

Selectmen's Meeting Minutes

October 20, 2008, 5:00 p.m.

Corner Meeting House

Chairman Cormier called the meeting to order at 5:00 p.m.; also present were Selectman Caldwell, Town Administrator K. Jeanne Beaudin, Administrative Assistant Cary Lagace, Town Clerk Cynthia DeRoy, Town Counsel Jae Whitelaw, Contract Assessor Mark Neider, Pam & Ron Jaynes, Glenda Hill, Parks & Recreation Director Janet Breton, Fire Chief James Davis, Deputy Fire Chief Sean McCarty, several Silver Lake Campground trailer owners, Eric Zygmunt with the Winnisquam Echo, Harrison Haas of the Citizen, and Ray Carbone with the Laconia Daily Sun.

Those present stood for the Pledge of Allegiance.

Minutes

The minutes of October 6, 2008 were deferred until the November 3, 2008 meeting.

Silver Lake Park Campground Discussion

Town Administrator Beaudin introduced Mark Neider of the assessing firm Commeford Neider & Perkins and Jae Whitelaw of Mitchell Municipal Group. Chairman Cormier noted that the owners of Silver Lake Campground and tenants of the park were present to discuss the taxation of travel trailers within the campground.

Pam Jaynes began by saying that the campground had been refused a meeting with the Town and there has been no respect for their business shown during this process. She went on to say so that she had been quoted costs for the taxation of the trailers that were not the true rate that was assessed. She stated that she had campers that paid a non-refundable deposit to return for next year based on the formula provided by the Town and that information wasn't what was used for assessing the travel trailer. She stated she feels the Town had an obligation to show how the units were going to be assessed and then the information provided wasn't used. She feels the units are not assessed at market value and they (owners) don't accept the tax on the units. They were not informed early enough about having the option to register the travel trailers to avoid them being taxed. She feels all of her campers would have registered their units in order to avoid the tax if the option had been given earlier. She asked the Board to revoke the 2008 assessment, if not they would all file abatements and they would all then appeal to the BTLA and file a class action lawsuit. She stated that she delivered a package to

the Town Administrator that contained NADA and market value information on travel trailers in the park. She asked why if the Town already taxes other campgrounds and travel trailers why they were crafting codes and other data for the assessment of the units in her campground. She stated she did her own research and found that Laconia assesses travel trailer parallel to NADA value and feels Belmont should do the same. She also noted that many other campgrounds within NH were very surprised to find that there was such a tax for RV's.

Pam closed her statement by saying that she feels if she and the unit owners within her park were given the opportunity to discuss the process with the Town and they had been given the opportunity to register these units that this could have been avoided.

Chairman Cormier responded by stating that he does not want to be threatened with a lawsuit, he doesn't like the threats and ultimatums. He expressed that none of this was done intentionally for any cause, although there may have been some misunderstandings. He stated that the Board is not prepared to address any kind of abatement request. He added that he has questions as to the time frame in which things happened and asked Town Administrator Beaudin to walk him through the process that happened. Town Administrator Beaudin explained that conversations regarding the taxation of units within Silver Lake Campground began in 2007 and a letter was sent to the Jaynes in February 2008 requesting the names and addresses of unit owners she responded with many questions and the law pertaining to that taxation was forwarded to the Jaynes. May 16, 2008 the list of campers and addresses was received. June 12, 2008 a letter was sent to campers indicating that what would be assessed were taxable travel trailer, sheds, decks, screen rooms, etc. Chairman Cormier asked if other campgrounds units are assessed, Town Administrator Beaudin confirmed that all other campgrounds seasonal campers are assessed. She added that on June 16, 2008 they were advised that CNP would be coming to do the measure and list for assessment and that per the RSA they could register their travel trailers. On June 20, 2008 staff from CNP arrived at the campground and was told they could not go into the campground unless they sign documents prepared by the Jaynes pertaining to how they were going to assess the unit. Although legal counsel felt the documents contained no legal issue, it certainly was CNP's position not to have staff sign any documents. Town Administrator Beaudin asked the Town Clerk to compile the information regarding non-resident registrations and this was forwarded to the Jaynes in early August after clarification was received on what defines a vehicle.

Jae Whitelaw asked to clarify the situation at hand. She began by stating the in the NH Constitution it declares that each taxpayer should be charged with their fair share for any house, land, shed or taxable building. The question is when a travel trailer becomes a building. The Supreme Court first looked at tractor trailers and when they become a building and determined that it is subjective but provided criteria to be looked at for indicators such as if it is enclosed is it a dwelling and what is the intention. She explained that she represented the case in Laconia and each one in town had to be looked at to determine how long it had been there, was it registered, what was the physical condition, did it have permanent improvements, had it been moved during the tax period and then a determination of is it a building. The Town of Belmont has said if you register it there will be no tax on the unit however the Town is responsible to tax everything else. There was further discussion that if the unit is registered prior to 4/1/09 it will be exempt from tax however any other improvements will be assessed. Town Administrator Beaudin explained that the Town would need to go in each year and determine what is taxable each year.

Chairman Cormier indicated that he had owned travel trailers over the years and the costs of the units isn't straight forward there are a lot of factors. Mr. Schneider from the campground spoke stating that his 1986 Franklin travel trailer got assessed for \$12,300 when

NADA indicates its value is just \$1,100. Chairman Cormier noted that there is the abatement process that should be followed by anyone disputing the assessed value to get the value corrected as it is not the role of the Board of Selectmen to make those changes. There was discussion regarding each owner needing to make the decision of whether to appeal the assessment for future years or to register their trailer to avoid taxation.

Chairman Cormier indicated that the Board would have further discussion of the matter when all members are present and make a determination regarding the 2008 assessment.

Criminal Records Check RSA 41:9-b

Town administrator Beaudin advised the Board that there has been a change in the local background check process that will now require individuals to have an FBI check in addition to the present process. This new process will increase the cost from \$7.50 per person to \$36.75 per person. Chairman Cormier asked if the current volunteers would have to go through the check again, Parks & Recreation Director Janet Breton noted that the State recommends that everyone be checked every year. She added that part of the difficulty with the new process in addition to the significant increase in cost is that the individual has to actually schedule and appointment between 8:20 am and 3:20 pm Monday through Friday. Chairman Cormier expressed that he would like to know what policy the school is using and asked Town Administrator Beaudin to look into that. Town Administrator Beaudin noted that Town Counsel is recommending that a policy be implemented regarding background checks and that they are performed annually. Chairman Cormier indicated until further information can be attained the full check should be done.

Solid Waste

Town Administrator Beaudin advised the Board that she had recently attended the Solid Waste annual tonnage meeting and was advised that the cost may be reduced due to a reduction in our tonnage this year from 6500 to 5900 tons for 2009. She noted that there is an interest in single stream curbside pick up that the Town may be interested in pursuing. Bestway Disposal is putting together a proposal for that program. It would require that the Solid Waste ordinance be amended. There would be the potential for shared revenue from the recyclables. The Town has seen a decrease in there tonnage since the Bestway Recycling Facility opened and curbside would make it much more convenient for the residents. Chairman Cormier indicated that he would like to receive a quote for the curbside option. Town Administrator Beaudin indicated that the initial estimate was \$135,000 annually for weekly recyclable pickup, with estimated revenue of \$10 per ton of recyclables. Chairman Cormier commented that he would like to discuss these options with the Budget Committee.

Health Insurance Rates

Town Administrator Beaudin advised the Board that the health insurance costs have gone down .8%, additionally disability insurance has gone down and life insurance has remained the same. By switching to the LGC workers compensation program the rate will be reduced by 21%. A Co-pay increase has been proposed to employees, increasing their contribution to the insurance cost. She noted that overall the non union benefits increased \$15,000 including the 3% salary increase. The Water department benefits will be moved so that they are funded completely by the Water department. Chairman Cormier indicated that he wants to wait until Selectman Pike is present to discuss benefits any further.

Pleasant Valley Project

Town Administrator Beaudin advised the Board that during the CDBG grant award meeting on Thursday, Belmont received the grant requested for the Pleasant Valley Project. She noted that out of seven awards Belmont was fifth indicated that it had scored well. Chairman Cormier suggested that for cost savings that perhaps some of the project work could be bundled with other road work.

Concord Street Traffic

Town Administrator Beaudin noted the memo from Police Chief Baiocchetti that indicated that traffic is being rerouted down Concord Street temporarily to help alleviate the construction congestion at the intersection of Routes 106 & 140.

Non-Public Session

Chairman Cormier opened the non-public session at 6:53 p.m. in accordance with RSA 91-A:3 II (c) - Roll call was taken those present and voting were Ronald Cormier and Reginald Caldwell. Also present were Town Administrator Jeanne Beaudin, Administrative Assistant Cary Lagace, Land Use Technician Rick Ball, Conservation Commission Clerk Denise Rollins, Karen Feltham and Conservation Commission members Ken Knowlton, Denise Naiva, Ginger Kay-Wells, Nancy Wederski and Scott Rolfe.

Ken Knowlton explained that Denise Naiva had done a lot of the leg work on the project. He explained that a parcel of land, 172 acres, bordering Gilford and Gilmanton conservation land. The parcel has ponds and fields and was originally going to be developed. Denise explained that negotiations had been going on for some time now between the Commission and the owners Howard Warren & Karen Feltham and the Commission feels that they have negotiated a price that works for all interested parties. She noted that she was impressed with the documentation that has been provided by Karen Feltham on the property. She explained that the beginning of the Tioga River in Belmont is on the property as well as a network of roads. Currently the property offers hunting, fishing, mountain biking as well as other recreational uses. The Commission feels they were frugal in their negotiations; they had an appraisal done on the property before the final price of \$450,000 was agreed upon. The Commission believes that this is more than reasonable for this parcel of land and they are asking the Board of Selectman to consider signing the purchase and sales agreement. Selectman Caldwell asked what the property appraised for and Denise stated that it appraised for \$435,000 which the Commission initially pursued as their firm price but following further discussion with Karen and Howard and Karen explaining that appraisal can vary, they negotiated further and arrived at the \$450,000 price.

Rick Ball explained that the Commission has \$402,000 in their account and another \$130,000 has been issued in LUCT so they have sufficient funds for the purchase. Denise noted that the plan is to do an environmental study of the property. Ken added that years back the Commission decided that it wanted to focus on preservation of land along the Tioga River so this parcel fits in nicely. The opportunity to own a parcel that is in Gilford and Gilmanton may give the Commission and opportunity to work with those communities' commissions as well. Chairman Cormier expressed that he thinks it is a great property. Selectman Caldwell wanted to confirm that hunting and fishing and other recreational activities would still be allowed. Ken stated that they would put a stewardship in place, but those activities would still be allowed. It will not become an ATV trail system but will still be open to hunters and other recreational

activities. Ken stated that he is proud of the Commission and the work they have done the past several years.

Selectman Caldwell moved to sign the purchase and sales agreement for the Conservation Commission to purchase for \$450,000, land on Durrell Mountain Road known as Map 214 Lot 009 owned by Andrew Sanborn Farm LLC. Chairman Cormier seconded and the motion passed unanimously.

Chairman Cormier closed the non public session at 7:20 p.m.

Next Meeting

The next regular Board of Selectmen's meeting will be Monday, November 3, 2008 at 5:00 p.m., at the Corner Meeting House.

Adjournment

The meeting adjourned at 7:22 p.m.

Ronald Cormier, Chairman

Reginald Caldwell

Jon Pike