

**Board of Selectmen Meeting**  
**Minutes of December 04, 2006**

*Selectmen:*

*Peter N. Miller, Chairman*  
*Peter F. Brothers*  
*Miller C. Lovett*  
*Frank S. Michel*  
*Colette Worsman*

*Town Manager:*

*Carol M. Granfield*

*Administrative Assistant*

*Wynette DeGroot*

Call to Order: Chairman Miller called the meeting to order at 5:35 p.m.

The Chair introduced the Board, Town Manager and Recording Clerk. Announcements were made pertaining to fire exits, listening assisted devices and microphones.

**ACCEPTANCE AND/OR CORRECTION OF MINUTES:**

**06 – 61 Approval of Minutes of: November 27, 2006 Board of Selectmen Meeting.**

*Peter Brothers motioned to approve the minutes of the November 27, 2006 Board of Selectmen meeting as presented. Seconded by Colette Worsman. 4-0-1. Motion passed. (Miller Lovett abstaining due to absence at said meeting.)*

**TOWN MANAGER'S REPORT:**

- This past weekend had several Holiday events ongoing in Meredith that were very successful. Activities sponsored at the Library followed by the lighting of the tree at Hesky Park. Special thanks to Parks & Recreation and Library as they did an outstanding job. Public Works Buildings & Grounds were outstanding with setting up all of the lights and thank you to the Fire Department for their contribution also.
- Carol noted that December 13 is the last day to accept petitions to amend the zoning/building code for the Town Meeting Warrant.
- Last weekend there was a large algae bloom in Lake Waukewan which was immediately evaluated and testing was done. DES also reviewed the situation. The end result is that the drinking water is fine and will continue to be monitored.
- Recently there was a meeting with DOT, Staff and residents from the Meredith Center area regarding the intersection at Childs Park. The ending result is the group has developed some positive ideas. The Town will be generating maps demonstrating some

options with information showing alternatives and then in January or February they will meet again for feedback and further discussion.

- Employees will be honored and service awards presented at the annual employee recognition luncheon on Friday, December 8 from 12-2. The Town offices will be closed during that time.
- Last week Metrocast sent a letter to residents advising of rate increases on January 1<sup>st</sup>. Those having concerns or questions should contact Metrocast.
- Following this meeting Carol will be presenting the Town Manager's budget to the Board. Times and dates will be listed on the website.
  - Peter Brothers took a moment to thank Bob Hill, Water Superintendent for attempting to contact all of the Board to advise them of the Bloom in Waukegan.
  - Colette asked questions on the information updated Carol provides to the Board. First on the Community Center Bridge, secondly on the meeting with Ray Burton, mailboxes and the Laconia Sewer.
  - Carol responded on the Community Center Bridge – The walkway will be closed over the winter (it has not yet been officially opened) and they will continue work on the bridge. Ray Burton had been requested by the Chair of the Board to coordinate a meeting with Ray Burton and others prior to the railroad leasing going to the Executive Council, which the meeting has not been set up yet. Regarding the Laconia Sewer, there has not been official notice to the Town.
  - Peter Miller followed up with a question on the bridge. Carol explained the bridge that connects the walkway was installed and it has been evaluated and has been determined additional work needs to be done. The bridge is not ready to have traffic on it until the work is satisfactory.
  - Peter Miller further noted that this has been the second year in a row an algae bloom has occurred and also emphasized the stress that is being put on the Lake, the Town's water supply.

#### **VISITOR'S AND RESIDENT'S COMMENTS:**

None

#### **SELECTMEN COMMENTS (Reports on Committees 2<sup>nd</sup> meeting each month):**

Miller Lovett spoke to how appalled he was to the press coverage with regards to the tax setting/overlay. He was amazed to see the publicity and would like the Board of Selectmen to advise the public as to what actually happened. Peter Miller responded indicating the matter was discussed in non-public and there is a certain degree of closure.

#### **NEW BUSINESS:**

##### **06 – 62      Disposition of Town Property**

The Town Manager reviewed the two parcels of town property: Bear Island and Neal Shore Road. The properties were viewed by staff and they have provided input including the recommendations for both parcels.

John Edgar presented the Staff Reports – first being Bear Island:

**Staff Report**

**November 30, 2006**

**Disposition of Town Property- BEAR ISLAND**

**Background:**

The disposition of surplus town properties is before the Board of Selectmen. This report follows previous meetings on the subject and is limited to Tax Map I-7 Lot 6 Located on Bear Island.

The town-owned lot is located on the southwestern side of Bear Island. The town-owned lot abuts Tax Map I-7, Lot 2 which is owned by the Society for the Protection of NH Forests. Lot 2 appears as “Forestry Lot D” consisting of 56 ac. on a subdivision plan approved in April, 1974. Also in April of 1974, a Conservation Restriction Deed was conveyed to the Meredith Conservation Commission (MCC) encumbering Lot 2. This SPNHF lot abuts two other lots also owned by SPNHF (I-7-4A and I-9-9). The three contiguous, individual lots-of-record owned by SPNHF total approximately 154 ac. See attached map of Bear Island for reference.

**Discussion:**

**Site Conditions.** This summer, myself, Bill Edney and Jim Commerford visited the town-owned lot (Lot 6). The site is relatively small (approximately 80’ along the shore x 150’ deep). The site is vacant, relatively gently sloped and dry. The shore frontage appears to be suitable for boat access. Camps exist on either side of the lot. Site photographs are attached.

**Zoning.** As a non-conforming lot of record in the Shoreline District, any development would have to comply with applicable setback requirements (65’ from the lake, 20 side and 30 rear). In all likelihood, some form of zoning relief would be necessary.

**Issue:**

A central question is whether the property has any reasonable, foreseeable potential public purpose, and if so, does that purpose outweigh whatever public benefit would be gained thru the private sale of the property.

To answer this question, specific access points to the abutting land that the MCC currently has stewardship responsibilities (I-7-02 aka Forestry Lot D), and the other two SPNHF-owned lots need to be examined. More specifically: (A) existing accesses to the SPNHF properties need to be identified as to location (particularly as it relates to the lot for which the town has stewardship obligations), (B) title research should be conducted to confirm that the access points in fact legally exist and whether the access point or points are restricted in any fashion, and (C) the identified access points should be evaluated on a functional basis together with the town lot to determine what access is most suitable and whether the town lot has any strategic importance. Obviously the SPNHF owns the conservation properties and necessarily would be engaged in this examination.

Until these questions can be answered, It would be very short sighted on the Town’s part to sell this property now, only to find out in the future that there was a need for access to the conservation properties that could have been addressed thru the utilization of the town-owned parcel.

**Fiscal Impact:**

Selling the property would generate revenue for the town. The Assessing Department estimates the property might sell for between \$100,000 and \$150,000.

If we assume the estimated value and apply the current tax rate, the annual tax revenue of the vacant lot would be in the neighborhood of \$1047 to \$1611. If a structure were added, obviously the value of the real estate and the corresponding tax revenue would increase.

There would be an undetermined cost associated with any title work. Perhaps the SPNHF already has this information.

If the town holds back from disposing the property while the above referenced issues are examined, the value of the property will continue to appreciate over time as market conditions dictate.

**Recommendations:**

It is recommended that this property not be conveyed until such time the Board of Selectmen reasonably determines that the functional value of the property as potential access to existing conservation lands is superseded by some other legally existing and functionally superior point of access.

**Prepared By:**

John C. Edgar, Town Planner in conjunction with Bill Edney, Code Enforcement Officer, Jim Commerford, Town Assessor and Michelle Therrien, GIS Specialist.

**Town Manager Recommendation:**

The Conservation Commission was asked if they had sufficient access to monitor the SFNHF property they have an easement on and they felt they did. Two ROWs are indicated although they didn't use or check them and they could not confirm legal access. Further they did not look at future use.

I concur with the staff recommendation not to convey the property at this time until legal access is determined. The Board should determine if it wants to expend funds to determine this.

Miller questioned if this is a piece near St. John's Church and if this could be an access piece.

Peter Miller stated because the Town holds Conservation easements there need to be an access in order to monitor and there is not a definitive answer on the actual access at this time. John Sherman and the SPNHF recently discovered areas that must be monitored and therefore need access to those parcels. Peter recommends holding off on the disposition of this parcel.

Frank Michel feels this parcel is worthy to hold on to even with alternative access. Peter Brothers concurs with John Edgar's recommendation.

*Miller Lovett moved that this property not be conveyed until such time the Board of Selectmen reasonably determines that the functional value of the property as potential access to existing conservation lands is superseded by some other legally existing and functionally superior point of access. Colette seconded the motion.*

Further discussion ensued.

Frank disagreed with the motion, notwithstanding the motion, because the motion as it stands makes it appear that you would (eventually) have to sell the parcel. We can do it on the standing motion, however, for the recommendation on the staff report.

Peter Miller recommended the motion be that this property not conveyed at this time.

Miller Lovett withdrew his motion on the floor.

Colette asked if there was any other ownership (by the Town). Jim Commerford replied negative.

*Peter Miller moved to not convey this property at this time. Frank seconded.*

*Peter brothers amended the motion to include pursuing at reasonable costs to find the end result of legal status as to any legal access to the property. Colette seconded the amendment.*

*Motion stands as: Not to convey the property at this time and to have the Town Manger research the Town's legal access to the conservation holds on the interior of the island. Seconded by Peter Brothers. All in favor. Unanimous.*

The second parcel Neal Shore Road was presented by John Edgar:

## Staff Report

November 30, 2006

### Disposition of Town Property- Neal Shore Road

#### Background:

The issue of disposing of surplus town properties is before the Board of Selectmen. This report follows previous meetings on the subject and is limited to Tax Map U-1, Lot 1A, Located on Neal Shore Road and Westbury Road. The Board of Selectmen has previously discussed the possibility of offering the property to an affordable housing organization such as Habitat for Humanity or the Laconia Area Land Trust.

#### Discussion:

**Acquisition History.** The property was acquired by the town in 1996 anticipation of a NHDOT project on US 3 to improve the intersection of US 3 and Neal Shore Road. The project occurred in 1997. This widening project also involved the re-alignment of the Neal Shore Road/ Westbury Road intersection. The NHDOT Right-of-Way Plans for the project [No. STP-HES-T-000S(133)] identify the Town of Meredith as the owner of Lot 1A property at that time. The remaining lot size, after taking, is .27 ac. or 11,761 sq. ft. The plan also indicates the property is subject to a permanent, 2050 sq. ft. *slope easement*. Neighboring lots are slightly larger in size; Lot 1E- .31 ac., Lot 1B- .31 ac., Lot 1D- .48 ac. and Lot 1Q- .34 ac. A copy of the NHDOT plan is attached for reference.

**Existing Conditions.** This fall, myself, Bill Edney and Jim Commerford visited the property. Field observations follow. See attached photos for additional reference.

- (1) The site appears dry,
- (2) The site is gently sloped from Neal Shore Road (high side) to the north,
- (3) the preferred driveway location would be off Westbury Road,
- (4) Municipal sewer available is available on Neal Shore Road,
- (5) There is a cross culvert in Neal Shore Road that drains onto, or near the sideline of the property,

(6) An overhead utility line bisects the property. There is a utility pole in the middle of the lot. The conveyance deed to the Town of Meredith indicates that the lot is “subject to utilities serving the property” which may imply a utility easement associated with the aforementioned utilities (see attached deed for reference).

**Zoning.** The corner lot is located in the Shoreline District and is subject to 30’ Front, 20’ Side lot line setbacks. The remaining building envelope is approximately 40’ x 70’. See attached sketch prepared by Bill for reference. Note however that this estimate is a takeoff from the NHDOT plans and is not based on a property survey.

**Issues:**

Drainage. Mike has recommended that any conveyance of the property should be made subject to a 15’ wide drainage easement to avoid conflicts with any future owner.

OH Utilities. Absent a relocation of the utility pole/line, the development potential is extremely limited. However, NHEC has expressed an interest in absorbing the cost of relocating the lines provided that (1) the property was conveyed for affordable housing purposes, (2) a utility easement was established, (3) the utility lines/pole were accessible from a driveway on the lot and (4) the town publicized the NHEC participation in the project.

Building Envelope. When the utility and drainage easements are identified, the residual unencumbered area will be limited. These restricted areas should be clearly identified for the benefit of anyone considering developing the site.

**Fiscal Impact:**

Cost would be incurred if it is decided that a survey was necessary.

Putting the property on the tax role could generate a small amount of tax revenue. The lot is currently assessed at \$54,600. Using the recent tax rate, the vacant lot would generate approximately \$ 586.41 of property tax revenue if owned privately.

There would be undetermined costs associated with property survey and deed preparation.

**Recommendations:**

It appears that the lot has some development potential albeit limited. It is recommended that the property be surveyed so that the existing and future easements, setbacks and resulting building envelope can be clearly identified.

If the town decides to donate the property to a non-profit, then perhaps the non-profit could absorb the costs of the survey and legal work. Alternatively the town or non-profit could seek donated professional services similar in principle to the donations that would be required by the Town and NHEC.

**Prepared By:**

John C. Edgar, Town Planner with input from Bill Edney, Code Enforcement Officer, Jim Commerford, Town Assessor Mike Faller, Director of Public Works, Bob Hill Water and Sewer Supt.

**Town Manager Recommendation:**

Recommend the Town consider donation of property for workforce housing and contact the interested organizations (Habitat and Laconia Land Trust). Survey work or costs associated with a donation should

be borne by the non-profit as part of an agreement. Recommend the Board of Selectmen move to direct the Town Manager to proceed with possible donation to Non-Profit for workforce housing and report back to the Board of Selectmen.

Further discussion: Peter inquired as to the disposing of this property: because it was not taken by tax delinquency, it could not be sold until it goes to Town Meeting, which the Town Manager confirmed. Peter Brothers asked how the Town did acquire the property if not by taken by tax deed. John Edgar explained it was due to the highway project.

Peter Brothers further stated the issues as related to insurable for the potential buyer/donation recipient. As a preliminary look, there is potential for building but looking further, the consideration of workforce housing, those organizations do not have the time or ability to do the pre-work, why wouldn't the Town stand the costs of the survey and the title to it; the costs could be passed long to the organization.

Colette concurred with Peter and asked if we need to put together a Town Warrant for this year. Two would need to be done; one for the survey in order to donate and one for a warrant to sell it outright so the voters have an opportunity to voice their opinion.

Peter Miller thought it too late to be ready for action at Town Meeting 2007.

Funding the survey was discussed and Carol indicated there are funds in the current and next year's budget to survey. Peter Brothers stressed the necessity for a formal survey to be done along with the legal work to look at the easements.

*Peter Miller motioned the Board direct the Town Manager to contract for survey on the Neal Shore property and also to follow-up with preliminary legal work related to the property. Seconded by Frank Michel. All in favor. Unanimous.*

#### **06 – 63            Consent Agenda**

Carol reviewed consent agendas which are mechanisms used to assist with routine standard matters and action items. Recently at the Local Government Conference it was indicated items such as basic abatement requests should have actions taken at Board meetings. These types of items do not require public input, however should show an action taken by the Board of Selectmen. Samples provided show those items included in a consent agenda and a member would move the item as an entire item, and if there is discussion, the specific item would be moved to a regular item.

Following discussion it was determined that those items necessary to have an action taken be brought forth as a regular item to the Board of Selectmen.

#### **06 – 64            Prepayment of Taxes.**

This item is brought forth due to legislation (RSA 80:52-a) that was adopted some time ago that allows taxpayers to prepay taxes if adopted by the Town.

There have been limited requests received by the Town from taxpayers to prepay taxes. Due to prior software this could not be done in an efficient manner. The Town's current software now provides an efficient tracking mechanism and would easily allow for prepayment of taxes.

Legislation RSA 80:52-a, allows Selectmen by vote to authorize the prepayment of taxes and authorize the collector of taxes the accept payments no more than 2 years in advance of the due date of taxes. No interest shall accrue to the taxpayer on any prepayment, nor shall any interest be paid to the taxpayer on

any prepayment which is later subject to rebate or refund. The Town would accrue a small amount of interest on any funds received and thus have increased revenue.

*Peter Brothers motioned to adopt policy as presented by the Town Manager:*

**Prepayment of Taxes Policy**

**Purpose:** *To allow taxpayers to prepay taxes in accordance with RSA 80:52-a.*

**Policy:** *Taxpayers shall be allowed to prepay taxes no more that 2 years in advance of the due date of the taxes. No interest shall accrue to the taxpayer on any prepayment, nor shall any interest be paid to the taxpayer on any prepayment which is later subject to rebate or refund. This policy is in accordance with RSA 80:52-a.*

*Peter Miller seconded the motion.*

Frank Michel asked if there is a down side to this. Carol responded there appears to not be any.

*Vote taken. All in favor. Unanimous.*

The Board meeting adjourned to a workshop at 7:15 p.m. The public was invited to attend.

Respectfully submitted,

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Carol Granfield, Town Manager

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Peter N. Miller, Chairman

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Wynette DeGroot, Administrative Assistant

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Peter F. Brothers

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Miller C. Lovett

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Frank S. Michel

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Colette Worsman