

SELECTMEN'S MEETING

October 10, 2012

Executive Board Attending: David Upton, Susan Hansel, Maury Collins, Edie Drinkwater, Admin. Assist.

Others Attending: Dennis Dellagreca, Maureen Lord, Barry Tolman, Karen Tolman, Kathy Blaudschun, Sara Sandberg, Candyce Fulford, Anna Philbrick, Loretta Simonds, Priscilla Walter, Bert Wingerson

Chair David Upton opened the meeting at 6:00 PM.

The first item was review of a Building Permit application presented by Barbara Fraser. Ms. Fraser's application was for a single story, 2 Bay garage (24'x28') at her home on Old Stoddard Road.

Review showed that all setbacks were met, there is access to a road (Class V or Better) and a diagram showing the proposed building dimensions was submitted.

Edie asked if there was an up-to-date current use map available for the property because the location of the garage may impact the current use status. Ms. Fraser indicated that 1.6 acres was out of current use at this time.

Edie noted that if the garage falls outside the current use area then more land will need to come out of current use.

David noted that this could have a tax impact.

With no further questions David called for a motion.

Maury made a motion to approve the building Permit as presented.

Susan seconded the motion.

The motion then carried by a 3-0 vote.

Edie will have the permit ready tomorrow and asked that Ms. Fraser bring in an up-to-date current use map. Edie will also check the office file for a copy of the current use map for this property.

Next David reported on the visit from Inspector DiGangi from the NH Department of Labor.

The Inspector praised the outcome of the Safety Renovation, took several photos indicated he would refer other towns to view the Nelson renovation. He also credited the Town for its cooperation and timely completion of the renovation.

An inspection, and approval, of the Nelson Safety Manual, completed by the Joint Loss Management Committee, was the last order of compliance. The manual was reviewed and given the seal of approval by Inspector DiGangi.

Nelson is now fully compliant with the NH Dept. of Labor regulations and the case is officially complete and closed.

Next David announced that the Nelson Fire and Police Departments will be sponsoring the Halloween Party at the Town Hall on October 27, 2012. As this is a Town sponsored event there will be no rental fee for the Town Hall and a private certificate of insurance will not be required.

The next item was a request from the Library Trustees to approve the appointment of Susan Kingsbury as Trustee. Susan will replace Max Nunnemaker who resigned.

David called for a motion.

Maury responded by making a motion to approve Susan Kingsbury as Library Trustee.

Susan seconded the motion.

The motion then carried by a 3-0 vote.

The Board expressed thanks to Susan for the offer to give her time to this position.

Thanks was also given for the time Max spent as Trustee.

The audience was offered some time for questions or comment.

Candyce Fulford asked if the Fire and Police Chiefs should be contacted by the Halloween Party Committee to help plan the event. David replied in the affirmative.

Maureen Lord asked who was on the Halloween Party Committee.

Candyce said that she and her daughter, Joy Birdsey and a new resident whose first name is Kim (she was not sure of the last name).

Next was a review of the final Draft of the RFP for an assessing company. David noted that a date of November 15, 2012 was chosen as the reply date. This will correspond with a day of the week with open office hours to certify the timely receipt of any proposal. Included in the request for proposal would be that one individual be assigned as the primary assessor for the Town. People may then come to know and feel comfortable with that person.

Also included would be an allowance of approximately four hours per month at the Town Office to meet with tax payers or to do office work related to the assessing process.

Following a brief discussion David called for a motion.

Maury made a motion to approve the RFP as presented.

Susan seconded the motion.

The motion then carried by 3-0 vote.

Eddie was then directed to send the RFP to everyone on the list of assessing companies from the DRA website.

Next, David reviewed his "Reminder Notice" to all committees, commissions, and Boards regarding compliance with RSA 91-A.

An audience member requested clarification of what the Board was discussing.

After being given a copy of the proposed reminder to view, she began giving her opinion on multiple portions of the reminder that she felt were incorrect.

These comments were not during the designated audience comment time and Chair David Upton asked that she identify herself. She stated that her name was Loretta Simonds from Marlborough. She continued offering her opinion and suggestions regarding this topic.

David then asked the Board if they felt comfortable moving forward with this reminder. The Board acknowledged they were ready. David recalled portions of a letter from LGC Attorney Christine Fillmore regarding emails. It was made very clear that only information may be sent by email. There must be no back and forth discussion, no deliberation, no voting or action.

This can only be done at a legally posted meeting. David again asked if the Board was comfortable moving forward. Susan and Maury indicated they were ready.

Maury made a motion to approve the reminder as presented.

Susan seconded the motion.

The motion then carried by a vote of 3-0.

Next Karen and Barry Tolman came forward to ask about the cutting of road side trees. They noted that trees have already been flagged.

David gave a partial review of a Viatic easement which essentially states that the land owner granting the Town a right of way for a road still owns the land (including the trees) to the center line of the road. The land owner does have the right to cut their own trees but the Town, if in the public interest, also may cut the trees to maintain the public right of way.

This public right is provided by NH RSA.231:150

Karen noted that there are provisions that require the land owner to be notified before cutting a tree over 15 inches in circumference.

Karen Tolman gave a brief history of the 1998-99 tree cutting by PSNH. The Tolmans discovered on one such cutting that a large tree on their property was removed without their permission.

Karen noted that several years ago the Planning Board wrote some guidelines regarding tree cutting but they seem to be forgotten.

The Tolmans have concerns that cutting and widening of roads may lead to increased speed that will add to the current traffic safety issues.

Barry Tolman also expressed concern over the cost of removing trees. He noted that Mike Tarr was agreeable to work with but questions which is the greater hazard, a tree falling or speeding cars. Barry noted that the choice of which trees to cut is a judgment call that can lead to excessive costs. Discussion continued for some time on these safety issues.

David noted that he saw no overall linkage between the removal of diseased trees and the speeding car danger. The Board will have Mike Tarr contact the Tolmans to discuss the road side tree cutting.

Karen then reported on the Road Study Project. (A brief written report is available for inspection at the Town Office.)

A Location has been chosen as a prototype. This will be an area of Tolman Pond Road near the tennis court.

The next topic was discussion of joining the SAU 29 health insurance pool. David explained the request process to gain approval from SAU 29. A letter to SAU 29 making this request was read and reviewed.

Maury made a motion to approve this request and to send the letter.

Susan seconded the motion.

The motion then carried by a vote of 3-0.

There was a brief discussion regarding a joint meeting with the Planning Board scheduled for Thursday Oct. 11, 2012.

The primary topic will be the granting of Building Permits on less than a class V or private road. In this case Miller Drive is the location.

A building permit application from Tom and Mary Congoran will be considered at that time. The Congorans have submitted a draft of a "Hold Harmless" document which is to be recorded at the Registry of Deeds. This releases the town of any responsibility or liability for the private road where their property is located. The Board read and reviewed the draft of this document.

A hypothetical question has come before the Board concerning property owned by Bonnie Riley. The Question:

Could this non-conforming lot be considered a building lot under any circumstance, such as with ZBA involvement?

This question was posed as it could make a difference to the land owner who may grant some type of easement. This would reduce the value of the land and if it is reduced from the value of a permitted building lot (a higher value) this could have benefits from both local taxes as well as

income tax.

Next, Edie reported on the progress to unravel Terry Mednick's request for abatement. Terry presented two subject properties for comparison. Edie found that, for the year in question, Terry's "1st acre" or Building lot base value was \$10,000 below one of the properties and \$5,000 below the other. The remaining acreage was exactly the same base rate of \$2,500 for one of the properties and \$500 above the other which was at \$2,000. (This could be a condition or view factor) Terry's property has a view. This seemed consistent and reasonable.

The issue here is that Terry feels the base rate on his "1st acre" should be valued as back acreage (\$2,500) and he claims to have made such an agreement with a previous field assessor and the Board of Selectmen at the time.

Terry has been informed of the findings but has not yet responded.

The Board agreed that Edie and David will continue to resolve this matter.

Next, was a reminder of the Budget review meeting on Monday October 15, 2012 with the Police Chief. The 2013 Police budget will be discussed.

On that note David began discussion of the Budget process. The Budget presentation should be clear, concise, and provide enough information to support the request. The goal is to have the Budget process complete by the end of November.

All departments, committees, and commissions will be encouraged to have a draft of their 2012 report in early December with the final copy in by December 30th. All reports should be submitted in a format that is consistent with the format used for final presentation to the Printer. David noted that safety issues will impact the Fire and Police Budgets in the coming year.

Next discussion of the Elderly Exemption issue was picked up from the previous meeting. David requested that the Board review a list of exemption amounts for all other Towns in New Hampshire. The Board will consider amounts to be placed on a Warrant Article at the 2013 Town Meeting. The goal will be to increase the income and asset limits to qualify for the Elderly exemption. This would reduce the tax burden for these households.

David reported on an administrative meeting with John and Anne Cucchi. The Cucchis are moving forward to acquire a piece of property directly in front of their house that is now a State right of way for the old Route 9. They presented background history, proposed plan, and pictures detailing their plan. They provided contact names for the State of NH DOT that they have been working with.

The exact process is still being researched by Anne and John. As this project is still at the information gathering stage, no action is requested or needed at this time. There are unclear jurisdiction issues to be resolved which may include the State as well as the Town of Nelson.

Next, Edie reported that the Grant Audit for the Community Development Grant to Apple Hill was completed earlier today. The required documentation goes back to 2007 but with a little digging all paperwork was found and the Town passed the audit.

It is still uncertain if Apple Hill can meet its commitment to create 6 full time jobs by the end of December. If this happen they are required to pay back \$20,000-\$40,000 which the Town is required to collect from them and return it to the Granting agency (Federal Government). There is still remaining money in the grant for the Town to pursue for administrative costs. A statement will be developed with supporting documents in order to receive some of these funds.

Edie reported that Terry Mednick came into the office stating that someone has asked him (as auditor) to change the formula used to allocate fuel charges.

In previous budgets the Fire Department did not include the fuel used for the trucks. The

gasoline was all paid with the Police Budget and the Diesel was all paid with the Highway Budget. In an effort to fairly allocate these costs several options were examined. Bud French research equipment that would be card activated and account for usage amounts as well as identify the person drawing the fuel. The cost was high and so a formula was discussed that was based on percentage. The Board worked and came up with percentages that all departments agreed to try. Gas= 65% Police - 15% Highway - 10% Fire - 5% Cemetery 5%Town Sexton. Diesel= 75%Highway - 25% Fire. When a delivery is made the bill is divided by those percentages. David suggested that all department heads come in to agree on what percentage should be used.

Maury reported on the Sidewalk project for the Town Hall. John Boles informed Maury he did not have time for the project. Abbott Construction has not yet returned with a bid. Earl Cressy gave a bid of approximately \$1400.00 each walk with assistance from the Town for the installation. John Clark gave a bid of \$2800 per walk. A bid from Keystone Enterprise, Inc. came in at \$2600.00. After a brief discussion the main issue seemed to be how to fund the project for this year. The budgets are very close so an in depth review will be needed to see if the project could go forward now or wait until next budget year.

Next, David requested that the Board approve painting the treads on the steps leading upstairs. The treads will be a lighter gray with the bull nose in white. Susan made a motion to approve David's proposal. Maury seconded the motion. The motion then carried by a vote of 3-0

The next item was to pick a date and time for the office Open House. After looking at a few dates November 3rd was chosen from 10:00 AM to 12:00 PM.

The next discussion concerned the possibility of a deputy to the Administrative Assistant. For the time being this would be a volunteer position. The attorney at LGC suggested developing an agreement outlining the tasks. No action was taken. More thought will be put into developing this position.

Next, David reported on the Hazard Mitigation meeting. As part of the plan there needs to be a better explanation of the expectations for the Health Officer. There are State RSAs that apply to the Health Officer. Research will be done to find out what requirements may be contained in the rules governing this position. David will take on this project as he will also be reporting back to the Hazard Mitigation Committee.

All paperwork was then presented for review and signing.

A woman from the audience requested her right to view the manifest. She was not a resident of Nelson but indicated her right to make such a request in any Town in the State.

Maury made a motion to approve the manifest as presented. Susan seconded the motion. The motion then carried by unanimous vote of 3-0.

The woman from Marlborough came forward to view the manifest. When presented with The Nelson Request for Information form she signed it under protest. While she continued to express her opinion that the form was not necessary and she need not

sign it, Edie explained that this was a tool used to make sure all requests are met in a timely manner and that exactly what was requested is what will be received.

There was a brief discussion regarding the probationary period for the Town Sexton.
David made a motion to remove Wayne Fulton from probationary status to regular part time.
Maury seconded the motion
The motion then carried by a vote of 3-0

Susan made a motion to approve the minutes of the October 3rd meeting as presented.
Maury seconded the motion.
The motion then carried by unanimous vote of 3-0.

Maury made a motion to approve the minutes of the October 4th meeting with Inspector DiGangi as presented.
Susan seconded the motion
The motion then carried by a vote of 3-0

Edie reported that after a complete dissection of Terry Mednick's file multiple errors were discovered including what seems to be a typo which may have caused the multiplier in Avatar to calculate an unusually low tax assessment for some of the years prior to 2010, at which time it was corrected. The assessing company as well as the DRA will be asked to try to clarify this.

With nothing further, Maury made a motion to adjourn the meeting.
Susan seconded the motion.
The motion then carried by unanimous vote of 3-0.
Meeting adjourned at 8:48 PM

October 10, 2012

David Upton, Chair

Maury Collins

Susan Hansel