

**TOWN OF NEW HAMPTON  
BOARD OF SELECTMEN  
MEETING MINUTES  
TOWN OFFICES  
NEW HAMPTON, NH 03256**

April 8, 2010

**MEMBERS PRESENT:** Selectmen Paul Tierney, Charles Bartley and Kenneth Mertz were present.

**OTHERS PRESENT:** Town Administrator Barbara Lucas was present.

**CALL TO ORDER:** Chairman Paul Tierney called the regular meeting of the Board to order at 6:00 p.m.

**WORK SESSION:**

- Manifests, bills, requisitions, purchase orders and leave request forms
- Building Permit –
- Septic System Review –
- Current Use Application –
- Home Occupation Form –
- Intent to Excavate –
- Intent to Cut – *Daniel Goodwin, Tax Map R-1, Lot 22* on Coolidge Woods Road, was approved by the Board.
- Intent to Cut – *Daniel Harvey, Tax Map R-3, Lot 2* on Gordon Hill Road, was approved by the Board. A bond is required. The Board approved the permit and will hold the permit pending receipt of the bond which should be delivered shortly.
- Veterans Credit – *Arnold & Claire Ries, Tax Map R-16, Lot 9*. Motion to approve was made by Mr. Bartley, seconded by Mr. Mertz and passed.
- Elderly Exemption –
- Misc. Correspondence –

The monthly bill for the Mitchell Group \$4,389.32 for the DirecTV matter. Another Mitchell bill was for the \$438 for the NH Coop appeal. General matters \$350.00 (KGI extension, SEA, replacement of the Treasurer)

Travel expenses of \$90 to attend the annual conference for Town Clerks was approved.

**DISCUSSION ITEMS:**  
*Quarterly Tax Returns*

The 941 Quarterly Tax Return report for employee withholding was received and signed by the Chairman.

*Central Street Bridge*

A letter from Nancy Mayville at NH DOT, dated 4/1/10, confirmed the Town would be shortly receiving a reimbursement of \$712,436.65 for work on the Central Street Bridge. Mrs. Lucas was commended for her hard work to expedite this reimbursement.

*Mansfield Woods  
Route 132 North*

The Irrevocable Letter of Credit #257 for Tilton Realty Trust for the \$1 million bond renewal was received from the bank. This was reduced by the town to \$150,000.

*Letter of Appreciation*

A letter of appreciation and thanks to recently retired Deputy Tax Collector and Acting Town Clerk Carolyn Gailey was signed by the Selectmen.

*New Hampton Firefighters  
Association*

A letter from the New Hampton Firefighters Association, dated 4/7/10 and signed by Robert Donnelly, outlined appliances the Association raised funds to purchase and their wish to donate them to the Town of New Hampton for use by the Fire Department. Mr. Mertz moved to accept the donations. Seconded by Mr. Bartley, the motion passed. Mr. Tierney sought and was granted permission of the Board to write a letter thanking the Association.

*Tax Exemption Claims*

The Gordon Nash Library submitted a request for renewal of their tax exemption for 2010 property taxes for the property at 69 Main Street as they are a non-profit organization. This was moved to approve by Mr. Bartley, seconded by Mr. Mertz and the motion was passed.

The New England Forestry Foundation, a Charitable Organization, also requested tax exemption for property taxes for 2010. Mr. Tierney asked to table this item and send it to CNP for its recommendation. A request for information from the DRA will also be pursued in the interim.

*David & Jean Prutzanni  
Tax Map R-6, Lot 7  
Tax Abatement Request*

A recommendation by CNP upon an interior inspection and site walk was to reduce the assessed value to properly reflect the condition of the property which resulted in an abatement of \$333.11.

*Franklin Savings Bank*

The request for extension of the Town's line of credit for \$750,000 for 60 days was granted by the bank. Papers have been signed.

*Tax Abatement Requests*

*Lisa & Anthony Quaglia, Tax Map R-6, Lot 18 on Evergreen Drive, land only.* CNP reviewed the property and spoke with Mr. Quaglia. Ms. Moses noted the current assessment included road frontage for a possible lot division which is prohibited by deed restrictions and consideration of wet topography and suggested a figure for abatement. Mr. Bartley made a motion to approve the abatement at the CNP figure. This was seconded by Mr. Mertz and the motion passed.

*Michael & Barbara Tripp, Tax Map R-19, Lot 28/58  
Michael & Rita Dalphonse, Tax Map R-19, Lot 28/080, and  
Rick Amero, Tax Map U-9, Lot 5/130*

All three of these are campers and Mr. Tierney suggested getting all abatement requests which are for similar properties grouped together for CNP review. He suggested that CNP come before the Board to address these items so the Board is better equipped to explain the standard methodology for assessing these properties with property owners. This was supported by the Board. These items have been tabled.

- Current Use Disqualification* Curtis Armstrong, Tax Map R-18, Lot 16 purchased property from Jackson Engineering from a larger lot which was in current use. Mr. Armstrong's purchase of 4.6 acres took his land out of current use. Ms. Moses valued the property \$58,700 and land use change tax is \$5,870.00. The Board was satisfied with the explanation provided by CNP. Paperwork will be drawn up for the Board's signatures.
- DOT Driveway Permits* Driveway permits for John Claridge for two lots on Main Street near Spectacle Pond, and for a lumbering operation on property near Gordon Hill for Richard Garon.
- Brook Road Bridge Repair* A letter from Mr. Boucher to the NHDOT regarding the completed repair to the bridge was reviewed by the Selectmen before it is sent.
- Larry Ballou Estate* A letter from the Selectmen stating the mobile home was unlivable and has no taxable value was reviewed and signed by the Board. The letter was requested by the Estate to provide documentation for the Probate Court.
- Tilton Realty Trust Permit* The Board reviewed a replacement site plan showing required setbacks. The Board amended the Building Permit #1974, approved on 4/7/10 to utilize the new plans which now show construction to meet the requirement of 35 feet between building units.
- Phil Wolfe* Because of construction without a building permit which encroached on set backs, Mr. Wolfe was required to submit an application for a variance or to request a waiver from the ZBA in by April 9<sup>th</sup>. The letter was received requesting a waiver of dimensional requirements from the ZBA.
- LCG Unemployment Claims* The list of town employees with unemployment claims was received from LGC and was reviewed by the Board.
- Village Precinct Waste Water Lagoon Dam* A letter of deficiency from DES to Tom O'Shea, Precinct Commissioner, dated 3/18, and a letter of deficiency dated 3/10/10 noted trees that needed to be removed near the lagoon and a large animal burrow in the dam that needed to be addressed.
- New Hampton School* The ZBA approved the installation of a sign facing the inner campus on the side of the gymnasium. There were conditions including maintaining screening on Route 104, no lighting or future changes to the sign.
- Kirk Beswick submitted a letter of interest regarding a proposal to clear stumps for a mountain bike trail on school property on Pinnacle Hill Road (formerly the Blood property) of which a portion is in current use. The proposal would include removing stumps, in the non-current use portion of the property. He questioned if removing the stumps would change the current use status. He stated that no terrain would be altered. Mrs. Lucas expressed concern that the property be transformed into a bike course or park rather than a trail going through forest and field. Recreational use is not a category in current use, but a permitted use. CNP stated it is supposed to be in a natural state.

Mr. Tierney suggested a scale plan or drawing showing the trail development of the current use property. Engineered plans are not necessary, but a scaled drawing to document natural features and to clarify the work they propose would be useful for future reference by the Town. After that is received a site visit will be scheduled to allow the Board to determine the effect on the current use status of the property.

**MEETING RECESS:**

The Board took a brief recess at 6:55 PM and resumed at 7:03 PM.

**APPOINTMENTS:**

*Ted and Madonna Saia  
Tax Map U-14, Lot13  
West Shore Road  
Building Permit  
7:00 PM*

Mr. Bartley recused himself as he is a neighbor and friends with the Saias. The Saias submitted an application for a building permit. While they have been summer residents at this location, they are now full time residents. The lot is small and they seek to put a foundation on the same footprint and add a 12 x 24' dormer on the second floor and make changes to the first floor interior, add a second egress, and add a porch.

As a non-confirming lot, new construction cannot increase non-conforming features. Setbacks were reviewed and are acceptable. The existing 1,600 gallon, 2-chamber septic is one year old and is sufficient. They have spoken with DES with regard to the Shore Land Protection issues and have not been advised of any issues. Mrs. Lucas noted DES administrative rules that may pertain to the conversion of a summer residence to a full time residence on lake front property. The landowners will be meeting with DES tomorrow.

The impervious surfaces are at 19.03% coverage with the proposed changes. The building is 31' from the road edge, and 37' from the center of the street. The concern for the Board was the porch encroachment on the road. The applicants could shorten the proposed porch (7' x 10') by 4 feet, or seek a variance from the ZBA if the Board could not approve the permit. The Saias outlined their view that shortening the proposed porch would create more issues than it would solve and stated their neighbors were supportive of the plan. Mr. Saia pointed out that there is only one access point to the property and this would provide a second access/egress for safety. The Board reviewed the change or expansion of non-conforming use guidelines with the Saias.

After discussion, Mr. Tierney made a motion that the Board approve the Building Permit as presented contingent upon any State required permits, and after a thorough review of the summary of tests for legality of changes in the non-conforming use, have found the proposal arises naturally, will not change the use or render the premises less adequate and will not have a substantial negative impact on the neighborhood. Seconded by Mr. Mertz, the motion passed.

Mr. Tierney went over the new building and occupancy permits which are pending before the board as well as the applicable life safety code requirements which will need to be certified by contractors.

<i>New Hampton School</i>	Mr. Tierney advised he has a meeting in the coming week with Andrew Menke of the New Hampton School to discuss the Metrocast franchise renewal and possible use of school facilities for the public hearings regarding Metrocast. Mr. Tierney will also discuss public use of some school facilities, like the ice hockey rink which was made available last winter.
<i>LGC</i>	The Board noted that LGC will be doing an inspection of town buildings on April 8 <sup>th</sup> .
<i>Kudos for New Hampton</i>	Police Officer Monica Cunningham received a note of thanks from a citizen who had expired tags on his/her vehicle. The Board was impressed with the Officer and with the citizen, both of whom contributed to the spirit of what makes New Hampton the kind of town it is.
<i>New Hampshire Public Radio</i>	The Board was apprised of the Certificate of Participation conferred on Mrs. Lucas for a recent meeting on municipal issues.
<i>Central Street Bridge</i>	Wade Brown acknowledged receipt of the letter from the Board and referred it to their insurance agent and attorney. Regarding the status of a punch list of items remaining on the bridge project, and will respond to the letter from the town regarding. Mrs. Lucas was expecting a response within the week, but nothing has been received as yet.
<i>Wesley and Janan Hays Tax Abatement Appeal</i>	Mrs. Lucas spoke with Mr. Hays regarding the Board's request that he provide their questions and any statement from his appraiser in writing to the Town before a second meeting with CNP is arranged. He said he would provide that, but it has not yet been received.
<i>The Mall at the Transfer Station</i>	Patricia King found a book case for the Mall at the transfer station and will be asking staff to affix it to the shed. She expressed appreciation for the Board's willingness to help find another bookcase.
<i>Building Permit Fees</i>	This item was tabled to the first working session of the Board which has yet to be scheduled.
<i>Veterans Park</i>	The Highway department completed it work on the park for the Garden Club. The highway department will be working on the triangle area in front of the Town Offices next week.
<i>Town Sign</i>	Mr. Mertz reported he put a coat of stain on the sign by the Veterans Park. The sign seems to be weathering well.
<i>Mountain Pond Road</i>	The road to the Precinct reservoir was checked by Mr. Boucher. He reports the logging hasn't done significant damage, but he noted there has been some ATV activity beyond the class 6 area which has caused more damage.
<i>Tax Deed Properties</i>	Mrs. Torsey has been reviewing records and will be coming before the Board with a list of properties with taxes owed. The estimated figure for monies owed to the Town at this time is significant. Mrs. Lucas noted her

discussion with Mrs. Torsey regarding the success the Town of Tilton has had in collecting owed taxes through small claims court for camper owners.

**OTHER BUSINESS:**

Mrs. Lucas wanted to clarify with the Board the language of the Permit ordinance which states the owners have the responsibility to ensure construction has to be to code, but the certification required by the town is only that the systems (fire alarm, CO detectors and furnaces) are installed.

*Minutes of 3/18*

Mr. Mertz noted that on Page 3, under “Appointments for the Various Boards and Committees” it was Mr. Tierney who made the motion to approve Mr. Anderson to the Conservation Commission, and not Mr. Mertz as noted. Mr. Mertz made the motion to accept the minutes of 3/18 as amended, seconded by Mr. Bartley. The motion passed.

**NON PUBLIC SESSION:**

*Personnel Matter*

Mr. Mertz made the motion to go into Non-Public Session to discuss a personnel matter under RSA 91-A:3(c), seconded by Mr. Bartley. The motion passed and meeting went into Non-Public Session at 8:12 PM.

**RESUMING PUBLIC SESSION:**

Mr. Bartley made a motion to come out of Non-Public Session, seconded by Mr. Mertz at 8:24 PM. The motion passed. A motion to seal the minutes for ten years was made by Mr. Mertz, seconded by Mr. Bartley. The motion passed.

**NON PUBLIC SESSION:**

*Personnel Matter*

Mr. Bartley moved to go into Non-Public Session under RSA 91-A:3(c) . Mr. Mertz seconded and the motion passed. The meeting went Non-Public at 8:25 PM.

**RESUMING PUBLIC SESSION:**

Motion to come out of Non-Public session was made by Mr. Mertz, seconded by Bartley. The motion passed at 8:30 PM. Motion to seal the minutes for five years was made by Mr. Mertz, seconded by Mr. Tierney. The motion passed.

**NON PUBLIC SESSION:**

*Pending Litigation*

Mr. Mertz made a motion to go back into Non-Public Session under RSA 91-A:3(e) at 8:31 PM, seconded by Mr. Bartley. The motion passed.

**RESUMING PUBLIC SESSION:**

At 8:35 PM, a motion to come out of Non-Public Session was made by Mr. Tierney, seconded by Mr. Bartley. The motion passed. A motion to seal the minutes until end of the case was moved by Mr. Mertz, seconded by Mr. Bartley.

**PUBLIC COMMENT**

None was heard.

**ADJOURNMENT:**

It was moved by Selectman Bartley to adjourn, seconded by Selectman Tierney. The vote passed and the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Kristin J. Harmon