

**BOARD OF SELECTMEN
MEETING MINUTES**

February 22, 2005

PRESENT:

Ruth I. Clough, Chair, Board of Selectmen
Douglas W. Lyon, Selectman
Mark Kaplan, Selectman
Jessie Levine, Town Administrator

OTHERS PRESENT:

Carolyn Dube, Argus Champion

Chair Clough called the meeting to order at 8:00 AM.

Meeting Minutes: Mr. Lyon moved to approve the minutes and non-public minutes of February 14, 2005. Second Mr. Kaplan – Approved 3-0 with no changes.

Assign Warrant Articles: The Board of Selectmen reviewed the 2005 Town Meeting Warrant and assigned warrant articles to present at Town Meeting. The Selectmen will meet with Town Moderator Cotton Cleveland on Monday, February 28, to prepare for Town Meeting.

Meeting Schedule: The Board of Selectmen added the following dates to their meeting schedule:

Monday, April 4 at 8:00 AM
Monday, April 11 at 7:00 PM
Monday, April 18 at 8:00 AM
Monday, April 25 at 8:00 AM

There are already Citizen's Advisory Committee meetings scheduled for Saturday, April 2 and Saturday, April 30 at 7:30 AM.

Merrimack County: Ms. Levine said that there is a Merrimack County meeting on Monday, March 7 at 10:00 AM to discuss the county budget and proposed new county nursing home. She said that she would like to attend but the Selectmen are meeting at 8:00 that morning and it is the day before town elections. The Selectmen asked if Rep. David Kidder, who is involved with the county, could come to a Selectmen's meeting to talk about the county budget. Ms. Levine will contact Rep. Kidder.

William Kidder: Chair Clough noted, with sadness, the passing of Bill Kidder. The Selectmen will attend the services on Friday, March 4 at 2:00 PM. Chair Clough said that it would be nice if the staff from the Town Offices could attend, and Ms. Levine asked for permission to close the Town Offices for that purpose. The Selectman agreed that the offices should close out of respect for Mr. Kidder, and asked Ms. Levine to post notice in the local papers.

Hitchcock Property: Ms. Levine referred to a letter from Bart Mayer, Town Counsel, regarding David Hitchcock's property on Farwell Lane. Mr. Mayer confirmed his previous advice that the property owner has received a benefit for over 30 years as having the property taxed as one parcel, and advised that case law would support his belief that there was unreasonable delay in Mr. Hitchcock bringing his concerns to the Town. Ultimately, Mr. Mayer advised, this is a policy decision for the Board of Selectmen. Ms. Levine said that she would like to know 1) how the Board of Selectmen want to respond to Mr.

Hitchcock; 2) what advice they would like to give Mr. Hitchcock for future actions, such as applying for a subdivision, and 3) whether the Board of Selectmen would be prepared to defend their decision, should Mr. Hitchcock decide to litigate.

Ms. Levine said that when she had spoken to Ken McWilliams, Town Planner, Ken expressed concern that there be consistency in the Town with respect to properties that were merged or separated, by Town error. Ms. Levine said that one way to be consistent would be to suggest that all property owners be directed to the Planning Board for resolution, which would create documentation that is currently lacking. Chair Clough said that she would like to see a written policy addressing these issues, and Ms. Levine agreed to draft one. Chair Clough also expressed concern that property owners may be asked to pay the Planning Board fees to repair an error that the Town made. Ms. Levine said that the property owner could apply to the Selectmen for an abatement of those costs, but that she did not think it would be appropriate to set a policy with respect to fees, as every case may have different facts. The Selectmen agreed.

There being no further public business, Mr. Kaplan moved to go into non-public section to review the status of the waterfront assessment litigation pursuant to RSA 91:A-3 II (e). Roll call vote: Kaplan – yes; Lyon – yes; Clough – yes.

The Board of Selectmen returned to public session at 9:20 AM and signed the documents listed below.

SIGNATURES:

Building Permits:

- Jeffrey Zurheide, 80 Gay Farm Road (Map 70, Lot 36), permit to replace doors & windows and other improvements - Approved
- **Sign Permits:**
- NONE

Other Items for Signature:

- Disbursement & Payroll Voucher for the week of February 22, 2005
- Abatement for Lester Brown (106-011-000) for 2002-2004 – Approved
- Abatement for Fred Foulkes (126-012-000), Betsy Cetron (116-013-000), Wayne Patenaude (116-012-000), and Paul & Joanne Lazdowski (103-015-000), for 2004 property taxes – Approved
- Warrant for Land Use Change Tax in the amount of \$7500 - Approved
- Land Use Change Tax Bill to Susan Fitzgerald, 271 Burnt Hill Road (029-007-000) – Approved

There being no further business, the Board of Selectmen voted to adjourn the meeting at 9:25 AM.

Respectfully submitted,

Jessie Levine
Town Administrator