

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

November 19, 2009

MEMBERS PRESENT:

Selectmen Paul Tierney, Charles Bartley and Kenneth Mertz

OTHERS PRESENT:

Barbara Lucas, Town Administrator

CALL TO ORDER:

The meeting was called to order at 6:03 p.m.

WORK SESSION:

Selectmen began by going over manifests, bills, requisitions, purchase orders and leave request forms.

- **Building Permit # 1960:** Thomas & Jennifer Berry, Tax Map R-3, Lot 31 for new 3-bedroom home at 212 Gordon Hill Road. This was approved.
- **Building Permit #1961:** New Hampton School, Tax Map U-3, Lot 11, (known as The Gables) on Main Street. Plot drawings provided by the school were insufficient for the file. Facilities Director Kirk Beswick was contacted by phone and answered questions from the Board. Mr. Beswick advised he would provide additional requested information and drawings from school's engineers tomorrow. Mr. Tierney suggested that with the Board's consent, he would sign the permit tomorrow on behalf of the Board upon receipt of the required information and plans, adding the notation that an occupancy permit was subject to inspection and approval by the Fire Department. Fire Chief Drake, present for an appointment later in the meeting, provided the Board with an update on his meeting with the School's engineering personnel and subsequent discussion of code requirements with the Fire Marshall's office. It was confirmed that code limited the 2 family home to no more than 4 children. The school wanted to place 3 students in the back apartment unit with 2 in the front family unit. The Chief has clarified the outstanding issues with the school's representatives. These include 2-hour fire separation between the units, details of the egress windows and plans for the exterior staircase. The Chief advised there will be a final walk through before the building receives his recommendation for an occupancy permit. The Board has tentatively approved the permit, pending receipt of required items.
- **Building Permit #1959,** for White Mountain Pizza, Tax Map R-4, Lot 90-12, located at the Exit 23 Plaza. The Planning Board approved this work. Construction will include building of a fire-stop in the attic which has been reviewed by the Fire Chief. This permit was approved but no Permit of Occupancy will be issued until a final inspection by the Fire Chief.
- A Fire Department Requisition for two accountability boards is for tracking personnel at a call as a life safety issue. Every truck has a card to keep track of personnel throughout a response. One is for the fire

department and one is for the ambulance. \$195.00 plus shipping and handling was approved by the Selectmen.

- Business Management System bill for the Town Clerk's software will be paid in January 2010.
- George Sansoucy bill for \$600 for work through October 31st related to the DirecTV matter. This was approved by the Selectmen.
- LGC prorated insurance bill for \$262.73 to June 2010 for the new truck leased by the Public Works Department. This was approved.
- *Intent to Cut:* Kenneth and Crystal Avery, Tax Map R-18, Lots 44 and 45. A message left by the applicants at the town office indicated they were upset that the Selectmen denied the intent. Mrs. Lucas called back and left a message that intent had not been denied but held pending receipt of a State-required bond posted for 10% of the timber value. Mrs. Lucas outlined options to reduce the size of the cut and thereby the cost of the bond. The applicants have not called back.

APPOINTMENTS:

*Collection Agency for
Outstanding Ambulance Fees
Chief Michael Drake
6:15 p.m.*

Discussion with Selectmen regarding contracting Comstar for collection of outstanding ambulance fees. Packets of information from Comstar were provided to the Board and an Agreement of Services Form was presented for the Selectmen's signature. The EMS has never used a collection agency and while the current collection rate is currently 73%, collection of outstanding fees would be a significant benefit to the town. Comstar currently does the billing for ambulance fees. Collection fees are paid out of the collected monies. There can be a handling charge if someone is removed from the collection list after a certain period of time. Mr. Bartley noted that some agencies can forward an account out of state and this can involve some steep taxes. These questions will be addressed and the town attorney will have to review the agreement but Mr. Mertz motioned to begin the process and then send the information to the attorneys. Mr. Bartley seconded and the motion was passed.

Contract for the Fire Chief

Mr. Tierney advised the Board that the Fire Chief's contract had been reworded to add common language with regard to the Selectmen's power to remove the Chief *for cause*. Chief Drake's review and renewal of the appointment had been previously approved. The contract was signed by the Selectmen and Mr. Drake.

*Questions on a Possible
Home Occupation
Kevin & Cheryl Drake
6:30 p.m.*

Mr. Drake, owner of New Hampton Auto Motor and Sports currently on Route 104 (Tax Map R-11, Lot 11), is considering moving the retail portion of the business to the KGI property, Tax Map R-4, Lot 90K. He is also discussing options with his current landlord which might allow him to stay in his current location. For the long term, he is looking at properties within the commercial district with a home and room to build a separate structure for a show room and auto repair portion of his business. In the interim he was seeking some information with regard to using the garage (24' x 24') at his existing residence (Tax Map R-4, Lot 20B). He could ask local customers to drop their vehicle at the Exit 23 Plaza, and he would then move the vehicle to his residence. There would be no signage at his residence.

Mr. Tierney went over the wording of the applicable ordinance with Mr. Drake. The business would have to be under the direction of the occupants of the residence, employ no more than 2 non-household members; it would be conducted wholly within the principal or accessory structure; there could be no outward appearance of the business beyond one sign (Mr. Drake states he would not have any sign). Not more than 25% of the combined floor area of the residence and accessory structure could be dedicated to the business activity. Adequate parking for all employees, customers and space for delivering and shipping goods other than by customary home delivery services would have to be available. Mr. Drake advised that deliveries would be to the retail facility and office at the Exit 23 Plaza. Installation of mechanical equipment or any possible hazardous materials would require discussion with and approval from the Fire Department as would a storage area for anything combustible. Mr. Drake stated the tire machine, balancer and lift would be moved from the current facility and a licensed electrician would properly install them. Mr. Drake currently has a waste oil heater in his garage which he plans to remove. He uses a plastic drum for used anti-freeze and the like and this is picked up regularly and replaced with an empty drum by a disposal company. He has no drain in the garage but utilizes speedy dry or mats and maintained that no spillage would leave the garage. He has no plan to store vehicles on the property. He only has room to work on one vehicle at a time. Mr. Drake stated he has no interest in having his residence appear to be a business. Mr. Tierney, with concurrence from the Board, stated that if Mr. Drake's plans take him in this direction, he could come back before the Board so long as he has a letter of approval from the Fire Department covering the discussed safety issues. Mr. Drake thanked the Board.

*NH Humane Society
Mary DiMaria, Interim
Executive Director
7:00 p.m.*

Ms. DiMaria introduced herself. She is concerned about the loss of contracts with local municipalities when the Society was under different leadership. Her intent is to repair the damage of the past and improve relationships with towns, veterinarians, and people of the communities. She outlined that funding relies upon donations and contracts with towns to support their mission to take care of needy animals. She advised that they have established a food pantry for pets. She also outlined other changes that have been instituted and advised the Board she would be available at any time if there were questions or concerns.

The Board advised Ms. DiMaria that in the past the Town of New Hampton had paid a contract fee but found significant disparity in numbers of New Hampton animals reported by the Society, and the number of animals turned in by the Police. There was also an apparent disparity of numbers where a fee had been paid by citizens to drop off animals and the numbers of animals covered under the contract. She was advised of complaints from residents who came looking for lost animals had been turned away because the Town didn't have a contract any longer with the Society. Mr. Tierney also advised of a complaint he received from a person who wanted to adopt but was turned away because the person enjoyed hunting. The Board expressed they were appreciative of the efforts to change policy.

Mr. Tierney advised that they would entertain a budget proposal letter even though it was very late in the budget process. Ms. DiMaria will have a proposal to the Board next week and advised if there were any questions or concerns, she would happy to meet with the Board at any time.

*Town Clerk/Tax Collector
Alisa Schofield
7:15 p.m.*

Ms. Schofield advised the Board she proposed to take 4 weeks off for maternity leave around January 15th using her combined sick and vacation time. During her absence Carolyn Gailey stated she could cover some of the time but may not be available 5 days per week. Ms. Schofield advised she planned to be back in time for the Deliberative session.

The Board advised that the Town Clerk's office could not be closed for any extended period and she must find qualified coverage for her absence. It was suggested Ms. Schofield should contact the Town Clerks Association and the Tax Clerks Association and find someone qualified and certified for the software utilized by the office to cover her absence if Ms. Gailey was unavailable or in case Ms. Schofield's absence becomes extended. Mr. Tierney pointing out that she is an elected official and must be a resident. He asked Ms. Schofield where she would reside after the birth of her child. Ms. Schofield said she wanted to be at her fiancé's house in Alexandria but was unsure. Ms. Schofield was asked to come back before the Board or advise Mrs. Lucas of her decisions as soon as is possible.

*New Hampton Cemetery
Association Budget Request
Gene Otis, Bill Roberts and
Joel Powers
7:30 p.m.*

Mr. Otis stated that the letter he received from the Board gave him an impression of distrust. He was advised that was not the case, nor the intent. The Board outlined the difficulties with the current budget year's expenses and reduced revenues. Because of this they are reviewing all budget requests and expenses as is their responsibility to voters.

Mr. Otis outlined expenses the past year of \$2,000 for repair of the stone wall that was hit by a motor vehicle. He noted some years the weather caused significant damage which has to be dealt with as it occurred. He outlined that their total budget is \$5,000 from the Town plus \$5-6,000 from the Association's investments which were significantly down due to the economy. Mr. Mertz asked if the bylaws dedicated the interest payments to maintenance of the cemetery. Mr. Otis said the bylaws did not require that. Mr. Otis explained that currently the endowment is at the lower end of \$50,000. Work is primarily done on a volunteer basis to keep that endowment from getting any lower. The Board asked about fees. They were advised there is no perpetual care offered and the only income comes from the purchase of the plots or donations. He advised only one plot was sold this year. Generally only two or three are sold in a year. There are about 150 plots available. Mr. Otis advised that if the endowment is used up the care of the cemetery will become the responsibility of the town at a significantly greater cost. Mr. Powers explained that regular maintenance generally involves cleaning up for Memorial Day, and mowing for 4th of July and Old Home Day and maybe Labor Day depending on the growing season. Mr. Powers advised mowing had been done seven or eight times during the past year with his own equipment.

A balance sheet submitted to the State this year was provided to the Selectmen. Mr. Roberts stated that past investment losses reduced the funds by about \$20,000. There are two cemetery lots that have endowments, the Morrill and Flanders lots. The bylaws state that income from the interest is available for maintenance. The rough estimate of the total funds available from both endowments is approximately \$8,000. The Town Trustees have some funds for which 2/560ths of what is spent on maintenance is available to be withdrawn. The figure comes to \$20 or \$25 and has never been requested. Mrs. Lucas advised that at a recent conference she learned of a special application through the courts whereby the Trustees can request funds for a specific task if there was an accumulation of interest available. Mr. Powers stated that he has done as much as he can through volunteer work because he wants to keep what funds they have growing. Mr. Powers advised that he doesn't submit bills for his work until March in order to allow the Trust to get as much interest as possible. Mrs. Lucas noted the balance sheet on file showed two years of expenditures to Mr. Powers. Mr. Powers stated that was because his bill was probably submitted after the Trustees closed their books. If the check is not written until April, it is shown on the following year.

The annual meeting for the Association Trustees is in June. The fiscal year end is March 31st. Mr. Tierney advised it would be helpful for clarity if the billing be completed for the calendar year. Mr. Otis stated he could go to the Trustees to change their fiscal year, but it would require a year to do so. Mrs. Lucas asked and it was confirmed that there is no expenditure from December to March because weather precludes the ability to do any work. Mr. Powers' billing could be done earlier and show what was done during the year.

The question of concern for the selectmen is how to accurately show expenditures of Town money so there is clarity for voters on how the funds they provide the Cemetery Association are spent. The balance sheet for 2008 showed a balance of the money provided by the town, if Mr. Powers' bill for 2007 work were backed out. The town needs to consider reducing its expenditure to what is actually needed. The Board was then advised total expenditures for 2009 came to \$9,900.

The Association Bylaws acquired by the Board through the Attorney General's Office were claimed by Mr. Otis and Mr. Powers to be out-of-date. Mr. Powers stated the only change to the bylaws was an amendment two years ago that limited any spending to one third of the principal. The Board asked that a recent copy of the bylaws be provided.

The discussion came to planned expenditures for 2010. Mr. Powers stated that planned work for 2010, if the Town provides \$5,000, would be maintenance. Mr. Powers noted he is looking for donations of equipment or materials all the time. There is a long list of items that need work but the funds are not available. Road paving is not in the picture unless they get donations. Every spring they have to repair stones in the surrounding walls. He advised 35 to 40 grave stones were repaired or reset, and another 100 are

askew. One gate is in very poor shape, but work that was done previously was donated. Trees on the property all require work as does the fencing in the rear of the cemetery. He noted that road work by the vault created a ditch which makes its use very difficult. The Board advised that they would see what could be done about that situation.

The Board thanked Mr. Otis, Mr. Roberts and Mr. Powers for coming before the Board.

DISCUSSION ITEMS:

Building Permit Ordinance

Mr. Mertz reported that at the last Planning Board meeting a couple of things were discussed regarding the Warrant Article's proposed changes to the ordinance regarding building permits. The Planning Board will amend the proposed ordinance wording and bring it back to next month for a vote to send it to the town voters.

Hawkers & Peddlers License Application

Jeff Morse wants to sell Christmas trees on the Hiltz Lot B, next to Mobil on the Run, to raise funds for fallen police and fire personnel. A letter of approval was received from Jeremy Hiltz. Police and Fire Chiefs will have to sign off, but the Selectmen have no issues with the permit at this time.

Department of Labor Case #36875

Correspondence from the Department of Labor confirmed that all required work has been completed and the case is officially closed. Selectmen thanked Mrs. Lucas for her diligence and hard work in the matter.

LGC Insurance Notification

Selectmen reviewed notification from LGC that Property Liability Insurance will have an increase of 6%. This is 3% below the rate of 9% for the third year of the multi-year agreement. Workers Compensation will increase the full 9% for the multi-year agreement because of recent statutory changes that broaden coverage, as well as rising claim costs.

Central Street Bridge

- A meeting will be held on Tuesday, November 24th at DOT in Concord with Nancy Mayville, Mrs. Lucas and Paul Weston to discuss the bridge issues. Mr. Tierney will attend as well and report back to the Board at the next meeting.
- Selectmen reviewed an email dated 11/18 from Rick Hammar regarding the historic sign, reporting there will be a delay due to material availability. This was forwarded to Wade Brown of SEA.
- Selectmen reviewed email communications dated 11/16 and 11/18 from Mrs. Lucas to Ed Welch of SEA which advised Mr. Welch will be on site to review joint expansion work.

DirecTV

Selectmen reviewed emails dated 11/16 from Jay Whitelaw regarding progress on meeting November deadlines.

New Hampton School

- Selectmen reviewed email from Fire Chief Drake, as follows:
- 1) Email dated 11/18 with the Fire Marshall's office regarding work at The Gables building.
 - 2) Email dated 11/19 with Kirk Beswick regarding calls to the school, the condition of the alarm system and fire extinguisher at the Gables.

3) Email dated 11/19 from Chief Drake to Kirk Beswick regarding the infirmary.

Mr. Mertz advised the Board of the Planning Board discussion of the New Hampton School's work at the Gables at its most recent meeting. If the proposed changes constituted a change in use and expanded to a multi-family, the work would be required to go through Site Plan Review. It was determined that under the Precinct Village's ordinances, the work was not a change in use and was approved.

NH Dept. Of Environmental Services Wetlands Permit

Selectmen reviewed correspondence from NH DES dated 11/10 that acknowledged receipt of the Wetlands Application regarding a culvert on Coolidge Woods Road.

Nora and Eric Foster Anchorage Road Tax Map U-12, Lot 7

- The Board received a copy of the Shoreline Impact Permit from NH Dept. of Environmental Services was issued for construction of a new home.
- The NH Division of Historical Resources has requested a project review of the proposed work at property in conjunction with the Shoreline Impact permit Application. The property was determined to be archeologically sensitive.

New Hampton Police Statistics

Selectmen reviewed the Police Department statistics for the weeks ending November 9th and November 15th.

T.E. Funding

Selectmen reviewed an email from Kevin Gagne regarding TE funding for the Route 104 planning. The funding would require matching funds from the Town and based on the current budget constraints the Selectmen took this under advisement.

Primex Health Insurance

The health insurance discussion will be carried to the Monday Selectmen's meeting. Mrs. Lucas will provide the Board with a recap of the information she has collected from a meeting with the Primex representative.

Professional Firefighters

Selectmen received and reviewed a letter from the Professional Firefighters Association regarding the Local Government Center.

Senator Deb Reynolds

Selectmen reviewed a letter from the State Senator outlining information from a forum sponsored by Executive Counselor Ray Burton regarding the NH DOT's ten year plan.

Conflict of Interest Ordinance and Ethics Policy

Mr. Tierney proposed a warrant article for a Conflict of Interest ordinance based on guidelines in RSA's put on a warrant article for vote this year. Once budget work is complete and the Board has time, he proposes development of an ethics policy. This work requires careful diligence. Development of the policy will be possible with assistance from LGC and other organizations in the state.

Mr. Tierney made a motion to continue this work and develop wording for a warrant article for this year. This was seconded by Mr. Mertz, and the vote passed unanimously.

FEMA projects

Paul Tierney will go out with Mr. Boucher to review work still to do. FEMA work has to be done within 18 months of when the disaster was declared. The deadline is in March, but an extension is necessary because of the weather at this time of the year. The FEMA certification requires approval of the entire Board but only one signature.

New Hampton School

New Hampton School Headmaster Andrew Menke will be meeting with Mr. Tierney on December 3rd. This was approved by the Board previously to promote an open dialog with the town, the Board and the New Hampton School and improve communication.

Minutes of 11/5

On page 4 of the minutes wording read: *Mr. Tierney proposed that qualifications be established and be part of the warrant article.* Mr. Tierney noted this was an error. Qualifications for the position change as town and state needs require. The correct wording should read: ***Mr. Tierney proposed that qualifications be established and available for the deliberative session to support the Warrant Article.*** Mr. Tierney moved to correct the minutes, seconded by Mr. Bartley and the motion passed. A motion to accept the minutes as amended was made by Mr. Mertz, seconded by Mr. Bartley. The motion was passed.

OTHER BUSINESS:

Mrs. Lucas and Mr. Tierney attended the NH Municipal Association Conference. One of the seminars attended by Mr. Tierney was titled "Is a Charter in Your Town's Future?" New Hampton is SB 2 town, another is the Town Meeting type, but there are five different kinds of government forms in New Hampshire. As an example, Peterborough has a Deliberative Session, Ballot Vote and then holds an Open Meeting. Housekeeping items are handled in the open meeting session. There are pros and cons to this system. Mr. Tierney will bring more information on the material presented to the Board at a future meeting.

PUBLIC COMMENT

None was heard.

ADJOURNMENT

It was moved by Selectman Mertz to adjourn, seconded by Selectman Tierney. The vote passed and the meeting adjourned at 9:08 p.m.

Respectfully submitted,

Kristin J. Harmon