

Approved

Town of Grantham Board of Selectmen Meeting Minutes July 11, 2018

The meeting of the Board of Selectmen was called to order at 5:02pm on Wednesday, July 11, 2018, by Chairman Kimball. The meeting was held in the Grantham Town Building, Jerry Whitney Memorial Conference Room at 300 Route 10 South, Grantham, NH.

Present: Selectman Warren Kimball; Selectman Constance Jones; Selectman Peter Garland; Town Administrator Melissa White; Administrative Assistant Ann Jasper; Fire Chief Justin Hastings; Police Chief John Parsons; Ken Ryder, General Manager of ECA; Brian Harding; Bill Matson; George Foley; and Attorney Albert J. Cirone, Jr.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Town Administrator Melissa White.

APPROVAL OF MINUTES

A motion was made by Selectman Jones to approve the regular and non-public meeting minutes of June 27, 2018 as written; seconded by Selectman Garland. **Unanimously approved.**

CONSENT CALENDAR

1. Payroll Manifest #537
2. Accounts Payable Manifest #592 & 593
3. 2017 Homeland Security Grant Program Award – EMS Warm Zone Equipment-\$6,000
4. Land Use Change Tax - M/L 211-013-000; Miller Pond Road-\$5,840
5. Notice of Intent to Cut Wood or Timber - M/L 234-127-000; Howe Hill Road
6. Building Permits:
 - a. M/L 214-067-000; 35 Spring Valley Drive – Addition
 - b. M/L 215-056-000; 438 Road Round the Lake – Generator
 - c. M/L 216-001-000; 320 Olde Farms Road - Shed
7. Correspondence:
 - a. Wetland Permit by Notification – M/L 222-145-000; 25 Road Round the Lake: A Wetlands Permit by Notification was received for M/L 222-145-000; 25 Road Round the Lake.
 - b. Southwestern Community Services: A letter was received from Southwestern Community Services thanking the Citizens of Grantham for their financial support of \$900.00
 - c. NH Department of Environmental Services: A copy of a letter from the NH Department of Environmental Services to the owners of M/L 237-023, 710 Route 10 South, was received informing them that the NHDES Land Resources

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Management Program conducted an inspection of the property to determine compliance with RSA 483-B, the Shoreland Water Quality Protection Act. Deficiencies were observed and the owners were put on notice to take certain actions to correct the deficiencies with deadlines.

- d. NH Department of Safety, Office of the Commissioner: Notice was received from the State of New Hampshire Department of Safety, Office of the Commissioner of proposed re-adoption of NH Admin. Rule Saf-C 3300, Modular Buildings and Building Components Rules.

A motion to approve the Consent Calendar was made by Selectman Garland; seconded by Selectman Jones. ***Unanimously approved.***

APPOINTMENTS TO MEET WITH THE BOARD

Ken Ryder, General Manager of Eastman Community Association, and other Representatives: Ken Ryder introduced himself and said that they (Ken Ryder, Brian Harding, Bill Matson, George Foley, and Attorney Albert J. Cirone, Jr.) were there to talk about an issue that was started over a year ago during a meeting with himself, Town Administrator White and former Selectman Sheridan Brown. He explained that in 2008, Eastman Community Association (ECA) and the Selectmen entered into a strict type of Agreement where it was agreed that ECA's retired lots would be assessed at one value and they would apply business income ratio related taxes for the golf course and those facilities that are open to the public. A study group started looking at the retired lots and asked how they can drive down the assessments and drive down Grantham taxes at the same time. They thought one of the ways would be to take some of these retired lots and group them and make them into one saleable lot that would be available to builders on the concept of building a virtual house first to see if they can make a sale and if they are able to make a sale, then Grantham would benefit because it would pick up the full valuation of not only the land but a new house. Eastman would benefit because they would be able to reduce the retired lot assessment and increase the assessment for having a house versus vacant land. He stated this process for Eastman took over a year to make happen through their governance process and the last step of that is for the Board to ratify the action of their Counselor. They have 60 days to do that. He said the Board will not ratify that Agreement if they don't have an understanding with the Selectmen that it will not impact their 2008 Agreement and emphasized that is why they are here today.

Chairman Kimball asked for more detail about the retired lots. Ryder explained that the covenants did have some language in it that said the only way Eastman could move a retired lot is to the abutter for the purpose of annexation. He said the study identified 107 lots that have potential for grouping. They could take three lots and put them together and might end up with two buildable lots. Whether that is done through lot line adjustment or merger and re-subdividing is a question that will need to be explored. He continued that if they do this through merger and re-subdividing, they would comply with the one acre requirement in the current Zoning Ordinance. They would plan on starting slow and doing a pilot project so they can test to see how this concept works. If the pilot project works, they will work out some more details and an amendment to the 2008 Agreement.

Chairman Kimball asked if there were any questions. Selectman Garland asked about current lot mergers. Ryder explained that all of the mergers that have been done since 2008 are

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done with a deed restriction and the deed restriction states that it must be annexed within the assessable year and if not, the property owner will pay two assessments so there is some incentive built in for people to merge the lots.

Selectman Garland asked about merging three lots if one or two of the lots were in Enfield. Ryder said they have some challenges there. Ryder explained that the concept way back was that lots cannot be eliminated because it affects the assessment base. They made it up by creating a retired lot assessment so everybody pays for these retired lots. If three lots are merged together, one house would get built. Selectman Garland said his concern is for the tax base and if the combined lots would have less of an assessed value than the three lots do separately. Ryder said it is up to the assessors to figure out the final assessed value. He explained that once the lot transfers to the ultimate owner, and clarified that none of this would happen until they have a buyer, the buyer has to agree to build a house. The house and the lot would be reassessed at that point by the assessor. Selectman Jones stated that would help the grand list because as the grand list continues to go down, the taxes are going to go up. She thought it was logical to combine those lots and get a substantial home built on it.

Selectman Garland asked if it would be a conflict for the two Selectmen who live in Eastman to vote on this. ECA's Attorney, Al Cirone, answered that his understanding of the Supreme Court ruling is there is no personal benefit to them so they can vote and, additionally, they can't not vote. They can't recuse themselves because they have no pecuniary interest.

Chairman Kimball asked if there were any more questions. Selectman Jones stressed that she thought it was a good idea.

Ryder said his thought was that the Board vote to accept the concept moving forward non-binding until they modify the Agreement. Selectman Jones said she would also like to see more about the pilot project. Attorney Cirone said they have a lot more detail to work out for the pilot project. Ryder emphasized that they do not want to put their 2008 Agreement in jeopardy if they go forward with this concept.

White stated that the town will be conducting a statistical update of values for April 1, 2020. Cirone said that will force Eastman and the Town to come back together and look at what is going on for sales. All agreed that instead of an Amendment, a new Agreement should be drawn up that incorporates the original Agreement along with the new concepts.

Selectman Garland noted that some of the lots in Eastman are for condominium use and asked if they were thinking of merging those lots and putting condominiums on them. George Foley, the ECA Study Group Chair, said they went through a lot of research with builders, realtors, etc. and the target market in their mind is retirees and weekend professionals. He said they can't say no to anybody but they think they have structured it so that it is going to be attractive to retirees and weekend people and part of that is they don't want to put more load on the facilities or schools and roads. He stated that condominiums are not in their plan. White said the Board should be aware that some of these parcels are in current use. If there was a change that required them to come out of current use, then the town would receive the land use change tax. Selectman Garland asked how many of the parcels were in current use. Brian Harding said he did not know. White asked Harding if he could send her the parcel

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list by map and lot number in Excel format, she could go through the list and easily identify the lots that are in current use.

The Board agreed to take a little time and address this at the next Board of Selectmen meeting on July 25, 2018. The Eastman representatives agreed and said they could also defer it until August too. They thanked the Board for their time.

OLD BUSINESS

Comcast Cable Agreement: White said progress is being made with the Agreement and that a date for the Public Hearing needs to be determined. White stated September 12, 2018 works for Comcast. The Board agreed.

Stocker Brook Realty, LLC, et al v. Town of Grantham: A Hearing on the Merits was held July 9, 2018 and they are awaiting the Judge's Ruling.

NEW BUSINESS

Lebanon Ambulance – June Report: (12) calls for service; (8) were transported.

Trustees of the Trust Funds – June Report: The Trustees of the Trust Funds June Report was reviewed.

Town Administrator: White processed the closing paperwork for the purchase of 275 Route 10 South. She also reached out to Town Engineer Peter Blakeman to see what type of a permit is needed to remove the garage and bring in some fill.

White said she received two complaints about the silent parade on Old Home Day. Fire Chief Hastings explained that he had multiple people ask him for a silent zone. He said he didn't feel that he had enough time to advertise a silent zone so decided this year they would do the whole parade silent but next year he would like to designate a silent area.

White received a letter from Eryn Bagley resigning as Clerk of the Planning Board effective after the August meeting. She will stay on as Clerk of the Grantham Conservation Commission.

White received an email from Alan Goldsher who lives in the West Cove D Condo area that included some pictures of cables haphazardly strewn all over the ground. Chairman Kimball went out earlier in the day and met with one of the owners. She (White) contacted the Government and Regulatory Affairs Department at Comcast and they (Comcast) had their construction coordinator go out and look at the site to determine a plan to have the wires buried.

White received a letter from a new resident of Grantham, Ernie Desmarais, regarding the availability of Comcast on Woodland Heights Road. The Selectmen said this could be considered in the Comcast contract negotiations in five years.

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White recapped that a change order was signed to amend the start and completion dates for the painting projects at Town Hall and the Highway Garage. She informed that the Painter came into the office on July 9, 2018 and told her that he would like to spray both Town Hall and the Highway Garage. She noted that the RFP and the contract specifically prohibit spraying unless it's approved via a change order by the Board. White spoke with Road Agent Hastings about the Highway Garage. He said the Highway Garage was originally painted with oil based stain so they need to make sure there is a latex primer over the stain before latex paint is used. He said he did not see a problem with spraying the Highway Garage but did not think it would be in the Town's best interest to use spray for the Town Hall. White said the painter emailed her more detail about spraying and recommended that the cedar shakes at Town Hall should be sprayed in order to preserve them.

Selectman Jones asked when the painter can start if they decide to do this. White said he told her that he needed to start another job and requested that they move the completion date to September 5, 2018. Chairman Kimball asked if they should consider three coats and allow the spraying of Town Hall for the same price as that would save time. Selectman Jones and Selectman Garland agreed with the exception of the trim.

Selectman Jones asked if the painter comes back with something else in the future, if the Selectmen can be contacted that day and not have to wait for a regular meeting to discuss it. White said yes.

See Change Order attached.

A motion to amend the completion date of the Highway Garage and Town Hall painting projects to be September 5, 2018 was made by Selectman Jones; seconded by Selectman Garland. **Unanimously approved.**

Selectman Jones emphasized that there are to be no more extensions.

White asked the Selectmen if they had any questions regarding the questionnaire from the Auditors. Selectman Garland asked about insurance coverage for hacking. White will check with Primex to see if that's available. The Auditor's questionnaire for the Selectmen was signed by the Board.

Selectman Jones requested that an Ethics Policy be written this year.

Selectman Jones asked how the blueberries were doing at the Recreation Park; White said blueberries are not usually ready until later in July or early August, but she would check with Groundskeeper Carey.

There was a brief discussion regarding the hours of operation for the Selectmen's Office. Selectman Jones felt that since the office will be hiring two new employees soon, that it would be more practical and efficient for everyone to work Monday – Friday 8 AM – 4 PM.

In accordance with RSA 91-A:3 section II-c, a motion was made by Selectman Jones and seconded by Selectman Garland to enter into a Non-Public session at 6:14pm. Present were:

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Chairman Warren Kimball; Selectman Constance Jones; Selectman Peter Garland; Town Administrator Melissa White; Administrative Assistant Ann Jasper; and Fire Chief Justin Hastings.

Roll Call vote to enter non-public session:	Chairman Warren Kimball;	Yes
	Selectman Constance Jones;	Yes
	Selectman Peter Garland	Yes

A motion to leave Non-Public session and return to Public Session at 6:30pm was made by Selectman Jones; seconded by Selectman Garland. **Unanimously approved.**

A motion to seal the minutes of this non-public session was made by Selectman Jones; seconded by Selectman Garland. **Unanimously approved.**

In accordance with RSA 91-A:3 section II-c, a motion was made by Selectman Jones and seconded by Selectman Garland to enter into a Non-Public session at 6:31pm. Present were: Chairman Warren Kimball; Selectman Constance Jones; Selectman Peter Garland; Town Administrator Melissa White; and Administrative Assistant Ann Jasper.

Roll Call vote to enter non-public session:	Chairman Warren Kimball;	Yes
	Selectman Constance Jones;	Yes
	Selectman Peter Garland	Yes

A motion to leave Non-Public session and return to Public Session at 6:38pm was made by Selectman Jones; seconded by Selectman Garland. **Unanimously approved.**

A motion to seal the minutes of this non-public session was made by Selectman Jones; seconded by Selectman Garland. **Unanimously approved.**

In accordance with RSA 91-A:3 section II-e, a motion was made by Selectman Jones and seconded by Selectman Garland to enter into a Non-Public session at 6:38pm. Present were: Chairman Warren Kimball; Selectman Constance Jones; Selectman Peter Garland; Town Administrator Melissa White; and Administrative Assistant Ann Jasper.

Roll Call vote to enter non-public session:	Chairman Warren Kimball;	Yes
	Selectman Constance Jones;	Yes
	Selectman Peter Garland	Yes

A motion to leave Non-Public session and return to Public Session at 6:42pm was made by Selectman Jones; seconded by Selectman Garland. **Unanimously approved.**

In accordance with RSA 91-A:3 section II-c, a motion was made by Selectman Jones and seconded by Selectman Garland to enter into a Non-Public session at 6:43pm. Present were: Chairman Warren Kimball; Selectman Constance Jones; Selectman Peter Garland; and Town Administrator Melissa White.

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Roll Call vote to enter non-public session:	Chairman Warren Kimball;	Yes
	Selectman Constance Jones;	Yes
	Selectman Peter Garland	Yes

A motion to leave Non-Public session and return to Public Session at 6:45pm was made by Selectman Jones; seconded by Selectman Garland. **Unanimously approved.**

A motion to seal the minutes of this non-public session was made by Selectman Jones; seconded by Selectman Garland. **Unanimously approved.**

ADJOURNMENT

There being no further business, Selectman Jones moved to adjourn, seconded by Selectman Garland; by unanimous vote, the Board adjourned at 6:50pm.

The next Selectmen's Meeting will be held on **Wednesday, July 25, 2018** at 5:00pm in the Grantham Town Building; Jerry Whitney Memorial Conference Room at 300 Route 10 South, Grantham, NH.

Respectfully submitted,



Ann Jasper
Administrative Assistant