

**Town of Center Harbor
Board of Selectmen's Meeting Minutes
Wednesday, May 6, 2009**

CALL TO ORDER: At 8:07 a.m. Chairman Charley Hanson called the meeting to order. Selectmen Richard Drenkhahn and Randy Mattson were also present. State of New Hampshire Department of Revenue Administration representative Gary Karp, Adam Schaub, Police Chief Mark Chase, Town Clerk Sheila Mohan, Fire Chief John Schlemmer and Selectmen's Secretary Robin Woodaman were also in attendance.

APPROVAL OF MINUTES: Ms. Mattson motioned to accept the minutes of April 29, 2009. Mr. Drenkhahn seconded the motion and the vote was unanimous.

APPOINTMENTS:

ADAM SCHAUB: There was discussion regarding Mr. Schaub's proposal to purchase the 2000 Ford Crown Victoria for \$1,000, with weekly payments of \$100. A draft promissory note was given to Mr. Schaub for his review; the Selectmen and Mr. Schaub will sign the promissory note later this week. Payments are to begin May 8, 2009.

GARY KARP: State of New Hampshire Department of Revenue Administration (NH DRA) representative Gary Karp explained the 2008 assessment review has been completed; he reported overall the Town did great. The following exemptions were discussed:

Full disability exemption: Mr. Karp reported there is nothing in the file for the property that receives a full disability exemption; the property owner will be asked to submit an application for the file. He explained this exemption has been in place for a long time, and was probably granted with a handshake. He explained the exemption will no longer apply upon the passing of the surviving spouse.

Charitable and religious exemptions: Mr. Karp reported some of the charitable and religious organizations receiving the exemption have not filed their paperwork. He suggested sending an annual reminder to the organizations.

Blind exemption: Mr. Hanson reported the NH DRA and the Town cannot find when the blind exemption was adopted by a vote at Town Meeting; the 1994 MS-1 indicated that the exemption was in place at that time. Mr. Hanson reported there will be a warrant article for the 2010 Town Meeting to readopt the blind exemption. Mr. Karp explained the blind exemption is granted after the property owner sends a letter from his/her optometrist to the State's Division of Blind Services.

POLICE CHIEF MARK CHASE: The following items were discussed:

Police Station: Chief Chase and the Selectmen reviewed the preliminary design of the proposed Police Station. Chief Chase explained there are three (3) areas of the building; the public area, the police working area and the criminal area. He explained the building will be approximately 4,000 square feet and the garage will be approximately 700 square feet.

Geotech services: Chief Chase reported the Building Committee (BC) received the following geotech proposals:

John Turner Consulting, Inc.	\$4,550
S. W. Cole Engineering, Inc.	\$5,000
Nobis Engineering, Inc.	\$5,260

Miller Engineering & Testing, Inc. \$5,920
GZA GeoEnvironmental, Inc. \$7,000

Chief Chase reported the BC has recommended the Board of Selectmen contract with John Turner Consulting, Inc. the lowest bidder. Mr. Drenkhahn motioned to accept the BC's recommendation and contract with John Turner Consulting, Inc. in the amount of \$4,550 for geotech services. Mr. Hanson seconded the motion and the vote was unanimous.

Pandemic meeting: Chief Chase reported attending a recent pandemic meeting and reported the Town will be OK if a pandemic occurs. Chief Chase attended a mock pandemic training last year.

CERT volunteers: Chief Chase reported there are no CERT volunteers in Town. He explained the Town has been asked to commit to a number of CERT volunteers for workers compensation coverage; it will cost approximately \$12 per volunteer per year. Mr. Hanson suggested committing to two (2) as a start; Mr. Drenkhahn and Ms. Mattson agreed.

Police Department bicycle: Chief Chase reported there is an old Police Department bicycle, which was purchased when Andy Faller was Police Chief; the bicycle was used by the Police cadets, but has not been used in a number of years. Chief Chase explained he would like to purchase this bicycle. Ms. Mattson motioned to sell the bicycle to Chief Chase for \$25. Mr. Drenkhahn seconded the motion and the vote was unanimous.

Building security: Chief Chase reported finding an outside vendor working on fire apparatus in Station 2; he explained this vendor had the code to the Fire Department doors.

Lake incident: Chief Chase reported the Police Department, Fire Department and Fish & Game worked well together during the recent drownings in Lake Winnepesaukee.

Coe Hill Road: There was discussion regarding Marty LeRoy's correspondence submitted to the Selectmen last week about cars speeding on Coe Hill Road. Chief Chase reported he has yet to work on the traffic study and will meet with Road Agent Jeff Haines regarding the placement of the signs.

NON-PUBLIC SESSION: At 9:55 a.m. Mr. Hanson motioned to go into a non-public session per RSA 91-A:3, II(c) to discuss matters that would affect someone's reputation. Ms. Mattson seconded the motion and the vote was unanimous. Chief Chase and Ms. Woodaman were also present. There was discussion regarding matters affecting various individuals reputations. At 10:16 a.m. Mr. Hanson motioned to end the non-public session. Ms. Mattson seconded the motion and the vote was unanimous.

Part-time Police Officer: Chief Chase reported he would like to fill a vacant part-time officer position. Mr. Hanson motioned to authorize Chief Chase to advertise for a part-time police officer with postings on the Town's web site and the Municipal Building's lobby; this will be to fill a vacant part-time position. Ms. Mattson seconded the motion and the vote was unanimous.

Department head meeting: Mr. Hanson asked if the spring department head meeting had been scheduled. Chief Chase reported it has not; he will coordinate the date and inform the Selectmen. Mr. Hanson explained part of the meeting needs to emphasize the spirit of cooperation between departments.

TOWN CLERK SHEILA MOHAN: The following item was discussed

Inter-Lakes School Board representative: Mr. Drenkhahn recused himself from this discussion. Ms. Mohan reported speaking with Dave Scanlon of the Secretary of State's Office regarding the appointment of the Center Harbor representative to the Inter-Lakes School Board. She reported Mr. Scanlon explained that in order to be appointed to a position the individual has to have the same qualifications if elected by ballot – to be a registered voter. Ms. Mattson questioned the residency requirements established in the criteria for representatives. Ms. Mohan suggested the Selectmen request

a copy of the Inter-Lakes School District's charter detailing the formation of the cooperative school district.

FIRE CHIEF JOHN SCHLEMMER: The following items were discussed:

Hydrant project: Chief Schlemmer reported the project is 99% complete and will be tested within a week.

Building access code: Mr. Hanson reported the Board of Selectmen learned that Lakes Region Fire Apparatus has the access code to the Fire Department. Chief Schlemmer explained they have the code because when they work on a fire truck, they may pick it up at 6:00 a.m. and return it after work. He explained fire dispatch also has the code; it is necessary for dispatch to have the code to give it to firefighters from other towns that may send a cover truck to the Center Harbor station during Mutual Aid calls. Ms. Mattson would like Chief Schlemmer to submit a list of people who have been given the access code; this list will be given to Chief Chase and Mr. Haines. Mr. Hanson and Mr. Drenkhahn agreed.

UNFINISHED BUSINESS:

INTER-LAKES SCHOOL BOARD (ILSB) APPOINTMENT: Mr. Drenkhahn recused himself during this discussion. Mr. Hanson and Ms. Mattson reviewed a letter from Town Attorney Doug Hill to Dr. Philip McCormack, Superintendent of the Inter-Lakes School District regarding the process utilized by the ILSB to fill the Center Harbor representative vacancy on April 14, 2009, being inappropriate. Mr. Hanson and Ms. Mattson reviewed a memo from Attorney Hill summarizing his conclusions in regard to the "appointment" of Ms. Alosa to the vacant Center Harbor position; the ILSB vote was a tie, a coin toss was conducted and Ms. Alosa was seated. Attorney Hill explained this was not an "election", but an "appointment" and reported the coin flip process is familiar in both town and school district election ties; however, Ms. Alosa was not elected, it is an interim appointment between elections. Attorney Hill reported he has no doubt that the ILSB thought it was acting appropriately when the coin flip process was used. Mr. Hanson and Ms. Mattson agreed to ask Attorney Hill to communicate his conclusions to the ILSB. Ms. Mattson reported she feels the ILSB acted in good faith, but feels the process is tainted and should be fixed; Mr. Hanson agreed.

RADIO ROOM RENOVATIONS: The Selectmen reviewed draft bid specifications prepared by Mr. Drenkhahn for the renovations to the Fire Department's radio room, replacing the glass wall between the Municipal Office lobby and the Fire Department and replacing the window over a Fire Department door with a solid wall. Mr. Drenkhahn will meet with Code Enforcement Officer Ken Ballance to discuss the bid specifications.

WALKER DRAINAGE: The Selectmen discussed correspondence received from Attorney Patrick Wood, representing David Walker, demanding the Town either fix Mr. Walker's house or compensate him for foundation, wall, ceiling, roof and chimney damage allegedly caused during the Kelsea Ave. drainage project. This letter has been forwarded to the Local Government Center (LGC) insurance department; LGC will be contacted regarding the process. Ms. Mattson referred to the Board of Selectmen's meeting minutes of August 9, 2006, during which Mr. Walker was present and presented an overview of the problems on Kelsea Ave. During that meeting, Mr. Walker explained years ago Road Agent Charlie Haines installed a black 1 1/4" poly pipe from the basement of his property when it was owned by the previous owner; this would drain onto the Burgess property. Mr. Walker explained he would not dump water on his neighbor's property and has run the pipe in the sewer system. In the overview of the problems submitted by Mr. Walker on August 6, 2006 he reported the water problem has gotten worse in his basement, creating mold problems, deteriorating floor and

foundation, for the past two years has not been able to close a window due to the sagging structure, the living room floor has buckled and the plaster has cracked.

CONDITIONS FOR ROAD ACCEPTANCE: The Selectmen reviewed an email received from Town Attorney Doug Hill who reported he put the question of conditions/bonds for road acceptance out to the municipal bar. He reported the responses were various as towns have a wide variety of approaches. Attorney Hill reported he did not hear any suggestion that Center Harbor's approach of Town Meeting giving the Selectmen the final say is a bad idea; he thinks it is a good idea. The developer can work with the Selectmen, bring the road to standards, and then the Selectmen will formally accept a deed.

NEW BUSINESS:

REQUEST TO LINK TO THE TOWN'S WEB SITE: The Selectmen discussed a request from Mehmet Duymazlar to attach a link to the Town's web site from a web site he is developing for a new business. Mr. Drenkhahn reported he feels it is not a good idea to advertise business on the Town's web site; Mr. Hanson and Ms. Mattson agreed. Mr. Duymazlar's request was denied.

BOY SCOUT'S FUNDRAISING REQUEST: The Selectmen reviewed a request received from the Moultonborough Boy Scout Troop #142 to sell popcorn, candy and soda in front of the Cary Mead room during the July 4th fireworks as in the past. Ms. Mattson motioned to invite Boy Scout Troop #142 to sell popcorn, candy and soda during the fireworks. Mr. Hanson seconded the motion and the vote was unanimous.

HAYS NON-BUILDABLE LOT (TML 3-33): Ms. Mattson reported Wesley & Janan Hays have applied for a construction permit to build a house on their property, which is noted as a non-buildable lot on the tax card. She reported no one knows where the non-buildable notation came from. Ms. Mattson explained this was a Town-owned parcel, which was sold to John Jordan with the restriction that the lot cannot be subdivided. She reported researching Board of Selectmen meeting minutes during which Mr. Jordan asked the Board if a house could be build on the parcel; Selectman Scott Davis informed Mr. Jordan that if a septic and well can be built on the property, a house can be built. The Selectmen would like the assessors to adjust the status of the parcel from non-buildable to buildable as of April 1, 2009.

2008 PROPERTY ABATEMENT RECOMMENDATIONS: The Selectmen reviewed the following property abatements recommended by Commerford, Nieder, Perkins, LLC:

<u>Name</u>	<u>TML</u>	<u>2008 assessment</u>	<u>Recommended assessment</u>
Lowell	6-40	\$498,100	\$483,100
Mitchell	3-97.8	\$275,300	\$264,700
Moody	3-34	\$209,800	\$166,900
Lemien	3-52	\$110,900	\$ 96,200
Smith	8-15	\$415,200	\$413,800

Mr. Hanson motioned to accept the assessors recommended assessment abatements. Ms. Mattson seconded the motion and the vote was unanimous.

LAND USE CHANGE TAX (LUCT): The Selectmen reviewed the following LUCT:

Coolidge TML 7-3

YIELD (TIMBER) TAXES: The Selectmen signed a certification of yield taxes assessed for the following:

Edward Dane Trust TML 8-43

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

CORRESPONDENCE:

STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES (NH DES): The Selectmen reviewed the following:

Coolidge	TML 7-6	NH DES acknowledged receipt of a Shoreland Permit
NH Music Festival	TML 4-38.1	NH DES issued an Alteration of Terrain Permit
Town of Center Harbor	TML 7-48	NH DES issued a Shoreland Impact Permit

ADDITIONAL BUSINESS:

PLANNING BOARD (PB): Mr. Hanson explained the PB met May 5, 2009 and reported the following:

The Mug Restaurant: Mr. Hanson reported the PB discussed The Mug Restaurant's request to use their temporary garden dining area during the Fourth of July week. He reported the PB determined a site plan review will be required due to the proposed more extensive proposed use of the property.

Melo property (TML 3-102): Mr. Hanson reported the PB discussed a landscaping business being operated at the Melo's property. He explained they received PB approval to have a retail and automobile sales business on their property; at the time of approval there was one (1) storage shed, but now there is an active landscape business operating. Ms. Mattson reported site plan approval is required if they are running another business. A letter will be sent from the Selectmen.

Maggi site plan review (TML 6-24): Mr. Hanson reported the PB received a site plan review application from Mr. Maggi for a bed and breakfast including a component to hold large events, with up to 150 people. He explained the PB did not have an issue with the bed and breakfast, but did have issues with the events proposal. Mr. Hanson reported abutters voiced strong concerns about the events component. He reported alternate PB member Chuck Burns explained Mr. Maggi's presentation was not definitive; Mr. Maggi was asked to submit a master plan for the property. Mr. Maggi's site plan review was continued to May 19, 2009.

Bailey Park Properties site plan review (TML 9-75): Mr. Hanson reported the PB reviewed, and approved, Mehmet Duymazlar's proposal to operate a soda fountain business. He explained this is initially planned to be a seasonal business.

Lakes Region Planning Commission (LRPC): Mr. Hanson reported Mike Izzard, of the LRPC, will attend the next PB meeting to discuss the circuit rider planner and master plan. He reported the PB requested input from the Selectmen regarding hiring LRPC for the master plan; he explained the Town is a member of LRPC and will receive a favorable rate for the project. The Selectmen agreed to have LRPC involved with the master plan update.

Bruce Gavarny (TML 1-14.2): Mr. Hanson reported Mr. Gavarny and surveyor Carl Johnson met with the PB to discuss a letter they received from the PB. He explained Mr. Gavarny wanted to attach a small parcel of waterfront land, which is shown to be a non-buildable lot, to a lot across the street and build on the waterfront. Mr. Hanson explained Mr. Mattson had recently learned of a RSA which states a non-buildable lot is considered to be a conservation easement and cannot be built on; the letter was sent to Mr. Gavarny to inform him of this RSA for his future planning purposes.

CONSERVATION COMMISSION (CC): Ms. Mattson reported the CC will meet Tuesday, May 12, 2009. She reported Rick Van der Poll will attend that meeting and submit a contract for the Natural Resource Inventory project.

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

Lamper	TML 5-3.1
Kosinski	TML 2-83.2
Kelsey	TML 7-53

ADJOURNMENT: At 11:37 a.m. Mr. Drenkhahn motioned to adjourn the meeting. Ms. Mattson seconded the motion and the vote was unanimous.

Respectfully submitted,

Robin E. Woodaman
Selectmen's Secretary