

HOLLIS SELECT BOARD
February 8, 2021
PUBLIC MINUTES 6:00 PM
Approved 02/22/2021

SELECT BOARD MEETING

Select Board present: Mark Le Doux
Select Board via Zoom: David Petry, Peter Band, Susan Benz and Paul Armstrong
Staff present: Lori Radke, Town Administrator, Dawn Desaulniers, IT Director
Staff via Zoom: Joe Hoebeke, Police Chief; Joan Cudworth, DPW Director and Rachael Gosselin,
Finance Officer

COMMUNITY ROOM

This meeting was conducted in the Hollis Town Hall Community Meeting Room, located at 7 Monument Square, Hollis, New Hampshire and virtually via Zoom, pursuant to Emergency Order #12.

AGENDA REVIEW

The meeting agenda was reviewed.

PUBLIC COMMENT

Joe Garubba (Winchester Dr) asked if he should discuss the petition warrant article regarding the conflict of interest.

He was informed that he would be provided an opportunity to present the petition warrant article at Town Meeting. It was further clarified that the Select Board and the Budget Committee do not take a position on petition warrant articles that do not have appropriations associated with the article.

NEW BUSINESS

1. Department of Public Works-Building Update

It was reported that there was an explosion at the Public Works Facility. Currently, there is approximately \$20,000 in remediation expenses, not covered by insurance, at this time. DPW Director was asked to obtain an estimate of additional projected expenses, for budgeting purposes.

The Board agreed that expenses shall be paid from the Contingency Fund. The Board will also consider increasing the amount in Article 11, Establish a Contingency Fund, at a later date. It was added that any additional funds needed for warrant articles would be expended from the Undesignated Fund Balance, with the understanding that any funds not expended in the current fiscal year would be returned to the General Fund.

MOVED by David Petry seconded by Susan Benz that the Select Board authorize expenditures from the Contingency Fund for the invoices associated with remediation of the Public Works Facility. Voting in favor of the motion were Le Doux, Petry, Benz, Band and Armstrong. No one was opposed. The motion PASSED 5-0-0.

2. 2021 Petitioned Warrant Articles/Final Recommendations

ARTICLE 3 - Veteran's Tax Credit

To see if the Town will vote, pursuant to RSA 72:28, to modify the All Veterans property Tax Credit from the existing \$500 to \$550 as currently allowed by RSA 72:28. Said credit shall take effect in the tax year beginning April 1, 2021.

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MOVED by Mark Le Doux seconded by David Petry that the Select Board modify Article 3, Veteran's Tax Credit to \$600 for the Town Warrant. Voting in favor of the motion were Le Doux, Petry, Benz, Band and Armstrong. No one was opposed. The motion PASSED 5-0-0.

ARTICLE 12 – Establish a Capital Reserve for the Farley Building

To see if the Town, pursuant to RSA 35:1, will vote to establish a Capital Reserve Fund for the Repair and/or Restoration of the Farley Building, located at 23 Main Street, Hollis, NH. Said Repair and/or Restoration shall be funded through donations to be deposited in said Capital Reserve Fund, which shall be known as, Town of Hollis Repair and/or Restoration of the Farley Building Capital Reserve Fund and to further appoint the Select Board as Agents to Expend from this account; or take any action relative thereto.

MOVED by David Petry seconded by Peter Band that the Select Board recommend Article 12, Establish a Capital Reserve for the Farley Building, to the Town Warrant. Voting in favor of the motion were Le Doux, Petry, Benz, Band and Armstrong. No one was opposed. The motion PASSED 5-0-0.

ARTICLE 14 – Petition Article for Adoption of SB2

"Shall we adopt the provisions of RSA 40: 13 (known as SB 2) to allow official ballot voting on all issues before the Town of Hollis on the 2nd Tuesday of March?"

The Select Board is not required to take a position on Article 14, Petition Article for Adoption of SB2 since there is no appropriation associated with the article.

ARTICLE 15 – Petition Article for Ethics and Conflict of Interest Ordinance

Shall the Town vote, pursuant to the applicable provisions of RSA 31:39-a to adopt the Ethics and Conflict of Interest Ordinance as proposed by the petition as follows:

DECLARATION OF POLICY: Where government is based on the consent of the governed, every citizen is entitled to have complete confidence in the integrity of that government. All persons performing a public trust, engaged in the Town's business or in their duties as Town officers or employees, whether elected, appointed, hired, or contracted including paid or unpaid members of municipal boards, commissions and committees, must earn and honor that trust by their conduct in all official actions. It is the purpose of this ordinance to ensure fair consideration of any application or matter to be voted upon and also to ensure fairness and the appearance of fairness so as to maintain public confidence in the integrity of Town government.

II. DISCLOSURE OF POSSIBLE CONFLICTS OF INTEREST: Whenever any officer has a possible or potential conflict of interest or the appearance of a conflict of interest, as described in Section VI, with respect to any matter upon which that officer is to make a decision or provide advice upon, either legislative or quasi-judicial, that officer shall disclose the facts constituting the possible conflict of interest at a public meeting of the Select Board and to the board which he/she is a member prior to participating in meetings or hearings related to the matter. However, if that officer is a board member and recuses him or herself pursuant to Section III, he/she need not disclose reasons for doing so.

III. DISQUALIFICATION IN QUASI-JUDICIAL OR LEGISLATIVE OR ADVISORY MATTERS:

Whenever any officer has a conflict of interest or the appearance of a conflict of interest, as described in Section VI, with respect to a matter upon which that officer is to make a decision, vote, or provide advice in a quasi-judicial or legislative or advisory capacity and that conflict of interest or appearance of a conflict of interest is capable of demonstration so that reasonable persons would consider it a conflict

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of interest or the appearance of a conflict of interest as defined in section VI, that officer shall be disqualified and shall not offer advice to any Board or make decisions related to the matter. Officers who are members of a town Board shall recuse themselves from, voting or participating in meetings or hearings on the matter. Officers who are to make legislative decisions shall neither be required to, or prohibited from stepping down under this ordinance. An officer required not to participate under this section shall not decide or vote on the matter under consideration, shall not participate in any board deliberations or discussion of the matter, except as member of the public at a public hearing, and shall not sit with the remainder of the board during its consideration of the matter.

- IV. RESOLUTION OF UNCERTAINTY PROCEDURE: Officers shall disclose any circumstances which have the appearance of a conflict of interest and shall not participate in any meetings hearings or provide any advice to boards or commissions related to matters in which the appearance of a conflict of interest exists. Whenever uncertainty arises whether raised by a resident or a board member as to the application of Section III to an officer's action, the officer shall not participate in meetings or hearings and shall not provide advice to a board unless the Select Board shall, upon the request of a member of the Select Board, vote on the question of whether that officer is free from conflict of interest or the appearance of a conflict of interest, as described in section VI. If the Select Board finds that the officer is free from a conflict of interest or the appearance of a conflict of interest by majority vote, the officer may continue in his/her role relative to the matter. Any request for a such a determination shall be made in writing to the Select Board prior to the commencement of any public hearing or following a disclosure under Section II, whichever is later. Such a vote shall be advisory and non-binding.
- V. PROHIBITION OF POLITICAL SOLICITATION: Town employees and contractors, whether hired or contracted, shall not advocate for political candidates or positions during work hours or use Town resources or equipment to so. This prohibition includes, but is not limited to, campaigning, writing press releases, or authoring other literature for or against candidates, or supporting or opposing ballot initiatives or warrant articles.
- VI. CONFLICTS OF INTEREST DESCRIBED: The following circumstances shall constitute conflicts of interest or the appearance of a conflict of interest under this ordinance:
- a. PECUNIARY INTEREST: Pecuniary interest is personal and or monetary interest by an officer in the outcome of a decision or past decision either directly or indirectly. Such interest includes, but is not limited to, an ownership interest in a property affected, a mortgage interest, a creditor or debtor relationship with a party in the matter, or a business relationship with a participant in the matter. Pecuniary interest also includes participation in transactions related to real estate within Hollis or surrounding cities or towns, including selling, purchasing or facilitating the sale of housing and/or land other than one's primary residence, whether directly related to the participants in a particular matter or not. Furthermore, pecuniary interest includes receiving payment or performing work for other cities, towns, or state agencies or authorities that have a stake in the matter. It also includes making or receiving payments from or to development or other interests related to real estate transactions within Hollis or any other city or town including selling real estate, purchasing real estate, investing in real estate or offering it for rent. Additionally, it includes facilitating the sale of items or real estate or lending money for the development of real estate other than one's primary residence. Pecuniary interests within the past five (5) years constitute a conflict of interest or the appearance of a conflict of interest, which are both regulated by this ordinance.
- b. KINSHIP: A relationship by blood or marriage with a party in the matter or with a pecuniary interest or

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employment relationship in the matter, including, but not limited to, the relationship of spouse, parent, child, brother, sister, uncle, aunt, niece, nephew, grandparent, grandchild.

- c. EMPLOYMENT: Employment is the act of serving as an employee or contractor, for or by a party in the matter under consideration. In addition, employment includes representing a real estate-related business or government entity including, but not limited to, serving as a real estate agent or a real estate lawyer when serving on the Planning Board or Zoning Board of Adjustment. Employment includes performing work as an employee or contractor for a company, organization, state or local agency, or authority with a financial interest in development or with a mission to facilitate development. Employment within the prior (15) fifteen years constitutes a conflict of interest or the appearance of a conflict of interest, which are both regulated by this ordinance.
- d. ABUTTER: Ownership of land abutting land under consideration in the matter.
- e. COMBINATION: Any combination of the above factors.

VII. CONFLICTS OF INTEREST DISTINGUISHED FOR INELIGIBILITY: Nothing in this ordinance shall be construed to render any person ineligible to hold any office or position.

VIII. VIOLATIONS OF THIS ORDINANCE: Violations of any section of this ordinance shall be raised to the Select Board who shall deliberate on the validity of the claim and impose disciplinary action appropriate to the severity of the violation. Any citizen may report a violation in writing to the Select Board. Any officer who is the subject of a reported violation shall not participate in any meetings hearings or provide any advice to boards or commissions related to matters in which a conflict of interest or the appearance of a conflict of interest exists. Said restraint from participation shall continue until the Select Board has completed its review of the claim and issues a determination as to whether or not an officer is free from conflict of interest or the appearance of a conflict of interest, as described in section VI.

IX. DEFINITIONS:

- a. "Officer" includes any elected or appointed municipal official, employee, agent, contractor or member of a municipal board, whether compensated or not, permanent or temporary, when acting in an official capacity or engaged in the municipality's business. It does not include a voter at a town meeting or elections or a town resident acting in his or her capacity as a private citizen.
- b. "Decision" includes any act or determination, whether preliminary, advisory or final, which is within the official responsibility or authority of that officer, or of a board of which that officer is a member and which involves the exercise of judgment, discretion, option or choice. It does not include a solely administrative or ministerial act whose result is mandated or predetermined by authority or circumstance outside the officer's control.
- c. "Disciplinary action" means any legal remedy up to and including termination.
- d. "Board" includes any municipal board, commission, authority, agency, committee, subcommittee, advisory committee or other body.
- e. A "quasi-judicial" decision affects the rights or obligations of specific citizens or petitioners. It can also be one that concerns specific parcels of land, rather than the public at large, and which is made on the basis of investigation and evidence or notice and hearing of the parties involved. For purposes of this ordinance, the proposal of amendment to zoning ordinances or regulations affecting some but not all Town parcels or Town regulations, such as rezoning of particular parcels or tracts of land, shall be deemed quasi-judicial.
- f. A "legislative" decision is the enactment of an ordinance, rule or regulation, or the adoption of general public policy of a durable nature.

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The Select Board is not required to take a position on Article 15, Petition Article for Ethics and Conflict of Interest Ordinance, since there is no appropriation associated with the article.

ARTICLE 16 – Petition Article for Proposing Bylaw

To see if the Town, in accordance with NH RSA 31:39, will adopt the following bylaw: "The discharge of any firearm on Town-owned land other than during the course of lawful hunting shall be prohibited. This prohibition includes (but is not limited to) target shooting, gun sitting, recreational shooting, or shooting competitions".

The Select Board is not required to take a position on Article 16, Petition Article for Proposing Bylaw since there is no appropriation associated with the article.

ARTICLE 17 – Petition Article for Preservation and Protection of "Passive" uses on town own or steward Properties.

"To see if the town will vote to adopt the preservation and protection of "Passive" uses and other Recreational Activities for its Conservation Lands, Trails or other town owned or stewarded properties (similar to forests, fields, wetlands or unimproved lands in a natural state, etc.). The named "Passive Uses" of these lands shall be as similarly outlined under RSA 79-A (specifically referencing "Current Use," but here relevant for naming Passive Uses) and consistent with similar US Environmental Protection Agency provisions for Passive Recreational Use for Conservation Lands. As defined therein and in the order there listed but not limited to, these Use activities shall include: Hunting, Skiing, Fishing, Snowshoeing, Hiking and Nature Observation. Other uses shall include, Snowmobiling (seasonally and conditions permitting). Further, and not limited to the above activities, any legal Recreational Activity permitted on current Conservation Lands and Trails as of January 1, 2020 is hereby 'grand-fathered' and protected from infringement."

The Select Board is not required to take a position on Article 17, Petition Article for Preservation and Protection of "Passive" uses on town own or steward properties, since there is no appropriation associated with the article.

ARTICLE 18 – Petition Article to Pave Snow Lane

We, the undersigned residents of Snow Lane and other Hollis residents, respectfully petition the Town of Hollis to pave Snow Lane as soon as possible.

We request this for several reasons, including but not limited to the following:

1. The ongoing maintenance and grading performed by the Town of Hollis is inadequate and only providing a short-term fix. Residents on our road constantly call the Town for regrading, on a few occasions over the past few years some of those requests to regrade went unaddressed for several weeks making maneuvering almost impossible. Residents have been placed multiple times into situations where we feel that we need to make necessary short-term repairs just to enter and exit our subdivision.

2. The initial 300ft of roadway was never built to the town or State spec. Due to the recent Spence's Farm subdivision the rear half of the roadway was not properly built. Washout/ potholes and ruts continually appear in the same areas. The proper materials seem to have not been used when the road was initially built, hence the same ongoing issue. Prior to the recent Spence's Farm subdivision being built/ Snow Lane was designed to support the use of 4 homesteads. Those homes were built in an age ranging from the late 1700/s to the early 1900's.

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3. Heath concerns with the constant debris and/or dust cloud in the air which leads to poor air quality in our development.

4. The costs to maintain our roadway would be much better utilized by paving the road and allocating those intended funds to another budget. Those funds compounded over the next 20-30 years would be hundreds of thousands of dollars available for town resources.

The Select Board is not required to take a position on Article 18, Petition Article to Pave Snow Lane, since there is no appropriation associated with the article.

ARTICLE 19 – Petition Article for New Hampshire Resolution for Non-Partisan Fair Redistricting

To see if the town will vote to urge that the New Hampshire General Court, which is obligated to redraw the maps of political districts within the state following the federal census, will ensure fair and effective representation of New Hampshire voters without gerrymandering.

Additionally, these voters ask the town of Hollis to urge the NH General Court to carry out the redistricting in a fair and transparent way through public meetings, not to favor a particular political party, to include communities of interest, and to minimize multi-seat districts. The record of the vote approving this article shall be transmitted by written notice from the selectmen to Hollis's state legislators, informing them of the demands from their constituents within 30 days of the vote.

The Select Board is not required to take a position on Article 19, Petition Article for New Hampshire Resolution for Non-Partisan Fair Redistricting, since there is no appropriation associated with the article.

ADMINISTRATIVE BUSINESS

1. APPROVAL OF WARRANTS

• Wages	\$174,151.13	01/21/2021
• Accounts Payable	\$686,884.75	01/21/2021
• Benefit Strategies	\$ 3,905.57	01/21/2021

MOVED by Susan Benz seconded by Paul Armstrong that the Select Board approve the warrants, as submitted. Voting in favor of the motion were Le Doux, Petry, Benz, Band and Armstrong. No one was opposed. The motion PASSED 5-0-0.

2. APPROVAL OF MINUTES

• **Public Minutes from 01/25/2021**

MOVED by Peter Band seconded by David Petry that the Select Board approve the public meeting minutes from January 25, 2021. Voting in favor of the motion were Le Doux, Benz, Band, Petry and Armstrong. No one was opposed. The motion PASSED 5-0-0.

• **Nonpublic Minutes from 01/25/2021**

MOVED by Mark Le Doux seconded by Peter Band that the Select Board approve the nonpublic meeting minutes from January 25, 2021 and keep them sealed. Voting in favor of the motion were Le Doux, Benz, Band, Petry and Armstrong. No one was opposed. The motion PASSED 5-0-0.

3. MEETINGS AND ANNOUNCEMENTS

The meeting schedule was announced for February 9, 2021 through February 22, 2021. The Budget Committee/Hollis School District Public Hearing for the budget is scheduled for February 9, 2021 at

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6:30PM via Zoom. The Hollis Brookline Cooperative School District will hold a public hearings on February 10, 2021 and February 11, 2021 at 6:30PM via Zoom. The Town Offices, including Town Clerk and Town Hall will be closed on February 15, 2021 for President's Day. The next Select Board meeting is scheduled for February 22, 2021 at 6:30PM in the Community Meeting Room and via Zoom. There will be a blood drive on February 26, 2021 from 8:00AM-7:00PM at the Lawrence Barn Community Center. Town Elections will take place from 7:00AM-7:00PM at the Hollis Brookline High School on March 9, 2021.

BUDGET COMMITTEE PUBLIC HEARING

1. Review of 2021 Budget and Proposed Warrant Articles

For more information, see Budget Committee public hearing minutes, dated February 8, 2021.

ADJOURNMENT

MOVED by Paul Armstrong seconded by Susan Benz that the Select Board adjourn the meeting. Voting in favor of the motion were Le Doux, Petry, Benz, Band and Armstrong. No one was opposed. The motion PASSED 5-0-0.

The Board adjourned at 8:25PM.

Respectfully Submitted,
Christine Herrera, Assistant Town Administrator/Human Resource Coordinator