

**Board of Selectmen**  
**Meeting Minutes**  
**April 24, 2024**

Present: James Bailey – Chairman, Richard Pelletier – Selectman, Iris Campbell – Selectwoman and Laura Buono, Town Administrator

Others present: Riche’ Colcombe, Ron Pasquerella, Ernie Butler, Billy Goss, Chad Branon, Jack Franks, Robyn Payson.

Meeting opened at 6:00 pm  
Pledge of Allegiance was recited.

**1. OPEN SESSION**

*Trustees of the Trust Funds:* Trustee Chair Riche’ Colcombe said the trustees have started working on the non-judicial settlement agreements to reduce the amount of trust funds on the books. The new director at the Charitable Foundation is now asking for Selectmen signatures on any form that consolidates or reduces the trust funds.

Before the Board, is combined school funds with the same purpose, the Coca Cola, the Peaslee, Inness and the Old School Funds into one scholarship. Ms. Colcombe asked the Board if she must appear before them each time a fund is consolidated or can she seek out the Chairman’s signature each time.

Selectman Pelletier made a motion to authorize the Board of Selectmen Chair to sign NJSA Form on behalf of the Selectmen as well as future forms pertaining to the trust funds. Selectwoman Campbell seconded the motion, the motion passed.

**2. MEETING MINUTES**

Chairman Bailey made a motion to accept the meeting minutes dated April 10, 2024. Selectman Pelletier seconded the motion, the motion carries.

**3. MANIFEST**

Chairman Bailey made a motion to authorize the Selectmen to sign manifests and order the Treasurer to sign Payroll Check numbers 19254 – 19277 a/k/a Vouchers #16 & 17 in the amount of \$199,540.35 (includes 163 direct deposit stubs) and Accounts Payable Check numbers 031530 – 031599 a/k/a Voucher #17 in the amount of \$268,895.84. Selectman Pelletier seconded the motion, the motion passed.

**4. CONSENT AGENDA**

Chairman Bailey made a motion to approve the Consent Agenda for April 24, 2024. Selectman Pelletier seconded the motion, the motion passed.

- Intent to Cut – Map 10 Lot 13 West Main St.: Map 1 Lot 40 Severance Road
- Gravel Tax Levy – Map 10 Lot 44 \$199.08
- 2023 Property Tax Refund – Map 19 Lot 3 \$934.24
- Intent to Excavate – Map 7 Lot 71 Gleason Falls Rd.

- Veterans Tax Credit – Map 17 Lot 206
- 2023 Property Tax Abatement – Map 12 Lot 631
- DRA Form MS-232 (Appropriations Actually Voted)

## **5. COMMITTEE APPOINTMENTS**

Chairman Bailey made a motion to appoint Sue Durling as an alternate member on the Energy Commission for 3 years. Selectman Pelletier seconded the motion, the motion passed.

Chairman Bailey made a motion to re-appoint Deanna Neal to the Historic District Commission for 3 years. Selectman Pelletier seconded the motion, the motion passed.

## **6. WEBSITE**

Ms. Buono reported the town has the new link for the working copy of the new website. All the departments will review their pages for changes and corrections. Once the changes are made, it will come before the Board. Selectman Pelletier said before the website comes before the Board, he would like to see a group of people not associated with the website to look at the website first before it comes before the Board. Chairman Bailey and Selectwoman Campbell agreed, first a group needs to be established. Ms. Buono will bring some names forward at the next meeting for appointments.

## **7. ATV REQUEST**

Ms. Buono said a public hearing is scheduled for May 22<sup>nd</sup> regarding a request from an ATV club to ride on some roads in Hillsborough. Certified letters are being sent out to the abutters.

## **8. 2 BRIDGE STREET**

Ms. Buono reported that the developer for 2 Bridge St. did not receive approval from the Community Development Block Grant. Donna Lane, grant administrator, feels the disapproval is because they want to see what progresses with 8 Bridge St. Ms. Lane wants to know if the Board is interested in doing a re-application for the July CDBG round. The Board agreed to the re-application.

## **9. COUNTY ROAD**

Roman Pasquerella lives at 507 County Road and his issue is the town responsibility for plowing. He said from Center Road to the lot beyond his house is a Class V Road (several maps were referenced), beyond that the road turns into a Class VI Road up to Bradford. Ms. Buono said the Road Agent, Ernie Butler, has met with Mr. Pasquerella, there is a disagreement on the road maintenance. Mr. Butler said he received an email from the Department of Transportation that the Class V Road runs from East Washington Road out 2.4 miles (on County Road). Mr. Butler and Chairman Bailey drove out there and the Class V Road stops just before 507 County Road. Mr. Butler said he knows through the years it was considered a Class V seasonal road with summer maintenance only. Mr. Butler said the Road Agent before him, Billy Goss, could probably tell more than he could. Mr. Goss said the road was always Class V seasonal up to 507 County Road. There are several roads that are similar, such as Danforth Corners, Dam Road, and Keith Road. Mr. Pasquerella asked if there was anything that shows that. Ms. Buono said she can forward the DOT link to him. Mr. Goss said to Mr. Pasquerella that he must have known the road would not be plowed when he purchased the property. Mr. Pasquerella said he talked with a neighbor that

confirmed the road would not be plowed, but all the documentation he has found says the road is Class V. Mr. Goss said he worked for the town for 42 years and the road was never plowed.

Ms. Buono showed a map where it clarifies the road is a Class V seasonal road before it turns into a Class V Road.

## **10. HILLSBOROUGH HEIGHTS**

Ms. Buono explained she and Robyn Payson from the Planning Office met with Chad Branon, Fieldstone Land Consultants and Jack Franks regarding some concerns. Ms. Buono forwarded information to the Board along with back-up material pertaining to the upcoming discussion.

Chad Branon said when the approvals for Hillsborough Heights were secured and was looking forward to working with the town and collaborating with water & sewer making a submission to the Department of Environmental Services for a sewage discharge permit. Ultimately, the submission was going to require additional review through the sewer commission and unfortunately experienced some delays there, which is outlined in an email that is before the Selectmen. From that point the project was presented with some unanticipated costs which are cost associated with municipal infrastructure improvements. After the meeting with Ms. Buono and Ms. Payson it was decided those unanticipated costs should be brought before the Selectmen. The project did qualify for funding and the funding is earmarked for utility infrastructure improvements. The unanticipated costs from water & sewer have placed a lot of burden on the project as the improvements relates to utility infrastructure improvements that were not associated with the specific project but were associated with requests from the sewer & water commission. The associated costs are outlined in the email that was sent to the Selectmen.

Chairman Bailey said he doesn't have any questions; he understands what was done and what the water commission asked for and would like to hear from the water commission. Chairman Bailey understands what the water commission requested, there is now over and above costs from what was originally proposed. Chairman Bailey does not have a problem releasing money back to the project, but first he wants to hear to hear the justification of those costs from the water & sewer commission and where they are in the future so that something like this does not continue. Selectman Pelletier asked if the extra costs were discussed and agreed to before the project started. Mr. Branon said with this project the developer must put a budget together and request the funds which is done earlier in the process. But what the developer was faced with from water & sewer is "do this, or we are not signing the permit, you can't submit it to the state, you can't get the authorization to proceed". What they found was several things started to layer on top of each other. For example, they reached out to sewer & water and talked to a gentleman there and asked him if the connection to the system is appropriate, he said yes, we design it that way. At the end of the project Branon approaches the sewer commission to sign sewer discharge permit, which is an application from the town to the state that developers and engineers prepare on the town's behalf. Mr. Branon was surprised to see a separate review and approval process at the water & sewer commission level because most of the communities they worked in do not do another review. The items in the email are not specification related, they are preference related. The project does not require valves on a 14- or 16-inch main that requires the whole town to be shut down in the middle of the night, water lines drained out, valves installed. That is a huge burden on an income restricted project. When water & sewer won't sign the permit application the project can't go forward. Mr. Branon is hoping this subject can be revisited knowing the project did qualify for funding for infrastructure improvements.

Mr. Branon explained the next item. The water & sewer design was approved for phase 1 to the building, there is another approximately 150' to the back of the property. Water & Sewer said the water & sewer lines need to be extended to the back property line. This is an additional cost to the project, and there is no benefit to this project extending the line to the back of the property. Mr. Branon said the extending costs are unreasonable because we are proposing this to be a town road in a town right-of-way. The next developer can come in and easily extend the utilities another 150'. Mr. Branon said this extra cost was forced with no negotiation, the time frames were unreasonable, he said they couldn't talk directly to Underwood Engineering. Underwood sent their information to the water & sewer commissioners, the water commissioners sent it to Branon, the commissioners meet every 2 weeks resulting in construction delays.

Mr. Branon explained another item. What was thought to be a simple request from the water commissioners, a 2% pipe going into a manhole and then an 8% pipe leaving, one of the commissioners felt it was too much of a percentage between the two and so we had to drop the structure which was already at a 14' depth which pushes the excavation to 18' that now turns into a specialized installation. Chairman Bailey noted that during discussions for the Whittemore Road upgrades there was talk about how 18' is too deep.

Mr. Branon said there is no avenue to negotiate, this is what we had to do to get the commissioner's signature on the permit that is submitted to the state.

Selectman Pelletier said he read through all the material that was provided. He asked Mr. Branon if extending the lines to the back of the property would help phase II & III of this project. Mr. Branon said what was requested from the commissioners put a burden on an already fixed budget. But, yes, it was acknowledged the extension of the line would benefit the future projects. This extension would have been in the budget for phase II and was not included in this phase.

Mr. Branon said all this extra work is municipal infrastructure. At the last minute the water commissioners said we will own the lines so now an engineer needs to be on-site 100% of the time making sure the work is done. Mr. Branon said he was on the site most of the time, which is another added cost. He said most municipalities have their own inspectors that stop in at certain milestones. Mr. Branon said there is no reason for someone to be there to watch a hole being dug. But that is what water & sewer requires, it's not a developer friendly situation because it's very cumbersome on the cost. Selectman Pelletier asked if this is all unusual. Mr. Branon said yes. Chairman Bailey who sits on the Planning Board recalls addressing the concern about additional inspections, that they were not needed because of all the government inspections tied to the project and the town would hold the developer responsible if anything went wrong and that was agreed upon. Chairman Bailey's question to water & sewer is why did the scope change. The Planning Board discussed the overseeing of the project with third party engineering and the Planning Board felt that wasn't necessary. Mr. Branon said the water & sewer commissioners said their approval is separate and distinct and nothing the Planning Board says carries over; the exact words were "we are not the town". Chairman Bailey said as the town, we need to address this with the commissioners because this can't go on with future development on the horizon.

Jack Franks said we are working very hard to do exactly what we said we would do, he said he feels like he's been held hostage and put in a position where he couldn't say no, this is very unusual and distressing. He said he appreciates the Selectmen looking into this now because there are other phases of this project, and we all need to work as a team.

Ms. Buono noted that this is the same issue that was brought up before by a developer who didn't stay. On the Economic Development Committee level, there are discussions about development,

about TIF Districts and building infrastructure. Ms. Buono said there was discussion about the benefit of the Town putting the infrastructure in and then collecting the payment on the work from the developers, so a developer doesn't need to go through these same issues. It's too bad that's the way it must be, when there is a benefit to the community to develop properties that are zoned for development and there is push back from one department. She said what really bothered her was the extension of utilities through a different phase/project especially since this is an affordable housing project and there is no extra money in the budget.

Selectwoman Campbell asked when the conceptual plan was provided to water & sewer, did they add those changes? Mr. Branon said these were last-minute add-ons, there was no discussion about extending the utilities. This extra work now has outstanding invoices for the contractors, if the costs are included in the project, it will be a problem. It is appreciated that the Board will be talking to the commissioners, time is important regarding the invoices.

Selectman Pelletier asked why they didn't go to the water & sewer to pay for this. Ms. Buono said the \$840,000 the town received via a program for affordable housing once permits and approvals are completed, is under the authority of the Selectmen. What bothers Selectman Pelletier is that water & sewer is asking the Selectmen to pay for something they wanted but the Selectmen have not input, this is the first-time hearing there are cost overruns that we are expected to pay for, this is not fair. Ms. Buono said the Selectmen have the authority over the money; the point is this is town infrastructure. Selectman Pelletier is not in favor of that type of attitude. Many people in the audience confirmed that is the problem and it has been that way for years.

Mr. Franks said he has had to invest a significant amount of money out of his pocket for this project because he believes in Hillsborough. He finds it shocking that the water & sewer commissioners are so dismissive of the Selectmen and the Planning Board. Mr. Franks has heard numerous times from the commissioners "we are not the town". Mr. Franks said this relationship will give him pause in the subsequent phases, but he is glad to hear the Selectmen will address this issue.

Mr. Branon said the reason they are bringing this forward is because they know the town has received money based on this project for infrastructure upgrades. A different approach will be taken with future projects now that they have experienced this.

Chairman Bailey said he doesn't have a problem paying the outstanding invoices, but he would like to meet with the water & sewer commissioners to hear what they have to say. Ms. Buono asked if he is expecting water & sewer to pay the outstanding invoices? Chairman Bailey said if water & sewer pays, that's coming from the taxpayers. In fairness the outstanding invoices should be paid with the money that was received based on this project for infrastructure growth.

Chairman Bailey said the Board is aware and is working with the commissioners toward upgrading the current system that needs dire repairs. It's beginning to be remedied but it will be a long-drawn-out process. Chairman Bailey said the infrastructure upgrades Hillsborough Heights has completed is benefiting the town, not the project. This is why Chairman Bailey wants to meet with the commissioners to tell them that they can't keep demanding infrastructure upgrades from developers for future development. Water & sewer can't keep adding additional costs after the project has been approved by the town, it was not in the budget for this project to complete the demanded upgrades.

Ms. Buono looks at this as a public/private partnership and said had the discussion been brought before the Selectmen about the infrastructure upgrades instead of them saying they wouldn't sign off until they agree to you do the work, it could have been handled correctly. She said there is

another issue brewing as well about some water infiltration that happened through a pipe that is already owned by the town. Ms. Buono said she was told by the water & sewer admin that the project was dumping water into our system, however she found out it was the Town's existing infrastructure that has an issue. She said it's hard to speak to developers that want to come to the town with confidence that they aren't going to run into these issues. Mr. Branon explained the water infiltration and said they were on site when the water infiltration was happening, and he was told directly by the water & sewer employee that the project owns it. Mr. Branon said he was upset because he was there when the structure was set, he saw everything that went in, and nothing was damaged. He said to be told it's your fault when it's not, and you are made to dig up 15' under the highway to find out it's not anything from the site.

Selectman Pelletier said when he read the information about this project, at first, he didn't feel it was the town's responsibility and after listening he agrees the Selectmen should meet with the commissioners. He also agrees that the town should pay outstanding invoices now to show the town is in support of keeping the project moving forward. Chairman Bailey and Selectwoman Campbell agreed.

Chairman Bailey made a motion to expend \$165,779.20 from the Invest NH Funds to cover the outstanding invoices from Hillsborough Heights. Selectman Pelletier seconded the motion, the motion passed.

Riche' Colcombe asked where one goes when there is an objection to their decision that is made from water & sewer. The answer was unclear, some thought the Public Utilities Commission. Ms. Colcombe said if water & sewer is impacting the town's growth as residents, there is a need to speak up more. Selectman Pelletier said it's the Board that needs to work with water & sewer about their impact on future growth.

Mr. Branon said the permit has been signed by the commissioners, they added conditions to the permit after the town's approval. Selectman Pelletier asked if there was anything else they need to do with water & sewer. Mr. Branon said there is an infiltration system under the road that needs to be mitigated and the testing of the utilities.

Mr. Branon thanked the Selectmen for their time and attention.

Selectman Pelletier asked if the Selectmen have any authority over the commissioners. Chairman Bailey said the Board does not, the last time this was addressed by a petition warrant article to do away with the authority of the commission and place it under the Selectmen, it did not go well at all. Ms. Buono said at that time, the discussion centered around the commissioners' personalities. Selectman Pelletier said this isn't about personalities, it's about working together. Ms. Buono said the other Boards (Planning/Zoning/BOS) did work well on this project because the Town needs affordable housing. The impact of not having it can be partially seen in the welfare budget. Selectwoman Campbell said the commissioners should have met with the Board about any infrastructure upgrades before the project started instead of dealing with it this way. Selectman Pelletier asked if the commissioners knew about Hillsborough Heights coming before the Board tonight. Ms. Buono said it was on the agenda but she didn't notify them directly due to the fact that Hillsborough Heights requested to meet with the Selectmen to discuss their concerns.

Ms. Buono will arrange a separate meeting with the commissioners.

## **11. TAX INCREMENT FINANCING (TIF DISTRICT)**

Selectman Pelletier said the Economic Development Commission is looking into TIF. The EDC will be talking further about TIF at their next meeting as well. The EDC plans a meeting with water & sewer to fill them in on what the plans are. Then after there will be a joint meeting with the Selectmen, etc.

## **12. FULLER LIBRARY HEATING**

Selectman Pelletier asked if there is money available to construct a barrier around the outside heating units that are being installed. The base for the system needs to be protected from salt. Money can be used from the capital reserve for the barriers.

## **13. MUNICIPAL COMPLEX WORK SESSIONS**

The Board was provided with a meeting schedule to start discussions on a future municipal complex, every 2 weeks running up to September. The fire chief and police chief will be invited as well.

## **14. ASSOCIATED ELECTRIC**

Ms. Buono reported that she and Robyn Payson met with the Department of Environmental Services and Sanborn & Head about the property. She said DES feels that property would qualify for a demo grant and said she will be having further discussions with DES about this.

## **15. SIDEWALK PROJECT**

Ms. Buono said they received a report that the presence of wood turtles needs to be addressed on the project. She said the project engineer doesn't feel this will be an issue since the updated drainage designs will not impact the turtle in the project.

## **16. PREMIEIR PRINTING**

There is a plot of grass in front of Premier Printing that has been maintained by the property owner who went to the water district to have a water hydrant/spicket removed. But it has been determined the land is owned by the town. Does the Board want to grant permission. The Board said if the spicket doesn't work then have it removed, if it works it can stay.

## **17. CARDIAC MONITORS**

The current monitors are no longer maintained. The monitors are currently working but parts are no longer available. The fire chief is asking for consideration to buy 2 heart monitors. The current monitors can be used as trade and there is a 4-year maintenance agreement. The total is \$111,000 and there is only \$60K in reserve. The fire chief does not want to wait until next year because there will be a 20% higher cost. The chief is asking if the purchase could be paid for by the Invest NH Funds.

Chairman Bailey made a motion to take \$50,000 from the capital reserve for the fire department to fund the heart monitor and chest compression, balance to come from Invest NH funds. Selectman Pelletier seconded the motion, the motion passed.

**18. PAVING BIDS**

Road Agent, Ernie Butler will meet with the Board in 2 weeks to bring forward the paving quotes.

Meeting adjourned at 8:02 pm

A true record  
Mary Whalen  
Recording Secretary

Date: \_\_\_\_\_

Approved by:  
Hillsborough Selectboard

\_\_\_\_\_  
James C. Bailey, III, Chairman

\_\_\_\_\_  
Iris Campbell, Selectwoman

\_\_\_\_\_  
Richard Pelletier, Selectman