

Coös County Commissioners/Coös County Delegation
Joint Meeting
USFWS Maintenance Building - Errol, NH
July 23, 2018

Present: Commissioners Tom Brady and Paul Grenier; Representatives Robert Th  berge, Wayne Moynihan, Bing Judd, Larry Laflamme, Troy Merner, Herb Richardson, Yvonne Thomas and Edith Tucker; County Administrator Jennifer Fish; Chuck Henderson with Senator Shaheen's office; Paul Casey, USFWS; Administrative Assistant Linda Harris, Paul Thibault, Ray Cyr and other Wentworth Location residents.

Excused: Commissioner Rick Samson, Representative John Fothergill and Representative William Hatch.

Chairman Brady opened the joint meeting at 10:43 a.m. and welcomed everyone to the meeting. The Chair asked that everyone in the room introduce themselves. Prior to the meeting the group had met at 44 Chapel Hill Road in Wentworth Location to tour the riverbank area.

Chairman Brady also noted that the Board of Commissioners were not acting as County Commissioners in this instance but as the Selectmen of Wentworth Location. The way the government has set up the form of government in the unincorporated places is that the County Commissioners act as the selectmen and the Delegation as the voting members.

Commissioner Grenier stated that he had asked the Director of Finance Carrie Klebe to obtain a current balance on the 2013 note of \$102,000 to fix the riverbank. After the 2018 payment, there will be a balance of \$54,000 (six payments including \$4,600 of interest). If a separate note of \$50,000, were taken out it would be an additional \$6,088 on top of the current payment of \$11,153. The estimated payment would be \$17,241. If the remainder of the 2013 note were refinanced with the proposed \$50,000 for a total of \$104,000, the new payment would be \$12,442 for 10 years with an estimated interest rate of 3.75%. The payment would increase by \$1,300. Commissioner Brady noted that no bids have been requested at this time.

Representative Moynihan asked if there was a quote for the repairs, and was the Delegation expected to make a decision at the meeting. Ray Cyr presented a copy of a quote obtained from Dennis Thompson who did the original repairs. Mr. Cyr also noted that the residents had already purchased the I-beams necessary for the repairs. Representative Th  berge stated that the issue was time sensitive and a decision had to be made at the meeting.

County Administrator Jennifer Fish noted that she had applied for a FEMA grant and the application was denied. A formal letter has not been received from the agency. A \$50,000 appropriation and revenue was included in the budget in anticipation of the grant. Commissioner Grenier stated that the application was turned down because Wentworth Location is an Unincorporated Place. Representative Tucker urged the Board to request a formal letter and also asked Chuck Henderson for his assistance.

Representative Richardson noted that this issue was time sensitive as the permit with the State expires in February 2019. Commissioner Brady stated that the amount borrowed would be the amount to satisfy the bid. He asked that the Delegation authorize to borrow up to \$50,000. Representative Tucker stated that the Delegation's motion would be based on Commissioners' recommendation.

Representative Laflamme stated that he had read the letter from Waystack Frizzell which the firm had laid out three actions. The road has be declared an emergency lane; however, were any other actions taken on the recommendations made and would there be. Commissioner Grenier read excerpts from a legal opinion obtained from Waystack Frizzell in 2013. *(A copy of the letter is on file.)*

...the Commissioners must first hold (1) a public hearing on the issue of the need for an emergency lane, then, (2) by vote, declare the private way, or a portion thereof, as an emergency way, and lastly, (3) make written findings, recorded in the minutes, "that the public need for keeping such lane passable by emergency vehicles is supported by an identified public welfare or safety interest which surpasses or differs from any private benefits to landowners abutting such lane. RSA 231:59-a, II. The emergency lane shall not be declared if permission is denied by any person with a legal right to deny such permission.

....Chapel Hill road will remain an emergency lane until the County discontinues the road as such. The County may rescind this status "at any time without notice".

Representative Moynihan voiced several concerns which were discussed at length.

Mr. Cyr presented a letter from Errol Fire Warden Carlton Eames, Errol Fire Chief Thomas Freedman and Director of Errol EMD urging the Board to fund the repairs to the riverbank which was read by Commissioner Grenier to the members of the Delegation. *(A copy of the letter is on file.)*

Representative Richardson stated that there is a strong current along that area of the riverbank. The repairs are necessary.

Commissioner Grenier stated that he spent extensive time with the County Administrator and met with NH Water Resource Engineer. The preferred fix would be a federal appropriation of \$700,000 - \$800,000. Absent of the federal appropriation the only viable solution is the proposal. Mr. Henderson noted that he has inquired about the FEMA denial and was told that it was under legal review awaiting determination.

Commissioner Brady stated that the matter is time sensitive due to the permit expiring February 2019. Mr. Thibault stated that he was worried about the future of the road. He asked if another permit process should be prepared in case it is needed in the future. Commissioner Brady was not sure but replied that the County Administrator could research the issue further. Commissioner Grenier stated that an approval from the Federal Delegation for a complete repair would be ideal.

Representative Moynihan asked what impact this would have on Wentworth Location property taxes. Ms. Fish replied that she was unable to provide the information at the time.

Representative Laflamme agreed that the riverbank needed repair and inquired about the next step.

Commissioner Brady stated that he had been notified by email that Commissioner Samson was unable to attend due to a family emergency and asked that the following be read:

Having been involved in the original repairs to the bank on Chapple Hill Road I would like to state "I am opposed to any refinancing or subjecting the full time residences of Wentworth Location to pay for anymore repairs to the questioned issue. The current residents were aware of their responsibility to maintain the Chapple Hill Road. The residents and the county have no control over the weather and

resulting damage to that section of the river bank. I am forwarding an email from Dennis Thompson to Ray Cyr concerning his opinion of the latest claim of the damage.

I am in agreement with Mr. Thompson and feel it is the responsibility of the people living and enjoying the location of their homes and second homes. I do not feel it is the counties responsibility to continue to make the repairs to this section of the river bank.

Commissioner Brady stated that the project is not a County project but a Wentworth Location project. County funds will not be used for the repairs to the riverbank.

Commissioner Grenier stated that the USFWS owns the road and riverbank. The residents have the right of way.

A motion was made by Commissioner Grenier, seconded by Commissioner Brady to recommend to the Coös County Delegation to borrow up to \$50,000 for the repairs to the riverbank on Chapel Hill Road and refinance the proposed amount with the existing principal of \$54,000 for a period up to 10 years. The proposed amount will be going out for bids. All approved 2-0.

Commissioner Brady recessed the meeting in order for the Delegation to conduct its business.

A motion was made by Representative Richardson, seconded by Representative Tucker to authorize the borrowing of up to \$50,000 for the purpose of repairing the riverbank and to combine the proposed amount with the current loan principal of \$54,000 to refinance for a period up to 10 years. The motion was approved by a roll call vote of 8-0.

Representative Tucker noted that the proposal was not a permanent repair and the County would make an attempt on researching federal funding for repairs.

Commissioner Grenier stated that a public hearing will be held at the August 15 Commissioners' Meeting to declare Chapel Hill Road an emergency lane.

Representative Richardson asked if a letter could be sent to the leadership of both parties to override the vetoes. Commissioner Grenier stated that he supported the override. Representative Th  berge noted that he would send a letter on behalf of the Delegation.

Representative Laflamme asked if any further action would be required after the public hearing. Commissioner Grenier replied no.

Representative Tucker asked if the September 5 Delegation meeting could be moved to another date. A meeting has been scheduled with the Executive Councilor at Weeks State Park on September 5. All members of the Delegation and Commissioners will be invited to attend. Representative Th  berge asked Linda Harris to verify if the Granite State Room in Lancaster would be available on September 6.

Ray Cyr thanked the members of the Delegation and the Board of Commissioners on behalf of all the Chapel Hill Road residents.

The Delegation meeting adjourned.

Commissioner Brady reopened the Commissioners' meeting.

A motion was made by Commissioner Grenier, seconded by Commissioner Brady to ask the County Administrator to draft a letter on behalf of the Coös County Commissioners and the Coös County Delegation to be sent to the NH State Senate President and Speaker of the House urging the override of SB365. Commissioner Brady also asked that the letter include the reasons why this issue is so important to the North Country. All approved 2-0. Representative Thérberge noted that he would not send a letter since both Commissioners and Delegation would be combined in one letter.

A motion was made by Commissioner Grenier, seconded by Commissioner Brady to adjourn the meeting at 11:50 a.m. All approved 3-0.

Respectfully submitted,

Linda Harris, Acting Clerk