

BOARD OF SELECTMEN'S MEETING

Selectmen present: Chairman Mark Le Doux, Vice Chairman David Petry (via teleconference), Peter Band, Frank Cadwell and Paul Armstrong
Selectmen absent: None
Staff present: John MacLean, Interim Town Administrator, Lori Radke and Bill Moseley, Camera Operator

COMMUNITY ROOM

Hollis Town Hall Community Room, located at 7 Monument Square, Hollis, New Hampshire.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC COMMENT

Dave Belanger (31 Rocky Pond Rd.) provided an update on possibly recreation fields for consideration by the Recreation Commission. The commission is looking into the following possible location sites: Stefanowicz property, Department of Public Works property and Hollis Brookline High School. The Recreation Commission would like to have a public hearing to present all three options. The commission is pursuing one rectangular field for each possible location, oppose to two fields.

D. Petry suggested the Recreation Commission and Agricultural Commission conduct a joint meeting to discuss the field option at the Stefanowicz property in greater details. The cooperative school district granted the commission approval to gather information pertaining to a possible field in the area near the High School.

MEETING**1. High Density Development (Joseph Garruba)**

Joseph Garruba presented a slide show, outlining concerns about high density development as it relates to workforce housing and the Town of Hollis Zoning Ordinance. Overall, he would like to preserve the rural character of Hollis while managing growth in the community.

D. Petry reiterated the process for making changes to the Zoning Ordinance, stating the he would have like to have seen the concerns drafted as a petition warrant to the Zoning Ordinance, which is then submitted to the Planning Board, so it can be vetted through the normal process, including public hearings. Chairman Le Doux added that the board will take the concerns outlined in the presentation under advisement and discuss with staff and legal counsel in order to set the agenda for further discussions. P. Band suggested that the Planning Board also look into the topics brought up throughout the presentation, and provide feedback to the Selectmen.

2. Board Appointment and Interview**a. Matthew Hartnett, Planning Board Alternate Member (term exp. 4/30/19)**

Planning Board Chairman, Bill Moseley introduced Matt Hartnett. Matt is a process engineer who moved to Hollis approximately three years ago. He's been trained as a chemical engineer and chemist. He would like to take an active role in the town, by joining the Planning Board.

MOVED by David Petry, seconded by Frank Cadwell that the Selectmen approve the appointment of Matthew Hartnett to the Planning Board as an Alternate Member with a term expiration date of 4/30/19. Voting in favor of the motion were Le Doux, Petry, Cadwell, Band and Armstrong. No one was opposed. The motion PASSED 5-0-0.

NEW BUSINESS

1. Hollis Congregational Church

Chairman Le Doux stated that the Cemetery Trustees and the Hollis Congregational Church discussed the proposed renovation plan for the Hollis Congregational Church and outlined the findings in a memorandum dated January 22, 2019 (see attached).

MOVED by Mark Le Doux, seconded by Peter Band that the Selectmen allow the Hollis Congregational Church to proceed in concert with the finding of the Cemetery Trustees, from the January 22, 2019 memorandum with the six conditions precedence in order to proceed, in addition to two other conditions to seek and get approval from the Heritage Commission regarding any disturbance of the stone wall and review and approval from the Historic District Commission. They are aware that they need to submit appropriate requests to the Historic District Commission and Cemetery Trustees on the work as it proceeds. They also have to secure licensure from the state and Planning Board and quiet title with the town as it relates to the boundary adjustment and secure a boundary adjustment with the library trustees. Everything will need to be pulled together in one package for the Planning Board to authorize. Voting in favor of the motion were Le Doux, Petry, Cadwell, Band and Armstrong. No one was opposed. The motion PASSED 5-0-0.

2. Election Polls - Extending Hours Discussion

The Board previously discussed the idea of extending the hours of the election polls to 8:00PM to provide adequate time for commuters to arrive at the polls on time. It was thought that since several people arrive after 7PM that the Board may need to implement a later closing time. However, the Board agreed to keep the hours the same (7AM-7PM) and work on increasing the public's awareness of those hours.

3. Special License**a. Hollis Brookline Rotary Club, Fast 5k Road Race, June 13, 2019 6:25PM-7:10PM**

MOVED by Peter Band, seconded by Frank Cadwell that the Selectmen approve the Special License for Hollis Brookline Rotary Club, Fast 5k Road Race, June 13, 2019 6:25PM-7:10PM. Voting in favor of the motion were Le Doux, Petry, Cadwell, Band and Armstrong. No one was opposed. The motion PASSED 5-0-0.

ADMINISTRATIVE BUSINESS**1. Assessing****REPORT OF WOOD OR TIMBER CUT**

Operation #	MBLU	Owner	Timber Tax Levy
18-223-16*	009-004	Town of Hollis/William H Hall Jr	\$ 23.71
18-223-11	037-012	Joseph & Barbara Rock Revoc Trusts	\$1733.03
18-223-20	037-006	John & Marcella McDonald	\$1408.20
18-223-18	037-004	Brian & Jennifer Noury	\$ 742.44

TOTAL DUE: \$3907.38

MOVED by Peter Band seconded by David Petry that the Selectmen accept the Report of Wood or Timber Cut for Operation #18-223-16, 18-223-11, 18-223-20 and 18-223-18, as submitted. Voting in favor of the motion were Le Doux, Petry, Band, Cadwell and Armstrong. No one was opposed. The motion PASSED 5-0-0.

CURRENT USE RELEASE AND LAND USE CHANGE TAX

MBLU	Owner	Location	Acres Removed	LUCT
045-050	Raisanen Homes Elite LLC	Cobbett Lane Condo Site	30.81	\$208,000
012-018-001	Justin & Alyssa E Adams	Proctor Hill Rd	4.02	\$ 17,700
002-025	John J Singer Revoc Trust	143 Worcester Rd	0.10	\$ 0
TOTAL LUCT TO BE COLLECTED:				\$225,700

MOVED by Peter Band seconded by Paul Armstrong that the Selectmen approve the Current Use Release and Land Use Change Tax for MBLU #045-050, 012-018-001 and 002-025, as submitted. Voting in favor of the motion were Le Doux, Petry, Cadwell, Band and Armstrong. No one was opposed. The motion PASSED 5-0-0.

2. Approval Warrants

a. Wages 01-24-19 (\$140,794.37)

MOVED by Frank Cadwell seconded by Paul Armstrong that the Selectmen approve the Wages, as submitted. Voting in favor of the motion were Le Doux, Petry, Cadwell, Band and Armstrong. No one was opposed. The motion PASSED 5-0-0.

b. Wages 01-24-19 (\$2,755.30)

MOVED by Frank Cadwell seconded by Paul Armstrong that the Selectmen approve the Wages, as submitted. Voting in favor of the motion were Le Doux, Petry, Cadwell, Band and Armstrong. No one was opposed. The motion PASSED 5-0-0.

c. Accounts Payable 01-24-19 (\$2,133,881.16)

MOVED by Frank Cadwell seconded by Paul Armstrong that the Selectmen approve the Accounts Payable, as submitted. Voting in favor of the motion were Le Doux, Petry, Cadwell, Band and Armstrong. No one was opposed. The motion PASSED 5-0-0.

d. Benefit Strategies 01-24-19 (\$6,096.62)

MOVED by Frank Cadwell, seconded by Paul Armstrong that the Selectmen approve the Benefit Strategies, as submitted. Voting in favor of the motion were Le Doux, Petry, Cadwell, Band and Armstrong. No one was opposed. The motion PASSED 5-0-0.

3. Approval Public Minutes 01-14-19

MOVED by Paul Armstrong seconded by Mark Le Doux that the Selectmen approve the Public Minutes of Monday, January 14, 2019, as submitted. Voting in favor of the motion were Le Doux, Band and Armstrong. No one was opposed. Cadwell and Petry abstained. The motion PASSED 3-0-2.

4. Approval Non Public Minutes 01-14-19

MOVED by Paul Armstrong seconded by Peter Band that the Selectmen approve the Non Public Minutes of Monday, January 14, 2019, and keep them sealed. Voting in favor of the motion were Le Doux, Band and Armstrong. No one was opposed. Cadwell and Petry abstained. The motion PASSED 3-0-2.

5. Weekly Meetings & Announcements

The weekly meetings were announced for January 27, 2019-February 2, 2019.

NON-PUBLIC SESSION

MOVED by Peter Band, seconded by Paul Armstrong that the Selectmen enter NON-public session in accordance with RSA 91-A:3 II (b) hiring. Voting in favor of the motion were Le Doux, Petry, Cadwell, Band and Armstrong. No one was opposed. The motion PASSED 5-0-0.

The Board entered non-public session at 8:21 PM.

CONCLUSION OF NON-PUBLIC SESSION

MOVED by Peter Band seconded by Paul Armstrong that the Selectmen come out of NON-public session in accordance with RSA 91-A:3 II (b) hiring. Voting in favor of the motion were Le Doux, Petry, Cadwell, Band and Armstrong. No one was opposed. The motion PASSED 5-0-0.

MOVED by Peter Band seconded by Paul Armstrong that the Selectmen seal the minutes of the NON-public session in accordance with RSA 91-A:3 II (b) hiring. Voting in favor of the motion were Le Doux, Petry, Cadwell, Band and Armstrong. No one was opposed. The motion PASSED 5-0-0.

The Board came out of non-public session and entered into public session at 8:46PM.

PUBLIC SESSION**1. Municipal Resources, Inc. (MRI) Contract Approval****a. Finance Officer**

MOVED by Peter Band, seconded by Paul Armstrong that the Selectmen approve the Professional Service Agreement with Municipal Resources, Inc. (MRI) to assist the Town of Hollis in its search for the next Finance Officer. Voting in favor of the motion were Le Doux, Petry, Cadwell, Band and Armstrong. No one was opposed. The motion PASSED 5-0-0.

ADJOURNMENT

The Board adjourned at 8:50PM.

Respectfully Submitted,
Christine Herrera, Assistant Town Administrator

Confidential Memorandum

Hollis Cemetery Trustees response to Selectman Memorandum dated January 18, 2019

(Italics are original text by Mark LeDoux)

January 22, 2019

On Saturday, January 19, 2019 the Cemetery Trustees met with members of the Hollis Congregational Church and David Petry, representing both the Board of Selectmen and the Planning Board, to tour the Church and discuss the proposed renovation plan.

The project has multiple objectives, not the least of which is to address some longstanding issues surrounding life safety and code compliance concerns of the current facility. The intention of the Church is to secure permission from the Town and other authorities.

Issues discussed and to be addressed:

1. *Easier Passage between the Meeting House and the basement meeting area known as Hardy Hall for enhanced fellowship* and updated egress from the North East corner of the meeting house to meet current life safety codes for that portion of the building.
2. Establish ground level egress from Hardy Hall, which requires excavation from current ground level to a subterranean egress that extends until it reaches current ground level near or at the street. This flat, ground level area is proposed to have a dual purpose as *an outdoor patio with an amphitheater seating format accessible both from the street as well as Hardy Hall (the basement section of the Church building).*
3. *Improve overall egresses and traffic flow, especially with concern for handicapped citizens and visitors.*
4. Concerns of the Cemetery Trustees about proposed construction within both the cemetery and within the 25' setback from cemetery boundaries as stated in RSA 289:3.
5. Church request to bury utilities within the 25' setback.
6. Church request to remove Eagle Scout Gate between Church and cemetery stonewall.
7. Removal and temporary removal of portions of the cemetery boundary stonewall.
8. Church request to remove a tree within the cemetery.
9. Need to protect monuments and burials.
10. Establish boundaries between Church and Cemetery properties.

It should be noted that members of the Church met with members of the Cemetery Trustees and Town Staff including Planning personnel to discuss this project in the summer of 2018.

Subsequent to that meeting, Cemetery Trustee Chairperson, Ms. Willis, contacted State Attorney Tom Donavon and Attorney William R. Drescher of Drescher & Dokmo, Counsel to the Town of Hollis, via an email of September 24, 2018, to enquire about the applicability of a statute known as RSA 289:3 (III) enacted in 1994 into State Law. The concern was apparently the proposed

egress and related improvements would occur within an area of the church property inside a 25 foot statutorily established buffer from the cemetery property, presumably created by virtue of adoption of RSA 289:3 (III). Said letter was initiated November 14, 2018 and is privileged and confidential.

According to Attorney Drescher, the relevant section of the statute is set forth as follows:

‘>>>III. New construction, excavation, or building in the area of a known burial site or within the boundaries of an established burial ground or cemetery shall comply with local zoning regulations concerning burial sites, burial grounds or cemeteries, whether or not such burial site or burial ground was properly recorded in the deed to the property. In the absence of such regulations, no new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery, whether or not such burial site or burial ground was properly recorded in the deed to the property, except when such construction, excavation, or building is necessary for the construction of an essential service, as approved by the governing body of a municipality in concurrence with the cemetery trustees,. . .

The memorandum to the Chairperson of the Cemetery Trustees further stated the statute clearly prohibited ANY construction, excavation or building within the 25 foot protected zone surrounding the cemetery, and accordingly, the church, in order to facilitate the contemplated construction, would need to apply to the governing body of the town, which in Hollis is the Selectmen, in order to seek the waiver contemplated from the restriction. The discretion of the Selectmen to grant this waiver is not absolute, but conditioned that it must be in concurrence with the Cemetery Trustees, and the Selectmen must find that the construction, excavation, or building is necessary for the construction of an essential service.

It is clear that the Church needs to conduct improvements to its facilities to achieve compliance with codes regarding life safety measures which can clearly be considered essential. It is also clear that the Cemetery Trustees are concerned that appropriate safeguards be taken should remains be encountered at any time during this excavation process.

Monday morning Cemetery Trustee Melinda Willis spoke with Hollis Fire Chief Rick Towne who stated the need for bullet point 2” to meet life safety codes. Prior to Saturday’s meeting and the discussion with Chief Towne, it was the understanding of the Trustees that the extent of the excavation was to create an amphitheater, as presented at the summer meeting. If this was the case, it would not be permissible under RSA 289:3, as stated by Tom Donovan and Attorney Drescher. After meeting with Church officials and Chief Towne on January 19 it became apparent that the extent of excavation is necessary for life safety and the amphitheater is a beatification of the egress that will not require excavation within the 25” restricted area beyond that required to meet the “essential service” of the egress for life safety.

The Cemetery Trustees reconvened Monday, January 21st with intent of drafting a motion to address the Church's request. Upon significant discussion the following motion was proposed and voted upon.

Raul Blanche proposed, and Lisa Schmalz seconded a motion as follows:

With regard to RSA 289:3, the proposed excavation and/or new construction on current cemetery land and within 25 feet of its boundary, as proposed by the Hollis Congregational Church Building Our Vision team (HCC BOV), has been determined to meet the requirement of essential services definition for life safety as interpreted by Hollis Fire Chief Rick Towne, including but not limited to the requirement for egresses to be at grade level for the entirety of the egress, and thus the design as proposed necessitates an exception to RSA 289:3.

With the following stipulations:

- 1. With regard to the stone wall, precise measurements on the amount of stone wall which will be distributed during construction and what amount will be replaced are to be provided. The timing of the removal of the wall must be coordinated with the Cemetery Trustees as the removed portion will be repatriated to a project at East Cemetery.**
- 2. Documentation regarding the Church's desire to bury the existing overhead utility wires needs to be provided and approved by the Cemetery Trustees so we may propose an exception to RSA 289:3.**
- 3. Per the request of the BOV in the proposed plan, we grant permission to remove the tree at the northeast corner of the church building. The stipulations as put forth in bullet 6 below must be of particular concern as the tree is removed.**
- 4. With respect to removal of the gate at the northeast corner, we grant permission to proceed and relocation of the gate is to be determined by the Hollis Cemetery Trustees.**
- 5. If during construction any human remains are discovered or disturbed, appropriate protocol must be followed including but not limited to a) immediate cease and desist of construction b) notification to the Hollis Cemetery Trustees and c) notification to the State Archeologist.**
- 6. If any gravestones or markers are distributed or broken during construction, the church assumes total responsibility for restoration at the direction of the Hollis Cemetery Trustees.**

In conjunction with this project, the Hollis Cemetery Trustees and the Hollis Congregational Church agree that we will work together in good faith in order to

establish official and recorded boundaries between the two properties in accordance with RSA 472. It is necessary to hire a professional and licensed surveyor to complete this work, the cost of which shall be split equally between the Church and the Town of Hollis. This needs to be dually recorded with both the State and the Town.

The motion passed on a vote of 3-0-2 as Marc and Amy abstained due the fact that they are both members of the congregation.

Therefore, the Cemetery Trustees recommend to the Selectmen that the request of the Church be approved as proposed, given the attached conditions be met. One final request from the Trustees is that the Church building committee work in cooperation with one Trustee assigned a liaison to help ensure the conditions are met and to mitigate any issues or concerns in a timely manner.

Respectfully Submitted,

Hollis Cemetery Trustees

Melinda Willis, Chairman
Marc Squires, Vice Chairman
Raul Blanche, Secretary
Lisa Schmalz
Amy Armstrong