

FINAL

BOARD OF SELECTMEN'S MEETING

April 9, 2012

7:30 P.M. – MUNICIPAL OFFICE BUILDING – HANOVER, NH

The meeting of the Board of Selectmen was called to order at 7:30 p.m. by Chairman Peter Christie. Present were: Peter Christie, Chairman; Katherine Connolly, Vice Chairman; Athos Rassias, Selectman; Bill Geraghty, Selectman; Julia Griffin, Town Manager; and Jessie Levine, Assistant Town Manager/Human Resources Director. Absent: Judith Doherty, Selectman.

1. PUBLIC COMMENT.

Chairman Christie welcomed the audience and viewing public to the meeting and hoped that tonight the Board could do good work for the Town and have some fun in the process.

Chairman Christie asked for Public Comment.

Iain Sim, stated that he was speaking as a resident to the Town of Hanover and as a member of the Hanover Planning Board but he is not speaking on behalf of the Planning Board. He read the following statement:

“I would like to make a few remarks concerning the proposed use of the new Town dock to be installed at Wilson’s Landing, an issue that you will be considering later this evening.

As you know, after a thorough review the Planning Board has approved the site plan applications for Wilson’s Landing and for Fullington Farm. These were two separate yet obviously linked applications. The bridge between the two site plans is the License Agreement between the Town and FOHC (Friends of Hanover Crew) that will be before you this evening.

In the course of its review of the site plan applications, the Planning Board received testimony, both oral and written, from many residents of the Town. Some were in favor of the two projects, others were opposed. Among those opposed, a major concern was that groups using the new dock at Wilson’s Landing for rowing would exclude other members of the public from that Town-owned, public river access.

I believe that all members of the public should have equal access to the Town-owned facilities at Wilson’s Landing. It is quite legitimate that individuals should cooperate in groups to engage in certain pursuits. Members of the Audubon Society, for example, meet together as a group at Wilson’s Landing to pursue their common interest. They are granted no special privilege, nor, I believe, do they prevent others from using Wilson’s Landing even as they pursue their activities there. Likewise, while the various rowing

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groups may use the facilities at Wilson's Landing, we should not expect them either to be granted, or to assume, any right or privilege that is not equally available to other individuals.

The Planning Board explored the issue of equal access with FOHC at the time of the site plan review. The Board reviewed the operating plan of FOHC. I believe that FOHC understands, and wishes to honor, the right of others to have equal access to Wilson's Landing.

In addition, I have had the opportunity to review a draft of the License Agreement between the Town and FOHC and I believe it is the intent of this License Agreement to ensure that equal access to Wilson's Landing is available to all. On this matter of equal access, I urge the Town and this Board to be vigilant now, and in the years ahead.

However, there is one point that I would draw to your attention. It is the intent of the FOHC to use motorized boats for the HHS Crew coaches. It is my understanding that these boats will be put into the river at the beginning of the season, and for the entire season will be moored, between practices at the new dock. While this seems, on its face, to be a reasonable accommodation, it does raise the question, "will other individuals be granted equal access and permitted to moor their motorized boats at the new dock for an extended period?" I note that the License Agreement requires the posting of a sign welcoming "Non-Motorized Boats **Only**."

If FOHC is granted a right (in this case mooring motorized boats) that is not available to other individuals, then some who have expressed their opposition to the Wilson's Landing Plan will no doubt feel that their fears of exclusion are well justified. If mooring a motorized boat at the new dock is a right to be given to all, then I ask what is our vision for the facility at Wilson's Landing? A boat launch? A marina?

I urge you to give your thoughtful consideration to ensuring equal access for all to Wilson's Landing, even as we seek to achieve a balance between utility on the one hand and, on the other, retention of the unspoiled nature of this scarce river resource."

Chairman Christie asked for any other Public Comment not related to items on the agenda. There were no other Public Comments.

2. PUBLIC HEARING TO CONSIDER AND ADOPT AN OPTIONAL VETERANS' TAX CREDIT.

Chairman Christie asked Ms. Griffin to give an overview of this item. Ms. Griffin stated that State Law allows for Towns to give the standard Veteran's Tax Credit of \$50 and the Board can increase the tax credit up to \$500. Back in December, the Board wanted to proceed with a recommendation to adopt an optional Veteran's Tax Credit in the amount of \$100 in lieu of the existing \$50 credit. The Board is required to hold a public hearing no more than 30 days prior to Town Meeting.

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Ralph Czachowski, Hanover resident, stated that he wrote a letter on November 11th (Veterans Day) to Ms. Griffin asking about raising the Veteran's Tax Credit. It is his understanding that the credit has been set at \$50 since it was adopted. He disclosed that he is a Vietnam era veteran although he did not serve in Vietnam. He felt that it was appropriate to thank veterans for their service by increasing the tax credit.

Chairman Christie stated that when the Board discussed this during the budget process, there was some recognition that any amount of an increase would be a token gesture. It was noted that this tax deduction was not need based and the Board eventually voted to increase the tax credit by \$50 for a total of \$100. Chairman Christie reported that he abstained from the vote since he is a veteran and would benefit from the tax reduction. He also stated that he would be voting against this because he likes to know the meaning behind the credit and to him the figure of \$100 is arbitrary and subjective; he noted he would have to abstain from the vote anyway.

Vice Chairman Connolly felt that it was a reasonable new arbitrary number. Selectman Geraghty agreed that the number is arbitrary but it is a recognition and that's all the Board was trying to do, have a token recognition for the veterans.

Selectman Rassias MOVED to Recommend to Town Meeting the Adoption of a \$100 Optional Veteran's Tax Credit. Vice Chairman Connolly SECONDED the motion.

THE BOARD VOTED 3 IN FAVOR, 1 OPPOSED, 1 ABSENT TO RECOMMEND TO TOWN MEETING THE ADOPTION OF A \$100 OPTIONAL VETERAN'S TAX CREDIT.

ARTICLE FIFTEEN: To see if the Town will vote to adopt the optional veterans' tax credit in the amount of \$100. The optional veterans' tax credit shall replace the standard veterans' tax credit of \$50 currently in place and shall not be in addition thereto. The optional veterans' tax credit shall be subtracted each year from the property tax on the veteran's residential property or, for a surviving spouse of a resident who suffered a service-connected death, they may have the same amount subtracted from the property tax on any real property in the same municipality where the surviving spouse is a resident. Persons shall qualify for the optional veterans' tax credit based on the requirements outlined in RSA 72:28 IV. The optional veterans' tax credit shall take effect in the tax year beginning April 1, 2012.

Selectman Rassias MOVED to Adopt Warrant Article Fifteen. Vice Chairman Connolly SECONDED the Motion.

THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO ADOPT WARRANT ARTICLE FIFTEEN.

3. REVIEW, DISCUSSION AND ADOPTION OF PROPOSED LICENSE FOR INSTALLATION OF PUBLIC DOCK FOR NON-MOTORIZED BOATS AT WILSON'S LANDING BY THE FRIENDS OF HANOVER CREW.

Chairman Christie stated that most people know the long history behind this item. It has worked its way through the Select Board, through the State and local authorization groups and now the Select Board needs to act on a proposed License Agreement between the Town of Hanover and Friends of Hanover Crew.

Chairman Christie asked for any public discussion.

Darrell Hotchkiss, 8 Conant Road, stated he supported Mr. Sim's statement and agreed that the Town has had no vision with respect to Wilson's Landing. There have been planners involved and the Select Board and yet there never was a plan for Wilson's Landing until this project came forward. He is not opposed to the dock and it appears that the Board is willing to support the license but the question is what the terms are. Mr. Hotchkiss' understanding is that back in 2009 the Board expressed a general consensus to grant the license pending approval of the wetland specialists, the Planning Board and the Zoning Board, etc. Mr. Hotchkiss noted that the Town can't act contrary to the Planning Board or they will be in the position to sue itself. Mr. Hotchkiss noted that the Town authorized the same firm that represents the Friends of Hanover Crew who also represents the abutter to represent the Town with respect to the submission of these applications and although ultimately they did a good job, there has been no vision from the Town.

Mr. Hotchkiss stated that the Town is responsible for the 300+ river frontage which is the only frontage that the Town owns. He is an attorney who does a lot of license work and he stated that the term of 10 years is too long. He also stated that any good license would have periodic review. Mr. Hotchkiss also felt that the Board shouldn't adopt what Arthur Gardiner found appropriate on behalf of the Planning Commission although he did a good job. Mr. Hotchkiss made the following recommendations: 1) the term is too long so they should change it to a 2-5 year term; 2) there should be a periodic review to determine whether this is working. Mr. Hotchkiss noted that he sees no reference in this license to insurance or indemnification; Vice Chairman Connolly clarified that it is included in the license and cited the location within the agreement.

Mr. Hotchkiss stated that this is a work in progress and there may be times when things need to be reigned in or loosened up. Mr. Hotchkiss stated that this is an important resource and if it turns into an area that requires a lot of Town attention, can the Town assess a fee to reimburse the Town for those costs? He would like the Board to think about this changing resource and in the years to come it may be more precious than ever.

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Ray Hogue, 1 Wardrobe Road, reported that he had a petition that was signed in the fall/winter of 2011 and noted that there are a significant number of people in the community that don't come to meetings because they can be very uncomfortable.

Mr. Hogue noted that he received 125 signatures and all but 2 were from Hanover residents. (One signature was from a member of the Upper Valley River Subcommittee Connecticut River Joint Commissions).

Mr. Hogue read the wording on the petition and presented the petition to the Board:

“To the Town of Hanover Board of Selectmen and All Other Town Boards:

We, the undersigned, recognizing that Wilson's Landing is the only Town-owned public access to the Connecticut River, is located in the Rural Residential district, and presents opportunities for not just a wide variety of recreation and other activities, but also views of the river and adjacent conserved areas, wish to express to the Town of Hanover our belief that the use of Wilson's Landing and the development of Fullington Farm proposed by the Friends of Hanover Crew (FOHC) would adversely change the rural character of the surrounding area, and would crowd out other recreational uses of Wilson's Landing.

Therefore, we urge the Town of Hanover to immediately contract for an independent, professional master plan for Wilson's Landing that appropriately considers the varied recreational and other uses that Wilson's Landing could provide while ensuring for the maintenance of the rural character of the surrounding area and which is consistent with the Town Master Plan. Further, we propose that until such a Master Plan for Wilson's Landing is completed, all proposals for the use and development of Wilson's Landing and Fullington Farm, including the FOHC proposal, should be put on hold, or if necessary, denied, so that the final decision for the use of Wilson's Landing and the prospective development of Fullington Farm can be considered in a manner that is comprehensive, independent, and reflects the necessary due diligence on the part of the Town so that a long-term plan of usage can be enacted in a manner that strives to serve all the citizens of Hanover.”

Mr. Hogue stated that there were a lot of people that turned down signing the petition because they didn't want to pay for an independent Master Plan. They supported the concept but they were concerned about contracting out for the Master Plan. There is even greater support for the petition if you remove contracting out for the Master Plan.

Mr. Hogue stated that he is a business appraiser so he works with numbers all day long and when he looks at this project, it first started out as a place for the Hanover High kids to row. Somehow inside that intention came an enterprise that would be developed on this private property and then given preferential access to the only public landing available in Hanover. Mr. Hogue feels that there's value being created for this private enterprise. If they can charge membership fees and teach lessons, etc. they can develop their property but it's a business enterprise so he sees value being created for the private

entities; whether it is FOHC or the Upper Valley Rowing Foundation, there should be some kind of economic plan put in place and the Board needs to consider some reasonable compensation to the citizens of Hanover perhaps in the form of payments to the Town in exchange for allowing the transfer of the use of this facility to a private enterprise. He noted that in essence the Town is giving this value away for free and he supported the statements from Mr. Hotchkiss that perhaps there could be additional expense on the part of the Town such as a need for police presence or resources for special events.

Mr. Hogue agrees that a 10 year license is too long and perhaps it should be a 1 year probationary license. A long term lease creates more value to Friends of Hanover Crew and they should consider what the compensation back to the Town should be.

Chairman Christie stated that Mr. Hogue used the term “preferential access” and he asked what other preferential access he is seeing beyond the Hanover Crew program using the dock between certain hours. Mr. Hogue stated that this is why he felt that there should be a probationary period because in the operating plan, they don’t have any way of knowing what the practical result regarding usage. There is certainly preferential access to the dock with the mooring of motor boats. Mr. Hogue suggested reviewing the letter that approved the dock from the DES (Department of Environmental Services) because it states that the dock has to be solely public use.

Mr. Hogue asked whether the Town had to have a private enterprise get involved to save the Hanover High crew program. He also questioned what would happen if a kid wanted to go fishing off the dock if it conflicts with other events. Mr. Hogue noted that there was some talk at the Zoning Board hearing that was disturbing when the FOHC Attorney, Richard Uchida, stated that the Friends of Hanover Crew would direct traffic as necessary to manage any crowd control. He doesn’t feel that this is an appropriate way to handle the general public use of a public access by having a private entity perform that function and it would be a liability.

Vice Chairman Connolly stated that the property is not tax exempt. Mr. Hogue stated he was referring to the operation being tax-exempt because it is a non-profit organization.

Selectman Geraghty addressed concerns about the 10 year term. He stated that as he is reading the license, the Town has absolute total control and can give 30 days notice to shut it down. The way that the agreement is written now, there is no time limit and he understands the principal with the issue of the 10 years but he’s trying to understand the concerns.

Darrell Hotchkiss stated that he did read the license this afternoon and it states that the term of the license is 10 years and the Town reserves the right to terminate the license with or without cause at any time. If it’s not to be renewed the Friends of Hanover Crew, is the Town going to give 1 year’s prior notice before they remove their property? He is pressing for review because terminate is a strong term and they have seen an organization

that is well represented and well funded in this town. He would like this to be a 2 year license or periodically reviewed to see how things are going.

Selectman Geraghty is trying to understand the concern if things don't go well. Mr. Hotchkiss stated that he is concerned that the Town will not stand up and do anything about the issue because the Town didn't stand up and decide what it wanted to see happen with Wilson's Landing prior to this. He feels that the planned vision came from the people who had an idea and he would like the Town to keep it open and maybe sunbathing could be permitted for Hanover residents. Mr. Hotchkiss stated that there may come a time when the area would be limited to Hanover residents and students of the Hanover School District. Currently, this is a Town resource and it's not the Upper Valley's.

Carol Weingeist, 38 Valley Road Extension, stated that she read the license agreement and worked with Martha Solow on a response. (Ms. Solow is currently in Florida).

Ms. Weingeist read the following statement:

“The ZBA has not concluded its business; the appeal for a rehearing is scheduled for April 23rd. Therefore, it is premature to adopt the license agreement at this time. A 10 year license agreement is too lengthy without a review. We propose that there be a review after the first year and then a review every two years to insure compliance and to assess the impact on the community.

In Item #3, what is the role of the Town in accepting or modifying or rejecting any changes to the Operations Plan? The Town must have a say in this matter based on the public interest.

In Item #4a, a 3 day notice is required regarding construction on site, etc. Does the Town have the authority for improvements and what are “fixed site improvements?” What is this limited to? Is new construction different from a repair? The Town needs the authority to reject, modify or deny. Fixed site improvements need Town approval, not just notice.

#4b – Should not the word “will” be changed to “shall?”

#4c – There should be no distinction between rowers and the general public. Does 4c imply rowers write the rules? Is it appropriate for FOHC, a limited interest group, to write the rules for the general public?

If distinctions are made between motorboat users and coaching launches, any motorized boats should be able to use the dock, otherwise the dock becomes the FOHC private dock for their motorized boats.

#12b – What if Boy Scouts or other groups wish to land at the dock? The Town should manage the public use and access to the dock.

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FOHC should have no exclusive use with respect to use of the dock as acknowledged by the NH Department of Environmental Services. She noted that they stated in their remarks over a year ago that this is a public dock all the time, there should not be a time when it's privately used by the club. Any Governmental Use permitted on Town Property should be for public purposes as required by in the Zoning Ordinance. The License makes FOHC's activities on the Landing a Government Use.

The landing and dock should not be for exclusive use of FOHC. The Public Purpose is the role of Government. We need to respect these rights."

Ms. Weingeist asked about Item #16 "or by the party against which enforcement is sought" and whether this means that the club can unilaterally change the contract. Ms. Weingeist noted that the response is signed by her, Martha Solow and Ray Hogue just added his name to it.

Ms. Weingeist stated that if the club is going to be using their motor launches there then others should be allowed to as well. She went to the site visit with the Planning Board and asked what the youth groups are for the Upper Valley Rowing Foundation and she was told that these were the High School kids. She wanted to know the difference between the two clubs.

Vice Chairman Connolly stated that the difference is seasonal and some other clubs row in the summer outside of the school year. Ms. Weingeist was given the impression that they were different groups. Vice Chairman Connolly noted that they are different groups but they may be comprised of the same personnel.

Nancy Carter, 12 Barrett Road, is a Friends of Hanover Crew Board member. She thanked the Select Board for their consideration and vote on the license between the Town of Hanover and the FOHC on a public boat launch at Wilson's Landing. She stated that most of the Board sat at the table more than 2 ½ years ago to consider a proposed donation by FOHC for a handicap accessible dock for non-motorized boats which while being purchased and maintained by FOHC, will be owned by the Town of Hanover. The Board asked that FOHC go through the full permitting procedure and they've done that. The process has involved a great deal of time; political capital which was spent and much greater actual capital. She noted that contrary to the comments of a previous speaker, they are not an organization of wealthy individuals and the money that they raise is sincerely and earnestly received. She stated that they know that this lease holds the rowers associated with FOHC, Hanover High and the Upper Valley Rowing Foundation to a higher standard than the casual user of Wilson's Landing. They accept this and look forward to proving that the Board's trust is justified. The proposed lease is for a period of a decade, however, they hope that the dock will continue to be used and enjoyed by all citizens for decades to come. She thanked the Board for their consideration.

Peggy Sadler, business owner/property owner of Hanover, noted that she is also an East Thetford, Vermont resident and wanted to speak in favor of the License. She stated that the issue seems to be the special use of the dock by special groups. She feels that the FOHC students will use the dock for a limited period of time and if she wanted to launch her kayak, she might have to wait 10 minutes but then she could use the dock. If that is a privileged use to have the 15 minutes to put the boats in and then take their boats out, then the Boy Scouts would have that privilege as well as they use the dock to get their canoes off the water. Ms. Sadler stated that if they can't have privileged use of the landing then they wouldn't be able to allow Paddle Power to use that area either. Once a year they flood Wilson's Landing with cars, boats, etc. from 9 a.m. to 11 a.m. That would also be a privileged use. She thinks that it's important to realize that there will be a lot of wonderful activities happening at Wilson's Landing throughout the year that will make people have to wait a little while before they can get their boats in. Everyone who uses Wilson's Landing will be privileged to use the dock. The nice big dock will be handicap accessible and people who haven't been able to use the dock in the past will now be able to.

Alice Creagh, 112 Lyme Road, is an abutter. She was happy to hear Mr. Hotchkiss discuss changing the time frame of the 10 year license. Ms. Creagh wanted to ask who was going to monitor the area. From the end of March to the middle of June it would be overseen by FOHC but what happens from June until Thanksgiving? There isn't a landlord that she can speak to about her concerns. She is aware that the Upper Valley Rowing Foundation will be using it for classes. Her other concern is what is the procedure if there is a problem with the use of the boat landing? On page 3 of the document it states that Public Works can install requested signage and she sees the boat landing road and the boat landing as one entity. She felt that there should be a speed limit posted and not to criticize FOHC or the Town but there currently is no speed limit posted and as you travel down the road, there is a moment where there is a blind spot because of a dip in the road. Ms. Creagh stated that she finds it dangerous and having a speed limit would be reasonable.

Ms. Creagh also noted that she has concerns about trash receptacles. She understands that it's supposed to be "what you take in, you take out" but she picks up trash all the time and the Town may feel okay that there isn't a trash problem but it is because she is picking it up.

Ms. Creagh stated that she doesn't understand what the procedures will be and she doesn't want to be the one who has to call dispatch. They have called before because if the party goes on after 11 p.m. they call but if it's before then, they don't. From March to June she could call someone from the FOHC Board but from June to Thanksgiving it is unclear.

Jennifer Friend, President of Upper Valley Rowing Foundation, thanked the Board for their consideration on this application. She stated that the primary beneficiary is the Friends of Hanover Crew and the High School students who will row there but it will also

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help the Upper Valley Rowing Foundation continue their youth rowing programs and allow them to provide space for the growing number of people who have taken up interest in this activity. Currently UVRF is a tenant of Dartmouth College and they cannot continue to operate unless they are good tenants and adhere to all of the rules of any organization that they are beholden to. She is happy to be the contact person during any season in which they are on site.

John Creagh, 112 Lyme Road, agrees with the concept of a 1 or 2 year term with reviews thereafter. He noted that the liability paragraph is there and it is reasonable well with a limit of \$2 million. He suggested that the Town ensure that the insurance policy be written with an A rated company licensed to do business in NH. He noted that Nancy Carter indicated that they are finished with all of the legal processes which is not true. He stated that there is a request for a re-hearing before the Zoning Board. Mr. Creagh stated that there are some areas in the Operations Plan, Exhibit B Examples of Proposed Programs/Schedules/Participants with references to the time of day where they just indicate that time of use would be 7:00 but it should also indicate 8:00 a.m. on weekends. Ms. Griffin stated that this was also added and changed on the agreement as of April 6th.

Arthur Mudge, resident of Hanover, is pleased that there will be opportunity for people to use the river. He is an amateur naturalist and he enjoys traveling down the river and he shares the concerns expressed tonight and he appreciates the Board's difficulty (including the Zoning Board and Planning Board) but he is disappointed that there wasn't more planning on behalf of the Town for this most valuable asset. With planning they may have been able to resolve the tensions.

Richard Uchida, Attorney with Orr & Reno in Concord, NH, represents the Friends of Hanover Crew in connection with the land use work for the facility at Fullington Farm and ultimately Wilson's Landing. He stated that they have tried to establish an outdoor recreation facility at this site and tonight they are here to address whether and how Wilson's Landing will work for this facility. There has been discussion surrounding the vision for the landing and he would submit that when they look at the deed that gave the property into the Town, the deed talks about access for the public to get to the CT River for boating and recreational purposes and to provide access for firefighting. FOHC is here because they had a vision for how to provide access to the public on the CT River. The Fullington Family has helped with the issue of vision and FOHC is trying to make it a reality by putting together an agreement that reflects what they want to do.

Mr. Uchida stated that the agreement is the product of comments that have been raised through numerous boards. As they worked with Town Counsel, they went back to 2009 and re-read all of the comments that were raised at the time. They hope they've created a License Agreement that is consistent with concerns raised by residents and the Select Board. The Operations Plan also reflects the concerns that they heard when they were in front of the ZBA and the Planning Board as well as comments provided during the State permitting process. The License and the accompanying Operations Plan were meant to globally address the concerns that have been raised.

Mr. Uchida wanted to address the specific issues raised at this meeting:

1) The 10 year plan and whether that is too long; he would recognize that although it is a 10 year agreement, the Town can revoke it at will. Town Counsel was insistent to keep it revocable at will. The discussion about periodic review has come up and they thought that because of the terminable nature of the agreement, FOHC assumed that they would be up for periodic review whenever the Town decided to do one. They do not object to setting up a specific schedule.

2) The Mooring issue; the mooring and the launching are consistent for organized activities from the dock at Wilson's Landing. This makes sense from a safety and convenience perspective; if they have to load the launches every day, now they have increased the amount of traffic volume on that road. This is tied to only organized rowing activities that draw a crowd and not to individual rowing activities. Mooring the launches in that area made sense to avoid the traffic problems. They are there on a reasonable basis and they should be out of there in early June.

3) Provisions about vacating the property; the license is revocable at will. Once it's terminated, the FOHC might need a little time to get their property removed from the site. FOHC would have 1 year and additional 180 days in which to vacate the property per the agreement.

Selectman Geraghty wanted to clarify that if the Town terminates the license, then the FOHC will have 1 year and 180 days to vacate. Assuming that things are not going well and the Town terminates the License, they are given 30 days to fix this. Mr. Uchida clarified that it's not 1 year notice; once it's determined that it is not working and the Town has given the FOHC 30 days to cure the problem and they didn't follow through and the license is terminated, the Town is giving FOHC time to vacate the property and for them to find a different location. Selectman Geraghty asked if they would continue to use the facility. Mr. Uchida stated that this would be up to the Town. Selectman Geraghty was concerned about dueling legal interpretation about vacating if something were to go wrong. He is concerned that with 1 year's time to vacate, FOHC could continue to use the facility; he is concerned about the wording versus the intent. Mr. Uchida stated that if FOHC is engaging in bad behavior and the Town is kicking them off for that, they shouldn't be able to continue activity for that year.

Chairman Christie stated that he read this that the Town can terminate with 30 days notification as to why, FOHC has 90 days and if that doesn't work the License is terminated. The FOHC would have 1 year and 180 days to vacate the property. Chairman Christie agreed that it's not clear whether they could operate the program while vacating the property. Mr. Uchida stated that if the behavior is flagrant or reckless creating a problem for the Town, this is not something that they should be able to continue.

Mr. Uchida stated that the ZBA is not done with their business and there is a re-hearing request up for consideration on April 23rd. There is a State statute that even if a re-

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hearing request is filed, unless there is an injunction, business does not stop from going forward. If the Board acts on the agreement, anything regarding the use is subject to Land Use approvals. The fact that a re-hearing request has been filed, it is not by law a reason to stop the Board's consideration on this particular agreement.

Selectman Rassias confirmed that the Town's Attorney, Walter Mitchell, agreed that this was the case.

Mr. Uchida referred to paragraph 4a of the License Agreement and the comments made previously regarding the need for the Town to approve fixed site improvements. Mr. Uchida stated that this is not what the paragraph says but talks about prior to installing or removing the dock or prior to the construction or replacement of any fixed site improvements (meaning those that are needed to accommodate the dock) that they will give 3 business days prior notice. He stated that this is not something that is new; it is something that is part of the approval by the Planning Board and ZBA.

Mr. Uchida referred to a question about paragraph 16 and signed by the party to be charged is simply a provision placed into the agreement to ensure that if a party is going to have to take action to live up to the agreement, that their signature needs to be on the document.

Mr. Uchida stated that there was a question about who monitors the area after June when the Hanover High season is over. He stated that they have been very clear that although the Hanover High School Crew season might be over, the FOHC will be on site throughout the summer and they are not going to walk away from this. FOHC has an ongoing responsibility as long as the dock is in the water. They are responsible to ensure compliance with the Operations Plan, the License and conditions.

Mr. Uchida stated that Mr. Creagh's comment about having an A rated insurance company makes sense; Ms. Creagh's concerns regulating speed limits on the road also makes sense. Mr. Uchida stated that FOHC intend to have their vehicles at Fullington Farm so it won't necessarily impact them but he felt that in the normal course of events, the Town would want to make sure that the road is properly used.

Mr. Uchida stated that he is happy to answer any other questions about the agreement; he noted that Nick Fiori is present to speak to any engineering aspects of the project and there are other Friends of Hanover Crew Board members present.

Chairman Christie wanted to discuss the use of launches. The Board didn't want to have unintended consequences in turning the area into a marina instead of a boat launch. He is sensitive to the equal access argument and it was also his understanding that they would only have launches during the spring season but now it appears that it's going to be for a longer term. He understands the need for the launches for the rowing program which may be an exception to the equal access principle. Chairman Christie stated that they do not allow the general public to park their boats overnight.

Vice Chairman Connolly stated that the launches that are tied to the rowing activities will have their rotors removed as soon as their activities are over.

Peter Kermond introduced himself to the Board and stated that he is a Board member of FOHC, Rowing Coach for the Hanover Crew Team, Hanover Resident and UVRF member. He stated that there is a safety aspect with regard to the launches. They are not going to be sending boats out unattended. There is 1 launch per 2 boats that go out every day from the beginning of the season to the end of the season. The season runs from roughly April 1 until the first week of June. The proposal calls to leave the launches at the dock; they take 16' of the 180' of dock. They have roughly 8 launches that take up the entire inside corridor. The motors are left on the boats but the gas cans are removed and the kill switches are removed so they are unstartable. The launches will be will be tethered to the dock. Once the HHS season is done, the Upper Valley Rowing Foundation may have high school rowers participating in the summer under a different organizational name. Mr. Kermond stated that the number cuts down to 3 or 4 launches and the dock cuts down to 120' but the procedure would be the same. There would be some supervision that comes from the launch.

Mr. Uchida stated that the organized rowing activities requiring supervision from the use of the launches doesn't exclude other rowing activities at the landing. If they have a launch or two that requires that they use the dock, others should be permitted to use it as well. He doesn't feel that they are distinguishing based on access in general, they are distinguishing based on whether the activity needs supervision or not and therefore whether the launches should be there for the duration of that activity.

Chairman Christie asked about what happens to the fisherman who would like to leave his boat overnight. This would be an unintended consequence and he wants the Board to think about how they would manage that. Mr. Uchida stated that this would not be an organized rowing activity and therefore not a permitted use.

Mr. Jon Gilbert Fox stated that he wasn't sure why Mr. Uchida was giving permission for other activities to happen at Wilson's Landing when the landing belongs to the Town. He asked where the launches are stored in the offseason and whether they are stored on Fullington Farm and if so, they are so close to the landing, why can't they be trucked down every time there is a meet to free up a dock.

Mr. Kermond stated that it does happen every day and trucking the launches down will take up the majority of the time that they have reserved for practice. Mr. Fox asked what they are doing now about the launches. Mr. Kermond stated that the launch is presently at the Dartmouth facility and they are tied up on the dock consistent with the Dartmouth launches.

Chairman Christie stated that his comment was not meant to debate the need or use of launches but the Board needs to be sure that they haven't unintentionally created a marina instead of a boat launch.

Ms. Griffin stated that the Board will want to be specific in the license that launches can be tethered to the dock for specific safety reasons for the formal rowing program. Chairman Christie stated that others would need a similar license to tether anything to the dock.

Jack Wilson, 2 Chase Road, stated that he is a parent of two rowers and wanted to speak in support of the request because this is a great use of this facility. He felt that this was a great program for the Town, the students of Hanover and the residents of Hanover. He has witnessed the great engagement in the natural environment through the involvement of his children in the program and would ask the Board to promote this. He is an architect and a planner and he understands the questions regarding planning associated with Wilson's Landing but no one had taken a lot of interest in this location until this request came up. He feels that planning happens based on the community need. This is a great community need and he helps with the program by assisting the kids getting out on the water and to get the launches deployed. The program takes every kid that wants to be involved in the program and currently about 120 children are involved.

Amy Goode, 101 Lyme Road, stated that she is concerned about the discussion about which boats can be attached to the dock and this is a perfect example about why this needs additional review prior to 10 years from now. No one really knows with real time and real people, how this is going to go; there isn't a set schedule for how it will be reviewed and it puts the people who live in the area into an antagonistic situation. They have come a long way toward compromise; FOHC has come to understand the concerns of the neighbors and the neighbors have come to some kind of acceptance. She doesn't want to spend the next 10 years deciding when it's time to call. She noted that last Saturday morning at 7:45 a.m. they were on the property. This is the time that FOHC should be behaving the best because they are showing the neighbors how this is going to go.

Ms. Goode stated that there needs to be a formal review set up by the Town. By setting up a schedule of review in a public forum with an opportunity for input to be received, this would take away some of the antagonism in the relationship with the neighborhood. She stated that when they bought their house two years ago and came before the ZBA to ask a question, another resident was asking to have 5 chickens in their yard. They were required to come back a year later to make sure that everything was okay. This neighborhood will have hundreds of people showing up on a regular basis and they are asking for the same kind of consideration. The Town should take a role in reviewing this on a regular basis. She felt that the neighbors input helped the FOHC to make a better plan than their original plan.

Chairman Christie asked the Board to walk through the license for discussion.

Chairman Christie noted that the License will have appendices and one of the biggest will be the Operations Plan and he wanted to make sure that the Plan incorporated all of the requests of the Planning and Zoning Boards.

Selectman Rassias asked for clarification about the Operation Plan; who creates it and who owns it and how can it be changed. Chairman Christie stated that there would be an Operations Plan attached to the License and any changes to the Plan would come to the Board. Ms. Levine stated that the Operations Plan was crafted by the FOHC and went through the land use boards. The License attaches the most recent Operations Plan. Ms. Levine stated that it doesn't define the Board's ability to amend the plan. She can envision changes to the plan in the future but they would be operating from two different plans unless they had a process to agree to the amendments. Chairman Christie would like the document attached to the License. If there are changes to the document requested, it would have to be amended to the License to accept that as the exhibit rather than what's in place. Ms. Griffin stated that the Operations Plan is stipulated through the Planning and Zoning Boards so the FOHC could not change the plan without seeking permission from those Boards as well.

Chairman Christie gave an example that if the FOHC decided to put out one launch per shell, they couldn't do it under the plan. Ms. Levine stated that the launches are not specifically referenced in the Operations Plan. Ms. Levine would like to clarify this in Section 3.

Chairman Christie noted the stipulation regarding no sunbathing or swimming from the dock. Ms. Levine stated that her understanding is that they are not allowed there now. Ms. Griffin stated that the challenge is when students go into the area to put the boats in; the reason for no swimming is that if there are boats trying to dock and there are swimmers, this could be a dangerous situation. She noted that sunbathers could create obstacles. Chairman Christie wanted to confirm that they do not allow swimming currently.

Vice Chairman Connolly would refer to the rules of Wilson's Landing and not list these activities specifically.

Chairman Christie wanted to review the term of the License. He feels that they should re-think the length of the license and the timing for a periodic review. He felt that having a more limited term would accomplish this without creating a termination.

Selectman Rassias agrees that there should be a formal review process periodically. Selectman Geraghty stated that he was surprised that a review wasn't included in the License Agreement. Ms. Levine stated that she didn't think that they had a specific discussion about it and they assumed it would be under constant review.

The Board agreed that there should be a periodic review. Selectman Geraghty wanted to have a review after 1 year for the community and to maintain good communication. Chairman Christie stated that he felt that it made sense to have a 1 year review and then schedule it for every two years but of course, other issues could come up for discussion.

Vice Chairman Connolly wanted to even out the issue of motorized launches going out with sculls. She feels that they need to be specific in the licensing about their presence and excluding those that are not associated since the Town does not want to create a marina.

Ms. Griffin stated that they could be very specific in the license about launches secured to the dock relative to organized rowing in keeping with Planning and Zoning approvals and requiring that any other body that wants to attach to the dock would need to apply for a license from the Town for public use. Ms. Griffin can't conceive of another request that would come forward. Selectman Christie stated that it may be helpful to put in the agreement that it is not the Board's objective to create a marina.

Chairman Christie referred to page 4 and felt that they need to be clear as to what happens if this doesn't work out and the license is terminated. Does the Town have an obligation to allow the FOHC to use the dock during the time of termination while they are vacating? He suggested putting wording in allowing the discretion of the Town.

Chairman Christie wanted to review the term of 10 years; he doesn't see the harm in having a 5 year term with 5 year renewals. This should give the FOHC the comfort of knowing that if things are going well, they have a 5 year window before it is up for renewal again. Selectman Rassias stated that 5 years is a guarantee of significant duration and he thinks the organization would be looking for some sort of guarantee that they would be able to continue to operate and make improvements. He felt that 10 years seems long. Chairman Christie stated that his recommendation would be 5 years with automatic renewals of 5 without having to exercise the termination clause.

Selectman Geraghty asked why the agreement was set at 10 years versus a shorter period of time. Ms. Griffin stated that the Town's license agreements are 10 years with 5 year renewals; much of the language that isn't specific to the intricacies of operating this dock is simply standard licensing language. Chairman Christie felt that there was enough public interest in this to change it. Selectman Rassias suggested a 5 year term with a review of 1 year. Selectman Geraghty would like to see a review after the 1st year with a review every other year so there would be three reviews within the 5 year period. They have a clause that allows for the Town to review this any time that they want.

Selectman Rassias asked what happens after the 5 year renewal. Chairman Christie stated that the Town could decide on a schedule for review after that. Selectman Geraghty stated that they could then determine whether to review this every other year. The decision was to have the review at the end of the 1st year, 2 years after that and upon renewal at the 5 year renewal mark.

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Ms. Griffin stated that relative to Ms. Creagh's concerns regarding the driveway and trash, etc. The Town can easily put up signage to try to make it safer. The license should also be clear that Peter Kulbacki (Hanover Public Works Director) would be the person to contact with issues with regard to infrastructure such as the access drive, trash, etc. Selectman Rassias suggested a sign that indicates something other than Children at Play to get the driver's attention.

Vice Chairman Connolly noted the blind spot on the access drive. Ms. Griffin stated that they should get input from the Creaghs as to the placement of the sign. Selectman Geraghty would ask the users to be good citizens and have some clean-up efforts to help avoid issues.

Chairman Christie felt that they should include some language that says should the Town experience expense related to this license that they would have the ability to go back and pass the costs along. The expectation is that there would not be an expense but there should be some language in the license relative to this for future discussion.

Chairman Christie referred to Page 5, Item #12 regarding the need to maintain the access road and existing dock. He is not sure why the existing dock would be part of this license. Ms. Griffin stated that the existing dock is a different type of dock for motorboats. Chairman Christie still didn't see why this license is obligating the Town to maintain it. Selectman Rassias stated that part of this relates to why the Town has Wilson's Landing to begin with. Chairman Christie stated that he's not saying he would ever remove it but he doesn't understand why this license requires the Town to maintain it. Ms. Griffin stated that it doesn't really and that they were just trying to be clear. Chairman Christie stated that he understands the wording relative to the road but the other dock does not pertain to this license.

Chairman Christie had recommended changes to Item #12, under c to add the words "if any" to read "that the Town will provide notice of changes, if any..."

Ms. Levine stated that they need to add wording regarding indemnification with respect to the launches in Paragraph 10.

Chairman Christie wanted to address concerns relative to insurance. Ms. Griffin stated that it is a standard requirement.

Chairman Christie is aware that the ZBA ruling is under appeal and the Select Board has been counseled that they can move forward and that anything that comes out of the appeal could be incorporated in the license at a later date.

Chairman Christie asked the Public for additional comment.

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John Creagh, 112 Lyme Road, recommended that the insurance clause RSA should have the Town listed as an additional named insured and not just an additional insured which will give the Town more rights.

Nancy Carter, 12 Barrett Road, noted that for the one year review, they won't be on the property until a year from March so for all of that time, they will be under construction. The year review should come after they have completed a full season in order to be effective.

Chairman Christie stated that this was a good clarification and he felt that the review should be date specific. Ms. Levine suggested November 15 of the first year of use in case there are any delays.

Chairman Christie stated that this would be changed and then reviewed at the next meeting. Ms. Griffin stated that they would work on another draft and put it on the agenda for Monday, April 30th.

Ms. Levine wanted the record to show that Ray Hogue did hand her the petition that he read into the record.

Chairman Christie would also like staff to look at specifics provided by Carol Weingiest.

4. RECOMMENDATION TO ACCEPT DONATIONS OF FUNDS.

Ms. Griffin stated that there are two items before the Board; one is to participate in a Federally funded grant program that will offset overtime expenses in the Fire Department to enable the firefighters to take advantage of a training. The other is a donation of \$600 for wildflowers to be planted in the roundabout.

Vice Chairman Connolly MOVED to Accept the Donations of Funds. Selectman Rassias SECONDED the Motion.

THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO ACCEPT THE DONATIONS OF FUNDS.

5. BANNER REQUEST:

- Hanover Area Farmer's Market

Ms. Griffin stated that this is the 5th year of the Farmer's Market and they worked out a time swap with the Howe Library.

Selectman Geraghty MOVED to Approve the Banner Request of the Hanover Area Farmer's Market. Selectman Rassias SECONDED the Motion.

THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE THE BANNER REQUEST OF THE HANOVER AREA FARMER'S MARKET.

6. APPROVAL OF MINUTES:

- April 2, 2012

Chairman Christie had a recommended clarification to the Minutes.

Vice Chairman Connolly MOVED to Approve the Minutes of April 2, 2012, As Amended. Selectman Geraghty SECONDED the Motion.

THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE THE MINUTES OF APRIL 2, 2012, AS AMENDED.

7. ADMINISTRATIVE REPORTS.

Ms. Griffin stated that they are watching the NH Legislative session with regard to the voting related bills. Ms. McClain and Willy Black spoke against a bill making the voter challenge process easier at the polls. Ms. Black in particular was straightforward with her testimony and the Senate Committee voted the bill inexpedient to legislate. Tomorrow the Legislation will consider a bill requiring a photo ID of all voters when they obtain their ballot and another that challenges domicile in a community in NH. The Town decided not to testify against these two bills because the people most impacted should be the ones to testify. The College has been made aware of the bills and she isn't sure that the students are engaged in the issue. It's not unusual to have 900 to 1,000 same day voters. Representative David Pierce has been instrumental in keeping the Town updated.

Vice Chairman Connolly noted a proposal to change the number of signatures for a petition from 25 signatures to 10% of the voters. Ms. Griffin stated that in Vermont there is a larger signatory requirement for petitioned Warrant Articles.

Ms. Griffin noted that she heard on NH Public Radio that the Department of Transportation (DOT) is pulling the plug on DOT funded street lights due to the cost. Ms. Griffin stated that there may be roads in Hanover affected by this. Mr. Kulbacki stated that the only ones that the Town doesn't pay for are on Route 120.

8. SELECTMEN'S REPORTS.

Athos Rassias

Selectman Rassias reported that the Bike & Pedestrian Committee continue to work hard and they are looking at the Route 10 corridor from Hanover to Lebanon and trying to incorporate discussions with Lebanon.

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Bill Geraghty

Selectman Geraghty had nothing new to report.

Kate Connolly

Vice Chairman Connolly reported that the Planning Board met and approved the site plan for Fullington Farm and Wilson's Landing.

Peter Christie

Chairman Christie reported that the Hanover and Dresden Finance Committees met tonight and started to work on what criteria or additional information they may look for in terms of giving guidance to the Board. For example: Whether the increase in tax rate is more appropriate versus money raised from taxes, etc. There are on-going discussions.

9. OTHER BUSINESS.

There was no Other Business reported.

Chairman Christie MOVED to Follow the Request for a Non-Public Session to Discuss Items Pursuant to RSA 91-a: 3, II, (a), (c), (e).

SELECTMAN RASSIAS VOTED YES; CHAIRMAN CHRISTIE VOTED YES; VICE CHAIRMAN CONNOLLY VOTED YES; SELECTMAN GERAGHTY VOTED YES. THE BOARD WENT INTO NON-PUBLIC SESSION AT 9:45 P.M.

10. ADJOURNMENT.

Selectman Geraghty MOVED to Exit the Non-Public Session. Vice Chairman Connolly SECONDED the Motion.

THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO EXIT THE NON-PUBLIC SESSION AT 10:05 P.M.

Vice Chairman Connolly MOVED to Adjourn the Meeting. Selectman Geraghty SECONDED the Motion.

THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO ADJOURN THE MEETING AT 10:05 P.M.

Respectfully Submitted,

Athos Rassias, Secretary

Minutes prepared by Elizabeth S. Rathburn.

SUMMARY

1. **Selectman Rassias MOVED to Recommend to Town Meeting the Adoption of a \$100 Optional Veteran's Tax Credit. Vice Chairman Connolly SECONDED the motion.**

THE BOARD VOTED 3 IN FAVOR, 1 OPPOSED, 1 ABSENT TO RECOMMEND TO TOWN MEETING THE ADOPTION OF A \$100 OPTIONAL VETERAN'S TAX CREDIT.

2. **Selectman Rassias MOVED to Adopt Warrant Article Fifteen. Vice Chairman Connolly SECONDED the Motion.**

THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO ADOPT WARRANT ARTICLE FIFTEEN.

3. **Vice Chairman Connolly MOVED to Accept the Donations of Funds. Selectman Rassias SECONDED the Motion.**

THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO ACCEPT THE DONATIONS OF FUNDS.

4. **Selectman Geraghty MOVED to Approve the Banner Request of the Hanover Area Farmer's Market. Selectman Rassias SECONDED the Motion.**

THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE THE BANNER REQUEST OF THE HANOVER AREA FARMER'S MARKET.

5. **Vice Chairman Connolly MOVED to Approve the Minutes of April 2, 2012, As Amended. Selectman Geraghty SECONDED the Motion.**

THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO APPROVE THE MINUTES OF APRIL 2, 2012, AS AMENDED.

6. **Chairman Christie MOVED to Follow the Request for a Non-Public Session to Discuss Items Pursuant to RSA 91-a: 3, II, (a), (c), (e).**

SELECTMAN RASSIAS VOTED YES; CHAIRMAN CHRISTIE VOTED YES; VICE CHAIRMAN CONNOLLY VOTED YES; SELECTMAN GERAGHTY VOTED YES. THE BOARD WENT INTO NON-PUBLIC SESSION AT 9:45 P.M.

7. **Selectman Geraghty MOVED to Exit the Non-Public Session. Vice Chairman Connolly SECONDED the Motion.**

THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO EXIT THE NON-PUBLIC SESSION AT 10:05 P.M.

8. **Vice Chairman Connolly MOVED to Adjourn the Meeting. Selectman Geraghty SECONDED the Motion.**

THE BOARD VOTED 4 IN FAVOR, 0 OPPOSED, 1 ABSENT TO ADJOURN THE MEETING AT 10:05 P.M.