

**Center Harbor Board of Selectmen
Meeting Minutes
Wednesday, July 14, 2010**

CALL TO ORDER: At 7:00 p.m. Chairman Richard Drenkhahn called the Board of Selectmen's meeting to order. Selectmen Randy Mattson and Charley Hanson were also present. Tony Halsey, Anne Strapp, Harry Tower, Bonnie Tower, Ann LaPorte, Tony Scotto, Pam Perkins, David Perkins, Fire Chief John Schlemmer, Emergency Management Director David Hughes, Code Enforcement Officer Ken Ballance, Parks & Recreation Director Jody Dickerson, Meredith News Reporter Erin Plummer and Selectmen's Secretary Robin Woodaman were also in attendance.

DIANE KLINE: The Selectmen discussed the passing of Diane Kline, a former Board of Selectmen member. Mr. Hanson reported Ms. Kline was the first female Selectman from the Town of Center Harbor; she was also a long-time member of the Town's Planning Board and served the Town in other capacities over the years. The Selectmen offered their condolences to Ms. Kline's family.

APPOINTMENTS:

PARKS & RECREATION DIRECTOR JODY DICKERSON:

- **NON-PUBLIC SESSION:** At 7:00 p.m. Mr. Drenkhahn motioned to go into a non-public session per RSA 91-A:3, II(a) to discuss the dismissal, promotion or compensation of a public employee. Mr. Hanson seconded the motion and the vote was unanimous. Mr. Drenkhahn, Ms. Mattson, Mr. Hanson, Mr. Dickerson and Ms. Woodaman were present. There was discussion regarding a Parks & Recreation Department employee incident and dismissal. At 7:10 p.m. Ms. Mattson motioned to end the non-public session. Mr. Drenkhahn seconded the motion and the vote was unanimous.

RECONVENE: At 7:11 p.m. Mr. Drenkhahn reconvened the Board of Selectmen's meeting.

APPROVAL OF MINUTES: Mr. Hanson motioned to accept the minutes of July 7, 2010. Ms. Mattson seconded the motion and the vote was unanimous.

APPOINTMENTS:

CODE ENFORCEMENT OFFICER & CEMETERY TRUSTEE KEN BALLANCE: The following items were discussed:

- **Cemetery Trustee:** Ms. Mattson motioned to appoint Mr. Ballance to a three (3) year term as Library Trustee. Mr. Hanson seconded the motion and the vote was unanimous.
- **Caney Cemetery:** Mr. Ballance reported there are two (2) cemetery plots in the Caney Cemetery, which is under the Selectmen's pervue, which have no historical record of being assigned to anyone. He reported speaking with Terry Knowles of the State of New Hampshire Attorney General's Office, Attorney Lee Mattson, current Cemetery Trustees

Jessie Foley and John Kimball and past Cemetery Trustee John Merrill. Mr. Ballance reported being informed that he has done due diligence in trying to determine if these lots were ever sold. He reported there is an individual interesting in purchasing the two (2) plots. There was discussion regarding selling the plots now and if there is a problem down the road, dealing with it then. Mr. Ballance reported that if these plots were not sold to the interested individual, the Town should place an advertisement requesting anyone with a deed to send in a copy. The Selectmen agreed to sell the two (2) plots to the interested individual.

PUBLIC HEARING: At 7:30 p.m. Mr. Drenkhahn called the public hearing to order regarding a proposal for a dock at the High Haith Beach. He reported a citizen, Tony Halsey, had approached the Selectmen regarding the construction of a dock at the High Haith Beach. Residents voiced the following thoughts and opinions:

- **Tony Halsey:** Mr. Halsey reported he feels it would be a good addition to the beach area. He reported it would be a 40' dock, the materials would be donated (approximately \$1,000) and volunteer labor would construct the dock; there would be no cost to the Town with the exception of putting the dock in for the spring and removing it in the fall. Mr. Halsey reported boats that are launched from that area now cannot tie off anywhere. He reported difficulty when the Fire Department launched one of its boats. Mr. Halsey reported the use of the dock should be restricted to Center Harbor residents.
- **Anne Strapp:** Ms. Strapp reported the High Haith Beach is listed on State maps as 1 of 2 places to launch boats on Squam Lake. Mr. Drenkhahn reported the Selectmen will research this matter. Mr. Hanson explained that it is Town, not State, property. He reported the State of New Hampshire Fish & Game Division purchased property in Holderness for a State launch area.
- **Ann LaPorte:** Ms. LaPorte asked the frontage for the beach property; she explained there are limits as to the length of dock allowed based on the frontage. She explained she feels a small dock may be OK, but reported there could be more problems with a large dock. She asked if the kayak area can be dredged. Ms LaPorte asked if the amount of congestion in that area could be controlled.
- **Pam Perkins:** Ms. Perkins reported she has seen an increase in boat traffic and is concerned for the safety of swimmers. She explained the water is very shallow in that area and there is a steady stream of boats. Ms. Perkins expressed her concern about vandalism at the beach and explained it is difficult to monitor. She reported issues with dog owners not cleaning up properly after their dogs. Ms. Perkins expressed her concern for people diving off the dock; it is very shallow.
- **David Hughes:** Mr. Hughes reported there is more traffic this summer and reported a problem with boats "power loading". He explained there is no real parking area for the boat trailers. Mr. Hughes reported no maintenance has been performed at the beach, the bushes have not been cut and there are snakes.
- **Bonnie Tower:** Ms. Tower reported it is a small beach, good for families. She reported she has never seen anyone launch a boat alone; and if someone launched alone, the boat could be pulled up on shore while the boat and trailer were parked. She expressed her concern for boats idling at the dock and polluting the water. Ms. Tower asked if the dock would be far enough away from swimmers.

- **Dave Perkins:** Mr. Perkins asked if there was a reciprocal agreement with the Town of Moultonborough for use of the beach. Ms. Mattson reported not with the High Haith Beach, only the beach on Lake Winnepesaukee.
- **John Schlemmer:** Chief Schlemmer reported 25 years ago a boat could tie up, but questioned a 40' dock. He suggested the existing cement block could be re-vamped so a boat could tie up for a few minutes. He suggested a restriction on the size of boats. Chief Schlemmer suggested the Selectmen consider issuing stickers to residents for the use of the area; this would eliminate non-residents.
- **Tony Scotto:** Mr. Scotto asked about trailers parked on private property along the road. There was discussion regarding the right-of-way of the road. He suggested a limit be placed on the number of trailers allowed to park.
- **Harry Tower:** Mr. Tower reported it is a unique beach and suggested the area needs to be cleaned for canoes and kayaks as it used to be. Mr. Ballance reported the area can legally be put back to the original state if only hand tools are used.

Mr. Drenkhahn reported the Selectmen received the public's input, will further discuss this matter and perhaps hold another public hearing. Mr. Hanson suggested the Selectmen visit the site at various times and collect data on the use of the area. Mr. Drenkhahn will monitor the use of the area and the Selectmen will re-visit this matter towards the end of the summer.

Ms. Mattson asked for a show of hands for the following:

- **Not in favor of a 40' dock:** Every hand, except Mr. Halsey's, was raised.
- **Not in favor of a 15' to 20' dock:** approximately ½ of the hands were raised.

Additional item discussed:

- **Road maintenance:** Mr. Tower reported there are trees behind a corner that need to be cut. Mr. Perkins reported there is a 1 foot section near a sharp corner that needs to be filled in. Road Agent Jeff Haines will be made aware of these matters.

At 8:15 p.m. Mr. Drenkhahn closed the public hearing.

RECONVENE: At 8:15 p.m. Mr. Drenkhahn reconvened the Board of Selectmen's meeting.

UNFINISHED BUSINESS:

HIGH HAITH BRIDGE REPLACEMENT PROJECT: The Selectmen reviewed the following item:

- **State of New Hampshire Department of Transportation (NH DOT) reimbursement:** The Selectmen received notification from the NH DOT that they have approved the Selectmen's June 9, 2010 request for funding reimbursement in the amount of \$140,026.20. Once the Town receives this check, the total eligible expenses reimbursed to date will be \$346,925.52.

PUBLIC SAFETY BUILDING CAPITAL RESERVE FUND (CRF): Mr. Drenkhahn motioned to request the Trustees of the Trust Funds reimburse the Town's General Fund

\$9,837.50 for invoices relative to the proposed Police Station, which were paid from the Town's General Fund. Ms. Mattson seconded the motion and the vote was unanimous.

CENTRE HARBOR HISTORICAL BUILDING: The Selectmen reviewed an email received from Fire Chief John Schlemmer reporting some lighting and exit sign matters need to be addressed at the Centre Harbor Historical Building. Mr. Hanson reported the Centre Harbor Historical Society rents the building from the Town for \$1 per year and they are responsible for the maintenance of the property.

DIGITAL MAPPING: Cartographic Associates, as part of the digital mapping project, has the capability of putting common names (the names that you want to see) on the maps such as "Municipal Complex" on TML 9-26, which is now labeled "The Town of Center Harbor." Ms. Woodaman will draft common names for the current mapping system for the Selectmen's review.

COALITION COMMUNITIES: The Selectmen received information from the Coalition Communities reporting it has begun working on a multi-pronged approach to protect taxpayers. The Coalition will form work groups for various aspects; their reports will be due by the end of August or early September so that education funding/donor towns can become a major election issue again.

EXHAUST FILTERING UNITS: The Selectmen received a memo from Fire Chief John Schlemmer reporting the Town purchased one (1) Wildland Pacific firefighting skid unit for \$1,500 from Paul Sanborn; this skid unit was delivered to the Littleton, NH Fire Department on July 6, 2010 in exchange for five (5) exhaust filtering units. He reported the filtering units, and associated hardware, were picked up and delivered to Center Harbor on the same day. The Selectmen discussed their understanding that the Town was purchasing the exhaust filtering units directly from the Littleton Fire Department. Mr. Drenkhahn explained the paperwork as it is, is not a clean paper trail. The Selectmen requested an invoice from Paul Sanborn referencing the Town's purchase of the skid unit; this will correspond with the Littleton Fire Department's memo transferring the exhaust filter units to the Town.

BANDSTAND RAILING REPAIRS: The Selectmen received notification that Steve Brem has completed the repairs to the bandstand. Mr. Brem volunteered to perform all the work as long as the Town paid for materials. Mr. Brem repaired rotted railings on the bandstand in 2007; he volunteered his labor during that project also. The Selectmen would like Mr. Brem asked to attend a concert where he can be publically acknowledged and presented with a gift certificate.

2009 AUDIT: The Selectmen reviewed, and approved, the draft 2009 audit and the audit's management letter.

NEW BUSINESS:

TRAILER: The Selectmen received an email from Police Chief Mark Chase reporting Susan Laverack, Associate Director of Lakes Region Partnership for Public Health, has offered the

Police Department the use of a 2010 8.5' x 12' Stealth Enclosed Liberty-series Trailer based on the following:

- Lakes Region Partnership for Public Health will own the trailer (it is a regional asset).
- The Town of Center Harbor will have primary use of the trailer.
- The Town of Center Harbor will reimburse Lakes Region Partnership for Public Health for the registration and insurance of the trailer (approximately \$250 - \$300 per year), and
- If the trailer is needed by the region for a pandemic, etc., the Town of Center Harbor will make the trailer available.

Chief Chase reported the trailer would benefit the Town. He reported equipment such as traffic cones, barricades and other emergency response equipment could be stored in it. Chief Chase presented an example of a fatal crash where a road would be closed for several hours; someone could get the trailer with all the equipment and deploy it freeing up officers and firefighters. He presented another example of cot storage for setting up an emergency shelter or a prolonged event for the Police and Fire Departments staff. Chief Chase reported he would take responsibility for the set and coordinating what the lakes Region Partnership for Public Health would need to store in it and what the Town could store in it. He reported the trailer could be parked at the Municipal Building or the Highway Garage. The Selectmen accepted Ms. Laverack's offer.

STATEWIDE MOSAIC PARCEL MAP: The Selectmen reviewed information received from the State of New Hampshire Department of Revenue Administration (NH DRA) reporting the NH DRA in association with the State of New Hampshire Departments of: Information Technology (NH DOIT), Safety (NH DOS) and Transportation (NH DOT) have partnered with the UNH Technology Transfer Center to assemble a statewide mosaic parcel map with a linked assessment database. It was reported the mosaic parcel map effort was piloted with data voluntarily shared by 20 municipalities and was successfully completed in March 2010. To achieve the goal of a statewide mosaic parcel map, the project team respectfully requests that municipalities share copies of their parcel maps and assessment databases with the project team. Municipal data sets will at no point be made public, or sold in any format, and will be subject to the terms of a signed confidentiality agreement. Mr. Hanson reported the Town is being digitally mapped by Cartographic Associates and suggested they be contacted regarding this request.

FOREST FIRE BILL: The Selectmen reviewed a forest fire bill to the State of New Hampshire Department of Resources and Economic Development, Division of Forests and Lands in the amount of \$709.21; four (4) Center Harbor firefighters assisted at the Mount Major fire on July 7, 2010. Mr. Drenkhahn motioned to sign the forest fire bill in the amount of \$709.21. Ms. Mattson seconded the motion and the vote was unanimous.

CIRCLE TRIATHLON: The Selectmen reviewed an email from Mr. Hanson reporting the Circle Triathlon is scheduled for Sunday, September 5, 2010; Mr. Hanson also sent this email to Road Agent Jeff Haines, Police Chief Mark Chase and Fire Chief John Schlemmer. The Circle Triathlon has three (3) race levels for participants of all ages and abilities. Mr. Hanson reported part of the race goes through Center Harbor.

RAFFLE: The Selectmen received an email from Jeanie Forrester reporting a fundraiser, “Books, Bakesale and Berries with Jeanie”, will be held on July 17, 2010 at Dawn Heiderer’s home. Ms. Forrester reported raffle tickets will be sold as an additional revenue stream to benefit the Library; she asked if a permit is required. The legal department at the Local Government Center will be asked this question.

HIGHWAY DEPARTMENT PROJECTS: Mr. Hanson had previously asked Road Agent Jeff Haines to submit a list of improvement projects planned for this season. Mr. Haines reported he has not been able to dedicate the time necessary to write an overview for the Board as of yet.

CORRESPONDENCE:

CURRENT BILLS PAYABLE: The Selectmen reviewed the payroll and accounts payable manifests. The Selectmen approved the payroll manifest as presented. They approved the accounts payable manifest \$1,500 less than presented due to voiding the payable voucher to Paul Sanborn in the amount of \$1,500 until proper documentation is presented to the Board.

ADDITIONAL BUSINESS:

CY PRES TIMELINE: Ms. Mattson, in preparation for the joint Board of Selectmen and Building Committee meeting on Thursday, July 15, 2010, prepared the following Cy Pres timeline:

CY PRES TIMELINE: 2010

March 17: The Board of Selectmen discuss the proposed Police Station. The initiative received a majority vote at Town Meeting, narrowly missing the 2/3 majority required for a bond. The Board acknowledges and appreciates the effort of the Building Committee and their diligence in preparing the proposal. The Board decides to continue with the project as proposed, including the legal process for redefining Morrill Park.

March 24: The Board of Selectmen reviews notification from the Belknap County Probate Court regarding a Structuring Conference for the Cy Pres petition proceeding. The conference is scheduled for April 15. Resident David Johnson discusses the status of the Police Station project. He feels that the proposal was well planned and is pleased that the project is moving forward.

March 29: The Town of Center Harbor, through its Attorney Doug Hill, files a *Summary Statement* in this matter at the Belknap County Probate Court.

April 1: The NH Attorney General, Director of Charitable Trusts files a *Summary Statement* in the matter at the Belknap County Probate Court. In the summary statement, the Director of Charitable Trusts “assents to the relief requested” in the Town’s petition.

April 14: The Board of Selectmen meet with the Building Committee to thank them for their service and to assure the committee of the Town's commitment to the proposal. The need for Police Department space has been documented, studied and carefully planned. The Town meeting vote was a clear sign of community support.

April 15: The Town of Center Harbor files a *Motion to Amend Petition* in the Belknap County Probate Court to clarify exact measurements and percentages for the proposed redefining of Morrill Park. Center Harbor residents Barry T. Borella, Dennis Schofield, Bonnie Burgess, Eugene Burgess, Jacqueline Shone, David Cutter, Richard Harlow, Carolyn Harlow, W. Lee Woodworth, Robert Kadlik, Elwood D. Shaw, Mary Fancher, Franklin Francher, George C. Burns, Kimberlee-Ann Scott, Robert Coppo, Marilyn Coppo, John Walsh and David Hughes, through their attorney Paul T. Fitzgerald, file a *Motion to Intervene* in the Cy Pres proceedings. Probate Court Judge O'Neill gives the Town and the Attorney General's office until May 10 to respond to the *Motion to Intervene*. A hearing with a record on the *Motion to Intervene* and responses is scheduled for May 20. Final pretrial is scheduled for June 28.

May 10: The Town of Center Harbor joins with the Attorney General, Director of Charitable Trust to file an *Objection to the Motion to Intervene* filed by Attorney Fitzgerald on behalf of Barry T. Borella, Dennis Schofield, Bonnie Burgess, Eugene Burgess, Jacqueline Shone, David Cutter, Richard Harlow, Carolyn Harlow, W. Lee Woodworth, Robert Kadlik, Elwood D. Shaw, Mary Fancher, Franklin Francher, George C. Burns, Kimberlee-Ann Scott, Robert Coppo, Marilyn Coppo, John Walsh and David Hughes.

May 20: The Board of Selectmen attends the Belknap County Probate Court hearing on the *Motion to Intervene*. Attorney Fitzgerald files a 26 page *Memorandum of Law in Support of Motion to Intervene* on behalf of Barry T. Borella, Dennis Schofield, Bonnie Burgess, Eugene Burgess, Jacqueline Shone, David Cutter, Richard Harlow, Carolyn Harlow, W. Lee Woodworth, Robert Kadlik, Elwood D. Shaw, Mary Fancher, Franklin Francher, George C. Burns, Kimberlee-Ann Scott, Robert Coppo, Marilyn Coppo, John Walsh and David Hughes. Probate Court Judge O'Neill schedules a view of the Morrill Park and site in Center Harbor on June 10.

June 9: The Board of Selectmen and Chief Chase flag and mark the boundaries of Morrill Park, the Brooks property and the footprint of the proposed Police Station.

June 10: Belknap County Probate Judge O'Neill views the Morrill park site in Center Harbor.

June 17: Belknap County Probate Judge O'Neill issues an *Order on Motion to Intervene*. The Court allows that Dennis Schofield may "intervene in a limited manner in order to protect his interest". The Court orders Schofield to file a statement of his interest and the relief sought within 30 days. The Town and the Attorney General's Office will have 10 days to respond to the statement of interest as filed. In addition, the court found that Barry T. Borella, Bonnie Burgess, Eugene Burgess, Jacqueline Shone, David Cutter, Richard Harlow, Carolyn Harlow, W. Lee Woodworth, Robert Kadlik, Elwood D. Shaw, Mary Fancher, Franklin Francher, George C. Burns, Kimberlee-Ann Scott, Robert Coppo, Marilyn Coppo, John Walsh and David Hughes do not have a "direct and apparent interest different from members of the public or other residents

of the Town of Center Harbor. Those persons shall not be permitted to participate in these proceedings”

June 28: Attorney Fitzgerald files a *Motion to Reconsider* on behalf of John Walsh, citing that Walsh’s interest is equal or greater than that of Schofield. Time was granted to all parties to review and respond to this motion. Probate Court Judge O’Neill schedules a final hearing on this matter for September 20 & 23. Attorneys will meet prior to the hearing to mark exhibits.

June 30: Legal fees in the amount of \$5912.50 have been expended on the Cy Pres proceeding in the three month period between 4/1/10-6/30/10.

The timeline will be used at the combined Selectboard and Building Committee meeting on July 15 to inform the Building Committee of the current status of the siting of the proposed Police Station project.

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

Adams	TML 9-22
Hughes	TML 6-69
Perold	TML 3-28
Earl	TML 2-69.22
Foley	TML 5-24
Harris	TML 3-67.6

ADJOURNMENT: At 9:34 p.m. Ms. Mattson motioned to adjourn the Board of Selectmen’s meeting. Mr. Hanson seconded the motion and the vote was unanimous.

Respectfully submitted,

Robin Woodaman
Selectmen’s Secretary