

**Center Harbor Board of Selectmen  
Meeting Minutes  
Wednesday, March 26, 2008**

Chairman Mattson called the meeting to order at 7:00 p.m. Present were Selectmen Charley Hanson and Richard Drenkhahn. Maureen Criasia, Laconia Citizen Reporter Erin Plummer, Chuck Burns and Selectmen's Secretary Robin Woodaman were also in attendance.

**APPROVAL OF MINUTES:** Mr. Hanson motioned to accept the minutes of March 17, 2008. Mr. Drenkhahn seconded the motion and the vote was unanimous. Ms. Mattson motioned to accept the minutes of March 19, 2008. Mr. Hanson seconded the motion and the vote was unanimous.

**APPOINTMENTS:** None

**UNFINISHED BUSINESS:**

**PERSONNEL POLICIES:**

**OVERTIME:** Mr. Drenkhahn asked if employees were required to work forty hours before receiving overtime compensation; Mr. Hanson explained that is how it should be. There was discussion regarding applying holiday, vacation and sick time towards overtime. Mr. Hanson explained he understands including holiday time towards overtime, but vacation time is voluntary and should not be applied towards overtime. Ms. Mattson reported the Selectmen have a responsibility to the employees for a clear understanding of the policies. Mr. Drenkhahn reported he feels employees should have to be employed for one year before being able to take vacation time. He suggested that if a precedent had been set (allowing use of vacation and sick hours towards overtime) the Selectmen should follow that precedent until new policies are put in place. Mr. Hanson explained he feels it is important for employees to take vacation time and suggested a ninety day probationary period during which a new employee can accrue vacation time, but not use it until after ninety days. There was discussion regarding a new employee submitting a request for 3½ hours of vacation compensation. There was discussion regarding a past, understood policy where an employee was required to be employed for six months prior to taking vacation compensation. The Selectmen reviewed the employee in question's letter of employment, which did not include any language about a six month waiting period before vacation time can be taken. Mr. Hanson would like the New Hampshire Department of Labor be asked about their guidelines.

**MUNICIPAL BUILDING RENOVATIONS:** The Selectmen signed the contract with Renovation Concepts (Richard Dow) for the Municipal Building renovations in the amount of \$24,915. Mr. Drenkhahn, who is overseeing the project, reported the following:

- Baron's Billiards disassembled the pool table and it is being stored in a storage room in the Fire Department. Mr. Drenkhahn attached the table frame to the back wall.
- The Town's computer support (Certified Computer Solutions) will determine the best time to run the cat 5 line.
- Originally, it was decided not to close off the upstairs furnace. Chief Chase had planned to have an officer present in the Police Department if workers needed access to the upstairs. Mr. Drenkhahn reported they recently learned access to the upstairs will not be needed unless there is an emergency.

- Mr. Drenkhahn has requested Home Comfort submit a quote for the installation of shades on the windows similar to what is in the existing Police Department.
- Mr. Dow reported the inside renovations should be complete in three to four weeks; the new outside door may not be complete at the same time.
- There was discussion regarding the timing of Verizon switching the lines. Mr. Drenkhahn will contact Verizon. Mr. Hanson reported Verizon will have to move the telephone lines from the pole out in front of the Municipal Building as well and asked Mr. Drenkhahn to inquire about this as well.

Ms. Mattson reported Ms. Woodaman has been researching the furniture that will be necessary as part of the renovations (file cabinets, chairs and 2 desks). She explained they will look at the Department of Administrative Services Surplus Distribution Section in Concord on Monday, March 31, 2008. Mr. Drenkhahn may also attend; therefore this will be a posted Selectmen's meeting.

**KELSEA AVE./KELLEY COURT DRAINAGE PROJECT:** Mr. Hanson reported H. E. Bergeron (HEB) has submitted a work order for the extra work involved with the wetlands application and re-design; Mr. Hanson recommended authorizing the work order. Mr. Hanson motioned to approve the "Additional Work Authorization #2" Mr. Drenkhahn seconded the motion and the vote was unanimous.

Mr. Hanson reported speaking with HEB engineer Jason Ross regarding the additional cost of approximately \$8,000 for the driveway cuts. He explained HEB knew the grade of the road would be lowered and therefore should have anticipated having to do the driveway cuts. Mr. Ross will speak to Ed Bergeron regarding the possibility of offering additional work to the Town at reduced cost due to the increased costs associated with the driveway cuts.

**BOB HEATH:** The Selectmen reviewed a memo submitted by Bob Heath reporting he was able to pull his RV onto Kelsea Ave. and back it in without any drag. He requested that when the final pavement is applied that care be taken so that it will still work. Mr. Heath thanked the Selectmen and Road Agent Jeff Haines for their care, concern and attention to getting the project right. He reported he appreciates the efforts and follow-up.

**SHEAFE HARBOR HOUSE:** Mr. Hanson reported Code Enforcement Officer Ken Ballance received a telephone call from Laconia Citizen reporter Victoria Guay regarding Sheafe Harbor House. The Selectmen would like future calls referred to Mr. Hanson. Mr. Hanson reported he will contact Attorney Jim Steiner regarding the security of the property during demolition. Ms. Mattson reported being asked if the funds approved at Town Meeting for the clean-up of the property would be available if the purchaser of the property at the foreclosure auction was someone other than the mortgage holder; the funds would be available. Mr. Hanson said that due to the way the article was written, whomever holds the property would be able to negotiate with the Town to remove the hazards.

**BROOKS HOUSE LEASE:** The Selectmen signed a one year lease for the rental of Brooks House with Julie Bickford. Mr. Hanson referenced a point of clarification; per Ms. Mattson's research of RSA 41:11-a it is appropriate for the Selectmen to lease property for one year or less without a vote at Town Meeting.

**SENER'S MARKET SIGN REQUEST:** Ms. Mattson reported there was a 1997 warrant article to authorize the Selectmen to lease the property adjacent to Senter's Market, and owned by the Town, for the placement of a sign; this article was defeated. Mr. Burns reported he and Lew Hanson (both were Selectmen during that time) met with State of New Hampshire Department of Transportation (NHDOT) representative Maureen Kennison regarding Bob Heath's request to place a sign on the property. Mr. Burns explained the NHDOT would work with the Town after a positive Town Meeting vote, but the vote

was against the warrant article. He explained there are ordinances against off site signage. Mr. Hanson asked why the Town did not sell the property to Senter's Market. Mr. Burns explained Senter's Market would have to purchase the State owned piece as well and the State would not consider that unless the proposed sign was approved by Town Meeting. Mr. Burns explained there was a problem with the signage location originally approved by the Planning Board, but Senter's Market did not utilize the amount of signage approved. Mr. Hanson suggested informing Mr. Heath of the possibility of the Town selling the property to Senter's Market and referring him, and the other Senter's Market property owners, to the Planning Board.

### **NEW BUSINESS:**

**REPAIR OF WALL BEHIND WATER COOLER AND DOOR HINGES:** Mr. Hanson motioned to request cost figures from contractor, Richard Dow, regarding repairing the wall behind the water cooler and door hinges. Ms. Mattson seconded the motion and the vote was unanimous. Mr. Drenkhahn will speak to Mr. Dow.

**POLICE DEPARTMENT:** The Selectmen reviewed a memo submitted by Police Chief Mark Chase informing them that he had to deploy his Taser. He reported the unfortunate situation was a text book deployment of the Taser, with regards to using a tool to render a person helpless without deadly force, and showed the importance of having the proper equipment and training. Chief Chase reported that without the Board of Selectmen's approval this equipment would not have been purchased and the end result of the situation may have been much different. Chief Chase thanked the Selectmen for their continued support.

**FIRE DEPARTMENT:** Mr. Hanson motioned to approve the hiring of Christie Fritz, Dwayne Mann and Christopher Conway as Firefighters per the recommendation of Fire Chief John Schlemmer. Ms. Mattson seconded the motion and the vote was unanimous. Ms. Mattson reported asking Chief Schlemmer if there was enough equipment for all the members with the recent additions. Chief Schlemmer explained there are three inactive members; he will be contacting these members about continuing with the Department and, if they are not active he will request they return their equipment.

The Selectmen reviewed a memo submitted by Chief Schlemmer with the following updates:

- Generator project is almost seventy five percent complete.
- Defibrillator arrived today and will be in service within two weeks.
- Hydrant project will begin as soon as the ice is gone.
- Physicals will begin in April at LRGH. Chief Schlemmer reported this is a program he requested that will give NFPA clearance.
- Background checks will be sent out.
- A Moultonborough Academy senior, who is also a Center Harbor Firefighter, is working on a school work program one to two hours per day in the station.
- Lieutenant Gregg Neylon is working 20+ hours per week (for four to twelve weeks) in the station on a work training program. Chief Schlemmer reported if Lieutenant Neylon goes on a call he signs off the program and is on regular Fire Department pay.
- Truck inspections are underway; E2 and E4 are done.
- E4 has had the tank fill installed.
- E2 is back in service after the electrical fire that caused approximately \$3,000 in damage; the insurance is pending.
- Chief Schlemmer is obtaining quotes to replace the approximately \$6,400 worth of hose that was damaged; the insurance is pending.

Ms. Mattson reported Chief Schlemmer will submit monthly update memos on Fire Department activity.

Mr. Hanson explained there have been five major structure fires in the last three months and the Center Harbor Fire Department has been the first responder. He reported receiving positive feedback from the other communities regarding the performance of the Center Harbor Department. Ms. Mattson reported observing a lot of firefighters present in the Fire Station during the day.

Ms. Mattson reported speaking with Chief Schlemmer regarding his additional four hours of time submitted for payroll. She explained that was Chief Schlemmer's time spent on a fire watch during the Easter party and that should be expended from the Fire Department Special Detail line item. Ms. Mattson explained Chief Schlemmer works more than the twenty hours per week budgeted for him; these additional hours are logged in on his time sheet but he is not compensated. She explained he is working for the Town for free during these hours.

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

**CORRESPONDENCE:**

**STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION (NHDOT):** The Selectmen reviewed correspondence received from the NHDOT noting the following High Haith Bridge deficiencies:

- There are severe transverse cracks in the concrete deck slab along the face of each abutment. The stone abutments are in serious condition with voids, settlement and unstable stones, and
- This bridge will likely require a reduced Weight Limit posting or closure in the new future.

Mr. Hanson will contact the NHDOT to inform them of the Town Meeting warrant article approving funds for an engineering study and final bridge design for replacing the High Haith Bridge.

**STATE OF NEW HAMPSHIRE DEPARTMENT OF REVENUE ADMINISTRATION (DRA):** The Selectmen reviewed correspondence received from DRA representative Gary Karp reporting he has reviewed the list of tasks that Commerford Nieder & Perkins, LLC (CNP) completed relative to the International Association of Assessing Officers (IAAO) standards for real property revaluations. Mr. Karp commended the Board of Selectmen for taking a proactive approach in addressing the need to keep values current and to provide equity within the Town. He reported it is DRA's belief that from the evidence provided, the 2007 revaluation was credible and values generated from the sales analysis are accurate and proportional. Mr. Karp reported DRA has reserved the right to amend their report after the Uniform Standards of Professional Appraisal Practice (USPAP) compliant report has been received and analyzed.

**BARRY BORELLA:** The Selectmen reviewed correspondence received from Barry Borella stating his appreciation for the offer of the Highway Department repairing the masonry pylon that was damaged, inviting their attention to the enclosed letter from James Garvin (State Architectural Historian) and reporting that because of the significance of the structure, he prefers to make his own arrangements for repairs. The Selectmen would like a letter sent to Mr. Borella thanking him for bringing the significance of his masonry pylon to their attention and stating that they are glad he will pursue his own arrangements for repairs. The Selectmen consider this matter closed.

## **ADDITIONAL BUSINESS:**

**GALLAHER PROPERTY:** The Selectmen reviewed and signed a letter confirming that no portion of Ms. Gallaher's property (TML 5-20.2) is presently held in current use tax status by the Town of Center Harbor and that all Land Use Change Taxes imposed on this lot have been paid in full.

**MASTER PLAN SURVEYS:** Ms. Mattson reported 87 completed surveys have been submitted; 22 indicated they would serve on a Town board, 10 indicated they would serve but did not sign the survey and an additional 10 currently serve on a board.

**SELECTMEN IN THE MUNICIPAL BUILDING:** Ms. Mattson reported she was in the Selectmen's office earlier in the day when Mr. Drenkhahn arrived; they did not conduct any business. Mr. Hanson reported he and Mr. Drenkhahn were also in the building at the same time earlier in the week; no business was conducted. Mr. Drenkhahn suggested if more than one Selectman is present to review materials during a time other than a posted Selectmen's meeting they should split up – one in the Selectmen's office and the other in the Cary Mead Room.

**CONSERVATION FUNDS:** At the request of the Board at the March 19 meeting, Ms. Mattson spoke with Local Government Center (LGC) attorney Kim Hallquist regarding the conservation funds. She said Attorney Hallquist explained that the amendment to the 1989 warrant article may not be valid because Town Meeting cannot vote to circumvent the law, RSA 36-A, which clearly states that funds can be expended from a conservation fund without further approval of Town Meeting. Attorney Hallquist is researching case law where an amendment to a warrant article is not allowed and the original article is. Attorney Hallquist reported all conservation funds should be with the Treasurer. The fund created in 1989 is held by the Trustees of the Trust Funds. Regarding the Land Use Change Tax Fund (Fund #2), created by Town meeting vote in 1994, Ms. Mattson reported that Town Meeting should have voted to use these funds created by RSA 79-A yearly; the fund should have lapsed into the general fund at the end of every year. Fund #2 was expended from in 2004 & 2005 by Town meeting vote, but has been accumulating before and after these years. Attorney Hallquist recommended the Town attorney further research all of this information. Mr. Hanson and Mr. Drenkhahn agreed to submit information to Attorney Doug Hill for his review. Mr. Hanson asked for Chairman of the Board of Trustees of Trust Funds Joe Hulkow to move the Conservation Fund (created in 1989) to the Town Treasurer. These funds should be separate from the Land Use Change Tax Fund created in 1994 currently in custody of the Treasurer. Ms. Mattson reported that she would request written opinions for the Board from Attorneys Hallquist and Hill. Additionally, she will suggest to the Conservation Commission that they await information from counsel and the Board of Selectmen before proceeding with the two proposed conservation projects. It was reported that research was attempted to discover what the Board of Selectmen intended in 1989 and in 1994 when they wrote the warrant articles for the funds, but the minutes from those meetings are in the files that are missing from Town records.

**CONSERVATION COMMISSION (CC):** Ms. Mattson reported the CC would like to complete two projects: the prime wetlands and the Natural Resource Inventory (NRI). She explained the CC planned to use conservation funds for these projects, but the CC may want the issue of the expenditure of the funds resolved prior to contracting for the work. Ms. Mattson reported it will cost \$5,000 to complete the prime wetlands project. Ms. Criasia reported she and Conservation Commissioner Karin Karagozian researched what constitutes an NRI and looked at information brought in by another commissioner. She reported source documents (references) are required for NRI's and explained the Town does not have a good, comprehensive NRI baseline to revise. She explained a professional is required. Ms. Mattson reported Ms. Karagozian will report her and Ms. Criasia's findings at the next CC meeting. Ms. Mattson will report her findings on the matter of the conservation funds.

**CONSTRUCTION PERMIT APPLICATIONS:** The Selectmen reviewed the following approved construction permit applications:

Gross	TML 6-29
Frye	TML 7-59
Kosinski	TML 2-83

**CHARITABLE ORGANIZATION FINANCIAL STATEMENTS:** The Selectmen reviewed the following Charitable Organization Financial Statements:

New Hampshire Music Festival  
Lakes Region Conservation Trust  
New England Forestry Foundation, Inc.  
Squam Lakes Conservation Society

**ADJOURNMENT:** At 9:44 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