

**Center Harbor Board of Selectmen  
Meeting Minutes  
Wednesday, November 3, 2021**

**CALL TO ORDER:** At 6:00 p.m. Chairman Harry Viens called the Board of Selectmen's meeting to order. Selectmen William Ricciardi and Richard Drenkhahn were present. Target New England Representative James Doherty, Karen Ponton, Ann Xavier, Bette Miller, James Locke, Jean Meloney, Tim Nefores, Lisa Herrick, Margaret Adams, George Gurney, Karin Karagozian, Code Compliance Officer Bill Doucette, Police Chief Mark Chase, Parks & Recreation Director Sandy Frost and Selectmen's Administrative Assistant Robin Woodaman were also in attendance.

**AGENDA REVIEW:** Mr. Viens reported two additions to the agenda; Library Trustee appointments and a non-public session to discuss matters which could affect a person's reputation if made public.

**MEETING MINUTES:**

- **October 27, 2021 Board of Selectmen's meeting:** Mr. Drenkhahn motioned to approve the minutes of the October 27, 2021 Board of Selectmen's meeting as presented. Mr. Ricciardi seconded the motion and the vote was unanimous.

**APPOINTMENTS:**

**TARGET NEW ENGLAND REPRESENTATIVE JAMES DOHERTY:**

- **Bandstand repairs:** Mr. Drenkhahn expressed his concerns about the bandstand roof being open to rain during the repairs earlier this year. Mr. Ricciardi reported it had been raining on the sheathing. Mr. Doherty reported he feels the bandstand looks good after the repairs; the Selectmen agreed.
- **Schoolhouse repairs:** There was discussion regarding the repair work in the Request for Proposals and the requirements for work done on the historical building. Mr. Ricciardi referred to the historic chimney where, if the work wasn't to historical specifications, it could be detrimental to the brick and also jeopardize grant funding. Mr. Doucette reported lime-based mortar will have to be used. Mr. Ricciardi questioned if changing the swing of the doors and installing panic hardware would affect the historical designation. Ms. Ponton reported historic buildings can have panic hardware because it's a life safety issue. There was discussion regarding installing a custom-made door to match the other door. Mr. Viens requested the bathroom repairs be addressed first; the floor is structurally unsound. He requested any change orders be submitted to the Selectmen. Mr. Ricciardi motioned to contract with Target New England, in the amount of \$16,875, for the Schoolhouse building repairs and \$6,775 for the Schoolhouse chimney repairs. Mr. Viens seconded the motion and the vote was unanimous.

**POLICE CHIEF MARK CHASE:**

- **College Road traffic study:** Chief Chase reviewed the traffic study conducted on the north side of College Road; this is the first step in possibly lowering the speed limit. He reported the traffic study confirms the high volume of vehicles (600 plus vehicles per day) with

traffic in the northern lane traveling the speed limit and traffic in the southern lane traveling above the speed limit. Chief Chase reported there have been two reportable accidents in ten years. Mr. Ricciardi asked how this data compares to the 2016 traffic study on the southern part of College Road. Chief Chase reported there was half the volume of vehicles (averaging 311 vehicles per day) in 2016 on the southern part of College Road. Mr. Ricciardi asked if the College Road residents complained more about the speed or traffic volume. Mr. Locke reported he feels speed is the biggest complaint and if the speed was reduced, people wouldn't use the road. He reported there is a lot of large truck traffic and suggested no vehicles weighing over 10,000 pounds be allowed on the road; Chief Chase explained vehicles weighing over 10,000 pounds heading to a job site on College Road would be able to use the road. Chief Chase reported the possibility of striping the road and applying for a speed enforcement grant in 2023; he does not recommend the installation of speed bumps. Mr. Locke asked if the lines on the road would be defined by the size of the road. Chief Chase explained the lines depend on the width of the road and reported the Town would not have to do the fog lines; there is the option of just the centerline.

Chief Chase reported the posted speed is 30 miles per hour; to reduce it to 25 miles per hour a public hearing, in addition to the traffic study, has to be held. He recommended including the Main Street speed limit as part of the public hearing; this traffic study was previously completed. The Selectmen scheduled a public hearing to receive input on a 25 miles per hour speed limit on College Road (North) and Main Street for Wednesday, December 1, 2021 at 6:00 p.m. Mr. Drenkhahn requested the traffic studies be posted on the Town's website.

### **UNFINISHED BUSINESS:**

#### **NICHOLS MEMORIAL LIBRARY:**

- **Trustees:** Mr. Viens reported there has been a mass resignation of Library Trustees; there is currently one elected Trustee, Karen Ponton, and one Alternate Trustee, Ann Xavier. He explained there is not a functioning Library Board of Trustees. Ms. Ponton had emailed the Selectmen requesting the Selectmen appoint Ginny Fisher, David Hughes and Ann Xavier to fill the unexpired terms until the March 2022 Town Meeting. Mr. Viens explained, if the Selectmen made the requested appointments, the Trustees would have to determine the staggered terms of the four Trustees so that they all would not expire at the same time.

Mr. Viens reported the Select Board cannot interfere in the Library Trustees operations of the Library; the Select Board can only appoint Trustees. He reported he feels it does not make sense to shut the Library. Mr. Ricciardi asked if the Library was open. Margaret Adams, a degreed Librarian, reported she is covering the Library's hours. She reported on difficulties at the Library, which she feels is the fault of all the Trustees. Ms. Adams requested the Selectmen consider closing the Library until after the March Town Meeting elections; she feels if the Selectmen appoint Trustees now, it will only put the Library's problems off. She reported the Library patrons would be able to utilize other area libraries. Mr. Viens reported he doesn't think the Selectmen have the authority to close the Library. Ms. Xavier reported she feels it would be terrible for the Town if the Library was closed;

she wants to continue to serve the town. Ms. Ponton reported she feels there are three people willing to step up and serve to move the Library forward; it's not in the best interest to close, that would cause horrendous damage.

Mr. Drenkhahn reported he is not in a position to make a decision on appointments this evening. Mr. Ricciardi reported the Library has been functioning with a dysfunctional Board for a long time and suggested the Select Board take a week before making any decision. There was discussion regarding day-to-day functions for the next week; Ms. Adams will open the Library and Ms. Ponton and Ms. Xavier will oversee bills. There was discussion regarding keys; Ms. Adams reported all logged keys are accounted for – one former Trustee has turned in her key and the other Trustee will return her key on Friday.

Mr. Viens advised Ms. Miller that she technically cannot vote. Ms. Miller reported she volunteers on the Library's Building Committee and is organizing the sale. Ms. Ponton reported, per RSA's, the Library Board of Trustees is charged with governance of the Library. Mr. Viens will contact the attorney who specialized in libraries for clarification and guidance and the Selectmen will discuss this matter on Wednesday, November 11<sup>th</sup>.

**PUBLIC INPUT:** None

#### **SELECTMEN'S REPORTS:**

##### **MR. RICCIARDI:**

- **Planning Board (PB):** Mr. Ricciardi submitted a copy of what will be the first page in the beginning section of the Town Zoning Ordinances explaining that Center Harbor functions under a Permissive Ordinance, as defined by Attorney Peter Loughlin, Adapted from 9:02 Purpose of Doctrine, New Hampshire Practice, Land Use Planning and Zoning, Third Edition:

*In the absence of a variance or special exception, such an ordinance functions generally to prohibit uses of land unless they are expressly permitted as primary uses or can be found to be accessory to a permitted use. The rule of accessory use is in response to the impossibility of providing expressly by zoning ordinance for every possible lawful use. Even under a permissive ordinance, a given use may be allowed even if it is not explicitly allowed. Those types of uses are said to be accessory to the use that is expressly permitted. Most ordinances expressly provide for some accessory uses, although the common law provides for them when the ordinance is silent on the matter.*

##### **MR. VIENS:**

- **Schoolhouse repairs:** Mr. Viens requested the Heritage Commission compile a spreadsheet of additional repairs needed to the Schoolhouse per the Existing Conditions Report & Assessment. He requested Code Compliance Officer Bill Doucette review, and prioritize, the list.

#### **AMERICAN RESCUE PLAN ACT (ARPA) FUNDS:**

- **Fire Station restrooms:** Fire Chief Tyler Driscoll submitted information on updating the Fire Station restrooms in the amount of \$18,100. He will submit cost information on the floor, painting and carpentry within the next few weeks.

#### **HIGH HAITH BOAT LAUNCH:**

- **High Haith Road parking:** The Selectmen reviewed information gathered by Deputy Town Clerk Sheila Mohan on the Town's right-of-way on High Haith Road. Mr. Viens reported it is a 2-rod road: 33' in total width, 16 1/2' from the centerline of the road. He reported a property abutting the Boat Launch has a conservation easement; Ms. Mohan is researching the conservation easement restrictions on this property.
- **Parking passes:** The Selectmen discussed and determined that Center Harbor resident parking passes will be required at the High Haith Boat Launch parking area from Memorial Day through Labor Day, the same as the Town Beach on Lake Winnepesaukee. Parks & Recreation Director Sandy Frost will ask Road Agent Jeff Haines to add this information to the sign at the Boat Launch. Transfer Station decals or resident parking passes will be required during this timeframe. Mr. Drenkhahn motioned to authorize the 2022 summer beach and parking passes to read as follows:

**Lake Winnepesaukee Town Beach  
High Haith Boat Launch  
2022 Summer  
Parks & Recreation Department**

Mr. Ricciardi seconded the motion and the vote was unanimous.

#### **LAKE VIEW CEMETERY:**

- **New Hampshire Division of Historical Resources Inventory Form:** Mr. Viens motioned to sign the agreement with Mae Williams, for a fee not to exceed \$1,000, for the completion of a New Hampshire Individual Inventory Form for the New Hampshire Division of Historical Resources. Mr. Ricciardi seconded the motion and the vote was unanimous.

#### **NEW BUSINESS:**

**2021 – 2022 HEATING FUELS:** The Selectmen reviewed the following proposals received for the 2021 – 2022 heating season:

<b><u>Company</u></b>	<b><u>#2 Fuel Oil</u></b>	<b><u>Propane</u></b>
Irving Oil	\$2.751	\$2.223
Pemi River Fuels	\$2.942	\$2.248
Dead River	\$2.899	\$1.999

Mr. Viens motioned to contract with Irving Oil for #2 fuel oil, in the amount of \$2.751 per gallon, and Dead River for propane, in the amount of \$1.999 per gallon. Mr. Drenkhahn seconded the motion and the vote was unanimous.

**DEPARTMENT HEAD MONTHLY REPORT:** The Selectmen received, and reviewed, Chief Chase's Police Department report for October.

**ADDITIONAL BUSINESS:**

**STATE OF NEW HAMPSHIRE:**

- **State of New Hampshire Department of Environmental Services (NH DES):** The Selectmen received notification of the following NH DES Shoreland Permit by Notification:

- Elliot TML 105-18

Mr. Viens motioned to send a letter to the property owner explaining a construction permit may be required and informing them that all work has to comply with the Town's Water Resources Ordinance. Mr. Drenkhahn seconded the motion and the vote was unanimous.

**PAYROLL AND CURRENT BILLS PAYABLE:** Mr. Viens motioned to approve the payroll and accounts payable manifests as presented. Mr. Ricciardi seconded the motion and the vote was unanimous.

**GENERAL JOURNAL ENTRIES:** Mr. Viens motioned to approve the general journal entries as presented. Mr. Ricciardi seconded the motion and the vote was unanimous.

**CONSTRUCTION PERMIT APPLICATION:** The Selectmen reviewed the following approved construction permit application:

- Morgan TML 217-9

**PUBLIC INPUT:**

**TIM NEFORES:**

- **Speed study cost:** Mr. Nefores asked the cost of the College Road speed study. Ms. Woodaman reported the Town pays membership dues to Lakes Region Planning Commission (LRPC) who conducted the speed study, but she isn't sure if the speed study is included in the membership dues – she will check this out.
- **High Haith Boat Launch parking pass:** Mr. Nefores asked if parking passes in addition to the Transfer Station decals will be required to park at the High Haith Boat Launch. Mr. Viens reported no, residents who don't use the Transfer Station and do not have a Transfer Station decal will be able to obtain a parking pass.

**BETTE MILLER:**

- **Librarian Search Committee:** Ms. Miller reported there are two great candidates for the Librarian position, but without a Board of Trustees, nothing can be done to hire a Librarian.

**KAREN PONTON:**

- **Library:** Ms. Ponton thanked the Select Board for their thoughtful consideration of the Library. She reported the previous Library Board of Trustees gave her permission to speak with other libraries; the other libraries were very supportive and two are willing to help by loaning a couple of their staff if necessary.

**NON-PUBLIC SESSION:** At 7:45 p.m. Mr. Drenkhahn motioned to go into a non-public session per RSA 91-A:3, II (c) to discuss matters which could adversely affect the reputation of any person. Mr. Ricciardi seconded the motion and the vote was unanimous. Roll call: Mr. Viens – aye, Mr. Ricciardi – aye, Mr. Drenkhahn – aye. Mr. Viens, Mr. Ricciardi, Mr. Drenkhahn and Ms. Woodaman were present for a discussion on Town Clerk/Tax Collector Mary Richardson’s recommendations to abate property tax interest for two property owners who have abided by their agreements to make monthly payments on past-due property taxes. At 7:49 p.m. Mr. Viens motioned to end the non-public session. Mr. Ricciardi seconded the motion and the vote was unanimous. Roll call: Mr. Viens – aye, Mr. Ricciardi – aye, Mr. Drenkhahn – aye.

**RECONVENE:** At 7:49 p.m. Mr. Viens reconvened the Board of Selectmen’s meeting.

**PROPERTY TAX INTEREST:** Mr. Viens motioned to waive property tax interest on two property owners who have abided by their agreements to make monthly payments on their past-due property taxes. Mr. Ricciardi seconded the motion and the vote was unanimous.

**ADJOURNMENT:** At 7:52 p.m. Mr. Viens motioned to adjourn the Board of Selectmen’s meeting. Mr. Drenkhahn seconded the motion and the motion passed.

Respectfully submitted,

Robin Woodaman  
Selectmen’s Administrative Assistant