cemeteries shall be placed in the Fund and shall be used along with any interest thereon for the maintenance of cemeteries; and further to name the Board of Selectmen as agents to expend from this fund upon recommendation of the Cemetery Trustees. The Selectmen recommend this article 3-0. The Budget Committee recommends this article 7-1. Majority vote required.*

YES 620 NO 183

The Article was proposed to change the way the Town collects a fee for cemetery lots, to put more of that money directly back into cemeteries. The historic method has been via Cemetery Perpetual Care funds, and using that method, only the interest can be used, the principal amount set aside for perpetual care could not be touched. Many years ago this was OK because interest rates were high enough to yield monies used each year to care for the lots.

Traditionally in Fremont as in most NH towns, the Town General Fund budget had paid a fair share (if not the majority) of cemetery maintenance costs.

As further background information, the Warrant Article enabling legislation is found in the two NH Statutes below:

31:19-a Trust Funds Created by Towns. –

I. A town may at any annual or special meeting grant and vote such sums of money as it deems necessary to create trust funds for the maintenance and operation of the town; and any other public purpose that is not foreign to the town's institution or incompatible with the objects of its organization. The town may appoint agents to expend any funds in the trust for the purposes of the trust. An annual accounting and report of the activities of the trust shall be presented to the selectmen and published in the annual report.

II. Trust funds created pursuant to this section shall be revocable by majority vote of the legal voters present and voting at any annual meeting, unless the vote creating the trust expressly provides that the trust shall be irrevocable, and upon revocation the trustees of trust funds holding the account for said trust shall pay all the moneys in such fund to the town treasurer.

III. Notwithstanding any other provision of this chapter, any trust fund created under this section shall be subject to the same provisions concerning custody, investment, expenditure, change of purpose, and audit as are reserve funds established under RSA 34:1, 34:1-a, 35:1 or 35:1-c. The legal validity of such a fund properly established shall not be affected by its designation as a "trust," "reserve," "capital reserve," or any other designation.

IV. The local legislative body may authorize the acceptance of privately donated gifts, legacies, and devises to be utilized for the same purposes as a trust fund created under this section; provided, however, that such gifts, legacies, or devises shall be invested and accounted for separately from, and not commingled with, amounts appropriated under paragraph I, and shall be subject to the custody and investment provisions applicable to trust funds accepted under RSA 31:19.

V. A trust fund created under the provisions of this section that is established for the purpose of maintaining health insurance funds for the benefit of employees and retired employees of any town shall be exempt from the provisions of RSA 35:8 or 34:4, and, when so established, the town may name its own trustees who may expend any funds in the trust for the payment of health claims or health insurance premiums for the benefit of any employees or retired employees of the town. An annual accounting and report of the activities of the trust shall be presented to the selectmen and published in the annual report.

Source. 1983, 264:2. 1991, 231:1. 1993, 176:1, 2. 1995, 20:2, 3, eff. June 11, 1995. 1998, 44:1, eff. July 4, 1998.

289:2-a Funds Received From Sale of Cemetery Lots. – *Upon the sale of cemetery lots, the legislative body may, at any annual or special meeting, vote to determine whether funds received from such sale shall be deposited in the general fund of the town as a sale of town property or deposited with the trustees of trust fund for the maintenance of cemeteries under RSA 31:19-a.*

Source. 2014, 71:1, eff. May 27, 2014.

Now that the Trustees have the ability to collect funds in this manner, the most recent meeting yielded the proposal that the sale of a cemetery lot be increased from the current \$300 to \$325. This was based on research done last fall and throughout the 2019 budget planning process to be comparable to other area towns (mostly our neighbors). The other change is to include the cost of corner lot markers as part of the cost. This has been required in Fremont for many years, but very few lot owners then take the initiative to purchase and install the markers. This makes it increasingly difficult for the Town when laying out lots, when these markers are not installed.

The Trustees have discussed for the past several years, the best way to get this work done, and it has been voted, to have that be part of the lot purchase price so that every time a deed is drawn, the Town orders and procures installation of four corner markers. The Trustees have received a discounted price (for Towns) of \$375, which was competitively quoted in early 2019.

Therefore, the Cemetery Trustees are recommending to the Board of Selectmen that the price of cemetery lots in Fremont be increased to \$325; and that the cost of lot markers (\$375 currently) be added to the cost paid. The Trustees would take these funds moving forward, and deposit them into the Cemetery Maintenance Trust Fund and make expenses for said corner markers, from this fund.

The Trustees are working on a Policy to outline the process and procedure such that the Sexton could carry out most of these functions on the Town's/Trustees' behalf on a day to day basis.

Cordes feels that a fully detailed, revised fee schedule needs to be written for the Board to adopt. A motion to continue this public hearing until May 2, 2019 at 6:50 pm was made by Janvrin and seconded by Barham. The vote was unanimous 3-0. Everyone present was thanked by the Board for their participation and they left the meeting at 7:30 pm.

At 7:32 pm Fire Chief Richard Butler introduced three new candidates for the Fremont Fire Rescue Department to the Selectmen. Of the three, two are in EMS training class and the third will be enrolled in the next available class. The Selectmen thanked the candidates for their willingness to become involved. A motion to approve Jonathan Starr, Gary Pellegrini and Josh Gallant for a six-month probationary appointment to the Fremont Fire Rescue Department was made by Barham and seconded by Janvrin. The vote was unanimous 3-0. Nygren circulated the hiring paperwork packages to the three new members for their completion.

VI. OLD BUSINESS:

1. Sandown Road Bridge follow-up: Cordes was not present at last week's meeting and has since reviewed the change order for the off-site construction. It is felt this is beneficial not only in cost but in the interruption of the bridge being closed for a shorter duration. The Board concurs with the decision that was made last week to award the bid to Big R Bridge.
2. The updating of the contract with Stantec will be discussed in non-public later in this meeting.

VII. NEW BUSINESS

At 7:45 pm resident Karl Frederickson of 43 Brown Brook Circle asked to seek guidance from the Selectmen. He has a daughter at Sanborn High School and had an incident where she was injured by another student. He expressed the lack of response to his many inquiries to the staff at Sanborn on the investigation that he was promised would be done. At least 8 weeks have passed, and he still has no explanation from Sanborn administration.

Cordes said he was glad he came in tonight but explained to him that the Selectmen have no authority over any decisions within the Sanborn District. This should be addressed by the SAU office administration and he introduced Mr. Frederickson to School Board Member Gordon Muench who was in the audience. Muench will provide him with the information and procedure for him to pursue. He thanked the Board and left the meeting at 7:55 pm.

1. Selectmen reviewed the folder of incoming correspondence, there was no outgoing correspondence for signature.
2. A motion was made by Barham to approve the payroll of \$30,810.17 for the current week dated April 19, 2019. This was seconded by Janvrin. The vote was unanimous 3-0.

A motion to approve the accounts payable manifest of \$1,015,711.40 for the current week dated April 19, 2019 was made by Janvrin and seconded by Barham. The vote was unanimous 3-0. One million of this manifest is a payment to the Fremont School District.

3. Motion was made by Janvrin to approve Elderly Exemptions reviewed and found to be compliant for Geraldine Tilley, Parcel 02-022.003 and Frances Swett, Parcel 03-001.001.41B. Barham seconded and the vote was unanimously approved 3-0.

4. Barham moved to approve the regular Veteran's Credit processed for Paul Miller, Parcel 02-176.005 and the All Veteran's Credit for Dennis Acton Parcel 06-050. Janvrin seconded and the vote was unanimous 3-0.
5. A motion to sign the 2019 Notice of Intent to Excavate for Parcel 04-015 owned by Gary Merrill on Beede Hill Road was made by Barham and seconded by Janvrin. The vote was unanimous 3-0.
6. A motion to approved the certifications for 2018 Report of Excavated Materials on Parcel 04-015 owned by Gary Merrill (\$12.44) and Fremont Land LLC on Parcel 02-151.002 (\$141.50) was made by Janvrin and seconded by Barham. The vote was unanimous 3-0. The Board also approved and signed an Excavation Tax Warrant in the total amount of \$153.94
7. The motion to approve FCTV Manifest 2019-10 for \$1,415.43 to reimburse the General Fund for payroll for the month of April 2019 was made by Barham and seconded by Janvrin. The vote was unanimously approved 3-0.
8. Janvrin made a motion to approve the OHRV Manifest 2019-02 to Gall's for \$885.24 for payment of portable radar system with a case. This was seconded by Barham. The vote was unanimous 3-0.
9. A motion to sign the Land Use Change Tax Warrant for Parcel 02-156.002.013 owned by the Francine Fazio Trust in the amount of \$15,000.00 was made by Barham and seconded by Janvrin with unanimous vote 3-0.
10. After review of the May Newsletter a motion was made by Barham to approve as written and seconded by Janvrin with unanimous vote 3-0.

At 8:24 pm Janvrin moved to enter non-public session pursuant to NH RSA 91-A:3 II (c) and (e) to discuss a personnel and legal matter. Cordes seconded and the roll call vote was unanimously approved Cordes-yes; Janvrin-yes; Barham-yes.

Nygren left the meeting at 8:27 pm.

Respectfully submitted,

Jeanne Nygren
Selectmen's Clerk

VIII. WORKS IN PROGRESS

1. The Bulky Flyer will go out in the mail sometime in the next week or so, as it also advertises the Litter Free Cleanup Day for May 4th.

IX. NON-PUBLIC SESSION pursuant to NH RSA 91-A:3 II (c) and (e)

The next Board meeting will be held at 6:00 pm in non-public session as consultation with legal counsel, on Wednesday April 24, 2019. The next regular Board meeting will be held at 6:30 pm on Thursday April 25, 2019 at the Fremont Town Hall in the basement meeting room.

At 8:37 pm there was a motion by Roger Barham to return to public session. The motion was seconded by Janvrin and approved 3-0.

The Board reported discussion of a letter received from Lewis Builder's General Counsel relative to outstanding work in the Black Rocks Development.

After discussion there was Board consensus that Lewis and their representatives should be informed of the following:

The Board reviewed their request at its meeting on 4/18/19.

The Board is keenly aware that the paving work that is scheduled for April 29th is overdue for well over a year and that the Town, the Homeowner's Association, Lewis Builders and each's consultant engineers and legal representatives have had numerous meetings in an attempt to have the site construction and related paving completed as approved. The Town's goal has always been to have the developer complete the work as approved and to avoid using the performance bond to have the town bring in a paving contractor and engineering firm to complete the outstanding site work.

The Board feels that Stantec has been thorough in their work on this project and believes that Stantec's findings were essential in determining what work was outstanding and the remedial work that needs to occur.

The Board expects to stay with Stantec as the Town's consultant until the completion of the project and has no interest in changing consultants in the long overdue completion of this site work.

The Board respectfully states that it is their expectation that Lewis complete the outstanding site work / paving as approved / needed as expediently as possible and is pleased to know that it is scheduled of April 29th. The Board wishes to remind Lewis Builders that they shall coordinate the scheduling of their paving work with the Town's consultant engineer so that the engineer may be on site for key progress points in the work that needs to occur.

The Board feels that having the site work/paving completed now by the developer is in the best interest of the Town, Home Owner's Association and the professional reputation of Lewis Builders.

With no further business which may legally come before this meeting, a motion was made by Janvrin, to adjourn the meeting at 8:40 pm. That motion was seconded by Barham and approved 3-0.

Final notes taken by Gene Cordes.