

Town of Center Harbor

Joint Board of Selectmen & Building Committee meeting minutes

July 15, 2010

CALL TO ORDER: At 7:03 p.m. Board of Selectmen Chairman Richard Drenkhahn called the meeting to order. Present were Selectmen Randy Mattson and Charley Hanson, Building Committee members Bob Chance, Pete Loudon and Steve Condojani, Police Chief Mark Chase, resident and Emergency Management Director David Hughes, Architect Gary Goudreau and Selectmen's Secretary Robin Woodaman.

Mr. Drenkhahn reported the meeting was scheduled to bring the Building Committee (BC) up to date on the proposed Police Station since Town Meeting. He reported the Town has continued with the Cy Pres petition. Ms. Mattson handed out the following Cy Pres timeline she had prepared:

CY PRES TIMELINE: 2010

March 17: The Board of Selectmen discussed 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.

Ms. Mattson explained the State of New Hampshire's Attorney General's Office has complete authorization over charitable trusts. Mr. Hanson reported the AG's Office represents the public; he explained the head of Charitable Trusts left that position in June and the new person is committed to swapping the park land. Ms. Mattson reported the AG's Office is against the Motion to Intervene but the Judge allowed one (1) person, Dennis Schofield to intervene. Mr. Hanson reported the intervener is the only one who could appeal the September 2010 judgment; if the judgment is appealed it would be to the Superior Court. The Superior Court would decide if it would hear the appeal.

- **Steve Condojani:** Mr. Condojani reported he feels time goes on and would not want to go past the next Town Meeting (March 2011). He reported the BC has bent over backwards to accommodate the individual across the street. Mr. Condojani reported the Town needs a Police Station and asked about a back-up plan; constructing a two (2) story building on the Brooks property. He explained if the Brooks property is used, the whole court issue would go away.
- **Gary Goudreau:** Mr. Goudreau reported a two (2) story building could be constructed on the Brooks property; an elevator would be required at a cost of \$60,000 - \$70,000. He reported there would be less parking available and the entrance to the Police Station would be from Chase Circle. Mr. Goudreau was asked if a basement could be constructed; he explained it could not due to water issues. He reported the Town had three (3) public hearings regarding the proposed Police Station.
- **David Hughes:** Mr. Hughes reported he had not been able to attend a lot of BC meetings and asked if they had considered a land swap with the Church. Chief Chase reported that had been considered, but it would involve re-designing their parking lot and a lot of other side issues. Mr. Hughes reported his personal objection is the issue of the park. He reported a Police Department is needed without question, would support the building built on the Brooks property and wouldn't have a problem if the building went into the park property by ten to twenty feet.
- **Richard Drenkhahn:** Mr. Drenkhahn reported just over 2,000 square feet of the park is proposed to be used for the new PD and most of it is for parking. Ms. Mattson reported there are three (3) parking spaces designated for the park and Library; these could be eliminated, but the feeling was that it would be important to have parking for people using the park. Mr. Drenkhahn reported the Town has spent approximately \$6,000 on the Cy Pres to date and estimates it may cost another \$2,000 for the September hearing.
- **Bob Chance:** Mr. Chance reported he doesn't see anyone using the park now. He suggested the flags outlining the proposed building be put back up and advertise it so people can see what the proposal is.

SEPTEMBER 20 & 23, 2010 FINAL HEARING: Mr. Hanson requested members of the BC attend the September 20 & 23, 2010 final hearing with Probate Court Judge O'Neill. Mr. Hughes reported probate hearings are usually closed hearings. Chief Chase suggested the BC members be added to the witness list.

PLAN B: There was discussion regarding constructing a Police Station located entirely on the Brooks property. Mr. Goudreau explained the Town's exercising its right to use Town-owned property will be more detrimental to the residents on Chase Circle than the current proposal. If the Police Station was constructed on the Brooks property there would not be any lake view from Chase Circle and access to the Station would be from Chase Circle. There was discussion regarding Mr. Goudreau preparing a schematic of the building on the Brooks property. Ms. Mattson suggested the Selectmen stay the course with the current proposal until after the August informational meeting; Mr. Drenkhahn and Mr. Hanson agreed. Mr. Hanson reported the Selectmen and BC are on the same page with the proposed Police Station.

CURRENT PROPOSED BUILDING: Mr. Hanson reported 106 voters at Town Meeting accepted this proposal. Chief Chase reported there was a last minute campaign against this proposal which presented the wrong information to voters. He reported the Selectmen and BC have been very clear about the proposal, but there are people who have chosen to misunderstand.

MEETING ATTENDANCE: Ms. Mattson expressed her disappointment that there was only one (1) resident in attendance at this evening's meeting. The meeting was posted on the Town's web site, the Municipal Building and Post Office's lobbies for more than two (2) weeks. Ms. Mattson reported approximately one dozen residents attended the public hearing on the proposed dock at the High Haith beach the previous evening.

INFORMATIONAL MEETING: The Selectmen and BC scheduled an informational meeting for Thursday, August 19, 2010 at 6:30 p.m. (rain date will be Tuesday, August 24, 2010 at 6:30 p.m.). Mr. Hughes suggested the Highway Department clean up the brush along the property line to give more depth perception. The footprint of the proposed building will be staked so residents will be able to visualize the proposed building.

ADJOURNMENT: At 8:17 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