

**Center Harbor Board of Selectmen
Meeting Minutes
Wednesday, April 30, 2008**

Chairman Randy Mattson called the meeting to order at 6:30 p.m. Present were Selectmen Charley Hanson and Richard Drenkhahn. Fire Chief John Schlemmer and Selectmen's Secretary Robin Woodaman were also in attendance.

NON-PUBLIC SESSION: At 6:30 p.m. Mr. Hanson motioned to go into a non-public session per RSA 91-A:3, II(a), "Employee Review", with Fire Chief Schlemmer for the purpose of his six month employment review. Mr. Drenkhahn seconded the motion and the vote was unanimous. At 7:17 p.m. Ms. Mattson motioned to end the non-public session. Mr. Hanson seconded the motion and the vote was unanimous.

RECONVENE: At 7:18 p.m. Mr. Hanson motioned to reconvene the Board of Selectmen's meeting. Ms. Mattson seconded the motion and the vote was unanimous. Fire Chief John Schlemmer, Jim Teed, John Jude, Maureen Criasia, Emergency Management Director David Hughes, Laconia Citizen Reporter Erin Plummer and Selectmen's Secretary Robin Woodaman were also in attendance.

APPROVAL OF MINUTES: Mr. Hanson motioned to approve the minutes of the April 23, 2008 morning meeting. Mr. Drenkhahn seconded the motion and the vote was unanimous. Mr. Drenkhahn motioned to approve the minutes of the April 23, 2008 evening meeting. Mr. Hanson seconded the motion and the vote was unanimous. Ms. Criasia asked about the reference to a meeting with the Center Harbor and Moultonborough Board of Selectmen to discuss the Route 25 Corridor Study. Mr. Hanson explained the Center Harbor Selectmen went to Moultonborough last year to meet and discuss matters with their Selectmen and they (the Center Harbor Selectmen) would like the Moultonborough Selectmen to come to Center Harbor this year. The Route 25 Corridor Study can be one topic of conversation. Ms. Mattson explained the meeting has not been scheduled as of yet. Ms. Criasia offered to ask Lakes Region Planning Commission representative Mike Izzard to attend the meeting to address any questions about the Corridor Study.

APPOINTMENTS:

JIM TEED: Mr. Teed, Camp Administrator for Camp Eagle's Cliff, submitted an application for a permit to hold a nine-day summer camp for boys ages 9 to 14 at their campsite on Waukevan Road for the period beginning Sunday, June 22, 2008 and ending Wednesday, July 2, 2008. The camp agrees to abide by the guidelines established by the Center Harbor Planning Board and approved on October 16, 2001. The maximum number of campers and staff will not exceed 90; Mr. Teed reported in 2007 there were nine counselors and 48 campers for a total of 57 individuals. Canoes will use the established launch site on the Snake River to access Lake Waukevan. The camp has a two-seat privy and will rent additional toilet facilities to meet state guidelines. Campfires are subject to approval by the Fire Chief depending on weather conditions. Chief Schlemmer reported Fire Chief Bob Wood had electrical concerns last year and reported he will inspect those areas of concern while on site prior to issuing the fire permit.

Mr. Teed reported there will be adult work weekends to replace rotted platforms and tents and install underground electrical conduit; nothing new will be constructed. He explained the Camp would be required to submit a three-year plan to the Planning Board if they planned for more construction. Mr. Hanson noted in 2007 the Camp received permission for three weekend camps. Mr. Teed explained the original approval granted ten weekend camps, but they are not planning any weekend camps this year for campers; there will be adult work weekends. Ms. Mattson motioned to approve Camp Eagle's Cliff's request for a nine-day summer

camp per the memo submitted to the Selectmen on April 30, 2008. Mr. Hanson seconded the motion and the vote was unanimous. Written approval will be sent to Camp Eagle's Cliff.

Mr. Teed introduced John Jude, a Gilford resident and teacher at the Immaculate Conception School. Mr. Teed explained Mr. Jude will represent the Camp when requesting permission for the 2009 camp.

UNFINISHED BUSINESS:

BUILDING COMMITTEE (BC): Mr. Hanson will report on BC members shortly.

SHEAFE HARBOR HOUSE: The Selectmen received notification that part of the gate to the Sheafe Harbor House property is on the ground. The Selectmen would like Code Enforcement to inform Sheafe Harbor House of this matter and ask them to secure the gate.

The Selectmen reviewed notification that Sheafe Harbor House, Inc. filed Chapter 7 bankruptcy on April 25, 2008 at 1:20 p.m.

KELSEA AVE./KELLEY COURT DRAINAGE PROJECT:

David Walker: Mr. Walker presented a list of concerns to the Board of Selectmen on April 16, 2008. The following is a copy of the Board's written reply to Mr. Walker based on the numerical sequence of his questions 1 - 8:

1. There is an approval process required to hook into the new system. As you were advised last fall, as were other landowners on Kelsea Avenue during one of the Board meetings we had that involved the project, you may hook into the new system so long as it is done in a manner approved by the Road Agent. Town Counsel is currently finalizing the Agreement that must be signed by landowners prior to performing the work. This agreement outlines several important mandates that must be followed to be able to hook into the system. The important points are outlined below:
 - Homeowners must hook into a catch basin as opposed to the pipe. The Road Agent will provide the necessary guidance.
 - The flow into the pipe is only for ground/surface water that enters the premises. The Homeowner will be responsible for any other contaminants that enter the system.
 - The Homeowner is responsible for any contamination to the system and will be responsible for any clean up if that becomes necessary.
 - Homeowners are responsible for performing the attachment of their discharge to the Town drainage system.
 - Any Town structures disturbed during the installation of the Homeowners installation (sidewalks, roads, etc.) of a sump or drainage line will be returned to original condition. This is the responsibility of the Homeowner.
 - To be clear, it is the landowner's responsibility to arrange for hooking into the system and pay for any work performed to do the installation.

Please find an agreement enclosed.

2. Due to the nature of the events, the Board feels it is appropriate to allow you (or anybody else with similar issues) to remove the water in your basement to the street where the new drainage system will evacuate the water. Please be advised that this is allowed on a temporary basis only and will need to be rectified by the end of the project.

3. The problem you have described seems to be caused by the groundwater in your basement. The Town has provided a receptacle for the water but it is your responsibility to hook up an appropriate sump and line to the system.
4. In the opinion of the Board, this is a responsible and reasonable response to pumping water out into your backyard. As mentioned before, the Town has provided an appropriate place to put the groundwater from your basement but you must take the initiative to get the action done.
5. See 1., 3. and 4. above.
6. From the start of this project, the Board has made it abundantly clear that they would get the project done so that no water would be flowing through the old drainage system going into the spring of 2008. The contractor was trying to perform as much work as possible, weather providing, to insure that the mandate of the Board i.e. having no flow through the old drainage system, was carried out. That being said, it is reasonable to assume that the old drainage system would start to be removed. Since this has been a major issue with residents of Kelsea Avenue, that is taking the old system taken out of service, we do not understand why you would want to continue to pump water into a drainage system that is allegedly leaking.
7. This is an issue to which the Town has provided a solution. It is up to the homeowner to address the opportunity to hook up drainage from their property to the new system.
8. Any issues that arise for a Town project should be addressed to the Board of Selectmen to insure we are aware of the situation and that it is resolved in a satisfactory manner. If you have a true emergency situation, please call 911 and either the Police or Fire department will respond to address it.

We understand your frustration with having a wet basement, as many homeowners do in New Hampshire at this time of year or during exceptionally wet times. We are pleased to be able to offer a place to put the groundwater from your basement to alleviate your problem. If you have any questions regarding our response or other aspects of the Kelsea Avenue drainage project, please do not hesitate to contact the Board of Selectmen at 253-4561.

The Selectmen signed the following license agreement which will be sent to Mr. Walker:

PROPERTY IN CENTER HARBOR
CROSS REFERENCE TO BOOK 1177, PAGE 308

LICENSE AGREEMENT

AGREEMENT made this 30th day of April 2008 between the Town of Center Harbor, a NH municipal corporation ("Town"), with a place of business at Town Hall, Main Street, Center Harbor, NH 03226, and David L. Walker of 10 Kelsea Avenue in said Center Harbor ("Walker"). In consideration of the mutual promises herein the parties agree as follows:

1. Walker is owner of real estate on Kelsea Ave. in Center Harbor known as Tax Map Lot 9-56. For Walker's title see deed of Virginia B. Walker dated May 31, 1991, recorded Book 1177, Page 308, Belknap County Registry of Deeds. See also deed recorded Book 875, Page 125.
2. The Town is owner of Kelsey Avenue, a public highway, and the subsurface stormwater drainage system located within the right of way of the highway.
3. Walker desires to dispose of groundwater infiltrating Walker's basement by discharging into the Town's stormwater drainage system.
4. The town authorizes Walker to connect a basement sump pump to the catch basin nearest to the Walker property on the following conditions.

5. Only groundwater free of all contaminants, pollutants, and materials originating within the Walker property shall be introduced into the Town system. The origination of any petroleum or other environmentally damaging material from the Walker property shall be grounds for the Town to disconnect the drain pipe without any notice.
6. The Town may inspect the pump, piping and other elements on the Walker property on reasonable notice. Refusal of inspection shall be grounds for terminating this license and disconnecting the drain.
7. Walker shall be responsible for all costs related to abating and remediating any pollutants originating from the Walker property, and agrees to hold harmless and indemnify the Town from and against any and all claims, costs, or expenses, whether governmental or private, including attorney fees and inspection and testing costs, related in any way to contamination arising from the Walker property.
8. Walker shall pay all costs of construction of the drain line. Contractor(s) shall be approved in advance by the Selectmen and Road Agent, and shall be bonded and insured. Walker shall at his cost restore all excavation or other activity within the right of way to the condition prior to such work. The design and specifications of the connection must be approved by the Selectmen and Road Agent in advance of any work within the right of way.
9. In consideration of this agreement, Walker hereby releases any claims, past present and future, against the Town and its contractors in any way related to the reconstruction of Kelsea Avenue and the removal of the old drainage system.

This agreement is personal to Walker, and is not a permanent easement appurtenant to or running with the land. Any future owner of the Walker property must apply to the Town for continuing permission to utilize the Town's stormwater drainage system.

Letter agreements: The Selectmen received David Walker's letter-agreement as part of Phase II of the project giving the Town permission to enter onto his property to do the work outlined below:

- Remove old drainage structures
- Fill in and compact old drainage areas
- Loam, seed, replace shrubbery as needed
- Reinstall driveway areas as needed.

The Selectmen reviewed a letter-agreement, with a project finish date of July 31, 2008, submitted by Harry and Eleanor Welch giving the Town permission to enter onto their property to do the work outlined below:

- Loam, seed, replace shrubbery
- Reinstall driveway area
- Cut tree down by porch
- Extend the curb on Kelley Court from the corner on Kelsea Ave. to the beginning of their driveway so future run offs of water won't be on their property
- There are two boundary markers on their property that need to be surveyed due to pins either pulled or otherwise disturbed by the construction. One marker is located on Kelsea Ave. between their property and the LaChances (should be Chance), the other was on Kelley Court between them and the Fisher property.

Mr. Hanson reported the Selectmen were unaware of their boundary marker issue; he will speak with the project engineer and contractor. He explained the Selectmen were aware of damage to the tree. Ms. Mattson explained the Selectmen cannot guarantee a finish date. Mr. Hanson will follow up Mr. & Mrs. Welch's letter-agreement.

GENERATOR GRANT: Emergency Management Director David Hughes reported paperwork to issue the funds to the Town for the generator grant is going through the process at the State of New Hampshire Department of Safety.

MUNICIPAL BUILDING RENOVATIONS: Mr. Drenkhahn reported the roof over the new Police Department leaked during a recent rain storm; he will review this with contractor Richard Dow. There was discussion regarding the possibility that the roof was damaged during the past winter's removal of snow.

NEW BUSINESS:

LIABILITY INSURANCE REVIEW: The Selectmen reviewed information requested by the Local Government Center (LGC) for property liability coverage renewal. Chief Schlemmer asked if replacement coverage is available for the rescue truck; LGC will be asked this question.

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

CORRESPONDENCE:

POLICE CHIEF MARK CHASE: Chief Chase reported an oil leak was diagnosed on the 2003 cruiser. He explained the problem is a transmission cooler line, which needs to be replaced at an approximate cost of \$400.

STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION (NHDOT): The Selectmen reviewed a request from the NHDOT for an updated listing of municipal officials, information if funds were raised at Town Meeting as a match toward a specific state aid program project and an updated road inventory map. Road Agent Jeff Haines will be asked to complete the road inventory map.

STATE OF NEW HAMPSHIRE HIGHWAY SAFETY AGENCY: The Selectmen reviewed correspondence reporting the Police Department's grant application for "Center Harbor Statewide DWI Hunter Patrols" has been approved.

ADDITIONAL BUSINESS:

CONSERVATION FUNDS: Ms. Mattson reported speaking with the State of New Hampshire Department of Revenue Administration (DRA) representative Don Borrer regarding conservation funds; Mr. Borrer reported to Ms. Mattson that he feels the conservation funds in the custody of the Trustees of the Trust Funds should be moved to the Treasurer's custody per RSA36-A:5 and these funds can be accessed by the Conservation Commission (CC). Mr. Hanson explained that, per RSA, the Board of Selectmen does not have any authority over the conservation funds. There was discussion regarding possibly abolishing the 25% fund, depositing 100% of the Land Use Change Tax (LUCT) into what is now the 75% fund, establishing a Capital Reserve Fund (CRF) for the purchase of conservation land and naming the Board of Selectmen as agents to expend funds from this account; every year, if the Town received LUCT funds, there would be a Town Meeting vote authorizing funding of the CRF. Ms. Mattson explained the 75% fund should not have been allowed to accumulate and reported the DRA may allow expenditure of this fund at the 2009 Town Meeting for a large expenditure such as a new Police Station or the purchase of a fire truck; she explained DRA would help with this warrant article. Ms. Mattson explained the Board of Selectmen will discuss options.

Ms. Criasia explained the CC would like some direction regarding the status of the conservation funds at their May 13, 2008 meeting. Ms. Mattson explained the CC has discussed the requirement of the Natural Resource Inventory (NRI) for eleven months. She explained the CC did not request funds as part of the 2008 budget process for the NRI and Prime Wetlands projects because they (the CC) believed they could use the

conservation funds for these projects. Mr. Hanson reported the NRI and Prime Wetlands projects are important to have in place. He explained the Board of Selectmen has received confirmation from DRA, Town Attorney Doug Hill and Local Government Center Attorney Kim Hallquist that the CC can use the conservation funds; he explained the use of the 25% fund is clearly spelled out and the other Selectmen agreed. The Board of Selectmen will attend the CC's May 13, 2008 meeting to discuss the conservation funds. Ms. Mattson reported the CC minutes from their last meeting do not reflect Ms. Mattson speaking first and there was no reference to a memo she submitted; she will discuss this at the CC's meeting.

The Selectmen requested the Trustees of the Trust Funds transfer custody of the conservation fund to Town Treasurer Jeannie DeGrace, per RSA 36-A:5.

MEETING TAPES: Bob Beem requested either copies of, or the tapes of, the April 23, 2008 Selectmen's meeting. Ms. Mattson referenced the following from the Local Government Center's "Knowing the Territory": "Materials (tapes, rough notes, etc.) used to compile the official minutes are public records. These materials may be destroyed after the official minutes are prepared, but they are public records until destroyed. LGC recommends that municipalities adopt a formal policy stating how long drafts or original tapes are kept after transcription, etc. It is also important that municipalities designate who is taking the official minutes. Tapes or notes made by a board member for personal use are not public records and are not subject to disclosure under the Right to Know Law." Since the April 23, 2008 minutes have been approved, the tapes of the April 23, 2008 Selectmen's meeting will be loaned to Mr. Beem.

COMPUTER MONITORS: The Selectmen reviewed proposals for the purchase of flat screen monitors. Mr. Drenkhahn motioned to purchase four Acer 19" widescreen monitors from Staples at a cost of \$149.98 each. Ms. Mattson seconded the motion and the vote was unanimous.

EMAIL: The Selectmen would like the following emails added:

chcode@metrocast.net, chtaxcollector@metrocast.net and chparks&rec@metrocast.net

The Selectmen discussed email and internet use policies being part of the personnel policies.

COPIER SERVICE CONTRACT: The Selectmen reviewed the following service contract options from Twin Rivers Office Machines for the Panasonic DP-1820E now being used in the Code, Parks & Recreation and Receptionist office:

Option 1:	50,000 pages or one year, whichever comes first	\$550
Option 2:	45,000 pages or one year, whichever comes first	\$495
Option 3:	35,000 pages or one year, whichever comes first	\$385
	Excludes: paper, toner, developer and drum	
	Overages will be invoiced at 0.15 per page	

Twin Rivers suggested starting the contract at the lower page volume and monitor the usage throughout the year. Mr. Hanson motioned to contract with Twin Rivers Office Machines for Option 3 in the amount of \$385. Mr. Drenkhahn seconded the motion and the vote was unanimous.

2009 PROPOSED BUDGET: Parks & Recreation Director Sandy Frost submitted an estimate in the amount of \$4,985 for maintenance of the tennis court.

SELECTMEN'S SEMINAR: The Board will attend a one day Selectmen's seminar sponsored by the Local Government Center in Ossipee on May 6, 2008.

OIL CONSUMPTION: Fire Chief Schlemmer reported the Municipal Building consumes 13.9 gallons of oil per day during the summer and reported he had shut the boiler down for seven days (during the past warm weather) to conserve fuel. He suggested shutting the boiler down when the cold weather is over and the Selectmen agreed.

ASSEMBLY PERMIT: Chief Schlemmer reported he has issued the permit for assembly for the Cary Mead Room.

WATER QUALITY: Chief Schlemmer reported a white film is being left on the fire trucks from the water. There was discussion regarding re-testing the water.

CONSTRUCTION PERMITS: The Selectmen reviewed the following approved construction permit applications:

Perkins	TML 2-39
Adams	TML 9-22

ADJOURNMENT: At 9:32 p.m. Mr. Hanson motioned to adjourn the meeting. Ms. Mattson seconded the motion and the vote was unanimous.

Respectfully submitted,

Robin Woodaman
Selectmen's Secretary