

**Center Harbor Board of Selectmen
Meeting Minutes
Wednesday, July 7, 2010**

CALL TO ORDER: At 8:02 a.m. Chairman Richard Drenkhahn called the Board of Selectmen's meeting to order. Selectmen Randy Mattson and Charley Hanson were also present. Jeannie Forrester, Fran Wendelboe, Metrocast Cable Representative Jeff Drapeau, David Schimke, Jeff Duren, Fire Chief John Schlemmer and Selectmen's Secretary Robin Woodaman were also in attendance.

APPROVAL OF MINUTES: Mr. Hanson motioned to accept the minutes of June 30, 2010. Ms. Mattson seconded the motion and the vote was unanimous.

APPOINTMENTS:

JEANNIE FORRESTER: There was discussion with Ms. Forrester, a candidate for the State of New Hampshire Senate District 2, regarding her qualifications and plans if she is elected.

FRAN WENDELBOE: There was discussion with Ms. Wendelboe, a candidate for the State of New Hampshire Senate District 2, regarding her qualifications and plans if she is elected.

JEFF DRAPEAU: The Selectmen and Metrocast Cablevision Representative Jeff Drapeau reviewed the draft franchise agreement. The following items were discussed:

- **Franchise agreement:** Mr. Drapeau explained the cable agreement is a standard agreement, community specific, for all communities.
- **Franchise renewal date:** Mr. Drapeau reported August 14, 2010 is the franchise renewal date. He explained it took three (3) months for Metrocast's attorneys to review the draft agreement. Mr. Drapeau explained the existing agreement would remain in place until the Selectmen have reviewed the proposed agreement.
- **Length of contract:** Mr. Drapeau reported it is a ten (10) year agreement.
- **Extension letter:** There was discussion regarding the Selectmen's submission of an extension letter for the current agreement. Mr. Drapeau will submit a template of the extension letter; the Selectmen will submit the letter to Metrocast by July 28, 2010.
- **Email addresses:** Mr. Drenkhahn requested ten (10) free email addresses for the administrative offices. Mr. Drapeau explained email is not part of the video agreement, but he will research Mr. Drenkhahn's request.
- **Franchise fee:** Mr. Drapeau reported franchise fees could be between 0% and 5%; he explained 3% is normal for towns. He explained 60% of the towns charge a franchise fee and reported this could be used to purchase public access equipment. The Selectmen would have the ability to change the franchise fee. After the Selectmen's appointment with Mr. Drapeau was over, the Selectmen discussed the Town's current franchise fee of 3%; the Selectmen decided to keep the 3% franchise fee.
- **Public, educational and governmental (PEG channel):** Mr. Drapeau explained that within 120 days after Metrocast receipt of written notice from the Board of Selectmen, Metrocast shall provide one (1) channel for public access. Mr. Drenkhahn

mentioned the possibility of streaming the Town's website information to the public access channel. Mr. Drapeau explained the Town would need to purchase a character generator; the cost would be between \$4,000 and \$5,000 dollars.

- **Character generator grant**: Mr. Drapeau will research the possibility of the Town being eligible for a \$4,000 grant to purchase a character generator.
- **Cable in Town buildings**: Mr. Drapeau explained Metrocast will supply cable television to any public building for free.
- **Future technology section**: Mr. Hanson questioned the "Future Technology" section 3.4, which refers to updating cable television technology to provide services substantially equal to those services available to at least 50% of all subscribers in the following New Hampshire municipalities: Meredith, Laconia, Belmont, Gilford and such other New Hampshire municipalities as mutually agreed. Mr. Drapeau explained equipment would be updated when it is economically feasible to do so. Mr. Hanson expressed his concern for a scenario in which updated equipment became available two (2) years into the agreement, but was not made available to the subscribers until close to the end of the franchise agreement. Mr. Drapeau reported Metrocast has an Advanced Services Group, which is always researching updated equipment.
- **Emergency override section**: Mr. Hanson questioned the "Emergency Override" section 3.7 which incorporates audio override capabilities for use in the event of an emergency consistent with FCC and State regulations. Mr. Drapeau reported the scenario of a flood in Town; the posted alert would go to everyone in the cable system. He explained authorization to access the emergency override is limited to two (2) individuals such as a Selectman, Town Administrator or the Emergency Management Director.
- **Repairs and restoration section**: Mr. Hanson reported the Town is in the process of adopting an excavation permit, which would be required as part of the "Repairs and Restoration" section 4.2. Mr. Drapeau explained Metrocast contracts for excavation and the contractors apply for all necessary permits, including Dig Safe.
- **Annual town review section**: Mr. Hanson referenced the "Annual Town Review" section 8.5, which states "At the Town's request and with reasonable advance notice, the Franchisee shall attend annual meetings with authorized Town official(s) to review compliance with the terms of this Franchise and matters of interest to either party. No later than five (5) days prior to such meeting either party may submit a list of items to be reviewed." Mr. Hanson suggested changing the wording to have Metrocast contact the Selectmen annually or biannually to review the agreement. Mr. Drapeau reported Metrocast submits an "Annual System Report" to the Town every year; he reported Metrocast will include a letter asking if the Selectmen would like to meet to review the agreement with this report. Mr. Hanson suggested the "Annual System Report" be included in the Town Report; Mr. Drapeau explained the Town would not receive the prior year's report until March. Ms. Mattson explained the report published in the Town Report could be one (1) year behind.
- **Public hearing minutes**: Mr. Drenkhahn reported he would like to review the Selectmen's minutes from their 2009 public hearing regarding the cable franchise renewal.

- **Town attorney review:** The Selectmen would like to submit the draft agreement, including today's edits, to Town Attorney Doug Hill by July 15, 2010 for his review.

NEW HAMPSHIRE ELECTRIC COOPERATIVE (NHEC) CONDUIT: Ms. Mattson referenced NHEC's proposed plan to run a conduit on a portion of Piper Hill Road. Mr. Drapeau reported Metrocast had tried to enter a lease agreement with NHEC for the use of Metrocast's conduit, but the NHEC decided to run its own conduit.

DAVID SCHIMKE: The following items were discussed:

- **Board of Selectmen:** Mr. Schimke thanked the Board of Selectmen for taking on the burdens and responsibilities of the Town.
- **Meeting recording:** Mr. Schimke requested a copy of this morning's Selectmen's meeting tape recording.
- **Camp Eagle's Cliff:** Mr. Schimke reported he is the "eyes and ears of West Center Harbor" and is concerned about Camp Eagle's Cliff. He reported looking out and seeing fireworks set off from the Camp property; he reported fireworks are usually set off on water or an open field. Mr. Schimke expressed his concern for a potential forest fire being started by fireworks shot off from the woods. Mr. Drenkhahn asked if Mr. Schimke was sure the fireworks came from the Camp property; Mr. Schimke replied that there was no doubt in his mind. He reported he considered calling the Fire Dispatch to inquire as to the level of fire danger. Mr. Schimke asked if there were specific fireworks rules for a business/commercial operation. Mr. Hanson reported the State of New Hampshire Fire Marshall's Office has a list of towns that have a fireworks ordinance; the Town of Center Harbor is not on that list. Ms. Mattson reported she doesn't believe there is anything in the Town's ordinances to limit fireworks as long as they were purchased legally. Mr. Drenkhahn reported the Selectmen will research this matter.
- **Japanese knot weed:** Mr. Drenkhahn thanked Mr. Schimke for submitting information regarding the eradication of Japanese knot weed. He reported Road Agent Jeff Haines has already cut the knot weed and the Town is working to get rid of it.

JEFF DUREN: Mr. Drenkhahn reported he spoke with Fire Chief John Schlemmer regarding Mr. Duren's asking how his business got on a list for inspections. He reported Chief Schlemmer informed him that Mr. Duren's business is not on the list. Mr. Drenkhahn reported Chief Schlemmer explained the inspections are for public safety and the inspections may help with insurance matters.

FIRE CHIEF JOHN SCHLEMMER: The following items were discussed:

- **Cooling Stations:** The Selectmen received notification from Fire Chief John Schlemmer reporting the generator at Station 1 has been tested and the fuel tanks will be topped off in preparation for potential use if brownouts and/or blackouts occur due to the high heat. Chief Schlemmer reported the Library is the first cooling station if power is on and the Cary Mead Room would be used as a cooling station if the power goes off or for overflow from the Library.

- **July 4th Fire Department calls:** Chief Schlemmer reported the Fire Department had 18 calls, which was a record for that day.
- **Foot races:** Chief Schlemmer reported the Fire Department supplied 400 bottles of water from their emergency supply for the foot race entrants. He reported the Fire Department has a supply of approximately 2,000 bottles of water; he explained this supply could be depleted in two (2) days if the power goes out for an extended amount of time and emergency shelters were to be open. He reported Crystal Geysers Roxane Co., LLC has been very generous in donating bottles of water.
- **Rear bay door:** Chief Schlemmer reported the new rear bay door was installed on Monday, July 5, 2010 and looks great.
- **Mount Major brush fire:** Chief Schlemmer reported a crew from the Center Harbor Fire Department is assisting at the Mount Major brush fire.

UNFINISHED BUSINESS:

EMERGENCY OPERATIONS PLAN (EOP): The Selectmen sent a letter to Cindy Richard, Senior Field Representative for the State of New Hampshire Department of Safety Homeland Security & Emergency Management reporting a draft of the EOP has been distributed to the Town's Department Heads for their review; their first edits are due by August 1, 2010. The final review is due by September 1, 2010 and the EOP will be submitted to Ms. Richard by September 15, 2010.

EXCAVATION PERMIT: Mr. Drenkhahn reported the Town Attorney has reviewed, and made modification, to Road Agent Jeff Haines' draft excavation permit; the excavation permit is now ready. Mr. Hanson suggested a property owner who wanted to tie into the Town's catch basins would apply for the excavation permit.

SAND/SALT STORAGE SHED: The Selectmen discussed the following:

- **Contractor's Application for Payment:** Ms. Mattson motioned to sign Wild Horse Welding & Construction, LLC's "Contractor's Application for Payment Number 6" in the amount of \$21,253.23. Mr. Hanson seconded the motion and the vote was unanimous.

DIGITAL MAPPING: The Selectmen received notification from Donald Butson, President of Cartographic Associates, Inc. that they have begun the property line compilation process on the parcel mapping project. Mr. Butson reported during the past month, they have been compiling property lines from all the survey information that had been accumulated to date and are approximately 50% complete with that process. He reported during the next month, they will continue to compile property lines from the survey information with a goal of completing that step before the end of July; once that step is complete they will begin compiling property lines from the deed descriptions for all non-surveyed parcels. Mr. Butson reported, at this point in time, the project is going smoothly.

REGIONAL SCHOOL DISTRICT ROUNDTABLE MEETING: The Selectmen received an email from Phillip Warren, Town Manager for the Town of Meredith, suggesting the regional

school district roundtable meeting with the Inter-Lakes School Board and the Selectmen from the Towns of Meredith, Sandwich and Center Harbor be scheduled for August 17, 2010 at 6:00 p.m. in the Cary Mead Room. Ms. Mattson reported it is important for representatives from all three (3) towns be present. The Selectmen agreed to host the meeting in the Cary Mead Meeting Room on August 17, 2010 at 6:00 p.m. Ms. Mattson requested an agenda be submitted prior to the meeting.

CAMP EAGLE'S CLIFF: The Selectmen reviewed the following items:

- **Police Department incident report:** The Selectmen reviewed a copy of Sergeant Scott Weiss's June 23, 2010 incident report regarding buses parked on Camp Road.
- **Camp permit:** There was discussion regarding the enforcement of the Planning Board's stipulations for Camp Eagle's Cliff. In future years, the Board of Selectmen will not issue a camp permit to Camp Eagle's Cliff until Fire Chief John Schlemmer and Code Enforcement Officer Ken Ballance have completed their inspections and compliance by the Camp has been demonstrated.

NEW BUSINESS:

FOURTH OF JULY: The Selectmen discussed the following:

- **Fireworks donations:** The Town received generous donations from the Town of Moultonborough and a Moultonborough resident towards the cost of the fireworks display; thank you letters will be sent.
- **Foot races:** Ms. Mattson reported there were over 700 entrants for the July 4th footraces. She reported there were not enough tee shirts and bottles of water and the number of registrations caused a delay in the children's races. Ms. Mattson reported, overall, Parks & Recreation Director Jody Dickerson did a good job managing many more athletes than anticipated.

ICE CREAM VENDORS: Mr. Hanson reported an ice cream truck received permission from Heath's Hardware to sell ice cream from its parking lot; he reported this upset the ice cream vendor at the Town Beach. Mr. Drenkhahn reported the Selectmen did not allow the Town Beach ice cream vendor to sell ice cream in the downtown area so as not to compete with the ice cream shop. He explained the ice cream vendor at the Town Beach may have thought a vendor in Heath's Hardware's parking lot would not be allowed because it was competition. Mr. Hanson reported the vendor in Heath's parking lot agreed to leave. Town Clerk Sheila Mohan researched the Town ordinances regarding vendor sales or roadside stands on private property in the zoning district in which Heath's Hardware is located. Ms. Mohan reported the only Town ordinance is Roadside Stands, Section 4:4:7, which is for the sale of agricultural products. Ms. Mohan suggested that if Heath's Hardware is going to allow vendors to use their parking lot on a regular basis, they will need a Site Plan Review from the Planning Board; the Selectmen agreed – a letter will be sent to Heath's Hardware.

STATE ELECTION LAW TRAINING: The Selectmen reviewed the Election Law Trainings offered between July and September 2010; the Selectmen will attend the August 24, 2010 training in Campton.

NEW HAMPSHIRE HUMANE SOCIETY CONTRACT: The Selectmen received correspondence from Karen Bald, Business Director for the NH Humane Society reporting they have not received the signed 2010 contract and the fee of \$2,600. The Selectmen discussed the fact that the Town had not received the contract previously to Ms. Bald's letter of July 2, 2010; a letter will be sent to Ms. Bald informing her of this. Mr. Hanson motioned to sign the 2010 contract with the NH Humane Society in the amount of \$2,600. Ms. Mattson seconded the motion and the vote was unanimous.

CORRESPONDENCE:

STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES (NH DES) UTILITY MAINTENANCE NOTIFICATION FORM: The Selectmen received notification from the NH DES Wetlands Bureau that Northeast Utilities will conduct maintenance and repairs within existing rights of way.

STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES (NH DES): The Selectmen received, and reviewed, the NH DES analytical results for water samples taken from the Town Beach area on Thursday, June 24, 2010; the samples met EPA requirements.

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

ADDITIONAL BUSINESS:

PLANNING BOARD (PB): Mr. Drenkhahn reported the PB met on Tuesday, July 6, 2010 and reported the following:

- **Parking on Chase Circle:** Mr. Drenkhahn reported PB member, and Chase Circle resident, Chuck Burns reported clients of Kathleen Sweeney's Certified Public Accounting business had parked on Chase Circle by Plymouth Street and Mr. Burns could not see up Plymouth Street while exiting Chase Circle. Mr. Drenkhahn reported the Selectmen were requested to consider marking that area a "No Parking" area if the Selectmen consider it a safety concern. Ms. Mattson reported the Selectmen do not know who was parked in that location. Mr. Hanson suggested the Selectmen monitor the situation; Mr. Drenkhahn and Ms. Mattson agreed.

ENERGY COMMITTEE (EC): Mr. Hanson reported the EC's scheduled meeting for Thursday, July 1, 2010 did not have a quorum; the meeting has not been rescheduled as of yet.

BUILDING COMMITTEE (BC): The Selectmen and BC will have a combined meeting on Thursday, July 15, 2010 at 7:00 p.m. The Selectmen will bring the BC up to date on the status of the proposed Police Station as presented at the 2010 Town Meeting and additional architectural plans for the Brooks property.

HIGH HAITH DOCK PUBLIC HEARING: The Selectmen will hold a public hearing on Wednesday, July 14, 2010 at 7:30 p.m. to receive input on a proposal to construct a dock at the High Haith Beach area. Mr. Drenkhahn reported Tony Halsey has photographs of the proposed dock, donations for the materials have been received and labor to construct the dock will be donated. He explained the Town would have to apply to the State of New Hampshire Department of Environmental Services (NH DES) for a permit if the Selectmen decide to proceed with the construction.

ADJOURNMENT: At 10:59 a.m. Mr. Hanson motioned to adjourn the Board of Selectmen's meeting. Ms. Mattson seconded the motion and the vote was unanimous.

Respectfully submitted,

Robin Woodaman
Selectmen's Secretary