

SELECTMEN'S WORKSHOP
Minutes of 8/27/07
4:05 p.m.

Selectmen:

Frank S. Michel, Chairman
Peter F. Brothers, Vice Chairman
Robert C. Flanders
Miller C. Lovett
Colette Worsman

Town Manager:
Recording Clerk:

Carol M. Granfield
Karin Landry

The Workshop was opened by Chair Frank Michel at 4:10 p.m. He announced that public comment will be taken following the Board's discussions, if deemed appropriate by the Chair.

W 07-16 Water Use Ordinance Amendment

The Chair introduced the Board, Town Counsel Tim Bates, Water & Sewer Superintendent Bob Hill, Ray Korber of KVPartners, and Community Development Director John Edgar. The agenda item was introduced by Town Manager Carol Granfield. The revisions to the Water Use Ordinance have been reviewed and approved by Town staff, legal counsel, and the Town's consultant. If the Board wishes to move forward on the matter, the earliest a public hearing can be scheduled is September 17.

Bob Hill introduced the new Policy. KVPartners prepared revisions to the Water Use Ordinance that reflect recommendations set forth in their memorandum dated July 11, 2007 and Town Counsel's letter dated August 7, 2007. The revisions were developed within the following framework:

- Ensure water system meets the defined level of service
- Be fair and equitable to those wishing to connect
- Be transparent in approach
- Consider impacts to current system users first
- Clearly define the point at which actual system connections will be accepted
- Clearly articulate the capacity issues and the Town's policy in addressing those issues
- Put in writing the requirements and conditions for approval of system extensions and connections.

Adoption of the revisions will modify the current policy as follows:

1. Establish an allocation-based approach and define priorities for water allocations. Under the current approach, system connections are assessed on an as-requested basis. Approvals are granted, or not, based on the available capacity at the time the request is

made. It is best described as “first come-first serve”. As stated in the revisions, numeric values will need to be calculated for allocations assigned to each use category on an annual basis.

2. Redefine available capacity for benchmarking system impacts by deducting allocations from the current formula. In general, available capacity will be redefined as: WTP effective capacity less maximum day demand less allocations. This will effectively lower the available capacity as currently defined.
3. Defines specific terms and establishes levels of restrictions and moratoriums that can be implemented to address water system conditions.
4. The reference to the 10% criteria of available capacity has been deleted. Under this policy all developments will be subject to review and denial for a system connection.
5. Specifies owner/developer responsibilities as it relates to decisions on proceeding with the Planning Board approval process.
6. Establishes that development agreements will be executed by all parties. Agreements will specify the terms and conditions of water system extensions and connections. While not specifically stated, this may include, but not be limited to: quantity allocations; infrastructure improvements to be performed; cost sharing arrangements; methods of securing funding prior to approvals and construction; etc.
7. Establishes a time limit on allocations assigned to new developments between the conditional approval and final approval stages of the Planning Board review process.
8. Establishes that allocations are owned by the Town and will run with the development (not the owner).

The Town staff requested comments from the Board on the revisions as submitted. Upon final adoption, it is recommended that the Town staff evaluate current systems, procedures, and processes and, if required, make appropriate changes to ensure the policy is carried out as intended.

The Board reviewed the proposed amendments to the Water Use Ordinance including:

The addition of the “Available Spare Capacity”, “Connections”, “Existing Service Area”, “Extensions”, “Moratorium”, and “Restriction” under Article 1, Definitions.

The addition of language under 321 setting forth the Town’s right to issue restrictions or moratoriums that are in the best interest of the water works and users of the water works.

The addition of language under 322a setting forth the Town’s right to allocate water during times of limited capacity and how those allocations will be determined.

The addition of language under 322b setting forth the procedure that shall be followed by Owners wishing to connect a new subdivision or site development to the Town’s water works.

Dialogue ensued regarding the benchmarks used to determine “Available Spare Capacity”. The Chair directed the Board to address prioritization and allocation of whatever is spare in this workshop. Revised language on “available spare capacity” will be submitted by Ray Korber. Selectman Brothers would like to review water production numbers in 6 to 12 months.

Dialogue ensued regarding “Existing Service Area”, and the Board agreed that the definition should refer to the latest edition of the water system district map. Allocation within the “Existing Service Area” will be based on single service connections only.

Dialogue ensued regarding the declaration of a Water Emergency (Article VII). Selectman Worsman asked the Board to be cognizant of their responsibilities as elected officials when delegating the “Declaration of Emergency” to the Town Manager. The tenor of the Board was not to make any changes to Section 702 which states “A water emergency exists whenever the Town Manager and/or the Selectmen make a written determination” In the event of a Water Emergency, Selectman Worsman would like the Board to hold a follow up meeting.

The Board discussed the addition of language allowing for a request for an extension of time for water allocation rights if there are circumstances where a proposal might not be able to get approval within one year. Carol Granfield suggested that if an extension is denied, it can be appealed to the Board of Selectman. Town Counsel told the Board that doing so would raise issues that need to be addressed. At the suggestion of John Edgar, the water ordinance does not include language limiting the time period for an approved allocation of water.

The Chair directed Town Counsel to submit an opinion that the changes presented today are legal and within the authority of the Board. The Chair would like to see the ordinance with the agreed upon changes. The ordinance will be read in total at a future workshop.

W-07-17 CIP Committee Joint Workshop

The Chair introduced the members of the Capital Improvement Committee. At the suggestion of Miller Lovett, the Committee’s liaison to the Board, the Committee met with the Board in order to discuss their priorities, and better help them in the planning process. The Committee is concerned that many of the recommendations they made last year were not approved in the budget, and they would like to get an idea of the Board’s priorities. Dialogue ensued regarding accumulated debt service, the increased operating budget, and the strain they put on capital items on a regular, long-term basis. The Committee asked the Board for an estimated figure for capital projects that they can use for planning purposes. Director of Administrative Services, Brenda Vittner, highlighted the reconciliation of recommendations of the CIP Advisory Committee and Town Appropriations for 2007. Dialogue ensued regarding various capital improvement projects, and the Board identified conservation and preservation as high on the priority list. Selectman Lovett is not satisfied that there is a complete inventory of capital needs, and would like the Board and Committee to have a complete picture of upcoming projects. The Chair told the Committee that it is going to be another very tight year, and asked them to bring forth what they deem is absolutely necessary to keep a steady capital improvement schedule. The Committee will begin their deliberations in September,

and the Board will attend a meeting in late September in order to learn about their recommendations.

W-07-18 Disposition of Old Police Station

The disposition of the old police station is a continuation of a prior workshop. The Board requested additional information to help them determine if the Town should continue leasing the Ambrose building, move staff into the old station, or sell the old station. The lease of the Ambrose building can be extended for a five year period, with yearly increases in rent. The lease can be terminated at any time by either party. The Board discussed investments in capital improvements to the Ambrose building and police station, the current marketplace, and the savings that will be realized if the highway department utilizes a more energy efficient building. Selectman Brothers asked that the Board consider income from taxes on a commercial property that will be generated if the police station is sold. Selectman Worsman did not agree with the rest of the Board that it is in the Town's best interest to keep the police station and use it to house the Public Works Department until there is a more permanent solution. She believes that there is a perception by the voters that the building would be sold and the proceeds applied to the new police station. The Director of Public Works will be further from the source of his department if it is moved into the old police station. Chair Michel read disclosures from Board minutes regarding the sale of the police station: "The Board of Selectmen recommends selling existing police station to offset costs providing we get good price" and "If and when the current facility is sold at fair market value, the money" To allow for public input, the Chair directed the Town Manager to include the disposition of the police station on the agenda for the September 17 Board meeting.

Selectman Worsman motioned to move into a non-public meeting for purposes of discussion of personnel under RSA91-A:3 II(a) at 7:15 p.m. Seconded by Selectman Flanders. Vote by roll call. 5-0. All in favor. Motion passed unanimously.

Respectfully submitted:

Carol M. Granfield, Town Manager

Frank S. Michel, Chairman

Karin Landry, Recording Clerk

Peter F. Brothers, Vice Chairman

Robert C. Flanders

Miller C. Lovett

Colette Worsman