

**Board of Selectmen Meeting
Minutes of 03/03/08
5:30 p.m.**

Selectmen:

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

Town Manager:

Carol M. Granfield

Recording Clerk:

Karin Landry

Call to Order: Chairman Frank Michel called the meeting to order at 5:30 p.m. He introduced the Board, Town Manager, and Recording Clerk. He made announcements pertaining to fire exits, listening assisted devices, and the use of microphones. Comments and questions are to be directed through the Chair.

ACCEPTANCE AND/OR CORRECTION OF MINUTES:

08-20 Minutes of the February 4, 2008 Workshop, Regular Board Meeting, and Non-Public Meeting; February 11, 2008 Workshop and Regular Board Meeting; February 15, 2008 Workshop; and February 25, 2008 Non-Public Meeting.

Selectman Flanders motioned to accept the minutes of the February 4, 2008 Workshop, Regular Board Meeting, and Non-Public Meeting; February 11, 2008 Workshop and Regular Board Meeting; February 15, 2008 Workshop; and February 25, 2008 Non-Public Meeting. Seconded by Selectman Lovett.

The Chair directed that any position paper submitted by a Board member prior to the March 3, 2008 workshop will be attached to the minutes as an addendum. If an adjustment is made to that procedure as a result of dialogue that took place at that workshop, it will apply to minutes of meetings subsequent to March 3. The February 4, 2008 Board minutes, page 7, paragraph 4, should be corrected to read Mr. "Buletti" instead of Mr. "Guletti." The February 11, 2008 Board minutes, Page 6, 08-15, Public Hearing, should be corrected to read "Selectman Worsman motioned to close the public hearing at 6:55 p.m. Seconded by Selectman Lovett."

5-0. All in favor. Motion passed unanimously.

TOWN MANAGER'S REPORT:

- The Town Reports are in. The Report can be accessed on the website, and will be available at Town Meeting.
- There have been many calls from residents indicating they are pleased with Public Works' effort to keep the roads clear. A few calls have been received from those who

would like more snow removed. The Department is working as quickly as they can to clear the roads.

- Tuesday, March 11 is Election Day. Voting will take place at the Community Center. The polls will be open from 7 a.m. - 7 p.m. Absentee ballots are available at the Town Clerk's office.
- Town meeting is Wednesday, March 12 at Inter-Lakes High School at 7 p.m. The Town Warrant is available on the website and at Town Hall.
- The next regular Board meeting is scheduled for March 24. The new Board will be in place at that time. An organizational workshop will be held on March 17.
- A public hearing will be held on the Belknap County budget tomorrow evening, March 4. There is a projected increase of 10% in the County budget. The Board is invited to make comments at the hearing individually or on behalf of the Town.

The Chair thanked the Department of Public Works for the outstanding job they have done this winter.

VISITOR'S AND RESIDENT'S COMMENTS (Non-Agenda Items):

None.

SELECTMAN'S COMMENTS:

Selectman Lovett attended the last meeting on the County budget and will attend tomorrow night's meeting. He is still in the process of gathering information and is not in a position to make a contribution to the dialogue. If any Board member has an opinion, he offered to convey it at the meeting.

Selectman Lovett reported on the progress of the Page Pond Conservation Project. As part of the Town's contribution towards the \$2.6 million purchase price, there will be a Warrant Article on the Town Meeting agenda for \$400,000. Approximately \$1 million still needs to be raised in the public fundraising campaign. It is important to get momentum going and get the support of residents for the Project.

Selectman Worsman was contacted by Brian Wolfe regarding the Town's contribution towards the treatment of milfoil on Lake Winnisquam. The cost of the project is approximately \$30,000. DES will contribute \$8,700. The Lakes Association has pledged a donation of \$6,300. The Town has been asked to donate \$15,000. The first deposit to Lincott Environmental of \$8,600 is due by the end of March. Dialogue ensued regarding how the Town's contribution will be funded. The Board was in general agreement that the treatment of milfoil is a significant issue. A comprehensive game plan should be in place for the Town's contribution to the project in future years. Selectman Flanders recalled that it was made clear at a previous meeting that

substantial contributions should be made by those who are directly affected by the problem. The Town must consider funding for the treatment of milfoil in other areas.

Resident Richard Roman suggested adding \$1.00 to boat launch fees to help generate money for treating milfoil. Doing so will also aid in educating the public.

The Chair directed the Town Manager to present the Board with a Staff Report updating the matter at the March 17 or March 24 meeting.

NEW BUSINESS:

08-05 1st T Development Road Waiver Request

Selectman Flanders and Chair Michel recused themselves from the matter because of a potential conflict of interest with the developer/applicant. The Town Manager recused herself because she is an abutter to the property. Director of Administrative Services Brenda Vittner acted as de facto Town Manager on the agenda item.

The Road Waiver request is for the two loops within the development. The matter was brought before the Board for vote on January 21, 2008. At that time, Selectman Worsman indicated that she would vote in favor of the motion only if notes were made on all plan documents that all roads in the development would remain private forever. The Board discussed modifying the motion to include language stating that the main road and shared loop driveway shall remain private. This was a deviation from the Road Waiver Request, and the developer was not available to respond. The item was tabled. It is the opinion of Town Attorney Tim Bates that the Board cannot lawfully deny the requested waivers because of unrelated concerns about the first 600 feet of the entry road, or on the requirement that the first 600 feet can never become a Town road.

Selectman Worsman motioned to un-table the issue. Seconded by Selectman Lovett. 3-0-0. Motion passed.

Selectman Worsman's concerns about the project have been eased based on Attorney Bates' opinion and the developer's agreement that all roads within the project will forever remain private. She indicated that the file should include the minutes of the meetings addressing the matter, as they will be helpful to future Boards addressing similar waiver requests.

Selectman Lovett motioned: Given (1) the favorable reviews by the Fire Department and the Planning Board's Consulting Engineer, and (2) the recommendation of the Planning Board to grant the waivers allowing the loops to be treated as private drives, that the Board of Selectmen grant the waivers as requested, subject to the following stipulations that any dedication associated with the shared driveway is void, the shared looped driveways shall forever be privately maintained, and that the subdivision plan and legal documents associated with the condominium shall reflect these stipulations. Seconded by Selectman Worsman. 3-0-0. Motion passed.

08-21 B&N Designs Utility Easement

The matter was brought before the Board at a Workshop on February 25. The applicant was in attendance to answer questions posed by the Board. The Board did not request any additional information on the easement. The Town Manager recommends approval of the easement.

Selectman Brothers motioned: In the matter of the proposed utility easement associated with B&N Designs subdivision of Tax Map S-25, Lots 30 and 38, recognizing the Town has completed a legal review of the proposed easement, the final easement language before us incorporates the recommendations from Town Counsel, the applicant's attorney having certified good title to grant the easement, and that any mortgages on the property shall be subordinated to the easement deed prior to recording, I move that the Board of Selectmen accept the easement as presented. 5-0. All in favor. Motion passed unanimously.

08-22 B&N Designs Request to Improve a Public Right of Way

B&N Designs has requested authorization from the Board of Selectmen to make improvements to a public right-of-way. The request was the subject of an extensive workshop. Community Development Director John Edgar made a thorough presentation on the project. His Staff Report of February 25, 2008 details the safeguards to the public's interests, including performance guarantee, insurance, project oversight, and public safety/continuous access.

The Applicant is responsible for 100% of the costs to extend the sewer, restore the right-of-way, and maintain adequate erosion controls during construction. There is no municipal cost share on the project. The contractor/developer is responsible for all Town fees associated with water, sewer and inspections.

Selectman Flanders motioned: In light of the Planning Board's conditional approval dated March 13, 2007, and the Staff Report dated February 25, 2008, it appears that the public's interests are adequately protected. Accordingly, I would move that the Board of Selectmen authorize the improvements to Birch Hill Road as requested. Seconded by Selectman Worsman. 5-0. All in favor. Motion passed unanimously.

08-23 Fire Station Expansion – Final Cost of Project

Andre Kloetz of Bauen Corporation presented the proposed Guaranteed Maximum Price of \$2,292,882 for the Fire Station Expansion project. Every part of the project went out to bid over the last month. The bids were reviewed by the building committee and Selectmen for completeness and approval. Mr. Kloetz highlighted how the Town will be better served by the expansion project.

The Board had the opportunity to review the bids and make comments at an earlier meeting. The firm numbers that have been solicited in the bidding process cut the contingency of \$60,000 in half. Any contingency remaining at the end of the project will be deducted from the total cost of the project. Approximately \$200,000 has been spent in soft costs such as architectural fees. Roughly \$21,000 of the remaining \$25,000 in the expendable trust fund will cover additional

testing that is mandated by new codes on municipal projects. The Board extended their thanks to the Chief, Internal Building Committee, Fire Station Building Advisory Committee, and the Construction Manager for their efforts in getting the project to this point. Open Houses will be held at the Fire Station on March 4, 6, and 10 from 7 p.m. - 9 p.m. Chief Palm invited the public to attend.

Resident Richard Roman expressed concerns about the money that has been expended in soft costs, should the project not be approved at Town Meeting. Selectman Flanders assured him that if the project is not approved this year, the work that has been done thus far can be utilized in the future.

Selectman Worsman motioned to adjourn the meeting at 6:30 p.m. Seconded by Selectman Flanders. 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