

**Center Harbor Board of Selectmen  
Board of Selectmen's Meeting  
Wednesday, March 21, 2018**

**CALL TO ORDER:** At 7:00 p.m. Chairman Richard Drenkhahn called the Board of Selectmen's meeting to order. Selectmen Harry Viens and Richard Hanson (via speakerphone) were present. Town Attorney Chris Boldt, Karen Ponton, Conor Hayes, Eric Sanschagrin, Diane Drenkhahn, Fire Chief Leon Manville, Code Enforcement Officer Ken Ballance and Selectmen's Administrative Assistant Robin Woodaman were also present.

**SELECT BOARD CHAIRMAN AND COMMITTEE REPRESENTATION:**

- **Chairman:** Mr. Hanson motioned to nominate Mr. Viens Chairman of the Select Board for this year. Mr. Drenkhahn seconded the motion and the motion passed.

Chairman Viens asked Mr. Hanson and Mr. Drenkhahn about their committee representation; all the Selectmen would like to stay on their current committees. The Selectmen will continue with the following representation:

- **Planning Board:** Mr. Viens
- **Conservation Commission:** Mr. Viens
- **Heritage Commission:** Mr. Hanson
- **Energy Committee:** Mr. Drenkhahn

**AGENDA REVIEW:** Mr. Viens suggested one change to the agenda; Town Attorney Chris Boldt would like to discuss a litigation matter; Mr. Hanson and Mr. Drenkhahn agreed.

**TOWN ATTORNEY CHRIS BOLDT:**

- **Edwin "Duke" Kline v. Town of Center Harbor and the Board of Selectmen, Docket No. 211-2018-CV-00047:** Attorney Boldt reported this hearing was scheduled for this morning at the Superior Court. He explained criminal cases are heard before civil cases; because of this, the parties had time to resolve this matter by a hand-written agreement. He noted three changes from the hand-written agreement; **J.** Conor Hayes, **thirty** written out by (30) days from the date of the Selectmen's approval of this agreement.... and a **date line above the signatures.**

Attorney Boldt read the settlement agreement:

**SETTLEMENT AGREEMENT**

On the 21<sup>st</sup> Day of March, 2018 the Parties appeared at a duly noticed hearing on the merits of the Petitioner's 91-A Claims. Prior to the hearing, the parties reached an agreement in principle to resolve this suit subject to the approval of the Town's Board of Selectmen at their next meeting on the night of March 21, 2018. The terms are as follows:

1. Petitioner shall Dismiss the petition with Prejudice within two (2) business days of the Selectmen's approval of this Agreement;
2. The Selectmen shall reconsider the Building Permit Application of the Petitioner at the next Selectmen's meeting after the expiration of thirty (30) days from the date of the Selectmen's approval of this Agreement unless Amanda Nason and J. Conor Hayes, petitioners in the suit against Petitioner Kline (Case No. 211-2017-CV-00299), file for and duly prosecute an Injunction in said suit against the Town and/or Mr. Kline to prohibit the issuance of the Building Permit or the work covered thereby. If the Court issues the Injunction, then the parties

- shall abide by it; but if the Court denies the injunction, the Town shall issue the Building Permit with typical conditions concerning design and construction;
3. Nothing contained herein shall preclude Mr. Kline from proceeding against the Town with regard to any other/new conditions in the Building Permit that may be imposed by the Town.

Attorney Boldt reported Mr. Kline will also withdraw his Zoning Board of Adjustment (ZBA) appeal application and his 91-A request. He reported Amanda Nason and J. Conor Hayes' attorney was present this morning and they know they have the opportunity to go to Court to file for an injunction. Attorney Boldt reported the thirty (30) day clock starts when the Selectmen approve this agreement. Mr. Viens motioned to approve the Agreement and authorize Attorney Boldt to sign the Agreement. Mr. Drenkhahn seconded the motion and the vote was unanimous.

#### **MEETING MINUTES:**

- **March 13, 2018 Board of Selectmen's meeting minutes:** Mr. Drenkhahn motioned to accept the minutes of the March 13, 2018 Board of Selectmen's meeting as presented electronically. Mr. Hanson seconded the motion and the vote was unanimous.

#### **APPOINTMENTS:**

#### **FIRE CHIEF LEON MANVILLE:**

- **Pick-up truck lease/purchase:** Chief Manville reported Police Chief Mark Chase orders new cruisers (from Irwin's, who sells the vehicles at the State bid price) in advance of Town Meeting; if funding is not approved at Town Meeting, the order can be cancelled. He reported a pick-up has been ordered from Irwin's, at the State bid price, and will be ready in June. Chief Manville asked about the Purchasing Policies and the formal bid process. There was discussion regarding requesting proposals for vehicles in the past, but the vehicles have been purchased from Irwin's at the State bid price. The Selectmen determined Chief Manville did due diligence in researching costs and the pick-up will be purchased from Irwin's at the State bid price. Chief Manville will speak with Irving's finance department regarding lease/purchase options. He will also submit an application with Tax-Exempt Leasing, who has financed lease/purchases in the past and will be financing the Self-Contained Breathing Apparatus lease/purchase.

#### **PUBLIC INPUT:**

#### **KAREN PONTON:**

- **Library grant application:** Ms. Ponton reported she will meet with the Library Trustees on Monday, March 26, 2018 to discuss her writing a New Hampshire Preservation Alliance grant application.
- **Insurance liability for committee members:** Ms. Ponton asked if the Town had insurance coverage for members of Town committees; there is coverage. Mr. Ballance asked if the committees had to be listed on the Town's policy; Primex will be asked about this matter.

#### **SELECTMEN'S REPORTS:** None

#### **UNFINISHED BUSINESS:**

**NORTHERN PEABODY LLC (NPI) INVOICE:** The Selectmen received, and reviewed, NPI's invoice, in the amount of \$7,225.76, for repairs to the Municipal Building's heating system. Mr. Drenkhahn questioned if the repairs were necessary due to NPI not performing the scheduled HVAC maintenance. The Selectmen would like to discuss this with a NPI representative.

**24 DEW POINT LANE:** Ms. Woodaman reported a Zoning Board of Adjustment application for a variance is expected pertaining to work done at 24 Dew Point Lane.

### **NEW BUSINESS:**

**SCHOOL HOUSE SAFETY CONCERNS:** Ms. Ponton, as a concerned resident and taxpayer, requested the Selectmen address the safety concerns raised in the School House *Building Conditions Assessment Report* before the School House is opened to the public for the season (usually mid to late April). Ms. Ponton specifically asked about the following:

1. Inspect fire alarm system, including whether carbon monoxide detectors and additional fire extinguishers are needed.
2. Repair non-functioning, self-illuminating emergency exit signs. Consider installing additional emergency lighting to cover all rooms (except kitchen and bathroom).
3. Inspect the gas-fired space heater and chimney flue. Repair if needed.
4. Repair 2 egress doors that are *extremely difficult* to open and have non-functioning door hardware and deadbolts. She is especially concerned that persons will not be able to safely exit the building in emergency, as current practice is to have *only the one front door unlocked* when the building is occupied. The potential liability to the Town is tremendous.

Mr. Ballance reported these issues were on a list to be done several years ago. The Selectmen asked Mr. Ballance to oversee correction of these issues.

**REQUEST FOR PROPOSALS – TOWN HOUSE ROOF:** The Selectmen reviewed the Request for Proposals for the Town House roof. Ms. Ponton explained the Heritage Commission (HC) needs the cost numbers for the next moose plate grant cycle. She reported the work will begin in the Fall. Mr. Viens asked if the roof has to be replaced in kind. Ms. Ponton explained all grants adhere to the Secretary of Interior's standards for historic buildings.

**CEMETERY TRUSTEE RESIGNATION:** The Selectmen were notified that Cemetery Trustee Jessie Foley has moved from Town and has resigned as a Cemetery Trustee. Mr. Viens requested a thank you note be sent to Ms. Foley.

**CONSERVATION COMMISSION CAMPERSHIP:** There was discussion regarding the Conservation Commission's (CC) past sponsoring a campership. Mr. Viens will discuss this at the March 22, 2018 CC meeting.

**SNAKE RIVER:** Mr. Viens reported the Town of New Hampton voted in favor for prime wetlands status on Snake River; if this is accepted by the State of New Hampshire, all of Snake River will be in prime wetlands status.

### **ADDITIONAL BUSINESS:**

#### **STATE OF NEW HAMPSHIRE:**

- **State of New Hampshire Department of Revenue Administration (NH DRA):**
  - **NH DRA Form MS-232 "Report of Appropriations Actually Voted":** Mr. Drenkhahn motioned to sign the NH DRA Form MS-232 "Report of Appropriations Actually Voted". Mr. Viens seconded the motion and the vote was unanimous.

- **NH DRA “Certification of Yield Taxes Assessed”**: Mr. Drenkhahn motioned to sign the following NH DRA “Certification of Yield Taxes Assessed”:

Fields

TML 221-3

Mr. Hanson seconded the motion and the vote was unanimous.

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

**PUBLIC INPUT**:

**DIANE DRENKHAHN**:

- **Center Harbor Women’s Club (CHWC)**: Ms. Drenkhahn reported the few remaining CHWC members met recently and decided to refresh the Club. She reported meetings will now be on Wednesday at 1:00 p.m. and a good effort will be made to revitalize the Club. She reported the two goals of the CHWC: to encourage education and to sponsor projects that improve Center Harbor. Ms. Drenkhahn reported the CHWC will offer an Inter-Lakes High School scholarship this year. Mr. Viens offered to write a press release to help attract new members.

**ADJOURNMENT**: At 7:40 p.m. Mr. Hanson motioned to adjourn the Board of Selectmen’s meeting. Mr. Drenkhahn seconded the motion and the vote was unanimous.

Respectfully submitted,

Robin Woodaman  
Selectmen’s Administrative Assistant