

Selectmen's Meeting
Monday, January 9, 2017

These minutes were recorded by Laura Nash, Boards & Commission Secretary in the absence of Ellen White, Town Administrator.

Call to Order:

Selectman Morgan called the meeting to order at 4:18 PM.

Morgan opened the meeting with the Pledge of Allegiance.

Attendance by Roll Call:

Present were Selectmen Robert Freeman, and Richard Morgan. Absent were: Selectmen Franklin Riley and Ellen White, Town Administrator

Morgan announced that the Town Administrator is not present because she's a mother of a beautiful little girl and we wish her the very best and ask for a little leeway because Ellen does an awful lot for us and we're going to soon appreciate that more and more as time goes by.

Meeting Minutes:

The minutes from 01/04/2017 were not available for the meeting because E. White had her baby and is out on maternity leave. L. Nash will try and have them ready for the next meeting.

Accounts Payable & Payroll Manifests:

The Payroll Voucher was submitted for the week ending 01/07/2017 in the amount of \$42,610.73. The Accounts Payable Voucher total for the week ending 12/30/2016 was in the amount of \$63,538.49 and Accounts Payable Voucher total for the week ending 01/07/2017 was in the amount of \$72,313.91 for a total disbursements for this week of \$178,463.13. Morgan made a motion to approve and sign the check voucher. Freeman seconded. A unanimous vote was taken.

Review of Red Folder:

The Highway Department Work Log was received for the week ending 01/01/2017 – 01/07/2017 and is available for viewing.

Intent to Cut: Tax Map: 264 Lot: 21, on Granite Rd. owner D&K Properties, LLC. C/o Nick Laganas, to cut 16 acres from the 16 acre parcel by Western Maine Timberlands, Inc. Taxes are paid and no cemetery on the property. Morgan made a motion to approve. Freeman seconded. A unanimous vote was taken.

Intent to Cut: Tax Map: 65 Lot: 1, on Route 16. owner Diversified Resources Corp. to cut 30 acres from the 30 acre parcel by Wadsworth Woodlands, Inc. Taxes are paid and no cemetery on the property. Morgan made a motion to approve. Freeman seconded. A unanimous vote was taken.

Purchase Order from E. White to Select Print Solutions for printing of Town Reports in the amount of \$2,252.00. Morgan made a motion to approve. Freeman seconded. A unanimous vote was taken.

Purchase Order from Brad Harriman to Granite State Minerals, Inc. for 1 – ton of Road Salt for the 2017 season at \$58.85 per ton in the amount of \$48,000.00. Morgan made a motion to approve. Freeman seconded. A unanimous vote was taken.

Abatements: Morgan noted there are several but most are from campground RV's.

Roger & Ida Raymond, 125 Old Granite Rd. The taxpayer brought in a check to pay off 2016 1st half on July 1, 2016. The check and slip got stuck on the back of the cash draw. Refund/Abatement: \$44.45 for interest accrued. Morgan made a motion to approve. Freeman seconded. A unanimous vote was taken.

Dolan Revocable Trust 8/94, 35 Sawyer Rd. The property was not transferred correctly when it sold in July. We need to process the abatement and then process a Supplemental Warrant to the correct owner. Refund/Abatement: \$83.00. Morgan made a motion to approve. Freeman seconded. A unanimous vote was taken.

Lawrence & Bernice England, 35 Sawyer Rd. Issue of Supplemental Warrant to collect supplemental property taxes in the amount of \$83.00. Morgan made a motion to approve. Freeman seconded. A unanimous vote was taken.

Mike & Carrie Emond, 1 Terrace Pines Rd. The taxpayer provided information pertaining to the RV purchase of the property, the NADA value estimate and the actual year the model was made as 2010 model and is actually a 2007 model. Refund/Abatement: \$87.78. Morgan made a motion to approve. Freeman seconded. A unanimous vote was taken.

Steven & Joan Murdock, RV at Terrace Pines Rd. The RV unit was listed as a 2010 model year and is actually a 2003 model year. Refund/Abatement: \$48.07. Morgan made a motion to approve. Freeman seconded. A unanimous vote was taken.

Roger & Shirley Aziz, 7 Gile Rd. RV's NADA value original assessment of \$3,200.00 revised assessment is \$2,600.00. Refund/Abatement: \$13.07. Morgan made a motion to approve. Freeman seconded. A unanimous vote was taken.

Kenneth & Donna Tatro, RV at Terrace Pine Rd. The RV unit was listed as a 1998 model year and is actually a 1984 model year. Refund/Abatement: \$129.58. Morgan made a motion to approve. Freeman seconded. A unanimous vote was taken.

Ray & Rebecca Reynolds, RV at Terrace Pines Rd. The RV unit was listed as a 2010 model year and is actually a 2004 model year and has significant water damage. Refund/Abatement: \$117.04. Morgan made a motion to approve. Freeman seconded. A unanimous vote was taken.

Recycling Center Daily Cash Log for December 2016 collected the amount of \$3,889.95.

Received Certificate of Liability Insurance from Charter Communications, Inc. is available for viewing.

B. Harriman spoke of Job Invoice from Public Works for Ossipee Library. A proposal in the amount of \$5,200.00 to replace ceiling tiles, plumbing and plaster repair for water damage from two years ago. No other proposals were submitted. Maria indicated the library has a fund setup to pay for the repairs, just need town's permission. Morgan made a motion to approve. Freeman seconded. A unanimous vote was taken. Brad instructed to get a purchase order to E. Sherman.

B. Harriman submitted 4 - Water & Sewer Warrant Articles for this year. Article 1 is to establish a Capital Reserve Account for repairs and improvements to the Town's Sewer Collection & Disposal System and appropriate the sum of \$75,000.00. Funds would go towards water line replace Ossipee Mountain Rd. starting at Mill Pond Dam go under the bridge, over the bank and up to Ossipee Mountain Rd. Cost is approximately \$76,000.00

Articles 2 is to establish a Capital Reserve Account for repairs and improvements to the Town's Water Treatment & Distribution System and appropriate the sum of \$75,000.00. Funds would go toward Camp David Septic repair and would cost approximately \$69,000.00 – \$70,000.00.

Articles 3 is to establish a Capital Reserve Account for maintenance type repairs to the Town's Sewer Collection & Disposal System.

Articles 4 is to establish a Capital Reserve Account for maintenance type repairs to the Town's Water Treatment & Distribution System, by utilizing the remaining leftover operating funds to establish these accounts.

Bo would like to utilize some of the Water & Sewer maintenance funds to update the meters. Some are 20 years old and life expectancy is normally 15 years. Brad and Bo are working up a proposal on the cost to submit to the Town.

Morgan would like to wait to see how the finances work out with the Water & Sewer because attaching another \$150,000.00 in Warrant Articles may not go this year.

New/Old Business:

Revenues Review and Draft Warrant Articles continuance until next meeting.

Warrant for the Water & Sewer Collection in the amount of \$100.71. Morgan made a motion to approve. Freeman seconded. A unanimous vote was taken.

Abatement application for Governor Wentworth Regional School District where the Commission entered into an agreement with the School District to refund them over six (6) quarters to correct an overpayment the school district made. The Selectmen requested a total in order to clean up the books. Abatement: \$4,840.31. Morgan made a motion to approve. Freeman seconded. A unanimous vote was taken.

Water & Sewer Department checks for approval:

Petty Cash –	115.73
Eastern Analytical. Inc. –	12.00
Fairpoint Communication –	32.00
Harcros Chemicals, Inc. –	416.95
Lakes Region Septic –	250.00
Town of Ossipee – Payroll –	3,395.47
WEX Bank –	<u>221.84</u>
	\$4,443.99

This concluded the business portion of the meeting and Morgan opened the meeting to public input.

Public Input:

Sam Martin inquired about Water & Sewer meeting minutes being available to the public? Morgan stated after the transition period the Water & Sewer Department will be just another department and will be reported on at the Selectmen's Meetings.

Public Hearing – Scheduled for 5:00PM

The Board received a copy of the email correspondence from White inviting the Dan Hole Pond Watershed Trust to attend the 1/9/2017 Public Hearing on the acceptance of a gift for the build-out study presented to the Planning Board.

Budget Committee Meeting – Scheduled for Thursday, January 12, 2017 at the Freight House on Moultonville Rd.

Bo inquired about purchasing a Line Locator. Morgan instructed him to write up a Purchase Order with Brad Harriman.

Bo asked about taking the truck home since he is always on call. Morgan and Freeman both agreed it was okay.

Non-Public Session:

Not applicable.

The next meeting will be scheduled on Thursday, January 19, 2017 at 9:00 AM.

Adjournment:

Being no further input, Morgan made a motion to recess the meeting until 5:00PM. Freeman seconded. A unanimous vote was taken.

Recessed at 4:44 PM

**Public Hearing
Monday, January 9, 2017
Acceptance of Build –Out Study
From Dan - Hole Pond Watershed Trust**

These minutes were recorded by Laura Nash – Boards & Commission Secretary.

Call to Order:

Rick Morgan called the public hearing to order at 5:00 PM.

Present were Selectmen Robert Freeman, and Richard Morgan. Absent was Frank Riley.

Morgan stated the purpose of the public hearing is the acceptance of a gift for Build – Out Study from Dan - Hole Pond Watershed Trust.

Morgan called on Bob Pratt of Dan – Hole Pond Watershed Trust (DHPWST) to explain how his company came to propose the offer.

Pratt explained DHPWST is a local land trust, who help people who want to conserve their land. Pratt stated they heard the Town was interested in a build-out study, but was voted down at the last Annual Town Meeting because voters did not want to fund the study. DHPWST heard that certain Town bodies would be interested in the build-out study. Pratt explained since the study has multiple purposes DHPWST would have the study done and donating it to the Town.

The Planning Board voted not to accept the gift, but DHPWST felt the information would benefit current and potential businesses looking to come to Ossipee by identifying commercial areas. It would also identify areas for conservation and decided to offer to do the study through donations made by Ossipee citizens and businesses.

Morgan gave some background on how this Public Hearing came about. The Town's people voted at an Annual Town Meeting to empower the Selectmen to hold a public hearing on the acceptance of any gift being donated to the Town with a monetary value in excess of \$5,000.00 pursuant to RSA 31:95-e.

Public Comment:

Bob Gillette provided background from the Planning Board perspective. Gillette felt it would help with updating the Master Plan, which is 10 years old and is required by law to be updated every 10 years, if not sooner. Gillette spoke with the NH Office of Energy & Planning (NHEOP), and the Lakes Region Planning Commission (LRPC), on how to go about updating the Master Plan. Gillette stated he was told the build-out study is the best practice along with a town survey. Gillette does not believe this is a gift if it's open to anyone to have access to and questioned the legality of holding a Public Hearing.

Morgan stated the Selectmen spoke with the Town attorney, who stated the public hearing is the appropriate venue. Morgan continued the statute reported in the paper does give the Planning Board authority to accept data. But in the last paragraph there is a comma, which states "within the limits of the municipality and its practices." Morgan stated, "What we are doing now by holding a Public Hearing is what this Town has always done for acceptance of anything."

Gillette agreed a public hearing on matters like this is a good thing but challenged Morgan on the verbage of RSA 31:95-e.

Morgan on the grounds of transparency, Gillette should have informed the Planning Board that he is a member of the Dan Hole Pond Watershed Trust and his wife is on the Board of Directors.

Gillette proclaimed he's not a member; he is a contributor and as far as he knows there is no membership.

Pratt stated there are supporting members those that make contributions to the organization.

Dennis Legendre thinks the build out study is a good idea but the Town's people voted it down, not because of money. But feels it should be on the ballot. The Town's people should decide if they want the build out and pay for it if they vote to accept it.

Sam Martin questioned who authorized the letter sent to Mr. Pratt accepting the offer after the Planning Board voted against it. Pratt questioned what letter.

Morgan asked the Planning Board Secretary if there was a letter drafted to Mr. Pratt from the Planning Board. Nash replied, no.

Dennis Legendre and Connie Billings confirmed there was a second letter from Pratt to the Planning Board thanking them for accepting the DHPWST offer for the build-out study.

Morgan also confirmed there was a second letter from Pratt to the Planning Board indicating there was an agreement. Subsequent to that letter, the Selectmen sent Pratt a letter explaining the purpose of this hearing.

S. Martin implied the current Master Plan is focused heavily towards conservation and feels they are trying to do the same with the updates. Martin also corrected Gillette that Tamworth is also fighting the build-out study.

Harry Merrow agrees the people voted it down not because of money but because they didn't want the study. Merrow stated it should go back to the people to vote on if they want the build-out study.

Gillette stated Tamworth cannot do a build-out study because they have no zoning ordinance allowing for one to be done.

Morgan stated he will only decide based on needs for Ossipee and does not make decisions based on what other towns are doing.

Joe Deighan from the Economic Development Counsel stated they also received a letter asking to back the build-out study. But states the legislative body voted it down and asked the Selectmen to honor that decision.

Sam Martin asked Pratt if this decision rests on DHPWST getting a grant. Pratt replied no. Morgan clarified the previous offer was tied to receiving a grant to pay part of the cost. Pratt again stated, no.

C. Billings, Vice-Chairman of the Planning Board explained the Planning Board was told that DHPWST needed \$6,000.00 because DHPWST had a grant for \$4,000.00 that would expire on January 1, 2017 or the Planning Board would pay the full \$10,000.00 cost. This contradicts what Mr. Pratt just said.

Marie McConarty asked at one of the Planning Board meetings why did DHPWST come to the Planning Board; why not just do the build-out study for themselves (meaning DHPWST). Gillette stated there are some Town bodies who are interested in the study and who are the usual consumers of such studies.

Joe Deighan added whoever partners with the contractor for the study sets the parameters of focus for the study.

Harry Merrow asked if DHPWST is going ahead with the study anyways. Why is this discussion and Mr. Pratt coming before the Selectmen for a public hearing? Pratt said, he was asked to be here. Morgan explained the public hearing is to determine whether or not to accept a gift of the study. His understanding is DHPWST is fundraising for donations to help pay for the study and the Town's people should be informed.

Sam Martin wants the Selectmen to uphold the Town vote against the build-out study. Martin said it's not just about the money and she spoke vehemently against the study previously. Morgan stated he voted against it not because of the money but the organization that was originally proposing it.

Ron Adams, Conservation Committee – Chairman, stated they did put the petition on the ballot last year. The Conservation Commission never challenged the article to raise \$3,000.00. The article was voted down for other reasons. R. Adams stated DHPWST is going to do the study and put it on their website for public domain for whoever wants to read it.

Morgan confirmed with Ron Adams that he too is on the DHPWST Board of Directors. Morgan stated the part that really begins to bother him is when the lines get fuzzy. Morgan said the letter from Pratt to the

Planning Board was very clear it was for the Master Plan. Gillette proclaims it was being offered for the benefit of the Town. Yes, it would benefit the Planning Board, the Economic Counsel, and yes the Conservation Committee but it could even benefit the Selectmen.

Ron Adams said the study would help identify land available for businesses, open land and land for conservation.

Joe Deighan asked per last year's meeting the Conservation Commission asked to appropriate \$3,000.00 from the Town voters. Morgan confirmed the cost was \$6,000.00. The Conservation Commission would take \$3,000.00 from the conservation fund and ask the taxpayers to fund the other \$3,000.00. Deighan said even though they have the money they wanted the taxpayers to help with cost. But their asking for more taxpayer money even though they already have the money.

Connie Billings referred to Mr. Pratt's letter saying DHPWST would be fundraising for donations from Ossipee businesses and citizens, not from websites. People starting asking where the letter is. Pratt referred to his folder and read "fundraising for donations from Ossipee businesses and individuals." Connie believes Ossipee businesses do not have that kind of money.

Matt Trahan would like people to take a step back and not confuse one conservation organization with others because their all very different. Secondly, feels some information is being inflated to conservation organization. Any future decisions and/or changes to ordinances still need to go through the Town Boards for approval.

Bob Pratt proceeded to explain what a Land Trust Organization actually does and operates. DHPWST as a land trust organization, help willing land owners conserve their land. Morgan said the Selectmen look at it as how much land can come of the current tax base. Pratt stated all their land is current use and stays in current use.

Morgan gave an example from 2 -3 years ago. The Conservation Commission wanted the Selectmen to accept a piece of land as a gift referencing the Scott property on Duncan Lake. There was a public hearing and it was deemed there was no compelling reason to take it off the tax books. Then through the Conservation Commission to DHPWST there is now an easement on that property.

Ron Adams claimed there already was an easement; the Conservation Commission wants to widen the easement. DHPWST always held the easement. The Planning Board of Ossipee wrote the wildlife corridor into the subdivision requirements but the easement was always held by DHPWST. Pratt explained the Planning Board required the land owner to create a conservation easement on the wildlife corridor. Jim Scott created the Scott Family Trust easement but later on ask the DHPWST to hold the easement and the land trust was transferred over to DHPWST.

Morgan asked Adams if they recently asked for a wildlife study to be done on the Scott property. Adams explained the Conservation Commission is requesting to do a wildlife study of the Scott property to the Pine River State Forest to the new Ciccotelli property to the Ossipee Aggregate property to the Sumner Brook property for a wildlife corridor. Morgan explained the Ciccotelli property is owned by DHPWST but Ossipee Conservation Commission is looking to spend Ossipee money to do this study. Adams explained it's not Ossipee money its Conservation money they are looking to spend. Morgan stated the Conservation Commission does not own a thing, it's the Ossipee taxpayers, who own the money. Adams stated it's not tax dollars raised by tax revenue and only the Conservation Commission can access the money. The Town cannot use it for roads or anything else. Morgan agreed but reiterated it's owned by taxpayers. But the Conservation

Commission is looking to spend taxpayer money for land owned by someone else. Morgan stated we're getting off topic but this is a small example of what gives him concern.

Gillette agreed the current Master Plan is focused heavily towards conservation but would like the updated plan to have a section focused towards businesses and would like the Economic Development Committee to write that section. Gillette believes the build-out study would be a major contributor to that section. Morgan and Gillette sparred over the interpretation, discussion and results of the last warrant article for the build-out study.

Josh Arnold commented on people speaking passionately on both sides of the issue but queried the Selectmen, if the study was done (1) Would they read it and (2) Would their opinion change if there were people from each of the Board's participating in the study? Morgan made clear that he agrees with the passion on both sides but when the Town votes one way and few people decide they don't care their going to go ahead with the idea, it will create friction. Morgan agreed, he would read the study if it was done but he would like to see more Town's people as participants, not just Board members. Freeman said he would read it but he was elected by the Town's people to do as the Town's people wished and their wish was to turn this down. Freeman stated he will stand behind the voters and will vote it down. Morgan has not decided, he was more concerned with the funding, how this was proposed and who proposed it to start with. Morgan and Freeman discussed the options, benefits, and taxpayer's wishes.

Sam Martin voiced her displeasure to the Planning Board throwing this discussion back into their faces.

Ron Larrivee needed clarification on the parameters of the build-out study which influences businesses verses conservation. Pratt explained it's based on current zoning and population projections and will show the anticipated building/ business growth areas.

Dennis Legendre doesn't understand why we're still discussing this and secondly, proposed a hypothetical situation of a potential business wanting land that was designated for conservation based on the build-out study. Morgan explained as far as he knows the study will not make recommendations but will plot projected build-out based on current zoning.

Morgan stated zoning determines what is residential and commercial.

Gillette identifies areas not for conservation but also what's not zoned for commercial either. But the study could identify those areas for future use.

Pat Jones states it will identify how the zoning all plays out.

Ash Fischbein after being through several Boards for his property and reading of previous warrant articles, he believes Ossipee has been brutally reactive and not very proactive as it could be. The build-out study could be a useful tool that could benefit the town with zoning. Morgan agreed and was originally against updating the Master Plan because it was never – ever used for 25 years as a Town employee. Will it be used...Morgan believes it will. How will it be used...yet to be determined?

Ash does not expect a vote tonight but going forward hopes the tool would be used.

Gillette asked Morgan if he would be willing to work with the contractor and others on the build-out study. Morgan had no opposition to the idea. But going forward tonight, unfortunately Frank Riley was not able to make the meeting but will have the benefit to watch the video and at the next meeting they will vote.

Pratt clarified they will do the study and it will be available. But Pratt would be honored to gift it to the Town.

Ed Comeau is struggling with the logic of this proposal. (1) If the Town voted not to have the study, how can the Selectmen vote to either have or not have the study done? (2) Mr. Gillette said without a Zoning Ordinance you cannot have a build-out study implying that the zoning and build-out study are connected. (3) Implied there could be a regulatory issue here and that's why some people have a problem with it. (4) Addressed Mr. Gillette and stated if you wanted the build-out study he should have come to the Town and explained his position, have DHPWST come to the meeting and explain their position and work with the Selectmen to work out some sort of agreement. (5) If DHPWST does the study anyways and make it available to anyone, the Town already voted not to have it used, how is the data supposed to get into the Master Plan.

Gillette accuses Comeau of inflating some of the issues. The fact the build-out study uses the existing zoning ordinances as a frame of reference does not mean it has any regulatory components, it simply uses the information. We would be happy to put in to a town vote but the Town only votes once a year. But we need to move expeditiously because the grant will expire at the end of the fiscal year.

Comeau addressed the grant, as the letter states a portion of the money will come from a grant. There is no oversight to these grants given to towns. The Town, the Selectmen, or Mr. Gillette as a Planning Board member has anyone reviewed the details of the grant and what parameters is the State asking of DHPWST. On grounds of transparency Ed Comeau stated he is not seeing any of this being done.

Morgan stated because this was brought to us as a gift, the RSA requires us to hold a public hearing as we are doing here tonight.

Joe Deighan questioned what is going on? DHPWST is going to do the study anyways. There should not be a time restraint but there is because we were just told it has to be done expeditiously because the grants running out. Does the Town's okay and Selectmen's okay trigger a release of the money? Joe states it's gone through several Boards and it's gone to the Economic Development Counsel twice. He feels like ~~its~~it's being shoved down our throats.

Marie McConarty questioned why this discussion came before the Town, if DHPWST is going to do the study whether we consent or not. Morgan explained Gillette brought it to the Planning Board, which he is a member of; the DHPWST build – out study offer (which he is a contributor) and wants to use the information for the Master Plan update. Morgan stated any gift more than \$5,000.00 must be approved by the Selectmen. Marie continued to ask why the Planning Board was involved.

Pratt stated the Planning Board members thought the study would be a good thing. DHPWST offered to do the study and give it to the Planning Board. Morgan asked if it was the Planning Board members who asked DHPWST to do the study. Connie Billings replied one member asked them.

Joe Deighan asked which member of the Planning Board asked DHPWST to do the study. Connie B., replied Bob Gillette.

Matt Trahan as an Economic Development Council member was asked for a letter saying yes; we would be interested in this study. The understanding was it would benefit their grant and fundraising efforts.

Pratt read the last paragraph from the letter. Morgan stated although nothing wrong with what DHPWST did but what prompted them to make this offer and the answer is because a member of the Planning Board requested it. When ideas or plans are not transparent it implies there is something nefarious happening.

Sam Martin questioned why Mr. Gillette asked DHPWST first before going to the Planning Board. Morgan replied that is for the Planning Board to take action not the Selectmen.

Jonathan Smith commented the will of the people will not be served. It needs to be honored, we voted no, keep it at that. If you want a yes vote take it back to the people for a vote.

Connie Billings explained back in 1987 commercial zoning was stymie. Since then two individual parcels were changed, one on Rte. 25 and Deer Cap. You cannot do much to expand business without the land owners encouraging expansion. The Planning Board cannot go to the land owner and say we want your land for industrial use; the land owners have to come to the Planning Board.

Pat Jones asked if the Selectmen's decision would be to take it back to the people in March. Morgan implied that would be a normal progression.

Morgan moved to take it under advisement and will give Frank Riley a chance to review the video to provide input at the next meeting.

Being no further input, Morgan made a motion to close the Public Hearing. Freeman seconded. A unanimous vote was taken.

Public Hearing Closed at 6:12 PM

Being no further input, Morgan made a motion to adjourn. Freeman seconded. A unanimous vote was taken.

Adjourned at 6:13 PM

Franklin R. Riley, Chairman

Robert C. Freeman

Richard H. Morgan

To be approved 1/19/2017