

**Town of Center Harbor
36 Main Street
Center Harbor, NH 03226**

**Board of Selectmen
Meeting Minutes
Wednesday, February 21, 2024**

MEETING NOTIFICATIONS: Notification of this meeting was posted on the Town's website and the Municipal Building and Post Office bulletin boards.

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. David Walker and Selectmen's Administrative Assistant Robin Woodaman were also in attendance.

AGENDA REVIEW: Mr. Walker would like to speak to the Selectmen about information he has received regarding their questions about streaming meetings.

MEETING MINUTES:

- **February 14, 2024 Board of Selectmen's meeting:** Mr. Viens motioned to approve the February 14, 2024 Board of Selectmen's meeting minutes as presented electronically. Mr. Drenkhahn seconded the motion and the vote was unanimous. Mr. Walker requested a point of order to accept the minutes as read.

APPOINTMENTS:

DAVID WALKER:

- **Petitioned warrant articles:** Mr. Walker referred to a previous discussion where it was noted that the Town Attorney requested the petitioned warrant article to add a "Town Government Transparency" ordinance be before the petitioned warrant article to appropriate \$12,000 for audio and video equipment; he then referred to the February 14, 2024 Board of Selectmen's meeting minutes where the appropriation article is before the article to add the ordinance. He reported, when he submitted the petitioned warrant articles, he had requested the appropriation article be first and asked if the warrant articles were now in the order he requested. Mr. Drenkhahn reported the order has not been changed and the town report is at the printer. Mr. Ricciardi explained the meeting minutes reflect the discussion order. Mr. Walker disagrees with the order in the minutes.
- **Meeting minutes:** Mr. Walker reported minutes should be accurate and he feels the minutes are not always accurate. He asked if Ms. Woodaman recorded the meetings; she does not. Mr. Walker reported no human being can write every word. Mr. Drenkhahn explained minutes are not word for word.
- **Video equipment:** Mr. Walker reported reaching out to Shane Selling requesting explanations to the Selectmen's questions. He submitted an email with Mr. Selling's explanations.

PUBLIC INPUT: Mr. Viens noted that after Mr. Walker left there was no one in attendance.

SELECTMEN'S REPORTS:

MR. RICCIARDI:

- **Planning Board (PB) meeting:** Mr. Ricciardi reported on the February 20th PB meeting:
 - **PB members:** Mr. Ricciardi reported three PB members are up for reappointment; this will be done after Town Meeting.
 - **Burns subdivision mylar:** Mr. Ricciardi reported the PB has not received the Burns subdivision mylar.
 - **Kline Road as-built plan:** Mr. Ricciardi reported the Kline Road as-built plan was submitted to the office mid-day the day of the PB meeting; it was received too late for the PB to review/discuss – it will be taken up at the PB's March 5, 2024 meeting.
- **Town Moderator request to meet with Town Attorney:** Mr. Ricciardi reported Town Moderator Charley Hanson attended the February 17th Moderators Workshop; based on procedural issues pertaining to petitioned warrant articles he learned at the workshop, he was advised to contact the Town's attorney and requested permission to do so. Mr. Drenkhahn motioned to approve Moderator Hanson's request to contact the Town Attorney regarding procedural issues. Mr. Ricciardi seconded the motion and the vote was unanimous.

MR. VIENS:

- **Primary purpose of meeting minutes:** Mr. Viens submitted information on the primary purpose of meeting minutes:

- **Law Review article:**

The primary purpose of minutes is to create an official record of the actions taken at a meeting. Minutes serve to both memorialize the actions taken for those attending the meeting as well as for those who were unable to attend the meeting. The minutes are not intended to serve – nor should they serve – as an exact account of who said what and when, or who disagreed with whom. Minutes should record the decisions made, not the surrounding discussion. In addition, remember that minutes also are a legal document, thus raising another set of criteria as to their appropriate content.

At a minimum, meeting minutes should indicate the time, date and place of the meeting, the fact that prior notice of the meeting was given, the names of those in attendance, the presence of a quorum and the official actions taken by meeting participants. The minutes also should reflect any presentations or reports presented, the name of the party giving the presentation, and the fact that the board discussed the proposed actions. Beyond those basic elements, there is some latitude as to what additional material should be included in minutes to meet the needs of a particular association, a particular meeting or the topics discussed.

Meeting minutes have been accorded significant evidentiary weight by many courts and government agencies. Consequently, those who draft meeting minutes should do so with the realization that they ultimately may be examined in an investigation of an association or in litigation involving an association. In view of this potential for legal significance, meeting minutes also provide an opportunity for an organization to create a record of its conscientious compliance with its legal obligations. For example, if the organization is contemplating a merger or other significant transaction, the minutes should reflect that the board was fully informed, and engaged and deliberated on the matter. Presentations and reports given by an organization's attorneys, accountants or other advisors should be duly noted in the minutes.

Notwithstanding the latitude available to organizations in creating their “record of events,” the following suggestion from Robert’s Rules of Order is worthy of consideration: “In ordinary society meetings and meetings of boards of managers and trustees...there is no object in reporting the debates; the duty of the clerk, in such cases, is mainly to record what is “done” by the assembly, not what is said by the members.”

Accordingly, it is not necessary – nor is it wise – to include comments about who said what about a particular matter. AS for the thought that such comments will be revealing or informative later – or will help create a “historical record” – that simply is not true. Comments made during the course of a meeting do not necessarily reflect the consensus view. In fact, it often is the minority view that is expressed at meetings, with the majority simply voting in favor or against the proposed actions. As a historical record of the debate, meeting minutes – even a word-for-word recording or transcript – can be very skewed. Further, if attendees believe that a record must be made of their positions, as opposed to actions taken, they may feel compelled to make speeches for the record.

It also is not necessary to record the mover or seconder of a motion, or who voted for and against a motion. However, each member does have the right to have their dissenting vote recorded. If a member were to request that their negative vote be noted in the minutes, it should be so noted.

Lastly, for a bit of practical advice to make the minutes as easy as possible to draft and to use, it is a good idea for them to follow the agenda. Each item in the agenda should have a corresponding action item in the minutes. If attendees are interested in the background for a particular item in the minutes, they can refer to the supporting material that accompanied the agenda.

In sum, minutes should include certain basic information as to the meeting – e.g., who attended, etc. – and should report the actions taken at the meeting. In doing so, the minutes should be written accurately and concisely so that any person – whether or not they attended the meeting – would be able to know the decisions made at the meeting.

UNFINISHED BUSINESS:

CANOE HOUSE REPAIRS: Parks & Recreation Director Sandy Frost submitted an estimate from Custom Slate and Copper, in the amount of \$11,650 to replace all broken, missing and bad slates and to replace the copper wall flashing on the windows. Ms. Frost reported Therrien Company submitted an estimate of \$10,590 in December; they did not bring ladders to climb up and inspect the roof. Mr. Drenkhahn questioned if the windows should be restored prior to the work being done. The Selectmen requested Ms. Frost be asked to research this question and the decision on the repairs was tabled until the next Select Board’s meeting.

STREAMING AUDIO AND VIDEO EQUIPMENT: The Selectmen reviewed the email from Derek Kline to Shane Selling that Mr. Walker left:

- Who is typically responsible for each and every recording of the meetings? Is it easy to operate? Can you explain what steps are needed to record and upload every meeting with the audio and video equipment you recommend?
- How difficult is it to post the video to the Town’s internet website after the conclusion of each meeting? Approximately how many hours would it take to train someone? Would you be training someone, and would training be any additional cost? Town’s website,

because multiple people have to have access to it? In other words, are there security measures that the Town can implement?

- What is the cost for document storage of the meetings? How long are recordings typically kept on file in Town archives based on your work with other towns? Do you think it is possible to store video meetings in perpetuity? What do you think the cost is associated with storing video meetings?
- Can we find out how many people are watching the livestream of the meetings? And how many access the uploaded archives?

Mr. Selling's response:

- Typically for a simple set like Center Harbor is looking at, typically the secretary or any present member can start and stop the meeting. It is very easy. The system is designed to turn on with one switch and then it is one button to start the stream and recording. The steps are to turn on power, check video and sound inputs and press the stream +record button.
- Uploading is completely automatic. Once the meeting is done the stream is processed and typically takes about 30 minutes depending on the length of the meeting. It will then be posted to the website automatically. There would be some custom code added to the website, I (Mr. Selling) would provide that as part of the setup process.
- Only I (Mr. Selling) would have admin access to the ability to upload videos to the service directly, unless other access was requested by the town. I (Mr. Selling) can provide different accounts with different permission as needed. But no one would need an account as the equipment is preprogrammed with a specific security key. If the town is worried about streaming with the equipment by unauthorized parties I (Mr. Selling) can include a locking rack that would secure all the equipment.
- This can be a very tricky question to answer. The estimate includes 1TB of storage and as long as the subscription is active the videos will always be available. Additional storage is always available for an additional \$600/year. For perspective 1TB would be about 1500 hours of meetings. I (Mr. Selling) also offer archive services that are much more cost effective for video storage but the videos cannot be watched online. There are many many options we can discuss for long term storage.
- Full analytics are available at any time, by video or time range.

NEW BUSINESS:

TREE REMOVAL FROM A SCENIC ROAD: Road Agent Jeff Haines submitted "Proposed Tree Removal Inspection Sheets" describing dead and dangerous trees affecting sections of College Road, a designated scenic road. Pursuant to RSA 231:145, Mr. Haines proposes to remove said tree, on or after thirty (30) days from the date of the "Notice of Proposed Tree Removal". Mr. Haines submitted signed waivers, waiving the right of appeal as set forth in the law requesting that the tree removal be performed by the Town. The signed waivers relieves the property owners immediately from any liability and responsibility in connection with the tree(s). Mr. Drenkhahn motioned to sign the "Notice of Proposed Tree Removal" granting permission to the Center Harbor Road Agent (Mr. Haines) to remove the trees or portions of trees as listed on following signed waivers: Robert Lynch, Matthew Diltz, George Tall, ERB College Road LLC, Michael Lilley and James & Barbara Edwards. Mr. Ricciardi seconded the motion and the vote was unanimous.

2023 AUDIT: Mr. Drenkhahn motioned to sign the 2023 audit confirmation letters. Mr. Ricciardi seconded the motion and the vote was unanimous.

MIDDLETON BUILDING SUPPLY CREDIT APPLICATION: Mr. Drenkhahn motioned to sign the Middleton Building Supply Credit application. Mr. Viens seconded the motion and the vote was unanimous.

ELECTRICITY USAGE: Energy Committee member Bernie Volz submitted the following information on the Town building's electricity usage:

	Location	2023 KWH	2022 KWH	2021 KWH	2020 KWH	2019 KWH
	Rte 25B Hwy Dept	11,220	11,012	11,180	11,187	14,433
	Plymouth St Historical	303	223	497	256	531
	Plymouth St	0	0	4	33	102
	Main St Fountain	1,164	1,150	970	1,093	2,005
	Street Lighting	5,280	5,280	5,280	5,280	5,280
	Street Lighting	18,054	17,748	18,076	18,144	18,144
	Bath House & Aquatherm	2,325	3,858	2,823	2,894	3,862
	Nichols Library	12,820	17,702	14,916	9,177	12,361
	Plymouth St	73,361	81,259	81,903	84,386	93,739
	175 Daniel Webster Hwy - Old Town House	0	0	11	34	
		124,527	138,232	135,660	132,484	150,457
	Location	2023 Cost	2022 Cost	2021 Cost	2020 Cost	2019 Cost
	Rte 25B Hwy Dept	\$3,059.94	\$2,896.29	\$2,328.65	\$2,304.06	\$2,877.38
	Plymouth St Historical	\$457.83	\$417.87	\$429.20	\$389.56	\$433.29
	Plymouth St	\$396.36	\$67.21	\$351.45	\$356.53	\$368.33
	Main St Fountain	\$638.59	\$612.66	\$497.12	\$511.92	\$669.62
	Street Lighting	\$2,417.06	\$2,357.45	\$1,894.34	\$1,817.86	\$1,839.20
	Street Lighting	\$8,871.79	\$8,492.86	\$7,152.59	\$6,711.32	\$6,787.92
	Bath House & Aquatherm	\$895.71	\$1,082.54	\$854.89	\$786.69	\$973.86
	Nichols Library	\$3,007.59	\$3,948.88	\$2,644.72	\$1,731.08	\$2,275.42
	Plymouth St	\$17,441.87	\$18,490.31	\$14,692.93	\$14,852.59	\$17,228.16
	175 Daniel Webster Hwy - Old Town House	\$0.00	\$0.00	\$177.65	\$356.79	
TOTAL		\$37,186.74	\$38,366.07	\$31,023.54	\$29,818.40	\$33,453.18

Mr. Volz reported while it seems the electricity usage is trending towards a lower overall usage, the costs are not – this is yet another good reason for offsetting usage with a PV system. He noted that 2020 and 2021 were the pandemic years and usage was pushed towards individuals as public facilities were closed or operated with limited access. Mr. Volz noted how steady the Highway Garage's usage has been – in 2018 improved insulation was installed and in 2019 the lighting was upgraded; while the usage has been stable, the costs have not been stable.

ADDITIONAL BUSINESS:

STATE OF NEW HAMPSHIRE

- **State of New Hampshire Department of Revenue Administration (NH DRA):**

- **NH DRA “Notice of Intent to Excavate”**: Mr. Drenkhahn motioned to sign the following NH DRA “Notice of Intent to Excavate”:

Ambrose Brothers Inc

TML 220-29

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

- **State of New Hampshire Department of Environmental Services (NH DES):**

- **NH DES Shoreland Permit Application**: Mr. Drenkhahn motioned to send a letter to Brian and Susan Stefano regarding the need for a Town issued construction permit pertaining to the NH DES “Shoreland Permit Application” for their property at 6 Lakeview Landing Lane (TML103-10) Mr. Ricciardi 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 vote was unanimous.

CORRESPONDENCE:

ROLAND GARLAND:

- **Schoolhouse**: Roland Garland, President of the Centre Harbor Historical Society, emailed the Selectmen requesting the Select Board review the conditions and assessment report that was done on the Schoolhouse to review the items that were found to be in need of repair. Mr. Ricciardi questioned why the mold remediation company hired to remediate the mold from the artifacts did not remediate the mold from the building; the mold remediation company will be asked for an estimate to remediate the mold from the building.

PUBLIC INPUT: None

ADJOURNMENT: At 6:30 p.m. Mr. Drenkhahn motioned to adjourn the Board of Selectmen’s meeting. Mr. Ricciardi seconded the motion and the vote was unanimous.

Respectfully submitted,

Robin Woodaman
Selectmen’s Administrative Assistant