

last summer. Selectman Flanders expressed concerns with ignoring the figures without an opinion from legal counsel. Chair Lovett directed the Town Manager to have the matter reviewed from a legal standpoint and come before the Board with recalculations in light of updated figures.

Selectman Worsman posed questions regarding expanding the existing service area by entering into the Development Agreement. When the Ordinance was created, the goal was not to increase the existing service area. The Board needs clarification that the designation of the existing service area was as of the date of the Ordinance, and that the existing service area is not intentionally being expanded.

Selectman Worsman expressed concerns with the wording of provision 3.7. The paragraph deals with the timely and cost-efficient delivery of construction of the improvements. It could be interpreted that sub-standard quality might be accepted or overlooked. The Board must be assured that the quality the Town normally accepts will be delivered. The Board was in agreement that there are concerns with the impact on the water system if the work is not up to Town standards. Selectman Worsman also expressed concerns with the timeliness of the project as it pertains to impacting residents and visitors. The work will be taking place in a critical area of Town, and there are no provisions in the Agreement for the hours and days that the work will be performed. The Chair directed the Town Manager and Mr. Korber to further review the document to be certain that the Town has the desired control over the project.

Dialogue ensued regarding provision 4.6. It provides that 2% of the total construction costs of the infrastructure improvements shall be retained by the Town for a period of one year from the date of written notice from the Town of final acceptance of the project. Selectman Worsman expressed concerns that the one-year time period is not long enough for problems to surface, and suggested a longer time period. Jim Murray of SHNH clarified that 2% of the total construction costs will be held for a year after the occupancy permit is issued. The pump station will be in operation for a full year at that time. The provision met with the approval of the Board.

At the suggestion of Selectman Worsman, the Board agreed to reword provision 4.9 to read: "The Applicant shall pay an amount of One Hundred Thousand Dollars (\$100,000) to the Town. The Town shall have full discretion in the use of the funds for the water system."

Dialogue ensued regarding the Recapture Fee. The fee is specifically for recapture of the value of construction of the infrastructure. The Board agreed to add specific language to the provision that there is no guarantee of water for a third party.

Selectman Palm posed questions regarding the Town's review of the work. \$50,000 has been budgeted by SHNH for KV Partners and the Water & Sewer Department to oversee the project. The Town will review the design of the pump station and water lines. Test work will take place during construction.

Selectman Palm suggested that provision 4.3 be amended to read “The Town will hold the escrow funds in an interest bearing trust account, with a federally insured financial institution located in the State of New Hampshire.” He inquired if there will be an easement for emergency purposes, including fire hydrants. Mr. Korber will review the Sewer Ordinance with Superintendent Bob Hill to determine if it addresses the issue.

The Development Agreement will be placed on the agenda for the April 28th workshop.

Selectman Lovett will not be at the Water Committee meeting scheduled for April 17. Selectman Palm will attend the meeting in his capacity as alternate Board representative.

The Town Manager received a private donation for the treatment of milfoil on Lake Winnisquam. In order to place the donation in a designated account, action must be taken by the Board. The matter will come before the Board at the meeting following the workshop.

The Board moved into a non-public meeting at 5:20 p.m.

Respectfully submitted,

Carol M. Granfield, Town Manager

Miller C. Lovett, Acting Chair

Karin Landry, Recording Clerk

Robert C. Flanders

Charles G. Palm

Colette Worsman