

Minutes  
BRISTOL SELECT BOARD  
Monday, January 7, 2021

Due to the COVID-19/Coronavirus crisis and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, the Select Board is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to the meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, this is to confirm that the meeting is open to the public and can be accessed in the ways described below.

We are utilizing the Zoom platform for this electronic meeting. All members of the Select Board have the ability to communicate contemporaneously during this meeting through the Zoom platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through the following ways.

Join Zoom Meeting on a computer or laptop:

<https://us02web.zoom.us/j/85719568467>

Join Zoom Meeting on a smart phone or tablet:

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Join a Meeting using Meeting ID: 857 1956 8467

Join Zoom Meeting using a telephone (audio only)

Call (646) 558-8656

Meeting ID: Join a Meeting using Meeting ID: 857 1956 8467

If there are problems with access, please call (603) 530-1765.

In the event the public is unable to access the meeting, the meeting will be adjourned and will be rescheduled.

At the end of the meeting, there may be a nonpublic session. The Chair will announce this, take Roll Call vote and will then ask that all members of the public adjourn from the meeting.

**Present:** Select Board members: Chair Wayne Anderson, Vice Chair Don Milbrand, JP Morrison, Les Dion, Anita Avery, and Town Administrator, Nik Coates

**Absent:**

**Others Present:** Ray Courchaine, Media Manager; Jim McIntire, Police Chief; Ned Gordon, Moderator; Raymah Simpson, Town Clerk/Tax Collector; Remotely- Ben LaRoche, Fire Chief; Deborah Tivey, Administrative Assistant; Denice DeStefano, Planning Board Chair

**Public Session:** Chair Anderson opened the public meeting at 5:33PM by having Mr. Milbrand lead the Pledge of Allegiance.

**Meeting Minutes:** Mr. Morrison made a motion to accept the minutes of December 21, 2020, as written, seconded by Ms. Avery. No discussion. The Board voted 5-0-0, motion passed.

**Consent Agenda and Manifests:** Mr. Milbrand made a motion to approve the consent agenda dated, January 7, 2021, to include the items named therein, motion seconded by Ms. Dion. No discussion. The Board voted 5-0-0. The motion passed.

**March Town Meeting and Elections Planning:** Moderator Gordon and Town Clerk Simpson advised the Board of options for Town Meeting. Mr. Gordon discussed bills in the Legislature that would afford town flexibility with how, where and when to hold their Town Meeting. He discussed HB 1129 which changes the notice requirements for certain municipal public hearings by allowing notice of the hearing to be posted on the municipal website. The bill also temporarily permits legislative bodies with a fiscal year ending in June to make certain expenditures prior to the adoption of an official budget, temporarily provides for a virtual annual meeting procedure, and requires online reporting of CARES Act disbursements. Another bill discussed was the postponement of Town Meeting as late as September with Towns operating under their current budget. This bill was supposed to be heard on January 6, 2021 but was not.

Mr. Gordon and Ms. Simpson discussed having the Town Meeting at the Newfound High School gymnasium which could hold about 174 people with social distancing in place and using the auditorium for any overflow. A classroom should be available for those wishing to attend the meeting but are not wearing masks. The auditorium would accommodate between 140-147 people with social distancing in place. Other options discussed were to have COWS- Cells on Wheels- available in the parking lot and broadcasting the meeting via Zoom. At the November 5, 2020 Select Board meeting the Board decided to hold election voting at the Town Office. This decision was revisited. The Board came to consensus to hold the Saturday business session of Town Meeting on March 13 in the high school gymnasium, with any overflow going to the high school auditorium and having a classroom available for anyone not wishing to wear a mask. Tuesday, March 9, voting will take place at the Historic Town Hall at 45 Summer Street and not the Town Office. The Board wished to make as few changes as possible to voting and Town Meeting.

**Public Hearing: Fox Run Road Discontinuance and Paper Turnaround:** Ms. DeStefano, Planning Board Chair, presented the issue at hand involving the cul-de-sac at the end of Fox Run Road. Fox Run Road, and the lots along the street, were part of a larger subdivision that was approved by the Planning Board in 1969. She reported that it became a Town public road after Fox Run Road was built between 1969 and 1981 and when the developer deeded it to the Town. She reported that in 2020, the owners of the lots on the western side of Fox Run Road near the cul-de-sac put their property up for sale. The buyers' insurance company discovered that the cul-de-sac was built about 100 feet farther south than it was shown on the subdivision plan. Both the Town and the current owners (the Pacinos) would like to correct this situation by changing the official location of the cul-de-sac to match where it was built. To do this there are several steps to move the legal location of the cul-de-sac. The Board has the authority under RSA 41:14-A to do this land swap, but before doing this the Board is required to get comments from the Planning Board and Conservation Commission and hold two public hearings on the transaction. Currently, the Conservation and Planning Board were consulted, and each voted to recommend the land swap. The January 7, 2021 Select Board meeting is the first of the two public hearings. The second public hearing will be held on January 21, 2021 and the Board will take a vote at their February 4, 2021

meeting on whether to proceed. The last step is a Town Meeting vote to discontinue the part of the cul-de-sac that was never used, and the Town would transfer ownership to the Pacino's. An article to do this will be on the warrant for the March 2021 Town Meeting.

**LULA Construction Contract:** Mr. Coates reminded the Board that the Town received a grant from USDA and an appropriation from the 2020 Town Meeting to put in a LULA elevator in the Town Office. The project was put out to bid for the installation and elevator unit and two bids were received; one from All-Ways and the other bid from Garaventa. The Town's architect recommends both companies but suggests the Town goes with All-Ways because they are less expensive and have an excellent service record. Mr. Milbrand made a motion to accept All-Ways proposal to install and service the elevator in the Town Office in the amount of \$54,604.52 and to authorize the Town Administrator to sign a contract. The motion was seconded by Ms. Dion. No discussion. The Board voted 5-0-0 in favor of the motion. The motion passed.

**Code of Ethics Policy Update:** Mr. Coates reported that the Town of Bristol's Code of Ethics Policy was rewritten. The main change to the policy is that the current policy is used to cover employees and elected officials. However, Mr. Coates was advised by Attorney Mansfield that a Code of Ethics cannot be applied to elected officials. He informed the Board that if they would like a Code of Ethics Policy for elected officials, they would need to put a warrant article together to adopt the State's RSA that governs Code of Conduct. Mr. Coates asked the Board to consider putting a warrant article together for a Code of Conduct for elected officials. The Board questioned if there was a need for one and discussed how they currently remove themselves from the voting process if they have a conflict of interest on an issue being voted on. Chief McIntire stated that if the Town didn't have a Code of Conduct for employees if an employee was released from employment due to some unethical behavior, like divulging confidential information that they might possess because of their employment the release might not hold up in court. Ms. Dion made a motion to adopt the Bristol Code of Conduct Policy as presented for employees. The motion was seconded by Ms. Avery. No discussion. The Board voted 5-0-0 in favor of the motion. The motion passed.

**Town Administrator's Report:** Mr. Coates reminded the Board that the next few months would be busy and outlined their meeting schedule.

Mr. Coates informed the Board that he had put together a warrant article listing of all the Town roads up for discontinuance for Board to discuss during their work session. Once the Board decides if they will or will not move forward with the article and which roads the Board wants to ask the voters about, he will send out letters to all the residents and schedule a public hearing.

Mr. Coates reported that the site walk for the Prestige Drive request has been postponed until the weather warms up.

Mr. Coates let the Board know that he and Town Department Heads will begin their annual goal setting process. He let the Board know that he will be completing goal setting with the finance team and asked the Board if they had any items they would like them to consider to please let him know.

Lastly, Mr. Coates explained to the Board that he had been holding off signing the EDA Grant paperwork until the Board decided what they wanted to do with the second step of the project which is funded by EDA. He understands the Board's plan was to wait until the CDGB funds were secure and the contract signed for the Central Street Pump Station and then revisit steps beyond that construction. However, he

was informed by the Town's EDA grant contact that the Town's grant paperwork needed to be signed right away or the grant would be rescinded. Before signing the paperwork, to hold the grant, he asked the grant contact if he signed the paperwork and the Board decided later to walk away from the grant, would that be allowed. The answer he received was it was possible but not preferred. He signed the necessary paperwork to hold the grant. Mr. Coates reminded the Board that the work associated with the EDA would be fully funded by the grant, sewer capital reserves and the highway road paving encumbrance.

**Select Board Items:** Mr. Morrison inquired about the new finance system which generated a conversation as to the capabilities of the program and timeline to get all aspects of the program up and running efficiently.

Chair Anderson appreciated Mr. Gordon and Ms. Simpson's information regarding the Town Meeting. He believes it is important to keep life as normal as possible and to limit changes whenever possible.

Ms. Dion wished everyone a Happy New Year!

**Public Comments:** none

**Nonpublic Session Per NH RSA 91-A, II (a)** Mr. Milbrand made a motion to enter into non-public session under NH RSA 91-A, II (a), motion was seconded by Mr. Morrison. Roll call vote to enter nonpublic session: Ms. Avery, yes; Vice Chair Milbrand, yes; Ms. Dion, yes; Mr. Morrison, yes, Chair Anderson; yes. Motion passed 5-0-0. Entered nonpublic session at 6:35PM.

Motion to leave nonpublic session and return to public session was made by Ms. Dion, seconded by Mr. Milbrand. Roll call vote taken. 5-0-0 in favor, the motion passed. Public session reconvened at 7:02PM.

Mr. Coates informed the Board there was one more item he didn't mention earlier in the meeting. Finance/HR Director Bob Blanchette reported to Mr. Coates that there is a surplus in the budget this year, enough for a replacement server for the Police Department which has already outlived its shelf life. Mr. Milbrand made a motion to purchase a server for the Police Department in the amount of \$10,000, seconded by Mr. Morrison. The Board voted 5-0 in favor of the motion.

Mr. Milbrand made a motion to adjourn the meeting at 7:05pm, seconded by Mr. Morrison. The Board voted 5-0-0 in favor of the motion.

Respectfully submitted,

Deborah A. Clarke-Tivey