

At 6:00 pm the Board's meeting came to order in the basement meeting room at the Fremont Town Hall. Present were Selectmen Brett Hunter, Greta St Germain, and Annmarie Scribner; Town Administrator Heidi Carlson, and resident Peter Gilligan.

Scribner said that she had contacted Chairman Hunter for permission to have her son come in to the meeting this evening to talk with the Board. She stepped down to speak as a citizen.

Gilligan began by saying that his builder had been in today with plans for the addition to include an in-law apartment for his grandparents. He said the Building Inspector would not accept the plans because they were beyond the 10 day timeline set by the Zoning Board of Adjustment and that there was a provision of the In-Law/Accessory Apartments Zoning Article (IV-A) that said it had to meet a HUD provision on accessibility (reference Section H).

Gilligan said that in speaking with his attorney today, he believes he is being subjected to age discrimination and perhaps gross negligence on the part of the Town because he has been unable to get a building permit to date.

Gilligan said he does not want to sue the Town over gross negligence and asked instead to have a meeting with the Board to ask for a special exception to the provision of Article IV-A Section H.

Scribner said that her problem is that they should have been walked fully through the process and have been given misinformation during the Zoning Board and building permitting processes. She said they had a problem with a prior building inspector, and that the Planning and Zoning staff had been through the Zoning Ordinance but did not explain the IRC code (Section H). She said they were told by many town staff things that were untrue and feel like they have not been dealt with fairly through this process.

There was discussion that the Planning Board is going to propose a Zoning Ordinance change for Town Meeting 2012 to delete the provision of Section H, as they feel it is too restrictive.

Gilligan asked if the Selectmen could grant a Special Exception to this provision for his described hardship. Hunter and St Germain did not know if that was within the Selectmen's authority to do. He expressed frustration that he has spent thousands of dollars to move his grandparents into his home, but does not yet have the building permit necessary to complete the work.

Gilligan said that across the street from his house is a duplex that does not have the proper egress and said that he thought there were many other situations in town that do not meet the strict requirements of this section. He said when he met with the Zoning Board, that they reviewed the checklist of items within Article IV-A and that he could meet them, thus received approval.

Hunter and St Germain discussed how to proceed with this matter, and discussed that the Planning Board's proposed removal of Section H from the Ordinance, but that this does not help Gilligan at the present time. There was some general discussion about what the IRC provisions were, some dealing with egress and handicap access.

Selectmen said they would contact Town Counsel and try to establish a meeting with Selectmen and the Building Inspector to review the situation and try and find a solution.

Gilligan left the meeting at approximately 6:30 pm.

Selectmen continued to talk with Scribner about her concerns on the process and what has taken place in the past few months.

Scribner left the meeting at approximately 6:45 pm.

St Germain will contact Attorney Ryan to get additional advice on the next appropriate step for the Board to take, and provide the background that an applicant has been before the Zoning Board of Adjustment for a special exception as provided in Article IV-A, and that the next phase was to have the plans reviewed by the Building Inspector.

There was discussion to follow-up the Budget Committee meeting last evening. A resignation letter was received from Mike Nygren as a Budget Committee member this evening.

### **OTHER BUSINESS**

1. The Treasurer reports for October 2011 were distributed for Board member review. An updated budget spreadsheet (totals only) was distributed to Board members as well.
2. Selectmen signed an updated tax payment agreement for parcel 01-074.
3. Selectmen reviewed a letter from Mark Woodman asking for a reduction in the fee for his building permit, indicating that it was industrial and not commercial. Selectmen reviewed the Town's fee schedule and there are fees for commercial and residential, and the commercial have been used as the alternative to a non-residential structure. The Board considered it further and did not grant any reduction to the permit fee as calculated in accordance with the Town's posted schedule.

In reviewing Mr Woodman's letter, Selectmen thought that if you have any employees, you must meet handicap accessibility (ADA) codes. The Board also noted that if Woodman does not pay now for the second floor storage area, it cannot be used or given an occupancy certificate. If he moves ahead with use/completion of a second floor storage area, it would need to be permitted at that time.

4. It is noted that the primary date has been set for January 10, 2012. Carlson had spoken with the Town Clerk, who has since been in contact with the State about moving the phone line to Ellis School. Carlson had also sent an email to Andy Kohlhofer (copied to the Clerk, Moderator, and Selectmen) in follow-up to last weeks meeting about the date of the primary. There is a School Board work session this evening and Kohlhofer said he would keep the School Board up to date on the scheduling.
5. Selectmen reviewed the folder of incoming correspondence and invoices for payment next week.
6. Work on the Personnel Policy was deferred until the full Board was present.
7. Selectmen reviewed the minutes for 27 October 2011. St Germain moved to approve them as amended. Hunter seconded and the vote was unanimously approved 2-0.
8. Selectmen reviewed the accounts payable manifest \$12,941.26 for the current week dated 04 November 2011; and a payroll manifest dated 01 November 2011 in the amount of \$853.67. Motion was made by St Germain to approve and sign the manifests. Hunter seconded and the vote was unanimously approved 2-0.
9. Selectmen discussed employment compliance matters in follow-up to a recent seminar attended by St Germain. Job descriptions need to be updated annually and a signed copy in each employee's personnel file.

10. Selectmen reviewed and signed a contract for the Planning Board with the Rockingham Planning Commission for matching grant funds for updates to the Vision Chapter of the Fremont Master Plan. This contract includes \$2,500 for the Town's share of the matching funds.

11. Selectmen discussed the pending case against Seacoast Farms regarding the public nuisance for odors. The Planning Board has asked for further clarification from Town Counsel about the plan that was referenced at the time of the mediation (December 2010) and what status that plan has, and what document it was derived from. There remain questions about the status of that mediation hearing and the potential changes that were made to windrow size and location and whether that changes the original site plan. Further information is needed from John Ryan to provide direction.

12. Selectmen reviewed and approved an abatement to correct a missing Veteran Tax Credit within the tax billing system of \$500 for parcel 06-050.001.00B.

13. Selectmen reviewed and signed budget line item transfers for the Town Clerk and Cemetery budgets.

14. The Smith Purchase & Sales Agreement as forwarded by Mike Speltz was printed for review. There is additional information that needs to be added to it, and Hunter said he wanted the whole Board to sign it. Carlson will gather the balance of information needed and forward it to the Board to read in advance of the next meeting.

15. Selectmen reviewed a letter drafted by the Conservation Commission and Town Counsel to Seacoast United Soccer outlining Zoning issues and violations to the Conservation Commission's recorded Conservation Easement. The Board signed the letter.

16. Selectmen reviewed and signed Cooperage Forest Manifest # CFE-005 in the total amount of \$28,424.10. This covers site work done by Dzioba Construction, Phase I of the granite bound and pin setting by E C Mitchell; snow plowing to wing back to prepare for paving, and postage to cover the mailing of checks for the paid invoices.

Budget reviews and recommendation votes were deferred until a full Board was present.

Carlson had received a health insurance quote from SchoolCare. The Board asked for this to be put on a grid and compared to the information and pricing from NH LGC Health Trust.

4414 Animal Control: The Board did discuss that this budget is overspent at the present time, and that any overage would need to come from the Police Department budget. Selectmen discussed how to handle it at year end.

There was some discussion about where the Town's Points/LOSAP program was modeled after, in an effort to find out how other towns might handle the retirement reporting component. Selectmen Hunter and St Germain are planning to attend the Fire Rescue meeting on Monday night, and Graham Bacheller from Lincoln Financial is also planning to attend to answer some additional questions. The Board discussed handling the LOSAP component as a payroll matter and thus reporting it on an employee's W-2. Further work is yet to be done with additional research conducted.

Selectmen further discussed how to proceed with the Gilligan permit question. St Germain will try and contact Town Counsel to get further advice tomorrow and will plan to meet on Friday evening in an effort to resolve the matter.

**NEXT WEEK**

The next regular Board meeting will be held on Thursday November 10, 2011. There is a Budget Committee meeting on Wednesday November 9, 2011 at 7:00 pm.

At approximately 9:40 pm with no further business to come before the Board, motion was made by St Germain and seconded by Hunter to recess the meeting to 6:00 pm on Friday evening November 4, 2011 at the Fremont Town Hall, basement meeting room to review information gathered regarding the Zoning Ordinance. The vote was unanimously approved 2-0.

Selectmen reported that St Germain was unable to reach the Town's Attorney on Friday thus the Board meeting closed at 6:00 pm on Friday evening with no decisions made.

Respectfully submitted,

Heidi Carlson  
Town Administrator