

## Selectmen's Meeting Minutes

Town Hall – 7PM

Monday, August 30, 2021

Opened with the Pledge of Allegiance

Attendees included: Robert Fee – Chairman of the Selectmen, Stephen Mc Gerty – Selectmen, Michelle Pong – Town Administrator, Harry Power – Compliance Officer and Vickie Williams – Secretary.

\*Selectmen Chris Madden did not attend the meeting.

Guests: Karen Bell, Herb Healy, Noreen & Ray Durand, Antoinette Capriglione, Louis Barrett and Peter Ahearn.

Appointments:

Harry Power – Compliance officer

Building Permits –

113-20 – Frederick Haas III – has the architectural drawings, shoreland permits and drawings. Paid \$500 given to Patricia Putnam.

118-42 – Jennifer Richardson – putting up a brand new home. Paid \$500 given to Patricia Putnam.

82 Fernwood:

Michelle Pong – Town Administrator gave a brief background on this issue. Two meetings ago a question on whether the Selectmen had jurisdiction to decide whether a home was seasonal or not, and if it could go to full time residence from being occupied part time without an approved NH DES Septic. At the time the Selectmen referred it to the ZBA. Was discussed at the ZBA, and at that time the ZBA referred it back to the Selectmen. At this time Michelle reached out to get a legal opinion on this matter. The legal opinion is that it has to go to the ZBA. Harry Power wrote a letter to the owner stating it was a seasonal property and that it can now go the ZBA for a variance. The home owner has ample evidence the home was approved for

construction, and had the design approved. The owner recently had the septic inspected recently for the sale of the home. She cannot get NH DES to come inspect the septic. The ZBA is the appropriate authority to evaluate these issues and say whether it is Seasonal or can be sold as a fulltime residence.

Robert Fee – The opinion from our Attorneys clarifies that the Select board and or the Compliance Officer can only enforce the existing ordinances as they are. The ordinance says that the time had lapsed for it to be a fulltime residence and it is classified as Seasonal. The ZBA must make the decision and hope they would expediate the request from the owner so that the property can be sold.

Herb Healy – I am the ZBA chair and want to clarify a couple of things. I suggested that the owner bring it back to the board because there was no formal decision, the only position the town had was a verbal discussion between Harry Power and the Realtor. In order for the ZBA to do anything they needed a formal opinion or have the Select board make the decision it was not a seasonal property. Now that there is a formal decision the owner has 4 choices. 1. To do nothing. 2. Appeal the decision of it being Seasonal. 3. File for a variance. 4. To appeal the ruling and apply for the variance. It is now up to the owner and the decision of what to do and how to proceed.

Antoinette Capriglione (Owner of Property) – Received letter from Harry Power – Compliance Officer today. She will pursue the options as Mr. Healy described. The only clarification she will ask that in the letter Harry was advised by Town Council that these findings were based on the Stoddard CPO Ordinance, her property is classified as Seasonal. The only ordinance she could find was converting from seasonal to fulltime residence. Wants to know is there an ordinance that describes what is Seasonal and Non-Seasonal?

Robert Fee – As I see here it states a Non-Seasonal dwelling has to have more than 270 days of occupancy. That is a State Ordinance and if the town does not have a stricture ordinance, the town abides by the State Ordinance.

Michelle Pong – Would you like the option to argue with the Selectmen that your home is a fulltime residence?

Antoinette Capriglione – Which ever way is more expedient. I have a buyer who is waiting on the outcome of this decision.

Michelle Pong – The town must obey the ordinances on the books and everybody is treated equally on these matters. The issue is whether it is seasonal or non-seasonal. The Selectmen does not have the authority to say your septic is good, that is up to the ZBA.

Antoinette Capriglione – I will have to go the ZBA. I ask that the Selectmen consider clarifying seasonal versus non-seasonal, whether it is by Septic or how long someone lives in the home. Is the 270 days a State or Town Rule?

Michelle Pong – That 270 days is a town rule.

Harry Power – The State of New Hampshire states that going from Seasonal to year-round requires an approval for construction. That is what the State says, the town can not eliminate that, but they can go stricture. In 2003 the town put on the books that going from seasonal to year round constituted more than 270 days of the year.

Antoinette Capriglione – Harry listed my property as Eva Lane in the letter and the property is actually Fernwood Road.

Public Discussion

Ray Durand – You are saying that if someone lives in Florida for 4 months out of the year their home is now considered seasonal and must go through the inspections to sell their property?

Michelle Pong – Yes that is the way it is written. If they were to sell it as a fulltime residence. If it is not occupied for more than 270 days of the year it is a seasonal property. Have to look into rewriting the seasonal/non-seasonal ordinance.

Herb Healy – Recused himself from the meeting since this issue would be coming up before the ZBA board and he is the chairman of that board.

Ray Durand – So the ordinance can be changed?

Robert Fee – Yes it would have to go to the Planning Board.

Stephen McGerty – Asked the property owner How soon do you need this to be expediated?

Antoinette Capriglione – She tried to get it to the August ZBA meeting but was told there was not enough time to notify the abutters, so it will be on the September Agenda of the ZBA meeting. Has a contract on the home that

keeps being put off. They have no guarantee the buyers will wait for this issue to be cleared up.

Robert Fee -Feel bad it has come to this and you get the right decision very quickly.

Antoinette Capriglione – Thank you I appreciate all the help from the board.

Robert Fee – Makes you think who you vote into office. People think the Planning Board is a minute little board, when in fact the Planning Board has more power than the Select board does. The Planning Board makes the law. The Selectmen enforce it. The Planning Board makes the ordinances and the Town votes on them.

Michelle Pong – Remember the people writing these ordinances do not do it for a living they are volunteers giving their time and effort and certainly not trying to put anything over on the town. There will be mistake made, yes, but we are all served better moving forward. We can take steps to correct them. The CPO can be evolving and everchanging.

To be Signed/Approved

1. A/R and/or P/R Manifest – Approved & Signed
2. Minutes of 8/23/2021 – forgot to bring to be signed will do next meeting.
3. Letter to Officer Busto – was signed, then destroyed at the request of Officer Busto for the immediate future he will be staying on at the department.

NO PUBLIC COMMENT

Old Business:

Route 9 Carport update:

Michelle Pong – Vickie and I did go out per Selectmen request to find the concrete pins from the utilities. There were supposedly 2 pins one 100 feet across the street, and one at the corner of the right of way. We could not find either marker. Michelle then talked to Mr. Ahearn, who came into the office. Michelle let him know there is no legal description in the deed as to

where the Right of Way is. That this was a legal matter. They would have to go through Attorneys. That is not anything the Selectmen can do at this point.

Peter Ahearn – Does not matter where the Right of Way is because the carport is right in the middle no matter where you put it. There is no room there.

Michelle Pong – You can cut trees and fill in, there is plenty of room on that side. There is 70 feet between the carport and the house. You are deeded that 50 foot right of way.

Peter Ahearn – That means they can not keep their cars in the driveway.

Michelle Pong – You are deeded a 50 foot right of way. You will have to take it to a lawyer to get a decision from the court that this is your right of way. This is a civil matter to be decided by the court.

Peter Ahearn – Going to have to do the Lawyers. Really hope we would not have to go through this but it has become a real problem. Dealing with her son is not something he wants to continue. I DID TELL YOU I WAS REMOVING MY OFFER TO PAPPY FOR TAKING DOWN THE CARPORT OR MOVING IT. I will talk to a Lawyer and hope something can be done before winter.

#### New Business:

1. Execution of Tax Liens - Karen Bell reported that she executed the 2020 tax liens on August 25, 2021. Presented a copy to the Board.

2. Purchase/Sale Cemetery Plots – Karen Bell thought she would get a chance to talk to the Commission first. A general overview of the past couple of months. Sold 8 plots in the New Dow Cemetery. Mary Lou did an awesome job with her hand written notes, but that there is no actual policy on selling cemetery plots. Except for one back dated 2013 brought copy for the Board to look at. Karen is meeting with the Commissioners to discuss a more definitive process and look at other town policies on this matter. Last month when she spoke to the commission on what a deed for a cemetery plot would look like. The draft she used said the Chair of Selectmen Board should sign the document. Karen believes all Selectmen at the time should sign the deed for the Town. We also need to get all this information computerized and have a data base for the Cemetery information.

Robert Fee – Is there money in the Administrative budget for this? Do we have to have a survey done to lay out the plots?

Karen Bell – There is not a lot of space left for cemetery plots. In Mary Lou's written paperwork indicates that the lower part of New Dow cemetery that there is a whole row of plots that have not been mapped out yet. Alan Rumrill will help Karen better define the plots and lay out of them. Will find out what has happened historically. In the Old cemetery on Mount Stoddard Road defined by the Emerson Mc Cort Trust fund they can spend the 50,000 dollars to clean or repair the headstones.

Michelle Pong – There is 7,000 dollars allocated in the budget for Professional Services.

Robert Fee – You can use some of this money for the computerizing of the data.

Karen Bell – After Mary Lou passed away we talked about putting a bench in one of the gardens here.

Michelle Pong – The Selectmen have approved this, they need the money for the purchase of the bench. Several people have offered to pay for it. Michelle will look into this.

### 3. Approve Purchase of Computer for the Tax Collector –

Michelle Pong – This is the last computer that has to be done, it is still operating on Windows 7. All the licenses have just been reissued for the year which came to about 1500 dollars for the year.

Steve motioned to purchase the computer. Bob seconded. Motion was Carried.

### 4. Fire Warden Discussion & Recruitment –

No one is volunteering for the job. Michelle Pong would like permission to start putting out signs, posters, website and social media to get some interest in being the Fire Warden. Permission granted by the board for Michelle to proceed. Gave out the Fire Warden rules. There are no requirements or certification for this position. The Fire Warden just needs to have a knowledge of the Rules & Regulations for burning.

### 5. Letter to Monadnock Fence –

Michelle Pong – Sent out the letter last week for the Library, she has not heard anything back yet.

Public Comment (non agenda items only)

Noreen Durand – Last week we sat here with Corey Clark (NH DES) about dropping the water levels on Labor Day. They opened up the boards last week and the water levels have gone down extremely low. She sent an email to Corey Clark. He responded and told her that someone had messed up. That one person did not talk to the other. He said the boards were removed due to the tropical storm coming. The boards were to be replaced after the storm moved through. This was not done. They sent one man for a two man job.

Robert Fee – Did they put the boards back up now?

Noreen Durand – Yes, but the boat is sitting on the rocks.

Robert Fee – One of us should contact them and let them know of our displeasure. It has created huge problems within the town. Michelle will contact Corey Clark.

Stephen Mc Gerty – On September 8<sup>th</sup>, according to David said they would start paving the bridge on Kings Highway.

Stephen Mc Gerty – Talking about the 270 days for fulltime residence. Why does it not match the requirement for voting?

Robert Fee – That is a CPO issue.

Stephen Mc Gerty – Work on the firestation – willing to volunteer to go down and oversee the work.

Stephen motioned to close the meeting. Bob Seconded. Motion Carried

Meeting Adjourned 7:56 PM

Submitted

Vickie Williams – Secretary

