

**Center Harbor Board of Selectmen
Meeting Minutes
Wednesday, May 17, 2023**

CALL TO ORDER: At 6:00 p.m. Chairman Richard Drenkhahn called the Board of Selectmen's meeting to order. Selectmen Harry Viens and William Ricciardi were present. Karen Ponton and Selectmen's Administrative Assistant Robin Woodaman were also in attendance.

AGENDA REVIEW: No changes were made to the agenda.

MEETING MINUTES:

- **May 10, 2023 Board of Selectmen's meeting minutes:** Mr. Ricciardi motioned to approve the minutes of the May 10, 2023 Board of Selectmen's meeting as presented electronically. Mr. Viens seconded the motion and the vote was unanimous.

APPOINTMENTS:

KAREN PONTON:

- **Special Town Meeting and warrant articles related to the beach and boat launch use:** Ms. Ponton stated that it has been twenty-one days since the Selectmen held the public hearing regarding the Koss development project on Bean Road in Moultonborough and asked the Selectmen's plans for going forward with a Special Town Meeting and petitioned warrant articles. She feels the residents that attended the public hearing expected action. Ms. Ponton reported she could have come to this evening's meeting with signed petitioned warrant articles.
 - **Discussion:**
 - **Mr. Drenkhahn:** Mr. Drenkhahn reported on his feelings:
 - The developer has not filed applications for permits with the State of New Hampshire Environmental Services (NH DES).
 - A Motion for a Rehearing was recently filed (May 12, 2023) with the Moultonborough Zoning Board of Adjustment (ZBA) by Attorney James Cowles on behalf of Carla and Mark Taylor. Town Attorney Chris Boldt worked on the motion; the Town is trying to defeat the project.
 - Mr. Drenkhahn feels, due to the NH DES permitting requirements and the Motion for a Rehearing, it is premature to hold a Special Town Meeting. The Center Harbor Select Board has always had a good working relationship with the Moultonborough Select Board and a good relationship with the residents of Moultonborough; if access to the beach was denied, it would cross a line and jeopardize the relationships. However, if it looks like the project will move forward, he has no problem moving forward with the process to exclude Moultonborough residents from the Center Harbor Town Beach.

- Mr. Drenkhahn is in favor of circulating petitioned warrant articles; this will spread the word of the possibility of losing beach access to the Moultonborough officials and residents. A petition shows how strongly citizens feel about the project.
- Money has been spent on attorney fees. Mr. Drenkhahn wanted to know at the public hearing if people were in support of these costs; the residents in attendance at the public hearing support these expenditures – the Selectmen have the backing of the taxpayers.
- The concern is for the impact of the number of households; property owners should not try to manipulate the use of their land.
- **Mr. Ricciardi:**
 - Mr. Ricciardi agrees with Mr. Drenkhahn’s comments.
 - The Town of Center Harbor has incurred \$22,363.46 in legal fees and this case hasn’t gone to court; going to court is a slow process.
 - The Select Board of Center Harbor will not back away. The Board is aware of the timing issue; it would be approximately two years before anyone moves into this new development and wants to use the beach.
 - Signed petitions would be for the March 2024 Town Meeting. Signed petitions make a statement.
 - The public hearing was a time for people to voice their concerns and gather information.
 - You walk a fine line when trying to tell people what they can do with their own property.
- **Mr. Viens:**
 - Mr. Viens has no interest in a Special Town Meeting, it is premature; he thought the people at the public hearing would begin a petition.
 - The Select Board has been fighting this project for two years.
- **Ms. Ponton:**
 - Ms. Ponton feels it is important to let people know the Select Board feels it’s premature for a Special Town Meeting and that they expect the residents to circulate the petition.

PUBLIC INPUT: None

SELECTMEN’S REPORTS:

MR. VIENS:

- **Heritage Commission meeting:** Mr. Viens reported on the May 15th Heritage Commission meeting:
 - The Commissioners are moving forward with a driveway permit from Road Agent Jeff Haines.
 - There was discussion regarding the location of septic and wells; experts will be needed to determine the locations.

MR. RICCIARDI:

- **Lake View Cemetery fence:** Mr. Ricciardi reported speaking with Tim, from Standfast Forge; due to medical issues, the earliest the fence can be repaired is July and the latest will be next spring – the quoted price will be honored when the repairs are made. Mr. Ricciardi asked if there was anyone Tim could recommend; there is no one else available.

UNFINISHED BUSINESS:

LC CENTER HARBOR:

- **Camp Eagle's Cliff:** The Selectmen received an email from Planning Board Chair Charley Hanson reporting he received a phone call from LC Center Harbor Representative Father John Budke who wanted to make the Town aware that there would not be any camp this year. Mr. Hanson reported informing Father John that the Town was aware of that and he and Father John discussed the need for a Site Plan Review. Father Kermit oversees the Camp; Father John will make sure Father Kermit is aware that the first step in any work that will take place at the Camp is to submit, and receive approval of, an amended Site Plan Review. Mr. Hanson informed Father John that the process would need to be completed in order for the Camp to obtain any construction permits for the site. Mr. Viens reported an issue is that the Town does not know what is on the Camp property.
- **Tax status:** Attorney Laura Spector-Morgan reported, via email, that additional information will be needed from LC Center Harbor to determine their tax status. She explained the only land that is exempt is land that is pertaining to buildings which are specifically adapted to religious purposes and the use of buildings must be essential to the taxpayer's religious goals. The use of property for private religious worship does not entitle the entity to an exemption. Mr. Viens motioned to ask Attorney Spector-Morgan to draft a letter for the Selectmen to send to LC Center Harbor requesting additional information. Mr. Drenkhahn seconded the motion and the vote was unanimous.

LIBRARY DRAINAGE: Karen Ponton submitted, via email, the name and contact information for a company that worked on water and drainage issues at the American Independence Museum/Gillman-Ladd House in Exeter in 2019.

TOWN BEACH FOOD TRUCKS: Parks & Recreation Director Sandy Frost submitted input on food trucks at the Town Beach. She reported parking is very limited on Lake Street and the traffic on Lake Street in the summer is a cluster of major activity with traffic (vehicles and boat trailers) backing up to Route 25. Ms. Frost reported she does not think the "permit for one cart" was intended when it originated; she believes it was set up for use of a hot dog cart. She reported many people walk up to Center Harbor's businesses for food, snacks, beverages and supplies, The Canoe Restaurant provides a shuttle service for people coming by boat; people enjoy all the conveniences of our little Town of Center Harbor. Mr. Ricciardi referred to the deed restriction: *No portion of the premises shall be leased or in any other way given or alienated for use by any private business, and no private business shall be conducted thereon.* He suggested the possibility of a generic food truck with operations overseen through the municipality. There was discussion

regarding possible insurance issues with the Town offering food. Mr. Drenkhahn reported he is not concerned about having food at the beach.

NEW BUSINESS:

ACCEPTANCE OF UNANTICIPATED FUNDS PER RSA 31:95-b: Mr. Drenkhahn motioned to accept the following donation for the July 4th foot race:

Wild Meadow Paddlesports \$250

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

SECURITY CAMERAS: Police Chief Mark Chase reported the Municipal Building's security cameras need to be replaced; some sooner than others. He recommended that some of the Municipal Building's twelve security cameras be replaced; the cost is approximately \$70 per camera. Mr. Drenkhahn motioned to replace all the Municipal Building's security cameras. Mr. Ricciardi seconded the motion and the vote was unanimous.

2023 ROAD REPAIRS: Road Agent Jeff Haines submitted information on the 2023 road work plans. Plans include work on Piper Hill Road, Hawkins Pond Road and Winona Road. Mr. Drenkhahn motioned to sign the agreement with GMI Asphalt, in the amount of \$434,491. Mr. Ricciardi seconded the motion and the vote was unanimous.

ADDITIONAL BUSINESS:

STATE OF NEW HAMPSHIRE:

- **State of New Hampshire Department Board of Tax and Land Appeals (BTLA):**
 - **Property Tax Exemption Review Policy:** The Selectmen received notification from the BTLA that the Property Tax Exemption Review Policy adopted by the Town clarifies that it is the responsibility of the board of Selectmen to review and decide all exemption applications in accordance with the statutes mentioned in the Policy. The BTLA finds no further action is warranted and closes this docket.
- **State of New Hampshire Department of Environmental Services (NH DES):**
 - **NH DES "Wetlands Permit Application":** Mr. ??? motioned to send a letter to Debra Wallace regarding the need for a Town issued construction permit pertaining to her NH DES "Shoreland Permit by Notification" for 692 Winona Road (TML 224-22). Mr. ??? seconded the motion and the vote was unanimous.

PAYROLL AND CURRENT BILLS PAYABLE: Mr. Drenkhahn motioned to approve the payroll and accounts payable manifests as presented. Mr. Viens seconded the motion and the motion passed.

CORRESPONDENCE:

ROLAND GARLAND: Center Harbor Historical Society President Roland Garland requested, via email, amendments be made to the May 3rd Board of Selectmen's meeting minutes. Mr. Drenkhahn reported he replied to Mr. Garland explaining the minutes reflect what was discussed; Mr. Garland's email would be included in this evening's minutes. Mr. Garland requested the following be included:

The cleaning of the museum artifacts is to begin at the end of June.

The F.D. hose reel will have to be cleaned when the inside of the museum is cleaned.

There was miscommunication between myself and the select board concerning the port-r-potty and we will need to have one brought to the museum for the All Bright workers.

TONY SCOTTO:

- **Bean Road, Moultonborough development:** The Selectmen received, and reviewed, an email from Mr. Scotto referencing the recent public hearing regarding the Bean Road, Moultonborough development. Mr. Scotto reported there was a suggestion, and discussion, of a petition to restrict the use of the Center Harbor Town Beach to residents only, he reported he did not hear of a definitive plan to gather signatures. He reported the beach season is fast approaching and the window for Center Harbor to send Moultonborough a clear message is closing. Mr. Scotto reported he does not know why the Selectmen are waiting for a petition to progress with whatever actions are necessary to restrict the beach and asked how such petitions have been done in the past.

PUBLIC INPUT:

KAREN PONTON:

- **Cemetery Trustees:** Ms. Ponton asked if the newly elected Cemetery Trustees would have a Cemetery Trustee page on the Town's website and hold meetings, open to the public, with agendas and minutes posted. Mr. Ricciardi reported any Town-related meeting is open to the public.
- **Zoning Board of Adjustment (ZBA) representation:** Ms. Ponton asked why there is not a Selectmen's representative on the ZBA like there is on the Planning Board. Mr. Ricciardi explained legally a Selectman cannot be on the ZBA because, if the Select Board does not agree with a ZBA ruling, the matter is decided by Superior Court.

ADDITIONAL INFORMATION:

MR. RICCIARDI:

- **Open well:** Mr. Ricciardi reported requesting Road Agent Jeff Haines and a State of New Hampshire Department of Transportation (NH DOT) representative look at the open well off of Route 3; NH DOT responded that they could not find the well. Mr. Ricciardi reported he took responsibility for asking Mr. Haines to put a cover on top of this dangerous, open well.
- **Ball field:** Mr. Ricciardi reported the ball field's infield has weeds and will need treatment.

- **Basketball court:** Mr. Ricciardi reported the basketball court has a sizeable crack; Parks & Recreation Director Sandy Frost is in the process of having it repaired.
- **Water on Main Street:** Mr. Ricciardi reported there is an area at the end of the Congregational Church's parking lot that is always wet with the water running over Main Street and asked if a culvert could be installed. Mr. Drenkhahn explained that is not Town-owned property and the Town can not install a culvert. Mr. Ricciardi expressed his concern for the water going over Main Street.

ADJOURNMENT: At 6:40 p.m. Mr. Drenkhahn motioned to adjourn the meeting. Mr. Ricciardi seconded the motion and the motion passed.

Respectfully submitted,

Robin Woodaman
Selectmen's Administrative Assistant