

**Center Harbor Board of Selectmen  
Meeting Minutes  
Wednesday, February 4, 2009**

Chairman Randy Mattson called the meeting to order at 7:00 p.m. Present were Selectmen Charley Hanson and Richard Drenkhahn. Michelle Taft, David Johnson, Brendan Laffey, Bob Beem, Fire Chief John Schlemmer, Emergency Management Director David Hughes, and Selectmen's Secretary Robin Woodaman were also in attendance.

**APPROVAL OF MINUTES:** Mr. Hanson motioned to accept the minutes of January 28, 2009. Mr. Drenkhahn seconded the motion and the vote was unanimous. Mr. Drenkhahn motioned to accept the minutes of the January 31, 2009 Budget Hearing. Mr. Hanson seconded the motion, Ms. Mattson abstained due to her absence from the meeting; the motion passed.

**AARON SMITH:** Mr. Hanson reported, with great sadness, on the passing of former Selectman Aaron Smith.

**UNFINISHED BUSINESS:**

**2009 BUDGET HEARING:** At 7:15 p.m. Ms. Mattson reconvened the 2009 Budget Hearing and welcomed the people in attendance and introduced Fire Chief Schlemmer and Emergency Management Director Hughes. Ms. Mattson explained this is the third budget hearing, which was scheduled for the day after petitioned warrant articles were due, and opened the hearing for questions and discussion. The following proposed 2009 budget and warrant article items were discussed:

**Center Harbor Soup Kitchen (CHSK):** Ms. Taft explained the Center Harbor Soup Kitchen will open on Tuesday, February 10<sup>th</sup> and reported it is registered with the State of New Hampshire and has applied for non-profit status. She reported the goal is to have the soup kitchen open two nights per week. Ms. Taft asked about the possibility of receiving Town funding for 2009; Mr. Hanson explained this is the third and final hearing on the 2009 budget and suggested the CHSK apply next fall for 2010 funding. There was discussion regarding the possibility of a Center Harbor voter amending the 2009 warrant article pertaining to the support of health and welfare agencies. Ms. Mattson explained all funding purposes have to be discussed as line items during the budget hearing process.

**Health and Welfare Agencies Warrant Article:** Mr. Beem questioned if the Health and Welfare Agencies warrant article could be amended from the floor at Town Meeting because the warrant article grouped all the agencies together. Mr. Hanson explained new purposes cannot be added from the floor. Ms. Mattson reported the State of New Hampshire Department of Revenue Administration and the Local Government Center will be asked Mr. Beem's question.

**Telephone:** Mr. Johnson suggested the Selectmen research telephone service through Metrocast, which may result in savings in the telephone line items.

**Town Clerk Salary:** Mr. Johnson questioned the increase in this line item from \$0 in 2007 to \$14,050 in 2008 and \$25,457 in 2009. Mr. Hanson explained the Town Clerk has historically also been the Planning Board and Zoning Board of Adjustment's clerk with the wages included in the Office Personnel line item; he explained the 2009 proposal is a more appropriate accounting for the time.

**Custodial Services:** Mr. Johnson questioned the increase in this line item. Mr. Hanson explained the Town has hired Crane Maintenance for the office cleaning; previously an employee had performed this. Ms. Woodaman explained the 2009 budget of \$3,750 is comparable to the 2007 appropriation of \$3,900 when the Town had an outside cleaning service.

**Tennis Courts:** Mr. Johnson questioned the increase in this line item. Mr. Hanson explained the resurfacing of the tennis courts is proposed for 2009; the resurfacing of the basketball court was performed in 2008.

**Land Use Change Tax (LUCT):** Mr. Beem questioned the status of the 75% of the LUCT previously collected; he explained he understood the Selectmen were going to ask the State of New Hampshire Department of Revenue Administration (NH DRA) regarding the spending of those funds. Ms. Mattson reported that fund had accumulated and was transferred to the Town's unreserved fund balance. Mr. Drenkhahn reported approximately \$47,000 was used to offset 2008 property taxes. He explained the Town has to retain a percentage of the unreserved fund balance. Ms. Mattson reported 75% of the LUCT received in 2008, plus the interest accrued (\$10,803), is proposed to be used as partial funding of the Natural Resource Inventory. She explained previously collected 75% of the LUCT that went into the unreserved fund balance will be used to fund the remaining Natural Resource Inventory (\$7,197), the Master Plan (\$22,000) and the hiring of a Circuit Rider Planner (\$12,000).

**Town Clerk, Tax Collector and Treasurer terms:** Mr. Hanson reported there are three articles which propose changing the Town Clerk, Tax Collector and Treasurer terms from one (1) year to three (3) years. He explained the Selectmen researched surrounding towns and reported three (3) years terms makes sense due to the learning curve required and for continuity in the positions. Mr. Hughes asked if there had been discussion regarding combining the Town Clerk and Tax Collector positions; there had not. Mr. Hughes explained he feels Center Harbor's Tax Collector does less than the town he came from and reported there are certain services provided by other town's Tax Collectors that are not provided by the Center Harbor Tax Collector. Ms. Woodaman explained there is a book in the Town Clerk's office that outlines the duties of the Tax Collector.

**Beaverside Drive and Meadow Drive acceptance as Town Roads warrant article:** Mr. Beem asked if the Selectmen were for or against this warrant article. He explained he feels Allan Hale felt forced to finish the roads for adoption as Town roads. Mr. Beem explained he feels it will cost the Town more money because the Town has stopped plowing private roads. He explained there are nine (9) more buildings which can be built in this subdivision and discussed the future condition of the roads after construction vehicles have traveled over them. Mr. Beem explained, in the past, the Town would plow the private road, repairs could be made to the private road after the buildings have been built, then the road would be voted on for acceptance as a Town road. Mr. Laffey questioned if builders have to repair the roads. Mr. Hanson explained there are ways to work through this issue and the Selectmen will have suggestions for Town Meeting.

**Warrant article to repeal 1989 Town Meeting warrant article:** Mr. Beem asked how the Selectmen will explain the effect of this warrant article if there is no amendment; he explained he feels it completely upends the intent of the 1989 Town Meeting warrant article. Mr. Hanson explained the 1989 amendment to the warrant article was not legal and explained the Conservation Commission (CC) has the ability to spend conservation funds per statute. Ms. Mattson reported the Selectmen have spent many months researching and consulting with Town Counsel (Doug Hill), Local Government Center (LGC) attorneys and the Town's auditor who all recommended this article. Mr. Beem explained he never saw the questions asked of counsel via Ms. Mattson's email; he reported he saw Town counsel's response. Mr. Hanson explained a Selectman's personal notes are not part of the public record. Mr. Beem explained he feels communication from someone representing the Town is public communication. Ms. Mattson explained the warrant article was written by Attorney Hill. Mr. Beem explained Attorney Hill never heard his (Mr. Beem's) proposal which would be to bring 100% of the Land Use Change Tax (LUCT) (collected during the previous year) with a recommendation for a certain percentage to go to the conservation fund; this percentage could be modified based on the LUCT revenue. He explained the remaining LUCT funds could be allocated to other areas of the budget. Ms. Mattson explained Mr. Beem's proposal is a different way to handle the funds and is not certain if the warrant article can be amended; she explained if it could be amended that would not take care of what has been collected from 1989 through today. Mr. Beem reported he feels there is a conflict in the law. Ms. Mattson asked what law and explained the 1989 amendment was improper. She explained Town Meeting approval, per RSA 79-A, establishes LUCT revenue to go into a conservation fund. Mr. Beem explained he feels the Town Meeting intent was for the expenditure of the funds to be under Town Meeting control; he explained he feels if the three (3) Selectmen in office at the time had known that Town Meeting would not have

control, they would not have endorsed the warrant article. He explained the Selectmen would have re-done the warrant article the following year if the NH DRA had disallowed it because of the amendment.

Ms. Mattson reported towns throughout the State of New Hampshire have conservation funds established per statute. She explained there needs to be trust in the Board of Selectmen who appoint the Conservation Commissioners; if the Conservation Commissioners actions are not appropriate the Board of Selectmen can remove them. Mr. Beem reported he has not found a Conservation Commission like that; he explained Moultonborough's conservation fund is nearly zero and Meredith's fund is trivial. He expressed his concern for any group being able to spend hundreds of thousands of dollars without Town Meeting approval. Ms. Mattson reported the current Conservation Commissioners would not make any expenditure without discussion with the Board of Selectmen. Mr. Beem explained he has no concern regarding a rogue Conservation Commission. He expressed his concern regarding a small group of people coming to the same conclusion as the Town Meeting group. Ms. Mattson explained the Conservation Commission is authorized by law to spend from the conservation fund. Mr. Beem asked what would happen if Town Meeting decided they wanted all the conservation funds back. Ms. Mattson asked if he had received legal advice regarding this and Mr. Beem reported he feels he doesn't need legal opinion if Town Meeting says it wants the funds back. Ms. Mattson explained the Town can establish a Capital Reserve Fund for the purchase of land as a way to bypass the Conservation Commission, but if Town Meeting votes to create the fund per RSA 79-A the laws have to followed. She referenced a recent court case in which the Conservation Commission and Board of Selectmen purchased conservation land and was taken to court by a group of town residents; the court found in favor of the Conservation Commission and Board of Selectmen. Mr. Beem reported his goal is to coax the Conservation Commission to relinquish their hold on the conservation funds and give up their right to expend funds in this manner. Ms. Mattson reported the Conservation Commission wants the Board of Selectmen to straighten this matter out; she explained they are not going to circumvent the law. Mr. Beem asked if there are no amendments to this warrant article and the article is defeated, would the funds remain the same; the Selectmen replied yes.

**Fire Department Engine or Rescue Vehicle Capital Reserve Fund (CRF):** Mr. Hughes reported he feels the Fire Department Engine or Rescue Vehicle CRF should be increased, not decreased. Mr. Hughes explained the Fire Department's membership has doubled in size.

**Total of Proposed 2009 Budget:** Mr. Hanson motioned to present the 2009 budget of \$2,693,062, of which \$2,205,997 will be generated from taxation. Mr. Drenkhahn seconded the motion and the vote was unanimous. Mr. Johnson reported he is very impressed that the Board of Selectmen kept the budget down considering the amount of funds proposed for Capital Reserve Funds.

At 8:31 Ms. Mattson motioned to close the 2009 Budget Hearing. Mr. Drenkhahn seconded the motion and the vote was unanimous.

**RECONVENE:** At 8:31 p.m. Ms. Mattson reconvened the Board of Selectmen's meeting.

### **NEW BUSINESS:**

### **TOWN REPORT:**

**Dedication:** The 2008 Town Report will be dedicated to all the residents who volunteer their time for the Town.

**Cover:** The Selectmen reviewed two pictures for the cover of the 2008 Town Report; the Northern Hawk owl looking at the camera and the owl taking off in flight. Mr. Drenkhahn motioned to have the "face-on" picture of the Northern Hawk owl on the 2008 Town Report cover. Ms. Mattson seconded the motion and the vote was unanimous.

**SELECTMEN'S MEETINGS:** The Selectmen scheduled the following Board of Selectmen's meetings:

Wednesday, February 11, 2009	8:00 a.m.
Saturday, February 14, 2009	9:00 a.m. Public Hearing – Police Department location and construction.
Wednesday, February 18, 2009	7:00 p.m.
Wednesday, February 25, 2009	No meeting
Wednesday, March 4, 2009	8:00 a.m.
Tuesday, March 10, 2009	The Selectmen will be in attendance from 10:00 a.m. until 6:00 p.m. during Town Meeting voting for officers and Article 1.
Wednesday, March 11, 2009	No meeting.

**INTER-LAKES SCHOOL DISTRICT SB2 PUBLIC HEARING:** The Selectmen received an invitation from the Inter-Lakes School District Superintendent Phillip McCormack to attend a public hearing on Monday, February 16, 2009 at 6:30 p.m. in the Cary Mead Room; the purpose of the hearing is to receive input from the public on a petitioned article to form an SB2 type of meeting submitted for the 2009 Inter-Lakes School District warrant. The Selectmen will attend the public hearing as residents and taxpayers of Center Harbor.

### **ADDITIONAL BUSINESS**

**ABATEMENT APPLICATIONS:** The Selectmen reviewed the following abatement application:

Moody	TML 3-34
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The Selectmen reviewed the following Commerford, Nieder, Perkins, LLC abatement recommendation:

Williams	TML 7-85	Previous Assessment	\$303,400
		Recommended Assessment	\$288,800

**BUILDING COMMITTEE (BC):** Mr. Drenkhahn reported Town Attorney Doug Hill has been researching the Morrill Park deed. Attorney Hill reported the 1963 Town Meeting minutes reference the Town accepting the assets of the Morrill Memorial Park Association; he reported there was a clear intent to convey the property to the Town, just no deed. Mr. Drenkhahn motioned to have Attorney Hill proceed with a "Quite Title"; a recordable decree effecting the conveyance of the land to the Town. Ms. Mattson seconded the motion and the vote was unanimous.

The Selectmen reviewed one of the architect's proposals for the new Police Department. They discussed the Selectmen's February 14, 2009 Public Hearing regarding the location and construction of the Police Department; Mr. Drenkhahn stressed the importance of public input.

**PLANNING BOARD (PB):** Mr. Hanson explained the New Hampshire Music Festival's (NHMF) hearing continued last evening; he reported the NHMF took concerns expressed at the prior hearing and met with the planner and architect. He reported the NHMF has proposed "dark sky" lighting. Mr. Hanson reported Police Chief Mark Chase and Fire Chief John Schlemmer were present during the hearing; Chief Chase had a number of questions and Chief Schlemmer had previously submitted his questions. Mr. Hanson explained the PB needs to receive the comments from Road Agent Jeff Haines.

**CURRENT BILLS PAYABLE:** The Selectmen reviewed, and approved the payroll and accounts payable manifests as presented.

**CORRESPONDENCE:**

**STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION (NH DOT):** The Selectmen received correspondence from Nancy Mayville, Municipal Highways Engineer for the NH DOT stating they have reviewed the Engineering Study, dated January 14, 2009, as prepared by Quantum Construction Consultants for the High Haith bridge project and find it to be satisfactory. The Town is required to submit a request for a design exception to the NH DOT; Mr. Hanson will contact Lisa Martin, engineer for Quantum Construction Consultants regarding this request.

**JORDAN INSTITUTE:** The Selectmen reviewed an email received from Gary O’Connell, from the Jordan Institute, informing the Selectmen he has not heard from Road Agent Jeff Haines as to his (Mr. Haines) availability to meet to visit the Municipal Buildings as part of the energy audit. Ms. Mattson reported she gave Mr. O’Connell the contact numbers for Mr. Haines.

**ADJOURNMENT:** At 9:23 p.m. Mr. Hanson motioned to adjourn the meeting. Mr. Drenkhahn seconded the motion and the vote was unanimous.

Respectfully submitted,

Robin Woodaman,  
Selectmen’s Secretary