

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

March 25, 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. Because of recent surgery, Mr. Tierney noted he could initial items but the other Selectmen would have to do any necessary signatures.

WORK SESSION:

- Manifests, payroll, bills, requisitions, purchase orders and leave request forms were reviewed by the Board.
- Building Permit – see below
- Septic System Review – see below
- Intent to Excavate – Ambrose Brothers – signed by the Board.
- Misc. Correspondence –

Corrections were made to the last payroll check for the former Town Clerk/Tax Clerk and approved by the Board.

Payment of \$700 funding for the Womens' Crisis Center, approved in the March vote, was approved by the Board.

The first of two payments to the Tapply Thompson Center of \$11,237 was approved by the Board. This item was also approved by voters in March.

A \$2,832.74 purchase order for ballots for the last election was approved for payment.

Certified Computer Systems – labor service contract for May 1, 2010 to April 30th, 2011 for the Town Offices, and maintenance agreements, at the same rate as last year. Mr. Tierney suggested designating Mrs. Lucas to sign this as this is for her computers. Moved by Mr. Mertz, seconded by Mr. Bartley, the motion passed.

Fire Chief Michael Drake has rate adjustments for six firefighters who completed elevated training certification. The motion to approve the changes was made by Mr. Tierney, seconded by Mr. Mertz, and passed unanimously.

Notice to excavate was received from Ambrose Brothers was signed by the Board members.

A maintenance contract with Cartographic Associates for tax map maintenance and planning maps for the Town. This was signed by the Selectmen

Jan & Wesley Hays
Tax Appeal
Review Prior to Meeting

A letter from the Selectmen to New Hampton LLC was
A time line of events was reviewed by Mr. Tierney with the Board. Events began on 2/26/09 when a tax appeal for 2008 was filed by the Hays with the Board. Further information was gathered on 5/8/09 and 5/15/09. The tax assessment at that time was \$630,300.00 and the Hays felt their assessment should be in the \$470,000 to \$500,000 range. On 6/5/09 an abatement of \$75,000 was granted by the Board. That was not satisfactory to the Hays and they filed a tax appeal to the BTLA with their own appraisal of \$514,000 by a real estate agent. Mrs. Lucas noted that on their first filing of 5/15/09 the Hays provided their own appraisal of \$514,000.

The first meeting with the Board was on 9/24/09 and the result was to wait for appeal materials and supporting documentation for the appeal from the BTLA with a follow-up site visit by CNP to the property to be scheduled if necessary. A meeting was scheduled 1/21/10 and it was agreed that further consideration would be given if Cartographic made changes to the tax map after research of any acreage discrepancies. An estimate for unfinished work on the property was also provided by Mr. Hays. Between 1/21/10 and 3/9, the Hays did provide additional information, including a 1937 survey of their property. On 3/9 the Board received the Cartographic amendment to the map based on the information provided and a site visit where property was measured. This was reviewed by CNP and an additional reduction of \$1,600 was made for the reduction of acreage. On 3/24/10 a letter from the Hays was received and forwarded to CNP for review. Tonight there will be a meeting with the Hays, Mary Moses of CNP and the Board. Mr. Tierney summarized that to date the Board has made a 16% or \$101,100 adjustment to the original assessment figure of \$630,300. If the Board concurs, a final offer of \$529,200 will be made tonight. If that is not acceptable to the Hays tonight then they will have to pursue the matter with the BTLA. Mr. Tierney asked for discussion from the Board.

Mr. Mertz noted a disparity of values in the letter from Mr. Hays regarding what the Hays (or their appraiser) think is necessary to consider the house complete and what standard CNP uses to call the house complete. CNP noted the Hays' appraiser gave no value for plumbing or heating or existing fixtures and trim which do exist in the house. They have functioning plumbing and heating and a kitchen area and the property is habitable. Mr. Mertz noted that in the renovation of his own home he had a rough but functional kitchen and was appraised as having a kitchen at that time, but it was his choice to replace it with the finished kitchen. Mr. Mertz is comfortable with the decision to make the final offer. Mr. Bartley concurred.

Fire Department

\$382 for electrical parts which were installed by his engineer. Payment was approved for the parts. Brakes, new rotors, etc. are still required for the Chief's car. The Chief submitted four quotes and made a recommendation.

The Board reviewed the various quotes and reviewed parts costs between the various vendors and their varied labor estimates. All department heads will be reminded to make sure estimates are itemized in the same manner and in keeping with Town Policy.

APPOINTMENTS:

Tilton Realty Trust
Building Permit
Mansfield Woods
Route 132 North
Kevin LaFleur
6:15 PM

Mr. LaFleur is looking to place a modular home on Mansfield Woods for marketing purposes and needs to get a building permit to do so. There would be no occupancy permit issued. The owner was advised on the 18th or 19th of this month by the Fire Marshall's office that he had to have a building permit by April 1st, or the model would have to conform to a whole new set of rules for modular housing before it is placed on site. It was confirmed that the bonding is good until the 24th of April. All documentation is in for renewal, and he will be meeting with the bank on Monday. Mr. LaFleur does not anticipate any issue with the renewal and copies will be delivered to the Town Offices as quickly as is possible. The Board approved the Permit pending delivery of the required documents. Mr. LaFleur understands an occupancy permit will be required down the line.

Rob Finlayson
Dana Hill Road
Sewer Permit Application
6:30 PM

Mr. Finlayson had a septic system permit application for review to install a small sink and toilet in his garage. The plans noted a service station and office which was more than Mr. Finlayson intended and beyond the permitted zoning use allowed.. He was looking for just a sink and toilet. Until the plans are corrected to reflect the actual intent, the Board could not move the application forward. Mr. Finlayson understands the Board's position and will get the plans corrected. The Board has no other issues with the application.

Kevin Drake
New Hampton
Vehicle Dealer's License
6:45 PM

No show.

Metrocast Cablevision
Mike Casa, Jeff Drapeau,
Steve Mizzochi
7:00 PM

The current franchise agreement lapses in September 2012. Metrocast provided coverage maps for the Town's input. They provide free service to town offices, Fire, Police and Highway Department the elementary school, and Gordon Nash Library. The current franchise agreement states a density requirement of 10 contiguous full time subscribers per mile for expansion because of costs. There is a schedule of costs for expansion when the density requirements are not sufficient. There are no plans for expansion in the town at this time, but that is part of tonight's discussion. Maps were left with the Board showing current coverage. The Anchorage Road area was discussed with regard to what was shown on the maps. The Board will review the maps and send comments back to Metrocast.

Schedule for public hearings for input regarding needs and wants with 30 days notice to constituents. Metrocast will attend if desired and would have technical folks available to explain anything that comes up. The Board would then send its recommendations to Metrocast and an agreement would be developed by their in-house counsel for submission to the Board.

The franchise agreement is video only and is not exclusive – Direct TV and other providers can come in. Rates are generally not part of the franchise agreements. Services have been completely rebuilt in New Hampton in 2002 when they bought the system from AT&T. All services Metrocast offers are comparable to any other provided and digital service has been set up even though analog is still available. Live representatives in New Hampshire are available 24/7, 365 days a year. Services that are being looked at in the future are Doxis 3.0 which is even higher speed, higher data rates, as well as some other services.

Mrs. Lucas noted complaints she receives are generally centered on the costs for extending and wiring up driveways & roads. Mr. Drapeau explained Metrocast generally provides installation for the first 300 feet – but it is a cost assessment, not strictly by the foot. It is difficult to price because availability of cable ready poles and terrain can change that figure. Mrs. Lucas asked if something could be put in the next agreement that would address this point. Metrocast said something like that could be worked up for the next franchise agreement.

The Selectmen asked if a digital map that identifies coverage and assessments of uncovered areas can be made available to the Town for posting on the Town website in preparation for the public hearing. Metrocast advised they can provide that information.

Discussion of a franchise fee noted it is charged based on video services only within the town and can be written into the agreement. Most towns don't go over 3% of the video service revenue. Metrocast charges this directly to the customers and it is listed on their bill as a franchise fee. There are no restrictions on the use of that franchise fee, but they noted most towns use the franchise fee funds for public television or something similar. The Board will review this information and get back to Metrocast in May to set up public hearings in mid to late summer to try and include seasonal residents.

*New Hampton School
Kirk Beswick
7:45 PM*

A sign permit was requested for the west end of the Field House, facing the field on campus. The school is asking for a variance to erect a sign that is larger than permitted by the ordinance in the Village Zone, and because it will be higher than allowed. It will not be a lit sign. The sign is only 15 feet up from the road but 30 feet from the field below the sign. The Board agreed that the application does not meet the ordinance requirements for both reasons. His variance application did not cover the height issue, but the Board allowed him to modify the application.

Mr. Beswick asked about a second sign contemplated for Route 104 on the state right of way. He was advised two applications would be required; one for the State (if it falls into their Right of Way) as well as for the Town. The School is contemplating lighting this sign.

Additionally Mr. Beswick asked about installation of a solar panel for hot

*BTLA Appeal from
Wesley & Janan Hays
Seminole Avenue
8:00 PM*

water for one of the buildings. He was advised the work would require a building permit and an occupancy permit.

Mary Moses from CNP was present. Mr. Tierney stated there were two issues to address from the last meeting; the first being the appraisal from the real estate agent submitted by the Hays. Mary Moses was asked to explain this issue. She presented a simple breakout of how their appraisal was done. They take the components and state what is or is not complete. Where they showed is 62% completion in summary actually comes to 60% by their computations. She then pointed out that their appraiser showed a number of areas as incomplete when they actually were. There is plumbing, there is wiring, there is a kitchen and there is heating.

Mrs. Hays pointed out that the appraiser was working on market value and these components in their home (kitchen, plumbing, etc) were considered temporary, and not complete. Ms. Moses stated that they cannot be considered at zero; that there are a number of homes that have similar levels of fixtures.

Ms. Moses pointed out a notation of a comparable lot used for valuation of the property in the Hays' assessment. It was an empty lot. The prices should have noted septic and site development which exists on the Hays' property. Mrs. Hays pointed out the Jones property land value went down after their site improvements. Ms. Moses pointed out that she has no way to explain or defend the methodologies used by previous assessors. Mr. Tierney noted that the Jones property is not the issue at hand. He noted that, as has been explained several times before, the way real estate appraisals are done for sales, and the way assessors appraise for tax purposes are two different systems. Mrs. Hays stated she understood that. Mr. Tierney then reviewed the process from February 2009 when the tax appeal was first requested by the Hays. Abatement from the town was made, which was not sufficient to the Hays. Corrections made by Cartographic to the Tax Map, resulted in a reduction in the land and a further adjustment of \$1,600 in assessed value. The Board's feeling is that the total of 16% reduction or \$101,100 in abatements from the 2008 taxes is the final offer. \$529,200 is the final valuation. If this is not sufficient, the Hays should pursue their appeal from the BTLA. The Hays then outlined problems with the right of way access and the use by persons accessing the island. Mrs. Hays then stated there was no consideration for the wetlands. Ms. Moses then pointed out the various considerations totaling 25% discounts for wetlands, no well, and house location and right of way. They have until Monday, the 29th and sign the settlement or state they have no agreement and proceed with the BTLA appeal.

The Hays acknowledged this process. The Board thanked Ms. Moses for her presence and assistance.

DISCUSSION ITEMS:
Vachon Clukay

The letter from Vachon Clukay advised the Tax Collector/Town Clerk audit was complete is ready for the final report to be submitted to the State

(DRA). A Transmittal Warrant will be issued to Cindy Torsey for the balance she will be responsible for collecting on behalf of the Town.

*Winterset
Gary Burns*

A response to a letter from Gary Burns at Winterset stated that they would pay \$17,092.00 to continue in good faith, but Winterset does not accept responsibility for the conditions that caused the issues with the Central Street Bridge sidewalk. Correspondence from SEA is expected and then a meeting with SEA and Winterset, Bristol and New Hampton will be set to discuss outstanding matters.

Occupancy Permit

A draft of the Permit and its procedure was distributed to Board members for discussion later.

Central Street Bridge

Information on the expansion joint, the sealant required and its application were distributed to the Board members for their review. This is a follow-up to a meeting of Ed Welch, Jim Boucher had recently. The repair needs to happen in the near future.

Philip Wolfe

Mr. Wolfe had built a porch without a building permit which extends into the setbacks. This has been discussed previously by the Board and with Mr. Wolfe. At this time, Mr. Wolfe is in Florida and is aware he must submit an application to the ZBA. It was recommended to him to file jointly for a dimensional waiver and a variance because if the waiver is rejected, enforcement proceedings would then proceed after April 9th. Mrs. Lucas communicated with Mr. Wolfe and he is aware of this. The Board discussed the situation and elected to proceed as per previous discussion.

Landfill Meter Sensors

Sensors in the landfill portable meter need replacement. Instead of buying a new meter, another option is to lease one. Mrs. Lucas wants to lease for at least the balance of the quarter to meet DES requirements and allow time to get more information on replacement or a longer term lease. Mr. Mertz made the motion to lease for the balance of the quarter, seconded by Mr. Tierney. The motion passed.

OTHER BUSINESS:

Because Mr. Tierney was not feeling well, and Mr. Bartley was transporting him home, the Board decided to continue the balance of the agenda items at the next Thursday meeting.

PUBLIC COMMENT

None was heard.

ADJOURNMENT

It was moved by Selectman Mertz to adjourn, seconded by Selectman Bartley. The vote passed and the meeting adjourned at 8:48 PM.

Respectfully submitted,

Kristin J. Harmon