

Town of Tamworth
Board of Selectmen's Meeting
July 22, 2010
Tamworth Town Office

Members Present John Roberts, William Farnum, and Robert Abraham

Others Present Members of the Remick Foundation Ed Sullivan, Larry Grace, Harold Cook, Town Administrator Cassandra Pearce, Police Chief Daniel Poirier, Anne Abear, Lori Gerard, Patricia Farley, Karin McNiff, Sam Martin, Representatives of Tri County Cap, Representatives of HE Bergeron, Representatives of Tamworth Rescue Squad, Domenic Richardi and other members of the community.

John Roberts called the meeting to order at 3:05 p.m.

Remick Foundation
PILOT Agreement

Mr. Cook discussed the original creation of the Remick Foundation and the bequest of Dr. Remick. The farm was started and hired personnel. They purchased land, gave funds to the Town, gave an easement for the a small septic system and gave land for the large town septic system. The heirs sued the foundation in the past with the result being a court order of two trusts being created. The trustees of the Remick farm and museum have agreed to pay \$20,000 to the Town under a PILOT agreement. Mr. Roberts advised the original Board agreed to pay the total amount due in taxes. A PILOT was set up several years later. Mr. Cook advised the trust has an estimated value of \$9.6 million dollars. The recent construction has been buildings for the purpose of protecting the equipment. The farm and museum have looked for several ways to increase its revenues by adding a sugar house, increasing membership, selling meats (cattle and sheep), and are looking to build a birthing building to draw more attendance. The old buildings will not be taken down because it is the history of the farm. All staff has been advised to stop spending and a savings of \$20,000 has been seen in fuel costs. Mr. Cook expressed the concern of increasing the PILOT and more funds being expended, the presumption that more money is available. The holders of the trust funds of the farm have advised the funds will be limited from here forward. Mr. Roberts advised that the other heirs would get 25% of the funds not expended that are given to the farm. Mr. Cook advised that the money needs to be utilized for the farm and not spent elsewhere. Mr. Cook advised the Remick Board has voted to not sign any PILOT agreement at this time, but will continue with the current PILOT for the 2010 year. They are requesting a meeting with the Board at a later date this year to discuss the PILOT payments for 2011. Mr. Cook advised other non-profit agencies are not paying as much in PILOT payments as the Remick Foundation. Mr. Roberts inquired if the mission statement of the Foundation had been changed? Mr. Cook advised it had not been changed and continues to be geared toward education.

Mr. Farnum inquired about the expansion plans of the farm and museum. Mr. Cook explained that a birthing barn and blacksmith shop are in the future. The budget of the trust in approved in November for the following year. Mr. Roberts requested a copy of the budget that has been presented for the 2011 year.

The Board will meet with the Trustees of the Remick Foundation again later in the year to discuss the PILOT payments to be made to the Town in the year 2011.

Current Use Taxation
Remick Property

Mr. Cook advised that the current use penalty does not apply to the Remick Foundation. He further advised that he has spoken to several land use experts who advise that this is accurate. He continued by stating that the law was meant for subdivisions. Mr. Roberts and Mr. Farnum disagreed indicating that the land use change tax does apply to the Foundation. Mr. Cook requested for Mrs. Pearce to meet with the new director to discuss this further.

A plan will be submitted to the Town to show the area that will be taken out of current use and will be utilized to assess the penalty.

Non-Public
Session #1

Mr. Farnum moved and Mr. Roberts supported to move into a non-public session per RSA 91-A:3 II c. at 3:42 p.m. Vote was: Farnum, Yes, Roberts, Yes, Abraham, Yes. Motion passed.

Mr. Roberts moved to adjourn the non-public session at 3:56 p.m. and to seal the minutes until July 22, 2014 for the protection of a reputation of the individual discussed who is not an employee of the Town or a member of the Board of Selectmen. Mr. Farnum seconded this motion. Vote was unanimous. Motion passed.

Department Report

Chief Poirier advised that Officer Littlefield will be graduating from the police academy on Friday, July 30. He will begin field training the following week and will be on his own after 6 weeks. Chief Poirier discussed Officer Littlefield's expressed interest in becoming a paramedic which would require his attendance to a class once a week for a year. The Board requested additional information prior to making a decision on this training.

Public Comment

Mr. Jeffery McLean who is the son of the owner requesting to place a driveway with two entrances to the Firefly property. He explained he is building the home on the property. The Board explained to Mr. McLean that the planning board approved the original driveway application with one entrance when the property was originally subdivided. The Board discussed their concerns regarding the two entrances onto the property. After some discussion of who has the responsibility to approve the new driveway request for two entrances. *Mr. Roberts moved to deny the driveway permit application for map 412 lot 20-1. Mr. Farnum supported this motion. Vote was 2-1-0. Motion passed.*

Mrs. Farley discussed the reappointment of the TAC Committee for John Gotjen and David Bowles.

Mrs. Farley discussed the Planning Board's work session in September.

Mrs. Farley advised Chocorua day will be held on Saturday, July 24 from 9-2.

Administrative
Part I

1. Chocorua banners – the Board approved the banners as presented.
2. LRPC TAC appointment - *Mr. Farnum moved and Mr. Roberts supported to appoint Mr. John Gotjen as the Tamworth TAC representative to the LRPC. Vote was unanimous. Motion passed.*
3. LRPC TAC appointment - *Mr. Farnum moved and Mr. Roberts supported to appoint Mr. David Bowles as the alternate Tamworth TAC representative to the LRPC. Vote was unanimous. Motion passed.*
4. The Board signed a letter to the Town Trustees requesting a drawdown from the 2009 paving capital reserve fund.
5. The Board signed a thank you letter to Chris Vernon for his generous donation to the Tamworth Family Day celebration. Mr. Abraham advised Mr. Parker Roberts was interested in a presentation for Mr. Vernon.
6. An intent to cut for map 413 lot 011 was signed.
7. An intent to cut for map 411 lots 13 and 14 was signed.
8. PA-16 – Application for reimbursement to Towns for Federal & State forest lands was signed.
9. Notice of Amendment in accordance to RSA 486:14 – SRF Loan CS-330365-01 acknowledgement for the landfill closure grant was signed.
10. *Mr. Farnum moved and Mr. Roberts supported to approve the regular meeting minutes of July 8, 2010. Vote was unanimous. Motion passed.*
11. *Mr. Farnum moved and Mr. Roberts supported to approve the non-public meeting minutes of July 8, 2010. Vote was unanimous. Motion passed.*
12. *Mr. Farnum moved and Mr. Roberts supported to approve the regular morning meeting minutes of July 14, 2010. Vote was unanimous. Motion passed.*
13. *Mr. Farnum moved and Mr. Roberts supported to approve the non-public morning meeting minutes of July 14, 2010. Vote was unanimous. Motion passed.*
14. *Mr. Farnum moved and Mr. Roberts supported to approve an accounts payable manifest in the amount of \$238.33. Vote was unanimous. Motion passed.*
15. *Mr. Farnum moved and Mr. Roberts supported to approve an accounts payable manifest in the amount of \$1,418.24. Vote was unanimous.*
16. *Mr. Farnum moved and Mr. Roberts supported to approve a payroll manifest in the amount of \$19,982.57. Vote was unanimous.*

Chocorua Project

Mr. Poulin presented a review of phase II of the Chocorua Project as a result of the public hearing and meeting with the Board of Selectmen on June 29. Mr. Poulin advised that the master plan has been divided into 6 “zones” and explained each area and plan for each zone. Mr. Poulin advised the cost of the construction of these items to include the contingency amount is estimated to be \$785,000. The next steps will be to identify the potential environmental permitting, identify potential property impacts, finalized the study and submit the plan to NH DOT for their review and approval within the next 1 – 2 weeks. The Board gave the go ahead to the engineers to move forward and submit the proposal to the State according to these plans.

Tri County Cap

Mr. Larry Kelly, Ms. Dori Ducharme, Mr. Joe Costello and Mr. Bill Hatch representing Tri County Cap met with the Board to discuss a subordination agreement needing to be signed in order for Tri County Cap to reorganize their debt from Wells Fargo to TD Bank. It was explained that the Town of Tamworth does not have any further obligation from the original \$700,000 that was originally improved. This agreement also allows Tri County Cap to increase their borrowing from the current \$2.1 million to \$3.5 million.

Mr. Abraham moved to accept the subordination agreement as requested by Tri County Cap. There was no second to this motion. Discussion ensued regarding the request of Mr. Abraham to abstain from voting on this item as he has a relationship with the organization as an immediate family member works for the organization. Mr. Abraham advised he received legal advice from LGC advising he did not have to recuse himself.

Mr. Roberts moved to have Mr. Abraham removed from any motion to do with Tri County Cap due to wife's employment with the organization. There was no second to this motion. Mr. Abraham advised it was illegal for Mr. Roberts to make this type of motion. Mr. Abraham inquired if the agreement would not pass if he recused himself. Mr. Roberts advised that did not matter, with the affiliation that Mr. Abraham has with the organization he should recuse himself. Mr. Abraham discussed decisions in which he felt Mr. Roberts should recuse himself such as gravel permit decisions. Mr. Roberts advised he would if it was necessary. Mr. Abraham advised the decision to approve this subordination agreement does not effect his life, his wife or himself financially and refused to recuse himself.

Mr. Farnum moved to approve the subordination agreement with the understanding that approval of this document does not increase the Town's obligation further from the original agreement. Mr. Abraham supported this motion. Vote was unanimous. Motion passed.

PILOT Agreement & Lien for Tri County Cap Property

Members of Tri County Cap discussed their understanding of the PILOT agreement for their facility to encompass the entire facility. They explained that the 2009 bills and the lien notice were sent to an incorrect address. The total due for 2009 for the dental office is \$12,314.10. Mrs. Pearce advised that the dental building was not in use as of 4/1/2009; therefore, it is taxable. A check for the total amount of the 2009 taxes and lien was presented to the Board.

The request of Tri County Cap was to set up a PILOT for the 2010 year totaling \$12,000. This amount represents \$8,000 for the main building and land and \$4,000 for the dental office. The Board will review the assessment prior to making this determination and requested Mrs. Pearce to work on a PILOT agreement for the Selectmen and Tri County Cap to review.

Tamworth Rescue Squad

The Board met with Captain Jeff Tavares of the Tamworth Rescue Squad to discuss the \$49,000 that has been placed into a capital reserve to replace the rescue vehicle. Mr. Tavares advised it is his understanding that the vehicle

will be replaced in approximately 5 years. The Board discussed Mr. Tavares meeting with the CIP Committee to discuss the rescue squad's plan and the idea of purchasing the vehicle outright when it is needed versus putting money into a reserve that is not making any interest at this time. Mr. Tavares will discuss this with members of the squad.

Mr. Tavares discussed concerns regarding Medstar Ambulance Service and the rumor that the business is going out and will be replaced by another ambulance service. The Board advised that they have a contract with Medstar at this time and should the company go out of business, the Board will send the contract out to bid to be fair to all of the local ambulance services.

Recess

Mr. Roberts moved at 5:45 p.m. to recess the meeting. Mr. Abraham supported this motion. Vote was unanimous. Motion passed.

Mr. Roberts called the meeting back to order at 5:52 p.m.

Tax Acquired
Property Bids

Mrs. Pearce announced that the Town had received 3 bids for map 215 lot 113 and 3 bids for map 406 lot 064. The bids were opened and read aloud as follows:

Map 215 lot 113

Bid #1 = \$5,500

Bid #2 = \$3,500

Bid #3 = \$27,000

Map 406 lot 064

Bid #1 = \$5,000

Bid #2 = \$29,600

Bid #3 = \$20,000

Mr. Roberts moved and Mr. Farnum supported to accept bid #3 in the amount of \$27,000 for map 215 lot 113. Vote was unanimous. Motion passed.

Mr. Roberts moved and Mr. Farnum supported to accept bid #2 in the amount of \$29,600 for map 406 lot 064. Vote was unanimous. Motion passed.

The Board requested to hold off on the 4 remaining parcels and put them out to bid in a few months.

Domenic Richardi

Mr. Richardi met with the Board to discuss his candidacy for Carroll County Sheriff. He gave his personal information and location of residency. He further gave the Board his background information pertaining to his law enforcement career. He discussed his goals of focusing the priority within Carroll County advising that it appears the focus of the Sheriff's office over the past few years has distracted to other counties. He discussed the cooperation and coverage needs of the small communities within the county.

He advised he would be looking to give the best service possible from the agency and the current manpower available. He requested all to write him in on the ballot of September 14 and then their votes on the ballot in November.

Non-Public
Session #2

Mr. Farnum moved and Mr. Roberts supported to move into a non-public session per RSA 91-A:3 II c. at 6:16 p.m. Vote was: Farnum, Yes, Roberts, Yes, Abraham, Yes. Motion passed.

Mr. Roberts moved to adjourn the non-public session at 6:43 p.m. and to seal the minutes until July 22, 2014 for the protection of a reputation of the individual discussed who is not an employee of the Town or a member of the Board of Selectmen. Mr. Farnum seconded this motion. Vote was unanimous. Motion passed.

Board of Selectmen Updates

- Mr. Farnum advised he attended a meeting in Freedom with representatives of Freedom, Effingham, Eaton, and Madison regarding the review of an ambulance contract between the several towns. He further advised that the Town of Ossipee did not send representation to this meeting.
- Mr. Farnum reported on the Energy Commission meeting held on Monday night and the need for an additional member. A discussion at that meeting was the need for any grants to be funneled through the Town for approval of the Selectmen. Members are working on projects and planning for upcoming community events.
- Mr. Farnum also met with the Cook Library Board and discussed the CIP committee meetings and their requested participation.
- Mr. Abraham discussed the LURC meeting that is working on a proposed land use regulation for the 2011 Town Meeting. He discussed a particular item regarding the proposed building heights of no more than 35 feet. Members of the Board discussed other Town's who have height restrictions and expressed a concern with not having a height restriction. It is undetermined at this time whether this committee will be able to present an ordinance at the 2011 Town Meeting as there is still an enormous amount of discussion and work to be performed.
- Mr. Roberts advised he attended a Conservation Commission meeting and the plan of that committee will be to view the transfer station site for possible conservation uses/protection in September/October. It was announced that Ms. Ticehurst has resigned her secretarial position for this Board.
- A Planning Board meeting is scheduled for 7/28 beginning at 7:00 p.m. After a review of the agenda, members of the Board requested a Selectmen's Meeting to be posted for that meeting.

Administration
Part II

1. Mr. Roberts discussed a bill submitted for work done for the Tamworth Fire Department by Bruce Robinson Company in the amount of \$2,588.11. This bill included an amount for material which according to the NH RSA as Mr. Robinson is an elected official, should have gone out to bid. *Mr.*

Farnum moved and Mr. Roberts supported approval of the accounts payable manifest and check register totaling \$ 250,380.69 less payment of this \$2,588.11 pending a discussion with town attorney on the payment of the material purchased without going out to bid. Vote was unanimous. Motion passed. The Board authorized a new check to be disbursed less the material if it is determined by Town Attorney that it should not be paid. If it is determined that the job was put out to bid, the Board will approve the entire payment.

2. An estimate for the siding of the new salt shed at the highway garage was received and discussed in the amount of \$2,030. *Mr. Farnum moved and Mr. Roberts supported to accept the estimate by Addison Mason Builders in the amount of \$2,030 for siding the highway salt shed. Vote was unanimous. Motion passed.*
3. Mrs. Pearce discussed a letter received from Attorney Nix regarding the Finman property and the authorization given for the Town Assessor only to enter the property to acquire a tax assessment. A concern was expressed of sending only the Town Assessor on the property and a decision was made by the Board to send Police Chief Daniel Poirier on the property with the Town Assessor.
4. A bill was received from Runnell's Hall for the use of the facility for the Chocorua Project public hearing. Mr. Roberts requested an opportunity to discuss the bill with Ms. Nickerson.
5. The Board discussed a complaint received regarding a property in South Tamworth that has a dog kennel. The complainant advised they spoke to the Tamworth Police Department about their concerns. Mrs. Pearce also spoke to the police department who advised that the kennel owner is providing what is required for the animals. It is recommended that the complainant bring their concerns to the local humane society.

Non-Public
Session #3

Mr. Roberts moved and Mr. Farnum supported to move into a non-public session per RSA 91-A:II c & e at 7:15 p.m. Vote was: Roberts, Yes, Farnum, Yes, Abraham, Yes. Motion passed.

Mr. Roberts moved and Mr. Farnum supported to move adjourn the non-public session at 7:30 p.m. Vote was unanimous. Motion passed.

Adjournment

Mr. Roberts moved and Mr. Abraham supported to adjourn the meeting at 7:30 p.m. Vote was unanimous. Motion passed.

Respectfully submitted,
Anne M. Abear

Approved by Tamworth Board of Selectmen: 8/5/2010

John Roberts

William Farnum

Robert Abraham