

**Selectmen's Meeting
Monday, July 16, 2018**

These minutes were recorded by Ellen White, Town Administrator. The meeting was held in the Bub Avery Memorial Gymnasium at Town Hall.

Call to Order:

Chairman Morgan called the meeting to order at 4:15 PM.

Morgan opened the meeting with the Pledge of Allegiance.

Attendance by Roll Call:

Present were Selectmen Richard Morgan, Sandra Martin and Martha Eldridge.

Morgan stated that the Board attended a work session earlier today to discuss the Sumner Brook lease, a Department Head meeting, and a non-public session pursuant to RSA 91-A:3, II (c) for a tax matter. Morgan made a motion to seal the minutes. Martin seconded. A unanimous vote was taken.

Public Input:

Anne Martin, 3 Hersom Drive, responded to a statement made at the previous Selectmen's Meeting by Jessica Williams that a woman by the name of Susan does not pay her taxes. Martin stated that Susan is her daughter and is not responsible for paying taxes on the property owned by her parents. Morgan clarified that Williams was only stating that Susan was not a listed property taxpayer on the referenced property. Martin stated there are nesting loons with babies present on the pond along with a visiting moose as a few things she and other residents are trying to preserve. Martin stated that a delegation of property owners around Conner Pond are present to speak on the matter.

Bill Martin, 3 Hersom Drive and Oregon resident reviewed the purchase of the property by NH Fish and Game when Beulah and Rodney White decided to offer it for sale. He stated that funds were used from boat registrations, state and federal funds, in addition to the agreement where Jim Marusak purchased half of the 5-acre parcel to make the transaction happen to develop the boat launch.

David Thurston of Freedom stated that he spoke with Rick Sith of NH Fish and Game regarding the swimming incident at Conner Pond and he was told the Conservation Officer should have ticketed Ms. Williams for swimming as the authority having the power to enforce their rules.

David O'Lean of Ossipee stated that he often fishes on Conner Pond by boat and there are times that it is not safe for someone to back a trailer in at the launch because people, including very small children, are using it to swim. This past weekend there were 15 people and 2 dogs swimming. This is a concern with no sanitary facilities available.

Marie McConarty questioned the memo sent by Brad Harriman, Public Works Director, regarding the cleanup of the scenic overlook. McConarty stated that the previous Commission was responsible for conducting the cleanup which supposedly took ½ a day with help from the Ralph Buchanan's equipment. Morgan discussed the proposal presented by Chairman Joe Deighan which is to stump the overlook area and plant grass for easier maintenance. Deighan clarified that the Commission will be discussing that option further but would like to proceed with the cleanup as originally proposed. White questioned if he is referring to the scope of work proposed by Tim Otterbach. Deighan confirmed. Morgan made a motion to advertise the scope of work for the brush removal and cleanup. Martin seconded. A unanimous vote was taken.

Duane Berry stated that his request for a property tax abatement was denied because even though his property is devalued for the unsightliness of his neighboring property, the Assessor made corrections to his roof and porch which increased his value. Berry stated that there have been no changes; the roof was replaced with shingles and the porch is screened. Morgan requested White have the Assessor Todd Haywood review the abatement request and provide an explanation of what transpired. Berry also stated that he has brought the problem of the neighbor piling up debris on the property line to Steve McConarty, Zoning Enforcement Officer, but he has not heard back from him. Both items will be looked into for further explanation.

Jessica Williams stated that she attended the NH DES meeting last week on the topic of the White Pond Boat Ramp and who is responsible and according to the 1967 bylaws the Town is responsible for the maintenance of the ramp which is owned by NH DOT. Morgan stated that research is being conducted to see if there is an actual agreement where the Town acknowledges responsibility and he challenges the question of why the Town would agree to maintain a property it does not own.

Williams presented on public bodies of water of which the State of NH retains jurisdiction. She stated that the NH Fish and Game Department can regulate the boat launch it owns but not over the behavior of anything in the water. Williams stated that swimming is a reasonable and lawful use of a public body of water and cited a Supreme Court ruling where a person was granted permission to trespass private property to access a body of water. Williams also discussed the funding of the Fish and Game Department and statistics related to various deaths. Williams closed her presentation requesting that people make more an effort to be neighborly.

Lynn Hart of Meredith called for a point of information seeking why an agenda item is being discussed in public input. White responded that the Conner Pond Boat Ramp/Swimming is noted as an agenda item because there is an open item of business to be acted on being the letter to NH Fish and Game.

Carol Houlikins(?) of Center Ossipee stated that if the sign states no swimming is permitted, people should not be violating it and teaching their children it is okay when it says it is not.

Morgan commented that the Board of Selectmen is working diligently to obtain a beach on Ossipee Lake and based on the vote at this year's Town Meeting, there is a strong interest from the people to obtain swimming areas to our local bodies of water.

Houlikins stated that no means no. Morgan responded that the boat ramp is owned by NH Fish and Game and the Town cannot regulate the use or make any changes, only provide a means to voice the concern of the people. Houlikins questioned what is available at Duncan Lake. Morgan responded that there is a boat launch and beach but the two are separate of each other.

Robert Lamothe stated that he agrees people should have the opportunity to swim but private access makes that difficult. With the lack of facilities available, signs prohibiting use will not stop people from trying to enjoy the offerings in the area. This should be used as a teaching moment that laws may be unjust. Morgan stated that they do not encourage breaking any rules. The rule is clear that there is no swimming. He encourages those who disagree with the rules to participate in trying to change them.

Thurston stated that enforcement of the rules would help. Morgan disagreed stating that the Conservation Officer was trying to restrict parking on town roads. The area has always been used as a swimming hole and people will continue to try to do so.

O'Lean commented on the lack of sanitary facilities being a factor in the degrading of the quality of the lake. Conner Pond has been uniquely benign to issues seen in other lakes due to its location and mountain surround.

Williams stated that NH Fish and Game owns 197' of frontage and their rules only restrict swimming 50' either side of the boat ramp. Morgan stated that police will ticket parking on the roadside if it prohibits emergency vehicles from getting through and also recommended not blocking access to the boat ramp.

Hart stated that the Fish and Game rules were revised in June and suggested review of the revisions as they contradict statements being made.

Joy Gagnon stated that as a year-round resident it is difficult to make a living and utilize the resources available. Everyone should be entitled to have a big beautiful beach for use. Are there other options available? Morgan responded that another potential beach location is in progress.

Meeting Minutes:

Morgan made a motion to approve the minutes from the Selectmen's Meeting held on 7/2/2018. Martin seconded. A unanimous vote was taken.

Morgan made a motion to approve the minutes from the Work Session & Finance Meeting held on 7/2/2018. Martin seconded. A unanimous vote was taken.

Accounts Payable & Payroll Manifests:

The Payroll & Benefits Voucher was submitted for the week ending 7/7/2018 in the amount of \$143,219.91. The Accounts Payable Voucher was submitted for the week ending 7/2/2018 in the amount of \$37,924.40. The Water & Sewer Accounts Payable Voucher submitted for the week ending 7/2/2018 was in the amount of \$5,836.37. The Payroll Voucher was submitted for the week ending 7/14/2018 in the amount of \$45,127.61. The Accounts Payable Voucher was submitted for the week ending 7/9/2018 in the amount of \$124,250.04 including accounts payable of \$12,906.04 and payment made to the Fire Precincts of \$111,344.00. The Water & Sewer Accounts Payable Voucher submitted for the week ending 7/9/2018 was in the amount of \$4,472.43. Morgan made a motion to approve and sign the check vouchers. Martin seconded. A unanimous vote was taken. Morgan stated that the Board reviews all invoices after they have been reviewed by the respective department head and coded before the totals are approved in the weekly manifest.

Review of Red Folder:

The Board received the results of the water testing that was completed at Duncan Lake Beach and the Mill Pond on 6/25/2018. The results were within the appropriate parameters.

The Board received a copy of a letter sent by the Town of Freedom to CarePlus Ambulance regarding issues they have experienced with the ambulance service in Freedom. Morgan stated that the Town was notified because it is a party in the regional ambulance service agreement.

Form 941: Employer's Quarterly Federal Tax Return for the quarter ending 6/30/2018 was presented for signatures. The total of deposits paid for the quarter was in the amount of \$123,069.60. Morgan made a motion to sign the form. Martin seconded. A unanimous vote was taken.

A Request to the Trustees of Trust Funds requesting the withdrawal of \$800.00 from the Cemetery Lot Sales Trust Fund for the reimbursement of a cemetery lot that has been repurchased was presented for signatures. Morgan made a motion to sign the request. Martin seconded. A unanimous vote was taken.

An Intent to Cut Timber was received from the Homestead Trust II for the properties located on Map 135, Lots 24 and 25 (114 & 115 Old Granite Road), and Map 267, Lot 3 (Rear Old Granite Road). The intent is to cut the combined total of 56 acres and the logger listed is Greenleaf Products, Inc. The taxes are paid and there are no cemeteries noted. Morgan made a motion to approve the intent. Martin seconded. A unanimous vote was taken.

A Request for a Clerical Abatement for the property owned by Jennifer Garber located on Map 104, Lot 14001, Sub Lot 21 (1 Terrace Pines Road) was presented for review. The request in the amount of \$112.00 is due because the camper was registered but proof was not provided until after the tax bills were issued. Morgan made a motion to approve the abatement request. Martin seconded. A unanimous vote was taken.

The Board received a letter from Granite Apollo requesting consideration as a town that would be a potential fit for a large scale solar project.

An Intent to Cut Timber was received from the University of New Hampshire for the properties located on Map 39, Lot 1 (Off Newman Drew Road), Map 41, Lot 17 (140 Pine Hill Road), and Map 209, Lot 2 (Off Pine Hill Road). The intent is to cut 30 acres from the combined total of 400 acres and the logger listed is Larry Bolstridge. The taxes are paid and there are no cemeteries noted. Morgan made a motion to approve the intent. Martin seconded. A unanimous vote was taken.

A Contract for Use of Facilities was received from the Ossipee Historical Society requesting use of the Bub Avery Memorial Gymnasium on 10/20/2018 for an annual meeting, contra dance and potluck. The schedule has been approved by Craig Brady, Recreation Director, and applicable deposit has been received. Morgan made a motion to approve the contract. Martin seconded. A unanimous vote was taken.

The Board received a memo from Todd Haywood, Assessor, along with an Application for Current Use to put the entire 35 acres parcel located on Map 227, Lot 22 (Off Dorrs Corner Road) into Current Use Assessment. The memo explains that White was very ill and missed the application deadline of 4/15/2018 and has since passed away, but the wishes of the estate is to put the land into current use. Morgan stated that there is no evidence of the estate's intention that has provided and requested further information.

A Petition and Pole License was presented by NH Electric Cooperative for the installation of 52 poles along Dorrs Corner Road and Thurley Road.

The Highway Department Work Log was received for the week ending 7/7/2018.

The Board received a letter from the Town of Wolfeboro Board of Selectmen stating that they feel there is ample opportunity to review the budget of the School District through the SB2 deliberative session and a Budget Committee is not necessary. The Board also received the official signed copy of a letter from the Town of Tuftonboro also stating they did not feel a Budget Committee was necessary as the Finance Committee will be setting up a meeting to review the current process.

The Board received a copy of a check from Northeast Resource Recovery Association in the amount of \$525.68 for scrap metal recycling.

The Board received a copy of the Budget Status Report. Morgan announced that 50.61% of the overall budget remains with less than half the year left.

The Board received a letter from the Attorney General's Office acknowledging the retirement of Terry Knowles and as a result the NH Municipal Association will be providing training to Cemetery Trustees, Library Trustees, and Trustees of the Trust Funds moving forward.

The Board received a letter from the NH Electric Cooperative regarding poles that will be upgraded and installed in the Eversource territory along Dorrs Corner Road, Moultonville Road, and Thurley Road in an effort to better serve customers in the Thurley Road, Bents Road, Terrace Pines Road, and Wildwood Estates region.

The Board received a letter from E. Morton Leavitt written in concern for the tax impact that will result in the elimination of fees at the Transfer Station. Morgan responded that contrary to what is stated in Leavitt's letter, the Town portion of the tax rate has reduced by \$0.68 over the past four years and the impact that the Transfer Station revenue has on the overall budget is miniscule.

Morgan announced two candidates as eligible recipients of the Boston Post Cane, one of which just turned 104 this past weekend. Morgan requested any other candidates be named for final consideration at next week's meeting.

The Board received a Notice of Decision from the Zoning Board of Adjustment for Case #18-9-V for the property owned by Russell Mannette & Elsie McKie of 44 Bay Point Road for a variance that was granted for side setbacks.

The Consent Calendar Agenda was received from the meeting of the Governor and Executive Council held on 7/11/2018.

Water & Sewer Red Folder:

A Payroll Reimbursement Request for the week ending 7/7/2018 in the amount of \$3,644.57 was presented for signatures. Morgan made a motion to approve the request. Martin seconded. A unanimous vote was taken.

A Water & Sewer Warrant in the amount of \$80.00 for service charges was presented for signatures. Morgan made a motion to approve and sign the warrant. Martin seconded. A unanimous vote was taken.

A Request for an Abatement was received from Joseph and Kathleen Scherr for the property located at 81 Route 16B. A meter reading of 29,380 gallons was corrected to 24,345 gallons resulting in a refund/abatement of \$77.69. The request has been reviewed and has been recommended by Wayne Eldridge, Water & Sewer Supervisor. Morgan made a motion to grant the abatement request. Martin seconded. A unanimous vote was taken.

A Request for an Abatement was received from Thomas Bunnell for the property located at 20 Birch Tree Lane. The request in the amount of \$47.70 is for sewer charges equivalent to 5,000 gallons due to watering gardens and livestock. The request has been reviewed and is not recommended by Wayne Eldridge, Water & Sewer Supervisor. Morgan made a motion to deny the abatement request. Martin seconded. A unanimous vote was taken.

A Water & Sewer Warrant in the amount of \$7,608.00 for septic haulers was presented for signatures. Morgan made a motion to approve and sign the warrant. Martin seconded. A unanimous vote was taken.

Old Business:

Due to the absence of Brad Harriman, Public Works Director, Morgan noted there are no updates on the Intersection of Routes 28 & 171, Sidewalks, or Whittier Covered Bridge.

Town Beach at Duncan Lake – Morgan stated that the Public Works Department is working on getting the proper permits to haul in beach sand.

Windows on the Ossipee Mountain Property Cleanup – Discussed earlier in the meeting.

Boston Post Cane – Morgan stated they hope to choose a recipient next Monday.

School District Budget Committee Request – Morgan stated that he is not surprised the Towns of Wolfeboro and Tuftonboro were not in favor. He then went on to explain that out of the \$1.5 million increase, Ossipee accounted for almost \$900,000 of that total due to the algorithm used to calculate each town's appropriation. Morgan stated that the Board will continue to work hard along with State Representatives to address the formula. Ed Comeau, State Representative, stated that Effingham, Brookfield and New Durham are willing to have a conversation with a time and place to be determined. Comeau stated that the agreement is contained in the minutes of the meeting and he questions the legality of it. Morgan stated that the monthly school payment can exceed \$1.5 million in one month.

Comeau reported that the White Pond Boat Ramp is an agenda item on the NH Fish and Game Commission meeting on 8/18/2018 at 11 Hazen Drive in Concord. He stated there are problems with the definitions in their administrative rules and may need to use legislation to correct them.

Conner Pond Boat Ramp/Swimming – Anne Martin stated she lives within 80 feet of the boat launch and the noise and swearing is crazy on top of the fact that people are parking wherever they want rather than in the designated parking areas. Jim Rines stated he has no problem using the access and agrees that people should have access to the pond. He stated that he has 850' of frontage on the pond and he cleans up a garbage bag worth of dirty diapers, soda and beer cans, etc. The trash left behind and disrespect for the property owners is his concern.

Hart questioned if the Selectmen are taking a position on the use of the boat ramp in their letter. Morgan read the letter sent by the Board of Selectmen to NH Fish and Game in 2014 and the draft letter revisiting the same request; to not restrict swimming access. Hart suggested expressing the concern about the lack of garbage disposal and sanitary facilities. Morgan stated that people must use the areas responsibly and they noted that trash is an area of concern acknowledging that the carry-in, carry-out policy does not work as it should being the reason garbage cans have been put in at Duncan Lake and are being collected daily.

Anne Martin confirmed that a maintenance worker mows the lawn and cleans up the boat ramp area once per week but it is not enough. Morgan suggested people call or write NH Fish and Game with their complaints as the party responsible for the maintenance. Morgan requested that White revise the letter to be sent to include the trash refuse and facilities requests that have been made. Deighan stated that the Town can help but it's up to the residents to resolve, the Town can only do so much. He also stated that those who live on the water have to share it. Hart stated that access to Conner Pond has been provided to the public forever through the purchase by NH Fish and Game opposed to what was in place before when it was privately

owned. Emily Robertson stated that the Town can be used as an avenue to advocate the State for changes and a way to address current issues. The Public Access Program and State stewards need to work together, step up and manage the property.

David Tanner stated that petrol motors are restricted but electric trolling motors are allowed so the proposed letter reference a lessened risk due to non-motorized watercraft is not accurate. He then reviewed the restrictions that were put in place at the request of the residents when NH Fish and Game acquired the property to include no water craft or petrol motors, restricted parking, restoration of the shoreline, and to designate the color of the boat launch pad. The question was posed as to whether other state ramps have similar issues such as the one on Route 25. Comeau suggested the public's attendance at the NH Fish and Game Commission meeting on 8/18 for further discussion and action. Morgan requested the draft letter be revised to include the neighbor's concern of trash removal and to correct the motorized watercraft statement. Comeau questioned what would restrict the landowner's from putting in trash receptacles to prevent the debris from entering their property.

New Business:

None presented.

This concluded the business portion of the meeting and Morgan re-opened the meeting to Public Input.

Public Input #2:

None presented.

Non-Public Session:

Not applicable.

The next meeting will take place on Monday, July 23, 2018 at 4:15 PM.

Adjournment:

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

Adjourned at 6:09 PM.

Richard H. Morgan, Chairman

Sandra P. Martin

Martha B. Eldridge

To be approved 7/23/2018