

**Center Harbor Board of Selectmen
Meeting Minutes
Wednesday, October 10, 2007**

Chairman Davis called the meeting to order at 7:03 p.m. Present were Selectmen Randy Mattson and Charley Hanson. Jim Krampitz, Gene Manville, Bob Beem, Peter Ruel, Jayne Ruel, Fire Chief John Schlemmer, Police Chief Mark Chase, Laconia Citizen Reporter Erin Plummer and Selectmen's Secretary Robin Woodaman were also in attendance.

APPROVAL OF MINUTES: Mr. Hanson motioned to accept the minutes of September 25, 2007. Ms. Mattson seconded the motion; the motion passed. Mr. Davis motioned to accept the minutes of September 26, 2007. Mr. Hanson seconded the motion; the motion passed. Ms. Mattson motioned to accept the minutes of October 3, 2007 with one spelling correction (Duymazlar, not Duymarlard). Mr. Davis seconded the motion; the motion passed.

APPOINTMENTS:

JIM KRAMPITZ: Mr. Krampitz questioned the cost of plowing his private road (\$338 for Fogg Hill Road). He explained he feels he is being charged twice for plowing and asked why the Town can't charge \$1 for plowing private roads. Mr. Hanson explained the cost for plowing private roads has to be based on a fair and reasonable amount; he reported the cost was based on previous plowing costs. Mr. Hanson explained it has been a state statute since a 1957 Supreme Court ruling that it is a misuse of public funds for private purposes per the constitution. Mr. Krampitz asked if the plowing of private roads would only be for this season and Mr. Hanson explained yes, only this season.

POLICE CHIEF MARK CHASE: Chief Chase presented his proposed 2008 budget. He reported operational costs of doing business which are consistent with the plan he proposed in the fall of 2003 when he was the Acting Chief of Police. He explained at that time the Police Department needed to be overhauled and had many deficiencies and he proposed a several year plan with reasonable, but significant, increases to the budget and to develop a long range equipment upgrade plan. Chief Chase reported he is pleased with the Department's professional growth and the services it provides although there are still many areas to address. He reported the Department is now operating safer and better equipped vehicles, have a pay scale competitive with the region and equipment is being purchased with a replacement schedule in mind.

The Selectmen reviewed the proposed budget:

- Full time wages (\$144,295 or \$146,038 proposed for 2008 depending on the Selectmen's decision of a step increase for Chief Chase), \$139,600 budgeted in 2007): Chief Chase explained this is the third year the step program has been in place and explained the wages will also reflect the cost of living adjustment (COLA) as decided by the Selectmen.

- Overtime (\$14,880 or \$15,060 proposed for 2008 depending on the Selectmen's decision of a step increase for Chief Chase, \$13,205 budgeted in 2007): Calculated at 143 hours per officer for the year.
- Enforcement Grants (\$5,000 proposed for 2008, \$2,500 budgeted in 2007: Chief Chase explained he anticipates the speed enforcement grant will double in 2008, which is the reason for the increase. He explained this line item is reimbursed through grants.
- Special Detail (\$2,000 proposed for 2008, \$2,000 budgeted in 2007).
- On-Call (\$4,460 proposed for 2008, \$4,460 budgeted in 2007).
- Part-time Officer (\$5,000 proposed for 2008, \$4,750 budgeted in 2007). Chief Chase explained this includes 3% COLA and is the same number of hours as 2007.
- Support Staff (\$7,410 proposed for 2008, \$5,737 budgeted in 2007). Chief Chase reported that in the future the administrative assistant needs to be a full time position. He explained this is the most cost effective way to do business with regular business hours which would allow people to drop off and pick up gun permits, accident reports and statements. He explained it would be a cost savings to have civilian staffing perform office duties rather than police officers. Mr. Hanson noted Chief Chase is proposing increasing the support staff (administrative assistant) line item by two hours in 2008 and asked when he would plan for a full time position; Chief Chase explained in two years.
- Prosecutor (\$6,600 proposed for 2008, \$6,000 budgeted in 2007). Chief Chase explained there was no increase for this service in 2007, but now the prosecutor must commute to Laconia instead of Meredith.
- Investigations (\$1,000 proposed for 2008, \$550 budgeted in 2007). Chief Chase reported the cost for the internet investigative service will double on the next contract to \$70 per month. He explained the remaining amount is used for hospital blood tests.
- Telephone/Fax/Pager (\$3,100 proposed for 2008, \$3,100 budgeted in 2007).
- Radio Maintenance (\$500 proposed for 2008, \$500 budgeted in 2007).
- Vehicle Maintenance and Repairs (\$4,000 proposed for 2008, \$3,000 budgeted in 2007). Chief Chase reported he anticipates a lot of problems with the 2004 (purchased in 2003) Dodge Intrepid (93,000 miles) and explained it has been in and out of the shop for two months. He explained this vehicle was only made for a few years and mechanics have been unable to figure out the problems. He reported the vehicle has gone through three cam sensors (two were covered by warranty). He explained the previous Police Chief contracted with an after market warranty, not a Dodge warranty for 4 years or 100,000 miles; the warranty expired in April of 2007. Chief Chase suggested the Selectmen consider a separate line item in the Town's budget for insurance deductibles; this will be a new line item under the property liability insurance line item.
- Dues and Subscriptions (\$1,200 proposed for 2008, \$1,200 budgeted in 2007).
- Training (\$3,000 proposed for 2008, \$3,000 budgeted in 2007).
- Computer Expense (\$5,000 proposed for 2008, \$5,000 budgeted in 2007). Chief Chase explained the IMC (police and records management) software needs to be upgraded to a multi-user system in the future with an anticipated cost of \$10,000.

Chief Chase reported IMC has agreed to allow the Town to purchase this over three years. He reported the Police Department currently has a single-user IMC license; the proposed \$5,000 will cover annual support for the single-user system and other computer repairs. There was discussion regarding the difficulty of having only a single-user system.

- Office Supplies (\$1,700 proposed for 2008, \$1,450 budgeted in 2007). Additional office supplies are needed to help with the internal organization.
- Oil, Tires & Lube (\$2,400 proposed for 2008, \$1,400 budgeted in 2007). Chief Chase reported the cost of petroleum products effects tire costs and reported the need for safer tire rotation.
- Gasoline (\$10,000 proposed for 2008, \$9,500 budgeted in 2007). Chief Chase reported this is an estimate because of the unknown gas prices and explained additional gas will be required as a result of the additional enforcement grants.
- Uniforms (\$2,500 proposed for 2008, \$2,500 budgeted in 2007).
- Equipment (\$4,000 proposed for 2008, \$4,000 budgeted in 2007).
- Radio Lease (\$2,200 proposed for 2008, \$2,200 budgeted in 2007).
- Miscellaneous (\$300 proposed for 2008, \$300 budgeted in 2007).
- Public Relations (\$250 proposed for 2008, \$250 budgeted in 2007).

The proposed Police Department budget is either \$230,794 or \$232,718 depending on the Selectmen's decision about a step increase for Chief Chase. The 2007 budget is \$216,428.

There was discussion regarding instituting an employee tuition assistant program for Town employees to further their education. Chief Chase explained there could an agreement between the employee and the Town whereby the employee agrees to work "x" amount of time for the tuition assistance or pay back the Town if the employment is terminated.

There was discussion regarding purchasing a large TV and video system to be used for training of Town employees and volunteers in all organizations.

Chief Chase reported he will be forwarding Police Department personnel evaluations to the Selectmen, including one on himself performed by Officers Weiss and Welch. The Selectmen thanked Chief Chase and Mr. Davis stated he is doing a good job.

JAN HOOPER: Ms. Hooper, Belknap County Conservation District (BCCD) coordinator explained that some of the \$520,000 being spent on the Kelsea Ave. and Kelley Court drainage project can be used as a match for a State of New Hampshire Department of Environmental Services (NHDES) Watershed Restoration grant proposal. She explained the grant, if approved, will provide enormous quantities of matching funds to help accomplish the needs she and Road Agent Jeff Haines have identified for Lake Street and other areas where work could be done to improve the water quality entering Center Harbor Bay. She explained H. E. Bergeron (HEB) engineer Ed Bergeron is willing to help with the grant application (some of the previously developed information can be reused) and explained the application is due by October 19, 2007. The Selectmen agreed to Ms. Hooper applying for the grant.

UNFINISHED BUSINESS:

SHEAFE HARBOR HOUSE: Mr. Hanson explained a proposal was submitted to Sheafe Harbor House (SHH) during the mediation at Belknap Superior Court and SHH should have come back with a counter proposal, but the Selectmen have not heard of any counter proposal. He suggested contacting Attorney Jim Steiner to ask the status of the proposal. Ms. Mattson and Mr. Davis agreed that it is a good idea to keep the lines of communication open. Mr. Hanson will contact Attorney Steiner.

KELSEA AVE./KELLEY COURT DRAINAGE PROJECT: Mr. Hanson reported phase one has begun and HEB engineer Jason Ross reported they came across a sewer pipe in a location where it was not supposed to be. He explained the wetlands permit is still out and reporting speaking to the administrator of the Wetland's Bureau. Mr. Hanson will follow up on the status of the wetlands permit. Mr. Hanson reported Town Attorney Doug Hill has information for easements and explained Kelsea Ave. became a Town road by prescription. He explained it is unclear where the end of Kelley Court is.

ADRIAN CARR BOUNDARY LINE: Mr. Davis explained last week he and Ms. Mattson reviewed a June 6, 1989 construction permit submitted by Peter Ruel which indicated the construction of the driveway on his (Peter Ruel's) property, not the Town owned parcel now owned by Adrian Carr. Mr. Ruel explained that was the original application, but the location of the driveway was moved to the Town owned parcel because the State would not allow the placement of the driveway due to the of the line of sight. He explained the Selectmen did not ask for another construction permit application. Mr. Ruel explained he, Selectmen Lew Hanson, Bob Beem and Aaron Smith and Selectmen's Secretary Bess Hanson were present during the discussion regarding placing the driveway on Town owned land and reported Ken Ballance was not present and questioned Mr. Ballance's referencing the Selectmen shrugging their shoulders after the driveway was constructed in the wrong place. Mr. Beem explained that is why Mr. Ruel asked to purchase the Town owned parcel, but the Selectmen wanted Mr. Carr to purchase it. He explained Mr. Carr was concerned about tax implications because of the additional road frontage and therefore did not buy the parcel at that time.

Ms. Mattson explained the Selectmen's minutes from that time frame are missing and questioned why Lew Hanson would not mention the location of the driveway when the Town was selling the parcel in 2004. Mr. Davis explained it was unknown where the driveway was located. Mr. Beem explained it was never suspected that the Town property line would cross the driveway, but it was known the driveway was there – it was not put in under the cover of darkness. Mr. Hanson explained Mr. Carr purchased the property and has a quitclaim deed and questioned the discussion regarding the deed requirement. Mr. Davis explained Mr. Carr brought it to the Selectmen's attention because he feels he should not bear all the expense. Ms. Mattson reported Mr. Carr agreed to the deed requirements. Mr. Beem explained Harry Wood's survey shows there could be a slant to the boundary line of one degree so the boundary line does not cross the driveway and explained Mr. Wood would like a letter from the Selectmen allowing for the one degree slant. Mr. Davis explained Mr. Carr owns the property and a one degree slant would not be to his benefit to access the back of the property. Mr. Ruel reported the driveway is not Mr. Carr's to use; he (Mr. Ruel) constructed it eighteen years ago. Mr. Davis questioned a fair exchange between two neighbors. Mr. Ruel explained he has used the driveway for eighteen

years and Mr. Carr asked him to pay half of the survey cost three years after he (Mr. Carr) purchased the property. Mr. Beem explained there is a survey plan indicating red and blue pins and he feels the location of the blue pin meets the deed requirements. Mr. Davis explained the intent of the Selectmen in 2004 was to have the boundary line go to two stone walls as indicated on the tax maps. Mr. Davis questioned the current Selectmen making a decision contrary to the 2004 Selectmen's intention and Mr. Hanson and Ms. Mattson agreed. Mr. Beem explained he feels Mr. Ruel has adverse possession of the driveway because he's used it for eighteen years. Mr. Ruel requested the Selectmen honor what the Selectmen told him eighteen years ago. Mr. Davis suggested having Attorney Doug Hill review the matter and the Selectmen will then meet with Mr. Carr and Mr. Ruel.

EMERGENCY LANES: The Selectmen reviewed a memo from Police Chief Mark Chase reporting he reviewed RSA 231:59-a and from the Police Department perspective only and does not see any private road that should be declared an emergency lane. He explained roads that are well maintained make the Police Department's job safer and easier. He reported he believes the Center Harbor Highway Department does a better job than any private contractor would for a variety of reasons, but that does not change the definition as written or his opinion.

REVALUATION: The Selectmen reviewed a draft of the assessment letter that will be sent to all property owners with their 2007 assessment, days during which they may call to schedule an appointment for an informal review and the scheduled days for the informal reviews. Ms. Woodaman explained the assessors Commerford, Nieder, Perkins, LLC (CNP) are planning to have the assessments to the Selectmen by Friday, October 12, 2007 for review; CNP would like the assessments reviewed and approved by the Selectmen by Monday, October 15, 2007 in order to send the assessment letters out. Mr. Davis expressed his concern about the short amount of time the Selectmen will have to review the assessments and explained he, in the past, has looked at every assessment using a calculator. Mr. Davis explained he doesn't like the time position CNP has put the Selectmen in; he reported the Selectmen gave approval for the revaluation right after Town Meeting. The Selectmen decided, if they receive the assessments by Friday, October 12, 2007, they will review them individually then at their Selectmen's meeting on Wednesday, October 17, 2007. If they agree with the assessments as presented, they will approve the assessments letters with the following dates:

Calls to schedule an appointment for an informal review will be taken on:

- Friday, October 26, 2007 between 8:30 a.m. – 4:30 p.m.
- Monday, October 29, 2007 between 8:30 – 4:30 p.m.
- Tuesday, October 30, 2007 between 8:30 a.m. – 4:30 p.m.

CNP's telephone number 603-410-6444

Informal reviews will be held at the Town Hall on the following dates:

- Thursday, November 1, 2007 from 11:00 a.m. – 7:00 p.m.
- Friday, November 2, 2007 from 9:00 a.m. – 5:00 p.m.
- Saturday, November 3, 2007 from 9:00 a.m. – 5:00 p.m.

WEEK'S PROPERTY: Code Enforcement Officer Ken Ballance submitted a report of his inspection of the property at 311 Daniel Webster Highway (TML 3-89) and his meeting with Mr. Weeks. Mr. Ballance reported he did not find any hazardous materials present, but there was a considerable amount of junk lying around. He reported he discussed the clean up of the property with Mr. Weeks and reported four weeks should be a sufficient amount of time. Mr. Weeks submitted a written response to the complaint recently submitted to the Selectmen. He reported there are no junk vehicles on the property and hasn't been for a number of weeks, the propane company will pick up their tanks at their earliest convenience, there is no one living of the premises and he is currently working to clean up the debris in the yard; he expects to have that completed by the end of the month. Mr. Weeks reported repairs to the building will be made to help insure that there is no danger to anyone who happens to trespass.

NEW BUSINESS:

2008 BUDGET WORKSESSIONS: The following appointments have been scheduled:

Parks & Recreation and Town Band	October 24, 2007
Fire Department	November 7, 2007

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

CORRESPONDENCE:

STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES:

The Selectmen reviewed the following shoreland waiver:

Sullivan	TML 2-86
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WAYNE MICKLITSCH: The Selectmen reviewed correspondence from Mr. Micklitsch explaining he, as a taxpaying property owner, finds it another affront in the form of no services provided because the Town will not plow private roads. He explained he feels the Town is now open to other unforeseen liabilities in this short sighted move. Mr. Micklitsch asked the Selectmen to consider taking over his road (Fogg Hill Road). A letter will be sent explaining the process for roads to become Town roads.

ADDITIONAL BUSINESS:

WETLANDS AND LAND USE VIOLATION: The Selectmen received a written complaint, including pictures of the property located at 22 Bartlett Hill Road (TML 3-40), stating that the property has been operated as a clandestine auto repair shop in violation of Town zoning ordinances for a number of unspecified years. The complaint reported it is an unsightly mess and an eyesore of mammoth proportions in an otherwise nice residential section of Center Harbor. The letter referenced the southwest corner of the property as designated wetlands, presenting the possibility that any seepage could overflow in the nearby river bed. Mr. Davis explained the use of this property, owned by John Jordan, is an approved pre-existing non-conforming use as a home occupation as long as the person running the business resides on the

property. Code Enforcement Officer Ken Ballance will be asked to contact Mr. Jordan to inspect the property for any violation.

CONSTRUCTION PERMITS: The Selectmen reviewed the following approved construction permits:

Elcock	TML 7-41
Johnson	TML 4-4.15
Town of Center Harbor	Kelsea Ave. and Kelley Court
MacDonald	TML 2-12
Williams	TML 3-29

NON-PUBLIC SESSION: At 9:02 p.m. Mr. Davis motioned to go into a non-public session per RSA 91-A:3, II(a) to discuss a personnel issue. Ms. Mattson seconded the motion and the vote was unanimous. Fire Chief John Schlemmer and Selectmen's Secretary Robin Woodaman were also present. There was discussion regarding a Fire Department personnel matter. At 9:16 p.m. Ms. Mattson motioned to end the non-public session. Mr. Hanson seconded the motion; the vote was unanimous.

RECONVENE: At 9:16 p.m. Mr. Davis motioned to reconvene the Selectmen's meeting. Mr. Hanson seconded the motion and the vote was unanimous. Mr. Davis motioned to seal the minutes of the non-public session indefinitely. Mr. Hanson seconded the motion and the vote was unanimous.

ADDITIONAL BUSINESS:

FIRE DEPARTMENT: Chief Schlemmer will meet with the Selectmen on November 7, 2007 to discuss the proposed 2008 Fire Department's budget. Mr. Davis explained Police Chief Chase submitted his proposed 2008 budget one week in advance for the Selectmen to review which was helpful; Chief Schlemmer will submit his proposed budget prior to the meeting for the Selectmen's review. Mr. Davis explained over fifty flags are placed on firefighters graves annually and reported more need to be purchased in the future for Chief Schlemmer's budget information.

SPACE NEEDS COMMITTEE (SNC): Mr. Hanson reported the SNC is close to completing their report to the Selectmen. He explained part of their recommendations will be for the Selectmen to form another committee. He suggested the Selectmen consider the charge of the new committee and possible members. The Selectmen discussed a 2008 warrant article to put additional funds into the public safety building capital reserve fund, with the 2009 Town Meeting the earliest a plan would be ready. There was discussion regarding the temporary Police Department space needs plan. Ms. Mattson explained she felt that was a good temporary plan and feels a huge amount of square footage is currently unused. Mr. Hanson suggested soliciting bids again and explained if the bids are high the amounts could be used for budgeting for 2008.

FURNACE ENCLOSURES: Mr. Davis explained it is necessary to construct the furnace enclosures and asked if this project should be put out to bid. Mr. Hanson explained it had been

part of the original bid specifications and suggested three contractors be asked to submit bids. Mr. Davis will contact three contractors for written bids.

CONSERVATION COMMISSION (CC): Ms. Mattson reported Ellen Bennett and Stuart Garden were sworn in as Conservation Commissioners. She reported Karleen Schwartz decided to respectfully decline her appointment as an alternate commissioner. Ms. Mattson reported she will be stepping down and will become an alternate. Ms. Mattson reported the CC discussed the prime wetlands; Commissioner JoAnn Wood met with a Department of Environmental Services (DES) representative who presented her with a packet of information. Ms. Mattson reported the Town's application is incomplete and DES suggested the Town hire a professional to put the entire application package together. There was discussion regarding the CC using some of the conservation trust funds to hire a professional. Ms. Mattson reported Snake River was not included when the five prime wetlands areas were approved at Town Meeting and explained the CC will be looking at more than the five areas.

Ms. Mattson reported there is a proposal for Center Harbor, New Hampton and Meredith Conservation Commissions to meet a couple of times a year to discuss regional items.

Ms. Mattson reported the CC has had difficulty finding two campers for the Ken Sorlien campership; she explained this was named in his honor with the funds part of the CC's budget. She explained the CC had discussed offering a scholarship to assist an individual interested in furthering his/her education in conservation; the CC would discontinue the campership program. Ms. Mattson explained after further discussion the CC decided to discontinue the campership program and not institute a scholarship program because public funds would be used for a private purpose.

ENERGEY COMMITTEE (EC): The EC will meet Friday, October 12, 2007 at 7:00 p.m.; a notice will be posted in the Municipal Building and Post Office.

SELECTMEN'S INSTITUTE: Mr. Hanson reported attending the Selectmen's Institute where there was discussion regarding plowing private roads. He explained the Town of Hampton recently went through the procedure to declare an emergency way for access to Route 95. He reported the Town of Antrim was sued by people on a Class 6 road last year; the people lost the suit. He reported the right-to-know laws will be discussed at the next institute; Ms. Mattson is interested in attending that session.

ADJOURN: At 10:02 p.m. Mr. Hanson motioned to adjourn the meeting. Ms. Mattson seconded the motion and the vote was unanimous.

Respectfully submitted,

Robin E. Woodaman
Selectmen's Secretary

